# Economic and Financial Crimes Commission (EFCC) and Anti-Corruption Crusade in Nigeria: Success and Challenges

**Idris Ahmed Jamo**
Department of Public Administration, Ahmadu Bello University Zaria
Email: idrisahmedjamo7@gmail.com or iajamo112@yahoo.com
Phone: +2348160992383 or +2348028536501

## Abstract
*This study examine the success and Challenges of EFCC in anti-corruption crusade in Nigeria. In this paper we examine the EFCC effort in anti-corruption crusuade with more concerns on public sector and political leaders. Examination of the literature shows that though the commission was unable to win majority of its cases due to its incompetence in its investigation and presentation of corruption cases before the court of justice, yet EFCC has secured a number of cases and recovered billions of Naira from corrupt officials in Nigeria. The study concludes by recommending the need for EFCC to be more sophisticated and honest in its investigation and prosecution of corruption cases.*

**Keywords:** Corruption, Crusade, Economic, Financial and Crimes

## Introduction

The return of Nigeria to democratic rule in 1999 ushered a new era of anti-corruption crusuade. Among the most difficult challenges inherited by the Nigerian democratic government in 1999 was excessive corruption. Nigeria is blessed with abundant resources which could be utilized for rapid development, but significant number of the country's population live in object poverty due to pervasive corruption. Corruption has made it very difficult for the Nigerian government to utilize its abundant resources and improve the standard of living of its ordinary citizens.

Though corruption is a universal problem and identified as most pandemic global problem that terribly affects both developed and developing economies (Adebayo, 2012; Sheu, 2013). But its effects on the Nigerian economy over the years have been enormous and pandemic. The rate of corruption in Nigeria persists at alarming rate to the extent that Nigeria was in 1997 ranked 52 as the least corrupt nations out of 175 countries, but ranked 152 in 2005. The country was also ranked 144 in 2018 and 146 in 2019 out of 180 countries. By 2019 ranking, Nigeria is now the second most corrupt ECOWAS country (Transparency International, 2018 and 2019). This has led Nigeria to be classified among the most corrupt countries in the world.

In response to this, several efforts have been made by successive governments to mitigate the prevalence of corruption in Nigeria, this include the establishment of Independent Corrupt Practices and Other Related Offences Commission (ICPC) in 2000, Economic and Financial Crimes Commission (EFCC) in 2003, Code of Conduct Bureau and Tribunal Act in 1991, Advance Fee Fraud and Other Related Offences Act in 2005 and Money Laundering Prohibition Act in 2011 etc. In spite of these efforts, the Transparency international and World Bank report on Nigeria rated the country 2nd most corrupt country in 1999, and 2003. The country was rated 1st in 2000 (Ibraheem, 2013).

Although there have been significant improvement by the anti-graft institutions in charging and prosecuting of the senior public officers and political leaders as well as the recovering and repatriating significant stolen Nigerian money. But studies (Ibraheem, 2013; Transparency International, 2018 and 2019) indicate that there has been significant increase of the rate of corruption in Nigeria over the years. Corruption in Nigeria has become systemic and endemic which indicates that the strategies for fighting it in Nigeria are either weak or the institutional mechanisms for the anti-corruption crusuade are ineffective enough considering the magnitude of corruption in Nigeria. This paper explores the magnitude of corruption, factors responsible for the persistent corruption despite the country's efforts to fight corruption and asses the effectiveness of institutional mechanisms for anti-corruption in Nigeria. The paper is divided into four sections, the first is the introduction and research methodology, the second section contain the literature review, while the third section is the data presentation, section four is the findings, conclusion and recommendations.

Though corruption transpires in both the private and public sectors, but the emphasis of the study is on public sector with special concern to political leaders. This is due to much government concerns on the public sector and the high rate of incidence of corruption in the sector. Although, there are many anti-corruption institutions in Nigeria, the study made more emphasis on the activities of EFCC. The choice of EFCC is mainly due to its efforts in probing and prosecuting cases of economic and financial crimes in Nigeria. The period of the study is between 1999 and 2020. The choice of the period is due to sustained uninterrupted democratic rule and establishment of anti-graft institutions in Nigeria. This is due to high expectation and tendency for the anti-graft institutions to efficiently and effectively operate on openness, due process, transparency and accountability under democratic dispensation.

The main objective of the paper is to examine the EFCC effort in anti-corruption crusuade with more concerns on public sector and political leaders. We discuss why anti-corruption crusuade in Nigeria has not yield the desired objective. We conclude by suggesting some recommendations for improving the EFCC performance in the why anti-corruption crusuade in Nigeria.

The paper is divided into four sections, the first section is the introduction and objective of the paper, followed by the the prevalence of corruption in Nigeria in the second section. Section three examined the achievements and challenges of the EFCC in anti-corruption crusuade in Nigeria. Finally section four of the paper drew conclusion based on the research findings and suggested some recommendations in line with the findings of the study.

## The Prevalence of Corruption in Nigeria

Corruption is a common feature of governance in most developing countries, which make it very difficult to enforce formal rules due greater level of informality (Khan et al., 2017 in Onyema at al., 2018). Nigeria is not an exception; the country has attained a bad reputation of one of the most corrupt countries in the world. Transparency International's Corruption Perception Index (CPI) in 1996, ranked Nigeria as the most corrupt country in the world (Onyema, Roy, Oredola & Ayinla, 2018). While in 2020 Nigeria was ranked 149$^{th}$ out of 180 countries surveyed, and scored 25% out of 100 points, which placed Nigeria 2$^{nd}$ most corrupt country in West Africa (Transperency International, 2020). In essence, corruption is considered as the main obstacle negating good governance. It has been considered to be the most devastating factor negating Nigeria's socio-economic and political development (Idris, 2011). Widespread corruption in Nigeria has nurtured poverty and low human development indices (Enweremadu, 2012). Analysis of anti-corruption in Nigeria indicates that, EFCC had remained the most active in this crusade, partly due to its courage in its early days to investigate and prosecute corrupt cases involving politically exposed parsons (Human Right Watch, 2011 in Umar, 2016, Suleiman, 2018).

**Table 1: Operational activities of the EFCC (2010-2020)**

| Year | Petitions received | Petitions Investigated | Cases prosecuted | Convictions |
|---|---|---|---|---|
| 2010 | 6,782 | 2,399 | 206 | 68 |
| 2011 | 7,737 | 2,606 | 417 | 67 |
| 2012 | 4,914 | 2,062 | 502 | 87 |
| 2013 | 6,089 | 2,883 | 485 | 117 |
| 2014 | 4,941 | 2,512 | 388 | 126 |
| 2015 | 5,979 | 2,2662 | 462 | 103 |
| 2016 | N/A | N/A | N/A | 182 |
| 2017 | N/A | N/A | N/A | 189 |
| 2018 | N/A | N/A | N/A | 312 |
| 2019 | N/A | N/A | N/A | 1,246 |
| 2020 | 10, 152 | 7, 340 | 865 | 1,305 |
| Total | N/A | N/A | N/A | 3,802 |

Source: Onyema, et al,. (2018); Vanguard (December 31, 2020) and GI-ACE Project, (2021).

Table 1 presents EFCC performance in prosecution and convictions of corruption petitions submitted to the institution from 2010 to 2020. Thus EFCC performance has bee considered low in its efforts to curtail corruption in Nigeria for the reason that the commission between 2010 and 2015 proved total number of 15,124 petitions representing 41.5% of the entire petitions received. The commission also secured 568 convictions, representing 3.75% out of 2,460 criminal prosecutions cases filed in court and a conviction rate of 23.09%. Thus out of the total of 36,442 petitions received by the EFCC from 2010 to 2015, only 15,124 (representing 41.5%) petitions were investigated, 2,460 (representing 6.7%) cases were prosecuted, while 8856 cases (representing 24.3%) cases were transferred to sister agencies, while 7,399 cases were rejected by the commission, but only 568 cases were convicted (Onyema, et al,. 2018). Nevertheless out of 10, 152 petitions received in the year 2020 only 865 cases were prosecuted, whereas 1, 305 cases were convicted. This suggests that EFCC performance is below expectations. Accordingly no available comprehensive data on the number of petitions received, investigated and prosecuted for the period of 2016 to 2019.

Consequently most of these convictions rate were low, mid-level economic and financial crimes. Cases involving grand corruption such as money laundering, excessive embezzlement of public funds, illegally dealing in petroleum products and prosecutions concerning politicians are hardly finished within three years, partly due to hiring cheap lawyers which had led to failure of most of its cases at the court of law (Onyema, et al,. 2018). Although EFCC has a number of challenges which mitigate its success (Enweremadu, 2012; Onyema et al,. 2019). Even with the government interference which had been undermining the effectiveness of the commission, EFCC emerged as the most courageous anti-graft institution in Nigeria (Umar, Samsudin, Mohamed, 2016). For instance, thirty one out of the thirty-six former state governors between 1999 and 2007 were alleged to be corrupt (Idris, 2011). While out of over 400 convictions by the EFCC, only four members of the political class have been successfully prosecuted through dubious plea bargain deals (Onyema et al, 2018). Former Governor Lucky Igbinedion (Edo State) and James Ngilari (Adamawa state) were convicted with the option of insignificant penalties. Though pleaded guilty, but fined a former governor Igbinedion N3.5 million in a financial fraud case of N25billion by a Federal High Court in Enugu, in December 2008. Ngilari was also convicted in March 2017 for a contract fraud with a negligible penalty which later the appeal court annulled his conviction (Onyema et al., 2018). Apart from that, Siemens AG and Halliburton company which plea and agreed to pay a US$579 million as bribes to secure contracts in Nigeria and other countries. The employees of the foreign multinational cooperation were prosecuted, whereas the senior government officials who allegedly have received over US$180 million as bribes are yet to be prosecuted. Conversely 1.34 Trillion Naira (about US$6.8 billion) had been stolen by some government ministers and other officials; while US$400 billion of Nigeria's oil revenues had been stolen since Nigerian independence (Hope, 2017 in Onyema et al., 2018).

Albeit, the incidence of corruption in Nigeria is not without presumed efforts to eradicate it, the most recent efforts include submission of the Executive bill to National Assembly for the establishment of a special court empowered with exclusive jurisdiction to try corruption cases, Executive Order 6 on the preservation of suspicious assets connected with corruption and other relevant offences was also signed in May 2018, followed by Executive Order 8 in October, 2018 on the Voluntary Offshore Asset Regularization Scheme, (VOARS). This is an effort expected to curtail the tax offences and money laundering and to increase the number of people under the government's tax net. Again in July 2018 Nigeria Financial Intelligence Unit (NFIU) Bill was signed into law. The unit is mandated with "receipt and analysis of financial disclosure of Currency Transaction Reports and Suspicious Transaction Reports in line with Nigeria's anti-money laundering, and combating the financing terrorism regime". There was also Implementation of Treasury Single Account (TSA) and Implementation of the Bank Verification Number policy (Bribery & Corruption, 2019; Global Legal Insight (GLI) Bribery & Corruption, Nigeria, 2019).

Looking at all these provisions from the point of view on what exists on paper; one can quickly imagine that, Nigeria is a corrupt free state. However we all know that these provisions are well written, entrenched and documented on paper, but these provisions are meaningless in themselves if they are not enforced, it is their observance or mechanism of enforcement that are critical factors. Even with these provisions, misappropriation, bribery, embezzlement, money laundering and other forms of corruption by public officials have been much common in Nigeria to the extent that corruption is being reported on a daily bases (Suleiman, 2018).

It has been estimated that, from the beginning of the return to democratic rule in 1999 to 2017 Nigeria has lost over Eleven Trillion Naira (N11 trln.) from corruption in the electricity sector. The figure may reach over Twenty Trillion Naira (N20 trln.) in the present decade considering the rate of government investment and funding of the power sector (From Darkness To Darkness, 2017). While within three years alone about $6.8 billion was mismanaged in fuel subsidy scam. While N32 billions of Police Pension was diverted by the Nigerian public officials (Umar, 2016).

## EFCC achievements in mitigating corruption in Nigeria

Since the establishment EFCC, the Commission has been able to recover moneys from alleged corrupt officials. EFCC in 2017 and 2018 has achieved tremendous success, for instance in January 2017, EFCC directed two directors of Ontario Oil and Gas Limited to make restitution of 754 million naira (US$2,464,952), and they were also sentenced to 69 years by Justice Latifat Okunnu of Lagos State High Court. In February 2017, the commission has recovered N3.04 billion naira (US$9,803,921) from Andrew Yakubu, former Group Managing Director of Nigerian National Petroleum Corporation (NNPC), Later in March High Court in Lagos State convicted Jubril Rowaye and his firm Brilla Energy Limited over subsidy scam of 963.7 million naira (US$3,147,058) and sentenced to10 years imprisonment. In April 2017, the Federal Capital Territory High Court convicted Jubril Rowaye and two firms, Brilla Energy Limited and Al-Aminnur Resources

Limited over fraud perpetrated under the petroleum subsidy fund scheme and were sentenced to 10 years imprisonment. Other ongoing charges and investigations include the former Secretary to the Government of the Federation (SGF), Babachir Lawal, the former Director of the Nigeria Intelligence Agency (NIA) under investigation, the ongoing criminal trial against a former Minister of the Federal Capital Territory, Jumoke Akinjide, a former Senator, Ayo Adeseun, and Olanrewaju Otti over fraud-related offence of alleged 650 million naira (US$2,124,183), Two ex-governors, Joshua Dariye and Jolly Nyame, of Plateau and Taraba states were each convicted and sentenced by a Federal Capital Territory High Court to 14 years' imprisonment. Thus the 473 billion naira ($153,744,336) recovered in 2017 include the US$43 million recovered from an apartment in Osborne Towers in Lagos, and money recovered from Allison Madueke (the former Minister of Petroleum, Recovery of the sum of 473 million naira (US$1,545,751). While Musiliu Obanikoro, and a former Senator, Iyiola Omisore, Sekibo and five other companies were charged for conspiracy, theft, obtaining money under false pretense and forgery of the sum of 1 billion naira (US$3, 267, 973). The case is pending before the Lagos State High Court. Again Ifiesimama Sekibo, and Greame Property Limited were accused of acquiring illegitimate money amounting 605.3 million naira (US$1,978,173). The case is pending with the Lagos State High Court. Former governor of Ekiti state Ayo Fayose is being charged over corruption charges at the Federal High Court in Lagos. The case of former PDP National Secretary, Olisa Metuh is currently ongoing. Payment of US$1,044,724 to 20 whistleblowers who provided information that led to the recovery of over 11.6 billion naira in 2017. About 1,231 tips were initiated and 534 are under investigations, 10 are under prosecution, 4 were convicted. While about US$1,351,506 was paid to 14 whistle blowers, about 8,373 communications have been received.

The Federal Government of Nigeria from 2014 to 2019 has discovered around 60,000 'ghost workers' on its payroll after the implementation of the Integrated Personnel and Payroll Information System (IPPIS). This discovery led the government to save about N170 billion (approx. US$9 billion). However, from May 2003 and June 2004, EFCC had recovered money and assets of over N700 billion and arrested over 500 on advance fee fraud cases. Between 2003 and 2006, the EFCC prosecuted about 300 suspects; out of this figure the commission secured 92 convictions. While in 2006 alone, EFCC has received 4,200 corruption petitions, out of which 1,200 petition cases were investigated. 406 cases were instituted in court. From 2010 to 2014, EFCC has recovered N65.3 billion (US$360 million). In

2015 alone, EFCC has recovered N141.9 billion (US$715million). Between January 2015 and November 2018, EFCC secured 703 convictions. Out of these convictions, 103 and 194 were in 2015 and 2016 respectively, whereas 189 convictions were in 2017, whereas 217 convictions were from January 2018 to November 2018. However cases of advance fee fraud account for 54% of offences were investigated by the EFCC in 2015, while in 2014 and 2013 the commission investigated 59% each in both two years. Thus 33% of the cases were Federal related investigations, 58% and 9% were for State and Local Governments respectively (EFCC 2018). However, most of these prosecutions were targeted on opponents and were being subjected to frequent political interference and is often seen as an arm of the incumbent government without an independent mandate (Onyema et al., 2018). While corrupt public officials in Nigeria appeared to be protected from the anti-graft institutions as long as the presidents desired, whereas oppositions or non-loyalists are being terrified by those institutions (Shettima, 2010 in Musa, 2011).

In an effort to repatriate stolen money from abroad which was diverted during Abacha's administration, between 2002 to February 2020 the sum of $4.6 billion (N1.4 trln.) was repatriated to Nigeria. During Obasanjo administration $1.2 billion was repatriated in 2002; in 2003 $159m was recovered from New Jersy Ireland U.K.; in 2004 and 2005, $500m and $458m were recovered from Switzerland respectively. Under Jonathan administration $1b and $312 were recovered from Switzerland in 2012 and 2015 respectively. In 2014, $227m and another $48m from Liechtenstein and U.S. were repatriated. Buhari administration repatriated $322 from Switzerland in 2017 and $308m from Jersey Ireland, U.K. in February 2020. Another sum of $320 million US dollars was returned from Switzerland **(**Jimoh, Sule and Ibrahim, 2020**).** Another $311 million US Dollars from U.S was returned on Monday, May 4, 2020 **(**Premium Times, 2020)**.**

There are also hanging cases pertaining power sector for instance, Liyel Imoke was appointed as Minister of Power and Steel in July, 2003 was alleged to have personally collected the sum of $7.8 million for the implementation of the contract for the construction of the Jos-Yola Transmission Line, but the project was never implemented. In essence, The Federal Government budgeted and allocated the sum of N16 billion for the numerous reforms to the power sector under Imoke, but no desired goal achieved. Again, Chinedu Nebo the Minister for power from 2013 to 2015 was alleged to have corruptly funded privatized power sector. There was also allegation of Three Billion Naira (N3,000,000,000.00) of corruption and fraud committed by the Nigerian Electricity Regulatory Commission (NERC) commissioners under the chairmanship of Dr. Ransome Owan who were arraigned on April 22, 2009 on a 197-count charges. But later all the charges were withdrawn after the intervention of the Attorney General of the Federation. Other allegation was that of the former Permanent Secretary of the Ministry of Power Dr. Godknows Igali who was also alleged to have diverted the sum of N1.5 billion in which 47 vehicles were bought for the Goodluck/ Sambo 2015 campaign organization. The fund was sourced from the diverted N27 billion insurance premiums of deceased workers of the defunct Power Holding Company of Nigeria (PHCN). Again, Elumelu and Ugbane (Chairman, House Committee on Power and Chairman Senate Committee on Power) were accused of misappropriating N5.2 billion meant for Rural Electrification Agency fund. There was also the allegation of corruption of the sum of $23.6m for Manitoba deal with the Transmission Company of Nigeria (TCN) and finally, Melaye vs. Manitoba: re- allegation of N13.8bn fraud (From darkness to darkness, 2017).

The former National Security Adviser (NSA) Sambo Dasuki and others are also charged by the federal High Court Abuja over alleged $68m fraud. Dasuki was accused of transferring National Security budget to fund former President Gudluck Jonathan campaign (BBC News, 14$^{th}$ December, 2015; Premium Times, 14$^{th}$ December, 2015). The case is yet to be concluded. Ibrahim Magu is also under investigation over 24 allegations labeled against him by the Attorney General of the Federation and the DSS report which was submitted to Senate in 2016 and 2017. Among the allegations is the discrepancy in the figures of fund recovered by the EFCC (Punch, July, 8$^{th}$ 2020). Despite these achievements, EFCC has been accused of not informing the public about the status of cases of many governors. What bothered many people wether such cases were settled outside the courts (i.e. if the accused parsons have refunded the money to the EFCC) or not.

## Challenges of EFCC in Fighting Corruption in Nigeria

The activities of anti-graft institutions in Nigeria were mostly constrained by excessive political interference and characterized by slow trials and mild punishments of corruption offences which rendered those institutions ineffective. The commission also lacked adequate autonomy and funds to effectively mitigate corruption in the Nigeria (Idris, 2011). It is based on this reason that many people perceived the current crusade against corruption in Nigeria as mere a concealment of reality considering the ongoing litigations of political office holders and other high ranking public officials.

Thus, political interference is been considered as the major significant challenge that limits effective performance of EFCC in fighting corruption in Nigeria. In essence, cases involving politicians such as former governors and ministers are being deliberately frustrated. For instance, out of 31 former governors prosecuted since 1999, only three, Joshua Dariye, Jolly Nyame and Ozo Oji Kalu were recently convicted and jailed. This may be attributed to lack of adequate autonomy by EFCC to effectively perform its responsibilities. Hence, there is tendency for the Chairman of the commission to be reluctant to continue with investigations against the president that appointed him or his associates belonging to ruling party (Onyema et al., 2018).

Apart from lack of adequate autonomy to perform without undue interference other challenges include the structure of the EFCC which make it answerable to the presidency; the security of the Chairman' tenure in office, agency's budget which is subject to Senate and Presidential approval. Evidence to this is that when the list of 135 corrupt candidates whom EFCC presented and disqualified them from contesting 2007 elections. The list was discredited and considered as an effort to hurt the political opponents of the then-president.

Judicial arm of government is another challenge to war against corruption, for instance, the Assistant Director of the Nigerian Pension Commission was in January 2013 charged for stealing ₦32 billion, but was only fined ₦250,000. In the same year, Bayelsa state governor enjoyed presidential pardon of President Jonathan over corrupt charges. While the former Rivers State Governor was barred from EFCC arrest, detaining or arraigning him after obtaining court injunction (Governance, 2017).

Organizational deficiency has also been considered among the factors that limit effective performance of EFCC. For instance, 2013 and 2015 EFCC Annual Report revealed that lack of training of officers is another challenge to effectively perform its mandate (EFCC, 2013 and 2015). However, EFCC in 2013 was able to train its operative staff in 17 training programs. While in 2015, 84 of the staff of the EFCC were trained abroad, mostly by Non-Governmental Organizations (NGO) (Onyema et al., 2018).

Adequate funding has also remained a critical challenge to EFCC operation, thus only 54.17% of the approved 2018 budget for EFCC was released to the commission, while only 40.06% of capital expenditure was released (Magu, 2020). This coupled with the character of the Nigerian society. For instance, the joyful welcomes given to the former Chairman of the Nigerian Ports Authority and then PDP chieftain who were successfully prosecuted and convicted by the EFCC indicate their love for corrupt public figures.

## Conclusion and Recommendations

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

There is need to investigate all corruption allegations before the EFCC. Those who were found guilty should be punished without fear or favor. Severe punishment of corruption offences should be applied so as to serve as deterrence to others. EFCC should be given adequate autonomy to effectively perform its functions without government interference. EFCC need to be more sophisticated in its investigation and prosecution of corruption cases. This is because, failure or success of corruption petitions or prosecution depends largely on the effective presentation of evidences presented at the courts of justice. There is need to explain where and how monies recovered are being diverted for. Money recovered by the EFCC should be centralized into the government single treasury account.

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