

1 The Politics of Anti-Graft Wars and Economic Recovery Regime 2 in Nigeria's Fourth Republic

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6

7 **Abstract**

8 This work studies the politics of anti-graft wars and economic recoveries in Nigeria's Fourth
9 Republic. The paper underpins the problem of Nigeria's development specifically on the
10 seemingly intractable challenge of corruption. It thus holds on to the fact that economic
11 recoveries especially those from corruption proceeds can help reposition the Nigerian economy.
12 The paper also pays attention to the setbacks bedeviling the various anti-graft agencies and
13 how they have affected the process of economic recoveries within the Nigerian State. Relying
14 on secondary sources of data, the paper recommends amongst others that section 80 of the
15 constitution should be amended to limit the powers and control of the Federal Government
16 over public funds. This will ultimately reduce the interest and values placed on public offices
17 which have encouraged corruption over time.

18

19 *Index terms—*

20 **1 Introduction**

21 The development of corruption in Nigeria dates back to the First Republic especially between 1963 and 1966
22 (Tignor, 1993). Various allegations of election fraud and corruption were said to have characterized the later part
23 of the First Republic, which was evidently used as a justification by the military to intervene in the country's
24 body politics and invariably led to the collapse of the Balewa administration in 1966 (Akinola, 2009). Despite
25 the anti-corruption crusade of the military interventionists ??1966) ??1967) ??1968) ??1969) ??1970) ??1971)
26 ??1972) ??1973) ??1974) ??1975) ??1976) ??1977) ??1978) ??1979), they were themselves caught in the web of
27 corruption. The oil boom, arising from the sudden upsurge in the foreign revenue from the petroleum products
28 exports fuelled the growth of corruption under the various military administrations. The impression of various
29 successive military administrators then was that that the problem of Nigeria was not how to get money but how
30 to spend it.

31 The caustic implications of corruption on Nigeria's growth and development process have often motivated
32 successive administrations in Nigeria to erect anti-graft programmes and institutions for crushing or at least
33 weakening the existence of the occasions of corruption in the country. Although, measures of successes have
34 been recorded, the cankerworm still thrives at the detriment of Nigeria's progress. Corruption still manages
35 to survive as one of the greatest limiting the progress of the Nigerian State. The presence of this trend in
36 nearly all aspects of the nation's socioeconomic existence is said to be one of the reasons why poverty level
37 remains elevated irrespective of her position as the sixth largest producer of oil in the globe. Successive attempts
38 by the Federal Government of Nigeria to control this societal menace led to the establishment of the Code of
39 Conduct Bureau (CCB), National Drug Law Enforcement Agency (NDLEA), Economic and Financial Crimes
40 Commission (EFCC), the Independent Corrupt Practices & Related Offences Commission (ICPC) among other
41 existing anti-graft agencies.

42 Be that as it may, the current regime has seen a plethora of corruption petitions which have necessitated the
43 Federal Government anti-corruption agencies to ferociously beam their searchlights on corruption starting with

44 how the security money approved by the immediate past government for arms purchase, which was allegedly
45 domiciled in the former National Security Adviser's Office (NSA), Col. Sambo Dasuki (Rtd.) was utilised. First,
46 a probe panel was set up by the Federal Government and its report reveals that the sum of \$2.1 billion was
47 released by the Central Bank of Nigeria (CBN) to former National Security Adviser (NSA) to former President
48 Goodluck Jonathan, Col. Dasuki (Rtd.) for arms purchase but the money was allegedly diverted, used and/or
49 shared among PDP bigwigs and their cohorts as campaign money during the 2015 Presidential elections.

50 Recently, and by extension too, the searchlight of anti-graft war was moved to the judiciary arm. In its wake,
51 some judges, under a sting operation, carried out by men and officers of the DSS, have been arrested. They
52 are currently standing trials before Federal High Courts on charges of corruption. This is consequent to public
53 outcry that the judiciary is equally engrossed by corruption. The National Judicial Council (NJC) in response to
54 this public outcry against the judiciary, swung into action by organizing a stakeholders' forum to deliberate on
55 the vexed issue and the result of that meeting brought about a new "Code of Conduct for Judicial Officers" in
56 Nigeria. For instance, one of the rules in the Code of Conduct for judicial officer says, "a judicial officer should
57 avoid impropriety and the appearance of impropriety in all his activities." (www.unode.org). The NJC is the
58 constitutional body charged with the sole responsibility of appointing, promoting and disciplining judges and
59 justices of all courts established under the Constitution in Nigeria (Macauley and Michael, 2018).

60 Beyond and within the foregoing premise, this paper makes a case for the assessment of the efforts of selected
61 anti-graft agencies in combating corruption. Attempts will be made too in underscoring and appraising the
62 litanies of economic discoveries made by these agencies overtime. Particular attention will be placed on the
63 current regime of President Muhammadu Buhari.

64 2 II.

65 3 Problematization

66 The Economic and Financial Crime Commission (EFCC), the Independent Corrupt Practices and Other Related
67 Offences Commission (ICPC), Code of Conduct Bureau (CCB) are all charged with the responsibility of
68 investigating and the enforcement of laws against drug, economic and financial crime in all its ramifications.
69 This intellectual piece is geared towards an appraisal of the roles of these agencies in combating corruption
70 which, unarguably, pose imminent threat to the development and growth of the Nigerian society. No doubt most
71 Nigerians will agree that corruption is on the increase in Nigeria and has kept the country to remain a third
72 world nation characterized with all-round poor leadership and backwardness.

73 By extension, therefore, a cursory look at the menace caused by corruption indicates that the practice in
74 whatever forms it comes poses a serious threat to the Nigerian economy as the capital and finance needed to
75 develop the economy are been amassed and stolen by the privileged few who are given political trust and mandate.
76 More deadly too, is the fact that corruption has an immediate reflection on the standard of living of Nigerians
77 as the gap between the rich and the poor widens by the day. Cases of increase in the poverty level of the people
78 abound as a result of the increasing drift in embezzlement and mismanagement of public funds.

79 Given the above, it is pertinent to unravel in the most pragmatic way the implications that corruption has
80 on the Nigerian polity and bring to bear the role antigrant agencies play in curbing the menace with specific
81 reference to the fourth republic. The paper will in turn access the trends of recovered funds and the challenges
82 bedeviling anti-corruption wars in the period of 2015-2019.

83 4 III.

84 5 Conceptualizing Corruption

85 According to Oxford Dictionary corruption is a dishonest or fraudulent conduct by those in power, typically
86 involving bribery (Collins et al, 2009). Also, the word corruption according to investopedia, is a dishonest
87 behavior by those in position of power such as managers or government official (Investopedia, 2015). They
88 include corruption to be giving or accepting of bribes or inappropriate gifts, double dealing, underthe table
89 transactions, manipulating elections, diverting funds, laundering money and defrauding investors. The vision
90 2010 committee defines corruption as "all those improper actions or transitions aimed at changing the normal
91 course of events, judgment and position of trust" (Vision 2010 Report). The Independent Corrupt Practices and
92 Other Related Offences Commission (ICPC) Act, 2000, defines corrupt act to include "bribery, fraud and other
93 related offences" (ICPC, 2000). Transparency international defines corruption as the abuse of entrusted power
94 for private gains.

95 Corruption is the misuse of entrusted power (in heritage, education, marriage, election, appointment or
96 whatever else) for private gain. This broader definition covers not only the politician and the public servant, but
97 also the CEO of company, the notary public, the team leader at work place, the administrator or admissionofficer
98 to a private school or hospital etc. A much more scientific definition for the concept "corruption" was developed
99 by Professor (emeritus) Dr Petrus Van Duyne: corruption is an improbity or decay in the decision making process
100 in which a decision maker consents to deviate or demands, deviation from criterion which should rule his or her
101 decision making in exchange for a reward or for the promise or expectation of a reward, while these motives
102 influencing his or her decision making cannot be part of the justification of the decision ??Duyne, 1998).

103 There is reasonable high degree of consensus among most of the writers on the meaning of corruption.
104 Although, for the purpose of this research work corruption can be said to mean the act of asking, giving or
105 taking a gift or favour in exchange for the performance of illegitimate task; boarding collusive, inflation of
106 price, election rigging, illegal arrest for harassment or intimidation purposes, abused, misused, non-used of office
107 position or power, dumping of obsolete machinery or outdated drugs, illegal foreign exchange transactions; legal
108 but unobvious unfair and unjust acquisition of wealth, gilded crimes, certificate forgery, false accounting and
109 claims, diversion of public, cooperate or other persons money or properties to direct or indicate personal use etc
110 (Odekunle, 1982).

111 Corruption is defined by the ICPC Act 2000 as including bribe, fraud, and other related offences. On the other
112 hand, gratification is used as similar to corruption by Anti-Corruption Law (2000) as money, donation, gift, loan
113 fee, reward, valuable, security, property or interest in property of any description whether movable or immovable
114 or any other similar advantage given on promise to any person with intention to influence such as a person in
115 the performance or non-performance of his duties. Manser (1989) sees corruption as "the net of people trying to
116 get what they do not deserve by using money, religion and power". Corruption simply means the pervasion of
117 integrity or state of affair through bribery, favour, moral depravity. This implies an original state or expectation
118 of individual and societal purityVolume XX Issue V Version I 32 (C)

119 where at least two parties have interacted to change the structure or process of society, or the behaviour of
120 the functionaries in other to produce dishonest, unfaithful or defiled situations. Corruption involves the injection
121 of additional but improper transaction aimed at changing the normal course of events and altering judgment
122 and position of trust. It consists in the doers and receivers use of informal extra legal or illegal acts to facilitate
123 matters. It is in this sense that one sees corruption as lubrication of the social system, a means by which to
124 overcome economic obstacles and bureaucratic redtapism.

125 According to Usman (2006) corruption means much more than public offices taking bribes and gratification;
126 committing fraud and stealing funds and assets entrusted to their care. Corruption means the deliberate
127 violations, for gainful ends, of standard of conduct legally, professionally or even ethnically established in private
128 and public affair. These gains may be in cash or kind, or it may even be psychological, or political, but they are
129 made from the violation of the integrity of an entity and involve the subversion of its quality and capacity (Usman,
130 1989). Corruption also means the pervasion of public office for private advantage. Corruption is one of the social
131 evils found in all the societies of the world. In some societies it is more rampant than some others. Unfortunately,
132 Nigeria from its inception has continued to battle from this evil called corruption. Corruption is one of the factors
133 that have contributed to the backward nature of our country. Corruption in various forms has become mainstay
134 of our national polity both in the recent past and present. It is needless to say that the evil of corruption meaning
135 bribery and graft is not conducive to social stability and equilibrium. It invariably involves negative or betrayed
136 of normative values of society, which are essential for the smooth functioning of society. Higgins (1999) has
137 enlightened list of some of the practice rightly accepted as the features of corruption; corruption is stealing of
138 public funds, receiving bribes for acting unjustly, seeking gifts, money or advantages other than the lawful salaries
139 for performance as the public duties. The term corruption is a common phenomenon found not relief only in the
140 Third world or developing countries, but also in advanced societies in Europe and North America despite their
141 structural and cultural differences. Though the ubiquity of corruption is well acknowledged, its magnitude and
142 character are defined by different social and cultural contexts and time dimensions (Otite, 1986).

143 Corruption involves the injection of additional but improper transactions aimed at changing the normal course
144 of events and altering judgments and positions of trust. It consists in the doers' and receivers' use of informal,
145 extra-legal or illegal acts to facilitate matters. The concept can also be described as the wanton craze for illegal,
146 unethical and often criminal acquisition of wealth or benefits by individuals whose main motive is ego bossing
147 and self-aggrandizement with its attendant negative consequences on the rest of the society. Put differently,
148 corruption is a general concept describing any organized, interdependent system in which part of the system
149 is either not performing duty it was originally intended to, or performing them in an improper way, to the
150 detriment of the system's original purpose (Aiyegbayo and Otite, 1986). As it were, there are myriad forms of
151 corruption and these include: political corruption, bureaucratic corruption (misappropriation of public funds),
152 money laundering (such as looted funds and wealth kept secretly abroad), gratification (which involves monetary,
153 pecuniary, material or physical favors as a condition or reward for performing official duty), and nepotism which
154 confers undeserved favors and advantages without receiving or giving gratification except that of primordial
155 identity. Of all these, political corruption is rated higher in the Nigerian society. This is because it induces other
156 forms of corruption. Political corruption in broad terms is the misuse by government officials of their governmental
157 powers for illegitimate, usually secret, private enrichment. To say the least, all forms of government are susceptible
158 to political corruption -bribery, extortion, cronyism, nepotism, patronage, graft and embezzlement (Onimode,
159 2001).

160 6 IV. Common Forms of Corruption in Nigeria

161 Within the Nigerian State, the trends of corruption have manifested in various dimensions. They range from,
162 bribery, fraud, misappropriation, extortions to stealing amongst others. They are explained below:

163 7 a) Bribery

164 Bribery is probably the most rampant and visible form of corruption in Nigeria. Bribery refers to the offering
165 and receiving of money or other benefit for a reward, favour or to influence a decision and can be defined as
166 'the corrupt payment, receipt, or solicitation of a private favour for official action (Black Law Dictionary, 2009).
167 Bribery can be initiated by the person who solicits for a bribe or the person who offers and then pays a bribe
168 (UNODC, 2004). A bribe may be any money, good, right in action, property, preferment, privilege, emolument,
169 object of value, advantage, or merely a promise or undertaking to induce or influence the action, vote, or influence
170 of a person in an official or public capacity. Bribery is also defined or explained in many international, regional
171 and local instruments ??OECD, 2004). Bribery may also involve corporate bodies or other juristic personalities
172 as was the case in the recent Halliburton bribery Scandal.

173 8 b) Abuse of Office

174 Where an individual vested with powers or authority to do acts on behalf of the government Volume XX Issue V
175 Version I decides to use those powers for personal or third party gain, abuse of discretion is complete. Abuse of
176 discretion may also be in the form of exercise of discretion to purchase goods and services in a company in which
177 he or she (person in authority) has personal interest. This may also amount to an abuse of office (See George
178 v. ??RN [2011] 10 NWLR (Pt. 1254) 1). It will also amount to an abuse of discretion to propose a real estate
179 development that may increase the value of an official's personal property. This form of abuse is usually common
180 among government officials who often wield broad powers without proper checks or accountability mechanisms
181 to curtail the abuse of such powers.

182 9 c) Stealing

183 Basically, stealing is defined as the fraudulent possession by a person or conversion of anything capable of being
184 stolen to his/her own personal use. Although a former Nigerian President (Goodluck Jonathan) considered
185 stealing to be far from corruption, it is a manifestation of corruption that is rampant in Nigeria; it is evidenced
186 by the conviction of former top Nigerian government officials for the offence of stealing even in foreign countries.
187 Funds ordinarily meant for the provision and defraying of cost of public services like healthcare and education
188 provisioning have been persistently stolen and converted by top government officials and used to fund lavish
189 lifestyles.

190 10 d) Fraud

191 Fraud which simply means 'dishonesty' may consist of the use of false or misleading information or advise to
192 deprive government or members of the public of property under the guise of improving efficiency, service delivery
193 or through 'privatization'. It is believed in Nigeria, that most privatised institutions of government are now worse
194 than they were before privatisation.³⁸ A very sad story also emerges when a look is taken into the history of
195 fraud in public procurement in Nigeria (UNODC, 2013). Some former public officials have also been convicted for
196 fraud involving inflation of contracts in Nigeria (See George v. FRN [2011] 10 NWLR (Pt. 1254) 1). This type
197 of corruption affects the interests of the public because often more than not, the public is deprived of benefits
198 that may have accrued if funds and discretion were judiciously utilized in the performance of public duties.

199 11 e) Misappropriation

200 Misappropriation is the intentional, illegal use of the property or funds of another person for one's own use or other
201 unauthorized purpose, particularly by a public official, a trustee of a trust, an executor or administrator of a dead
202 person's estate, or by any person with a responsibility to care for and protect another's assets (a fiduciary duty)
203 (legal-dictionary.thefreedictionary.com). The incidence of misappropriation is very high in Nigeria and numerous
204 instances abound including the misappropriation of newly printed and unnumbered bank notes, (Leadership,
205 2012) and pension funds (Vanguardnrg.com, 2013).

206 12 f) Extortion

207 In no other aspect of national life does extortion manifest more than it does in the policing aspect of public
208 service. This aspect of corruption will, therefore, be discussed with exclusive reference to the Nigeria Police.
209 Policing in Nigeria is characterized by pervasive corruption, such as diverting police resources for personal
210 protection or enrichment in a variety of policefor-hire arrangements; harassment and intimidation of victims;
211 and the destruction of evidence, including the bodies of victims of extrajudicial executions. Officers routinely
212 practice extortion on members of the public at roadblocks and on public highways. Corruption and extortion
213 are perhaps the defining characteristics associated with the Nigerian Police. For a majority of police officers, the
214 police uniform is a tool for generating income. They make money by extorting law-abiding citizens, claiming that
215 it is the price people must pay to keep the police from gratuitously interfering with their livelihoods. Police have
216 also been accused of erecting illegal road blocks in order to extort money from the citizenry. This has resulted in
217 the loss of public confidence in the integrity of police personnel. Most police officers readily cite their poor pay
218 as the principal reason for extortion. Some even claim that in the absence of basic provisions for policing, the

219 police use proceeds from extortion to fulfill operational needs, such as stationery for recording statements from
220 suspects, gasoline for patrol vehicles, batteries for mobile phone units, and similar day-to-day needs.

221 V.

222 **13 Anti-Corruption Campaigns and**

223 Economic Recoveries Some level of achievements has been recorded by the current regime in the fight against
224 corruption. The introduction of the Treasury Single Account and the Whistle Blowing Policy are twin successes
225 that have aided the prevention and prosecution of corrupt officials. In the opinion of Macaulay & Michael (2018)
226 the arsenals deployed in combating corruption in recent times could be grouped into two to wit: "preventive but
227 non-legislated policies" and "preventive-prosecutory but legislated policies." The preventive but non-legislated
228 polices include the following: i. Treasury Single Account (TSA): This is a public accounting system using a
229 single account or a set of linked accounts by government to ensure all revenue receipts and payments are done
230 through a Consolidated Revenue Account (CRA) at the Central Bank of Nigeria (CBN). The pilot TSA scheme
231 commenced in 2012 using a unified

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234 structure of accounting for 217 Government Ministries, Departments and Agencies (MDAs) for accountability
235 and transparency in public fund management (Udo, 2017). This policy has been adopted from the previous
236 government. The policy has helped the present government to curb hitherto excesses in government income and
237 expenditure in the MDAs.

238 ii. Whistle Blowing Policy: This is a policy recently announced by the Federal Government of Nigeria that
239 any person who reports an incident of corruption in his or her organization in Nigeria to the appropriate anti-
240 corruption body through dedicated channel of information, would be rewarded with 5% of the recovered fund,
241 if any. This policy is in line with the provision of the UNCAC (Tukur, 2017). The policy has achieved a level
242 of success although it is not backed up by law. However, the policy in recent times has suffered abuse due to
243 administrative redtapism and counter-claim by whistle blowers themselves as well as the questionable involvement
244 of officials of the agencies in anti-graft cases.

245 Beyond the above, the EFCC, DSS, ICPC, CCB, CCT amongst others have put up usual anti-corruption fight
246 from 29th May, 2015, when Muhammadu Buhari was sworn into office as President -with a promise to fight
247 corruption with all his might and power. This underscores the importance of good leadership and transparency
248 as epitomized in the personality of President Muhammadu Buhari (Macaulay & Michael, 2018).

249 Much as the efforts appear plausible, a dispassionate look at the list of anti-corruption war casualties so far
250 shows names of renowned party bigwigs of the Peoples Democratic Party (PDP) members, which party used to
251 be at the centre but which is now a major dominant opposition party in Nigeria. A few other casualties are
252 the faithful and/or dissent members of the All Progressives Congress (APC) which party is now the governing
253 party at the national level and in control of 24 States in Nigeria presently. Normally, anti-corruption agencies
254 should act on petitions from aggrieved persons -Nigerians and non-Nigerians alike, about incidents of corruption,
255 economic and financial crimes, which occurred and/or might have occurred in the public and private offices.
256 Understandably, the PDP members constitute the greater number of casualties. This is justifiably so because
257 their party was in power at the centre and in 28 States from 1999 up and till May 29, 2015. Therefore, it would
258 have been expected that the majority of the PDP members might have one way or the other soiled their hands
259 in corrupt practices with impunity (saharareporters.com).

260 Importantly too, it has been reported that from the inception of the EFCC in 2003 till 2016, the Commission
261 secured about 1,500 convictions (Ebhuomhan, 2017). Probably, the Commission secured the highest convictions
262 in 2016 (Jones, 2018). In terms of prosecutions, the Commission since its creation has prosecuted so many high
263 profile corruption related cases before different courts across the country. Regrettably, the Commission seems to
264 have lost the majority of its cases in courts due largely to lack of painstaking investigations, lack of equipment,
265 lack of adequate and requisite trained personnel, lack of strategic preparation and prosecutions (Dania, 2017).
266 Also, the quest to satisfy the thirst of Nigerians for convictions in the face of poor pay to judges invariably makes
267 the judges to fall victims of sumptuous offers by corrupt public and private officials, in the system, with attendant
268 sell out of judgments (Akinselure, 2017 and Agbakoba, 2017).

269 In terms of both assets and recovered funds at interim and final forfeiture orders of courts, the Commission has
270 recently made a detailed breakdown of its recoveries in both assets and moneys in different currencies as at 2010
271 (thenationonlineng.net/ breakdown). The Commission, however, said through its Chairman that between May
272 2015 and October 20, 2017, it recovered the sum of N738.9 billion or \$29 billion (<https://www.vanguard.com/efcc-sa>).

274 **15 VI. The Challenges and Setbacks of Anti-Graft Wars**

275 The current war on graft has witnessed scores of indictments which constitute real obstacles to desire for a
276 corrupt-free Nigerian State. This part of the works lends voice to these setbacks as follows:

277 **16 a) Functional Duplication of Responsibilities**

278 Again, the ICPC and DSS traditionally should have different roles to play in anti-corruption fight in Nigeria as
279 it is the case the world over. The core mandate of the ICPC in corruption architecture is to prevent corruption
280 in public and private establishments, in order to nip in the bud corruption related tendencies and the DSS is to
281 prevent and protect the Nigerian Corporate existence against violence crimes and maintain internal security.

282 **17 b) Inter-agency Rivalry**

283 It has also been observed the dearth of synergy and palpable conflict of interest between the anti-graft agencies
284 in the country. For example, the EFCC was recently stopped by the DSS from effecting arrest on the former
285 DSS and NIA bosses over allegation of corruption. Yet, when the Presidency was constrained to wade into the
286 face-off between these agencies, that became the end of the case. Surprisingly, the presidency was reported to
287 have admonished these agencies to go and work in a synergy.

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289 **18 (C) c) Incumbency Factor**

290 In a similar circumstance, there have been graft allegations leveled against some cabinet members of President
291 Buhari particularly from Governors of the PDP controlled States. For example, the reports of administrative
292 panels set up by PDP controlled states of Rivers and Ekiti States respectively, to probe former governors of these
293 States -who are now serving ministers in the cabinet, indicted such former governors. Unfortunately, so far, no
294 reasonable actions have been taken to cause the graft bodies to prosecute such persons or the Attorney General
295 of the Federation and/or Civil Society Organisation (CSO) through writ of mandamus to do same.

296 **19 d) Non-Criminalization of Sectionalism**

297 Equally, the federal civil service has been inundated with allegations of recruitments racketeering and of related
298 lopsided appointments in the paramilitary services relating to strategic official positions in favour of a section
299 of the country. As noted earlier, corruption is not only committed with monetary gains in view. It also now
300 involves acts of nepotism and favouritism especially to the disadvantage of others, who are citizens of the same
301 country. Recently, the Federal Ministry of Education carried out admissions into the Federal Unity Schools in
302 Nigeria. Such admissions with discriminatory cut-off points appear to promote national favour to a section of
303 the country that has been described as educationally disadvantaged zones ??Onyekayah, 2018). This act without
304 saying more is unconstitutional and contemptuous. The resultant effect therefore is that the quality of human
305 capacity to be harvested from such adulterated admissions process would have a future catastrophic effect on
306 governance and the management of physical capital in Nigeria.

307 **20 e) Misappropriation of Recovered Loot**

308 Recent examples have shown that it is either the EFCC lacks capacity to secure recovered and looted State
309 properties or they are deliberately giving in to sharp practices themselves. For instance, the report that the
310 EFCC gave a building in Abuja recovered from the late ex-Chief of Air Staff, Alex Badeh to the Voice of Nigeria
311 (VON) betrays the loose ends in the nation's anticorruption policy. This instance has particularly exposed the
312 challenge of managing proceeds of crimes in Nigeria. This challenge remains because there is no Act of National
313 Assembly spelling out, in comprehensive manner, what should be done with recovered properties. The questions
314 many Nigerians are asking are: does the EFCC have the power to deal with proceeds of crimes as it deems fit?
315 Is there a comprehensive register of legally forfeited assets in the EFCC's care? If they have that inventory, it
316 should be made public. You can't fight corruption with lack of accountability (THISDAY, 2019) . Also, if such
317 assets are to be disposed of, should it not be by a transparent process in which members of the public, corporate
318 bodies and government departments submit verifiable bids?

319 **21 f) Lack of Accountability**

320 There are serious issues of transparency and accountability in this matter that cannot be glossed over. At present,
321 all crime-fighting agencies in the country (NDLEA, NAPTIP, EFCC, ICPC, to mention just a few) have different
322 provisions for dealing with recovered properties. None has a comprehensive arrangement. This lacuna is being
323 exploited by these agencies to rip off the country. In the past, properties recovered from looters had ended up in
324 the hands of private citizens in controversial circumstances (THISDAY, 2019). For instance, drugs seized by the
325 National Drugs Law Enforcement Agency (NDLEA) had disappeared from the agency's custody. This is due to
326 the opaque system under which proceeds of crimes are dealt with.

327 **22 g) Deliberate Non-Profiling of Crime Proceed**

328 Several times we have been told that many people had voluntarily returned stolen assets. But nobody knows
329 how much had been recovered and from whom. This, in turn, has made the anti-corruption war of President
330 Muhammadu Buhari a hard sell. So far, none of the anti-corruption agencies has been able to give a clear figure
331 of how much it has recovered. This does not help the anticorruption war. This scenario has made it imperative

332 for the Proceeds of Crime Bill to be passed into law. However, pending the time the bill will become an act
333 of the National Assembly the federal government will do itself a lot of good by embracing transparency in the
334 handling of crimes' proceeds.

335 **23 h) Selective Anti-Graft War**

336 Also, in a report titled "Heavy Knocks For Buhari's Anti-Corruption" published by Sahara Reporters on 31
337 October 2015, Debo Adeniran, the Executive Chairman of the Coalition Against Corrupt Leaders claimed he
338 had on several occasion, petitioned the president and the anti-graft agencies, the Economic and Financial Crimes
339 Commission and Independent Corrupt Practices Commission levying corruption and misappropriation of fund
340 against Babatunde Fashola, a former governor of Lagos State and the incumbent Minister for Power, Works
341 and Housing in the Cabinet of President Muhammadu Buhari. He also mentioned that several allegation of
342 corruption and misappropriation of fund were slammed on Kayode Fayemi, the former governor of Ekiti State,
343 Kemi Adeosun, the incumbent minister of finance, Rotimi Amaechi, a former governor of Rivers State and current
344 minister of transport. He expressed concern on why these people had not been invited by the anti-graft agencies
345 for questioning. He said "We are dissatisfied with the way the anti-corruption war is being fought and we are
346 afraid that we may not achieve anything better than what we had before Buhari assumed office" (Punch, 2016).

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348 **24 VII. Conclusion and Recommendations**

349 Beyond the above stumbling blocks, it is imperative to commend the anti-graft agencies such as the EFCC,
350 ICPG, CCB amongst others. The EFCC in particular, has performed exceptionally well in spite of its apparent
351 unrestrained operational scope, limited resources and paucity of human and physical capitals. Nonetheless, the
352 body can still do more especially so with the enactment of the Administration of Criminal Justice Act (ACJA,
353 2015) and laws adopted there-from by different States in Nigeria. With the current ACJA reforms, the Act has
354 unambiguous provisions with which to enable the EFCC to carry out its investigation and due prosecution of
355 cases to reduce the rising number of cases it has been losing on a continuous basis.

356 In line with the suggestion of Macauley & Michael, (2018), Section 80 of the constitution should be amended
357 to limit the powers and control of the Federal Government over public funds in federally related civil and
358 criminal matters; and the exercise of executive powers of the federation as contained in section 5(1) (a -b) of
359 the Constitution. This, for example, means that the federal agencies alone would collect and pay all revenues
360 into an account that may be called "Federal Revenue Fund", which should repeal and replace the existing
361 "Consolidated Revenue Fund" of the federation." Equally, at the State Government level, each State should
362 establish an equivalent of the Federal Revenue Fund to be known and called the "State Revenue Fund" into
363 which similar revenue shall be paid for the use of a State Government. In this case, the Federal and State
364 Governments shall exercise control over the affairs of their respective agencies as it relates to the way and
365 manner such agencies perform their statutory duties.

366 Finally, when the centre becomes too attractive because of over-centralisation of powers, functions and funds
367 distribution, the components States become weak, poor, inefficient and powerless towards law enforcement and
368 socio-economic development. The end result of such weak inter-governmental relations engenders corruption and
369 inefficiency. Therefore, devolution of powers in Nigeria will reduce the embers of ethnicity, nepotism, clannishness,
370 corruption and the current idea whereby the State Governors go to Abuja on monthly basis to collect bail out
371 money or statutory allocations. Besides, fiscal federalism will make the leaders closer to the citizens and residents
372 and be accountable to them better than it is presently. ¹ ²

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24 VII. CONCLUSION AND RECOMMENDATIONS

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