

# Public Perception of the Performance of Economic and Financial Crimes Commission in Wukari Local Government Area of Taraba State

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**ABSTRACT:** The Economic and Financial Crimes Commission was established to fight the crimes of corruption and other related high impact crimes such as money laundering and terrorism in Nigeria. Certainly the Commission has a profound mandate against a crime predominantly committed by highly placed authorities. Unsurprisingly, the mandate remained predominantly a theory as the practices of Commission has been characterized by selective application of the laws to the confirmation of Marxian argument that the laws and enforcement agencies in capitalist societies are oppressive tools in the hands of the ruling class, just as the state remain the executive committee of the bourgeoisie. The members of the public in Wukari also testified to this obvious reality in a survey study conducted in the Local Government Area of Taraba state. The public in Wukari LGA of Taraba expressed their feelings with the facts that the commission failed in realizing its set objectives as about 61% of them confirmed to that. The total 66% of the respondents concluded that the commission performed at zero or less 50 percent of the public expectations since inception. There is no doubt the Commission has a broad mandate including detecting any form of fraud, narcotic, drug trafficking, money laundering, embezzlement, bribery, looting and any form of corrupt malpractice, illegal arms deal, smuggling, human trafficking and child labor, illegal oil bunkering and illegal mining, tax diversion, foreign exchange malpractice including counterfeiting of currency, theft of intellectual property and piracy, open market abuse. This evaluation established that EFCC have woefully failed in its performance as it has not arrested nor prosecuted very large proportion of potential criminals and apparent criminals related to economic and financial crimes. The study conclusively recommended the following among others: Candidates for various political offices must be cleared by Code of Conduct Bureau, Independent Corrupt Practices Commission and Economic and Financial Crimes Commission before they should be approved for election into office by Independent National Electoral Commission. Officials of the EFCC must be transparent and continuously trained and retrained on detective related to fraud and economic and financial crimes. The constitutional immunity granted to the presidents, governors and their deputies should be repealed and erased accordingly to empower anti-corruption agencies to smoothly enforce the law against such authorities. There must be death penalty for corruption (particularly high profile economic crimes) to serve as sincere deterrence against corruption in Nigeria.

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## 1. INTRODUCTION

The present geographical landmass of Nigeria was split units of diverse socio-cultural communities dominated by African communal culture of one family in clusters of clans served as units of brotherhood where almost everyone's problem was everybody's problem, with solutions always collectively proffered. In such a situation

corruption as a concept could not have been very applicable as it is now or at least its definition and scope could have been different. The concept of embezzlement of public funds was possibly restricted to the feudal lords and its definition and scope could have been different altogether. There was no opportunity of open extortion by members of the general public who had no control over political power or rule to enforce and normative authority of law formulation and its enforcement remained with very few settings of the feudal Lords and their associates. Unfortunately there were no independent agencies that could have assessed, regulate, determine and exercise counter authority against the feudal Lords excesses, particularly what could have been defined as corruption today. Colonialism led to the emergence of new system of authority in Africa with newly created geopolitical entity called Nigeria in 1914. Nigeria today is characterized by new substance of law that united all called the Constitution Federal Republic of Nigeria (FRN).

Corruption is more likely to be prominent in less developed countries simply because of existing inequality in distribution of wealth, political powers as a primary means of gaining access to wealth, conflicts between moral codes, the weakness of social and government mechanisms and absence of a strong sense of national community (Bryce (1921). Corruption in general scope and embezzlement of public funds in a narrow scope are both aspect of economic crimes under the Economic and Financial Crimes Commission's (EFCC's) 2004 acts that authorize the agency to suspect, investigate, apprehend and prosecute individuals and organizations, with wealth that seems to be beyond their legitimate incomes. Consequently this paper is drafted through a survey conducted in Wukari Local Government Area, assessing the performance of the EFCC in curbing corruption in northeastern Nigeria. It is an attempt to answer few questions: What is public perception? What is performance? What are economic and financial crimes? Has Economic and Financial Crimes Commission (EFCC) tackled the problems of economic and financial crimes committed in Nigeria? What is the public perception of EFCC in Wukari Local Government Area of Taraba state in Northeastern Nigeria?

## **2. PUBLIC PERCEPTION**

According to Bruner (1947) there are three factors influencing "perception". Thus, experience, motivation and emotion. Under different motivation or emotion, the perceiver will react to same thing in different ways. Also under different situation a perceiver might employ a "perceptual defense" where they tend to "see what they want to see". Sherif (1936) in his study of group norms and conformity discovered that group norms are established through interactions of individuals and leveling of the extreme opinions. The result is consensus leading to compromise even if it is wrong. Malinowski (1920) discovered that small groups are hardly adequately studied independent of their socio-cultural influences. Thus a group cannot be studied independent of motives or needs of the group.

From all above it could said that an individual's perception of a "fact" or "object" is a reflection of multiple agent such as experience, motivation, emotion, and preconceived opinion/ideology. These agents are supreme determinant of one's perception which is also the predominant consciousness that partly induce actions of the individual concern. Perception is a compromise and resolution derived from experience, emotion or affection and one's opinion or ideology. It is real and objective real with some subjective realism which is also real that cannot be experienced objectively by all observers. It is the conclusion of an individual in observable situation.

## **3. PERFORMANCE**

Campbell (1990) describes performance as a function of 3 determinants; declarative knowledge, procedural knowledge with skills, and motivation. Declarative knowledge is knowledge about facts, principles, goals and the self. It is assumed to be a function of person's ability, personality, interest, education, training, experience etc. Procedural knowledge and skills include cognitive and psychomotor skills, physical skill, self management skill, and interpersonal. Predictors of procedural knowledge and skill are again ability, personality, interest, education, experience and aptitude treatment interactions and additional practice. Motivation comprises choice to perform, level of effort, and persistence of effort. Campbell assumes that there are interaction between the 3 types of performance determinant, and largely neglects situational variables as predictors of performance.

According to Kanfer and Ackerman (1989) ability and skills tend to predict task while personality and related factors tend to predict contextual performance. Contextual performances tend to be an organizational citizenship behavior with five components including altruism, conscientiousness, civic virtue, courtesy and sportsmanship.

From all above it was clear that "performance" is determined by the extent of knowledge on functions of an organization and motivations. For a better performance there must be special training of personnel on organizational objectives. This is applicable to EFCC and all other anti-corruption agencies. The establishment of EFCC Training Academy at Karu, Nasarawa state in Nigeria may be in line with this objective. Furthermore to ensure high individual's performance, for effective and enhanced productivity of an organization, organizations need to select individuals or employees on the basis of their ability, experience, and personality. More specifically, training should address knowledge and skills for relevant task accomplishment. Exposing individuals to specific experiences such as traineeship and monitoring programs are assumed to have a beneficial effect on individuals' job performance.

#### **4. ECONOMIC AND FINANCIAL CRIMES**

New standard Encyclopedia (Volume 4:E38) described economics as the study of the conditions under which wealth is created, divided among people and used. Wealth means any commodity for which people will pay money, trade some other commodity, or perform services. Wealth may be cash, but it may also be an automobile or a diamond ring, a farm or theatre ticket. An economic system has its purpose as the satisfying of people's service. It has been observed that under given conditions, certain conclusions can be drawn that are true most of the time. These conclusions are called laws.

In this presentation economic is considered to be the totality of the resources and the required services for the production, distribution and consumption of goods tapped from the geographical entity called Nigeria plus all wealth generated through various material and immaterial services from Nigeria by Nigerians and others, including those generated by Nigerians in Diaspora legitimately. All wealth generated through tapping of natural resources, through farming, mining and their value added chains such as the industrial conversions, and from all the labor engaged in the chain of production can be described as economic. Wealth is also derived by individuals from salaries and wages paid as public or civil servants working as administrators and professionals in various governmental and non-governmental organizations. All legitimate income from all sources can be described as economic which is also described in aggregate as Gross National Product (GNP).

All transactions in a population leading to exchange of wealth can be quantified and accounted for. The monetary values of all transactions in a population can be called finance. Finance can stand as monetary wealth in cash form can be duly converted to concrete Properties such as land, machines, factories or organizations. Finance could also be cash in banks or sales in the market or at hands in the homes.

According to Durkheim (1978), crime consists of an act that offends certain very strong collective sentiments. In a society where criminal acts are no longer committed, the sentiment they offend would have to be found without exception in all individual consciousness, and they must be found to exist in the same degree as sentiment contrary to them. As such crime could not disappear but change its form, for the very cause, which will dry up the sources of criminality, would open up new ones. For example primitive communalism (no ownership, no economic crime), slavery (ownership of source of labor, the slave by slave owners: the crime was human degradation), feudalism (absolute ownership of means of production, the land: the crime was alienation, deprivation, human degradation and full scale exploitation), capitalism (ownership of the main means of production, land and industries: the crime was alienation, deprivation, human degradation, frustration, deception, delusion, exploitation and human degradation), socialism (state ownership of main means of production, land and industries: no crime as efforts are made to restore human dignity and egalitarianism), communism (stateless with advanced science and technology, and advanced communalism: no crime).

The Economic and financial crimes therefore are various misconducts that offends individuals and public in ways that are categorically disapproved by the 1999 constitution and all constitutional laws with regard to

issues related to economic activities and financial transactions of individuals or corporate bodies among the population resident in Nigeria or elsewhere against Nigeria and Nigerians or residents of Nigeria.

#### **ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC) AND TACKLING OF THE PROBLEMS OF ECONOMIC AND FINANCIAL CRIMES COMMITTED IN NIGERIA**

Part IV of the EFCC Act 2004 categorically defined and outlined the offences related to financial malpractice, thus; **Section 46:** In this Act: “**Economic and Financial Crimes**” means the non-violence criminal and illicit activity committed with the objectives of earning wealth illegally either individually or in a group or organized manner thereby violating existing legislation governing the economic activities of government and its administration and includes any form of fraud, narcotic, drug trafficking, money laundering, embezzlement, bribery, looting and any form of corrupt malpractice, illegal arms, deal, smuggling, human trafficking and child labor, illegal oil bunkering and illegal mining, tax diversion, foreign exchange malpractice including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic waste and goods, etc.

Terrorism means (a) Any act which is a violation of the criminal code or penal code and which may endanger the life, physical integrity or freedom of or cause serious injury or death to any person, natural resources, environmental or cultural heritage and is calculated to—(i) Intimidate, put in fear, force, coerce, induce any government, body, institution, the general segment or any public thereof, fails or abstains from during any act or abandon a particular stand point or to act according to certain principles, or (ii) Disrupt any public servant, the delivery of any essential service to the public or to create a public emergency, or (iii) Create general insurrection in a state; (c) any promotion, sponsoring of, contribution to, command aid, incitement, encouragement, procurement of any person with the intent to commit any act referred to in paragraph (a) (i) (ii) and (iii).

No any aspect of Nigeria’s organization and institution is has been immunized from corrupt practices in the history. Not surprisingly the former Ogun State governor, Chief Bisi Onabanjo was locked away for 21 years for enriching the prescribed UPN to the tune of #2.8million. Solomon Lar of plateau state was also jailed for 21 years for misusing security votes (New Times 11<sup>th</sup> November, 1985). Ex-governor Sam Mbakwe of Imo, served prison term of 10years in Kaduna prison for currency trafficking. Jim Nwobodo of Anambra State also served prison for official corruption (New Time, 11<sup>th</sup> September, 1985).

Most importantly the religious bodies and individuals have been also deeply involved in corrupt practices. For example Pastor Eshosa Omorezie, the miracle man of Benin who was praying against evil spirits, robbery and tells what future holds, was finally arrested by police for car snatching and robbery. He snatched, changed the colors of cars with hours, get particulars and register within 2 hours of snatching. The suspect snatched over 42 cars and people were killed by such process (Sunday Champion, 14<sup>th</sup> July 2002).

It was reported that a target of as large as N10million has been put on Commissioner of Police (CPs) posted to state perceived lucrative states that should criminally go to superior officers. These CPs hand use the DPOs under them. While extortions was made the norm, promotion in the police was stagnant a police recruited in 1998 spent 5 years to get to next rank corporal in 2003 with his BSc Psychology which he might not have declared when joining the system (Tell 6<sup>th</sup> June 2003).

At the African level North African leader of Morocco king Mohammed IV after succeeding his father late King II, set up of Morocco’s Trust and Reconciliation commission discovered more than 32 alleged cases of state-sponsored terror. It is the first commission for such nature in North Africa, but no one is allowed to name those responsible for the abuses. Moroccan Human Rights Association says it has published a list of those who it believes should stand trial. It includes senior members of Morocco Security forces (BBC Focus on Africa 2005).

Millions of naira was robbed by 10 armed men in a number of neighboring churches including Celestial Church of Christ, Saints Anglican fighting and praying ministries and Soul Harvesters. Similarly 4 gang men attacked the premises of the estate Baptist church, robbed number of cars and cash, forced and relieved members of valuables like jewelry, wrist watches and mobile phones. Also at Jesus Dominion Mission, Rainbow Christians Assembly went away with huge Sum of money from crusade (The News 25<sup>th</sup> April 2005).

GaniFawehinmi the renowned human rights lawyer reported with disappointment that government certified that particular cesspools were satisfactorily executed when actually they were not constructed 3 years later, and the character was paid the sum of #153.4 million ecological funds by the federal ministry of environment. The non-existing 3 cesspool projects were purportedly executed by the Director General on 26<sup>th</sup> May 2005. In a similar report the Inspector General of Police Sunday Ehindero warned policemen not to "make returns" anymore a practice for which he threaten to deal with any officer taking bribes. Unfortunately it has been normal to collect N20 unofficial tax from motorists by the police (Tell 6<sup>th</sup> June, 2006).

As part of its achievement that EFCC on a report by News (2<sup>nd</sup> August, 2006), handed over to United State government a list containing about 200 Nigerians, including governors, who might flee the country after the expiration of their terms in government. Also in the list are two former heads of state and their associates, businessmen and others. Ibrahim Babangida, AtikuAbubakar, BoniHaruna, Oji Kalu, SaminuTuraki, Bukar Abba Ibrahim, Lucky Igbinedion, James Ibori, Chris Ngige, ChimorokeNnamani, Joshua Dariye, Victor Attah, Mike Adeniyi, OtumbaFasawe, Chief Adigu, Solomon Lar, AuduAgbe, George Akume, AdophusWabara, Anyim Pius Anyim, Senator Chinwumeriye, Ken Nnamani, AttahiruBafarawa, HamisuMarigo, SaniYerima, Bola Ahmed Tinubu, Senator TokunboAginkulforis, Chief YomiEdu, Ayo Fayose, Adebayo Mao Akala, AchikeUdenwa, Ade Alake, Ibrahim Shekarau (Mai/News 2<sup>nd</sup> August, 2006).

Condemning the act, former governor of Kaduna State AlhajiBalarabe Musa blast at the traditional rulers in northern states for standing as sureties in bailing the corrupt governors charged by the EFCC (Joshua Dariye of Plateau, Reverend JallyNyame of Taraba and AlhajiSaminuTuraki of Jigawa State) (National Daily, 19<sup>th</sup> August, 2007).

In similar disappointment, Attorney-General of the federation Michael Oondoakoa defended some governors that Ribadu investigated with the resolve to castrate the EFCC and designed to frustrate Ribadu's work. After Ribadu measure of frustration ranging from petitions in issues of rule of law against the EFCC allegation of bribe paid to Ribadu by Victor AttahIbori of Akwa-Ibom state, all failed. Lastly, Inspector General of Police Mike Okiro was used on 9 month NIPSS or 18 month program at war college Abuja (Daily Trust, 9<sup>th</sup> January, 2008).

This act was condemned by global coalition against corruption and transparency internationally. Its representative Mr. OsitaOgbu said: Ribadu's removal lower Nigeria's image internationally because Ribadu has been acclaimed worldwide. His commitment to fighting corruption is unparallel. He is known to be courageous and passionate about the fight against corruption. Ribadu has fought the very powerful governors who have covered a lot of wealth and helped to instill those in power now. It is the governors that are been prosecuted that pushed for Ribadu's removal (Daily trust, 9<sup>th</sup> January, 2008:17).

Ribadu's success in the management of the EFCC could be attributed to the unique method used by him. According to his critiques: Ribadu's EFCC had perfected a bizarre method for the removal of democratically elected governors, conduct raids in the state parliament, abduct the members and force them to sign a notice of impeachment. While still in custody, the notice is served on the governor who is unable to reach the honorable members would be impeached and picked up by waiting operatives of NuhuRibadu. The entire process could be implemented in a week (Daily Sun 4<sup>th</sup> October, 2007:16).

According to Lamorde (2008) EFCC virtually started with not more than 30 personnel but expanded to about 1500 and secured 250 convictions in 5 years of existence. At the take off even the chairman was squatting with Bureau for Public Enterprises before he moved to rented accommodation. The operations personnel when started were using an office at the police headquarters before having head office in Abuja with training and research institute. Offices were established in Port Harcourt, Enugu, Gombe and Kano. EFCC started with the police men coming in as operational staff, with operational vehicles given by the police, 2 pickups, inherited 2 or 3 vehicles from the then National Committee on financial crime, a bus and a saloon car. It was for the first time Nigerian government literally forced 2 ministers to resign their appointment because they are being investigated for corruption. Just a week after inauguration in April 2003 fraud stars napped in the first week have had their days in court. Among those that have served their terms include Emmanuel Nwude, the mastermind of the world's biggest fraud stars. Nwude and his associates had duped a Brazilian Bank with \$242 million. They served various jail terms and their properties valued millions of dollars were forfeited (zero tolerance vol. 3.No.1 2008).

**Part I section 1 -2** of the EFCC (established) act, 2004 stated thus: There is established a body to be known as the Economic and Financial Crimes Commission (the commission) which shall be constituted in accordance with and shall have such functions as are conferred on it by this Act. This commission: (a) shall be a body corporate with perpetual succession and a common seal. (c)The designated Financial Intelligence Unit (FIU) in Nigeria, which is charged with responsibility of coordinating various institutions involved in fight against money laundering and enforcement of all laws dealing with economic and financial crimes in Nigeria. Part II section 6 stated that the commission shall be responsible for:- (b)The investigation of all crimes including advanced fee fraud, money laundering, counterfeiting, illegal charge transfers, market fraud, fraudulent encashment of negotiable instruments, computer credit card fraud, contract scam etc. (c) Coordination and enforcement of all economic and financial crimes law and enforcement functions conferred in any other person or authority. (d) The adoption of measures to identify, trace, freeze, confiscate or seize, proceeds, derived from terrorist activities, economic and financial crime related offences or the properties the value of which corresponds to such proceeds. (e) The adoptions of measures to eradicate the commission of economic and financial crimes. (g) The facilitation of rapid exchange of scientific and technical information and the conduct of joint operation geared toward the eradication of economic and financial crimes. (h) The examination and investigation of all reported cases of economic and financial crimes with a view to identifying individuals, corporate bodies or grouped involved; (i) The determination of extent of financial loss and such other loss by government, private individuals or organizations. (K) Dealing with matters connected with extradition, deportation and mutual legal or other assistance between Nigeria and other country involving economic and financial crimes; (l) The collection of all reports related to suspicious financials transaction, analysis and Disseminate to all relevant government agencies. (n) The coordination of all existing economic and financial crimes investigating units in Nigeria; (o) Maintaining a liaison with the office of the Attorney General of the federation, the Nigerian Customs Service; the immigration and Prison Service Board, the Central Bank OF Nigeria, the Nigerian Deposit Insurance Corporation, the National Law Enforcement Agency, all government security and law enforcement agencies and such other finances supervisory institutions involved in the eradication of economic and financial crime; (p) Carrying out and sustaining rigorous public enlightenment campaign against economic and financial crimes within and outside Nigeria.

Section 18 **(1)** Any person who-(**a**) Engages in the acquisition, possession or use of property knowing at the time of acquisition, possession or use that such property was derived from any offence under this Act. (**b**) Engages in the management, organization or financing of any of the offences under this Act; (c) Engages in the conversion or the transfer of property knowing that such property is derived from any offence under this Act, or engages in concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to ownership of property knowing that such property is derived from any offence under this Act, commits under this act liable for the conviction in the penalties provided in section (2) of this section. **(2)** The penalties of the offences under subsection (1) of this section shall be imprisonment for a term not less than 2 years and not exceeding 3 years. Section 19 **(1)** The Federal High Court of High Court of a state or the Federal Capital Territory has jurisdiction to try offenders under this Act. **(5)** In any trial for an offence under this Act, the fact on accused person is in possession of pecuniary of any resource or property for which he cannot satisfactorily account and which is disproportionate to his known source of income, or that as at or about the time of the alleged offence obtained an accretion to his pecuniary any resource or property for which he cannot satisfactorily account may be proved and taken into consideration by the court as corroborating testimony of any witness in the trial.

Section 20 **(1)** A person convicted for an offence under this Act forfeit to the federal government:- **(a)** All the assets and properties which may or are the subject of an interim order of the court after an attachment by the commission as specified in section 26 of this Act; **(b)** Any asset or properties confiscated or derived from any proceeds the person obtained, directly or indirectly, as a result of such offence not already disclosed in the assets declaration Form, specified in Form A of the schedule to the act or not falling under paragraph (a) of this section. (c) Any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of such offence not already disclosed in the declaration of assets Form or not falling under paragraph (a) of this subsection. **(2)** The court in imposing a sentence of any person under this section, shall

order, in addition to any other sentence imposed pursuant to this Act, that the person forfeit to the federal government all properties described in subsection (1) of this subsection.

Section 22 (1) Where it is established that any convicted person has assets or properties in a foreign country, acquired as a result of such economic or financial crime, such assets or properties, subjects to any treaty or arrangement with such foreign country, shall be forfeited to the federal government. (2) The Commission shall, through the office of the Attorney General of the Federation, ensure that the forfeited assets or properties are effectively transferred and vested in the federal government. Section 27 (3) Any person who:- (a) Knowingly fails to make full disclosure of his assets and liabilities; or (b) Knowingly makes a declaration that is false; or (c) Fails, neglects, or refuses to make a declaration or furnishes any information required in the Declaration of assets Form; Commits an offence under this Act, is liable on conviction to imprisonment for a term not exceeding 5 years. Section 46 "Economic and Financial Crimes" means the non-violence criminal illicit activity committed with the objectives of earning wealth illegally either individually or in a group or organized manner thereby violating existing legislation governing the economic activities of government and its administration and include any form of fraud, narcotic, drug trafficking, money laundering, embezzlement, bribery, looting and any form of corrupt malpractice, illegal arms, deal, smuggling, human trafficking and child labor, illegal oil bunkering and illegal mining, tax diversion, foreign exchange malpractice including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic waste and prohibited goods, etc. The combined United States air force and the British Royal Air force missile on strategic bases to "Smoke out" the Muslims militants and his host Mallah Muhammad Omar, the Taliban's supreme leader in retaliation for the suicide hijacking of 4 planes, 2 of which crashed into the 110 tier towers of the World Trade Centre (WTC) in New York. Another plain was crashed into the pentagon in Washington. The 4<sup>th</sup> plane believed to be heading for the white house crashed into the Pennsylvania. About 5000 people of diverse Nationalities died in the crashes. All the 4 planes were hijacked 11<sup>th</sup> September 2001 by Arab militants believed to be working for Osama bin Ladan. The retaliatory bombing came 26 days after the attacks on American targets (the News October 22, 2001). This was worst terrorist and experienced on a single day in recent time that impacted on killing a very large population and properties worth's trillions were destroyed. From a report by African today, police was responsible for killing 60% of firearms death in 1999-200 were caused criminals and only 1% resulted from accidents or suicides. And the Kenyans police have killed from the innocent population than the criminals. In 2001 about 90% (9 out of every 10) of the victims were shot death by the Kenyan police (African today, 2002; and February 1997). This is an example of how dangerous an individual encounters with police in Africa.

General Murtala Muhammad instituted probe panel to investigate financial activities of Gowons 12 governors and other government functionaries. Gowon ruled between July, 1967-July, 1975. Ten out of the governors were found guilty of corruption living only brigadier Oluwale Rotimi and Moba Laji Johnson (who governed western and Lagos state respectively). General Muhammad Buhari sentenced to various terms of imprisonment, many governors, ministers and commissioner tried by military tribunals, found guilty of corruption in the Shagari Regime 1979-1983. The stone hearted duo of Buhari and Idiagbon were to some extent able stem the side of corruption until the grand master of deceit and deception (General Ibrahim Babangida) emerged as head of state on 27<sup>th</sup> August, 1985. Squander mania and corruption dominated the Babangida's regime before t was forced to step aside 27<sup>th</sup> August, 1993 after annulment of June 12, 1993 presidential election which was reportedly worn by the late Chief MKO Abiola. The General Sani Abatcha truncated the interim National Government of Chief Errest Shonekan and for over 4 years treasuries. Abatcha did not run corrupt free Nigera nor Abdulsalam did (New Nigeria 30<sup>th</sup> July, 2005).

Weekly trust reported that EFCC have arrested over 500 suspects on corruption, including the Inspector General of police Tafa Balogun, the former minister of housing, Mrs. Omolayi Osomo, the former minister of education Prof. Fabian Osuji and senate president Chief Adelphus Wabara, all fired of corruption by the president. It recovered about N1 billion fertilizer Contract Scam for Kano state and discovered N17 billion from Tufa Balagun (Weekly trust, 7<sup>th</sup> October, 2005).

Youths represent 55% while women represent 60% of the global populations but 96% of both are not self-reliant because of poverty induced frustration in raising among unemployed youth and women who not full of

potentials, but whose aspiration are hindered by lack of opportunities (Daily trust 23<sup>rd</sup> December, 2005). About 13 out of 24 lawmakers in Taraba state were on allegation of embezzling constituency projects. Their counterparts from Bayelsa state were invited to the EFCC only to be confronted by an impeachment notice which each of them were required to sign. Reverend Jally of Taraba and DiereyeAlameyeseigha of Bayelsa state loyalty to vice president AtikuAbubakar (Leadership 4<sup>th</sup> December, 2005)

From above it is conclusive that while EFCC plays the role of suspecting, arresting and investigating cases of economics and financial crimes including money related to money laundering and terrorist financing, it has seemingly not lived to expectations as only highly insignificant fraction of such crimes are taken to book and seriously prosecuted. This is because every accounting office holder is a potential suspect for EFCC particularly when there are proven evidence of available properties claimed to be owned by such officials.

#### WHAT IS THE PUBLIC PERCEPTION OF THE PERFORMANCE OF THE EFCC IN WUKARI LGA OF TARABA STATE?

In order to discuss and understand the public perception of performance of EFCC in curbing corruption in Wukari LGA of Taraba state, the following tables are analyzed.

**Table 1: Public perception of the significant difference between EFCC and other organizations**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
No difference	10(%)	-(%)	10	7
EFCC fights corruption by arresting and prosecuting of suspects others NOT	80(%)	40(100%)	120	86
EFCC is paramilitary and paralegal body, other NOT	10(%)	-(%)	10	7
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: Survey result from Wukari LGA 2009

From above it is very clear that about 80% of the total of 140 respondents members of the public at Wukari LGA and officials of the EFCC at Abuja and Gombe Zone maintained that the difference between EFCC and other organizations is the EFCC fights corruption by arresting and prosecuting suspects while others NOT. More so 80% of those civilians in Wukari from the 100 respondents also maintained same. This indicates that majority are aware of the major difference between EFCC and other organizations.

**Table 2: Public perception of the roles of EFCC**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
Eradicating corruption	90(90%)	40(100%)	130	93
Minimizing corruption	-(0%)	-(0%)	10	7
Witch hunting political enemies	-(0%)	-(0%)	-	-
Others	-(0%)	-(0%)	-	-
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: survey results from Wukari LGA 2009

Table 2 above indicated that about 93% of the total of 140 respondents from (Wukari (100) and EFCC officials (40)) maintained that the role of EFCC eradicate corruption. Similarly the 90% of the 100 civilian's respondents also confirmed that EFCC has the role eradicating corruption.



**Table 3: Public perception of the role of EFCC on paper and its real operation in Nigeria**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
Operation in reality is different from duties on paper	95(95%)	35(88%)	130	93
Not difference	5(5%)	5(12%)	10	7
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari 2009

Table 3 above revealed that 93% of all the 140 respondents maintained that the performance/operation of the EFCC in reality is different from their duties on the EFCC (establishment) Act 2004. Surprisingly even 88% of the 40 EFCC officials also confirmed that the operation of EFCC in reality is different from their established duties on laws.

**Table 4: Public perception of the extent of differences in operation and on laws of EFCC**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
EFCC is witch hunting in reality	80(80%)	1	81	58%
EFCC is selective in reality	15(15%)	6	21	15
EFCC violate human rights in reality	5(5%)		1	4
Government interferes	-(%)	32	32	23
<b>Total</b>	<b>100(100%)</b>	<b>40</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari 2009

Table 4 above revealed that about 58% and majority of the respondents maintain that EFCC witch-hunt in reality than enforcing law on economic and financial crimes in Nigeria. Another 15% added that the commission is selective and therefore not judicious in their actions. About 23% said there is often government interference in the duties of the commission and therefore it has not been autonomous in discharge of its duties as required by the EFCC (establishment) 200 Act as amended.

**Table 5: public perception of EFCC on whether it has realized its set objectives**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
Objectives realized	20	35	55	39
Objectives Not realized	80	5	85	61
<b>Total</b>	<b>100</b>	<b>40</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari 2009

Above table 5 indicated that the public in Wukari LGA of Taraba expressed their feelings with the facts that the commission failed in realizing its set objectives as about 61% of them confirmed to that. Certainly EFCC have not realized its set objectives since it has not called to account up to 1% of accounting officials since its

inception in 2003. From records available less than 4 governors have been convicted and no president was perfectly prosecuted while there are apparent allegations against them.

**Table 6: public perception of numbers of former presidents of Nigeria arrested by EFCC**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
None	90(100%)	40(100%)	130	93
One	5(5%)	-(0%)	5	4
2-5	5(5%)	-(0%)	5	4
6-10	-(0%)	-(0%)	-	-
11-12	-(0%)	-(0%)	-	-
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari 2009

Table 6 revealed that about 93% of respondents maintain that EFCC have not arrested a single former Nigeria's president despite the fact that obvious allegation of economic and financial crimes were against them. Ideally former president should be the first to be called for accountability because of the unique stewardship of handling resources meant for over 200million Nigerians.

**Table 7: public perception of the number of former governors arrested by EFCC**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
None	70(70%)	-(0%)	70	50
One	10(10%)	-(0%)	10	7
2-10	10(10%)	40(100%)	50	36
11-20	10(10%)	-(0%)	10	7
Above 20	-	-(0%)	-	-
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari 2009

From above it has been clear that 50% and majority of the respondents disclosed that they do not know any governor arrested by EFCC since inception. However, about 36% said at least 2-10 governors have been arrested by EFCC. The effectiveness of the powers of arrest on the EFCC (establishment) 2004 Act (as amended) has been unfortunately undermined by section 309 of the 1999 constitution of which disallowed arrest and prosecution of president on seat, his vice president, the governors and their deputies. This undue constitutional protectorate has criminally immured sets set of culprits and unfortunately perpetuate corrupt practice.

**Table 8: public perception of EFCC on number of LGA chairmen arrested since inception**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
None	10(10%)	-(0%)	10	7
One	10(10%)	-(0%)	10	7
2-10	10(10%)	-(0%)	10	7
11-20	10(10%)	-(0%)	10	7
Above 20	60(60%)	40(100%)	100	72
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari LGA 2009

The table 8 above confirmed the effect of section 309 disallowed governors to be arrested while they are on seat. This is because about 72% of the respondents believe that at least 20 LGA chairmen have been arrested by EFCC while same respondents with a fraction of 50% maintain under table 7 that the EFCC have not arrested any governor. In fact when I was in the field, chairman of Wukari LGA councils was arrested by EFCC for corrupt practices. This immunity law of section 308 of the 1999 constitution is unjust and it miscarriage justices. The local government is a separate arm of government just like the state and federal, their chairmen are chief executive and similarly accountable like the governors and the president. If they could be arrested, the president/governor could also be arrested and the government can function.

**Table 9: Public perception of the EFCC on number of traditional rulers arrested**

Responses	Members of the public in Wukari LGA	EFCC officials	Freq	%
None	90(100%)	-(0%)	90	64
One	10(10%)	-(0%)	10	7
2-10	10(10%)	-(0%)	10	7
11-20	-(0%)	-(0%)	-	-
Above 20	-(0%)	-(0%)	-	-
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari LGA 2009

About 64% the respondents from table 9 above maintain that No any traditional ruler have been arrested by EFCC since inception. It has been established that the traditional rulers are under the financial burden of the local government councils in their domain. Each LGA council contribute about 2.5% of the monthly statutory funds for the upkeep of the palace and its staff, while all the salaries of the village heads and district heads are paid by the local government councils; while salary of the Emir is paid by ministry of local government and chieftaincy affairs. They should reed allocation deducted and handed over to them by as source. While such funds are accrued to them most of them embarrassedly siphon such funds to the extent that they failed to adequately pay the salaries of their palace staff for months, a corruption against their Emirs that the EFCC failed to open up a case.

**Table 10: Public perception of the traditional rulers as the patrons in perpetuating corruption in Nigeria**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
Strongly agreed	90(90%)	38(95%)	128	91
Agreed	10(10%)	2(5%)	12	9
Not agreed	-(0%)	-(0%)	-	-
Undecided	-(0%)	-(0%)	-	-
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari LGA 2009

About 91% and majority of the respondents under table 10 above maintain that the traditional rulers are grand patrons in perpetuating corruption Nigeria. While the public testify to the criminal reality of the traditional rulers the EFCC have not worked to discover the crimes committed by the monarchs. The monarch under no any disguise should be allowed to perpetuate corruption and associated criminality. The recent discoveries by the Zamfara state governor of the connivance of the traditional rulers in kidnapping and banditry leading to the suspension and arrest of some monarchs is a testimony to that.

**Table 11: Public perception of the overall performance of EFCC since inception**

Responses	Members of the general public in Wukari LGA	EFCC officials	Freq	%
No responses	-(0%)	31(77%)	31	22
Zero %	60(60%)	-(0%)	60	43
Less than 50%	30(30%)	2(5%)	32	23
50-59%	5(5%)	3(7.5%)	8	6
60-69%	3(3%)	3(7.5%)	8	6
70-100%	2(2%)	1(2.5%)	3	2
<b>Total</b>	<b>100(100%)</b>	<b>40(100%)</b>	<b>140</b>	<b>100</b>

Source: survey result from Wukari LGA 2009

Table 11 above revealed that from the general assessment of the performance of EFCC by members of public of Wukari LGA, it has been deducted that 43% of the total respondents concluded that the commission performed at zero percent since inception. This show EFCC had not performed for anything appreciable. And only 2% of the respondents assessed this performance of EFCC as excellent. This evaluation established that EFCC has woefully failed in its performance as it has not arrested nor prosecuted very large proportion of potential criminals and apparent criminals related to economic and financial crimes.

## 5. CONCLUSIONS

According to Oyewo (July 18, 2017) there is the urgent need for the comprehensive overhaul of our administration of criminal justice system. Often times, the investigative processes of the anti-corruption agencies, are hurried and not thorough before taking matters to court, which makes them vulnerable to “no case submission” and acquittals of offenders. Why is it that it was not possible to effectively prosecute Ibori in Nigeria but pleaded guilty before the U.K Court? We need to look into the practices of our prosecutorial and adjudicatory bodies to determine elements that are corruptly compromising the criminal justice administration in Nigeria. The National Assembly must also put aside selfish interest, to pass the laws that will effectively overhaul our justice system, including the recovery of stolen assets.

In conformity to the argument above the members of the general public in Wukari Local Government Area testified in perception the poor performance of the EFCC. Certainly more corrupt criminals are parading in freedom than imprisoned. It is clear therefore that states in capitalist economies are simply the representative

of bourgeoisie. To strengthen democracy and subsequently egalitarianism, there must be strengthened agency that execute egalitarian laws particularly anti-corruptions that are directly applied against selfish authorities. It is based on this established discovery from this study following recommendations are adopted.

## 6. RECOMMENDATION

1. The Economic and Financial Crimes Commission should recruit the best from University graduates and recruit the best lecturers at the EFCC Academy to train and retrain the best graduates recruited into the Commission.
2. We must insist the zero Tolerance to corruption in Nigeria.
3. Public servants must be paid enough to cater for their monthly needs in their monthly salaries (a realistic data must be generated from markets to support this).
4. Candidates for various political offices must be cleared by Code of Conduct Bureau, Independent Corrupt Practices Commission and Economic and Financial Crimes Commission before they should be approved for election into office by Independent National Electoral Commission.
5. Officials of the EFCC must be transparent and continuously trained and retrained on detective related to fraud and economic and financial crimes.
6. The constitutional immunity granted to the presidents, governors and their deputies should be repealed and erased accordingly to empower anti-corruption agencies to smoothly enforce the law against such authorities.
7. There must be death penalty for corruption (particularly high profile economic crimes) to serve as sincere deterrence against corruption.

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