

The politics and effectiveness of Nigeria's Economic and Financial Crimes Commission (EFCC)

How can Nigeria's watchdog avoid political capture and prevent corruption?

Research Question

The EFCC has been one of the more vocal – and at times controversial – anti-corruption agencies in Africa. We will analyse the political processes that influence its workings and identify feasible ways of insulating it for policy consideration. The second stage of this research studies the evolution of the EFCC, from an organisation focusing on advance fee fraud, to one targeting high profile political corruption (usually at the behest of the ruling party), and recently to a debt collector for large private sector actors. What does this mean for the EFCC in terms of its role as an anti-corruption law enforcement agency?

Key Findings

Initial analysis has assessed how well the EFCC has enforced rules and prosecuted economic and financial crimes by comparing petitions received and investigated against successful convictions, providing an indication of trends. The analysis found that only 3.75% of cases investigated were filed in court, where 23% resulted in convictions. The EFCC achieved higher filing and conviction rates on low- or mid-level crimes than higher level corruption. In the second part of the research we consider if the new turn in its workings is the best use of its competencies with a focus on its recent engagements with publicly traded private companies.

Implications

Currently the EFCC's effectiveness is compromised, limiting its ability to pursue and achieve prosecutions of high-level cases involving politically connected individuals. Measures to nudge the EFCC in the right direction could include: tenure changes for executive officers and board members; internal skills mapping and training; and steps to streamline overlap with other anti-corruption agencies in Nigeria.

Project Summary

The Economic and Financial Crimes Commission (EFCC) of Nigeria has been instrumental in charging and prosecuting senior political leaders and businessmen with political links, as well as in recovering and repatriating significant stolen resources for the Nigerian state. Yet it is also subject to frequent political interference, which reduces its effectiveness and means that it is often seen as an arm of the incumbent government, without an independent mandate.

Senior level officials of the EFCC, especially the chairman, are not immune from political pressures and prosecution rates have been falling as a result. These political links have become an obstacle to the credible and efficient functioning of the EFCC. In the over 400 convictions the EFCC has secured in the ten years of its existence, only about

four members of the political class have been successfully prosecuted, through dubious plea bargain deals. The organization has also recently started investigating fraud in the private sector and in some high-profile cases has been acting almost like a debt collection agency. This allows us to examine how bigger corporations interact with the EFCC and will enable us to interrogate the role of the private sector in entrenching political corruption.

The EFCC has seen significant success, which must be built upon. This project uses a combination of jurisprudence and political economy analysis, alongside focus groups with lawyers, to analyse the political processes that can influence the workings of the EFCC and identify the most feasible ways of insulating it for policy consideration.

Key research questions

- What are the power dynamics within the political settlement of the EFCC and surrounding institutions and how do they affect the EFCC's effectiveness as an anti-corruption agency?
- What has been the role of the private sector, especially through political connections, in this process? For this we will focus on the most current phase of activities (of debt collection).
- Could increasing forensic capacity in the EFCC and reducing delays through clearly defined time limits in law, result in higher numbers of successful prosecutions?
- Is it possible to 'nudge' the EFCC towards greater effectiveness, rather than attempt wholesale reforms?

Methodology

Stage 1

Analysis of petitions received, rejected and investigated by the EFCC, as well as eventual arrests and prosecutions (and their ratios) against successful convictions.

Gather evidence on the latest evolution of the EFCC's role in terms of debt collection.

Stage 2

Political settlements analysis of the EFCC and its political context in order to understand how effective the EFCC has been in isolating itself from political interference.

Analysis to understand how and why the private sector is driving the demand for EFCC's involvement in debt collection.

Stage 3

Stakeholder workshops with lawyers and advisors to answer key questions including: Is it possible for the EFCC to be protected from political interference and if so how? In the context of a developing country like Nigeria what incentive structures could change the behaviour of key stakeholders in the EFCC?

Policy and programming implications

The first output of this research project, SOAS-ACE Working Paper 'The EFCC and the politics of (in)effective implementation of Nigeria's anti-corruption policy' (2018), made the following interim recommendations:

- The tenure of the Chairperson and Secretary of the EFCC should be fixed and non-renewable, and should straddle at least two tenures of a President and Senate (that is between five and six years) to limit political influence over the EFCC.
- The Board of the EFCC should also have a staggered tenure, with no more than a third of members being appointed by the government in power.
- Efforts should be made to undertake an organisational effectiveness map for the EFCC that identifies skill sets that are needed.
- More relevant, targeted and bespoke training programmes should be designed that link to the staff skills sets that are identified as lacking.
- Deliberations should continue on the institutional arrangements and focus of the anti-corruption agencies (EFCC and Independent Corrupt Practices Commissions) to understand the overlap and to allow for streamlining where needed.

Further research will explore these options in more detail.

Team members

Dr Pallavi Roy (SOAS University of London), Emilia Oneyima (SOAS University of London), Idayat Hassan (CDD West Africa), Habeeb Oredola (Habeeb Oredola Barristers and Solicitors) and Simeon Obidairo.

Contact information

Pallavi Roy (pr16@soas.ac.uk)