

THE ROLE OF EFCC IN COMBATING POLITICAL CORRUPTION

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Abstract

The advisory list recently released by the Economic and Financial Crimes Commission, EFCC, is generating controversy in the polity and reminds one of the no love relationships between the Commission and Politicians. Put differently, nothing agitates the average Nigerian politician more than when there is a threat to jeopardize his or her political aspirations, and nothing unites politicians in Nigeria more than when they identify a common enemy. This perhaps explain the united outrage that greeted a list of politicians released by the EFCC to political parties advising them not to field some particular individuals in April 2011 general elections. While releasing the list, the EFCC made it clear that it was simply advisory and that it had no such powers to stop any one from contesting the 2011 general elections. Just as the Commission was about explaining itself out of the list, lawyers and other right activists slammed EFCC, positing that the Commission is fast descending into an epoch of lawlessness. This paper examines the threat and challenges political corruption poses to Nigeria as April election draws nearer. It explores the concept of political corruption, the causes and implications and suggests ways of checkmating political corruption in the polity. The paper concludes by hailing both INEC and the parties for distancing themselves from the list. This are equally in sharp contrast to what happened in the run up to the 2007 elections where the Ahmadu Ali led PDP supervised by Obasanjo wrote Iwu's INEC to bar some of its members from contesting the elections.

Key words: Political corruption, politically exposed persons, financial and economic crimes, advisory list, elections, political parties, Judiciary.

INTRODUCTION

Grand corruption is a cancer that has eaten deep into the fabric of the Nigerian polity. The general global perception about graft in Nigeria is that it is a pervasive phenomenon. It is generally acknowledged that corruption and corrupt practices are endemic and systemic in both public and private sectors of Nigeria. Corruption has had debilitating effects on the country as it has had elsewhere. It is encountered in the routine processes of governance both in public and private sectors, and it pollutes the business environment generally. It equally undermines the integrity of government and public institutions.

From a relatively mild manifestation at Nigeria's independence, this cancer grew rapidly at an alarming rate through the Second Republic (1979-1983). During the epoch of military misrule, it became institutionalized and assaulted every facet of Nigerian socio-political life. In the words of Gboyega (1996:3), "it was as if the government existed so that corruption might thrive". Corruption has accounted for the distortion and diversion of government welfare programmes and undermined the goals, and vision of development. Indeed, it has continued to undermine the effectiveness of the political process, especially the capacity of the election management body, the Independent National Electoral Commission (INEC) to achieve and institutionalize free and fair elections. Thus, as the march to the 2011 elections begins, it is important that the problem of political corruption be addressed, given its adverse effect on the effort to consolidate democracy.

Recently, the Economic and Financial Crimes Commission (EFCC) submitted to the political parties and INEC the list of high profile cases, which had been in public domain since 2008. Reacting to the list, Attorney General of the Federation and Minister of Justice, Mohammed Adoke (SAN) cautioned the EFCC chair person, Mrs. Farida Waziri whom he said her action and purported disposition of the EFCC were capable of heating up the polity. Eminent

lawyers such as Mr. Olisa Agbokoba (SAN), Chief Mike Ahamba (SAN) and human right activist and lawyer; Bamidele Aturu had joined other Nigerians in condemning the purported advisory list released by the commission.

In a memo to Waziri, Adoke reminded the EFCC boss that it is only the courts that have powers to determine those who are eligible to contest elections and not the EFCC.

Responding to the criticisms, the EFCC said it is not out to stop any aspirant or candidate from contesting in 2011 outside the court. It also said that it had no power to ban any candidate. The EFCC innocent aspirants need not to be jittery about a list on status of cases being prosecuted by the commission.

This paper therefore examines political corruption in the light of the recent developments in the fight against the menace and in the context of the preparation for the 2011 elections. In the following sections, it explores the concepts associated with corruption, outlines the debilitating effects of corruption on Nigeria's electoral process. It also elaborates on the conditions that encourage the flourishing of graft in the literature. It then highlights the roles of critical anti-graft agencies within the electoral governance arena, specifically the EFCC and INEC. The aim is to appraise their roles, relationships, contextual challenges and effectiveness in combating political corruption and develop insight for reducing political corruption come 2011.

CLARIFICATION OF CONCEPT

Corruption

It is axiomatic to posit that there is no single, comprehensive and universally accepted definition of corruption. It would be a long and cumbersome process to come up with a universally shared definition. To come up with such a definition one would in any event require a functional democracy that involves consultation and consensus by relevant stakeholders. The United Nations Office on Drugs and Crime in the Global programme against corruption – UN Anti-Corruption. Tool kit (2007) succinctly posits that the difficulties encountered in formulating a common definition are due to legal, criminological and political problems (UN Anti-corruption Tool kit, 2007).

Senior (2006:24) adds that the problems of coming with a convincing definition to the shades of corruption founds in Heidenhimer (1989) and Heidenhimer et al, (1993).

In view of the above difficulties associated with definition, it is often even more difficult to agree on the necessary punishment of the act itself. Though there are technical hitches in agreeing on a common universal definition, it is extremely significant to define corruption so that the actions of individuals and institutions can be judged as corrupt or uncorrupt.

In the definition shared by most political scientists, political corruption is any transaction between private and public sector actors through which collective goods are illegitimately converted into private-regarding pay offs (Heidenheimer, et; al, 1996:6). This definition does not, however, distinguish clearly between political and bureaucratic corruption. It establishes the necessary involvement of the state and state agents in corruption, without any notion as to the level of authority where corruption takes place (Amundsen, 1999:3).

Amundsen (1999) goes on to posit that in a more strict definition, political corruption involves political decision-makers. Political or grand corruption takes place at the high levels of its political system. It is when the politicians and state agents, who are entitled to make and enforce the law in the name of the people, are themselves corrupt. Political corruption is when political decision-makers use the political power they are armed with, to sustain their power, status and wealth. Thus, political corruption can be distinguished from bureaucratic or petty corruption, which is corruption in the public administration, at the implementation end of politics.

In a broad term, political corruption is the misuse of government officials of their governmental powers for illegitimate private gain. Misuse of government power for other purposes, like repression of political opponents and general police brutality, is not considered political corruption. Illegal acts by private persons or corporations not directly involved with government are not considered as political corruption either (Babylon's free Dictionary, 2008).

The International Monetary Fund Manual on Fiscal Transparency (2007) defines political corruption as the misuse by government or political officials of their governmental powers and resources for illegitimate, usually secret, private gain.

Chinhamo and Shumba (2007) on the other hand define the term as the abuse of public power; or resources by government officials or employees for personnel gain. For example, extortion, soliciting or offering bribes.

As indicated earlier, even when the distinction between political or bureaucratic corruption is rather ambiguous as it depends on the separation of politics from administration (which is unclear in most political systems), the distinction is vital in analytical and in practical terms. Political corruption occurs at the top level of the state, and it has political repercussions.

The Southern African Development Community in the protocol against corruption defines corruption as "any act referred to in Article 3 and includes bribery, or any other behaviour in relation to persons entrusted with responsibilities in the public and private sectors which violates their duties as public officials, private employees, independent agents or other relationships of that kind and aimed at obtaining undue advantage of any kind for themselves or others" (SADC, 2007:1).

Chinhamo and Shumba (2007) posits that the above definition is more detailed as compared to Johnston (1996) Nye (1967); Friedrich, 1966, Van Klaveren, 1989, Heindenheimer, 1989 since it recognizes that corruption also takes place in the private sector and other settings.

What is also important about the SADC definition is that it gives the leeway to include acts of corruption that are hidden in the contemporary democratic processes. For instance, cases of rigging elections, putting in place biased electoral institutions and processes, abusing national resources for political gains, hijacking of law enforcement agents, and vote buying. There is however, need for such acts to be clearly spelt out in the list of acts of corruption, which the SADC did not do (Chinhamo and Shumba, 2007:3).

The above notwithstanding, it is significant to state that there are some forms of corruption that do not necessarily cause damage or loss. In this regard, there are some laws and legislations that have been made and amended to give an advantage to some politicians so that they can retain power. In Nigeria, the constitution and laws such as the public order act and some sections of the amended constitutions have been crafted in such a way that it will be difficult for the opposition political parties to effectively participate in politics and meet their constituencies. This has helped to keep the PDP in power since 1999. It is not clear whether the damage and loss referred to include such cases.

It is significant to make some observations on the many definitions given above:

1. Defining corruption as the abuse of public office for private gain is too narrow because there are many more phenomena that deserve the label "corruption" than those involve the abuse of public office for private gain. For instance, corruption scandals in Germany, France, and the United State that involved the illicit party funding than individual gain, there are also other elections in Africa (Zimbabwe and Nigeria) whose results were allegedly subverted. This idea is supported by Warren (2004) cited in Chinham and Shumba (2007:5) who pointed out that the definition does not fit well in corruption of the democratic processes.
2. Some of the definitions are too broad and are subject to misinterpretation.
3. Most definitions given above take for granted that corruption takes place in the public sector yet it is also rampant in the private sector. This applies to all individuals who define corruption as the abuse, use or misuse of entrusted public power, office, and authority for private benefit (Senior, 2006).
4. The definitions do not hold responsible all those who fail or neglect to take measures or fail or neglect to exercise sufficient oversight in as far forces preventing and combating corruption is concerned.
5. It is also important to take that not all power, office, and authority is entrusted and
6. Not all acts of corruption result in damage or loss (Chinhamo and Shumba, 2007:5-6).

After putting into consideration all of the above issues, the paper will adopt (SADC 2007) definition as its working definition. According to SADC (2007:8), corruption is the abuse or complicity in the abuse of private or public power, office or resources for personal gain.

The definition has the following features:-

- a. It recognizes that corruption takes place in the both private and public sectors.

b. It holds individuals and institutions that are involved in the abuse of power, office and authority vicariously responsible for corruption (Chinhambo and Shumba, 2007: 6). From the above theses, political corruption can be defined both with reference to the main actors involved, namely persons at the highest levels of the political system; and the purpose of the corrupt behaviour, namely to sustain the hold on power. Hence, political corruption can be for private and group enrichment and for power preservation purposes. Often these two forms of political corruption are linked. Some of the larger and more serious political corruption scandals include both processes-accumulation on the one hand and the misuse of extracted or public money for political purposes on the other. The latter process is somewhat under-researched and underestimated, since much of the focus in the literature has been on accumulation.

Political corruption in the form of accumulation or extraction occurs when government officials use and abuse their hold on power to extract from the private sector, from government revenues, and from the economy at large. These processes of accumulation have been called extraction, embezzlement, rent seeking, plunder or kleptocracy, depending on the extent and context. Extraction takes place mainly in the form of soliciting bribes in procurement and government projects in privatization process and in taxation. Military procurement is known particularly affected by extractive political corruption worldwide, because of the involvement of top-level politicians, national interest and secrecy.

The other process, when extracted resources are used for power preservation and power extension purposes, usually takes the form of favouritism, and patronage. Techniques used in order money and material favours to build political loyalty and political support.

Three major areas of political corruption are worth noting. First, bribing is clearly an example. Second some people claim that certain government practices such as patronages while legal might be suspect. This definition sets a very high standard for political propriety. The conflict-of-interest definition-use of public office for personal gains; usually money-is a third aspect of political corruption. This is an ethical issue dealing with the premise that power corrupts and absolute power corrupts absolutely.

The manifestation of political corruption include; diversion of fund, illegal procurement; over-invoicing, poor administration; failure to spend allocated budget, incomplete public work, non-existence council, clientelism mismanagement of social programme and abandoned projects.

For the above manifestations to be tagged political corruption, the underlisted characteristics are necessary:

1. the defendant must have a corrupt intent;
2. that benefits of value must accrue to the public official;
3. that there must be a relationship between the thing of value and the official act;
4. that the relationship must involve the intent of to influence or influenced in carrying out an official act (Handbook, 1990:4) .

Public officials are therefore, responsible for the abuse of power, office and authority if they neglect preventing and combating corruption when they are in position to do so. Executive agencies that employ a passive system of risk detection waiting for complaints to be made about corruption are also held responsible. Complicity in corruption should be extended to the three tiers of government; political parties, the law enforcement agencies and agents, the private sector businesses and the general populace. Impurity should also be seen as complicity in corruption.

THEORETICAL PERSPECTIVE:

This paper will adopt the extractive corruption theory as its framework of analysis. This thesis posits that the State is the stronger part in the state-society relationship. That is, the corrupted (the state or some state agents) benefits the most from corruption and the corrupter is more or less a passive actor. Significantly, the ruling elite is the strongest force in society; this elite or class uses the state apparatus as its instrument to extract based on the operation of authoritarian polities in general, and on the experience of the new-patrimonial states in particular. Put differently, the theory posits that the state is not only the strongest force in society, but also many centers of powers.

The theory also emphasizes the well-known expression that all power tends to corrupt; and absolute power corrupts absolutely. That is, the more political power is concentrated exclusively in the hands of few individuals, the greater the temptation for power abuse, selfish wealth-seeking and primitive accumulation.

Again, the theory posits that the ruling elite uses and misuses the power of the state primarily to safeguard their own corporate interests, at the detriment of the majority. They use violence, force and persuasion to command respect. They may use sophisticated institutional arrangements like for instance presidentialism, dominant-multi-single-party system (like the Nigerian ruling party), and the cooption of rivals in order to restrict participation and power sharing (Government of National Unity in Nigeria). They may use press censorship and electoral frauds, established unjust laws and disrespect the laws they have made themselves, and use human rights violations like political surveillance and intimidation, imprisonment and torture, in economic terms, corruption, in particular political corruption, is only one of the many modes of economic accumulation and private appropriation applied by authoritarian rulers.

The theory is also characterized by new-patrimonialism. That is, a kind of political system where there is pervasive- and patron-client structures, the non-distinction between public and private pursue and strong political weaknesses exist. In a truly patrimonial system there is no distinction between public and private, and the modern idea of corruption will make no sense because the ruler's personal income is the same as the government's revenue, and there is no nepotism because there are no criteria for appointment to office other than the ruler's favour. In the word of Max Weber (1964) the classical or traditional patrimonialism is one in which the right to rule is ascribed to a person rather than an office, and exercised more through the informal clientelist and nepotist practices than strong formal routes of authority,

Finally, this theory is also characterized by clientelism. This is the sophisticated hierarchic network of patrons-client relationships through which the patrons grant services, positions, and public supports to his clients, in exchanges for political and material support. Patrons at different levels to build support through the extraction and distribution of wealth and prestige, constructing a pyramid of social differentiation, use these clientelist networks of reciprocities. States and local governments for instance, relate as clients to national political office holders, contractors, traders and other Administrators and others taking the roles of patronizing middlemen. These low class clients then offer electoral support, social prestige, ethno-religious support, labour and material and fiscal benefits to their patron, in return for his protection, leadership and a sense of belonging. From the level of the middlemen, the clientelist system extends all the way up to the president of the republic.

In Nigeria for instance, there is a general perception that the Economic and Financial crimes commission remains a tool of witch-hunt, blackmail, intimidation and political persecution in the hands of the incumbent powers that be. Many believe that the agency's commitment to the anti-corruption crusade is largely tenuous, giving grounds for suspicions that the EFCC may, through its advisory list, be merely playing to the gallery once more or up to some mischief. Unfortunately, such suspicions may be reasonable. The EFCC's sacred-cows treatment of many prominent Nigerians, including former heads of state, that have been indicted in the Siemens and Halliburton scandals, for example, confirms, in the public's view, the agency's double standard. These VIPs still move about as free citizens, beyond any real risk of arrest, in spite of the strident calls for their prosecution. Likewise, the EFCC's endless promises to act on the plethora of public petitions against the alleged corrupt activities of ex-chief executives and other top officials at the federal and state levels are yet to yield any fruit.

More recently, the allegations against the speaker of the House of Representatives, Dimeji Bankole, on a seemingly straightforward case of alleged inflation of contract costs, have yet to receive the serious attention of the commission. The case of some former governors that the EFCC's past chairman, Nuhu Ribadu, had claimed before the senate to be corrupt, according to the agency's investigations, and ripe for prosecution, is similar. Officially, there is now silence on those alleged cases, although such ex-state chief executives no longer enjoy constitutional immunity from prosecution.

From the above case studies, it is worthy to be noted that in Nigeria like other sub-Saharan African countries, the elites have established what has been called hegemonic elites or ruling state-classes. They are composed of rather small elite of politically and economically dominating families. Studies have shown that the countries like Nigeria is ruled and dominated

by an elite composed of some 50 to 100 families who are controlling most of the public as well as the private sector. For example, the Saraki dynasty, the Orji Kalu, Babangida, Yar'Adua, Adedibu, Adebayo, Bankole, Nwodo and Abacha political dynasties.

In Nigeria, political corruption is an integral part of the clientelist system. Political corruption is here one of the economic backbones of the state elite, its domination and survival. Most of the countries of Sub-Saharan Africa have entrenched neo-patrimonial regimes and this is why Africa scores the highest in corruption perception index in the few studies in cross-country comparison of the levels of corruption (See Eme, 2010).

Applying this theory to our discourse, I posit that incumbents can use many techniques to maintain power, of which many are perfectly legal while others are illegal and corrupt. The corrupt use of political power for power preservation and extension may take the form of buying political support through favouritism, clientelism, co-option, patronage politics and vote buying. The means include the distribution of financial and material benefits (money gifts and rents); but also symbolic values like status and "inclusion". The corrupt use of political power for power preservation and extension also include the manipulation of various oversight and control institutions, creating "impurity syndromes"

For instance, in 2003, the Nigerian Government created the Economic and Financial Crimes Commission (EFCC) with a particular focus on tackling corruption. The EFCC had some notable success, such as the investigations into Alamiyesegeha, and it was part of a package of measures that led to Nigeria being removed from the Financial Action Task Force (FATF) non-cooperative list in 2006. However, in 2007, the EFCC's controversial chairman Nuhu Ribadu was sacked only months after arresting James Ibori, a powerful ally of the recently deceased Nigerian President Yar'Adua. This appeared to suggest that some Nigerian politicians might be more interested in having an anti-corruption commission that exposes the misdeeds of their predecessors than one which roots out corruption in the current government.

Already, Christine-Ibori-Ibie, James Ibori's younger sister, and Udoamaka Okoronkwo, his female friend is at present serving jail terms in United Kingdom for money laundering and mortgage fraud. The two were found guilty on a three-count charge by a Southwark crown court in London and sentenced to five years imprisonment. In the case of Okoronkwo, between May 20, 2005 and June 8, 2005, she received about ₦105.5 million belonging to the Delta state government. The money was transferred to her HSBC account in London in three trenches. The court also found that some properties and other assets were bought for Ibori from funds in Okoronkwo's HSBC accounts.

ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC): BACKGROUND AND FUNCTIONS

The Economic and Financial Crimes Commission (EFCC) is the second anti-corruption agency set up the President Obasanjo government. Its focus is to combat financial and economic crimes. The Commission is empowered to prevent, investigate, prosecute and penalize economic and financial crimes and is charged with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes, including: Economic and Financial Crimes Commission Establishment act (2004), the Money Laundering Act 1995, the Money Laundering (Prohibition) act 2004, the Advance Fee Fraud and Other Fraud Related Offences Act, the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994, the Banks and other Financial Institutions Act 1991, and Miscellaneous Offences Act.

The EFCC under the leadership of Nuhu Ribadu has been quite effective in carrying out its statutory roles and its activities have made newspaper headlines. It has acquired experience in handling cases of advance fee fraud (commonly called 419), such as obtaining by false pretence through different fraudulent schemes e.g. contract scam, credit card scam, inheritance marriage scam, immigration scam, counterfeiting, and religious scam. It also investigated cases of cyber crime, including cases involving banks and other financial institutions, cases of issuance of Dud cheque, fraudulent encashment of negotiable instruments, foreign exchange malpractices and other financial malpractices in financial institutions.

The definition of economic and financial crimes under its purview includes cases associated with good governance, transparency and accountability in government. It investigates cases of abuse of office, official corruption, bribery of government officials, diversion of public funds through fraudulent award of contracts, corruption in land allocation, tax fraud, capital market fraud, Money laundering, Oil Bunkering etc. Thus, the EFCC is quite useful in combating electoral fraud. Indeed, it is a veritable instrument for promoting good governance. The EFCC was instrumental to the October 2005 arrest in London of former Governor D.S.P. Alamieyeseigha of Bayelsa State, who was eventually impeached, tried and convicted on corrupting and money laundering charges in Nigeria.

As we noted earlier, the EFCC has been a remarkable anti-corruption organ in Nigeria. It has recorded successes, convicting and sentencing individuals, including men in high places, who have been involved in economic and financial crimes. It has also made significant progress in the assets recovery drive. In fact, it is reputed to have been working with several international policing and intelligence organisations to deal with money laundering, including cases involving some state governors in Nigeria. Its experience will be very useful in checking electoral fraud and related malpractices.

The challenge, however, is the emerging view that EFCC is being used by the government to deal with perceived opponents and enemies. Some individuals have questioned its failure to investigate the financial crimes associated with the 2003 elections. Others have protested its failure to investigate the allegation of bribery in the National Assembly during the debate on the failed Constitutional Amendment Bill that sought to extend the tenure of the President and state chief executives. It has also been accused of not respecting the rule of law.

EFCC Advisory list to Parties

In the lead to the 2007 general elections, then chairman of the EFCC, Malam Nuhu Ribadu, stirred the hornet's nest in the polity when he released the list of politicians allegedly indicted for various corrupt acts and asked for their ban.

Maurice Iwu, then chairman of the Independent National Electoral Commission (INEC), took the perceived movie script to a daunting and nightmarish level, when in a most grandeur style he dammed odds and disqualified candidates for the 2007 general polls based on Ribadu's list. In one fell swoop; over 50 politicians had their aspirations to vie for political offices dashed.

Top amongst those that fell under the Iwu/Ribadu axe were Atiku Abubakar, Ibrahim Idris, Rotimi Amaechi, Danladi Baido, Abubakar Idris, Ibrahim Bapetu and a host of others. Indeed were it not for Atiku Abubakar, who remained resolute and fought the INEC to the Supreme Court, an act which enriched Nigeria's Jurisprudence, the disqualification of candidates would have been assumed by the electoral body. But the apex court of the polity in Atiku and INEC, ruled that only the courts had the powers to indict and disqualify a candidate in an election. This became a turning point.

Nigerians, including President Goodluck Jonathan, are agreed on the need to have free, fair, corruption-free and credible elections next year. They are also united, except a few, for legally indicted, discredited or corrupt politicians to be excluded from gaining access to political offices, especially those that would confer them immunity from prosecution once they are elected. But the way to go about both remains the throng issue, more so, as not achieving the latter will adversely impact in the former.

It is against this background that the recent list individuals convicted or prosecuted or investigated by the EFCC for corruption and its reported advisory list to political parties to be wary of fielding them as candidates in the elections when they are facing charges or being investigated is attracting so many comments, and fuse in some quarters.

Since the supposed onslaught, the public has been caught in the frenzy, divided between the lines of morality and the rule of law. The former argues that the action of The EFCC has given the nation a positive direction. The thesis posits that to avoid the consequences of corrupt entrants into office, as it is pertinent that persons with questionable characters clear their names before assuming office. Also, this thesis opines that such list is okay as it is credible, asserting that afterwards Nigerians should then be left with the option to choose their leaders from those contesting

Contrary to some selfish claims by a few people, EFCC is not seeking to convict aspirants before being pronounced guilty by a law court. The truth of the matter is that those who have no quarrel with law need not to fear. The EFCC is doing its jobs and should be appreciated for doing so creditably. The EFCC do not have any control over what interests the media or the political parties, it is left for any political party to determine the level of integrity of candidates it presents for an election.

The conference of Nigerian Political Parties (CNPP), in a statement by its National Publicity Secretary, Mr. Osita Okechukwu aligned itself with the EFCC approach and call on all political parties to join it to sanitize the polity, by embarking on in-house cleansing, delist persons from the list of their candidates and getting rid of do-or-die political culture.

According to Okechukwu:

It is our considered view that corruption undermines democracy, it is the greatest barrier to our national development and regrettably it consolidates do-or-die political culture; therefore all legal, democratic and due process should be adopted to reduce if not totally stop the monumental corruption going on in the land (Ijediogor and Ezea, 2010:54).

Babafemi (2010:19) concludes by positing that the truth of the matter is that the list is a covert not overt strategy, intention, ploy nor agenda of the EFCC to arrogate to itself the power of a law court. Thus, it is patently assumptive and speculative of anyone or any group to accuse the commission of using its power to stop aspirants. The commission never states it pretends that it has any power to stop aspirants. What the list sampling represents is a public disclosure of the gamut of its prosecutorial practices, on information that has since remained in the public domain for several months.

The rule of law thesis posits that such lists could be manipulated by the powers that be as the EFCC could become an unwitting tool in the hands of politicians. This perspective also argues that the commission is overstepping its bound as an investigative agency. According to this view, it is unfortunate that a government agency would come out to convict somebody even before the person was pronounced guilty by the court of law.

The thesis goes on to posit that the EFCC lacks the power to advise any political party to stop any aspirant from contesting elections.

Outraged greeted the EFCC advisory list, with frontline lawyers and some prominent politicians mentioned in the list upbraiding the anti-corruption body for the action.

Legal practitioners, who included Chief Olisa Agbakoba, Bamidele Aturu, among others, said the EFCC lacked the power to advise any political party to stop any aspirant from contesting elections, with some of the affected politicians saying the commission was merely looking for publicity, hinting that they might consider taking a joint legal action against the EFCC.

Even the Attorney General of the Federation and Minister of Justice; Mr. Mohammed Adoke (SAN) has educated the commission that it is beyond its responsibilities.

In a letter (Ref. No: HAGF/EFCC/2010/vol 1/ 10) dated October 24, 2010 and addressed to the EFCC boss, the AGF reiterated that only the courts have the constitutional powers to disqualify candidates, in line with provisions of the Electoral Act 2010 (Ijediogor and Ezea, 2010:19) Section 137 (1)(1) of the 1999 constitution says:

A person shall not be qualified for election to the office of president if he has been indicted for embezzlement or fraud by a judicial commission of inquiry or an administrative panel of inquiry or a tribunal set up under the tribunals of inquiry act, a tribunals of inquiry law or any other law by the Federal or state government which indictment has been accepted by the Federal or state government respectively (The Constitution, 1999:).

Meanwhile, the AGF has waded into the matter by asking the EFCC boss to “desist from making statements capable of heating up the polity” (Nkwocha, 2010: 20).

Should corrupt persons be allowed to hold public officer because the law seems to be protective of them? Should not the moral burden come into play in the quest to establish a healthy polity that is free of corruption? Whichever the position you take, the controversy and intense thesis know no bounds.

It is therefore, axiomatic to posit that nothing agitates the average Nigerian politician more than when there is a threat to jeopardize his political aspirations, and nothing unites politicians in Nigeria more than when they identify a common enemy. This explains the united outrage that greeted a list of politicians released by the EFCC to political parties advising them not to field some particular individuals in the next year's general elections.

While releasing the list, the Farida Waziri led anti-corruption body made it clear that it was simply advisory and that it had no such powers to stop anyone from contesting the 2011 general elections. Just as the commission was about explaining itself out of the list, lawyers and other rights activists slammed EFCC, saying the Commission is fast descending into an era of lawlessness one of those affected by the list, and former governor of Abia state, Orji Uzor Kalu, described it as the return of anarchy, while Attahiru Bafarawa, former governor of Sokoto state and former Presidential aspirant of the Democratic Peoples Party, DPP advised Farida Waziri to resign her appointment.

Kalu through the Director General of his presidential campaign organization said, "the advisory list released by the EFCC is a confirmation of the re-enactment of tyranny and oppression witnessed in the President Olusegun Obasanjo era when everything possible was done to imprison those who were opposed to the third term agenda of Obasanjo" (Agbo, 2010:20). Bafarawa took a sterner position by accusing Waziri of being a cesspool of corruption and therefore lacks the moral rectitude to investigate and prosecute those alleged to have committed financial crimes. According to Bafarawa, in the event that she fails to quit, President Goodluck Jonathan should initiate the procedure of her removal from office in order to prove that he did not ask her to frustrate democracy through the so called advisory list" (Agbo, 2010: 16-17).

The list which contains names of people like, Mallam Nasiru El-Rufai and Femi Kayode, has made these former Obasanjo men to come out of their cocoons to lampoon the Commission. The former has described the controversial list as a publicity seeking stunk, which, according to him, is bound to hit the rocks. According to him, the EFCC is simply trying to grab cheap headlines. No person or authority other than the courts can deprive any citizens from contesting elections in Nigeria. Farida Waziri should read section 36 of the constitution or back to school to study law again and a bit of English (Alozie, 2010; 18).

Femi Fani Kayode, on the other hand dismissed the list as unserious and vowed not to be deterred by the actions of the commission,

For keen watchers of political development in the polity, the indictment of the people like El-Rufai and Kayode means that the political process has gone full circle. More so, their reactions pleading the rule of law and strict adherence to constitutional stipulations on the recent EFCC advisory list shows that what comes around goes around.

In the build-up to the 2007 general elections, Fani Koyode and El-Rufai were in the vanguard of those defending what many Nigerians then regarded as an illegality by the Obasanjo led government when it set up the Professor Ignatius Ayua Administrative Panel that ended up indicting several politicians.

Reacting to the list, top lawyers across the federation have been unanimous in condemning the list, some describing it as politically motivated. Former President of the Nigerian Bar Association, Olisa Agbakoba and chairman of the concerned coalition of lawyers for Justices, Julius Uchenna said under the law, neither the EFCC nor any other agency has the power to ban or stop any body from running for an election. According to them, the law and the constitution were not created for the EFCC alone but for every single Nigerian as a shield against tyranny and the abuse of power by the state.

Nor only has Attahiru Jega's INEC distanced itself from the list, even the ruling PDP; for which much of the advice is meant, he said that it would not undermine the judicial process by acting on the EFCC advisory list on alleged corrupt politicians. Speaking through its publicity secretary, Professor Rufai Alkali, the PDP said: "since we are not the court, it is not possible for us to pass judgment on whether somebody is guilty or not guilty" (Alozie, 2010:21).

This is equally in sharp contrast to what happened in the run up to the 2007 elections where the Ahmadu Ali led PDP supervised by Obasanjo wrote Iwu's INEC to bar some of its members from contesting in the elections.

The EFCC remains un-cowed. Furthermore, the list is nothing more than an advisory to the parties to guide officials in the selection of candidates. Anyways, the EFCC posits, why

should people who have nothing to be afraid of resort to the use of hirelings to fight their cause. There is no doubt that the EFCC list has raised the stakes within the parties. Even though many of those on that list have neither been tried nor convicted, not a few eyebrows will be raised if any of them becomes a candidate in the forth-coming elections. The meaning many Nigerian populaces would give such a step is that the political elite are comfortable with corruption. The table at Annex captures the list of high profile Nigerians and foreigners involved in political corruption.

Number one on the list is Ayo Fayose, Former Governor of Ekiti State. He was arraigned before a federal high court in Lagos since December 17, 2006, on a 51 count charge for looting the state treasury to the tune of N1.2 billion. He was granted bail in 2007. Since then the case just simply faded off the court schedule. The plea was taken but according to EFCC, the defence lawyer keeps filing frivolous applications for long adjournments to frustrate and prolong trial. Ironically, the judge allows it. Buoyed up with his success, Fayose has since thrown his hat in the ringed contest for the senatorial seat of turbulent Ekiti State in 2011 under Labour Party.

Saminu Turaki, former governor of Jigawa State has been on trial since July 13, 2007 at a Federal Capital City high court, sitting at Maitama, Abuja for the alleged looting of his poor state to the tune of N6 billion during his tenure as governor. He was arraigned on a 32 count charge. Ebullient Adamu Abudulahi was the former governor of Nasarawa State. After eight years in office EFCC found after thorough investigations that he looted the treasury of over N15 billion under frivolous subheads. He was charged to Federal High Court. Later on March 3, 2010 on a 419 count charge despite being charged to court on such heavy allegations. Abdulahi is confidently campaigning for a PDP ticket to go to the Senate in 2011 where he is expected to make laws for the good governance of the country, including anti-corruption laws for EFCC and ICPC. He resigned his position as the Secretary of PDP Board of Trustees because of the case but after watching the government attitude since then, he too is ready for 2011.

Attahiru Bafarawa, former governor of Sokoto State is on trial before a Sokoto high court on a 47 count charge of looting his State of an alleged N15 billion during his tenure as governor. But since the case was charged to court on December 16, 2009, nothing much has been heard about it.

Rasheed Ladoja, former governor of Oyo State is equally on trial before a federal high court in Lagos since December 2008 on a 33 count charge of looting an alleged sum of N6 billion during his troubled tenure as governor of the state. Prosecution witnesses are slated for cross examination in November. However, Ladoja appears much surer of himself now than he was in 2008: he has declared his intension to return to Government House, Agodi in 2011.

Another frustrating case for EFCC is that of Chimaroke Nnamani, former governor of Enugu State, who is currently a senator of the Federal Republic of Nigeria. He has been on trial before a federal high court in Lagos since December 11, 2007 on 105 count charge of looting the sum of N5.3 billion from the allocation of some selected rural local government councils in the state. Nnamani completed his maximum eight years as governor and is now one of the groups of legislators known as Absentee Senators in the Red Chamber of the National Assembly. In his case, Nnamani is working hard to dethrone his former political pupil, Governor Sullivan chime of Enugu State in 2011. A lot of people feel that in a country with a sincere government and just judiciary, these politicians who are on trial for corruption should not venture into politicking until they have cleared their names.

The case of James Ibori, former governor of oil rich Delta State is getting to a head in Dubai, where he is awaiting extradition to Britain for trial on allegations of money laundering and other fraudulent activities. He escaped from Nigeria to evade arrest by EFCC and was arrested in Dubai. His two accomplices have been convicted and sentenced to various jail terms in Britain.

Orijio Uzor Kalu, former governor of Abia State has been on trial at the Maitama High Court, Abuja, since June 11, 2007 on 107 count charge for looting God's own State of over N5 billion as governor between 1999 and 2007. He pleaded not guilty when he was arraigned but once he was granted bail his defence is working harder for the case not to be tried than to defend their client in open court. His lawyers raised preliminary objection against the charges and lost at the trial court. Next they proceeded on appeal to apply for a stay of trial. Kalu resigned from the Progressive People's Alliance, PPA as chairman of Board of Trustees and wanted to return to Peoples Democratic Party, PDP. Though welcome by the leadership of the party at the centre, Kalu met a strong opposition at the state level. Now, there is no way he would be able to run on the platform of the PDP if he is not presented by the state branch. It appeared as if members of the party in Abia have not forgiven the

former governor for abandoning the party on the eye of the 2007 election. There is, however, another postulation that he probably was blocked because of his closeness to Ibrahim Babangida. Consequently, for him to realize his ambition, he returned to PPA and picked presidential nomination form for 2011 election. His corruption case in court is the least of his worried

There are other suspects on the list who are not PEPs. The chief executives of the banks that were taken over by Central Banks of Nigeria are on the list. So are the officers of Nigeria Football Federation who were investigated after the 2010 World Cup debacle in South Africa.

Expectedly, the polity is wash with politically generated noise at EFCC's advice to political parties to beware of these political liabilities. However, some well meaning Nigerians has expressed concern at the advice by the EFCC as they argue that it is outside the commission's mandate. According to the Nigerian constitution, only the court can bar people from contesting election. In other words, if the EFCC wanted the PEPs not to participate in the 2011 elections, the commission should have worked harder and convicted them of the charges filed against them. Then the parties would not have any alternative than to drop them. EFCC too acknowledges that it has no power to bar anybody from contesting election. That is why some people are accusing the commission of deliberate mischief.

Kalu described it as a return to tyranny. Willy Ezugwu Director-General of Kalu's Campaign Organization, described the list as adversary rather than advisory, and a confirmation of the re-enactment of the tyranny and oppression witnessed in President Olusegun Obasanjo era when everything possible was done to imprison those who were opposed to the third term agenda.

Similarly, Bafarawa, who is number 47 on the list, asked Frida Waziri, Chairman of EFCC to resign immediately for such ignorance of the layer. In the event that she fails to quit President Goodluck Jonathan should initiate the process of her removal from office in order approve that he did not ask her to frustrate democracy through the so called advisory list fumed Bafarawa. For somebody who claims a better knowledge of the law than Waziri Bafarawa has shown considerable reluctance for a quick trial of his case since 2009 when he was arraigned. He described what the EFCC has against the PEPs as mere allegations.

On its part, the PDP, on Tuesday October 26 calmed the frayed nerves of its members who were getting hypertensive about the list. Rufai Alkali, publicity secretary of the party told journalists that the National Working Committee of the party had met with EFCC on the issue of 2011 election over three weeks ago. He confirmed that the party would not work with the list and it will not be used to abuse the judicial process. We should be able to calm them down to let them know that the party will not go after their jugular like that. We want them to remain calm and continue with their normal activities as party men and women. He stated that EFCC had not written the party formally on the list.

The Supreme Court had in 2006 ruled in the case of Oyewole Fasawe and the attorney general of the federation that EFCC can not bar a person from contesting election. Justice Inumidun Akande held that "With regards to the investigation report of EFCC in Exhibit 2 attached. Prepared and submitted by EFCC to the President of Nigeria as averred in the affidavit. It has no probative value. This is because Section 5 of the Act and Section 6 of the Act set out the functions and special powers of the 2nd respondent (EFCC). The report as in exhibit 2 and submit same to the President of Nigeria as done in this case.

The designations "politically Exposed persons" date back to the late 1990s in what was known as the "Abacha Affair" .Sanni Abacha was a Nigeria dictator who organized with his family members and associates network of massive Kleptocracy from the government of Nigeria. It is believed that the amount stolen was in excess of several billions of dollars and that the funds were transferred to banks in the United Kingdom and Switzerland.

In 2001, in an effort to recover the money, the Nigerian government under former president Olusegun Obasanjo lodged complaints with several European agencies including the Federal Office of Police of Switzerland, which in turn, investigated close to sixty Swiss banks. In this investigation, the concept of politically exposed persons "emerged which was later in included in the 2003 United Nations Convention Against Corruption.

Challenges

The major challenges facing the EFCC's Advisory List is the court. The Supreme Court had in 2006 ruled in the case of Oyewole Fasawe and the Attorney-general of the federation that the EFCC can not bar a person from contesting election. Justice Inumidun Akande held that "with regards to the investigation report of EFCC in Exhibit 2 attached, prepared and submitted by EFCC to the President

of Nigeria as averred in the affidavit, it has probative value. This is because Section 5 of the Act and Section 6 of the Act set out the functions and special powers of the second respondent (EFCC). The functions do not include power to prepare the report as in Exhibit 2 and submit same to the President of Nigeria as done in this case" (Eme, 2010).

The Supreme Court also ruled that INEC lacked the power to disqualify a candidate from contesting election on the basis of EFCC list. In the case of INEC and Atiku Abubakar, the court held that "section 137(1) of the 1999 Constitution does not confer on INEC the power to disqualify any candidate from contesting election, either expose, or by necessary implication. Moreover, there is nowhere in the constitution where any such power is conferred on INEC to disqualify any candidate" (Eme, 2009).

Atiku and his close associate Fasawe won their cases because in my opinion, the Supreme Court justice wanted to cut ex-president Obasanjo to size, having smelt victimization. It was a political judgment. But whether or not it was political; it is a judgment of the apex court in the land and it is a law on its own.

Related to the above is the challenge the 1999 Constitution poses. Nigerians are not in a hurry to forget the constitutional crisis and tenure elongation caused by the EFCC's advisory list in 2007. Acting on the list INEC barred certain candidates from participating in the elections. In Kogi State; it stopped Prince Abubakar Audu who the candidate of the All Nigerian Peoples Party (ANPP), it stop the candidate of the Action Congress in Adamawa, Alhji Ibrahim Bapetal. The story was repeated in many other states.

Immediately Atiku won his case against his exclusion, the next thing we saw was that the candidates who were excluded from the 2007 elections went to the tribunal one after the other and the tribunals cancelled the elections, ordering INEC to conduct rerun polls in which those it disqualified must be allowed to participate. All the sitting governors won the rerun elections. This is exactly the source of the constitutional logjam we have today whence some governors want to spend five, six years in office for a single term.

The political parties are equally posing another danger. In 2007, INEC and EFCC worked hand in hand. In 2010, it is with the parties the anti-graft agency is liaising with. The parties should therefore exercise their rights and moral responsibility by excluding persons who are still being prosecuted in the court by EFCC. Since it was INEC that the Supreme Court chided in 2007; it is posited that the parties are protected this time around because it is an internal matter. This thesis, as persuasive as it sounds, it is not fool-proof.

First, our justice system presumes you innocent until you are proved guilty. The burden of proof is on the prosecution. So if your party disqualifies you from contesting for say governorship because EFCC is prosecuting you, what happens if it fails to prove its case in court? It means that you have been unjustly denied your chance of being voted governor. For now, though you are presumed innocent. So it would be wrong for a party to exclude you because of an advisory list from the anti-graft agency.

Second, in the Chibuike Amaechi case in 2007, he won the governorship primary of the Peoples Democratic Party but based on an EFCC right, Obasanjo said his candidacy had "k'leg" and dropped him, replacing him with Celestine Omehia as the PDP's candidate. Again, the Supreme Court ruled that the PDP is out of order for dropping Amaechi based on the EFCC indictment. It said Amaechi was the lawful PDP candidate in the governorship election and declared him governor, even though the man did not even print a poster or campaigned for election. What this tells us again is that no party can disqualify a candidate based on EFCC indictment. It has to be a court of law.

Furthermore, identifying Political exposed Persons can be a difficult undertaking, particularly if the customer fails to provide relevant information or even gives false information. Despite all the banks' efforts at recognizing PEPs, it is a fact that they do not have all vital powers, means or information at their disposal to detect such individuals. Banks are restricted in what information they can obtain. They must rely on the information they are given by clients and that can be gleaned from business documents or from the media. In particular, when close associates or families of PEPs open a business relationship with a bank, it is often impossible to establish that relationship a "PEP relationship" on the basis of the limited information to the banks. This equally creates another challenge for anti-corruption agencies and election management body.

Recently, the Global Witness (2010) accused a British High Street bank of accepting millions of pounds in deposits from corrupt Nigerian politicians, raising serious questions about their commitment to tackling financial crime. By taking money from corrupt Nigerian governors between

1999 and 2005, Barclays, Nat West, RBS, HSBC and UBS helped to fuel corruption and entrenched poverty in Nigeria. what is so extraordinary about this story is that nearly all these banks had previously fallen tone of the United Kingdom banking regulator, the Financial Service Authority (FSA), in 2001 by reportedly helping former Nigerian dictator, Sanni Abacha funnel nearly a billion pound through the UK. These banks were supposed to have tightened up their systems but as this report now shows, a few years later, they were accepting corrupt Nigerian money again.

Furthermore, the role of foreign banks and their regulatory bodies presents another challenge for exposing PEPs. In a 40 page report released on October 10, 2010, Global Witness said that five leading banks in the United Kingdom failed to adequately investigate the source of tens of millions of dollars taken from two Nigerian governors accused of corruption. According to the report, "banks are quick to penalize ordinary customers for minor infractions but seem to be less concerned about dirty money passing through their accounts" (Global Witness, 2010:2). The report goes on to posit that "large scale corruption is simply not possible without a bank willing to process payments from daily sources, or hold accounts for corrupt politicians" (Global Witness 2010:4).

Global Witness acknowledged that in accepting the money, Barclays, Nat West, Royal Bank of Scotland (RBS) and HSBC, as well Switzerland's UBS, might not have broken the law, but noted that the Financial Services Authority (FSA) must do more to prevent money laundering through British Banks.

The FSA needs to do much more to prevent banks from facilitating corruption. As yet, no British Bank has been publicly fined or even named by the regulators for taking corrupt funds, whether willingly or through negligence (Global Witness, 2010:6). This is in stark contrast to the United States, where banks have been fined hundreds of millions of dollars for handling dirty money.

Finally, there is a challenge of a comprehensive PEP compliance solution. Though the World-Check has a database of hundreds of thousands of PEPs; there is always this problem of compliance obligation. Significantly, it is not just the sheer number of profiles of PEPs data base that counts, but also the system's ability to identify and critically asses PEP risk. According to World Check (2000) more than 75per cent of the world leading Financial Intelligence Units (FIUs) have access to World-Check PEP risk intelligence. World-Check emphasizes quality, rather than quantity and sets out to aid organizations in identifying and mitigating actual PEP risk, rather than merely "ticking the boxes" and confirming the position of PEP. Thousands of new profiles are added to the World-Check PEP database each month, whilst older ones are constantly updated as new public source data becomes available.

The Cost of Political Corruption

Corruption Perception Index 2010 was released recently to Transparency International (TI). Nigeria failed to achieve an improvement over last year (see table below). TI is famed for compiling an annual global Corruption Perception Index (CPI), which is based on extensive surveys (the respondents are entrepreneurs and analysts who know each environments well) and measures public opinion about corruption within various domestic sectors (that is, on a governmental level). And when its CPI was released, it was revealed that Nigeria came 134th out of the 178 counties that were assessed. In 2009 Nigeria came 130th. In 2008, she came 121st. In 2010 we scored a paltry 2.4 points out of a possible 10 points (a score of zero denotes stratospheric levels of corruption; while a score of 10 would confer "highly clean" Status). The table below captures Nigeria's ranking since 1996:

Table 1 below examines Nigerians position from 1996 to 2010.

Table I: Corruption Perception Index Rankings

Year	Rankings
1996	54 out of 54
1997	52 out of 52
1998	81 out of 85
1999	98 out of 99
2000	90 out of 90
2001	90 out of 91
2002	101 out of 102
2003	132 out of 133

2004	144 out of 146
2005	152 out of 158
2006	150 out of 163
2007	32 out of 147
2008	121 out of 150
2009	130 out of 150
2010	134 out of 178

Source: Eme, (2010:404) "Corruption in Nigerian Government Institutions: A Case of Police Equipment Fund, *Journal of Liberal Studies*, University of Nigeria, Nsukka, pp 440-458.

In other words, Nigeria, in addition to plugging deeper and deeper into the mire that is corruption with each passing year, is also one of the most dishonest countries, not just on African continent but on the face of the earth. The cost of corruption includes the underlisted:

On the political front, corruption constitutes a major obstacle to democracy and the rule of law. In a democratic polity, offices and institutions lose their legitimacy when they are misused for private advantage. Though this is harmful in the established democracies, it is even more so in newly emerging ones. Accountable political leadership cannot develop in a corrupt climate.

Only recently, Attorney-General of the Federation and Minister of Justice, Mohammed Bello Adoke, fired off a letter to EFCC boss, Farida Waziri, asking her to cool her ardour, after the agency issued a controversial advising list of politicians facing corruption trials.

Although the commission strenuously denies that it is ascribing to itself the power to bar anyone from contesting, the government seems more concerned with appearances. Adoke's letter telling Waziri and others to "cool it" is concerned that overzealous anti-graft agencies could create the impression that the administration was using them to witch-hunt opponents.

Again, the chairman of the Independent Corrupt Practices and other Related Offences Commission (ICPC), Justice Emmanuel Ayoola, pointedly accused the Executive branch and the National Assembly of frustrating the commission's efforts through inadequate funding. It is extraordinary situation when the head of agency takes his frustration over under funding public. But who can blame the chairmen?

Economically, corruption leads to the depletion of national wealth. Nigeria sits on some of the largest oil reserve in the world, which has been fuelling corruption since independence. Between 2000 and 2008 alone, it earned roughly 370 billion United States dollars in oil and gas export, yet in 2007, the average life expectancy are still 48 years and over half of all Nigerians are still without access to clean water (UNDP Reports, 2000, 2004, 2005, 2007, and 2009). The depletion of national wealth is often responsible for the funneling of scarce public resources to uneconomic high-profile projects, such as dams, power plants, pipelines, and refineries, at the expense of less spectacular but fundamental infrastructure projects such as schools, hospitals, roads, or the supply of power and water to rural and urban areas. Furthermore, it hinders the development of fair market structures and distorts competition, there by deterring investment.

At the social level, it undermines peoples' trust in the political system, in its institutions and its leadership. Frustration and general apathy among a disillusioned populace result in a weak civil society. That in turns clears the way for despots as well as democratically elected yet unscrupulous leaders to turn nation assets into personal wealth. Demanding and paying bribes become the norm. Those unwilling to comply often emigrate, leaving the polity drained of its most able and most honest citizens.

For instance, Federal Attorney General and Justice Minister, Mohammed Bello Adoke, on Thursday, October 28, 2010 lost in his bid to withdraw the criminal charges filed by the federal Government against Fidelis Anosike and others over alleged fraudulent conversion of assets worth ₦3 billion belonging to Daily Times Nigeria.

Justice Pat Ajoku of the Federal High Court sitting in Lagos ruled that in as much as Adoke has the power to withdraw any criminal charge against any person in accordance with Section 174 (1 and 2) of the 1999 constitution, such power under sub-section 3, must be exercised on public interest and to prevent abuse of legal powers.

While wondering why the AGF that is prosecuting a case would refuse to work with the complainant, Justice Ajoku stressed: "I have observed that the complainant is on his own. Instead of the AGF to work with him, it appears that he has been abandoned" (Opeseltan, 2010:2).

Environmental degradation is yet another consequence of corrupt systems. The lack of, or non-enforcement of, environmental regulations and legislation has historically allowed the Western World to export its polluting industry to the developing nations.

The National Environmental Standards and Regulations Enforcement Agency (NESREA) are currently battling to wriggle out of controversy generated by its toxic waste alarms in the last few months. The alarm being raised by the agency has been severally described as “false” because after examining the containers containing “toxic waste”, they were discovered to be used electronics including television sets, fridges, video recorders, and air conditioners among others.

The mode of operation of the agency of raising alarm that toxic waste is coming into the country and subsequent detention of the ship is being criticised by some stakeholders, who view the situation as a plan of the agency to join the legion of government agencies operating at the ports.

Although the agency has successfully detained three ships in the past, examined the consignments in conjunction with other security operatives at the ports and ordered the ship to return the goods to port of origin on each occasion, the latest detention of an American, who allegedly escaped detention, has attracted more criticism for the agency (Airahuobhor, 2010:VIII).

At the same time; careless exploitation of national resources, from timber and minerals to animals and birds, by both domestic and international agents has led to ravaged natural environments.

Environmentally devastating projects are given preference in funding, because they are easy targets for siphoning of public money into private pockets.

CONCLUSION

It is axiomatic to posit that the EFCC and other anti-corruption agencies have to cooperate in combating political corruption in the electoral process. This is because political corruption undermines the democratic process. Political corruption leads to a compromising of democratic ideals, the growth of political apathy among electors, mistrust of the electoral process and authorities, and the consolation of authoritarian tendencies in the polity. It is upon these problems that this paper reviewed in this section. In the literature, some conditions are considered to provide breeding ground for political corruption. For instance, political corruption thrives in polities where self-interested closed cliques, a pathetic and ignorant populace, and where legal framework is weak.

RECOMMENDATIONS

Since political corruption has continued to be a threat to the growth and development of democracy, there is a need to develop and articulate ways of dealing with the problem. Below are some of the recommendations:

1. There is a need for voter education, political awareness of laws regarding political corruption and elections in Nigeria.
2. INEC, EFCC and other anti-corruption and security agencies should be empowered and grant absolute autonomy to handle cases relating to political corruption. Anti-corruption laws, legislations and regulations should be written in simpler language and made accessible to the populace.
3. The EFCC and INEC need leadership that commands legitimacy, which will enable them to assert their independence and build the integrity with its rank and file.
4. There is a need for the establishment of anti-corruption court that will take charge of all criminal cases against corrupt politicians and administrations.

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ANNEX

Economic and Financial Crimes Commission (EFCC) of a Graft Advisory List (GAL) of High Profile Cases involving Politically Exposed Persons in Nigeria

Ayo Fayose Former Governor of Ekiti State	Fed High Court Lagos Case now transferred to Ekiti for that after he accused opposed his trial in Lagos.	Arraigned on 51 state counts Plea already taken defence lawyer often seeks long adjournments to prolong trial.	N1.2 billion	Granted bail by court since 2007	Inherited Case filed since 17 th Dec. 2006
Adenike Grange (Former Minister of health)	FCT. High Court Maitama	Arraigned on 56 state counts. Plea already taken defence lawyer often seeks long adjournments to prolong trial. Matter adjourned to Oct 25	N300million	Granted bail by court since 2008	Inherited Case filed since 2 nd April. 2008
Joshua Darive (Former Governor plateau State)	FCT High Court Gude	Arraigned on 23 state counts. Plea already taken but defence lawyer challenged court jurisdiction. But Appeal court threw out application and case now fixed for continuation of trial on Oct. 27. 2010.	N700million	Granted bail by court since 2007	Inherited Case filed since 13 th July 2007
Saminu Turaki (Former Governor Jigawa State)	FCT High Court Maitama	Arraigned on 32 state counts. Plea already taken but defence lawyer challenged court jurisdiction. Case stalled at HC while seeking stay of trial at appeal court. It is part of usual attempt to frustrate and prolong trial.	N36 billion	Granted bail by court since 2007	Inherited Case filed since 13 th July 2007
Orji Uzor Kalu (Former Governor, Abia State)	Fed High Court Maitama	Arraigned on 107 state counts. Plea already taken but defence lawyer raised preliminary objection against charges. Lost at trial court but has gone on appeal to stay trial. It is part of usual attempt to prolong trial.	N5billion	Granted bail by court since 2008	Inherited Case filed since 11 th June 2007
James Ibori (Former Governor Delta State)	Fed High Court Asaba	Arraigned on 170 state counts. Defence lawyer challenged Kaduna Federal court jurisdiction, lost at trial court but won at appeal court Case re-assigned by CJ to Asaba FHC. Without taking plea suspect applied to quash charges prosecution opposed application but trial judge quashed the charges Dec. 19. EFCC filed appeal Dec. 23 2009 and Jan. 8 2010.	NN6.2billion	Granted bail by court since 2008	Inherited Fresh charge since August. 2009
Iyabo Obasanjo Bello (Serving Senator)	FCT High Court Maitama	Arraigned on 56 state counts. Plea already taken but case stalled as defence lawyer filed to challenge charges. Application pending for determination. This is part of frivolous applications to delay trial.	N10million	Granted bail by court since 2008	Inherited Case filed since 2 nd April 2008

Lucky Igbinedion (Former Governor of Edo State)	Fed High Court, Enugu.	Arraigned on 191 state counts. Applied for plea bargain and convicted but EFCC has appealed the judgment to seek for stiffer sanctions.	N4.3 billion	Case determined 2008	Inherited Case filed since 23 rd Jan. 2008
Gabriel Aduku (Former Minister of Health)	FCT. High Court Maitama	Arraigned on 56 state counts Court ruled on no case against suspects.	N300million	Case determined in 2008	Inherited Case filed since 2 nd April. 2008
Jolly Nyamo (Former Governor of Taraba State)	Fed. High Court Gude	Arraigned on state counts. Plea already taken and trial begun after all applications filed by the accused to stall in trial have been dismissed by the Supreme court. Trial fully commenced and on-going at FCT HC.	N1.3million	Granted bail by court since 2008	Inherited Case filed since 13 th July 2007
Chimaroke Nnamani (Former Governor of Enugu State)	Fed. High Court Lagos	Arraigned on 105 state counts. Plea already taken but case is stalled as defence lawyer filed to transfer case to another judge on allegation of bias against trial judge even as counsel has again filed to challenge court jurisdiction. This is equally an attempt to prolong trial.	N5.3billion	Granted bail by court since 2007	Inherited Case filed since 11 th Dec. 2007
Micheal Botmang (Former Governor of Plateau State)	Fed High Court Maitama	Arraigned on 31 state counts. Plea already taken but trial stalled due to suspect's ailment on dialysis.	N1.5 billion	Granted bail by court since 2008	Commenced by Waziri on 18 th July 2008
Roland Iyayi (Former Managing Director of FAAN)	FCT High Court Maitama	Arraigned on 11 state counts. Plea already taken. Trial on going court taking prosecution witnesses testimony.	N5.6 billion	Granted bail by court since 2008	Commenced by Waziri on June 2008
Nyeson Wike (Serving Chief of Staff to Governor of Rivers State)	FCT High Court Maitama	Arraigned on state counts court Fresh charges EFCC already appealed judgement. Appeal pending at Appeal Court.	N4.670billion	Granted bail by court since 2008	Commenced by Waziri on 9 th Oct 2008
Eider George (Austrian Business Man)	FCT High Court Maitama	Arraigned on 11 state counts. Plea already taken and trial on-going. Prosecution witnesses undergoing cross examination court granted suspect leave to travel abroad for medical treatment.		Granted bail by court since 2008	Commenced by Waziri on June 2008
Kenny martins (Police Equipment Fund)	FCT High Court Maitama	Arraigned on 28 amended state courts. Plea already taken and trial on going witnesses under close examination continuation of trial fixed for November.	N774 million	Granted bail by court since 2008	Commenced by Waziri on June 2008

Prof. Babalola Iymishade (Former Minister of Aiyation)	Fed. High Court Maitama	Arraigned on 11 state counts. Plea already taken and trial on-going (N5.6 billion). Prosecution witnesses under cross-examination.	N5.6 billion	Granted bail by court since 2008	Commenced by Waziri in June 2008
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Boni Haruna (Former Governor Adamawa State)	Fed. High Court Maitama	Arraigned on amended 28 state counts. Plea taken adoption of motion slated for Nov.	N 254 million	Granted bail by court since 2008	Commenced by Waziri in 2008
Femi Fani Kayode (Former Minister of Aiyation)	Fed High Court Lagos	Arraigned on 47 state counts. Plea taken but case stalled as a result of trial court's refusal to admit e-print of suspect's statement of account as evidence. EFFC on appeal at supreme court.	N250 million	Granted bail by court in 2008	Commenced by Waziri in 2008
Prince Ibrahim Dumuje (Police Equipment Fund)	FCT High Court Abuja	Arraigned on 28 amended state counts. Plea taken and trial on-going. Prosecution witnesses under cross-examination Continuation fixed for Nov. 9	N774 million	Granted bail by court since 2008	Commenced by Waziri in June 2008
Bode George (Chettain of the ruling party PDP)	Fed High Court Lagos	Arraigned on 68 state counts. Plea taken and trial concluded Accused and sentenced to 2 years convict on appeal while serving jail term.	N100 billion	Granted bail by court since 2008. Has been in jail after conviction in Oct. 2009.	Commenced by Waziri in Dec 2008
Rasheed Ladoja (Former Governor of Oyo State)	Fed High Court Lagos	Arraigned on 33 state counts. Plea taken and trial on-going. Prosecution witnesses slated for cross-examination in Nov.	N6 billion	Granted bail by court since 2008	Commenced by Waziri in 2008
Four Snr. Zenith Bank Managers.	Fed High Court Port Harcourt	Arraigned on 56 state counts. Plea taken but case stalled over an injunction by Rivers State Government which is a party in the case to stop EFCC. Injunction being challenged at Appeal Court.	N 3.6 billion	Granted bail by court in 2009	Commenced by Waziri
Mailam Nasir El-Rufail (Former Minister of Federal Capital Territory)	Fed High Court Abuja	Arraigned on 8 state counts suspect charged for corruption and abuse of office. Plea taken and case adjourned for trial but accused challenged jurisdiction of court as a ploy to delay trial. Case adjourned.		Suspect at large but returned to the country. Interrogated on May 4, 2010 and arraigned on May 12.	Commenced by Waziri in 2009

Sen Nicholas Ugbade (Serving Senator) Hon. Ndudi Elumelu Hon. Mohamed Jib Hon Faulnu Igwe (Serving Members of House of Rep Dr. Aliyu Abduliah (Serving Fed. Perm. Sec) Mr. Samuel Ibi. Mr Simon Nanle Mr Lawrence Orekoya. Mr. Kayode Osedeji Mr. A Garba Jajun.	FCT high court Abuja (This is the Rural Electrification Agency Case involving a serving Senator, Serving members of the house of Representatives the Permanent Secretary of the Ministry of power and other high profile public officers.	Arraigned on 158 state counts. Plea taken while prosecution has filed mote charges against suspects filed to quash charges but application thrown out by court.	N5.2 billion	Remanded in Prison Candy and later granted bail court in 2009	Commended by Waziri in May 2009
Pro. B. Solan Mokal Muttwang. Micheal Adle. Andrew Ekpanobi, (All Directors) Allexander Cosman (MD Intermarket Ltd), This is the UBEC case where high profile public servants conprived with an American Alexander Cozman) to defraud the government	Federal high Court, Abuja	Arraigned on 61 state counts. Plea taken while more charges were filed against suspects due to appliance of Prof. Sokan Matter adjourned to November 9 for suspects to take plea on amended charges.	N 636 million	Suspects remanded in prison custody and later granted bail by court in 2009	Commended by Waziri in May 19 2009
Dr. Ransome Owan Mr. Abdularahuuman ado. Mr. Adulrasak almi Mr. Onwumaeze Iloeje. Mrs. Grace Eyonma. Mr. Mohammed Bumu Mr. Abimbola Odubiyi	Federal High Court Abuja	Arraigned on 196 state counts. Plea taken Trial billed to commence while more charges were filed against suspects. Further hearing stated for Oct. 29. But the FG has withdrawn charges against the accused persons who were consequently discharged by the court on Sept. 16 2010.	N 1.5 billion	granted bail by court in 2009	Commended by Waziri in April 22 2009
Ibom Iseghohi Mohammed Buba Mike Okoli (GM & m ANAGERS OF Transport Group PLC.	Federal High Court Abjuja	Arraigned on 32 state counts. Plea taken matter adjourned for commencement of trial November 9.	N 15 billion	Suspects remanded in Kuje prison and later granted bail by court in 2009.	Commended by Waziri in May 2009
Dr. Albert Ikomu, nd perm Sec his firm, satelire town dev. Co Ltd.	Federal high Court Ikoyi Lagos	Arraigned on 4 state courts. Plea taken and matter adjourned for hearing.	N 43 million	Suspects remanded in Ikoyi prison and later granted bail by court in 2009.	Commended by Waziri in 2009

Dr. Yuguda Manu Kaigama, Chairman Taraba State Civil Service Commission	Taraba State High Court 5, Jalingo	Arraigned on 37 state counts. Plea taken and matter stalled as suspect dropped dead	N 17 million	Suspect remanded in prison custody. Co-accused, Yakubu Danjuma Takun, at large.	Commenced by Waziri on Oct. 10 2009.
Chief Joe Musa, DG National Gallery of Art, Olusegun Ogumba, Chinedu Obi, Oparagu Elizabeth. Kweku Tandoh, (All Directors of NGA)	FCT High Court, Lugbe (Justice Olukayode Adeniyi)	Arraigned on 12 state counts. Plea taken and defence lawyer filed applications to stall trial but lost the bid. Matter adjourned for trial Nov. 19/20, 2010.	N 1012 billion	Suspects remanded in Kuje prison and later granted bail by court in 2009.	Commenced by Waziri on July. 20 2009.
Dr. Dayo Olagunju, Ez. Sec. National Commission for Mass Literacy, adult & Non-Formal Education. Joshua Alao, Alice Abang, Jibrin Waguna, Ahmed Waguna, Ahmed Abubakar, Shehu Abdullahi, Dr Victoria Kin0Nwachukwu, Adamu Khalid, Moses Oseni, Francis Awelewa & Bashir Suleiman.	Fed. High Court, Abuja Justice Anuli Chikere.	Arraigned on 17 state counts. Plea taken and matter adjourned for commencement of trial Oct. 22, 2010.	N 479 million n 2.5 billion	Suspects remanded in Kuje prison and later granted bail by court in 2009	Commenced by Waziri on July 24 2009.
Hamman Bello Hammed, Ex-CG Customs, Hannatu Sulaiman, Tajudeen Olalere, Lukman Hussain. Popular Foods Ltd & Silver Martime Shipping coy Ltd.	Fed. High Court, Lagos Justice Ramat Mohammed.	Arraigned on 46 state counts. Plea taken matter adjourned to Nov. for trial but FG filed to withdraw charges.	N 2.5 billion	Suspects remanded in Kirikiri & ikoyi Prisons and later granted bail by court in 2009	Commenced by Waziri on Aug 14 2009.
Professor Innocent chukka Okonkwo, FMR VC. Imo State University, Uchechi Nwugo & Wilfred uwakwe.	Fed. High Court, Abuja Justice Mohammed Garba Umar.	Arraigned on 14 state counts. Plea taken adjourned to Nov. for trial.	N 145 million	Suspects remanded in Kuje prison and later granted bail by court in 2009	Commenced by Waziri on July 30 2009.
Dr. (Mrs) Cecilia Ibtu (FMR CEO. Oceanic Bank Plc)	FHC, Ikoyi, Lagos, Justice Dan Abutu.	Arraigned on 25 state counts. Plea taken and case adjourned to Nov. for trial	N 160.2 billion	Suspect convicted and jailed for 18 Months on Friday October 8, 2010 by Justice Dan Abutu of FHC Lagos to forfeit assets and funds worth over N 191 billion	Commenced by Waziri on Aug 31 2009.

Dr. Batholomew (Emr CEO union Bank Plc) Bassy Ibong Henry Onymen & Nned Albert Opeada (Ex-Director).	FHC Ikoyi Lagos Justice Dan Abutu	Arraigned on 28 state courts. Plea taken and Gise adjourned to Nov for trial	N 187 billion	Suspect remanded in EFCC custody But granted bail on 14/09	Commenced by Waziri on Aug. 31 2009
Raymond Opend (Emr Chairman Inter National Bank Plc. Heanth Enuha Iledu Kalu C.A. Alahi Samuel Adegbute Isyaka Omat, Sani Adants.	FHC Ikoyi Lagos Justice Dan Abutu	Arraigned on 18 state counts. Plea taken and case adjourned to Nov. for trial	N 131 billion	Suspect remanded in EFCC custody, but granted bail on 14/09	Commenced by Waziri on Aug. 31 2009
Solomon adigwe Peter Ololo Jadon Secutifer Ltd.	FCH Ikoyi Lagos Justus Dan Abutu	Arraigned on 36 state courts. Plea taken and case adjourned to Nov. for trial.	N 277.3 billion	Suspects remanded in Prison custody but granted bail on 15/09.	Commenced by Waziri on Aug. 31 2009
Okey Nwodo	FHC Ikoyi Lagos Justice Dan Abutu	Arraigned on 11 state counts. Plea taken and case adjourned to Nov. for trial.	N 93.1 billion	Suspects remanded in prison custody, but granted bail on 15/09	Commenced by Waziri on Aug. 31 2009
Alex Nkenchor Ex-Bank Maneger Ebi Odegah & GMI secretaries & Assess Nig. Ltd.	Lagos high court Ikeja Justice M.O.Ohada	Arraigned on 10 state counts. Plea taken and suspects still remanded in prison custody pending consideration of bail application.	N 860 million	Suspects remanded in Ikoyi prison but application for granted in Oct 2010.	Commenced by Waziri on Oct 13 2009
Hancts atuche Former C.T.O. Bank PHB.	Fed High court, Lagos.	Arraigned on 20 state courts charge. Plea taken suspect challenged charges but count upheld charges matter set for trial in Nov.	N 80 billion	Suspects remanded and later granted bail by counts his assets frozen	Commenced by Waziri on Oct. 20 2009
Adamu Abdulihai. Former Gos of Nasarawa State	Fed High Court Lafia. Nasarawa Justice INBoha	Arraigned on 149 count charge suspect granted by count case shield for trial in Oct.	N 15 billion	Suspects on court bail	Commenced by Waziri on March. 3 2009
Attahiru Batawa, Former governor of Sokoto State.	Sokoto State High Court	Arraigned on 17 count charge matter stalled HC stalled granted application at appeal count	N 5 billion	Suspect remanded n prison custody and later granted bail by court case slated for trial.	Commenced by Waziri on Dec. 16 2009

Francis Okokuro, Bayelsa State Accountant General	Fed High Court, Abuja	Arraigned on 6 count charge matter stalled due to accused application for stay	N 2.4 billion	Suspect remanded in prison custody till April 13	Commenced by Waziri on March 24, 2010
Dr. Charles Silva Opuala	Fed High Court, Abuja	Arraigned on 6 count charge matter stalled due to accused application for stay	N 2.4 billion	Suspect arraigned and remanded in Kuje prison custody on April 13 till he meets bail conditions	Commenced by Waziri on March 24, 2010
Chief osa osunde (Fmr Chairman afribank). And Educators Liban Isah Zailami, Chinedu Onyia and Henry Arogundade	Fed High Court, Lagos	Arraigned on 33 count charge matter adjourned to Nov for trial	N55 billion	Suspect arraigned on April 21, 2010 Remanded in EFCC custody and later granted bail by the court.	Commenced by Waziri on April 21, 2010
Dr Oladele Shittu, CEO of Credence Investment.	Fed High Court, Kaduna Justice Mohd Shuaibu	Arraigned on 136 count charge matter adjourned for trial	N 139 million	Suspect arraigned on March 23 2010 remanded in Kad prison custody till July 12 2010.	Commenced by Waziri on March 23, 2010
Mr. Sunday Akinyemi, Fmr CERO Texas Connection.	Lagos High Court Justice J Adebajo	Arraigned on 30 count charge application for bail rejected. Trial commenced	N 90 million	Suspect arraigned March 14 & April 11, 2010, remanded in prison	Commenced by Waziri on March 11, 2010
Hon T Taniyi Albert Soje Brothers.	FHC. Abuja Justice adamu Bello/Justice E David Okorowa	Arraigned on 30 count charge application for bail rejected, trial commenced.	N 3 billion	Suspect arraigned on April 1 2010 remanded in prison custody and later granted court bail	Commenced by Waziri on April 1, 2010
Adeniyi Eklumaro, Rakiya Mamman Integrated Capital Services Ltd.	Afct High Court \justice Olukayode Adeniyi	Arraigned on 30 count charge 14.10 ^ 6) trial commenced.	N 405 million	Suspects arraigned on Aug 12, 2010. Granted bail by court and remanded in prison pending when they meet conditions.	Commenced by Waziri on Aug 12, 2010
Dr. Erastus Akingbola, MD/CEO, IB Plc.	FHC Ikoyi Lagos Justice Mohd Idris	Arraigned on 22 count charge	N 27 billion	Suspect arraigned on Aug 13. penances custody till Aug 23.	Commenced by Waziri on Aug 23, 2010
Sani Lulu, & 3 other NFF board members	FHC. Abuja Justice Donatus Okorowa	Arraigned on 10 counts case adjourned till Oct 5, 2010 for trial.	N 1.5 billion	Suspects arraigned Sep. 7, remanded in prison till 13 when court released them on bail.	Commenced by Waziri on Sep.7, 2010

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Six Ghanaians Charged for Oil Bunkering) and Nigerian accomplice	Fed High Court, Benin	Arraigned on state counts and trial commenced. Prosecution closed case. Matter adjourned for defence to close.	N2.50 million	Granted bail by court in 2009. all 7 accused sentenced to 112 years imprisonment April 30, 2010	Commenced by Waziri in June 2008
IV Filipinos (Charged for Oil Bunkering)	FCT High Court Benin	Arraigned on state counts, covered at the close of trial and sentenced to 65 years altogether.	N300 million	EFCC returns to court to seek forfeiture of vessel used for oil theft.	Commenced by Waziri on July 2009
Patrick Femade Indian Buisnessman)	FCT. High Court Lagos	Arraigned on 56 state counts. Plea already taken and trial commences Nov.	N32million	Granted bail by court in 2009	Commenced by Waziri in June 2004

SOURCE: Onyemaizu, C (2010:31-35), "A List of Fury", *The Source* , November 8.