

*Research article*

# **African Union Convention on Preventing and Combating Corruption: The Role of Diplomatic and Consular Services in the War against Corruption in Nigeria, 1999 – 2019**

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The realization of the extent to which corruption has impeded economic growth and development prompted African leaders to devise means of combating it. This was through the African Union Convention on preventing and combating corruption adopted in 2003 but entered into force on August 5, 2006. Among other things, the convention mandate state parties to domesticate its tenets by establishing agencies to tackle the menace. The paper after making a laconic analysis of the efforts, challenges and impediments of the Economic and Financial Crimes Commission (EFCC) and other anti-graft agencies in the war against corruption, further outlined the role of the Nigerian Foreign Service in the anti-corruption crusade. It pointed out quite explicitly that Nigerian missions would have to negotiate various kinds of treaties in their respective countries of accreditation to discourage money laundering, and ensure monies stashed in foreign bank gets home and the criminals prosecuted. It concludes that targets should be set for the missions as performance measurement technique to ensure they effectively play their role in the corruption war and made recommendations.

**Keywords:** Corruption in Nigeria, Economic growth, African leaders, African Union Convention, Economic and Financial Crimes Commission (EFCC), other anti-graft agencies in the war against corruption

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## **INTRODUCTION**

Corruption dishonest or illegal behavior especially by powerful people such as government officials, etc. - is arguably the most widely discussed issue in African societies, yet the most neglected or unaddressed of the most essential necessities for the continent to forge ahead in development and other things like other

countries, in other parts of the world. This phenomenon is most widespread in the area of bribery and embezzlement of public funds. Corruption in Africa is a monster and seems to be institutionalized due to sheer lack of political will to address it. It affects both leadership and followership. Nobody seem to be immune to it from the people at the top echelon of political institutions to the least person on the street.

The obvious consequences of corruption is the current state of African societies where the most essential necessities of life are lacking, i.e. electricity, clean water, good road, basic education, to name a few. The continent always occupies the bottom in almost all social development indexes. Political responsibilities (through elections or appointment) are a call to get rich at the expense of the citizenry. In the bureaucracy, services are not rendered without a bribe. From the least civil servant given a little responsibility, to managers in government ministries and parastatals, bribe is received. Billions of dollars is stolen every year by Africans in public post and stashed in foreign bank accounts<sup>1</sup> especially in Switzerland, Britain, France, Luxemburg, Lichtenstein etc.

Private individuals and multinational corporations from within and especially outside of the continent took advantage of this development to make huge gains. They pay huge bribes to secure contracts of different kinds in Africa. For instance, on October 30th, 2012, it was reported that:

A Canadian engineering firm has been fined \$1.5 million for bribing a Lesotho government official to secure a major contract... The high court in Maseru Found Acres international guilty of paying \$250,000 (\$166,000) to Masupha Sole, the head of the Lesotho Highland Development Authority, to win a contract for a water scheme.<sup>2</sup>

Similarly;

In what is now infamously known as the "Halliburton Bribery Scandal," a consortium of companies made up of KBR, a subsidiary of Halliburton, Technip of France; Snamprogetti, a subsidiary of Eni Italy, and Gasoline Corp, now JGC corporation, a Japanese company, paid over \$180 million in bribe to Nigerian officials, including past heads of State and NNPC top brass, between 1993 and 2004 to secure a construction contract for a liquefied natural gas

<sup>1</sup>AikinsAdusei, Corruption in Africa; A cancer that won't go away, Modern Ghana, January 01, 2009. At <https://www.modernghana.com/news/199975/corruption-in-africa-cancer-that-won-t-go-away.html>. Accessed September 11, 2019.

<sup>2</sup>The Telegraph, Lesotho fines firm €1.5m for bribery October 30, 2012. At <https://www.telegraph.co.uk/news/worldnews/africaandindianocean/lesotho/1411691/lesotho-fines-firm-1.5m-for-bribery.html>. Accessed September 11, 2019.

plant in Bonny island in the Niger Delta.<sup>3</sup>

There is a plethora of corruption cases against foreign companies and nationals with indigenous accomplices across the African continent. In fact, the endemic nature of corruption in Africa has made the pledge to combat it a common campaign promise by political parties, although these promises are never met.

A major consequence of corruption in Africa is the urge by politicians to eternalize leadership. For instance, Omar Bongo rule Gabon for 31 years, Teodoro Obiang Ngueme of Equatorial Guinea perpetrated himself in power for 28 years, Robert Mugabe of Zimbabwe, 37 years; Ghaddafi of Libya, 41 years; Hosni Mubarak of Egypt, 27 years; Paul Biya of Cameroun is in his 36<sup>th</sup> year reign and more brutal to political opponents. Yahya Jammeh of The Gambia and Omar Al-Bashir of Sudan respectively ruled for 22 and 28 years and the list continues.

Citizens have resorted to self-help by delving into crimes and criminalities especially armed robbery, kidnaping for ransom, prostitution, pipeline vandalism and crude oil theft (especially in oil rich countries like Nigeria), etc. Others have made effort to seek greener pastures abroad, sometime defying stringent immigration laws and inhospitalities. The African Union had therefore come up with an arrangement called African Union Convention on preventing and combating corruption, as a means of addressing this dreaded scourge. However, this paper concentrates on Nigeria. It considers the duty of the country's permanent missions abroad – diplomatic and consular services and recommend how public sector graft in Nigeria could be curtailed through the Nigeria's foreign service.

### **An Overview of the African Union Convention on Preventing and Combating Corruption**

Concerted efforts have been made by world leaders through the instrumentality of the United Nations Organization and other regional bodies to curb corrupt practices in public and private sectors especially bribery and theft. This is due to the fact that the phenomenon had been identified as the major cause of economic underdevelopment and its corollary of political instability. In Africa, it was expected to be achieved through the African Union Convention on preventing and combating corruption, an instrument which was adopted in 2003. The aim of this convention was addressing corruption in

<sup>3</sup>NicholasIbekwe, Halliburton, which bribed Nigerian officials, agrees to pay \$29.2 million for bribing Angolan officials, premium times July 27, 2017. At <https://www.premium-timesng.com/foreignworld-foreign/238376.html>. Accessed September 11, 2019.

both public and private sectors.<sup>4</sup> Like earlier initiatives aimed at economic recovery and growth (Lagos Plan of Action, etc), this was an agreement on what the African continent must do to prevent and criminalize corruption and seek international cooperation especially in asset recovery.

The objectives of the convention are as follows: to promote and strengthen the development of African states by each state party; serve as mechanisms to prevent, detect, punish and eradicate corruption and related offences in public and private sector; promote, facilitate and regulate cooperation among the state parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption and related offences in Africa; coordinate and harmonise the policies and legislation between state parties for the purposes of prevention, detection, punishment, and eradication of corruption on the continent. Other objectives are; to promote the socio-economic development by removing the obstacles to the enjoyment of economic, social and cultural rights as well as civil and political rights; and establish the necessary conditions to foster transparency and accountability in the management of public affairs.<sup>5</sup>

Article 6 relates to laundering of the proceeds of corruption and maintains that state parties shall adopt such legislatives and other measures as may be necessary to ensure the conversion, transfer or disposal of property, knowing that such property is the proceeds of corruption or related offence,<sup>6</sup> among other issues. In article 7, all designated public officials are required to declare their asset at the time of assumption of office and after their term in office in the public sector. State Parties are also required to device disciplinary measures and investigation procedures in corruption and related offense with a view to keeping up with technology and increase the efficiency of those in this regard.<sup>7</sup> Illicit enrichment is also an offence under article 8, and State Parties are expected to consider it an act of corruption. It is also expected that State Parties will adopt legislations that will facilitate access to information to assist in the fight against corruption and ensure transparency in the funding of political parties.<sup>8</sup>

Corruption in the private sector is also covered in the convention including means of preventing companies from paying bribes to win contracts.<sup>9</sup> State Parties are expected to work with the media and civil society

organisations in the fight against corruption and ensure the popularization of this convention.

Article 13, 14 deals with jurisdiction and minimum guarantees of fair trial. Article 15, is on extradition with particular emphasis that offense within the jurisdiction of the convention to be included in the internal law of State Parties and to be regarded as crimes requiring extradition. In article 16, the means and method of confiscating proceeds and instrumentalities of corruption and repatriation of same are well spelt out. To strengthen this imposition, it is noted that banking secrecy shall not be invoked to justify refusal of State Parties to cooperate with regard to acts of corruption.<sup>10</sup>

Article 18, 19 respectively talked about cooperation and mutual legal assistance among State Parties and international cooperation generally. To ensure cooperation and mutual legal assistance as the convention provided for, State Parties are expected to communicate to the chairperson of the commission at the time of signing or depositing its instrument for ratification, the designation of national authority or agency in application of offense established under Article 4(1) of the convention.

The convention indeed provided the means through which corruption could be tackled in Africa. All members of the African Union are free to sign, ratify or accede to the convention which entered into force thirty days after the deposition of the fifteenth instrument. State Parties may also denounce the convention by sending notification to the chairperson of the commission but it was made to take effect, six months after the date of receipt of notification by the chairperson of the commission. The convention was however, adopted by the 2<sup>nd</sup> Ordinary Session of the Assembly of the Union at Maputo on July 11, 2003.

### **Corruption in Nigeria and Efforts to Tackle it**

Corruption is Nigeria's greatest impediment to development and good governance, just like other African States. To satisfactorily explain related events in Nigeria, corruption would be described rather than define. Similarly, like other African countries, the act has ravaged the Nigerian society and it is more of a norm in the bureaucracy. The academia, faith-based organisations, justice system, etc are not equally immune to it.

At independence, the seed of corruption had already been planted. As a baby, the longer it lived the stronger and more matured it became. In fact, judging from events which took place in the early post-independence years it would seem, appropriate to posit that part of the reasons

<sup>4</sup>Ibid

<sup>5</sup>African Union Convention on Preventing and Combating Corruption, Article 2 (1 – 5)

<sup>6</sup>Ibid, Article 6(a)

<sup>7</sup>Ibid, Article 6(C)

<sup>8</sup>Ibid, Article 10 – 11

<sup>9</sup>Ibid, Article 11

<sup>10</sup>Ibid, Article 12

for the agitation for self-rule by the elites from different parts of the colonial territory was to secure their fair share of the wealth of the nation by hook or crook. The justification of the above claims is in the fact that 'the country's total foreign asset at independence was €174.2 million, and by March 1964, less than four years later, the asset depleted to just € 76.8 million.'<sup>11</sup> The sudden end of the First Republic was as a result of the corrupt practices of Nigerian politicians. The mastermind of the January 15, 1966 coup, Major Chukwuma Kaduna Nzeogwu described the Nigerian politicians and elites as;

Being profiteers, swindlers the men in high and low places that seek bribes and demand 10 percent; those that seek to keep the country divided permanently so that they can remain in office as ministers, VIPs at least, the tribalists, the nepotist, those that make the country look big for nothing before international circle, those that have corrupted our society and put the Nigerian political calendar back to their words and deeds.<sup>12</sup>

Since the discovery and commercialization of crude oil in Nigeria, corruption had skyrocketed. Successive regimes, both military and civilian received billions of dollars of oil revenue only to misappropriate. The impact is felt by all and sundry: basic necessities or amenities are not provided, access to investment capitals decreases the chances of doing business, etc. Foreign investors pay bribes to government officials and the Nigerian workers, casualized and treated in ways not in tandem with international labour laws. Impoverishment of the masses which became the outcome of corruption further led to varying categories of criminal activities.

However, successive governments have made efforts, at least, to tackle corruption in Nigeria most visibly during the fourth republic beginning in 1999. Despite the level of corruption discovered in the eight years of President Olusegun Obasanjo, it became very obvious during his tenure of office that a public office holder of very high status could be tried, the political underpinnings of most of the trials notwithstanding. It could be noted quite vociferously that all the persons tried actually misappropriated or embezzled public funds.

On assumption of office, Obasanjo had noted that:

Corruption, the greatest single bane of our

<sup>11</sup>W. A. Ogbelo, Vista on anti-corrupt war since independence, Leadership, March 9, 2018. Available at <https://leadership.ng/2018/03/09/a-vista-on-anti-corruption-war-since-independence>. Assessed September 19, 2019.

<sup>12</sup>Ibid

society today, will be tended head-on at all levels. Corruption is incipient in all human societies but it must not be condoned... the rampant corruption on the public service and the cynical attempt for integrity that pervades every level or the bureaucracy will be stamped out... There will be no sacred cow. Nobody, no matter who and where, will be allowed to get away with the breach of the law or the perpetration of corruption and evil.<sup>13</sup>

To fulfil his inaugural promise and implement the dictates of the African Union Convention on preventing and combating corruption, the regime established the Economic and Financial Crimes Commission (EFCC) in December 2003. According to its Act, the agency would fight crime such as money laundering and advance fee fraud, and was granted broad powers and financial resources to perform its functions.<sup>14</sup> The Independent Corrupt Practices and other Related Offences Commission (ICPC) earlier established in 2000 to compliment the effort of the Code of Conduct Bureau (CCB) and the Code of Conduct Tribunal (established in 1990 to enforce a code of conduct for public official), was charged with the mandate of combating public sectors graft such as abuse of office and bribery.

From establishment till date the EFCC have made some high profile prosecutions. For instance, by September 2006, it had concluded investigations on 31 out of 36 state governors for corruption. Similarly, in 2008 Senator Iyabo Bello (President Obasanjo's daughter) was investigated for allegedly receiving N10 million (\$100,000) from the Ministry of Health. Nike Grange, and Chief Duku, former Health Minister and Deputy were tried for stealing over N30,000,000 (\$300,000) from the unspent fund of the ministry. However, they were later freed by the court.<sup>15</sup>

Mallam Nuhu Ribadu, in 2005 prosecuted the former Inspector General of Police, Mr. Taja Balogun for laundering N16 billion. Having pleaded guilty, he was sentenced to just six months imprisonment. Also, in 2009, Olabode George, a one-time chairman of the Nigerian Port Authority was sentenced to two and half years imprisonment. Although his release was celebrated by

<sup>13</sup>OtoghaguaEnogiasun, Trends and Contemporary issues on regimes of Nigeria Heads of State, Policies and Politics, Achievements and Failures, 3<sup>rd</sup> Benin; Research Knowledge and Educational Services Nigeria, 2007, p. 289.

<sup>14</sup>Human Rights Watch, Corruption on trial? The records of Nigeria's Economic and Financial Crimes Commission. Available at <https://www.brw.org/report/2011/08/2015/corruption-commission>. Assessed September 21, 2019.

<sup>15</sup> E. Augustine Oladesu and S. Leke, EFCC: Ten years after, the Nation September 18, 2013.

prominent personalities of the People's Democratic Party.

It is however important to note that majority of alleged financial criminals never went to jail or lost the proceeds of corruption even when the evidence of these wrong doings were very crystal clear. For instance, former governor of Abia State Orji Uzor Kalu was arraigned on July 27, 2007 on charges of money laundering, official corruption and criminal diversion of public fund in excess of N5 billion. Even after an Abuja High Court confirmed the charges, he proceeded to the Court of Appeal which upheld the decision of the High Court. He has not been sentenced till date.<sup>16</sup>

Also, Dr. Peter Odili, former governor of Rivers State sought and received a perpetual injunction restraining the EFCC from probing him even after the agency had found evidence that he diverted over N100 billion of State fund in February 22, 2007. This request which was seriously berated was granted by Justice Ibrahim Buba.<sup>17</sup>

Alhaji Adamu Mu'azu had a pending case with the EFCC bordering on the alleged mismanagement of N19.8 billion during his tenure of office as governor of Bauchi State. He disregarded the agency's invitation on the pretext of attending his daughter's graduation ceremony in Great Britain only to return two years later after President Goodluck Jonathan had been elected. His case seemed forgotten.

Chief Joshua Dariye, former Governor Plateau State was alleged to have diverted N1.2 billion of State ecological fund, N204 million meant for the state's treasury. He has not been prosecuted till date even when the evidence are very clear. Former Jigawa State governor, Alhaji Amino Turaki is alleged to have misappropriated N36 billion and had continuously evaded appearance in court.

Progressively, former Minister of Aviation under the Goodluck Jonathan administration, Stella Odua was accordingly prosecuted for allegedly purchasing two BMW armoured cars at N255 million. She had been granted an interim injunction stopping the EFCC, the Attorney-General of the Federation, the Inspector-General of Police and ICPC, from prosecuting her by Justice Mohammed Yumusa of the Federal High Court, Lagos on August 26, 2015.

Also, Adebayo Alao-Akala, former Governor of Oyo State, his former Commissioner for Local Government and Chieftaincy Matters, Chief Hosea Agboola, and a businessman, Mr. Femi Babalola were prosecuted by the EFCC of N11.5 billion fraud. His case was also squashed on ground of lack of evidence. Ayo Fayose of Ekiti State

was alleged to have mismanaged N1.2 billion poultry project fund between 2003 and 2006. He was further charged over N416 million. But in spite of these charges, he was reelected Governor of Ekiti State in 2014 and therefore became immune (legally) to further prosecution, at least throughout his tenure of office.

Former Governor of Ogun State, Gbenga Daniel has also been accused of mismanagement and stealing, fraudulent conversion of public property, false asset declaration to the tune of N211.3 million. The case seemed to have been forgotten.

The list of inconclusive prosecutions by the EFCC is almost unending. The catalog shows gross inefficiency probably as a result of political interference, in its duties or sheer incompetence. However, a paradox of the war against corruption in Nigeria is that even the anti-graft agencies is alleged to be corrupt. For instance:

Recently, the Chairman of the Economic and Financial Crimes Commission (EFCC), Ibrahim Lamode was invited by the Senate committee on Ethics, Privileges and Public Petitions, over allegations of diversion of N1 trillion proceed of recovered assets. The commission maintained a dignified silence over the past couple of weeks, not because it had anything to hide, but preferred to wait for the report of KPMG, the international audit firm which it commissioned in June 2014 to undertake a forensic audit of the records of exhibits and assets recovered by the Commission since the creation of the EFCC in 2003.<sup>18</sup>

Meanwhile, "the Commission is alleging that the allegation were contrived distractions intended to derail the work of the EFCC to provide shield for corrupt and fraudulent Nigerians from justice."<sup>19</sup> While it is true that the anti-graft agency may have some unscrupulous elements planted deliberately by some highly placed persons as a means of evading justice, it is equally true that the agency have many other factors militating against the successful prosecution of criminal cases. Some of these will be examined briefly.

There is an inherent issue with the socio-economic and political structures of the Nigerian state which seem to give incentives to corruption especially bribery and embezzlement of public fund. A public office holder who refuses to steal public fund is seen to be unwise or at best dull among friends, and family members but one

<sup>16</sup>Ibid.

<sup>17</sup>A. Maliki, and R. Muton, Top 10 'Forgotten' high profile EFCC cases, Daily Trust, March 19, 2016. Available at <https://www.dailytrust.com.ng/news/generaltop-10-forgotten-high-profile-efcc-cases/138552.html>. Assessed September 22, 2019.

<sup>18</sup>Nitro Allegation: Setting the records straight, Economic and Financial Crimes Commission, July 2018. Available at [efccnigeria.org/efcc/news/1503-nitro-allegation-setting-the-records-straight](http://efccnigeria.org/efcc/news/1503-nitro-allegation-setting-the-records-straight). Assessed September 21, 2019.

<sup>19</sup>Ibid

who is quick to steal without detection is praised by the people. The Olabode George episode is a case in point. In fact "a former transportation minister even declared that George's conviction had been unfair because all government officials engage in the same illegal practices he had been convicted of."<sup>20</sup>

This may sound provocative and unusual to some, but, indeed, he had spoken the mind of many Nigerians. Therefore, in such atmosphere it becomes difficult for the EFCC to be fully committed to its course. The country's justice system had not also helped matters. They have frequently taken bribes and perverted justice in most of the corruption cases. The dismissal of 170 count charges against former Delta State Governor, James Ibori without allowing the prosecution present any of its evidence can't have been unconnected with some form of foul play by the judges. Even after the EFCC chairman presented evidence that Mr. James Ibori had given him a \$15 million bribe in a bid to get the case against him dropped (an amount deposited in the Central Bank for safekeeping and confirmed by the bank's officials), Justice Awokulehim still dismissed the case.

The judges had also used delay tactics to prolong cases which were later dropped through an appeal. In fact:

The EFCC had field more than 25 complaints against judges for various delays in the corruption cases, granting frivolous injunctions to half trials and investigations, and partisanship' – including to the National Judicial Council, an independent constitutional body responsible for oversight and discipline of members of the judiciary – but, according to the EFCC, little has been done other than, in a few cases, reassigning the case to a new judge.<sup>21</sup>

Other militating factors could be found in the strategies or approach of the commission to cases. For instance, the tactics of inviting suspects for questioning before investigation only alerted them to clear off all clues to traces of the information sought. This was exactly the situation with the Peter Odili case. After being interrogated with charges, he rushed to obtain the court order.

There have also been allegations of poor leadership especially during the tenure of Farida Waziri. This was really the case as she was suspected of having close ties with some high profile political figures then under investigation. She was also seen to be inefficient after

<sup>20</sup>Human Rights Watch, Corruption ON Trial? The Record of Nigeria's Economic and Financial Crimes Commission.....

<sup>21</sup>Ibid.

forcing out roughly a dozen of the most experienced of EFCC officials which she alleged were working to undermine her position. Furthermore, in addition to widespread corruption among members, there is much work for the commission since the ICPC, CCB and CCT established to perform similar role are inefficient.

It is also very important to note that no country can fight corruption alone and achieve remarkable progress, the needed international support to confront this phenomenon is lacking. Apart from financial support and technical expertise for capacity building assistance, rendered by few countries including the European Union, the United States and Great Britain, much have not been done by the international community especially as regards criminal prosecution, asset forfeitures, and visa bans.

Due to the tedious nature of the war against corruption in Nigeria, it is imperative to extend it fully to the various countries of the world where these stolen funds are stashed. Here, the Nigerian Foreign Service is expected to play an invaluable role.

### **The Role of the Diplomatic and Consular Services in the War against Corruption in Nigeria**

At least since 1999, part of the foreign policy of successive regimes in Nigeria has been the recovery of stolen funds scattered across international banks. The Nigerian foreign service through diplomacy - the medium by which foreign policy is carried out - is expected to perform the duties assigned to it by international conventions or as may be necessary to the furtherance of the country's national interest. Nigeria has over 100 embassies/high commissions and consular offices which she spent millions of dollars on. Though the home office (Ministry of Foreign Affairs) is also complicit in the overall corruption index of the country as demonstrated by recent revelations by the embassy officials in Washington DC., United States.<sup>22</sup>

Recent moves by the EFCC to set up anti-corruption desk in Nigerian foreign missions to, among other things help in facilitating asset recovery and repatriation of looted funds will indeed assist the Foreign Service in the fight against corruption immeasurably. Nigerian diplomats have succeeded, as part of the campaign against capital flight signed "bilateral mutual legal assistance treaty on collaboration of financial crimes with numerous countries

<sup>22</sup>Sahara Reporters, How Corruption in Foreign Affairs Ministry is Killing Nigerian Diplomatic Missions Abroad, May 6 2017. Available at [saharareporters.com/2017/05/06/how-corruption-foreign-affairs-ministry-killing-Nigerian-diplomatic-mission-abroad](http://saharareporters.com/2017/05/06/how-corruption-foreign-affairs-ministry-killing-Nigerian-diplomatic-mission-abroad). Assessed September 22, 2019.

within and outside Africa,<sup>23</sup> in accordance with the AU Convention on Preventing and Combating Corruption. These treaties are aimed at securing the repatriation of looted funds if it is discovered to have been hidden in State Parties banks.

The Nigerian diplomats in states noted for illicit financial flow are expected to meet with the government in a high profile negotiation to ascertain the monies owned by Nigerians – though this could be a violation of banking secrecy – after which they could assist in verifying the sources of the funds. The outcome of the investigation determines the next line of action. Nigerian diplomats are expected to initiate and enforce (through mutual understanding) mechanisms that ensures transparency on issues of ownership, control, beneficial ownership, trust and other legal contraptions that may be employed to clock financial or other assets.

As part of the effort of combating corruption, the setting up of a hot-line linking major financial institutions with their respective embassies/high commissions to report suspected money launders forthwith is important. This is possible since it is almost a norm in the industrialised world, the criminalization of money laundering. The pledge of guarding the source of information with utmost confidentiality could see the deal through.

Diplomats on their part could, through intelligence, carry out an inventory of asset owned by Nigerian nationals in their respective countries of accreditation. The compilation could then be sent to the home agency in charge of corruption investigation and prosecution to ascertain the sources of monies with which those assets were gotten for onward trial and forfeiture. Nigerian diplomats in the United Nations could also champion a course for the institution of a worldwide framework on repatriation of ill-gotten funds which facilitates speedy restoration to victim countries. This will, in no small measure, portray Nigeria as fronting a global campaign against corruption and hence redeem considerably its battered image.

As trained negotiators, the Nigeria diplomats would have to intensify effort with regard to bilateral and multilateral treaties bordering on extradition. Article 15(2-3) of the AUCPCC had already made provisions that will facilitate extradition treaties among state parties. It clarifies that:

Offences falling within the jurisdiction of this convention shall be deemed to be included in the internal laws of State Parties as crimes requiring extradition. State Parties shall include such offences as extraditable offences in extradition treaties existing between or among them.

If a state party that makes extradition conditional on the existence of a treaty receive a request for extradition from a State Party with which it does not have such treaty, it shall consider this convention as a legal basis for all offences covered by this convention.<sup>24</sup>

Obviously, extradition issues within AU countries are settled by the above stipulations in the convention. But then, to ensure corrupt person evading justice by absconding to other countries outside Africa are brought home for trial, there is the urgent need for the Nigerian Foreign Service to commence talks with the government of their respective countries of accreditation for the purpose of bringing them home for trial. Arrangement could equally be made through mutual understanding for the trial of these financial criminal without necessarily bringing them to the victim country. This would be possible with the application of the double criminality principle of international law were the crime involved is equally a crime in the other country and therefore, both laws should apply in trials.<sup>25</sup> The only counter to this should be a situation whereby the legal system of the partner nation is worse than what is obtainable locally especially with the quick and unbiased dispensation of justice. By this development, Nigerians would be deterred from laundering money in foreign banks since they may not have firm footing to bribe the government and other officials in the event of their trials in the state of refuge.

On the other hand, monies hidden locally will certainly be known especially with the introduction of the Bank Verification Number (BVN). If invested locally, labour would be recruited and taxes paid to the government. If not, the commercial banks will give it out as credit to investors and in a way boost the economy. The Nigerian missions could capitalize on its importance to certain nations (e.g. the United States, Britain, etc) especially as a source of raw materials like crude oil, etc to insist that their financial institutions should not accept certain amount of monies from its nationals except an authorization is given by the embassy.

While realizing the implication of some of these moves, its overall importance to the country cannot be overemphasized, if there is the prospect of economic development. Since it had been confirmed that corruption and its resultant lack of proper funding of the foreign service, is partly responsible for the poor performances of the Nigerian Foreign missions, it is absolutely necessary they play key role in the war against corruption. Though they may encounter various forms of challenges in the process of making these enormous contributions, they

<sup>23</sup>African Union Convention on preventing and Combating Corruption, Article 15 (2 -3).

<sup>24</sup>Ibid

<sup>25</sup>Malcolm N.Shaw, International Law, 6<sup>th</sup> Edition, New York; Cambridge University Press, 2008, p686.

would ultimately, should they persevere, be a beacon in the global crusade against corruption.

## CONCLUSION AND RECOMMENDATIONS

Corrupt practices in the public sector in African States has been perennial especially bribery, embezzlement, etc and its been perpetrated by politicians and bureaucrats. Successive governments across Africa have made little or no effort to combat this menace. However, the African Union, realizing the level of devastation it has caused to its member states, especially with regards to underdevelopment, fashioned out modalities in the AU convention on preventing and combating corruption to curb its further spread. Accordingly, State Parties were, among other things, encouraged to domesticate the convention by establishing anti-corruption agencies.

In Nigeria, the Economic and Financial Crimes Commission (EFCC) was established by the Olusegun Obasanjo administration in 2003 in response to the continental instrument, to combat specifically financial crimes, i.e. bribery, money laundering, etc. Earlier agencies of similar objectives like the Code of Conduct Bureau, Code of Conduct Tribunal and Independent Corrupt Practices and other Related Offences Commission (ICPC) had proved inefficient to address this dreaded scourge.

In spite of the huge amount of money spent on these anti-corruption agencies, much have not been done to assure Nigerians that the war (against corruption) is going in the right direction. Among other things, this inefficiency is attributed to political interference.

The Nigerian Foreign Service is therefore expected to render assistance not just due to the fact that it is equally affected by it but because these stolen fund are usually stashed in the bank accounts of their respective countries of accreditation. The medium through which this could be achieve is equally outlined.

To genuinely fight corruption in Nigeria, the anti-graft agencies should be composed of men of integrity and likewise be given much latitude to perform its duties. Effort would have to be made to prosecute high profile cases involving top politicians to boost people's confidence in their capabilities. The National Judicial Council should also take steps to punish judges who grant undeserving injunctions restraining the anti-graft agencies from prosecuting financial criminals even when the evidence is readily available.

On the part of the Nigerian Foreign Service, there should be a performance measurement<sup>26</sup> technique in which, among other things, targets should be set for them

with regard to the enforcement of the various strategies noted as necessary in the war against corruption. Missions and diplomatic agents who could not meet these targets (based on the number of corruption cases it could disclose within a specified period of time) be recalled to the home office. Those who could should be given various forms of incentives. These means could in no small measure help ensure victory in this arduous war.

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