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A REVIEW OF BOOK ON THE KEY PILLARS UNDER THE INTERNATIONAL AND NIGERIAN ANTI-CORRUPTION LAWS By ERNEST OGWASHI UGBEJEH, NOUN PRESS LTD (Nigeria: 2020, XIX+497 Pp, ISBN 978-978-058-062-9)

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Abstract

The need to combat corruption, if possible, can be over-emphasized. This is premised on the fact that combating corruption defies a mono-discipline approach. This is hinged on the idea that there is need for an all-inclusive approach, capable of accommodating the cumulative tendencies operating to impose a holistic effect on the concerted efforts, together with sensitizing the general society of the overall menace of corruption, not merely in the society but extending to and not limited to the state and family institutions. Consequent on the above, the book 'The Key Pillars under the International and Nigerian anti-corruption laws' espoused remedial guide as well as philosophical legal pillars that should be maintained, and operate in both international and Nigerian anti-corruption laws. The book identified the humungous effect of corruption in the face of multifarious frameworks; both at international and domestic regimes as well as reviewed the anti-corruption laws albeit, from different jurisdictional perspectives. Against this background, the authors isolated and examined in detail the vast range of Nigerian legislations as well as international legal instruments considered by the original writer of the book appertaining to the regime of crime of corruption. The authors in the course of the review demonstrated and considered such core contents, already utilised by the writer, such as prevention, criminalization, enforcement, international cooperation, and asset recovery. The review of the book therefore concluded that the combined effects of the measures employed by the writer would surely contain the menace of corruption in Nigeria.

Key words: corruption, prevention, criminalisation, asset recovery, international cooperation

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1. Introduction

The book 'The Key Pillars under the International and Nigerian anti-corruption laws' has the capacity to speak for itself. This is premised on the fact that the book constitutes a remedial guide as well as

original source material for purposes of redirecting attention on the philosophical legal pillars that should be maintained and operate at both international and Nigerian anti-corruption laws. Beyond the identification of the humungous effect of corruption, the book analytically contributes to the multifarious frameworks; both at international and domestic regimes and, collectively aimed at reviewing the anti-corruption laws albeit, from different jurisdictional perspectives. The author addressed these anti-corruption legal frameworks in such a manner as to enrich legal scholarship and jurisprudence with clarity of thought and comprehension.

Drawing attention from the natural law theorists lies a huge believe that law should legislate morality. Corrupt practices are unconvincingly immoral and criminal. In the light of the above contention, there is the glaring need to legislate moral standard against corruption. Significantly, this requires a 'thought process.' The benign adopted process to check corruption must reflect and subsume subsisting legal frameworks laden with a potency to check corruption. Against this background lies the task ahead of every society to identify and analyse its problem and consequently seek for remediation. An integral part of this solution ought to be geared towards the identification of the appropriate legislation capable and/or portending solution of the problem. In this case, the menace of corruption is confined within this perimeter. Flowing from here, natural law is readily available as a perspectival approach in the process of fathoming and erecting pillars of anti-corruption laws.

The book The Key Pillars under the International and Nigerian Anti-Corruption Laws isolates and examines in detail the vast range of Nigerian legislations as well as international legal instruments, appertaining to the regime of crime of corruption. The book assiduously discussed such core contents to wit: Preventive, Criminalisation and enforcement, International cooperation, and Asset recovery as the very foundation upon which this novel scholarship rests.

The book's principal arguments are contained in the following sub headings:

1. General Introduction

There are a total of fourteen chapters in the book. The chapters are further divided into five (5) parts. The very first part, part A is the general introduction. It contains two (2) chapters. The two chapters focus on Background and Definitions as well as an overview of the anti-corruption laws which ordinarily constitutes the four (4) pillars, earlier identified.

2. Preventive Anti-Corruption Pillar

The Part B contains three chapters. This part examines the first key pillar. This is the pillar addressing 'prevention of corruption.' Under here, Chapter 3 focuses on development of 'preventive anti-corruption policies and practices and preventive agencies.' Chapter 4 dwells on preventive measures in the public sector and proceeded to identify such areas of concern inclusive of recruitment and training of public officers, adequate remuneration, and funding of candidates for public offices. The Chapter 5 considered preventive measures in the private sector and the participation of civil society.

3. Criminalisation and Law Enforcement Pillar

Part C investigates the 'criminalisation and attendant enforcement pillar.' The proper discussion on criminalisation of corruption and related offences is considered in chapter 6. Furthermore, this

chapter 6 also examined the general criminal law principles appertaining to corruption. As a follow up, chapter 7 considered the challenges of law enforcement measures and allied issues.

4. International Cooperation Pillar

The part D contains three chapters which focus on the International cooperation pillar as well as such other issues as extradition of fugitives sought for committing offences related to corruption, mutual legal assistance, and other forms of international cooperation, inclusive of transfer of sentenced persons and transfer of criminal proceedings.

5. Asset Recovery Pillar

Asset Recovery is the last of the key pillars. This was reserved for Part E of the book. This part E contains four chapters. Chapter 11 examined related definitions of some relevant terms, asset recovery initiatives, tracing and identification measures. Chapter 12 handled ‘freezing and confiscation measures.’ The chapter 13 analysed the three types of deals geared towards asset recovery, namely plea bargain, no prosecution deal, and settlement agreement, fine and compensation. The chapter 14 of the book centres on asset recovery through civil action in foreign and local courts and the consequent management of recovered assets.

6. Responses

This is well researched book with special highlights on erecting key pillars under the international and Nigerian anti-corruption laws for checking corruption. As it is presently, the scourge of corruption and attendant societal decay orchestrated by effects of corrupt practices on nations around the world are of chequered history and commands debilitating effects on the economy. The author did not shy away from recounting damning effects of corruption, even in Nigeria.

The author indulged in detailed explanation in the course of investigating anti-corruption laws both at international and domestic spheres. He succeeded in proffering comprehensive and comparative legal frameworks on anti-corruption.

The book is incisive and proceeded from an inductive to deductive reasoning method.

The fulcrum upon which the comparisons were made is roundly pivoted on the United Nations Convention against Corruption¹ and the African Union Convention on Preventing and Combating Corruption.² Notwithstanding these international instruments, other very relevant legislations were also considered.

The author succeeded in writing the book in simple flowing language. It is readable and has the capacity to satisfy the interest of the reading public, apart from its regime of primary concern-the legal profession.

It is also to be observed the peripheral examination of available works on corruption in Nigeria, prior to delving to consider literature in foreign countries. Furthermore, the author unwittingly neglected a purposive comparison of trends in other jurisdictions

¹ [Hereafter, The UNCAC]

² [Hereafter, The AUCPCC]

However, it would have been expected that the degree of intellection and scholarship in this type of investigation on key pillars on corruption exceed mere identification of pillars concerned, but extends to socio-cultural and political factors in a holistic academic diagnosis of corruption phenomenon in Nigeria. Furthermore, there is apparent neglect of subsisting literature on corruption. There are many and varied literature, in fact, a plethora of diverging views on combating corruption in most libraries, which if captured and reviewed would have further enriched the scholarship contained in the book. There is also need to extend scholarly visibility to the book.

7. Conclusion

In view of the above observations and considering of the fact that the book has been deployed to the reading public, the author has contributed to available literature. Consequently, the book the key pillars under the international and Nigerian anti-corruption laws is considered an introduction to 'jurisprudence on corruption' related issues in Nigeria.