INTERNATIONAL LEGAL FRAMEWORK FOR THE DECIMATION OF JUDICIAL CORRUPTION AND PROMOTION OF GOOD GOVERNANCE IN NIGERIA*

Abstract
Corruption being a global phenomenon has allegedly intruded and threatened every sphere of human endeavour particularly economic, political, social and educational phases. The adverse impacts are not only nationally felt, but globally acknowledged. The technical network built in the course of perpetrating the crime connects individuals and organisations residing and located in different jurisdictions across the globe. This makes the network of corrupt practices seamlessly multi-continental. Transnational nature of the graft drew the attention of international and regional institutions such as the United Nation, the African Union and Economic Community of West Africa States to enact conventions and protocols tailored in that direction to tackle the challenge. This paper appraised international legal framework for the decimation of judicial corruption and promotion of good governance. Qualitative research design was adopted using doctrinal approach. Primary data employed included international conventions and protocols and statutes while secondary data relied on included text books, journal articles, case laws, newspapers and online materials which are subject to content analysis. The study found that corruption is a global phenomenon that has permeated all spheres of human engagements judiciary inclusive. Enactment of international conventions and protocols is a global provision to curb corrupt practices. This encouraged member states to establish national anti-corruption agencies and commissions and also strengthened existing legislation on anti-corruption of member states. It was concluded that regardless of the effectiveness and usefulness of the conventions they are limited in application on account of lack of political will in application of some of their provisions, conflict of the conventions with local laws, non-enforcement of judgments and order of the Court are some of the limitations. It is recommended that enforcement mechanisms of decisions of regional Courts be strengthened by member states to give no respite and haven for corrupt officials by member states.

Keywords: Good Governance, International Organizations, Judicial Corruption, Decimation, Nigeria.

1. Introduction

Corruption is a global pandemic which has drawn international concern. Transnational concern raised, has attracted international and regional institutions' attention that enacted different legislation to tackle corruption in both private and public sectors including the judiciary. The chequered history and multi-continental nature of corruption have made it important to find lasting solution to its emergence. This development led to enactment of several legislation at international, regional and national levels to tackle it. However, different institutions and commissions have been established to enforce the provisions of enacted legislation. This chapter examines relevant provisions of international and regional conventions and treaties relating to corruption in relation to judicial corruption. Also process of selection and appointments of judicial officers and Nigerian's experience regarding judicial corruption cases will be examined and challenges faced on power of discipline and removal of judges. The study

2. International Anti-corruption Conventions

International anti-corruption legislation influences Nigeria's efforts through instruments like the United Nations Convention against Corruption (UNCAC), which Nigeria ratified in 2004. However, enacting and implementing international treaties into Nigerian law requires specific legislative action by the National Assembly. The full force of international conventions depends on their domestication through national legislation. The process of domesticating international treaties in Nigeria is provided for in the Nigerian Constitution.[1] This is to the effect that no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.[2] The international laws affect Nigerian anti-corruption efforts by shaping domestic law because it provides the standards and goals that drive the creation and reform of domestic laws. Judicial integrity is maintained by international human rights instruments which emphasised the right to a fair trial. This is consequent on an independent and impartial judiciary. These pieces of international anti-corruption legislation are as below.

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[1] s 12(1) 1999 Constitution of the Federal Republic of Nigeria (as amended).
[2] ibid.

United Nations Convention against Corruption (UNCAC) 2003: According to Imosemi, corruption is a universal hiccup with transnational consequences, a worldwide action is highly needed and it has been acknowledged that an international anti-corruption instrument in the form of a convention or treaty is essential not only to cover up the void in the national legal systems but also to develop a close cooperation among states.[3] The author opines further that there are variations in causes of corruption from one country to the other which also determines prosecutorial differences.[4] This compels the United Nations, an organization with worldwide membership and a global mandate to deal with this challenge by establishing an ad hoc Committee to negotiate a comprehensive United Nations Convention against Corruption through its General Assembly.[5] Corruption fighting is now firmly established in international law on a global scale with the promulgation of international legislation to tackle corruption such as the United Nations Convention against Corruption (UNCAC), adopted in 2003 and entering into force in 2005.[6] It is the comprehensive anti-corruption instrument covering areas like preventive measures, criminalization, international cooperation, asset recovery and technical assistance; and it aspires to universality, inspiring legislation in the vast majority of countries worldwide.[7] It serves as a lens to explore behavioural insights and their potential incorporation in the future.[8] UNCAC is the legally binding universal anti-corruption instrument, aiming to prevent and combat corruption through a comprehensive approach.[9]The Convention introduces a comprehensive set of standards, measures and rules that all countries can apply in order to strengthen their legal and regulatory regimes to fight corruption.[10] It calls for preventive measures and the criminalization prevalent forms of corruption in both public and private sectors.[11] And it makes a major breakthrough by requiring Member States to return assets obtained through corruption to the country from which they were stolen.[12] These provisions introduce a new fundamental principle, as well as a framework for stronger cooperation between States to prevent and detect corruption and to return the proceeds. Corrupt officials will in future find fewer ways to hide their illicit gains. This is a particularly important issue for many developing countries where corrupt public officials launder stolen funds in foreign accounts. The purposes of the Convention are to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery and to promote integrity, accountability and proper management of public affairs and public property.[13]

Sovereign independence of State Parties is highly respected by the Convention. The Application of the Convention's obligations by States Parties shall be in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.[14] However, nothing in the Convention shall entitle a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.[15] Promoting preventive corruption is one of the areas covered by the Convention whereby each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.[16] Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.[17] Each Party is to collaborate with each other and with relevant international and regional organizations in promoting and

[3] Adekunbi Imosemi, 'The Right to a Corrupt Free State: Probing the Provisions under the Criminal Justice administration and Instigating the United Nations Legal Paradigm to the Rescue' (2021) (1) *Madona University Law Journal* 80 at 89.
[4] ibid.
[5] Adekunbi Imosemi, 'The Right to a Corrupt Free State: Probing the Provisions under the Criminal Justice administration and Instigating the United Nations Legal Paradigm to the Rescue' (2021) (1) *Madona University Law Journal* 80 at 89.
[6] Anne van Aaken, 'Effectuating International Law against Corruption: Behavioural Insight' (2024) 22(2) *International Journal of Constitutional Law*, 22 (2) 562-584.
[7] ibid.
[8] ibid.
[9] 'UNCAC, The Only Legally Binding Anti-Corruption Instrument' Stolen Asset Recovery Initiative the World Bank UNODC <https://star.worldbank.org/focus-area/uncac> accessed 20 March 2025.
[10] ibid.
[11] ibid.
[12] ibid.
[13]United Nations Convention against Corruption (UNCAC), 2003 Art. 1 (a) (b) and (c).
[14] ibid, Art 4 (1).
[15] ibid, Art 4 (2).
[16] ibid Art 5 (1).
[17] ibid Art 5 (2).

developing the measures referred to in the Convention[18] that collaboration may include participation in international programmes and projects aimed at the prevention of corruption.[19]

The Convention promotes in its preventive approach creation of anti-corruption body or bodies as appropriate, which prevent corruption.[20] The body or bodies where appropriate, overseeing and coordinating the implementation of those policies;[21] increasing and disseminating knowledge about the prevention of corruption.[22] Each State Party shall grant the body or bodies necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence with necessary supports to execute their programmes.[23] Chapter III of the Convention requires State Parties to criminalise a collection of corruption-related offences which include bribery of national public officials, foreign public officials and officials of public international organisations.[24] Chapter IV of the Convention dwells on international cooperation among States Parties in criminal matters in accordance with provisions in articles 44 to 50 of this Convention particularly where appropriate and consistent with their domestic legal system, States Parties shall consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption. Chapter V provides for assets recovery with a detailed consideration at prevention and detection of transfers of proceeds of crime.[25] It also requires financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts;[26]Mechanisms for recovery of property through international cooperation in confiscation.[27] Imosemi concludes that UNCAC is more comprehensive than the domestic legal framework on corruption in Nigeria. Since domestic law is with loopholes that corrupt persons use to escape convictions, the UNCAC should form part of the law to fight corruption in Nigeria.[28] The author submits that notwithstanding the comparative newness of the instrument in international law terms, the real results are being acknowledged as a consequence of its implementation.[29]

African Union Convention on Preventing and Combating Corruption (AUCPCC) 2003: Corruption poses a significant challenge to the development and progress of nations around the world. In Africa, the fight against corruption has been a priority, leading to the adoption of the African Union Convention on Preventing and Combating Corruption in (AUCPCC) 2003.[30] This regional agreement serves as a vital tool in promoting transparency, accountability, and good governance across the continent.[31] The African Union Convention on Preventing and Combating Corruption is a significant treaty adopted on 11 July, 2003, at the Second Ordinary Session of the Assembly of the Union in Maputo, Mozambique. This convention aims to promote and strengthen mechanisms to prevent, detect, punish, and eradicate corruption and related offences in Africa. The concern for convention is as a result of the negative effects of corruption and impunity on the political, economic, social and cultural stability of African states and its devastating effects on the economic and social development of the Africans.[32] The key objectives of the convention are to promote and strengthen measures to prevent corruption, including the adoption of code of conducts and ethics, Enhance cooperation among States Parties to investigate and prosecute corruption and related offence in Africa, coordinate and harmonise the policies and legislation between State Parties for the purposes of prevention, detection, punishment and corruption eradication; promote socio economic development by removing obstacles to the enjoyment of economic, political and civil right.[33] It represents regional consensus on what African states should do in the areas of prevention, criminalization, international cooperation and asset recovery. Going beyond other similar conventions, the AUCPCC calls for the eradication of corruption in the private and public sectors.[34] The Convention covers a wide range of offences

[18] ibid Art 5 (3).
[19] ibid Art 5 (4).
[20] ibid Art 6 (1).
[21] ibid Art 6 (1) (a).
[22] ibid Art 6 (1) (b).
[23] ibid Art 6 (2).
[24] ibid Arts 15 – 42.
[25] ibid Art 4.
[26] ibid Art 52.
[27] ibid Art 54.
[28] Adekunbi Imosemi, 'The Right to a Corrupt Free State: Probing the Provisions under the Criminal Justice administration and Instigating the United Nations Legal Paradigm to the Rescue' (2021) (1) *Madona University Law Journal* 80 at 92.
[29] ibid.
[30] Yaporh, 'Enhancing Good Governance in Africa: A Review of the African Union Convention on Preventing and Combating Corruption' AUCPCC, 2023 <https://youngafricanpolicyresearch.org/enhancing-good-governance-in-africa-a- review-of-the-african-union-convention-on-preventing-and-combating-corruption/>.
[31] ibid.
[32] African Union Convention on Preventing and Combating Corruption (AUCPCC) 2003, Preamble
[33] AUCPCC 2003 Art 2 (1) (2) (3) (4) and (5).
[34] Akeem Olajide Bello, 'United Nations and African Union Conventions on Corruption and Anti-corruption legislation in Nigeria: A Comparative Analysis' (2014) 22 (2) *African Journal of International and Comparative Law* 308-333.

including bribery (domestic or foreign),[35] diversion of property by public officials, trading in influence, illicit enrichment, money laundering and concealment of property and primarily consists of mandatory provisions.[36] It also obliges the signatories to introduce open and converted investigations against corruption. By aligning with international anti-corruption standards, such as the United Nations Convention against Corruption, this agreement ensures that African nations are part of the global efforts to combat corruption in all domains Judiciary inclusive.

Scope of the Convention

Preventive Measure: Recognizing the importance of preventive measures, the convention emphasizes the establishment and strengthening of institutions responsible for preventing and combating corruption.[37] African states are encouraged to foster a culture of integrity, promote transparency in public administration,[38] and implement measures to curb corrupt practices.[39] By focusing on prevention, the convention aims to address corruption at its roots and create an environment conducive to good governance.

Legal Framework and Law Enforcement: An effective legal framework and robust law enforcement are crucial in the fight against corruption. The convention urges member states to enact legislation criminalizing corrupt practices and provides guidelines for investigating and prosecuting corruption cases.[40] By establishing strong legal frameworks and empowering law enforcement agencies, African nations can effectively combat corruption and hold perpetrators accountable.

Assets Recovery and Repatriation: The convention recognizes this issue and emphasizes the importance of asset recovery and repatriation.[41] Member states are encouraged to develop mechanisms to trace, freeze, confiscate, and return illicitly acquired assets.[42] By recovering stolen assets, African countries can redirect these resources towards development projects that benefit their citizens.

Civil Societies Participation: The convention acknowledges the crucial role of civil society organizations in the fight against corruption.[43] It promotes transparency, accountability, and public participation in decision-making processes.[44] By involving civil society, the convention recognizes the need for collective action and the importance of holding governments accountable.[45] Civil society organizations can play a pivotal role in monitoring the implementation of anti-corruption measures and advocating for greater transparency.[46]

Monitoring and Reporting: To ensure the effectiveness of the convention, a monitoring mechanism has been established. Member states are required to submit periodic reports on their anti-corruption measures, allowing for assessment, evaluation, and identification of areas for improvement.[47] This monitoring and reporting system enhances transparency and encourages member states to remain committed to their anti-corruption obligations. Those measures attracted criticism by Peter Schroth, who argued that the convention disregards other aspects of the rule of law, such as data protection and the presumption of innocence.[48]

Challenges

While the African Union Convention on Preventing and Combating Corruption provides a robust framework, its effective implementation faces challenges. Yaporh submits that limited resources, weak institutional capacity, and political will are some of the hurdles that need to be overcome.[49] Furthermore, coordinated efforts and enhanced cooperation among member states are necessary to tackle cross-border corruption effectively.

Impacts of International Legal Conventions on Judicial Corruption in Nigeria

International and regional anti-corruption conventions, such as the UNCAC and the AU Convention, have prompted Nigeria to strengthen its legal and institutional frameworks to combat judicial corruption. Though

[35]AUCPCC 2003 Art 4 (1) (a) (b) and (c).
[36]AUCPCC 2003 Art 4 (1) (c) (d) (e) (f) and (g).
[37]ibid Art 5 (3).
[38] ibid Art 7 (5).
[39] ibid Art 6.
[40]ibid Art 5.
[41]ibid Art 16.
[42] ibid.
[43] ibid Art 12.
[44] ibid Art 12 (2).
[45] ibid.
[46]AUCPCC 2003 Art 12 (4)
[47] ibid Art 22.
[48] Peter W Schroth, 'The African Union Convention on Preventing and Combating Corruption' (2005) 49 (1) *Journal of African Law* 24-38.
[49] Yaporh (n 316).

UNCAC is yet to be domesticated in Nigeria in accordance with the provisions of the Constitution. It is apposite to note however that several pieces of legislation complying with different provisions of the UNCAC have been enacted into law by both the National Assembly and States Houses of Assembly and several implementation structures have been set up in view of such legislation. This has led to the creation of anti-corruption agencies like the ICPC and EFCC, increased legal provisions for offences like abuse of office, and a focus on transparency and asset declaration, though challenges in implementation persist.[50] The UNCAC is unique for its worldwide coverage, the scope of its provisions which includes but is not limited to preventive and punitive measures, its call on civil societies and non -governmental organizations to participate in the accountability process, and most importantly its provisions on international cooperation amongst State Parties by assisting each other in the fight against corruption. Some of these provisions have been domesticated in both ICPC and EFCC Act in Nigeria to curb corruption challenges in Nigeria.[51] Nigeria has adopted international conventions through ratification of the conventions particularly United Nations Conventions against Corruption in 2024 and the African Union Convention on Preventing and Combating Corruption in 2006, which are the primary international frameworks guiding its anti-corruption efforts. Nigeria has used these conventions as a basis to establish and strengthen domestic institutions responsible for eradicating corruption. While the conventions have directly informed the creation of Nigerian laws and policies designed to address corruption, such as the Corrupt Practices and Other Related Offences Act of 2000.[52]

ECOWAS Protocol on the Fight against Corruption 2001: ECOWAS Protocol on the Fight Against Corruption (2001) is a regional agreement that aims to strengthen cooperation among member states. The key aspect of the protocol include harmonizing national laws,[53]Establishing preventive measures like asset disclosure for public officials,[54] and making corruption offences such as bribery and illicit enrichment criminal.[55] In its objective to integrate member states, the heads of States and Government of the Economic Community of West African States (ECOWAS) enacted ECOWAS Protocol on the Fight against Corruption (hereinafter called 'ECOWAS Protocol'). Nigeria ratified this protocol in 2005. In its preamble ECOWAS Protocol, called on member states to eradicate corruption and adopt measures for combating money laundering and to promote transparency, accountability and good governance within their territories.[56] This emphasises the need to eradicate corruption to promote core values of good governance which are rooted in transparency and accountability. The objectives of the Protocol are 'to promote and strengthen the development in each of the State Parties effective mechanisms to prevent, suppress and eradicate corruption, to intensify and revitalize cooperation between State Parties, with a view to making anti-corruption measures more effective; and to promote the harmonization and coordination of national anticorruption laws and policies.[57] This sub-regional instrument for the Economic Community of West African States (ECOWAS) aims to harmonise anti-corruption efforts and facilitate cooperation, mutual legal assistance, and asset recovery among member states.

ECOWAS Protocol on the Fight against Corruption and Advancement of Good Governance in Nigeria: The ECOWAS protocol aims to address corruption regionally and by extension, judicial corruption so as to foster good governance through a framework of harmonization, cooperation, and institutional measure. The Protocol, along with other regional and global instruments like the UN convention against corruption, provides a regional framework and commitment for Nigeria to adhere to international best practices in fighting corruption and create framework for transparency. Nigeria has participated in the development of the protocol and subsequent anti-corruption guidelines which encourages national anti-corruption agencies' establishment such as Independent Corrupt Practices Commission (ICPC) and Economic and Financial Crime Commission (EFCC) to align their operations with regional efforts and promote uniformity, cooperation and national action. Furthermore, the broader ECOWAS protocol on democracy and good governance in 2001 institutionalizes principles like the independence of the judiciary and the rule of law, which are fundamental to good governance. The ECOWAS court of justice has delivered landmark judgments on human right, including cases against the Nigerian government, which reinforces the importance of judicial oversight and accountability.[58]

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[50] Godwin Emmanuel Oyedokun and Olu Ojedokun, 'An Assessment of United Nations Convention Against Corruption: Implications for Nigeria' (2023)7(6) *IRE Journals* 1.
[51] Miebaka Nabiebu and Micheal Takim Otu, 'Combatting Corruption in Nigeria: Assessing Legal Infrastructure and Proposals for Reform'(2023)6(2) *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis* 211.
[52] Corrupt Practices and Other Related Offences Act, sec 10
[53]ECOWAS Protocol on the Fight against Corruption (hereinafter called 'ECOWAS Protocol') Art 18 ECOWAS Protocol.
[54] Art 5 ECOWAS Protocol.
[55] Art 6(3) ECOWAS Protocol
[56] ECOWAS Protocol Preamble.
[57]ECOWAS Protocol on the Fight against Corruption (hereinafter called 'ECOWAS Protocol') Art 2 (i-iii)
[58] ENDSARS: ECOWAS Court Finds Federal Government of Nigeria Guilty of Human Rights abuses, Orders N10m Each as Compensation for the Applicants <https://eie.ng/ecowas-court-finds-federal-government-of-nig/> accessed 10 December, 2025, see also ECW/CCJ/APP/56/21/REV: *Todd v Federal Republic of Nigeria*, the Court held that Nigeria violated the applicant's freedom of movement when his passport was unreasonably and arbitrarily seized.

Challenges of Implementation and Impact of ECOWAS Protocol in Nigeria: Despite the benefit of the protocol the actual impact is hindered by several key factors such as: Non-Enforcement of judgment delivered by the ECOWAS Community Court of Justice by member states, including Nigeria is a major concern. Recently, ECOWAS Community Court of Justice disclosed that only 22 percent of its judgments were enforced by member states despite existing legal frameworks and the appointment of Competent National Authorities (CNAs) across the region in member states, non-enforcement of decisions erodes public trust and impedes the advancement of justice and human rights in the region.[59] Failure to enforce Court's judgment also undermines its authority and the rule of law.[60] Selective policy implementation was observed as the ECOWAS's best practice in terms of integration policy implementation, rule of law and due process. The selectivity includes policies and judgments of the Community Court. Political leaders conscientiously enforce unpopular policies and refuse to implement policies acceptable to the Community. The effectiveness of the ECOWAS framework relies heavily on member states domesticating the protocols into their national laws and enforcing them consistently. The lack of consistent political will across the region, including Nigeria, weakens the deterrent effect against corruption. There are sufficient instruments to enable ECOWAS political integration that are not implemented because there is a lack of political commitment over the assumption that the ECOWAS protocol makes no express mention of political integration which could have been an oversight of the actors Edodi and Ahimbisibwe submitted.[61] Another limitation is internal judicial corruption which are domestic issues such as inadequate remuneration for judges, political influence on judicial appointment and lack of firm discipline for erring officials by the NJC contribute to the persistence of corruption within the Nigerian justice system, thus hindering the ability to fully align with ECOWAS ideals on good governance.[62]

3. Benefits of Adaptation of International Anti-corruption Convention and Protocol

Both UNCAC in 2004, AU in 2003 Convention and ECOWAS Protocol were ratified by Nigeria which spurred the government to align its national laws and policies with international standards. Besides raising the standards, Nigeria established and empowered institutions like the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) to investigate and prosecute corruption. The conventions equally strengthened legal provisions to criminalise actions like abuse of office, which are specifically addressed in conventions like UNCAC and have been incorporated into Nigerian law, such chapter 12 of the Criminal Code Act.[63] Also, Articles 5 and 6 provide for the preventive measures in the United Nations Convention Against Corruption particularly as it relates to anti-corruption policies and practices and anti-corruption bodies have duly implemented these provisions in Nigeria. The enactment of the Corrupt Practices and Other Related Offences Act 2000 which establishes the Independent Corrupt Practices Commission and the enactment of the Economic and Financial Crimes Commission Act 2004 which also established the Economic and Financial Crimes Commission amongst other similar bodies attest to the above assertion.[64]

On Corruption in Nigeria, George argued that the phenomenon of corruption is caused by a weak legal system and has consequently posed a serious threat to good governance in Nigeria. He further called for the need for an urgent review of the existing anti-corruption provisions, a submission this researcher completely endorses, given the provision of Article 5(3) of the Convention which provides for a periodic evaluation of the relevant legal anti-corruption instruments.[65]

The Courts reinforcing the need for adaptation of relevant provisions of these international conventions into Nigerian legislation to tackle fallouts of corruption in Nigeria society and to improve good governance core values such as transparency, accountability and respect for rule of law held in the case of *Altimate Inv. Ltd v Castle & Cubicles Ltd,*[66] that corruption if not checked, threatens order, peace, and good government. The decision of the court in *EFCC v Fayose and Anor*[67]is equally pertinent, the court in emphasizing the duty of the court in the fight against corruption held vehemently that legal technicalities should not constitute a roadblock in the effort for the fight against corruption. The court submitted that the essence of the law is to protect and preserve the political and social well-being of the state as well as the citizenry, a position the researcher completely agrees with. The decision of the Supreme Court in the case of *AG of Ondo State v AG of the Federation and Ors,*[68] is also instructive,

[59] Yetunde Ayobami Ojo, 'Concerns Over 22% Enforcement of ECOWAS Court Judgments' *The Guardian* (Lagos, 24 June, 2025) 1.
[60] ibid.
[61] ibid.
[62] ibid.
[63] Cap 38c Laws of Federation of Nigeria 2004, sections 98 and 104 in particular of chapter 12.
[64] s 6(f) EFCC (Establishment) Act 2004.
[65] George Y A, *Legal System, Corruption and Governance in Nigeria* (New Century Law Publishers Ltd 2000).
[66] [2008] All FWLR (Pt. 417) 124 at 132 – 133, 151 - 152 C - B (CA)
[67][2018] LPELR-44131(CA)
[68][2002] LPELR-623(SC)

the apex court in pronouncing on the powers of the National Assembly to legislate against corruption and abuse of office rightly held that the National Assembly has such powers, and it even extends to a person, not in authority under public or government office. The researcher agrees with this position, the reasons is that it is in tandem with the spirit of the UNCAC, as it applies to both public and private actors and as also canvassed by Oyedokun and Ojedokun.[69]

Another area of impact that deserves attention is Chapter V of the convention and Article 18, ECOWAS Protocol on forfeiture and asset recovery which is very crucial in tackling corruption cases. Adopting this provision led to enactment of The Proceed of Crime (Recovery and Management) Act (POCA) 2022 was enacted to comprehensively provide for the seizure, confiscation, forfeiture and management of properties suspected to have been obtained from unlawful activities and corrupt practices. This paper agrees with the submission of Oyedokun and Ojedokun to the extent that the implementation of the convention is a one-sided view, that which reflects the Nigerian government's alleged commitment to the implementation of the UNCAC and that the other side of the coin which entails much interference in the activities of the anti-corruption bodies by the government which causes inefficiency is very much present.[70]

The preventive anti-corruption bodies put in place by the Nigerian government were highlighted to include the Independent Corrupt Practices and Other Related Offences Commission (ICPC), the Economic and Financial Crimes Commission (EFCC), the Code of Conduct Bureau (CCB), and the Bureau of Public Procurement (BPP). It further includes the Nigerian Extractive Industries Transparency Initiative (NEITI), the Public Complaints Commission, the Office of the Auditor-General of the Federation, and the Technical Unit on Governance and Anti-Corruption Reforms (TUGAR). The mandates and responsibilities of these agencies and their institutional structures and preventive activities were examined in this report. Coordination challenges amongst these different anti-corruption agencies were said to be addressed by the Inter-Agency Task Team [IATT], by surveying anti-corruption initiatives and activities in Nigeria, in a bid to answer who is doing what.

Oyedokun and Ojedokun submits that the adoption of the United Nations Convention against Corruption will send a clear message that the international community is determined to prevent and control corruption. It will warn the corrupt that betrayal of the public trust will no longer be tolerated. And it will reaffirm the importance of core values such as honesty, respect for the rule of law, accountability, and transparency in promoting development and making the world a better place for all. [71] This researcher aligns with the submission of the scholars.

The new Convention is a remarkable achievement, and it complements another landmark instrument, the United Nations Convention against Transnational Organized Crime, which entered into force just a month ago. It is balanced, strong, and pragmatic, and it offers a new framework for effective action and international cooperation. Among the key challenges highlighted by this paper is the over-dependency on the executive for funds by the agencies, and as a consequence, the interference by the executive in the affairs of these agencies. The document further suggested in its recommendations that funding of anti-corruption works should be based on a first-line charge on the Consolidated Revenue of the Federation. This will serve to reduce the dependence on the Executive arm for funding the agencies.[72] The paper believes that interference in the affairs of the commission by the executive arm does not come in the form of financial control alone, but also the independence of some heads of these agencies is put into question, in a situation where some of the heads are without secured tenures, and subject to arbitrary removal by the executive, the problem of interference is not still solved.[73]

Asset Declaration: The conventions emphasised transparency, leading to increased requirement for public officials, including judicial officers, to declare their assets to bodies like Code of Conduct Bureau (CCB). The Code of Conduct Bureau is mandated to administer the Code of Conduct for public officers judicial officers inclusive, a key preventive measure often emphasised in international anti-corruption frameworks[74] This allows each state party, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. The establishment promotes effective practices aimed at the prevention of corruption and

[69] Godwin Emmanuel Oyedokun and Olu Ojedokun, 'An Assessment of United Nations Convention Against Corruption: Implications for Nigeria (2023)7(6) *Iconic Research and Engineering (IRE) Journals* 384.
[70] ibid.
[71] Godwin Emmanuel Oyedokun and Olu Ojedokun, 'An Assessment of United Nations Convention Against Corruption: Implications for Nigeria (2023)7(6) *Iconic Research and Engineering (IRE) Journals* 353.
[72] Godwin Emmanuel Oyedokun and Olu Ojedokun, 'An Assessment of United Nations Convention Against Corruption: Implications for Nigeria (2023)7(6) *Iconic Research and Engineering (IRE) Journals* 384.
[73] ibid.
[74] Art.5 (1-3) United Nation Convention Against Corruption, (UNCAC) 2004.

periodically evaluates relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption in each party state.

The code of conduct sets forth the ethical and professional standards expected of judges and magistrates which are considered during both appointment and disciplinary processes. These provisions encourage Nigeria to strength its Code of Conduct Bureau and Tribunal legislation to international standard with the aims and objectives to establish and maintain a high standard of morality in the conduct of government business and to ensure behaviour of public officers conform to the highest standards of public morality and accountability.[75] This preventive position of the Code is the lesion adopted from UNCAC and other conventions in this study. In *FRN V Justice Walter Samuel N. Onoghen* the defendant was arraigned over alleged non-declaration and false declaration of assets between 2005 and 2016 when he failed to submit a written declaration of his assets and liabilities within the prescribed period of three months after being sworn in as the justice of the Supreme Court of Nigeria and for non-disclosure of domiciliary account maintained with Standard Chartered Bank (Nig.) Ltd which contravened section 15(1) and (2) of the Code of Conduct Bureau. The Tribunal held that the defendant was in clear breach of the Code of Conduct for public officers and has falsely declared his asset. Although, the Court of Appeal eventually overturned the defendant's conviction pursuant to terms of settlement entered by parties based on out-of-court-settlement rather than an outright exoneration based on the merit of the case.[76] Adaptation of the international Convention strengthens global perspective of Nigeria as committed to anti-corruption.

Judicial Oversight is another implication the conventions provided while systemic corruption remains a challenge. The conventions have provided a basis for greater oversight and accountability within the judiciary, even as implementation faces hurdles. Judicial institutions that align with these conventions' principles, even though these international conventions have not been fully domesticated have been enacted. This has resulted in local laws and policies like the National Judicial Policy and anti-corruption strategies that focus on preventive and oversight mechanisms, early detection, and punishment for both public officials and private individuals involved in judicial corruption enacted. The NJC formulated a National Judicial Policy (2016) to address corruption within the judiciary, and the adoption of the National Anti-Corruption Strategy (NACS) (2022-2026) demonstrates a commitment to aligning with international practices in anti-corruption efforts.[77]

Increased Enforcement Capacity: The establishment of agencies like the ICPC AND EFCC has provided the framework and authority to investigate and prosecute corruption, which would otherwise be difficult to handle through traditional judicial processes. This was made possible through the framework provided by the conventions which allow international collaboration particularly where the corruption is transnational in nature that allows recovery of proceed of crime.[78]Also, efforts to sanction judges for misconduct and the ongoing development of mechanisms to report corrupt acts aim to increase accountability within the judiciary and public service.

4. Conclusion

This paper concludes that regardless of the effectiveness and usefulness of the conventions they are limited in application on account of lack of political will in application of some of their provisions, conflict of the conventions with local laws, non-enforcement of judgments and order of the Court are some of the limitations. The paper therefore recommends that mechanism to reinforce enforcement of regional and international Courts judgments and other decisions should be improved on and strengthened by member states. Member states should deactivate selective and partial obedience to judgment of Courts rather absolute compliance with Court's decisions will be a red flag to all corrupt offenders to have no hiding member states to harbor them.

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[75] s 2 Code of Conduct Bureau and Tribunal Act.

[76] Onozure Dania, 'Onnoghen's A'Court verdict fails to tackle key points-Lawyer' *Punch* (Lagos 14 November, 2024) < https://punch.com/onnoghens-acourt-verdict-fails-to-tackle-key-points-lawyers/> accessed 3 November, 2025.

[77] Ehi Eric Esoimeme, 'A critical Analysis of the Anti-corruption Policy of the national Judicial Council of Nigeria' (2018) 21(3) *Journal of Money Laundering Control* 1.

[78] s 6(j) EFCC Act 2004.