

# “Bring Back Our Money”: The Legality of Returning Assets and Wealth Acquired by African Leaders Through Corruption to African States

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## ABSTRACT

**In the wake of corrupt activities by some leaders in Africa and the world at large, their extravagant assets in foreign lands and fattened offshore accounts after their prosecution has become the focus of recent discussions. The success of the modern legal framework has made it possible for corrupt leaders to be arrested and prosecuted.**

**This has resulted in assets of such leaders being seized and accounts being frozen by legitimate court orders. This paper highlights the legal procedures that govern the return of assets and wealth acquired through corrupt means on both the international and domestic fronts. Not doing away with the challenges and hindrances to this honourable act of returning the wealth of mostly developing nations to them, the paper makes use of relevant case studies as it addresses the hurdles to this effect in modern contexts.**

**It however concludes that this phenomenon should not be an issue for only developing countries but should also be of keen interest to developed nations as well. The pursuit of globally sustained development is not a race for some but for all. With all major stakeholders playing their part, the embezzled funds which has deprived the victimized states of substantive development shall be returned.**

**Keywords:** Assets, Recovery, Return, Corruption, Africa, Legal Framework.

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## I. INTRODUCTION

The battle against corruption is not one to be taken lightly. It is broader than what is seen in Africa, it is a global problem that is getting global attention.<sup>1</sup> The effect of corruption goes beyond the monetary value of being a major hurdle for any kind of development in the affected countries. However, the effect of this plaque is mostly felt by the developing countries of which many are situated in Africa. Corruption on the African continent is the major reason for the insufficient distribution of resources on the continent. Not that there is not much to go around, but the bulk of Africa's resources are being held up by a few who sit at the top of the chain sacrificing the development of their countries for the betterment of their families and unborn generations. Developing nations are quoted to be losing between US\$20 to US\$40 billion each year (Baker *et al.*, 2005). This is through misappropriation of funds, bribery, and other corrupt practices. The share possibility of this speaks of the massive dent in the stride for development by developing nations. The possibility of a means to return all embezzled funds and resources from Africa back to the various states they were taken from will certainly sit well with the policymakers and managers who would have added resources at their disposal. This paper, however, desires to look at the pros and cons of legally and effectively returning wealth and assets in foreign countries that were acquired with money obtained through corruption by some African leaders.

## II. CORRUPTION IN AFRICA

Corruption on the African continent is carried out in different forms. It duly exists in the rich and poor countries alike but as stated above its effect is heavily felt by the poor developing countries. Corruption in Africa has taken away transparency and affected the poor running of African governments, distorted the effectiveness of political and economic institutions of African states, laid waste to structures, rules, and

<sup>1</sup> Evidenced in global scandals such as the Enron case in the United States, Goldenberg and Anglo Leasing in Kenya, Lesotho Highlands Water Project, recent political awards in the UK and the Elf case in France.

regulations of African countries, and has exploited the average African as they are condemned to live a life below average. Africa is generations behind some continents because of the bane of corruption. Not that Africa lacks the resources, but rather the leadership of officials in honesty and integrity. While other regions increased per capita, raised literacy rates and improved healthcare, per capita income in Africa was roughly the same in the 1990s as it was at independence in the 1960s" (Rwekaza *et al.*, 2006). Africa has staggered in its strides for development because its resources are being looted by fellow Africans in leadership positions.

#### A. *Corrupt Officials in Africa*

According to the first president of South Africa, Nelson Mandela, it is a huge surprise that our very own people and leaders in developing countries and Africa for that matter have proven themselves to be more corrupt than the earlier oppressors (Mandela N. 1990). This assertion is duly proven with facts and figures as many of the leaders of African countries have been found guilty of corrupt practices through the embezzlement and misappropriation of public funds for their own use. The former president of Tunisia, Zine Al-Abidine Ben Ali who was appointed into office from the year 1987 to 2011 is reported to have embezzled funds from the country to the tune of between US\$1 billion to US\$2.6 billion (Smillie, 2009). Also making the list of facts and figures is the former president of Nigeria Sani Abacha who misappropriated state funds to the tune of between US\$2 billion to US\$5 billion from the year 1993 to 1998 (BBC News, 2000). Finally, in support of Nelson Mandela's claim of corrupt leaders, we have Mobutu Sese Seko the former president of DR Congo who stayed in power for 32 years from 1965 to 1997. He is believed to have embezzled between US\$4 billion to US\$5 billion of state funds. Truth be told, the failure by way of implementing laws with regards to corruption has paved the way for people in authority to be corrupt. Although many are usually seen not to be corrupt before assuming office their identity is soon stained with the bane of ever-increasing greed for wealth to enrich themselves and their families.

#### B. *Assets and Wealth from Corruption in Africa*

With the knowledge of all these corruptions perpetuated by corrupt African leaders, the most relevant question to ask is where does all the looted money go to? Research depicts that many of the corrupt African leaders have made a habit of acquiring huge mansions in foreign lands as well as owning accounts in banks outside their countries with extremely alarming sums of money. The money acquired from corruption cannot be genuinely accounted for by its owners hence, the most reasonable option for criminals of such cases is to take such funds overseas. Other corrupt officials also use the money acquired through corrupt means to secure properties at extreme costs. A recent leak of the SWISS HCBC Bank showed that some African leaders of countries with sub-normal GDPs were keeping huge sums of money in private accounts with the bank. The top five countries with their leaders having huge sums of money in the SWISS HCBC Bank despite the failing economy of their countries include Eritrea, Seychelles, South Africa, Zimbabwe, and Madagascar and all these five countries are located in Africa. This goes a long way to show how Africa is enriching other countries by outsourcing funds gained through corruption to banks and other investments.

### III. LAWS REGARDING THE RETURN OF ASSETS GAINED THROUGH CORRUPTION TO THE AFRICAN STATES

Africa seems to have taken the focal point of discussions with regards to Corruption in these few decades and at some point is even portrayed as the source of corruption, but as history would have its corruption on the continent is claimed to have begun during the slave trade and the industrial revolution in the nineteenth century (Munye & Gwen, 1998). This points out a revealing truth that many of the developing countries' victims of corruption may not have been the originators but was duly influenced by external parties. The canker of corruption is hence duly a problem for not only the developing nation but the developed nations who would go to any extent to ensure there is sustainable fuel for their development. To solve this problem legally the framework must duly be structured to cover the international systems and global front of the problem. In view of this, this section of the paper seeks to review the United Nations Convention against Corruption's section on Stolen Assets Recovery and the corresponding domestic reformation in African states. Some bilateral investment treaty (BIT's) will also be reviewed so as to understand some agreements by way of the return of assets and wealth gained by some African leaders through corrupt means in Africa.

#### A. *United Nations Convention against Corruption (UNCAC): Stolen Assets Recovery*

On the international front, the United Nations (UN) was the first to table discussions aimed at curbing corruption in 1979. Although the earlier discussions were not supported by the assembly as at that time. In 2003 the UN Office on Drugs and Crime (UNODC) presented the United Nations Convention against Corruption (UNCAC) to the General Assembly. It was successfully accepted, ratified in the same year, and became effective in 2005. The legislation on anti-corruption passed constitutes an international treaty and is currently signed by 186 signatories, including 182 member states of the United Nations and four non-

state signatories (United Nations Convention against Corruption, 2003). With regards to the recovery of stolen assets or assets acquired through corruption the specific articles in the UNCAC are as follows:

Article 57 paragraph 3 requires that the requested State Party shall:

*a. In the case of embezzlement of public funds or laundering of embezzled public funds ... return the confiscated property to the requesting State Party;*

*b. In the case of proceeds of any other offence covered by this Convention ... return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property ...;*

*c. In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners, or compensating the victims of the crime* (United Nations Convention against Corruption, 2003, Article 57 Paragraph 3).

Paragraph 5 of Article 57 further states that:

*Where appropriate, States Parties may also give special consideration to concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property* (United Nations Convention against Corruption, 2003, Article 57 Paragraph 5).

The presence of the above-highlighted paragraphs in the UNCAC proves the urgency to which the global movement wants to ensure the return of assets to the countries they were stolen from. Examining the articles and corresponding paragraphs one major issue that can be cited is the elimination of the enforceable party to the article. This aspect although may seem little plays a huge part in the execution of the article in reality. The documentation and administration to the effect of its execution will demand some allocation of resources and which party will take charge of it; the host state, the victimized state, or the courts. It must however be mentioned that the presence of such a legislative tool directly targeted at the recovery of assets gain via corruption to the states they were stolen from is a step in the right direction. This provides the legal impetus to African states signed to the agreement to retrieve all stolen assets from their country.

Another aspect highlighted in the UNCAC that is worth mentioning is in the fifth paragraph. The issue of deliberations towards mutual agreement. The essence of mutual agreement is to ensure that a one-sided agreement is avoided and that the parties to the agreement duly benefit from the final decision. In the wake that most of the assets stolen or gained from corrupt means come from very poor countries, these assets end up in wealthy nations. The deliberations on their returns hence do not always favour the developing countries as the wealthy and powerful states thoroughly ensure that it's mostly to their benefit. As stated above these articles although may not be exhaustive are better than nothing at all. As much as the task may seem quite daunting on the international front, it is very important to take note that little steps like these are what will amount to victory in the returning of stolen assets or assets gained through corruption to their owned states.

#### *B. Domestic Policies and Regulations on Stolen Assets Recovery*

The highlight of the fight to ensure the return of stolen assets of assets acquired via corruption on the international front is the UNCAC. In view of the signing of this convention, many countries have had to initiate some reforms in their domestic laws so as to ensure a legal hegemony of the international laws with the domestic laws. These initiatives are very important as they ensure the implementation of these international treaties and conventions in the signatory states. In this section, the domestic laws of Ghana and Nigeria will be examined reviewed.

In Ghana, the domestic framework that has been established in line with article 57 of the UNCAC is enshrined in the Economic and Organized Crime Bill and the Mutual Legal Assistance Bill (Comparative analysis of anti-corruption laws of Ghana compared with the UNCAC and the AUC). In the Economic and Organized Crime Bill the possibility is made for a person who claims an interest in seized property to apply to the court for an order that the property is returned to him and in clause 30 the court is given clear directions as to how it should be done (Economic and Organised Crime Act, 2010). In the Mutual Legal Assistance Bill, it is stated that the proceeds of crime obtained through a court order may be returned to the legitimate owner. Although not passed if done the bill will ensure the return of confiscated property which is the source of embezzled public funds or laundered embezzled public funds to its rightful owners (Mutual Legal Assistance Bill, 2010).

The progress is also very encouraging for Nigeria as it has some domestic frameworks that seek to make effective the efforts from the international front. After signing unto the UNCAC Nigeria has made possible some legal backing for asset recovery in the following instruments: The Constitution of the Federal Republic of Nigeria of 1999, The Corrupt Practices and Other Related Offences Act of 2003, The Economic and Financial Crimes (Establishment) Act of 2004 and finally the Money Laundering (Prohibition) Act of 2004 (Opedayo, 2010). The Code of Conduct of the constitution of Nigeria provides legitimate grounds for the seizure of any asset of public officials that were deemed to have been acquired through corrupt means (The Code of Conduct of the Nigerian constitution, 1999). Section 47 of the Corrupt Practices and other Related Offences Act also known as the anti-corruption act allows for a court to relieve ownership of any

property of an offender after they have been proven guilty of acquiring it through corrupt means (Anti-Corruption Act of Nigeria, 2000). The Economic and Financial Crimes (Establishment) Act of Nigeria provides more details than the anti-corruption act in the quest for the recovery of assets gained through corruption. The Act in section 20 and 21 vividly provides a means for the recovery of assets from convicted officers and citizens (EFCC Act, 2004). Finally, the Money Laundering (Prohibition) Act of Nigeria in Section 18 provides the legal impetus for the seizure of assets of banks and financial institutions convicted of an offence under the Act. The Court has the power to shut down such financial institution and seize all its assets legally or illegally acquired (Money Laundering (Prohibition) Act, 2004).

In light of the review of the domestic legal framework of some specific African countries specifically Ghana and Nigeria in concordance with the UNCAC, it must be noted that a major problem still lingers in the right procedure to evaluate the assets of officials and also to prosecute them after they have been proven guilty. The covering of immunity of some of the state officials makes it difficult for them to come under scrutiny and the right punishment to be passed on them for their crimes.

### C. Review of the African Union's Legislature

The presence of regional associations makes enforcement of the International legal framework easy to implement as the structures and processes apply across the board for all the countries within that region. Strides could be drawn on the approach of the European Union in dealing with partnering countries on diverse legal issues as a region and not as individual countries. In this aspect of the article, we delve into the legal framework that is binding on all signatory countries to the African Union with regards to the return of wealth and assets acquired through corruption. At the level of the African Union, the African Union Convention on Preventing and Combating Corruption's article 16 speaks to the effect of the return of stolen assets and money through corruptive means. The article which is captioned "Confiscation and seizure of the proceeds and instrumentalities of corruption" places a certain responsibility on member countries in the Organization of the African Union. Article 16 in the AU Convention on preventing and combating corruption states the following:

1. *Each State Party shall adopt such legislative measures as may be necessary to enable:*
  - (a) *its competent authorities to search, identify, trace, administer and freeze or seize the instrumentalities and proceeds of corruption pending a final judgement.*
  - (b) *confiscation of proceeds or property, the value of which corresponds to that of such proceeds, derived, from offences established in accordance with this convention.*
  - (c) *Repatriation of proceeds of corruption.*
2. *The Requested State Party shall, in so far as its law permits and at the request of the Requesting State Party, seize and remit any object:*
  - (a) *which may be required as evidence of the offence in question or*
  - (b) *which has been acquired as a result of the offence for which extradition is requested and which, at the time of arrest is found in possession of the persons claimed or is discovered subsequently.*
3. *The objects referred to in clause 2 of this Article may, if the Requesting State so requests, be handed over to that State even if the extradition is refused or cannot be carried out due to death, disappearance, or escape of the person sought.*
4. *When the said object is liable for seizure or confiscation in the territory of the Requested State Party the latter may, in connection with pending or ongoing criminal proceedings, temporarily retain it or hand it over to the Requesting State Party, on condition that it is returned to the requested State Party (African Union Convention on Preventing and Combating Corruption, (2003).*

These very points highlighted above have placed a responsibility on the member states to ensure specific institutions are duly made responsible for the procedural actions in the process of recovery of stolen assets and money and also clearly highlights the responsibilities of the requesting and requested state in line with a smooth run of operations. Notwithstanding, there are still some grey areas that are yet to be covered as per the appropriate legal framework.

Another area that provides some legal covering and litigation for the recovery of assets acquired through corruption on the regional level is the Bilateral Investments Treaties between African nations. Investments are a major aspect of revenue and fuel for development. The development and expansion of investments in nations have also suffered the sting of corruption where some have succumbed to being corrupt to gain contracts and others to make laws more liberal. In this light, it is not surprising that some BIT's have included some clauses to the effect of handling corruption by host states and foreign officers in the sphere of investments (Confiscation and Seizure of assets, YEAR). The UNCAC as well as the AUC make clear requirements for treaties regarding investments in states to constitute some clause that fights against corruption (Kidane, 2016). Notwithstanding the presence of these clauses and paragraphs in the BIT's it must be duly mentioned that they do not directly speak to the recovery of stolen assets or assets gained through corruptive means. With the above two as examples, it would be much better if upcoming BITs

would clearly make mention of the recovery of assets to contracting states.

#### IV. CASE STUDY ON STOLEN ASSETS RECOVERY

In the wake of modern efforts to ensure the return of assets gained through corruption to their respective countries, some countries have come under the spotlight. These countries have provided some proof as to why there is a need for the international community to focus their attention on the issue of asset recovery. In this section, we highlighted some cases that have transpired on the African continent with reference to returning stolen assets to African states. The cases in reference will be that of the return of stolen assets to Nigeria from Great Britain and that of the return of stolen assets from Great Britain to Kenya.

##### A. *Nigeria vs Britain*

The case of Diepreye Alamiyeseigha, a government official from Nigeria is certainly worth looking at as a case study in the return of stolen assets. The case which involved a Nigerian governor who had been in office from 1999 to 2005 was overseen by the Nigerian Federal High Court and that of the United Kingdom.

##### 1) *Case Review*

After being found guilty of money laundering and embezzlement of Nigerian public funds and saving them in the United Kingdom under Articles 15, 19, 20 and 23 of the UNCAC the assets were seized, and the return process began from 2005 and ended in 2010 under article 57 of the UNCAC. The Stolen Asset Recovery Initiative in summary reported that the seized assets included 1.5 million USD in cash, 2.7 million USD saved in bank accounts and 15 million USD worth of real estate and at the end, a whopping 17million USD was returned to the state of Nigeria. The court in London and the federal high court of Nigeria had to work hand in hand to ensure the successful return of the assets acquired through corrupt means by the governor (StAR, 2018). As much as the returning process began with the final sentencing of Diepreye Alamiyeseigha to two years in prison and the return of all seized assets to the state of Nigeria after receiving bail from the London court, it's clearly evident that institutions from both countries hand to be on the same wavelength to achieve this feat (StAR, 2017).

##### 2) *Legal Issues*

The idea of asset recovery must not be seen as a pursuit by only the requesting state. The success of asset recovery as shown above is a result of a cohesive and joint effort from the contracting parties. As much as there may be the incurring of some administrative costs, asset recovery is a possibility and if the procedures are well followed can serve as a boost in revenue for the countries from where they were stolen from.

##### 3) *Money Laundering*

A crucial part of the legal issues involved in this case is the criminal act of money laundering. Found guilty on several counts on the grounds of breaking Nigerian domestic laws and international codes regarding the transfer of money, the government official had his assets and money confiscated. With highlighted articles found broken in the UNCAC a sum to the tune of seventeen million, seven hundred thousand USD was noted to have been involved in the money laundering scandal. The nature of international asset recovery legal issues makes it very necessary for each party state to duly play its jurisdictional roles. All the responsibilities into the investigations, confiscations and all embedded legal processes that will lead to asset recovery must be duly played by both parties otherwise the process will be impossible to achieve.

##### 4) *Legal Jurisdiction*

The manner of the case resulted in a very dicey balance between the courts of the United Kingdom and the courts of Nigeria. With the Nigerian High Court playing the avid role of jurisdictional origin of prosecution and the United Kingdom Court playing the avid role of jurisdictional recovery of assets to the requesting.

##### B. *Kenya vs Switzerland, the United Kingdom, and Jersey*

Another case worth studying on the face of the African continent is the Samuel Gichuru and Chris Okemu (Jersey) case. Samuel Gichuru was the Chief executive of Kenya's power utility, the Kenya Power & Lighting Company, and Chris Okemu was the former minister of Energy in Kenya.

##### 1) *Case Review*

The two were found guilty of corruption charges of money laundering and embezzlement of state funds based on Article 16 and 23 of the UNCAC. The case that spanned from 2002 to 2018 saw the return of money to the tune of 4million USD to the Kenyan government after the signing of asset recovery agreements with the Government of Jersey in 2017, Switzerland and the United Kingdom in 2018. The

procedures under this case were carried out under the newly signed agreement; Framework for the Return of Assets from Corruption and Crime in Kenya (FRACCK) which was signed by all four states in 2018. The case which was overseen by the Royal high court of Jersey and the Kenyan High Court was in view of the infringement of the anti-corruption laws enshrined by the Kenyan Ethics and Anti-Corruption Commission. At the end of the trial, Samuel Gichuru and Chris Okemu were found guilty of four counts of money laundering and causing a loss to the state as they channeled state contracts to their personal companies and transferred the proceeds to offshore accounts in Jersey. However, the agreements and memorandum of understanding (MOU) signed made it easy for the assets to be recovered in a very transparent manner (StAR, 2019).

### 2) *Legal Issues*

This case study has thrown more light on the need for some sort of agreement by African countries and these countries where the assets acquired are being kept. It is very important to note that the agreement makes it easy and transparent like in the case of Kenya to seized wealth to be returned to requesting countries. With clearly outlined procedures it makes it cost-effective as mishaps and administrative errors are done away with.

### 3) *Money Laundering*

Another issue in this second case is the strike of money laundering. With the unlawful wiring to the tune of around three million pounds' worth of funds from Kenya to foreign lands, it took sixteen years for the money and assets that were transferred by way of illegal means and actions of fake contracts to be returned. The illegal actions brought to bear the nature of unlawful contracts that had been awarded to illegitimate companies that were directly linked to the fraudsters and fraudulent documentation that were used as an aide to move huge sums of money from Kenya to the associated countries. It cannot be hidden that money laundering has been at the centre of the transfer of money acquired through corrupt means.

### 4) *Multilateral Legal Framework*

This case brought to bear how complicated the resolution of the process of returning stolen assets to the requesting parties can be. The plight of hoarding stolen money in foreign countries becomes more complex by the minute as perpetrators seem to work hard at covering their trails. This normally results in the need for more than a bilateral nature of the legal framework to ensure the return of the money to its rightful owner. The case duly highlights the need for a multinational approach in dealing with returning wealth and assets acquired through corruption.

## V. THE WAY FORWARD

The paper, in summary, has unveiled some basic necessities that Africa must ensure are covered to enhance effective asset recovery in the future. The paper in this light will certainly not be complete if it does not identify some of the loopholes within the African system that will need to be addressed and some possible recommendations as to how to effectively address them. These recommendations if duly heeded would not only ensure that the fight against corruption is on the course but will also provide the necessary fuel for the achievement of sustainable development goals. These goals will not be achieved if resources are being consistently embezzled out of the developing countries in Africa and cannot be returned even if the various officers involved are found guilty.

### A. *Barriers to Asset Recovery in Africa*

Saying that all is smooth and rosy in the recovery of assets will be a diplomatic lie. Like every restoration process, there are barriers that hinder the flow of the process and impede its effectiveness. Over the past 15years, the Stolen Asset Recovery Initiative (StAR) estimates that a sum of around 5 billion USD has been retrieved and given to its rightful owners. This however is proportionally small to that which is still not returned to their requesting states (Stephenson *et al.*, 2011). In view of this, it can be noted that some hindrances have factored to this result of disproportionality, and below are some of these barriers responsible for the ineffectiveness of asset recovery mediums in the African continent.

#### 1) *Trust issues*

The place of trust among contracting parties and the states involved cannot be underestimated. The essence of trust is most salient as the absence of it may result in a party not being as committed as expected. The major hindrance from this factor goes a long way to affect the effectiveness of court proceedings as to a certain party they may not be genuine or trustworthy. The issue of trust has also been duly acknowledged by the Conference of the States Parties to UNCAC and its Open-ended Intergovernmental Working Group on Asset Recovery and by the Lausanne process. The asset recovery process heavily includes the transfer of data, gruesome investigations, seizure and confiscation, prosecution, and the repatriation of items. All these processes listed require some level of trust from both parties to make them successful. In Africa transparency has been one of our major challenges. This has resulted in many Western and Eastern countries

having less trust in our legal systems.

### 2) *Immunity of government officials*

The essence of leadership is in setting the right example. However, many leaders on the African continent have not been the best examples. Some government officials in certain African countries have found themselves at the end of accusations of corruption. These accusations have however not yielded many results as most of the government officials are still able to do away with huge sums of public funds. One crucial reason for their ability to do away with the stolen money and assets is because they are under some regulations that make them immune to any sort of court prosecution. This can be said for the office of the Presidency and some crucial offices in the government that usually come under scrutiny. This paper may boldly allude that this is the major hindrance in the prosecution of government officials in Africa hence impeding the asset recovery process.

### 3) *Agreements on asset recovery*

The Framework for the Return of Assets from Corruption and Crime in Kenya is a perfect example of agreements that have to be signed to duly oversee the proper recovery of all assets acquired through corruption. The presence of asset recovery specified agreements among party states will certainly make it easy for stolen assets to be returned. This however is a major problem on the African continent as many countries do not have any form of agreement to this effect. In some cases, as well there exist agreements to which asset recovery must be duly followed but these agreements are not implemented for many reasons. Some of these reasons include the lack of funds and resources for the procedures needed and some are mere administrative lapses in either state. However, the cap of this being a major hindrance is the failure to prioritize asset recovery in Africa.

## VI. RECOMMENDATIONS

As much as highlighting the barriers is a way to ensure progress in this phenomenon, it is always better when recommendations are made as to how to eliminate these barriers. The fight to ensure that stolen assets are duly recovered is not an impossible one. Various countries and organizations championing such cases in Africa have shown clearly the possibilities of recovering any asset stolen from a country through corruption. Below are some of the recommendations for the effective recovery of stolen assets on the African continent.

### A. *Enhanced Diplomacy and International Relations*

The essence of diplomacy is to encourage and build trust among nations. The presence of these relationships does not only strengthen ties for economic growth but also provides avenues for the fight against common vices of which corruption is part. In view of allowing the free flow of information and a coordinated effort for the recovery of assets, it is of importance that some diplomatic caucus is encouraged among nations to enhance positive international relations for the agreed cause. This will build trust and give way for proper negotiations and communication.

### B. *Transparency and Accountability under the Law*

The law is a major tool in the fight for the recovery of assets acquired through corruption. In the presence of good legislation, the procedures are easy to follow and duly implemented. The major characteristics that this paper will recommend in the aspect of the legislation are to ensure transparency and a high level of accountability for all officials who are instated to serve the people on the African continent. This will however be possible if the law itself is not used as a shield to safeguard the government officials from any level of scrutiny. On this same point, it is recommended that the level of immunity against legal actions against suspected corrupt officials be reviewed so as to ensure that every stolen asset is duly returned to the state.

### C. *The Signing of More Asset Recovery Specified agreements*

It will all just be mere talk and no action if there is no written documentation of actions between two parties or states with respect to asset recovery. Like in the highlighted case above concerning Kenya, it is highly expedient and relevant for some agreements to be put in place to steer the asset recovery process. African nations make up the majority of the nations from which assets have been stolen, and the presence of agreements with western states would be more than helpful in the retrieving of the stolen assets.

## VII. CONCLUSION

The current rise of asset recovery to the top of issues being discussed within the frame of corruption and International Law is not a matter of chance. Asset recovery is very instrumental in ensuring the completion

of the cycle in the fight against corruption. The fight against corruption will certainly be left incomplete if the assets gained through corruption by the government officials found guilty on the counts of corruption are not returned to their rightful owners. Africa is one of the continents that has been on the receiving end of asset recovery because it has in the past been the victim of humongous looting of its national treasure and resources. This was not done by foreigners but by the very government officials who were supposed to ensure the safety of these resources and ensure their equal distribution.

In conclusion, the paper would highly commend the actions of international organizations such as the United Nations and some Africa countries for their befitting efforts in the fight against corruption and specifically asset recovery. This has subsequently paved the way for greater developments in the fight to recover stolen assets to complete the cycle of the fight against corruption. Not to take the shine away from the celebrations, there is still more work to be done. Africa as a continent need to do more by way of asset recovery and the leaders of the various states and the African Union must thoroughly be involved.

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