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An Appraisal of the Historical Development of the African Response to Extradition

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ABSTRACT

The research work delves into the evolution of African countries' approach to extradition over the course of history. Extradition, the legal process of surrendering individuals accused of crimes to another jurisdiction, has undergone significant changes in Africa, influenced by regional cooperation efforts. The study provides an in-depth examination of the significant events in the development of extradition laws across the African continent. The impacts of World War II on extradition is also scrutinized, highlighting how political motivations sometimes influenced extradition decisions, leading to contentious cases and strained international relations. Additionally, the study examines how regional organisations such as the Economic Community of West African States (ECOWAS), the South African Development Commission (SADC), and also how African Union (A.U) in general work to promote integration and cooperation within the region on legal issues, including extradition. The work further analyses recent efforts to modernize extradition laws in some African countries, aligning them with international standards and practices. This has been facilitated by increased cooperation with international organizations, enhancing legal and operational capacities in extradition matters. This research study extensively analyses the historical development of the African response to extradition in Africa. It sheds light on the evolving approaches, challenges, and regional cooperation efforts concerning extradition practices on the continent. The findings contribute to a deeper understanding of how extradition has shaped and been shaped by Africa's legal, political, and social landscape throughout history.

Keyword: AU, ECOWAS, Extradition, Cooperation, Crimes, SADC.

INTRODUCTION

Extradition, as a legal process governing the surrender of individuals accused of crimes to foreign jurisdictions, has been a complex and evolving aspect of international law with far-reaching implications. Within the purview on the historical development of African response to extradition, the subject matter has been shaped by a myriad of socio-political, legal, and diplomatic factors. This research work seeks to provide a comprehensive exploration of the intricate journey that African countries have undertaken in their approach to extradition over time. The complexities of extradition in Africa were further compounded by the onset of the World War II. Political motivations and interests played a significant role in some extradition cases, with certain African leaders employing extradition as a tool to suppress political opposition and silence dissidents. Consequently, the practice of extradition became entangled with questions of human rights and fair treatment, sparking international debates about the propriety of extraditing individuals to countries known for human rights abuses or unfair judicial systems. Throughout Africa's history, regional organizations have emerged as pivotal players in shaping extradition policies and fostering cooperation among member states. For better prospect within the continent, the African Union (AU) was formed to replace the Organization of African Unity (OAU), as well as the formation of other regional organisations such as the West African ECOWAS and the Southern African SADC which have given African countries a forum to work together on legal issues, including extradition. These regional initiatives have sought to harmonize extradition laws, streamline processes, and address the challenges arising from cross-border criminal activities.

Given the historical significance and contemporary relevance of extradition in Africa, this research study endeavors to offer a comprehensive appraisal of the continent's response to extradition over time. By delving into historical events, legal frameworks, regional cooperation efforts, and challenges faced, this research aims to shed light on the

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evolving approaches to extradition in Africa and contribute to a deeper understanding of its impact on the continent's legal, political, and social landscape. Ultimately, the findings of this study aspire to serve as a valuable resource for policymakers, legal practitioners, and scholars alike, in their quest for a more just and effective extradition regime in Africa.

Origin and Historical Development of Conventions, Treaties and agreements on Extradition in Africa

The United Nations (U.N.) spearheaded and gave birth to the new motto of 'never again' in response to the unbelievable horrors carried out during the World War II and the Holocaust prior to it which led to death of about six million Jews [1]. This new determination to make sure that the world never incurs such massive carnage on pretext of race, color or creed seemed to mark a global determination to end international crimes, not until it happened again in Rwanda as Rwandan Genocide. Under the United Nations Charter 1949 ("UN Charter | United Nations") preamble which perfectly sums up the world response to what we may appropriately refer to as international crimes, the United Nations is committed to protecting the world from another world war and the scourge of pain from war, which have over again in human history caused humanity untold hardship and pain. Hence the United Nations (UN) in taking action declared in its preamble that as a supranational entity it was ready to remedy the chaos. The preamble amongst others provides clearly that its aim is to strive to avert future conflicts, uphold human rights, and advance socioeconomic development as well as equal rights for all nations and fostering greater freedom ("Preamble | United Nations").

This is quite instructive in that it endeavors to capture the collective will of the member states and signatories of the UN Charter making it abundantly clear that pacific settlement of disputes must be chosen at all times as compared to the use of brute force. The primary objective for establishing the United Nations is centered on the peaceful resolution of conflicts which could threaten international peace and lead to the violation of human rights. Owing to this, the Charter very much establishes how conflicts between sovereign states should be settled or resolved as stipulated under Chapter VI, Article 33 of the United Nations Charter.

Considering the ills of global conflicts, the Holocaust, the Rwandan Genocide, and other heinous human rights abuses, particularly in Africa already beset by dictatorial tendencies and ethnic conflicts threatening world peace and the peace of the African Continent, one would think there ought to be enough warning to prevent future occurrences. However, it is apparent that the resource curse and ethno-cultural adversity and diversity in Africa make it a hot spot for continued conflict and agitations. The unprepared shock of the Rwandan Genocide and the failure of African leaders faced a challenge in the form of an African reaction operating under the former O.A.U [1].

A cursory look at the African Union Constitutive Act preamble reveals the resolve of the Union to take on the many challenges facing the African continent and its people in light of global economic, political, and social changes. It also reveals an even clearer willpower to advance and defend human and people's rights, strengthen democratic institutions and culture, and guarantee the rule of law and good governance throughout the African continent. The A.U., with its fifty-five member states, was established to take the place of the defunct Organisation of African Unity in 2002. Its main objectives include fostering growth and socioeconomic cooperation in Africa, as well as promoting security and stability on the African continent. A look at the A.U Constitutive Act reveals that the law specifically provides for its mission, objectives, and purposes, with the preamble outlining its primary objectives. In order to promote a common cause, solidarity, coherence, and partnership among the people of Africa and African States, the Constitutive Act of the African Union ("Constitutive Act of the African Union," 2024) solemnises the declaration made by African leaders to uphold the ideals of the OAU and the Union's founding fathers as well as generations of Pan-Africanists in Diaspora and on the continent [2].

Going forward, with establishment of the A.U and its 'never again' mantra through the founding of the organisation, the Constitutive Act grants the A.U the authority to intervene in a member state in response to a decision made by the Assembly, provided that the action relates to grave circumstances that include crimes against humanity ("Constitutive Act of the African Union," 2024), war crimes, and genocide pursuant to Article 4 [1]. The A.U. convention also gives the member states the authority to ask the organisation to intervene to restore security and peace ("Constitutive Act of the African Union," 2024). Then, one may plausibly argue that establishing the African Union (A.U.), which evolved from the O.A.U was the first obvious African response to address international crimes, particularly horrifying atrocities like the alleged Biafran Genocide and the Rwandan Genocide.

The Darfur crisis is another tipping point that may look like a real catalyst for an African response. The Sudanese government and the Janjaweed militia have been involved in a protracted war that lasted from 1987 to 1989 and again in 1996 [1]. The crimes committed during this period led to the rise of a rebel group known as the Sudan Liberation Army (SLA/M), which was set up to protect the people of Darfur from state-sponsored or orchestrated atrocities against non-Arabs. In 2003, the mission to completely eradicate Darfuri non-Arabs intensified, resulting

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in widespread displacement and genocide [1]. The world stood aloof but the A.U through the intervention of Idris Derby the then Chadian president, mediation efforts led to the Humanitarian Cease Fire Agreement (HCFA) and a protocol on the creation of humanitarian aid in Darfur that was adopted in April 2004 with the assistance of the African Union [1]. Further African response to the Darfur crisis can be observed in the adoption of a Resolution by the African Commission on Human and Peoples Rights (ACHPR) reminding Sudan of her obligations under the United Nations Charter and the Constitutive Act of the African Union [3]. More significantly, the A.U. carried out a fact-finding mission to Sudan between July 8 and 18, 2004, resulting in the release of a Report [4].

Interrogating the African Response is actually a herculean task characterized by diverse little issues that need to be resolved. Some would want to even pose the question whether there is even an 'African Response' in the first place let alone interrogating it. It is important to state categorically from the outset that there is indeed an African Response, a very robust African Response which will always be recalled and have influenced the body of knowledge on international criminal law jurisprudence. The African continent has been in the forefront of the struggle against international crimes and extradition due to the belligerency that has characterized its historical growth. Clear evidence of an African Response in this light are the Special Court for Sierra Leone (SCSL) and International Criminal Tribunal for Rwanda (ICTR). The fact that a large number of African leaders who are charged and being prosecuted for committing war crimes as well as crimes against humanity have turned themselves in to be prosecuted under the jurisdiction of the International Criminal Court (I.C.C.) in The Hague in the Netherlands is unquestionably an African response. The ratification and signing of key conventions and treaties in the area of international crimes such as the Rome Statute and the Geneva Conventions is an African Response. However, this work takes a holistic look from the lenses of extradition practices and the antecedent of treaties and protocols on extradition on the continent. What is done in this part is to answer the topical issue by examining some real time extradition cases or incidents while also assessing the functionality of the legal documents or acts already enacted in this area.

Furthermore, in assessing an African response it is only proper to examine case law and events around the continent. By the provision of Section 2 of the Extradition Act 67 of 1962 which is the primary legislation governing the extradition process in South Africa, States must agree for extradition to occur. The question of whether treaties in South Africa are self-executing regarding section 231(4) of the South African Constitution has gained jurisprudential attention due to its inclusion in the South African Constitution [5]. In the 2008 cases of Nello Quagliani v President of the Republic of South Africa (RSA) and Steven Mark Van Rooyen & Laura Brown v President of the RSA (Quagliani 1), one of the main questions was whether or not the extradition agreement between South Africa and the United States of America had been codified into municipal law. The Court rejected the notion of self-execution in reading section 231(4) of the constitution, stating that it had no significance in the South African context. This is very similar to the Nigerian experience which demands legislation before an international treaty can become law. As a result, the South African court decided that domesticating international treaties is required when addressing the question of whether extradition treaties or laws were a part of the South African laws. The court essentially disregarded the Extradition Act's provision, which stated that any further extradition agreements would become enforceable upon publication in the Gazette.

The vast majority of modern research holds that since nation-states and the laws regulating their interactions did not exist before the Treaty of Westphalia (1648), one need only go to that document. The legal academy has not focused on the vast fields of inquiry covered by Sumerian city-state law and related concepts of interstate law in Southern Mesopotamia during 2400 BCE which is the Early Dynastic Period, Nubian contributions to ancient international law and relations between 1080–715 BCE, Carthage's significant social and legal order during the Third Intermediate period around 1069–715 BCE, and the transnational governance systems of ancient West African kingdoms of Ghana, Mali, and Songhai during the pre-mediaeval era between 1230–1600 AD, among other pre-colonial rules [6]. Although it would be interesting to explore historical romanticism and the genesis of international legal relations, as it is important to keep the emphasis on the subject matter.

International law and its legitimacy were widely accepted before the 1989 fall of the Berlin Wall and subsequent end of the Cold War in December 1991. The narrow, particular responsibilities resulting from treaties that are typical of the classical notion of international law were the main requirements that international law imposed on Western constitutional democracies, to the extent that it operated and worked. There are many generally effective bilateral and multilateral treaties covering topics such as banking, aviation, torture, extradition of suspects or convicts of international crimes, diplomatic and consular relations, international mail delivery, and so on. Consequently, the question still revolves around why no one covers issues as important as the extradition of suspects or convicts of international crimes. While the field of international law has expanded dramatically following the establishment of the World Bank, the International Monetary Fund (IMF), and the United Nations (U.N) after

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World War II, the developments that transpired in the 1990s were not as noteworthy [7]. This was the case notwithstanding the establishment of significant institutional innovations such as the International Criminal Court and the deployment of special criminal courts to prosecute international crimes in Africa. Nonetheless, a number of formal and informal institutional modifications have changed how international law is applied to different issues.
Long before the modern international order known as the New World Order [8] came into force, the crimes, and offences, and atrocities committed by despicable African leaders, dictators, tyrants, and unwieldy but powerful individuals like Hussein Habre of the Chad Republic [9], Omar al-Bashir of Sudan, Idi Amin Dada of Uganda, and a number of other equally despotic figures were treated with kid gloves, and the actors were thought to be local in character. Charles Taylor the former Liberian president then came along having committed gross violations of the Geneva Convention had to be put in check. The need for development of treaties on extradition quickly arose and coupled with the model treaty on extradition it became easy for African nations to have extradition treaties and protocols between themselves to assist each other in criminal prosecutions of suspects or convicts running away from the law. Regarding this, the Security Council of the United Nations established international criminal courts, including the Special Court for Sierra Leone on January 16 2002, and the International Criminal Tribunal for Rwanda on November 8 1994, under the auspices of the International Criminal Court [9]. In 2005, the UN and Sierra Leone formed a joint tribunal to address incidence of war crimes, especially those perpetrated during the 1996–2005 civil conflict in Sierra Leone. By the middle of 2005, the UN had charged around thirteen members of the Foday Sanko led Revolutionary United Front (RUF) while detaining eleven others. After nearly a decade of operation following the Rwandan genocide war of 1994, the UN-backed court found fewer than 70 of the thousands implicated in the atrocities guilty [9].

Legal Basis for Conventions, treaties and agreements on Extradition in Africa

International or national courts may prosecute individuals for committing crimes such as crimes against humanity, war crimes, genocide, and other serious international crimes. This suggests that the administration of criminal justice globally is at a multi-level, with the link between national and international jurisdiction governed by the relevant statutes of certain international criminal tribunals. At the national level, states have duties to prosecute relevant offenders under customary international law and treaty obligations. International criminal justice is a multi-level system made up of national and international courts with the authority to bring cases against people for major international crimes such as war crimes, genocide, and crimes against humanity. Jurisdiction is distributed across multiple levels of this integrated system to prevent core international crimes from being committed with impunity. The primary method by which States should carry out their responsibilities in this regard is still through national prosecution. The ICC Statute's preamble asserts that States must take national measures to ensure the effective prosecution and prevention of serious crimes of concern to the international community. Pursuant to Article 7 of the Convention against Torture, states parties are required to present individuals suspected of torture to their competent prosecution authorities. In Belgium v. Senegal, Senegal was declared guilty in violation of the torture convention by the international court because the relevant State official had not been extradited or prosecuted. Regarding this, States are required by Articles 49, 50, 129, and 146 of the Geneva Convention to look for and prosecute individuals who are alleged to have seriously violated these conventions. Article 85 of Additional Protocol I extend the same duty to violations of the protocol. Similarly, Article VI of the Genocide Convention also, compellingly, requires the prosecution of persons accused of genocide. Resolutions 2840 (1971) and 3074 (1973) of the General Assembly also reflect the recognition of the obligation to punish *jus cogens* crimes by the international community as a whole. States are required by Resolution 3074 to cooperate with one another in order to identify, apprehend, and prosecute individuals who may have perpetrated war crimes and crimes against humanity (para. 4). This remark suggests that exercising jurisdiction must be done with the goal of prosecuting or extraditing a person. Resolution 2840 is more explicit when it declares that it is "contrary to generally recognised norms of international law" for States to refuse to assist in the apprehension, extradition, prosecution, and sentencing of individuals found guilty of war crimes and crimes against humanity [10].
It is imperative to recall that the end of the Cold War made it possible for Section 1 of the U.N Charter to gradually come into force. This section specifically addresses the achievement of international integration and cooperation in resolving political, social, cultural, and global economic problems, or those with a humanitarian crisis. It also promoted regard for human rights and dignity of the human person. It is therefore pertinent to state that the resurgence of the United Nations Security Council and General Assembly is crucial for acknowledging the necessity of enforcing international extradition rules and upholding human rights and dignity of human persons, which the Africa Union (AU) must adopt [9]. Modern extradition treaty agreements, on the other hand, seek to strike a balance between individual rights and long-standing international norms. These norms establish protections for the

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practice of extradition, grant the fugitive offender procedural justice, and above all, safeguard their fundamental right to a fair trial [11]. The obligation undertaken by the African Union under its Constitutive Act and other treaties to pursue crimes defined in those treaties provides a unique legal framework for the prosecution of international crimes in Africa. In order to restore peace and stability to a member state of the Union on the recommendation of the Peace and Security Council of the Union may intervene in that member state in response to a decision made by the Assembly regarding grave circumstances, such as war crimes, genocide, and crimes against humanity, as well as a serious threat to legitimate order, as stated under Article 4 (h) of the Constitutive Act. As a result of the AU proscription of the aforementioned international crimes, action to redress such violations is inevitably required [12]. Extradition treaties and protocols between member states and on a regional level are necessary in order to effectively prosecute criminal offences and reduce crime in general. With this, it is necessary to say that extradition treaties and protocols between member states and on a regional level are necessary in order to effectively prosecute criminal offences and reduce crime in general.

The African Union has a specific responsibility to prosecute or try crimes that are exclusive to Africa and over which the International Criminal Court lacks jurisdiction, in addition to its basic duty to punish all crimes prohibited by its treaties. The vast majority of the Party States of International Criminal Court may believe that certain acts do not qualify as international crimes entirely, or that these crimes are not "serious" enough to fall under the purview of the International Criminal Court. Regardless of the reason, these crimes are not included in the ICC's jurisdiction. Many crimes are unique to Africa, but one stands out because of its significance. Regardless of how they occur, unconstitutional changes of government (UCGs) are unquestionably one of the most frequent causes of violence in Africa. This line of thought further strengthens the argument for a need to expand the frontiers of international crimes if not for the world, then for Africa because of her peculiar circumstances. Coup plotters who eventually take lies by assassination or bloody coup actions should not be treated miserly but should be treated with the same severity as war criminals and those found guilty of perpetrating war crimes and crimes against humanity.

Assessment of the effectiveness of ECOWAS Convention on Extradition

Upon its establishment, the Economic Community of West African States (ECOWAS) was established with the sole purpose of promoting the economic integration of West African states; nevertheless, Nigeria proposed in 1976 that a non-aggression protocol be adopted to regulate issues relating to regional collective security [13]. The turning of the attention from only economic goals to peace and security goals necessitated the ECOWAS Convention on Extradition and other Protocols in the area of cooperation in criminal prosecution. Unfortunately, there is poor cooperation among ECOWAS states in the area of extradition adhering to the provisions of the ECOWAS Court. Cape Verdean authorities for example have failed to obey the ruling of the ECOWAS court by extraditing a Venezuelan fugitive Alex Saab to the United States despite the ruling of the ECOWAS Court not to do so [14]. In this case the Cape Verde government obeyed their Supreme Court Ruling over an ECOWAS judgment. Overall, the extradition convention is rather ignored. Apart from torture which is covered by its own special protocol and maybe corruption, no ECOWAS protocol specifically with international crimes and the modalities of extraditing perpetrators. This has to change or perhaps states in West Africa prefer to deal with treaties on extradition between them than utilize ECOWAS framework.

Assessment of the Effectiveness of SADC Convention on Extradition

Despite having diverse demographics and political, economic, and social structures, the sixteen ("Member States | SADC") member states of the Southern African Development Community (SADC) an economic integration of the Southern African region face many of the same issues, including one of the highest rates of organised crime globally [14]. The only regional law that is currently in effect in Africa is the SADC 2002 Extradition Protocol [15]. This is quite instructive because while SADC Protocol is up and running the ECOWAS Convention on Extradition has not entered into force. The SADC Protocol ratified in 2016 actually provides a general mechanism whereby the Ministry of Authority, a special Ministry created to manage justice issues with SADC member states, engages with their counterparts across SADC member states where there is an extradition request [16]. A good area wherein the protocol on extradition of SADC seems to be thriving is in the area of extradition of wild life criminals especially as between South Africa and Namibia. The SADC Secretariat tasked with facilitating coordinating information and intelligence sharing is fundamental and has been playing its role. The SADC Protocol on Extradition is implemented alongside the SADC Protocol on the prevention and punishment of crimes against humanity, war crimes, and genocide, as well as any requests for mutual judicial assistance through cooperation in the identification, prevention, and prosecution of international crimes.

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Challenges to the Effectiveness of the African Response

While the conflict between the ICC and Africa is unfortunate, it should be noted that as a disaster waiting to happen. If there had been no falling out over the Al Bashir scandal, the ICC and the Africa Union would most likely have still done so over a different subject matter, albeit perhaps with less animosity. The International Criminal Court (ICC) prosecutes crimes that typically occur following a total collapse of the state's law and order. At the onset of violence, perpetrators mainly commit genocide, war crimes, and crimes against humanity, creating a horrific interface in human society. Crimes like these are rarely committed within a legal system. A court that can try cases that, if left unchecked, could result in the collapse of law and order is exactly what the African Union needs right now. Unconstitutional Change of Government (UCG) is among these crimes [12]. Unquestionably, the African Union exercised its sovereignty when it decided to grant its Court international criminal jurisdiction. It is unclear, however, whether the African Union will ever accept the enabling protocol. When it happens, the difficulty will be for the Court to look into and prosecute offences involving anybody, no matter who they are.

The failure of universal acceptance of the ICC has hindered the complete and inclusive administration of justice. Despite possessing weapons of mass destruction, countries like China, India, Pakistan, Russia, and the United States of America, who have engaged in numerous wars, have not ratified the Rome Statute [17]. This seems to hamper consensus on its legitimacy and consequently affects the African response in the form of submission to the International Criminal Court's jurisdiction over international crimes committed within the African continent.

The International Criminal Court (ICC) will never be able to investigate your acts or activities, which normally would be considered crimes against humanity, if you have influential alliances in Europe and America. For example, this is why the ICC cannot list cruel and violent dictators like Bashar Assad and Abdel Fatah Al Sisi of Syria and Egypt as potential candidates for prosecution, even though Assad has killed over 100,000 people in his country [18]. Once again, the International Criminal Court failed to hold President Ali Abdullah Saleh of Yemen and King Hamad Ibn Isa Al Khalifa of Bahrain responsible for the deaths of thousands of people during their pro-democracy demonstrations. Africa always seems to be the bottom of the barrel in terms of preferential treatment, the international system of trade, commerce, criminal prosecution seems to be lopsided designed in such a way as to ensure negative outcomes for the continent in comparison to other regions. The African response has been hampered by unfair treatment by the superpowers and the ICC prosecutors over the years. The African Response has also been hampered by the obvious lack of technical capabilities in the areas of technology and record keeping. The inadequacy of the structures at the African Union and the East African bloc was demonstrated by the continent's inability to respond to the Rwandan genocide adequately without the assistance of the United Nations Security Council. The vision is for the continent to grow to a point where without the hand holding of the United Nations like a toddler learning to walk, the apparatus currently on ground such as the AU, ECOWAS and SADC can collaboratively work towards justice, peace and security for all inhabitants of the continent. One more thing that hinders a unified African Response is the lack of collective will to push forth an African dream of a unified continent, after all the North African are more often than not strangers who seem not to understand what the rest of the continent is facing. The issue of ethnic lines and secret love for violence on the continent is also an obstacle to real progress. Support from both the public and state governments is critical to the success of an African response and international prosecutions. Public support has been low because of historical conditions that have generated negative opinions towards the West, particularly the detrimental effects of colonialism. The hybrid tribunal in Sierra Leone has not adequately disproved the public perception that international criminal prosecutions are Western attempts to impose their will on Africa. Due to common opinions that see international criminal tribunals as instruments and symptoms of imperialism, as well as attempts by the West to reclaim its sovereignty over Africa, public support for these tribunals is steadily declining. The effectiveness of international criminal prosecutions is dependent upon the backing of state governments, which has not been particularly enthusiastic. African leaders are hesitant to back the prosecution of warlords or tribesmen who have the potential to generate problems for their nascent governments. Mistrust, growing popular discontent, and growing state government hostility beset international criminal tribunals based on Western notions of justice, whether ad hoc or permanent, preventing them from stopping the advancing depravity that threatens to engulf Africa and restore social equilibrium [19]. Worthy of note is the fact that international criminal prosecutions have not produced the desired social equilibrium or acted as a deterrent to impunity in Africa for any one of these reasons or a combination of both.

CONCLUSION

In conclusion, the research study titled "An Appraisal of the Historical Development of the African Response to Extradition in Africa" provides valuable insights into the intricate and evolving landscape of extradition practices on the African continent. Through an exploration of the historical context, legal frameworks, and regional

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cooperation efforts, this study has shed light on the trajectory of extradition responses in Africa and the factors that have influenced African development over time within the continent.

The colonial era laid the groundwork for extradition practices in Africa, with bilateral agreements established between colonial powers and their colonies. These agreements served the interests of the colonial powers and set the stage for subsequent developments in extradition laws and treaties after independence.

The post-independence period witnessed African countries striving to assert their sovereignty and establish their legal systems. The renegotiation of extradition treaties and the formulation of new extradition laws reflected the continent's diverse legal traditions and demonstrated the emergence of a distinctly African response to extradition.

The Cold War period introduced new complexities, as political motivations at times influenced extradition decisions. Extradition was used by some African leaders as a means of suppressing political dissent; this resulted in contentious cases and raised issues about due process and human rights. An important part of promoting cooperation on legal issues, including extradition, has been played by regional organisations like the African Union and other regional economic communities.

These efforts have sought to enhance regional integration, mutual legal assistance, and information sharing to address cross-border crimes more effectively. The evolving human rights considerations related to extradition have prompted a more cautious approach by some African countries. Concerns about extraditing individuals to countries with poor human rights records have highlighted the need to strike a balance between international cooperation and safeguarding individual rights.

Furthermore, the research has revealed contemporary efforts by African countries to modernize their extradition laws and align them with international standards. The engagement with international organizations, such as INTERPOL and UNODC, has facilitated the enhancement of legal and operational capacities in extradition matters.

Overall, the historical development of the African response to extradition reflects a dynamic interplay of historical legacies, sovereignty assertions, regional cooperation, human rights concerns, and legal modernization. This evolution reflects the maturation of African legal systems and their adaptation to changing global norms and challenges in the field of extradition.

However, challenges persist, including the sensitive extradition of high-profile individuals, complexities arising from political motivations, and disparities in legal systems among African countries. Addressing these challenges requires continued efforts to foster regional cooperation, harmonize legal frameworks, and uphold human rights standards.

As the African continent continues to evolve, it is crucial for policymakers, legal practitioners, and regional organizations to recognize the historical context that has shaped extradition practices and to address the contemporary challenges in extradition effectively. By doing so, Africa can establish a robust and equitable extradition framework that balances international cooperation, human rights protections, and the promotion of justice across borders. Moreover, a cooperative and standardized approach to extradition will contribute to the consolidation of regional stability, security, and rule of law, fostering a more integrated and secure African continent.

RECOMMENDATION

Based on the research findings and the appraisal of the historical development of the African response to extradition in Africa, some recommendations are proposed to enhance extradition practices, regional cooperation, and adherence to human rights principles within the African continent. One of such recommendation is for the harmonization of Extradition Laws. African countries should work towards harmonizing their extradition laws and procedures. This could be achieved through regional initiatives led by organizations like the African Union and regional economic communities. Harmonization will promote consistency in extradition practices, simplify cross-border legal processes, and foster a more efficient response to extradition requests.

Secondly, African countries should bolster their cooperation on legal matters, including extradition, thereby strengthening regional cooperation. Regional organisations, such as the African Union and other regional economic communities, should facilitate information sharing, mutual legal assistance, and capacity-building efforts. This would enable more effective collaboration in combating transnational crime and facilitating the lawful extradition of fugitives.

African countries should also prioritize human rights considerations in extradition cases by establishing human rights safeguards. Robust mechanisms should be put in place to evaluate the state of human rights in the requesting country before extradition is granted. This could involve a thorough evaluation of the risk of torture, unfair trials, or the death penalty for the individual facing extradition. Upholding human rights principles is crucial to ensuring that extradition decisions are just and fair.

The Promotion of transparent and accountable extradition procedures should be adopted to build public trust and confidence in the legal system. Extradition decisions should be based on legal principles rather than political

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considerations. Public scrutiny and adherence to due process will help prevent abuse of the extradition process for political or personal gains. African countries should also invest in the capacity building and training of legal practitioners, law enforcement personnel, and judicial officers involved in extradition matters. This will ensure that professionals possess the necessary expertise to handle extradition cases effectively and in compliance with international standards.

Furthermore, African countries should strengthen their collaboration with international organizations, such as INTERPOL and UNODC, in the field of extradition. These partnerships can facilitate the exchange of information, training opportunities, and technical assistance to improve extradition practices in line with global best practices. Clear guidelines and legal frameworks for extraditing high-profile individuals should be developed by African countries, including former political leaders and influential figures. Such cases often involve complex legal and political considerations, and transparent processes will help ensure that these cases are handled fairly and impartially.

And lastly, Governments in Africa should conduct public awareness campaigns to educate citizens about the importance of extradition in combating transnational crime and promoting regional security. Educating the public about extradition processes and the legal safeguards in place will foster understanding and support for cooperation in this critical area.

In conclusion, implementing these recommendations will contribute to an enhanced and equitable extradition framework in Africa. By promoting regional cooperation, safeguarding human rights, and adhering to transparent and accountable procedures, African countries can better address transnational crime, uphold justice, and create a more secure and integrated African continent.

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