

INTERNATIONAL LEGAL IMPLICATION OF THE DIKKO AFFAIR: A REVISIT

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Abstract

A revisit of the strained diplomatic Anglo-Nigerian relations, dubbed as the "Dikko Affair", with the ripple effects therefrom, is not a misnomer, especially among members of the academia. This revisit becomes particularly apt and imperative with Dikko's choice as the Chairman of the PDP seven-member Disciplinary Committee exactly three decades after the abduction attempt. His choice as Chairman was considered anomalous by many, in view of the long standing stigma against his personality and integrity since 1983. Primarily, this paper re-visited the international legal implication of the 'Dikko Affair', and its implications for his appointment to chair a PDP Disciplinary Committee, referred to as the "Dikko Committee". The paper also reviewed the lessons that could be learnt by Nigerians about the past in the light of recent developments. The paper adopted secondary and internet sources, media reports, as well as the general personal observations of the writers within the Nigerian political terrain. This study revealed that the Anglo-Nigerian relation was strained consequent upon the attempted abduction of Dikko. The appointment of Dikko as Chairman, PDP Disciplinary Committee was considered by stakeholders as anomalous. The connection between the "Dikko Affair" and "Dikko Committee" presented a lesson for Nigerians as current developments will always be seen in the light of the past. The paper found that Dikko's inordinate desire to re-align with the major political power brokers in Nigeria and the Federal Government's gross mismanagement of emerging events in the government domain were fundamentally responsible for the destabilisation that arose consequent upon Dikko's re-emergence in the Nigerian political scene. The prevalent international legal implication of the Umaru Dikko saga, and the implications of his resurfacing on the Nigeria political surf form the crux of this exposé.

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Introduction

*"From 'Dikko Affair' to 'Dikko Committee'"*¹ is a recent media parlance, which apparently refreshes old wounds, or worse still, brings to the fore grounds, an almost forgotten three decade old matter. Resurfacing on Nigeria's political scene after thirty years of political hibernation or ostracism might have been worth the show for Alhaji Umaru Dikko, the Second Republic Minister for Transport. Cynics have decried the apparent risk of life by the obviously ailing 77 year old man who absconded, out of, be it patriotism or desperation, his hospital bed against his son's medical advice, for a grab of a national office. He eventually died in the early hours of Tuesday, July 1st, 2014, in a London hospital at the age of 78.²

Dikko had accepted to chair the seven-member Disciplinary Committee set up by the Bamanga Tukur-led People's Democratic Party's (PDP) Disciplinary Committee, which was inaugurated in late 2013, and was mandated to look into the charges of indiscipline against erring Party members and recommend appropriate sanctions on them,³ at the risk of his failing health. Dikko's nostalgia for power can be easily discerned considering the fact that he had since the eve of 1984 New Year's Day gone out of public focus and remained as a non-governmental political figure.⁴ His lamentation in this regard, kept alive in a newspaper, is clearly expressive:

My attraction in life and in government was and is power. I accepted President Shagari's offer to be a minister because I wanted to exercise power... My political career has been ruined... my family's name is soiled and anywhere I go, people seem to still think they are looking at Umaru Dikko...who took billions from Nigeria....⁵

This study is particularly germane after three decades of the incidence, going by the dust raised by some Nigerians over the inauguration of PDP's Disciplinary Committee to be headed by none other than the same Umaru Dikko who was purported to have embezzled a whooping sum of \$5 billion. The name 'Umaru Dikko' would forever remain on the minds of Nigerians of all ages for a statement credited to him while contributing to a debate on poverty in Nigeria at the time of a soaring inflation, scarce commodities and falling oil prices.⁶ This senior government official was quoted to have said that "things weren't as bad in Nigeria since, after all, Nigerians were not yet eating out of the garbage"⁷ However, this study basically hopes to revisit

the international legal implication of what was dubbed the “*Dikko Affair*” three decades ago, in the light of the recent inauguration of “*The Dikko Committee*”.

Background

General Yakubu Gowon (Rtd.) revealed that at independence, in 1960, Nigeria’s founding fathers had a very clear vision for the Nigerian nation upon which subsequent leaders were expected to build. They saw ‘a united, indivisible nation, a melting pot of cultures and religions, where everyone expressed and exploited his/her potentials without any inhibition’. They envisioned a Giant of Africa, taking the lead in socio-economic growth and development; a stable polity with a buoyant, rapidly developing economy; a disciplined and highly civilized society, devoid of corruption and other social vices, a truly independent nation that is self-sufficient and able to manage her resources efficiently.⁸

In spite of the lofty dreams and ideals of the founding fathers, who were involved in Nigeria’s independent struggles, the First Republic failed so abruptly in 1966. Barely six years after its inauguration, it failed apparently due, among other things, to a rather weak political base upon which the British colonial architects designed and built the Nigerian nation. Power was hijacked by the military in what they usually described as a ‘military rescue mission/operation’. The heterogeneity of nations coerced into an unholy wedlock, nepotism, chauvinism, ethnic jingoism, regionalism, factional loyalty, corruption, among other factors,⁹ played their parts in the unfolding scenario, that ultimately led to the collapse of the First Republic. Following thirteen harrowing years of successive military regimes, General Olusegun Obasanjo inaugurated the Second Republic on 1st October, 1979, with Alhaji Shehu Shagari as President.

The next four and a quarter years of Nigeria’s Second Republic administration epitomized the disastrous deterioration of the Nigerian economy. It also marked a period of corruption, arrogance and incompetence of an elected government, all of which negated the vision of the founding fathers of the Nigerian nation. The country experienced the collapse of basic services; state governments fell months behind in salary payments to civil servants, the worst hit and most vulnerable being the teachers. This soon degenerated into labour and industrial disturbances in a number of states. The school systems suffered closure, workers were laid off indiscriminately and hoarding of essential goods by traders and business men became the

order of the day. The tense economic situation was particularly exacerbated by the charges of gross electoral misconduct during the 1983 elections, especially the presidential election that secured a second term for Alhaji Shehu Shagari in October, 1983. As it turned out, his campaigns were managed by his brother-in-law- Umaru Dikko.

This was the state of the Nigerian society when in the wee hours of December 31, 1983, the country was again taken aback by the announcement of another successful military coup. However, what could have been seen as a military disruption of the political clime was enthusiastically welcomed with an outpouring of relief and jubilation across the length and breadth of the country. At 7:00 a.m. on New Year's Day, 1984, normal Radio and Television Programming were interrupted by martial music interspersed with a national broadcast by Brigadier Sanni Abacha on behalf of the Nigerian Army.¹⁰ The re-emergence of military administration thus signalled the collapse of another civilian rule in the Nigeria polity.

Following the collapse of the Second Republic, the new Federal Military Government (FMG), as part of her political reforms to 'save the country from imminent collapse',¹¹ swore to eliminate corruption and indiscipline, punish wrong-doings, bring to book the perpetrators of economic crimes against the Nigerian state, and revive the Nigerian economy. A '*War against Indiscipline*' was launched, and thus, politicians and public servants were arrested and detained in their hundreds. Whereas several leading figures of the erstwhile government and party were arrested and detained (including the President himself, his vice, former Ministers, Governors and Legislative leaders), several others fled the country. Alhaji Umaru Dikko, the former Transport Minister and Presidential Campaign Chairman for President Shehu Shagari, was among those who fled.

Nigerians were amazed as a whooping sum of \$5.5 billion, which was said to have been left in the coffers by the Obasanjo government, disappeared within six months that Shagari took over as President. Dikko, the haughty chief spokesperson of Shagari, was alleged to have carted away billions in the rice saga as Director, Presidential Task Force (PTF).¹² Corruption was rife and brazen under the Shagari Regime to the extent that a huge sum of over \$ 16 billion in oil reserve revenue was reportedly lost between 1979 and 1983.¹³ The frustrated Shagari was said to have pleaded with his Cabinet members to desist from looting state's fund but he was simply ignored. In those days, Government offices mysteriously went up in

flames just before audit, thereby destroying evidences of alleged corruption and misappropriation. The exasperated President eventually resigned to fate and prayers over the matter.¹⁴

No other politician reportedly symbolised the graft and squander mania under the Shagari administration more than Umaru Dikko, the combative Transport Minister. Stories regarding Dikko's avarice and corruption were legion.¹⁵ As Chairman of the notorious Presidential Task Force charged with the alleviation of food shortage through the distribution of imported rice, the PTF was accused of hoarding rice to artificially exacerbate existing food shortages in order to drive prices up further. Dikko personified corruption and all manners of shady deals as his name became synonymous with corruption.¹⁶ He perhaps considered himself untouchable because he was the President's brother-in-law. He had the President's ears and ensured that each day, his was the very last opinion Shagari heard.

Anglo-Nigerian Relations

Before the Dikko saga, Anglo-Nigerian relation was undoubtedly on friendly terms. Apart from the colonial affiliation between Nigeria and Britain, London had been a favourite hangout of Nigerian fugitives from justice.¹⁷ Nigerian renegades seemed stereotypically Anglophile, and had residences in the most affluent areas of London, especially West London. These included London's wealthy Bayswater neighbourhood, where Dikko and many other Nigerian officials who allegedly stole state funds had purchased opulent residences. However, since Nigeria expelled Sir Martin Le Quesne, the British High Commissioner in Nigeria in the aftermath of the February 1976 coup, and Britain refused to extradite General Gowon to Nigeria in connection with it, the worst Anglo-Nigerian diplomatic crisis ensued as 10, Downing Street again stood against the extradition of Umaru Dikko in what came to be regarded as the *Dikko Affairs*.

Nigeria's despatch of security agents to commit a crime within the borders of a friendly country was viewed as a hostile act of the highest magnitude. Britain was obviously indignant at the abduction attempt on its very soil. Little wonder then that the Nigerian government played a straight bat and denied any involvement in the affair. Nigeria's High Commissioner in London, Major-General Haladu Anthony Hannaniya, was quick to announce that the 'Dikko Affair' was simply the brain child of *some patriotic friends of Nigeria*.¹⁸

Meanwhile, Anglo-Nigerian diplomatic relations, which was already badly strained, deteriorated further from July 5 1984, when British Customs officers thwarted the attempted abduction of Alhaji Umaru Dikko, who had fled to London, following the Buhari/Idiagbon coup. The aftermaths of the crisis led to a two year hang-off of Anglo-Nigerian diplomatic relations.¹⁹ The controversy which erupted also weakened Nigeria's *War against Indiscipline* and Corruption. Consequently, a full Anglo-Nigerian diplomatic relation was not restored until February 1986, when the government of Major-General Ibrahim Babangida came on board.²⁰

“The Dikko Affair”

What came to be dubbed “The Dikko Affair” three decades ago was a joint Nigerian-Israeli attempt to abduct Umaru Dikko, who was in exile in London and sneak him back into the country in a ‘Diplomatic Bag’. The first phase of the deal, (i.e. the abduction) was successfully carried out but the second (i.e. his transportation) was foiled.²¹

Umaru Abdulrahaman Dikko was born on December 31, 1936 in Wamba, a small village near Zaria in Kaduna State. Tracing his root, Dikko revealed of himself:

I am sixth on direct line of descent from Mujaddadi Shehu Usman Dan Fodio the famous Islamic Reformer and founder of the Fulani Empire (The Caliphate). The blood that runs in my vein, therefore, is the blue blood of royalty, Islamic education and piety (genetic science is a fact.) This family has never been in the business of making or hoarding money. It made its mark in the serious business of governance, religious reformation and leadership.²²

Young Dikko worked for BBC's Hausa Service and was at the vanguard of Northern Nigeria's politics since the 1960s. Undoubtedly, Alhaji Umaru Dikko was one of the most promising young politicians emerging from Northern Nigeria in the early 1960s, which coincided with the era of Nigeria's political independence. He was instrumental to the mobilisation of Northern opinion against Nigeria's First Military administration under Major-General Johnson T. U. Aguiyi-Ironzi. He was also a scribe to the Committee of Northern politicians, who toured the entire Northern Region to

build support for the creation of states across the federation in 1966. With these track records, he had, no doubt, matured enough into a sly and veteran politician by the time General Olusegun Obasanjo swore in Alhaji Shehu Shagari as President in Nigeria's Second Republic on October 1st 1979.²³

Alhaji Umaru Dikko again, was one of the most influential personages under the civilian regime of President Shehu Shagari; he was a brother-in-law to Mr President.²⁴ He was also the Director-General or Chairman of the Presidential Campaign Organisation for the Second Term bid of President Shehu Shagari. Although the election result was marred by accusations of electoral misdemeanour,²⁵ it was real kudos to him that he won for his master and in-law a General Election against political juggernauts such as Chief Obafemi Awolowo of the Unity Party of Nigeria (UPN), Dr. Nnamdi Azikiwe of the NPP, Alhaji Aminu Kano of the PRP, as well as Alhaji Waziri Ibrahim of GNPP. He readily admitted that they were all "formidable political personalities...skilful as well as experienced. Dealing with them and scheming how to defeat all of them at one and the same election was a task equally formidable."²⁶ He was also a formidable cabinet member (the Minister for Transportation) in the government of President Shehu Shagari until it was overthrown by the military on 31st December 1983; a date that coincides with his own birthday.²⁷ He was also Chairman Presidential Task Force (PTF) on Rice.

But things suddenly began to take a new twist for the hitherto *fortunate* and enviable Dikko, who on his 47th birthday became a fugitive in London for the next twelve years. Born on 31st December, 1936, troubles also surged upon him on 31st December 1983 when the civilian administration of President Shagari was toppled and the Second Republic collapsed. Thus, democracy was again uprooted in Nigeria and military despotism inaugurated in its place. Significantly, President Shehu Shagari had just been re-elected for a second term of four years and his mandate was barely three months old, when the military struck and aborted the newly formed administration where Dikko was a foremost serving Cabinet member.²⁸ The coup was said to have been sponsored by an extremely wealthy southern businessman whom Dikko had earlier antagonised. The new Military Head of State was an officer that Dikko had also offended, and that was the genesis of Dikko's predicaments.²⁹

The announcement that followed the coup resulted in the sack and ejection of all the incumbents from their official quarters. They were instructed to surrender all government property in their possession and

report to the nearest Police Station in their constituencies within seven days. Dikko, however, did not enjoy the benefit of 7 days grace; rather, on the same day, a lorry filled with armed men reportedly bombarded his No. 16 Alexander Avenue, Ikoyi, Lagos official residence.³⁰ Other factors which might have made him the foremost enemy of the new FMG included the key position he held in the civilian regime, his rumoured fabulous wealth, and his open threats and arrogant vows from exile in London, to overthrow the military government.

But luck again worked in his favour as he was at Victoria Island when the soldiers stormed his official quarters. Drawing from the information gathered from informants, who confirmed that he was slated for elimination, he successfully hibernated in Lagos for two days. And on the second day of the coup, with a fistful of raw cash, he sneaked out through a bush path to Seme Border into Benin Republic. From there, by a taxi, bribing his way through the border, he headed for Lome, Togo's Capital from where, by a KLM flight, he escaped to London, via Amsterdam accompanied by Miss Elizabeth Hayes. Hayes was then his personal secretary, but was later added to Dikko's harem of wives.³¹ Dikko had denied fleeing in disguise as a woman, contrary to popular belief.

Situations became particularly precarious for him as he had made himself so unpopular not just with the public, colleagues and the press, but also with the military.³² Total war was declared against him by the Federal Military Government headed by Major-General Muhammadu Buhari who, perhaps, had been previously molested by Dikko. Undoubtedly, he had stepped on the toes of many of the senior echelons of the armed forces officer corps. Among such officers was the then Director of Staff Duties and Plans (i.e Major-General Ibrahim Babangida), the GOC of the three armoured Division in Jos (Major-General Muhammadu Buhari, who also hailed from Kaduna State as Dikko, and Brigade Commander, Brigadier Ibrahim Bako. Dikko had indeed awakened sleeping tigers³³ that were anxious to maul him.

However, all efforts to deal with Dikko were not fruitful, and frustration perhaps led to the allegation by Dikko that his 94-year old father was kidnapped and brutalized, his second wife, Hayes, was harassed, and eventually had to flee Nigeria, via Cotonou with her mother, to London, where the latter subsequently suffered stroke and died. He also claimed that his kith and kin were subjected to a lot of persecution by the National Security Office (i.e. NSO, now SSS) who "spared no one known to have

anything to do with me, officially or privately". Thereafter, attention was turned to Dikko himself, "the main target of the Buhari tyranny",³⁴

This erstwhile Minister for Transportation under Shagari civilian government fled the country and took up asylum in the United Kingdom following the December 31 1983 Coup d'état that brought the Second Republic to an abrupt end. With Nigeria already plunged into an era of dire economic strait, Dikko was subsequently declared wanted by the Federal Military Government, to answer questions on corruption charges levelled against him, and the military remained resolute in its determination to track down their sworn enemy at all cost. It was held that since "Umaru had murdered sleep, Dikko shall sleep no more." Consequently, the services of Israel's MOSSAD became pertinent in order to bring to book a Nigerian fugitive who was alleged to have perpetrated economic and financial crimes against the nation.

Nigerian-Israeli Relations

Nigerian-Israeli relations had not always been smooth; during the Cold War era between the Western bloc led by the U. S. and Eastern bloc led by the USSR (i.e. U. S versus S. U.), Israel sought every opportunity to infiltrate and gain a foothold in Africa. She began with some irritating attempts during the Apartheid Regime in South Africa, which won her no friends but foes among the black or Arab African nations. Nigeria, in her own case, had, at the instigation of the Organisation of African Unity (OAU), terminated diplomatic relations with Israel since 1973. Although Israel had no formal diplomatic relations with Nigeria then, there were yet less visible secret economic ties between both nations.³⁵ For instance, Nigeria supplied over 50% of Israel's crude oil in exchange for military hardware. This was considered strategically important for Israel, particularly as it came from a country with such a high Muslim population.³⁶

However, fear gripped Israel as the news of the Buhari Coup reached Israel, but she saw an opportunity to gain popularity with the new regime as Nigeria began to incarcerate leading politicians from the erstwhile regime on account of corruption. Little wonders, therefore, that Israel offered to track down the FMG's 'most wanted fugitive' using its formidable Intelligence Agency, known as MOSSAD, the most sophisticated and dreaded covert Intelligence Agency in the world in the 1980s.³⁷ It is possible that the new Nigerian regime solicited Mossad's intervention through its network of contacts among Israeli security establishment. It is also known

that several senior officers in the Nigerian army had long standing relations with Israeli businessmen, and that Mossad's Director, Nahum Admoni, travelled to Lagos, Nigeria's then capital on a forged diplomatic (Canadian) passport to meet with Buhari, the new Head of State.³⁸ Admoni gave Buhari an offer he could not resist- to fish Dikko out and repatriate him back to Nigeria to face the law. This, for Buhari, was a means to an end; locating the offshore accounts where Dikko had deposited his loot from Nigeria. Thus, Dikko was up against the most formidable intelligence machinery in the world.³⁹ For Israel too, it was a means towards ensuring an enduring economic relations with Nigeria, an important source of oil for Israel while Israel, in turn, remains a significant supplier of arms to Nigeria.⁴⁰

The Abduction Game Plan

The drama which unfolded from the alleged abduction attempt of Umaru Dikko generated unusual Anglo-Nigerian diplomatic imbroglio. The nature of the problem has to be properly contextualized, in part, because past Nigerian administrations since independence have had to deal with the British government over the extradition of key politicians, whether civilian or military, taking refuge in Britain. However, the 'Dikko Affair' marked the first time when the governments of both countries expelled each other's diplomats.⁴¹

Reports in the British mass media and their Nigerian counterparts stated that Nigeria's most wanted fugitive, Alhaji Umaru Dikko, was accosted on July 5, 1984 in the garden of his London home at No. 49 Porchester Terrace, London⁴² by armed men who bundled him into a yellow van after a desperate and violent struggle between him and his abductors. Having kept trail on Dikko for some time and monitoring his daily routine, the abductors mounted siege outside Dikko's house on Porchester Terrace just about lunch time, and malefactor emerged. As he walked, two men emerged from a brightly painted canary yellow van hired by a Nigerian Major (Rtd.) Mohammed Ahmadu Jarfa Yusufu (aged 40) from Notting Hill Gate in West London. Within seconds, the two men burst out of the van, grabbed Dikko, forced him into the back of the van, which zoomed off at break-neck speed. Dr Levi-Arie Shapiro, an Israeli national, consultant and director in the intensive care unit at Hasharon hospital in Tel Aviv, (aged 43) swiftly swung into action, injected him in the arm and buttock with a powerful anaesthetic. Dikko lost consciousness. But Dikko's secretary-turned wife witnessed the abduction drama and promptly alerted the

appropriate authorities through the UK's emergency service number, 999. News of the incredible incidence spread fast to Scotland Yard's anti-terrorist squad, including all customs officials at airports, ports and border crossings, the Foreign Office and the Prime Minister, Margaret Thatcher. Extra vigilance was kept on Nigeria-bound vessels.

There was also a second hitch which led to the foiling of the whole game plan; Group Captain Bernard Banfa, formerly head of the Nigerian Air Force and now CEO of Air Nigeria, who was to meet with Nigerian Major (Rtd.) Yusuf and Shapiro in the apartment in London, handed them the right diplomatic documents and assisted in supervising the loading of the diplomatic crates at Stanstead Airport. But he suddenly lost his nerves at the eleventh hour. This turned out to be a major hitch in the abduction plan that would later haunt the abductors.

Shortly before the 3 p.m. departure deadline, two crates labelled "Diplomatic Baggage" and addressed to the Nigerian Ministry of External Affairs in Lagos were loaded onto the waiting Nigerian airways plane. Working on security tips and alerted by an unusual aura of medical smell as well as certain noise emanating from the crates, Charles Morrow, a customs officer was bold enough to inspect the crates in spite of the "Diplomatic Baggage" seal on them. Opening the crates with a crowbar, the discovery was incredible. In the first crate was Dikko's bound and unconscious body with an endo-tracheal tube in his throat. Beside him in the same crate was Dr Shapiro with his syringes and supply of additional anaesthetics. The second crate contained Felix Abithol, an Israeli Mossad field officer, aged 31, and Alexander Barak, another Israeli Mossad field officer, aged 27. Obviously, the abduction game plan had been foiled. Barak blamed Group Captain Banfa for the failure of the grand plan of the seemingly indomitable Leviathan called Mossad.⁴³

Strained Anglo-Nigerian Relations

The instantaneous arrest of three Israelis and a Nigerian (Alexander Barak, Dr Shapiro, Felix Abithol and Mohammed Yusuf) by British authorities spurred press speculation about a plot between Israeli intelligence and certain personages within the Nigerian government.⁴⁴ The Nigerian Airways 707 was detained by the British security forces, while the 17 crew-suspects in the Boeing 707 plane were placed under arrest. Nigeria reaction was swift and retaliatory; a British Caledonian passenger 747 flight, which took off from Lagos, was ordered back forty-five minutes after 'for security

reasons'. Its 222 passengers were allowed to disembark and leave the airport but the plane was held until the British released the Nigerian 707 airbus. This led to a day's long standoff between Britain and Nigeria.⁴⁵ The FMG official demand for the extradition of Umaru Dikko was turned down by the Margaret Thatcher-led British government.

While all the other convicts were freed, Barak, Yusufu, Shapiro and Abithol were sentenced to 14, 12, 10 and 10 years prison terms respectively. In their defence, the Israeli defendants argued that they were mercenaries acting on behalf of Nigerian businessmen. They were however, freed and quietly extradited after serving 8, 7, 6 and 6 years of their sentences respectively.⁴⁶

Before examining the international legal implication of the abduction attempt, it is pertinent to point out that immediately the act was reported, the Nigerian government officially denied being involved in the whole saga, though it wanted Dikko badly. But using circumstantial evidences and Nigeria's responses in the aftermath of the act in question, one can argue that it was an act well-conceived and premeditated by Nigeria. However, in order to avoid the embarrassment and friction that may ensue as a result of its failure, the Nigeria government had to take the easy way out. Up till this day, the Nigerian government of that era, or of any other time, is yet to admit any involvement in the "Dikko Affair", despite the overwhelming⁴⁷ contrary evidences. There were also circumstantial events which proved Nigeria's involvement; although Umaru Dikko's drugged and unconscious body was found in a Lagos-bound Nigerian Airways Boeing 707 as diplomatic baggage, the Buhari government denied any involvement in the attempted abduction. Besides that, the wooden crates (each measuring 4½ feet x 5½ feet) in which Umaru Dikko, two Israelis, one of them an anaesthetist, and a Nigerian diplomat were packed, declared as "diplomatic baggage" and addressed to the Ministry of External Affairs, Lagos. These were intended to be loaded into a waiting Nigerian Airways Cargo Plane (property of Nigerian government) at Stansford Airport, London. Also, two Mercedes-Benz cars with Nigerian High Commission diplomatic plates (2220270 and 2220274) were parked at the Airport at the time of the incident, and the presence of Mr. Okon Edet, an attaché at the Nigerian High Commission in London, proved further that Nigeria was massively involved in the abduction attempt.

Although the Umaru Dikko drama belongs to the past, the political consequences of the Anglo-Nigerian relations lingered on. It took a while

before tempers cooled and diplomatic relations was restored, perhaps amidst lingering mutual suspicion.⁴⁸ Nigeria's refusal to accede to the British government request for a waiver of immunity, which was accorded the Nigerian diplomat implicated in the incident as required under Article 52 (1) of the Vienna Convention of March 2 to April 14, 1961 for their interrogation, further lay credence to Nigeria's role in the whole affair. Article 52 (1) allows the immunity of diplomats to be waived in cases of criminal charges, but this had to be a willing act of the state involved.

It is in this light that the basic legal principles guiding diplomatic privileges and immunities are examined under the Vienna Convention in which 145 countries (including Nigeria and Britain) were signatories. Diplomatic privileges and immunities were accorded, under the Vienna Convention, "not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing states."⁴⁹ Under Article 22, the Vienna convention, among other things, provides that the premises of a diplomatic mission are inviolable and that the agents (diplomats) of a receiving state may not enter them without the consent of the head of mission (the High Commissioner). Article 27 (2) of the Vienna Convention also states that official correspondence mission shall be inviolable (the correspondence mission here also means all correspondence relating to the mission and its functions under Article 3 of the convention). In addition, the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use. Article 27 (3) (4) of the convention is relevant to this perspective.

With regards to the functions of a diplomatic mission, the Vienna convention stipulates under Article 3 that the functions shall consist, among others, representing the sending state in the receiving states, protecting in the receiving state the interest of the sending state, and of its nationals within the limits permitted by International law, negotiating with the government of the receiving state, ascertaining by all lawful means conditions and developments in- the receiving state, and reporting therein to the government of the sending state, and promoting friendly relations between the sending state and receiving state, while developing their economic, cultural, scientific relations.⁵⁰

Article 29 of the Vienna Convention also provides that a diplomatic agent shall be inviolable; that is, he shall not be liable to any form of arrest or detention, and the receiving state shall treat him with due respect and take

all appropriate steps to prevent any attack on his person, freedom or dignity.⁵¹ Article 31 also provides that a diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving state. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of a real action relating to private immovable property situated in the territory of the receiving state, unless he holds it on behalf of a sending state for the purpose of the mission, an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending state; and a motion to any professional or commercial activity exercised by the diplomatic agent in the receiving state outside his official functions.⁵²

Having established Nigeria's maximal role in the alleged abduction attempt and some legal principles guiding diplomatic privileges and immunities, the question that arises is: Why did Nigeria adopt such a method to bring back her number one wanted fugitive, bearing in mind that Nigeria, or any country for that matter, has the right to extradite its citizens to face criminal charges at home? The exercise of this right, though, must be consistent with the provisions of the treaties relating to extradition.

But for the Vienna Convention of 1961, no extradition treaty existed between Nigeria and Britain. Thus, it was claimed that Nigeria did not make any request under the fugitive Offence Act, first of 1881 and of 1967, either for the extradition of Umaru Dikko or any other political fugitive living in Britain. Reasons for this are located in the clumsiness of the provisions of the Act, and the fact that the government of Nigeria felt threatened by this particular fugitive, Umaru Dikko', who continued to issue threats to bring Nigeria down from far away United Kingdom. Hence, Nigeria government had no choice other than to adopt this option to bring to book a fugitive who constituted security risk to the nation.

Indeed, attempting to extradite fugitive criminals living in Britain has always been a herculean task. This is because, over the years, Britain has acquired a reputation for being a sanctuary for fugitive criminals. Consequently, for an extradition request to succeed, an English magistrate must be satisfied that there is sufficient "prima-facie" case against the fugitive to justify his being tried in Britain if his criminal acts were committed there.⁵³ But Nigeria government was aware that this requirement was responsible for Britain's delay in carrying out an extradition request by Nigeria, and that epitomized the dilemma faced by the Nigerian authorities over Umaru Dikko, and other important fugitive criminals with their

destabilisation plots, and the threat they constituted against the Buhari-led Military government in Nigeria. One can then, at this point, call to question the hypocrisy of the British government over the “Dikko Affair”, because, to be sure, there had been occasions when the authorities tacitly or implicitly encouraged kidnapping or related incidents. A ready case at hand is the Master Turner case, where after the emotional sentiments whipped up in Britain to reprieve Turner (jailed ten years for drug offences), the British government acquiesced in the attempt to smuggle him out of Turkey. Although this attempt failed, the British government did not waive the immunity of its diplomatic staff in Ankara to enable Turkish Police interrogate the diplomats.⁵⁴

International Legal Implications

The attempted abduction of Alhaji Umaru Dikko threw up several questions of International Law, concerning particularly the Vienna Convention of 1961 on Diplomatic intercourse and immunities. Was Nigeria then justified to have attempted bringing back fugitive Umaru Dikko to face trial on charges of corrupt practices at home? Nigeria's move, of course, is justifiable on subversive grounds going by threats on the government, economic sabotage and national interest of the country.

The fact of the case is that as at the time the act was attempted, the government of the Federation of Nigeria was under the threat of subversion. The Umaru Dikko-led fugitives residing in Britain were then reportedly plotting and using British government owned and/or pro-government mass media, and the U.K. as a launch-pad to violently up-turn the Federal Military Government of the day. To be sure, the Dikko incident came following revelations by the Nigerian authorities that Nigerian fugitives in London were planning a second destabilisation act against the country. News about the first was made known to the public earlier in March when it was reported that British mercenaries recruited by Nigerian fugitives in London were to have invaded Nigeria in an operation code-named “A Strategy of Pressure and Containment” in Nigeria. The plan was reported to have cost 300 million dollars.⁵⁵ Umaru Dikko's antics could be traced back to early January 1984, while he was in London as a fugitive where he boasted in an interview with a British Newspaper (London Observer) that he would restore democracy in Nigeria “before long”.⁵⁶

Of course, these threats cannot just be overlooked considering the vast amount of wealth the fugitives stacked away in British Banks to finance

this. The implication of this is that British authorities encouraged this, and in doing so, gave other potential fugitive criminals the leverage to loot as much as possible with the guarantee of British protection. In this respect, any government that knows its onions will not fold its arms and allow subversive elements to destabilise the country. International Law equally frowns at this. One could argue that by virtue of the role played by United Kingdom, particularly during the period of the face off, Britain interfered, albeit passively, in the internal affairs of Nigeria.

Britain's role in the whole saga undermined the economic stability of Nigeria. Indeed, her position contributed to the economic adversity of Nigeria through her refusal to co-operate with the Nigerian government in extraditing fugitives, who have looted the country's treasury and massively invested such loot into the British economy. Although International Law does not encourage kidnapping, the doctrine of "the just cause", that is, "if you have a situation in which a man has looted his own country such that the people of the country die or suffer as a result of deprivation, then one can start raising the question of moral right".⁵⁷

This then brings to the fore the question of National Interest. In order for Nigeria to protect her national interest, which Britain had consistently worked against, it became rather imperative for the Nigerian government, at that particular time in history, to employ whatever means she deemed fit to bring Dikko back home. This was not only to render accounts of his stewardship as an ex-Transport Minister, but also to nip his boastful subversive-plot in the bud, since Britain was unwilling to assist Nigeria in these respects. In fact, Britain was, and perhaps, still is, the haven for Nigeria fugitives running away from the law.

Apparently, the British authorities' attitude towards Nigeria in the aftermath of the botched abduction attempt showed how badly they felt towards the country. Mr Whyte (the British High Commissioner in Nigeria) was guilty of gross dereliction of duty in the light of Article 3(d) of the Vienna Convention cited earlier in this paper. Being a representative of his country to Nigeria, the onus rested on him to report the feelings and attitudes of the Nigerian public, and the position of the government on the corrupt practices of former politicians whom Britain was harbouring. In the same vein, the grounding on July 5, 1984 of Nigerian Airways Cargo Plane, the detention of its crew members, and the subsequent inhuman act inflicted on them by the British Police, were patently illegal, unauthorised and against the fundamental respect for human dignity, particularly after the Nigerian

government had denied any involvement in the alleged act. These acts constituted a flagrant violation of International Law, which assertively holds that "if you hold a plane that is in transit, flying another country's flag, you are violating international aviation law unless you can prove that such a plane has violated your aviation law".⁵⁸

No doubt, the arrest, continued detention, and trial on two-count charge of kidnapping and administering drugs with intent to kidnap Alhaji Umaru Dikko, against Mohammed Yusuf, a Nigerian, cleared by the British High Commission in Lagos to enter the United Kingdom on May 16th, 1984 as a diplomat, though not accredited to Britain, was certainly at variance with the provisions of Articles 29 and 31 of the Vienna Convention.⁵⁹ This is obviously a flagrant violation of International Law. Also, the dismissal on August 23, 1984 by the Lambeth Magistrate Court in South London of an application for diplomatic immunity by Mohammed Yusuf, was a regrettable act because the decision has no basis in public International Law.⁶⁰

Conclusion

Nigeria's moral right and the desire to protect her national interest and integrity could not have, in any way, been compromised as a result of the attempt to bring back home the fugitive, who was deemed to have, not only contributed immensely to the economic malaise that the country currently faces today, but also reported to have plotted assiduously to overthrow violently the Buhari led Military government. This paper posits that the federal government's prompt attempt to bring back the fugitive was in order and justifiable, and has therefore, not violated any International Law. This is in view of the fact that, for all countries, whether in Africa, Europe or America, the protection of the national interests and integrity takes precedence over all other considerations, and thus, the Federal Government's position, was in accordance with its avowed commitment to its people. Those who were therefore reported to be planning subversive actions against the Nigeria state deserved to be called to order since the maintenance of the international legal system and peaceful coexistence of nations are also predicated on the stability of the country.

Amazingly, the rather inglorious re-emergence of a man "generally pretending to love a nation he owed no patriotism"⁶¹ on the political scene of Nigeria in the name of the 'Dikko Disciplinary Committee' via the ruling party, does not just question the integrity of PDP, but also portends a serious danger-signal that undoubtedly call for condemnation. The question at hand surely is not whether but whither Nigeria?

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