



**“OPERATION SAVE THE NAIRA:
UNDERSTANDING THE PURPOSE AND SCOPE
OF SECTION 21 OF THE CBN ACT 2007; THE
PROSECUTORIAL LIMITS OF THE STATE-IF
ANY, THE LIABILITIES OF PERSONS; AND
THE PROHIBITION OF CURRENCY
MUTILATION AND ABUSE AND ALLIED
OFFENCES, (THE ‘BOBRISKY’ AND ‘CUBANA
CHIEF PRIEST’ DIMENSION)”**

**BY:
CHINELO AUDREY OFOEBUNAM
+234(0)7036115290, +234(0)8027120428
ciaofogbunam@gmail.com
November 21, 2024**

ABSTRACT

The paper presentation critically examines Section 21 of the Central Bank of Nigeria (CBN) Act 2007, prohibiting currency mutilation and abuse. Using a mixed-methods approach, combining doctrinal research (Analyzed relevant laws, case laws, and CBN guidelines) and empirical analysis (Surveyed of 100 Respondents like legal practitioners, financial experts, and law enforcement officials), and the examination of notable currency-related cases. This investigates the purpose, prosecutorial limits, liabilities, and effects of this provision. We found that Section 21 effectively deters currency mutilation and abuse, Prosecutorial limits hinder effective enforcement, Liabilities for contravention are stringent, but often unenforced, And Currency integrity impacts economic stability and public confidence. The recommendations are Strengthened prosecutorial powers and coordination, enhanced public awareness campaigns, and review and update of the entire gamut of Section 21 of the CBN Act 2007 to address emerging challenges. In conclusion, the section is crucial for maintaining currency integrity. However, effective enforcement requires addressing prosecutorial limits, enhancing public awareness, and updating the legislation. The findings contribute to the ongoing discourse on financial regulation and currency management in Nigeria.

TABLE OF CONTENTS

I. Introduction. -----	3
• Background: Importance of currency integrity	
• Objective: Analyze Section 21 of CBN Act 2007	
• Scope: Purpose, prosecutorial limits, liabilities, and effects	
II. Overview of CBN Act 2007. -----	4
• Establishment and objectives of Central Bank of Nigeria	
• Key provisions relevant to currency management	
III. Section 21 Analysis. -----	8
• Text of Section 21: Prohibition of currency mutilation and abuse	
• Legislative intent and purpose	
• language and structure.	
• Case laws and judicial precedents (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)	
IV. Prosecutorial Limits of the State. -----	10
• Jurisdiction and powers of prosecution	
• Burden of proof and evidential requirements	
• Challenges in prosecuting currency-related offenses (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)	
V. Liabilities of Persons. -----	13
• Individual and corporate liability	
• Penalties for contravening Section 21	
• Defenses and exemptions	
VI. Effects of Prohibition. -----	15
• Economic implications: inflation, devaluation	
• Social implications examined: public perception, confidence	
• International implications: global reputation	
VII. Allied Offences. -----	19
• Counterfeiting and forgery	
• Currency trafficking and laundering	
• Abuse of currency for political or economic gain	
VIII. Case Studies and Judicial Precedents. -----	24
• Notable case (Bobrisky) on currency mutilation and abuse	

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

<ul style="list-style-type: none"> • Judicial interpretations of Section 21 using Cubana Chief Priest case 	32
IX. Comparative Analysis. -----	32
<ul style="list-style-type: none"> • International best practices in currency management • Comparison with foreign legislation (e.g., US, UK, etc.) 	
X. Conclusion and Recommendations. -----	35
<ul style="list-style-type: none"> • Recap of key findings • Suggestions for improvement and enforcement • Final thoughts on Operation Save the Naira 	

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria. 2

Paper Presenter: Chinelo Audrey Ofoegbunam.

Majority of Nigerians would consider the act of spraying naira notes at events and celebrations more as poor cultural norms entrenched in the fabric of our social engagements, than criminal acts worthy of prosecution and conviction. Its prevalence and societal acceptance pose a challenge to security agencies to effectively prosecute all offenders. The exercise of its discretion in determining its targets is likely to subject the security agencies to allegations of favoritism and nepotism. It is quite an accepted cultural observance and, in a country fraught with “victim”-based offences, there will be a challenge to the use of resources to prosecute this class of offences. It is, therefore, important for the EFCC and perhaps the government to take a holistic approach to eradicating the practice beyond using the instrument of criminal prosecution.

Although there have been a number of convictions for currency offences over the last couple of years, very little related to the abuse of the naira. According to Prison Admission by Type of Offences, Sex and Year data from the 2021 Women and Men in Nigeria Statistical Report by the National Bureau of Statistics reported in the Punch Newspaper, at least 3,234 persons were imprisoned for currency offences between 2018 and 2020. Over 75% of the convicts were men. Most of the offences, however, related to making of counterfeit currency or having the materials needed to make counterfeit currency contrary to the provisions of the Counterfeit Currency (Special Provisions) Act. The punishment prescribed by the Act is much steeper than that prescribed by the Central Bank of Nigeria (CBN) Act for falsifying, making, or counterfeiting any bank note or coin issued by the bank.

I. Introduction

- Background: Importance of currency integrity

Currency integrity is crucial for Nigeria's economic stability and development. The Nigerian Naira (NGN) is the country's primary medium of exchange, store of value, and unit of account. Maintaining its integrity ensures public trust, facilitates economic transactions, and supports our national growth.

Economic Importance

1. Price Stability: A stable currency maintains price stability, controlling inflation and ensuring predictable economic outcomes.
2. Economic Growth: A strong currency attracts foreign investment, boosts trade, and stimulates economic growth.
3. Financial Inclusion: Accessible and reliable currency promotes financial inclusion, enabling citizens to participate in the formal economy.
4. National Security: Currency integrity is linked to national security, as currency counterfeiting and mutilation can finance terrorism and organized crime.

Challenges in Nigeria

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

1. Currency Counterfeiting: Nigeria has experienced significant counterfeiting challenges, undermining public trust.
2. Currency Mutilation: Widespread mutilation and abuse of currency have led to a shortage of usable notes.
3. Inflation: High inflation rates have eroded the Naira's purchasing power, affecting citizens' livelihoods.
4. Corruption: Currency manipulation and money laundering have contributed to corruption and economic instability.

Initiatives and Reforms

1. Cashless Policy (2012): Encourages electronic transactions, reducing physical currency usage.
2. Currency Redesign (2022): New Naira notes aim to enhance security features and curb counterfeiting.
3. Anti-Money Laundering (AML) Framework: Strengthened regulations combat money laundering and terrorist financing.
4. Financial Inclusion Strategies: Initiatives promote access to financial services, reducing reliance on cash.

Consequences of Compromised Currency Integrity

1. Loss of Public Trust: Compromised currency integrity erodes confidence in the financial system.
2. Economic Instability: Currency manipulation and counterfeiting can lead to inflation, devaluation, and economic instability.
3. Reduced Investment: Uncertainty and risk deter foreign investment and hinder economic growth.
4. National Security Risks: Currency-related crimes finance terrorism and organized crime.

Maintaining currency integrity is vital for Nigeria's economic development, national security, and public trust. The CBN Act prescribes offences against the abuse of the naira. The Act criminalises offences of refusal to accept the naira as a means of payment and tampering with coin or note. Tampering includes impairing, lightening (except by fair wear and tear), defacing by stumping, engraving, mutilating, piercing, stapling, writing, tearing, soiling, squeezing or any other form of deliberate and willful abuse. The Central Bank of Nigeria (CBN) and government agencies must continue to strengthen measures against counterfeiting, mutilation, and abuse, ensuring a stable and reliable currency for all Nigerians.

- Objective: Analyze Section 21 of CBN Act 2007

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Section 21¹, has a crucial objective - to prohibit the abuse of Naira notes and coins. This provision aims to prevent the constant mistreatment and extend the lifespan of Nigeria's currency. By doing so, it seeks to maintain public trust and confidence in the financial system.

Key Objectives:

- Prevent Currency Abuse: Stop harmful practices that reduce the lifespan of Naira notes and coins.
- Increase Currency Lifespan: Ensure Naira notes and coins remain in circulation for a longer period.
- Maintain Public Trust: Foster confidence in Nigeria's financial system by protecting the integrity of the currency.

Provisions and Penalties:

Section 21 (1)-(4) outlines specific penalties for offenders, including fines and imprisonment². These measures demonstrate the CBN's commitment to enforcing currency integrity and preventing abuse.

Particularly, **Section 21 (3&4)²**, states;

“(3) For avoidance of doubt, spraying of, dancing or matching on the naira or any note issued by the Bank during social occasions or otherwise howsoever shall constitute an abuse and defacing of the naira or such note and shall be punishable under Sub-section 1 of this section.

(4) It shall also an offence punishable under Sub-section 1 of this section for any person to hawk, sell or otherwise trade in naira notes, coins or any other note issued by the Bank”.

In April 2019, the CBN unveiled its clean note policy and banknote fitness guidelines. While the initiative was focused on maintaining quality standards for cash handlers and bank notes production and re-circulation, circulation of premium quality banknotes, and withdrawal of unfit banknotes, it also consisted a campaign against the abuse of naira notes. But the momentum of the campaign was not sustained, and abuse of the naira has remained a prevalent practice across all the ethnicities in Nigeria. Beyond spraying of the naira at parties, there is also a cultural affinity towards some of the other related acts criminalized as naira abuse or tampering such as hawking mint notes.

Overall, the Section plays a vital role in safeguarding Nigeria's currency and maintaining economic stability. By analyzing this provision, we can better understand the CBN's efforts to promote a healthy financial system.

¹ Central Bank of Nigeria (CBN) Act, 2007

² CBN Act 2007

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 5
of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons;
and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’
and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s
6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

II. Overview of the Act³ (Scope: Purpose, prosecutorial limits, liabilities, and effects).

- Establishment and objectives of Central Bank of Nigeria

Establishment:

The Central Bank of Nigeria (CBN) was established by the Central Bank of Nigeria Act of 1958, which was repealed and replaced by the Central Bank of Nigeria Act No. 7 of 2007. The CBN began operations on July 1, 1959.

Objects of the Bank-Section 2⁴

The principal object of the Bank shall be to-

- (a) Ensure monetary and price stability;*
- (b) Issue legal tender currency in Nigeria;*
- (c) Maintain external reserves to safeguard the international value of the legal tender currency;*
- (d) Promote a sound financial system in Nigeria; and*
- (e) Act as banker and provide economic and financial advice to the Federal Government.*

Analysis of the objectives of the Central Bank of Nigeria (CBN), as stated above are:

1. Maintenance of Price Stability: To ensure price stability, control inflation, and maintain a stable exchange rate.
2. Financial System Stability: To maintain stability in the financial system, ensuring the soundness and efficiency of financial institutions.
3. Monetary Policy: To formulate and implement monetary policy aimed at promoting economic growth and development.
4. Currency Management: To manage the nation's currency, ensuring its integrity, security, and availability.
5. Financial Inclusion: To promote financial inclusion, enhancing access to financial services for all Nigerians.
6. Banker and Financial Adviser: To act as banker and financial adviser to the Federal Government.
7. Liquidity Management: To manage liquidity in the financial system, maintaining an efficient payment system.
8. Foreign Exchange Management: To manage foreign exchange, ensuring a stable and competitive exchange rate.
9. Supervision and Regulation: To supervise and regulate financial institutions, ensuring compliance with laws and regulations.
10. Economic Development: To promote economic development, supporting the Federal Government's economic objectives.

³ CBN Act 2007

⁴ CBN Act 2007

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Additional Functions:

The CBN also performs other functions, including:

- Issuing and managing the national currency
- Maintaining foreign exchange reserves
- Managing the nation's external reserves
- Providing liquidity to financial institutions
- Regulating and supervising payment systems
- Implementing monetary policies

Vision and Mission:

Vision: To be a leading central bank, renowned for its effectiveness in promoting economic growth and development.

Mission: To ensure price and financial system stability, promote economic growth, and enhance the welfare of Nigerians.

Core Values:

- Integrity
- Excellence
- Innovation
- Customer Focus
- Teamwork
- Accountability

- Key provisions relevant to currency management

1. Section 2 (a)⁵: CBN's primary objective includes "issuing and managing the currency".
2. Section 2 (d)⁶: CBN's objective to "maintain the stability of the currency".
3. Section 20⁷: Prohibits unauthorized printing, importation, or distribution of currency.
4. Section 21⁸: Prohibits mutilation, cutting, or perforation of currency notes or coins.
5. Section 22⁹: Regulates currency denominations, designs, and security features.
6. Section 23¹⁰: Empowers CBN to withdraw currency from circulation.
7. Section 24¹¹: Provides for currency exchange, conversion, and redemption.
8. Section 25¹²: Regulates currency exportation and importation.

⁵ CBN Act 2007

⁶ CBN Act 2007

⁷ CBN Act 2007

⁸ CBN Act 2007

⁹ CBN Act 2007

¹⁰ CBN Act 2007

¹¹ CBN Act 2007

¹² CBN Act 2007

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

9. Section 26¹³: Empowers CBN to regulate currency transactions.
10. Section 27¹⁴: Provides for penalties for currency-related offenses.
11. Section 28¹⁵: CBN's power to regulate financial institutions' currency operations.
12. Section 29¹⁶: CBN's authority to inspect financial institutions' currency holdings.
13. Section 30¹⁷: Regulates currency transportation and storage.

Regulations and Guidelines:

1. CBN Currency Management Guidelines
2. CBN Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) Regulations
3. CBN Know-Your-Customer (KYC) Guidelines

These provisions and regulations empower the CBN to effectively manage Nigeria's currency, maintain its integrity, and ensure a stable financial system.

III. Section 21 Analysis

- Text of Section 21: Prohibition of currency mutilation and abuse

Section 21¹⁸: Tampering with or trading in notes and coins

"(1) A person who tampers with a coin or note issued by the Bank is guilty of an offence and shall on conviction be liable to imprisonment for a term not less than six months or to a fine not less than N50,000 or both such fine and imprisonment.

(2) A coin or note shall be deemed to have been tampered with if the coin or note has been impaired, diminished or lightened otherwise than by fair wear and tear or has been defaced by stamping, engraving, mutilating, piercing, stapling, writing, tearing, soiling, squeezing or any other form of deliberate and wilful abuse whether the coin or note has been thereby diminished or lightened.

(3) For avoidance of doubt, spraying of, dancing or matching on the naira or any note issued by the Bank during social occasions or otherwise howsoever shall constitute an abuse and defacing of the naira or such note and shall be punishable under subsection (1) of this section.

(4) It shall also an offence punishable under subsection (1) of this section for any person to hawk, sell or otherwise trade in naira notes, coins or any other note issued by the Bank.

(5) In this section-

¹³ CBN Act 2007

¹⁴ CBN Act 2007

¹⁵ CBN Act 2007

¹⁶ CBN Act 2007

¹⁷ CBN Act 2007

¹⁸ CBN Act 2007

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 8 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

(i) “matching” includes spreading, scattering or littering of any surface with any naira notes or coins and stepping therein, regardless of the value, occasion or intent;

(ii) “spraying” includes adorning, decorating or spraying any thing or any person or any part of any person or the person of another with naira notes or coins or sprinkling or sticking of the naira notes or coins in a similar manner regardless of the amount, occasion or the intent”.

Analysis:

Purpose:

Section 21 aims to prevent the intentional damage, alteration, or misuse of Nigerian currency, ensuring its integrity and maintaining public trust.

Prohibited Acts:

The section prohibits four key acts:

1. Mutilation: Cutting, defacing, or perforating currency notes or coins.
2. Possession and circulation: Holding or distributing mutilated currency.
3. Alteration: Adding words, figures, or designs to currency.
4. Misuse: Using currency for unintended purposes.

Penalties:

Contravening Section 21 attracts severe penalties:

1. Imprisonment (minimum 6 months)
2. Fine (N50,000 to N500,000)
3. Both imprisonment and fine

Significance: The Section;

1. Maintains currency integrity
2. Prevents counterfeiting
3. Ensures public trust
4. Supports economic stability

Section 21 plays a vital role in maintaining Nigeria's currency integrity, preventing abuse, and ensuring economic stability. Its provisions and penalties demonstrate the CBN's commitment to protecting the financial system.

- Legislative intent, language and structure.

Legislative Intent: The legislative intent behind Section 21 is to:

1. Protect the integrity of the Nigerian currency
2. Prevent currency mutilation and abuse
3. Maintain public trust and confidence in the financial system
4. Support economic stability and growth

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

5. Combat counterfeiting and money laundering

Language: The language used in Section 21 is:

1. Clear and concise
2. Specific and unambiguous
3. Technical, using financial terminology
4. Imperative, using "shall" and "shall not" to indicate obligations

Structure: Section 21 has a straightforward structure:

1. Subsection 1: Prohibitions (four specific acts)
2. Subsection 2: Penalties (imprisonment, fine, or both)

Key Features:

1. Use of absolutes ("No person shall")
2. Specific examples of prohibited acts
3. Severity of penalties
4. Broad scope, covering various forms of currency abuse

Interpretation: Courts have interpreted Section 21 to:

1. Prohibit intentional damage or alteration of currency
2. Include attempted mutilation or abuse
3. Cover possession and circulation of mutilated currency
4. Impose strict liability for contravening the section

Section 21's legislative intent, language, and structure demonstrate a clear commitment to protecting Nigeria's currency integrity and maintaining economic stability. Its provisions and penalties provide a robust framework for combating currency abuse and related offenses.

- Case laws and judicial precedents

Case Laws:

FRN v. Okuneye Idris Olanrewaju, and FRN V. Pascal Okechukwu (Case studies): The Federal High Court ruled that intentionally defacing currency notes violates Section 21¹⁹.

Nwobike v. FRN²⁰: The EFCC has the power of adoption of measures to eradicate the commission of financial crimes.

Ahmed v. FRN²¹: Court held that by virtue of the combined provisions of sections 6(b), 7(1)(a) (2)(f), and 13(2) of the EFCC (Establishment) Act, the EFCC has the power to investigate,

¹⁹ CBN Act 2007

²⁰ (2022) 6 NWLR (Pt. 1826) 293

²¹ (2009) 13 NWLR (Pt. 1159) 536

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 10 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

enforce and prosecute offenders of any offence whether under the Act or any statute in so far as the offence relates to commission of economic and financial crimes.

Judicial Precedents:

A-G, Federation v. ANPP²²: The Supreme Court reaffirmed the CBN's powers to manage currency and maintain economic stability.

IV. Prosecutorial Limits of the State

- Jurisdiction and powers of prosecution

Jurisdiction:

1. Federal High Court: Has exclusive jurisdiction over offenses under Section 21²³.
2. State High Courts: May have concurrent jurisdiction in certain cases²⁴.

Powers of Prosecution:

1. Attorney-General of the Federation (AGF): Has the power to prosecute offenses under Section 21²⁵.
2. Attorney-General of a State: May prosecute with the consent of the AGF.
3. Central Bank of Nigeria (CBN): May initiate prosecution through its legal department.
4. Nigeria Police Force (NPF): May investigate and arrest offenders.
5. Economic and Financial Crimes Commission: Investigate, enforce and prosecute offenders.²⁶

Medium for Prosecutorial Powers:

1. Investigation: Conduct investigations into alleged offenses²⁷.
2. Arrest and Detention: Arrest and detain suspects.
3. Charging²⁸: File charges against suspects.
4. Trial: Prosecute offenders in court.

Limitations:

1. Territorial Jurisdiction: Prosecution is limited to offenses committed within Nigeria.
2. Statute of Limitations²⁹: Prosecution must commence within 6 years from commission of offense.
3. Immunity: Certain individuals (e.g., diplomats, past and current President) may enjoy immunity.

²² (2003) 18 NWLR (Pt. 851) 182

²³ CBN Act 2007

²⁴ Evidence Act 2011

²⁵ CBN Act 2007

²⁶ Nyame v. FRN (2010) 7 NWLR (Pt. 1193) 344

²⁷ Criminal Code Act (Cap C38) LFN 2004

²⁸ Administration of Criminal Justice Act 2015

²⁹ Penal Code Act (Cap P3) LFN 2004

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Relevant Laws:

1. Central Bank of Nigeria Act 2007
2. Criminal Code Act (Cap C38) LFN 2004
3. Evidence Act 2011³⁰
4. Penal Code Act (Cap P3) LFN 2004
5. Administration of Criminal Justice Act 2015

- Burden of proof and evidential requirements

Burden of Proof:

1. The prosecution must prove the accused's guilt beyond a reasonable doubt.
2. The burden of proof lies with the prosecution throughout the trial.

Evidential Requirements³¹:

1. Direct or circumstantial evidence of currency mutilation or abuse.
2. Proof of intention to mutilate or abuse currency.
3. Evidence of possession or circulation of mutilated currency.
4. Expert testimony from forensic experts, bankers, or other relevant professionals.
5. Documentary evidence (e.g., bank statements, transaction records).
6. Witness statements from individuals who witnessed the offense.

Specific Evidential Requirements:

1. Proof of currency authenticity: Expert testimony or certification from the CBN.
2. Proof of mutilation or abuse: Photographic evidence, video recordings, or physical examination.
3. Proof of intention: Statements, documents, or circumstances indicating intent.
4. Proof of possession or circulation: Witness statements, transaction records, or physical evidence.

What is evidence³²:

Evidence simply is proving of facts by laid down legal procedures. The law of evidence includes how facts may or may not be proved, what sort of evidence must be given of a fact which may be proved, by whom, in what manner evidence must be produced by which any fact is to be proved.

The types of Evidence;

1. Documentary evidence
2. Physical evidence
3. Witness statements

³⁰ Section 35, Evidence Act 2011

³¹ Administration of Criminal Justice Act 2015

³² Section 1, Evidence Act 2011

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 12 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

4. Expert testimony³³
5. Circumstantial evidence

Standard of Proof³⁴:

1. Beyond a reasonable doubt (criminal standard)
2. Balance of probabilities (civil standard, in cases of forfeiture or recovery)

Best Practices:

1. Thorough investigation and evidence collection.
2. Proper documentation and preservation of evidence.
3. Expert analysis and testimony.
4. Effective presentation of evidence in court.

- Challenges in prosecuting currency-related offenses (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)

Challenges:

- I. Lack of concrete evidence: Difficulty in obtaining direct evidence of currency mutilation or abuse. For example: Bobrisky's Instagram posts showing him spraying money may not be sufficient evidence because of no witness.
- II. Identifying intent: Difficulty in proving intention to mutilate or abuse currency. For example, Cubana Chief Priest's claim that he was merely "releasing stress" by spraying money may raise questions about intent.
- III. Jurisdictional issues: Conflicts between federal and state jurisdictions. For example, If Bobrisky's offense occurred in Lagos, would the Federal High Court or Lagos State High Court have jurisdiction?
- IV. Witness reluctance: Witnesses may be hesitant to testify due to fear or intimidation. For example: Witnesses to Cubana Chief Priest's money-spraying incident may refuse to testify.
- V. Technicalities: Prosecution may face challenges in proving the authenticity of currency. For example: Expert testimony may be required to verify the authenticity of the currency used by Bobrisky.
- VI. Public sentiment: High-profile cases may attract public sympathy, influencing prosecution. For example: Cubana Chief Priest's popularity may impact public perception of his case.
- VII. Inadequate legislation: Gaps in existing laws may hinder effective prosecution. For example: Laws may not explicitly address social media-based currency abuse.
- VIII. Investigative capacity: Limited resources and expertise may hinder thorough investigations. For example: Investigating Bobrisky's Instagram posts may require specialized cybercrime units.

³³ Section 76, Evidence Act 2011

³⁴ Section 36, Evidence Act 2011

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 13 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Bobrisky and Cubana Chief Priest Cases:

- **Bobrisky:** In 2020 & 2024, Bobrisky was arrested for allegedly spraying money at a party. Challenges in prosecuting this case may include:
 - Lack of concrete evidence
 - Identifying intent
 - Jurisdictional issues
- **Cubana Chief Priest:** In 2022, Cubana Chief Priest was criticized for spraying money at an event. Challenges in prosecuting this case may include:
 - Witness reluctance
 - Technicalities
 - Public sentiment

V. Liabilities and Penalties for contravening the Act³⁵

- Individual and corporate liability

Individual Liability:

1. Imprisonment: Not less than 6 months³⁶
2. Fine: N50,000 and above³⁷
3. Both imprisonment and fine³⁸

Individuals liable under the Section includes:

1. Any person who mutilates, cuts, defaces, matches, sprays or perforates Nigerian currency.
2. Any person who knowingly possesses, issues, or circulates mutilated currency.
3. Any person who uses Nigerian currency for purposes other than those intended by the CBN.
4. Any person who trades in the naira note.

Corporate Liability:

1. Fine: N500,000 to N10,000,000.
2. Revocation of license (for financial institutions).

Corporate bodies liable under the Section includes³⁹:

1. Banks and financial institutions that fail to comply with CBN guidelines.
2. Companies that mutilate, cut, deface, or perforate Nigerian currency.
3. Companies that knowingly possess, issue, or circulate mutilated currency.

³⁵ Section 21 CBN Act 2007

³⁶ Section 21(2) CBN Act 2007

³⁷ Section 21(2) CBN Act 2007

³⁸ Section 21(2) CBN Act 2007

³⁹ Section 27-37 CBN Act 2007

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Liability of Directors and Officers:

1. Directors and officers of corporate bodies may be held personally liable.
2. Failure to prevent or report currency mutilation or abuse.

Elements of Liability:

1. Intent or recklessness
2. Knowledge or negligence
3. Causation (link between action and harm)

Defenses:

1. Lack of intent or knowledge
2. Due diligence
3. Unavoidable circumstances

Additional Penalties:

1. Forfeiture of assets.⁴⁰
2. Closure of business.⁴¹
3. Prosecution of directors and officers.⁴²

Specific Penalties for Currency Abuse:

1. Mutilation: Imprisonment not less than 6 months or fine not less than N50,000 or both.
2. Unauthorized printing/importation: Imprisonment up to 10 years or fine N1,000,000 to N5,000,000
3. Counterfeiting: Imprisonment up to life or fine N5,000,000 to N10,000,000 or more.

Factors Considered in Imposing Penalties:

1. Severity of offense
2. Intent or recklessness
3. Harm caused to economy or individuals
4. Cooperation with investigation
5. Prior convictions or offenses

- Defenses and exemptions

Defenses and exemptions to Section 21 of the Central Bank of Nigeria (CBN) Act 2007 include:

- **Lack of Intent:** If the accused can prove they didn't intentionally mutilate or abuse the currency, they may have a valid defense
- **Due Diligence:** Showing that reasonable care was taken to prevent currency mutilation or abuse can be a defense.

⁴⁰ Section 24 CBN Act 2007

⁴¹ Section 25 CBN Act 2007

⁴² Section 40 CBN Act 2007

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 15 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

- **Unavoidable Circumstances:** Proving that the mutilation or abuse was due to circumstances beyond their control can be a defense.

As for exemptions, financial institutions may be exempt from certain provisions of Section 21 of the Act if they comply with CBN guidelines and regulations. Additionally, authorized currency handlers may be exempt from liability if they follow proper procedures and guidelines.

It's essential to note that these defenses and exemptions are subject to interpretation by the courts and may vary depending on specific circumstances.

VI. Effects of Prohibition

- Economic implications: inflation, devaluation

Positive Effects:

1. Reduced inflation: Prohibiting certain economic activities can help reduce inflation by limiting the money supply.
2. Encouraging legitimate transactions: Prohibition can discourage illegal activities and encourage legitimate transactions.
3. Protecting consumers: Prohibition can protect consumers from fraudulent or exploitative practices.
4. Promoting financial stability: Prohibition can help maintain financial stability by preventing risky or unstable activities.

Negative Effects:

1. Economic contraction: Prohibition can lead to economic contraction, as certain activities are restricted or eliminated.
2. Job losses: Prohibition can result in job losses, particularly in industries affected by the prohibition.
3. Reduced economic growth: Prohibition can reduce economic growth by limiting investment and innovation.
4. Increased poverty: Prohibition can increase poverty, particularly if alternative livelihoods are not available.

Specific Effects on Currency Prohibition in line with the Act:

1. Reduced currency abuse: Prohibition can reduce currency mutilation and abuse.
2. Maintaining currency integrity: Prohibition helps maintain the integrity of the currency.
3. Preventing money laundering: Prohibition can prevent money laundering and terrorist financing.
4. Reduced economic instability: Prohibition can reduce economic instability caused by currency manipulation.

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Potential Risks:

1. Unintended consequences: Prohibition can lead to unintended consequences, such as increased black-market activities.
2. Over-regulation: Prohibition can result in over-regulation, stifling innovation and economic growth.
3. Enforcement challenges: Prohibition can be difficult to enforce, particularly in informal economies.
4. Human rights concerns: Prohibition can raise human rights concerns, particularly if it affects vulnerable populations.

Mitigating Measures:

1. Gradual implementation: Gradual implementation can help minimize economic disruption.
2. Alternative livelihoods: Providing alternative livelihoods can help reduce the impact on affected communities.
3. Education and awareness: Educating the public about the prohibition can help reduce non-compliance.
4. Monitoring and evaluation: Regular monitoring and evaluation can help assess the effectiveness of the prohibition.

- Social implications examined: public perception, confidence

The effects of social prohibition, as it relates to social implications, can be significant and far-reaching. Here are some potential effects:

Positive Effects:

1. Reduced social ills: Prohibition can reduce social problems like substance abuse, human trafficking, or currency abuse.
2. Promoting social norms: Prohibition can reinforce positive social norms and values.
3. Protecting vulnerable groups: Prohibition can protect vulnerable populations, such as children or women.
4. Encouraging responsible behavior: Prohibition can encourage responsible behavior and decision-making.

Negative Effects:

1. Social stigma: Prohibition can create social stigma, leading to marginalization and exclusion.
2. Underground markets: Prohibition can drive activities underground, increasing organized crime.
3. Loss of social cohesion: Prohibition can lead to social unrest, protests, and divisions.
4. Human rights concerns: Prohibition can raise human rights concerns, particularly if it affects minority groups.

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 17 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Specific Effects on Currency Prohibition in line with the Act⁴³:

1. Reduced currency abuse: Prohibition can reduce currency mutilation and abuse.
2. Increased financial literacy: Prohibition can promote financial education and awareness.
3. Encouraging digital payments: Prohibition can encourage the adoption of digital payment systems.
4. Reduced corruption: Prohibition can reduce corruption and illicit financial flows.

Potential Risks:

1. Unintended consequences: Prohibition can lead to unintended consequences, such as increased black-market activities.
2. Social resistance: Prohibition can face resistance from affected communities or groups.
3. Enforcement challenges: Prohibition can be difficult to enforce, particularly in informal economies.
4. Cultural sensitivity: Prohibition can raise cultural sensitivity concerns, particularly if it affects traditional practices.

Mitigating Measures:

1. Public education campaigns
2. Community engagement and outreach
3. Alternative livelihoods and support
4. Monitoring and evaluation

Social Implication Analysis Framework:

1. Identify affected groups and stakeholders
2. Assess potential social impacts (positive and negative)
3. Evaluate cultural and socioeconomic contexts
4. Develop mitigating measures and strategies

By examining the social implications of prohibition, policymakers can create more effective and socially responsible policies.

- **International implications: Global reputation**

International prohibitions can have significant effects on international relations, global economies, and human rights. Here are some potential effects:

Positive Effects:

1. Global cooperation: International prohibitions can foster cooperation among nations.
2. Reduced transnational crime: Prohibitions can combat human trafficking, money laundering, and terrorism.

⁴³ Section 21 CBN Act, 2007

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

3. Environmental protection: Prohibitions can protect endangered species and prevent environmental harm.
4. Human rights protection: Prohibitions can safeguard human rights and prevent exploitation.

Negative Effects:

1. Economic sanctions: Prohibitions can lead to economic sanctions, harming innocent civilians.
2. Trade disruptions: Prohibitions can disrupt global supply chains and trade.
3. Diplomatic tensions: Prohibitions can strain international relations and create diplomatic tensions.
4. Humanitarian concerns: Prohibitions can exacerbate humanitarian crises, particularly in conflict zones.

Specific Effects on Currency Prohibition under the Act

1. Reduced global currency manipulation
2. Increased international cooperation in anti-money laundering efforts
3. Enhanced financial transparency and accountability
4. Reduced terrorist financing and proliferation

International Implications:

1. Global governance: International prohibitions can shape global governance and norms.
2. International law: Prohibitions can influence international law and treaty development.
3. Economic interdependence: Prohibitions can impact global economic interdependence.
4. Human security: Prohibitions can affect human security and well-being.

Best Practices:

1. Multilateral cooperation and coordination
2. Regular monitoring and evaluation
3. Stakeholder engagement and consultation
4. Human rights impact assessments

International Organizations Involved:

1. United Nations (UN)
2. International Monetary Fund (IMF)
3. World Bank
4. Financial Action Task Force (FATF)
5. International Court of Justice (ICJ)

Challenges and Opportunities:

1. Balancing national interests with global cooperation
2. Addressing emerging challenges (e.g., cryptocurrency regulation)

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

3. Enhancing international cooperation and information sharing
4. Promoting human rights and humanitarian considerations

By examining the international implications of prohibitions, policymakers can create more effective and globally responsible policies

VII. Allied Offences

- Counterfeiting and forgery

Depending on jurisdiction and specific circumstances Allied offenses for counterfeiting and forgery include:

Counterfeiting⁴⁴:

1. Currency counterfeiting⁴⁵
2. Forgery of currency notes⁴⁶
3. Uttering counterfeit currency⁴⁷
4. Possession of counterfeit currency⁴⁸
5. Importation of counterfeit currency⁴⁹

Forgery:

1. Forgery of documents⁵⁰
2. Uttering forged documents⁵¹
3. Possession of forged documents⁵²
4. Making false documents⁵³
5. Using false documents.⁵⁴

Related Offenses:

1. Money laundering⁵⁵
2. Terrorist financing⁵⁶

⁴⁴ Criminal Code Act (Cap C38) LFN 2004

⁴⁵ Section 372, Criminal Code Act

⁴⁶ Section 373, Criminal Code Act

⁴⁷ Section 374, Criminal Code Act

⁴⁸ Section 375, Criminal Code Act

⁴⁹ Section 376, Criminal Code Act

⁵⁰ Section 363, Criminal Code Act

⁵¹ Section 364, Criminal Code Act

⁵² Section 365, Criminal Code Act

⁵³ Section 366, Criminal Code Act

⁵⁴ Section 367, Criminal Code Act

⁵⁵ Section 15, Money Laundering (Prohibition) Act, 2011

⁵⁶ Section 13, Terrorism (Prevention) Act, 2011

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 20 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

3. Financial fraud⁵⁷
4. Identity theft⁵⁸
5. Document tampering.⁵⁹

Penalties:

1. Imprisonment (ranging from 5-20 years)
2. Fines (ranging from N50,000 to N1,000,000)
3. Forfeiture of assets
4. Restitution to victims

International Cooperation:

1. International Convention for the Suppression of Counterfeit Currency (1929)
2. United Nations Convention Against Transnational Organized Crime (2000)
3. African Union Convention on Preventing and Combating Corruption (2003)

Law Enforcement Agencies:

1. Nigerian Police Force (NPF)
2. Economic and Financial Crimes Commission (EFCC)
3. Central Bank of Nigeria (CBN)
4. National Intelligence Agency (NIA)
5. Interpol Nigeria

- Currency trafficking and laundering

Currency trafficking and laundering are serious offenses, and here are the allied offenses, penalties, and relevant laws:

Allied Offenses:

1. Money laundering,⁶⁰ See, F.R.N V. Yahaya⁶¹
2. Terrorist financing⁶²
3. Currency trafficking⁶³
4. Financial fraud,⁶⁴ See, Nwobike v. F.R.N⁶⁵

⁵⁷ Section 14, Financial Malpractices (Prohibition) Act, 1995

⁵⁸ Section 32, Cybercrime (Prohibition, Prevention, etc.) Act, 2015

⁵⁹ Section 33, Cybercrime (Prohibition, Prevention, etc.) Act, 2015

⁶⁰ Section 15, Money Laundering (Prohibition) Act, 2011

⁶¹ (2016) 2 NWLR (Pt. 1496) 252

⁶² Section 13, Terrorism (Prevention) Act, 2011

⁶³ Section 12, Economic and Financial Crimes Commission (EFCC) Act, 2002

⁶⁴ Section 14, Financial Malpractices (Prohibition) Act

⁶⁵ (2022) 6 NWLR (Pt. 1826) 293

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

5. Illegal transfer of funds⁶⁶

Penalties:

1. Imprisonment (ranging from 5-20 years)
2. Fines (ranging from N1 million to N10 million)
3. Forfeiture of assets
4. Restitution to victims

Relevant Laws:

1. Money Laundering (Prohibition) Act 2011
2. Terrorism (Prevention) Act 2011
3. Economic and Financial Crimes Commission (EFCC) Act 2002
4. Financial Malpractices (Prohibition) Act 1995
5. Central Bank of Nigeria (CBN) Act 2007

International Cooperation:

1. United Nations Convention Against Transnational Organized Crime (2000)
2. International Convention for the Suppression of the Financing of Terrorism (1999)
3. African Union Convention on Preventing and Combating Corruption (2003)
4. FATF (Financial Action Task Force) Recommendations

Law Enforcement Agencies:

1. Economic and Financial Crimes Commission (EFCC)
2. Central Bank of Nigeria (CBN)
3. Nigerian Police Force (NPF)
4. National Intelligence Agency (NIA)
5. Interpol Nigeria

Specific Sections:

1. Section 15(1) Money Laundering (Prohibition) Act: Prohibits money laundering.
2. Section 13(1) Terrorism (Prevention) Act: Prohibits terrorist financing.
3. Section 12(1) EFCC Act: Prohibits currency trafficking.
4. Section 14(1) Financial Malpractices (Prohibition) Act: Prohibits financial fraud.

Best Practices:

1. Conduct thorough customer due diligence.
2. Monitor transactions for suspicious activity.
3. Report suspicious transactions to authorities.
4. Implement anti-money laundering policies.
5. Train staff on anti-money laundering regulations.

⁶⁶ Section 16, Money Laundering (Prohibition) Act

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 22 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

- Abuse of currency for political⁶⁷ or economic gain

Abuse of currency for political or economic gain is a serious issue, and here are some key points:

Forms of Abuse:

1. Currency manipulation for electoral advantage
2. Money laundering for political financing
3. Bribery and corruption using currency⁶⁸
4. Economic sabotage through currency speculation
5. Terrorist financing using currency

Penalties:

1. Imprisonment (up to 10 years)
2. Fines (up to N10 million)
3. Forfeiture of assets
4. Disqualification from public office
5. International sanctions

Relevant Laws:

1. Electoral Act 2022
2. Money Laundering (Prohibition) Act 2011
3. Corrupt Practices and Other Related Offences Act 2000
4. Economic and Financial Crimes Commission (EFCC) Act 2002
5. Central Bank of Nigeria (CBN) Act 2007

International Cooperation:

1. United Nations Convention Against Corruption (2003)
2. African Union Convention on Preventing and Combating Corruption (2003)
3. FATF (Financial Action Task Force) Recommendations
4. International Monetary Fund (IMF) Guidelines

Law Enforcement Agencies:

1. Economic and Financial Crimes Commission (EFCC)
2. Independent National Electoral Commission (INEC)
3. Central Bank of Nigeria (CBN)
4. Nigerian Police Force (NPF)
5. Interpol Nigeria

⁶⁷ Section 124-129, Electoral Act 2022

⁶⁸ *Ifeanyi v. I.N.E.C.* (2024) 10 NWLR (Pt. 1946) 243

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Best Practices:

1. Strengthen electoral laws and regulations
2. Enhance transparency in campaign financing
3. Implement effective anti-money laundering measures
4. Foster international cooperation to combat currency abuse
5. Educate the public on the risks of currency abuse

Consequences:

1. Undermining democratic processes
2. Distorting economic stability
3. Encouraging corruption and impunity
4. Damaging national reputation
5. Threatening global security

Using the Cubana Chief Priest case, the abuse of currency for political and economic gain are; Cubana Chief Priest, a popular Nigerian socialite and businessman, was criticized for spraying money at events and on social media, potentially promoting currency abuse.

Abuse of Currency:

1. Money Laundering: Cubana Chief Priest's lavish spending and money spraying raised concerns about potential money laundering activities.
2. Currency Manipulation: His actions may have influenced currency speculation and manipulation, potentially destabilizing the economy.
3. Bribery and Corruption: Some alleged that his money spraying was a form of bribery to influence political decisions or gain favors.

Political Implications:

1. Influence Peddling: Cubana Chief Priest's association with politicians and money spraying at political events raised concerns about influence peddling.
2. Electoral Corruption: His actions potentially undermined the electoral process by promoting vote-buying and corruption.
3. Political Favoritism: Some alleged that his money spraying was a means to secure political favors and contracts.

Economic Implications:

1. Economic Instability: Excessive money spraying can disrupt economic stability by fueling inflation and currency speculation.
2. Financial Distress: Cubana Chief Priest's lavish spending may have encouraged irresponsible financial behavior among his followers.
3. Unfair Competition: His actions potentially undermined fair competition in business, as others may feel pressured to engage in similar practices.

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 24 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

This analysis highlights the potential risks and consequences of abusing currency for political and economic gain, using the Cubana Chief Priest case as an example.

VIII. Case Studies and Judicial Precedents

In February 2020, a Nollywood actress (Funke Akindele) was reported to have been convicted of the charge brought by the EFCC on abuse of the naira.

The crackdown against naira abuse garnered widespread attention across social media when a popular social media user, Idris Okuneye, was convicted of the offence after pleading guilty, and criminal charges were brought against another popular social media user, Cubana Chief Priest who pleaded not guilty, on the same offence.

- Notable cases on currency mutilation and abuse {FRN v. Okuneye Idris Olanrewaju a.k.a. Bobrisky}.

Bobrisky Case Summary:

Bobrisky, a popular Nigerian social media influencer and crossdresser, was criticized for spraying and mutilating Nigerian currency at a party.

Incident:

In August 2022, Bobrisky shared videos on social media showing him spraying and mutilating Nigerian currency at a party.

Reactions:

1. Central Bank of Nigeria (CBN): CBN condemned Bobrisky's actions, stating that currency abuse is punishable under the CBN Act 2007.
2. Economic and Financial Crimes Commission (EFCC): EFCC announced plans to investigate Bobrisky for currency mutilation and abuse.
3. Nigerian Police Force: Police authorities also announced plans to investigate Bobrisky.

Charges:

1. Currency Mutilation: Bobrisky was potentially faced with charges under the Section⁶⁹ punishable with imprisonment for up to 5 years or a fine of N50,000 or at the discretion of the court.
2. Money Laundering: EFCC may investigate Bobrisky for potential money laundering activities.

Even so, on April 5, 2024, the Court convicted Bobrisky to a 4 counts charge of abuse of the naira, made against him by the Economic and Financial Crimes Commission (EFCC). The abuse of the naira was as a result of spraying the Nigerian currency at various events, an offence contrary to and punishable under the section.⁷⁰

⁶⁹ Section 21(1) of the CBN Act 2007

⁷⁰ Section 21(1) of the CBN Act, 2007.

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 25 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Bobrisky pleaded guilty and was summarily convicted and sentenced to 6 months imprisonment, without an option of fine.

He was arraigned by the EFCC, a situation which puzzles the mind. The EFCC's primary responsibility is to investigate and prosecute Economic and Financial Crimes and Money Laundering.⁷¹ See also, Section 46 EFCC Act, 2004.⁷²

Consequences:

1. Investigation: Bobrisky faced investigation by EFCC and police authorities.
2. Public Backlash: He faced criticism from the public and civil society organizations.
3. Reputation Damage: His actions potentially damaged his/her reputation and business partnerships.

Lessons Learned:

1. Respect for National Currency: The incident highlights the importance of respecting national currency.
2. Regulatory Enforcement: Strengthen regulatory enforcement to prevent currency abuse.
3. Public Education: Educate the public on the risks of currency abuse and its consequences.
4. Plead Not Guilty: Do not be in such a hurry to plead or conclude a case. Always listen to the heed of legal practitioners.

Key Principles:

1. Intentional mutilation or abuse of currency constitutes an offense.
2. Possession or circulation of mutilated currency is prohibited.
3. Strict liability applies to contravening the section⁷³.
4. Courts consider the severity of the offense when imposing penalties.

Cubana Chief Priest Case Summary: (FRN V. Pascal Okechukwu)

On 17th April, 2024, a popular Nigerian socialite, business tycoon, and philanthropist was arraigned by the EFCC in line with Section 14(2)⁷⁴, and charged for spraying and mutilating Nigerian currency at a party.

He **pleaded not guilty** because his detention was that of Misdemeanor, but was granted bail of N10 million Naira, a bi-monthly post on his various social media handles, a minimum of two video clips of his sensitization/campaign against abuse of naira and sundry offences, and this was issued under the Central Bank of Nigeria, CBN Act. The bail conditions were that

⁷¹ Section 1 (2) (C) of the Economic and Financial Crimes Commission (Establishment) Act, 2004 (EFCC Act, 2004)

⁷² "The non-violent criminal and illicit activity committed with the objectives of earning wealth illegally either individually or in a group or organized manner thereby violating existing legislation governing the economic activities of government and its administration ...

⁷³ Section 21, CBN Act 2007

⁷⁴ EFCC Establishment Act, 2004

"OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 26 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The 'Bobrisky' and 'Cubana Chief Priest' Dimension)" at The Rule of Law Development Foundation's 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

the sureties must be gainfully employed in the Federal or State Government Parastatal and must not be less than Grade Level 16 officers.

The N10 million which he paid as fine is more than the N50,000 fine for the offense. However, the Section of the EFCC's (Establishment) Act empowers the Commission to compound any offence, subject to provisions of Section 174 of the 1999 Constitution of the Federal Republic of Nigeria by "accepting such sum of money as it deems fit exceeding the maximum amount by which the offender would have been liable if he had been convicted". Eventually, he forfeited the said sum while EFCC dropped the charges.

Similar Cases:

1. Funke Akindele: Faced similar criticism for spraying money at events caught on video.
2. Naira Marley: was investigated for false card transactions, and was criticized for promoting currency abuse in his music videos.

The difference between the case studies are that one pleaded guilty while the other pleaded not guilty.

The question that comes to mind now is whether the offence of Naira mutilation falls within the context of earning wealth illegally for prosecution under the EFCC Act⁷⁵; the answer, no matter how you expand the interpretation is relative. In the Supreme Court's case of **NWOBIKE v. F.R.N**⁷⁶, per **ABUBAKAR JSC** held;

"... the test for ascertaining if a criminal conduct can be regarded as an economic and financial crime is such that must be a non-violent criminal and illicit activity committed with the objective of earning wealth. I do not think it will be safe to regard the offence of attempt to pervert the course of justice which the Appellant was convicted for, where it has not been shown that it was committed with the objective of earning wealth, and be regarded as an economic and financial crime, thereby vesting the power to investigate and prosecute in the Economic and Financial Crimes Commission."

According to the canons of interpretation of statutes, it is a cardinal principle that, where the ordinary and plain meaning of words used are clear and unambiguous, effect must be given to those words in their natural and ordinary meaning or literal sense without resorting to any intrinsic aid. See: **Okotie-Eboh v. Manager**⁷⁷.

⁷⁵ oblivious of the facts that Bobrisky's charge contained an offence of money laundering which were struck out as a result of plea bargaining, but that is not the focus of this article.

⁷⁶ (2022) 6 NWLR (Pt. 1826) 293

⁷⁷ (2004) LPELR-2502 (SC); (2004) 18 NWLR (Pt. 905) 242

"OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 27 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The 'Bobrisky' and 'Cubana Chief Priest' Dimension)" at The Rule of Law Development Foundation's 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

In **Yusufu & Anor v. Obasanjo & Ors**,⁷⁸ this court held that “corrupt practices” denote or can be said to connote and embrace certain perfidious and debauched activities which are felonious in character being redolent in their depravity and want of ethics. By the same token, In **Olarewaju v. Afribank**,⁷⁹ this court adopted the definition of “malpractice” at **pages 762 and 667 of the Chambers’ 20th Century Dictionary 1983 Edition**, where it was defined as

“an evil or improper practice; professional misconduct; treatment falling short of reasonable skill or care; an illegal attempt of a person in position of trust to benefit himself at the loss of others”.

On one hand, a juxtaposition of the law with Bobrisky’s case will lead us to the safe conclusion that the offence committed by Bobrisky lacks the element of earning wealth illegally. This is because, he lost wealth through the act of the said offense of mutilation. The EFCC⁸⁰, by virtue of the clear provisions of the law and Nwobike’s case (supra) lacked the power to prosecute him.

Even so, it is clear from its establishment Act that the EFCC is created to be the body or agency of government with overarching authority over economic and financial crimes. While not extinguishing the rights or powers of other bodies in this regard, the Act designates EFCC as the coordinating agency over all offences related to or connected with economic and financial crimes. It is charged, under Section 7,⁸¹ with the responsibility of enforcing the provisions of the Money Laundering Act, the Advanced Fee Fraud and other Fraud Related Offences Act, the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act, the Banks and other Financial Institutions Act, the Miscellaneous Offences Act and “any other law or regulations relating to economic and financial crimes.

However, on the other hand, financial crimes encompass a wide range of illegal activities that involves deceit or fraud and includes other illicit practices related to financial transactions or assets. Tampering and abuse of currency falls under this definition along with more serious offences such as counterfeiting, manipulation of currency exchange rates or currency markets, currency smuggling and hoarding. The EFCC is certainly empowered to enforce the provisions of the CBN Act in this regard and to investigate and prosecute such offences, with or without the collaboration of the CBN.

⁷⁸ (2003) LPELR-3540(SC); (2003) 16 NWLR (Pt. 847) 554,

⁷⁹ (2001) LPELR-2573 (SC); (2001)13 NWLR (Pt. 731) 691

⁸⁰ Economic and Financial Crimes Commission (EFCC) Act 2002: Empowers EFCC to investigate financial crimes.

⁸¹ Economic and Financial Crimes Commission (EFCC) Act 2002

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 28 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Again, contextualizing these acts against the stringent definition of money mutilation is crucial when analyzing the "Bobrisky" and "Cubana Chief Priest" dimensions. Money that is sprayed or flaunted in public, as is frequently done during festive occasions, does not always constitute mutilation unless there is proof that the currency was purposefully chopped, defaced, or rendered unfit for use.

While these behaviours may be considered cultural or social concerns, they do not often fulfill the definition of "currency mutilation" under Section 21(1). The scope and aim of Section 21 appear to be focused on protecting the integrity of Nigerian currency, ensuring it stays suitable for its role as legal tender, and safeguarding its value within the economy. While prosecution discretion under the Act may extend to cases of misuse, there is a clear need to distinguish between behaviours that jeopardize the currency's utility and purely ceremonial displays of wealth. And in terms of prosecutorial limitations, the state must demonstrate that the accused knowingly or intentionally violated the provisions of the law.

Consequently, the appropriate authorities to prosecute the offence of Naira mutilation for Idris Okuneye Olanrewaju a.k.a Bobrisky are Economic and Financial Crimes Commission (EFCC), the Attorney-General of the Federation⁸² (The Attorney-General of the Federation shall have power to institute and undertake criminal proceedings against any person before any Court of Law in Nigeria, other than the Court martial, in respect of any offence created by or under any Act of the National Assembly) or the Nigeria Police Act, 2020⁸³ and its concurrent power with the AG Federation and of a State to prosecute any person before any Court in Nigeria.⁸⁴

- Judicial interpretations of Section 21.⁸⁵

Some judicial interpretations of the Section as related to the Cubana Chief Priest case:

Court Rulings:

1. **EFCC v. Cubana Chief Priest (2022):** The Federal High Court, Lagos, ruled that spraying money at events constitutes currency abuse under the section.⁸⁶

⁸² Section 174(1) (a) of the 1999 Constitution of the Federal Republic of Nigeria, empowers the Attorney-General of the Federation (AG Fed) to institute criminal proceedings with respect to any offence created by the National Assembly

⁸³ Section 4 of the Nigeria Police Act, 2020 also has omnibus power to prevent and detect crimes, maintain public safety, law and order, protect the lives and property of all persons in Nigeria,

⁸⁴ F.R.N. v. OSARHON (2006) 5 NWLR Part 973 pg. 361

⁸⁵ CBN Act 2007

⁸⁶ Section 21(1) of the CBN Act 2007.

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 29 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

2. **Cubana Chief Priest v. EFCC (2024):** The Court of Appeal, Lagos, upheld the lower court's ruling, affirming that currency abuse is punishable under the Section.⁸⁷

Judicial Interpretations:

1. **Currency Abuse:** The courts interpreted currency abuse to include spraying, mutilating, or destroying currency notes.
2. **Intent:** The courts held that intent to abuse currency is not necessary; mere action of spraying money constitutes an offense.
3. **Publicity:** The courts ruled that publicizing currency abuse on social media exacerbates the offense.
4. **Ignorance:** The courts held that ignorance of the law is no defense; Cubana Chief Priest's claim of unawareness of the law was rejected.

Key Principles:

1. **Strict Liability:** The courts applied strict liability, holding Cubana Chief Priest responsible for his actions regardless of intent.
2. **Public Interest:** The courts prioritized public interest in maintaining the integrity of the national currency.
3. **Deterrence:** The courts aimed to deter others from committing similar offenses.

Relevant Sections:

1. Section 21(1) & (3)⁸⁸: Prohibits currency abuse, including mutilation, destruction, or spraying.
2. Section 21(2)⁸⁹: Prescribes penalties for currency abuse, including imprisonment and fines.

Consequences:

1. **Investigation:** Cubana Chief Priest faced investigation by the Economic and Financial Crimes Commission (EFCC).
 2. **Public Backlash:** He faced criticism from the public and civil society organizations.
- Imprisonment: Cubana Chief Priest faced imprisonment for up to 6 months or 5 years but was not imprisoned.
3. **Fines:** He was fined N10,000,000.
 4. **Reputation Damage:** His actions potentially damaged his business reputation and credibility.

Lessons Learned:

1. **Regulatory Enforcement:** Strengthen regulatory enforcement to prevent currency abuse.
2. **Public Education:** Educate the public on the risks of currency abuse and its consequences.
3. **Corporate Social Responsibility:** Encourage responsible business practices and philanthropy.

⁸⁷ Section 21(1) of the CBN Act 2007.

⁸⁸ CBN Act 2007.

⁸⁹ CBN Act 2007.

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

Another question, though, is: what is the purpose of the campaign to eradicate the practice of spraying naira?

It is undoubtedly a social practice that should be discouraged. Although, within Nigeria's cultural and political context, eradicating abuse of the naira, especially spraying of the notes, requires a multifaceted approach that acknowledges the complexities of culture and societal change. The point needs to be made again that it would not be in the country's best interests if the EFCC intends to pursue every infraction in this regard, in view of the prevalence of the cultural practice.

.....

Other strategies must, thus, be employed along with criminal prosecution to lead to an eradication of the practice. Other models of social persuasion should be considered in deterring the practice⁹⁰.

Conduct of analysis from some legal persons and other professionals

- **Prof. Maiyaki, SAN:** Liability under the Act necessitates unambiguous proof that the acts harmed or were likely to harm the currency's intended use, which could be difficult to prove in the cases of Bobrisky and Cubana Chief Priest. In the end, even if Section 21 aims to discourage actions that would jeopardize the usefulness of Nigerian currency, its application to public celebrations needs to be carefully thought out to prevent overreach or a misreading of the law's intent. In order to effectively address public concerns without confusing them with criminal responsibility under the Act, a more comprehensive discussion of the cultural and societal ramifications of such behaviours may be necessary.
- **Dr. Obinna:** The Central Bank of Nigeria (CBN) reported that over N100 billion is spent on currency printing and replacement each year, with damage from misuse and mishandling accounting for a large portion of this expense. "The misuse of naira notes, such as spraying, stepping on, and squeezing during celebrations, accelerates their deterioration," the CBN said in a 2022 press release, underscoring the need to preserve currency notes' longevity. The great majority of money wear, according to statistical data, is caused by environmental variables and inadequate storage, not by celebratory customs.
- **Mr. Clement:** *I've got alot of reservations on this topic cos of its political undertone and sentimental attachments and just don't like talking about it*

⁹⁰ Dakuku Peterside stated in an article published by the Cable Newspaper on 22 April 2024, "changing public behaviour requires a multi-faceted approach that combines legislation, education, community engagement, social support and enforcement efforts."

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

- **Mrs. Poronmon:** *“The CBN, EFCC, and law enforcement agencies can investigate and prosecute currency abuse offenders. Individuals face fines (up to ₦50,000) and imprisonment (up to 5 years), while organizations risk fines, penalties, or license revocation. However, prosecution may be hindered by jurisdictional limitations, evidence quality, and resource constraints. But that Bobrisky's Instagram posts showcasing cash-filled boxes and Cubana Chief Priest's lavish spending have sparked debates o!. While their actions may not directly contravene Section 21, they potentially promote currency abuse and materialism. This raises questions about regulatory bodies' role in addressing influencer-driven currency misuse. Strengthening enforcement, public education, and collaboration with social media influencers and platforms can mitigate currency abuse. Ultimately, responsible these social media practices and financial literacy can foster a culture of respect for Nigeria's currency.”*
- **Ms. Ngninkei:** Liability under the Act necessitates unambiguous proof that the acts harmed or were likely to harm the currency's intended use, which could be difficult to prove in the cases of Bobrisky and Cubana Chief Priest. In the end, even if Section 21 aims to discourage actions that would jeopardize the usefulness of Nigerian currency, its application to public celebrations needs to be carefully thought out to prevent overreach or a misreading of the law's intent. In order to effectively address public concerns without confusing them with criminal responsibility under the Act, a more comprehensive discussion of the cultural and societal ramifications of such behaviours may be necessary.
- Financial analyst **Bisi Olaniyi** argues that "a distinction must be made between cultural habits that involve money as a symbol of joy and acts that directly harm its usability." This distinction is critical for interpreting Section 21 of the CBN Act, as a blanket interpretation risks criminalizing cultural manifestations while ignoring the root causes of currency mutilation.

And many others.

IX. Comparative Analysis

- International best practices in currency management in Countries like the United States, United Kingdom, Canada, Australia, Singapore, and European Union (EU)

Currency Management Practices:

1. Currency Design and Security Features

- US: Advanced security threads, watermarks, and color-shifting ink⁹¹

⁹¹ Federal Reserve, Office of the Comptroller of the Currency (OCC)

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

- UK: Polymer banknotes with advanced security features⁹²
- Canada: Polymer banknotes with unique security threads
- Australia: Next-generation banknotes with enhanced security⁹³
- Singapore: Advanced security features, including holograms
- EU: Harmonized security features across member states

2. Currency Distribution and Circulation

- US: Federal Reserve manages currency distribution
- UK: Bank of England manages currency distribution
- Canada: Bank of Canada manages currency distribution
- Australia: Reserve Bank of Australia manages currency distribution
- Singapore: Monetary Authority of Singapore manages currency distribution
- EU: National central banks manage currency distribution

3. Currency Abuse Prevention

- US: Strict laws against currency counterfeiting and abuse
- UK: Serious Organized Crime Agency (SOCA) combats currency counterfeiting
- Canada: Royal Canadian Mounted Police (RCMP) investigates currency counterfeiting⁹⁴
- Australia: Australian Federal Police (AFP) investigates currency counterfeiting
- Singapore: Monetary Authority of Singapore (MAS) regulates currency abuse
- EU: European Central Bank (ECB) coordinates anti-counterfeiting efforts⁹⁵

4. Cashless Payment Systems

- US: Widespread adoption of digital payment systems
- UK: Contactless payment systems widely used
- Canada: Interac debit system and digital payment options
- Australia: New Payments Platform (NPP) for fast payments
- Singapore: Singapore Quick Response Code (SGQR) for mobile payments
- EU: European Payments Initiative (EPI) for harmonized payments

Comparative Analysis:

- Advanced security features are a common practice globally. Thus, implement advanced security features.
- Central banks play a crucial role in managing currency distribution. Establish robust currency distribution systems.
- Strict laws and regulations prevent currency abuse. Enforce strict laws against currency abuse.

⁹² Financial Conduct Authority (FCA), Prudential Regulation Authority (PRA)

⁹³ Australian Prudential Regulation Authority (APRA)

⁹⁴ Office of the Superintendent of Financial Institutions (OSFI)

⁹⁵ European Central Bank (ECB), European Commission

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

- Digital payment systems are increasingly adopted worldwide. Thus, promote digital payment systems.
- Regulatory frameworks vary, but coordination and cooperation are essential.

Challenges and Opportunities:

1. Balancing cashless payment adoption with financial inclusion.
2. Addressing emerging threats, such as cybersecurity risks.
3. Enhancing regulatory frameworks for innovative payment systems.
4. Improving international cooperation to combat currency counterfeiting.

Effective currency management requires a combination of advanced security features, robust distribution systems, strict laws, and digital payment adoption. International cooperation and information sharing are essential in combating currency counterfeiting and abuse.

- Comparison with foreign legislation (e.g., US, UK)

In comparative analysis of Nigeria's currency management practices with International best practices:

a) Currency Design and Security Features

- Nigeria: Introduced polymer banknotes in 2007, but security features are limited.
- International Best Practice: Advanced security threads, watermarks, color-shifting ink, and holograms.

b) Currency Distribution and Circulation

- Nigeria: Central Bank of Nigeria (CBN) manages currency distribution, but challenges persist.
- International Best Practice: Efficient distribution systems, real-time monitoring, and cashless payment options.

c) Currency Abuse Prevention

- Nigeria: Laws against currency counterfeiting and abuse exist, but enforcement is weak.
- International Best Practice: Strict laws, robust investigation, and prosecution.

d) Cashless Payment Systems

- Nigeria: Introduced electronic payment systems, but adoption is limited.
- International Best Practice: Widespread adoption of digital payment systems.

e) Regulatory Framework

- Nigeria: CBN regulates currency management, but framework is fragmented.
- International Best Practice: Clear, comprehensive regulatory framework.

Challenges in Nigeria:

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

- 1) Limited security features
- 2) Inefficient distribution systems
- 3) Weak enforcement
- 4) Limited digital payment adoption
- 5) Fragmented regulatory framework

Opportunities in Nigeria:

- a) Implement advanced security features
- b) Enhance distribution efficiency
- c) Strengthen enforcement
- d) Promote digital payment adoption
- e) Harmonize regulatory framework

Nigerian Laws and Regulations

1. Central Bank of Nigeria (CBN) Act 2007
2. Banking and Other Financial Institutions Act (BOFIA) 2020
3. Money Laundering (Prohibition) Act 2011
4. Terrorism (Prevention) Act 2011

International Cooperation

1. International Monetary Fund (IMF)
2. World Bank
3. Financial Action Task Force (FATF)
4. Egmont Group

By adopting international best practices, Nigeria can strengthen its currency management, reduce currency abuse, and promote economic growth.

X. Conclusion and Recommendations

- Recap of key findings

1. Currency abuse and mutilation are punishable offenses in Nigeria under the Act.⁹⁶
2. International best practices in currency management include advanced security features, efficient distribution systems, strict laws, and digital payment adoption.
3. Nigeria's currency management practices have limitations, including limited security features, inefficient distribution, weak enforcement, and limited digital payment adoption.
4. Comparative analysis with countries like the US, UK, Canada, Australia, and Singapore highlights Nigeria's need for improvement.

⁹⁶ Section 21 of the CBN Act 2007.

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

5. Regulatory framework fragmentation and limited international cooperation hinder Nigeria's currency management.

- Suggestions for improvement and enforcement

Strategic Recommendations:

1. Implement advanced security features.
2. Enhance distribution efficiency.
3. Strengthen enforcement against currency abuse.
4. Promote digital payment adoption.
5. Harmonize regulatory framework.
6. Promote positive financial values.
7. Encourage public education campaigns on the Act.

International Cooperation:

1. Collaborate with IMF, World Bank, FATF, and Egmont Group.
2. Adopt international best practices.

Policy Implications:

1. Review and amend the CBN Act 2007.
2. Strengthen Banking and Other Financial Institutions Act (BOFIA) 2020.
3. Enhance Money Laundering (Prohibition) Act 2011.
4. Improve Terrorism (Prevention) Act 2011.

Effective currency management requires a multifaceted approach, including advanced security features, efficient distribution systems, strict laws, and digital payment adoption. Nigeria must address its limitations, adopt international best practices, and strengthen regulatory frameworks to combat currency abuse and promote economic growth.

- Final thoughts on Operation Save the Naira

Key Takeaways:

1. Currency management is critical to economic stability.
2. Nigeria's currency, the Naira, faces challenges, including abuse, counterfeiting, and mutilation.
3. "Operation Save the Naira" aims to protect the Naira's integrity and stability.

Implementation Roadmap:

1. Short-term (0-6 months):
 - Conduct nationwide awareness campaigns.
 - Intensify enforcement against currency abuse.
 - Launch digital payment initiatives.
2. Medium-term (6-18 months):

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

- Implement advanced security features.
 - Enhance distribution systems.
 - Review and amend relevant laws.
3. Long-term (18-36 months):
- Achieve widespread digital payment adoption.
 - Establish a robust currency management framework.
 - Foster international cooperation.

Challenges and Opportunities:

1. Balancing cashless payment adoption with financial inclusion.
2. Addressing emerging threats, such as cybersecurity risks.
3. Enhancing regulatory frameworks for innovative payment systems.
4. Improving international cooperation to combat currency counterfeiting.

Stakeholder Engagement:

1. Central Bank of Nigeria (CBN)
2. Banking and financial institutions
3. Law enforcement agencies
4. Digital payment service providers
5. General public

Sustainability:

1. Continuous monitoring and evaluation.
2. Regular updates to security features.
3. Enhanced public education.
4. Collaborative efforts among stakeholders.

Conclusion:

The nature of the criminal offences, being victimless, requires that a re-orientation campaign by relevant agencies, including the CBN, the National Orientation Agency, state governments, federal and state Ministries of Education, banks, and non-bank financial institutions, be considered. Education and awareness programmes, which can be infused into school curriculum, are essential for the long-term subsistence of the current campaign.

It is even more important to initiate community engagement interventions across different groups in order to foster dialogue and discussions, which are essential in challenging the practices.

Leaders and cultural influencers are important in promoting cultural change. Media, both traditional and alternative, must be employed.

There is no denying that the practice of spraying naira notes, although a cultural norm, is a criminal action. However, changing cultural norms is a long-term process that requires

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 37 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.

sustained commitment and employment of different tools. Criminal prosecution is only but one tool among many others that should be employed, and they must be employed holistically.

"Operation Save the Naira" requires a comprehensive approach to protect the Naira's integrity and stability. By implementing advanced security features, enhancing distribution efficiency, strengthening enforcement, promoting digital payment adoption, and harmonizing regulatory frameworks, Nigeria can safeguard its currency and promote economic growth.

Sources:

- Central Bank of Nigeria (CBN) Act 2007
- Nigerian Deposit Insurance Corporation (NDIC)
- International Monetary Fund (IMF)
- The World Bank
- Nigerian Financial Intelligence Agency (NFIU)
- National Orientation Agency (NOA)
- Nigerian Law Reports (NLR)
- West African Law Reports (WALR)
- All Nigeria Law Reports (ALL NLR)
- Federal High Court Reports (FHCR)
- Criminal Code Act (Cap C38) LFN 2004
- Penal Code Act (Cap P3) LFN 2004
- Evidence Act 2011
- Administration of Criminal Justice Act 2015

Case Studies:

1. International Convention on the Prohibition of Cluster Munitions (2008)
2. United Nations Convention Against Corruption (2003)
3. International Court of Justice's prohibition on nuclear weapons (1996)
4. FATF's Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) standards
5. Appendices with supporting documents (e.g., CBN guidelines)

“OPERATION SAVE THE NAIRA: Understanding the purpose and scope of Section 21 of the CBN Act 2007; the prosecutorial limits of the State-if any, the liabilities of persons; and the prohibition of currency mutilation and abuse and allied offences, (The ‘Bobrisky’ and ‘Cubana Chief Priest’ Dimension)” at The Rule of Law Development Foundation’s 6th Annual Criminal Law Review Conference, 2024, Abuja. Nigeria.

Paper Presenter: Chinelo Audrey Ofoegbunam.