Open Government Partnership
Independent Reporting Mechanism
Nigeria: Comments Received on the Design Report 2019-2021

Comments received from the Nigeria OGP Secretariat

Comments received from Chidinma Ilechukwu on 14 October 2020:

- The 2nd paragraph of page 13 in the Draft Report while referring to pg 6 of Nigeria's 2nd National Action Plan (NAP II) states; ' Nigeria's Ministry of Justice serves as the country's ***National Coordinating Secretariat'.*** However pg 6 of the approved NAP II states; ' ...and theFederal Ministry of Justice was named by the President as the ***OGP Coordinating Ministry***...'
- On the regularity of the quarterly OGP Nigeria's Multi-Stakeholder Forum (National Steering Committee), No.1b at pg 17 of the Draft Report states; 'The Forum met on 7 August 2018, 15 March 2019, 22-23 May 2019, and 5 September 2019.' Kindly note that since the inception of the activities of OGP in Nigeria, the Multi-Stakeholder Forum has met thus;

- 1st NSC Meeting, 14th March 2017
- 2nd NSC Meeting,27th and 28th November 2017
- 3rd NSC Meeting, 27th March 2018
- 4th NSC Meeting, 7th August 2018
- 5th NSC Meeting, 18th November 2018
-6th NSCMeeting, 15th March 2018
- Multi-Stakeholder's Retreat on the Draft 2nd National Action Plan. 22nd - 23rd May 2019
- 7th NSC Meeting & Validation Retreat for NAP II, 5th and 6th September 2019
- 8th NSC Meeting , 19th December 2019

The Reports for these meetings are attached for your attention.

- No. 3c at pg 18 of the Draft Report states that ' No information was available on the 5th Steering Committee Meeting and neither for the meeting held on 5 and 6 September 2019 to validate and approve the country's Second Action Plan'

Kindly find attached the reports for the 5th Steering Committee meeting as well as that of the meetings held for the validation of the Second National Action Plan.

Comments received from Tari Wills 21 October 2020:

Here are a few comments/observations;
1. On Page 2 - The second paragraph under the General Overview of the Action Plan states that '*While the Secretariat still did not provide documented feedback on suggestions received, several commitment drafts were shared with CSOs, as were opportunities to offer further input'.* On the 2nd of September, I sent a mail with documents addressing this issue. 4 of the 7 attachments in that mail address this issue. Please clarify that the feedback was not provided to stakeholders/citizens who made suggestions for the National Action Plan (NAP) II as the current statement portrays it as not providing information to the researchers.
Also note that the secretariat was not solely responsible for drafting the NAP II as the National Steering Committee (NSC) set up a technical committee for that.

2. On Page 13 - I think it will be important to note that the Working Groups and Elections for Co-chairs were done after the NAP II was approved. What we did during the design of the NAP II was form groups from members of the existing (4) Thematic Working Groups of NAP I to review/validate the commitments of the (7) Thematic Areas of the NAP II drafted by the Technical Committee. However, invitations were extended to stakeholders working in the new areas (Inclusion and Service Delivery) to join the review/validation process.

There also needs to be a correction on the 5th Paragraph of the same page about the website - There is an OGP Page under the Federal Ministry of Justice' Website and not an OGP NSC Website. Please reflect this in all places where OGP NSC Website is referred to.

3. On Page 14, 3rd Paragraph - The meeting of May 22nd /23rd was a consultation meeting of key stakeholders (On the government side - key implementing agencies and on the Non-State Actors side - Relevant CSOs/Private Sector working on the issues to be addressed in the NAP). After this meeting, the draft NAP II was revised to reflect the inputs/comments from the consultation. The NSC met once to validate the NAP II on the 6th of September, 2019. This meeting was preceded by another consultative meeting on the 5th of September to review the NAP II by the attendees of the previous consultation. The first paragraph on Page 16 needs to be revised to reflect the above.

4. On Page 17 - The NSC had 8th Meetings;

- 1st NSC - 14th March, 2017.
- 2nd NSC - 28th November, 2017
- 3rd NSC - 27th March, 2018
- 4th NSC - 7th August, 2018
- 5th NSC - 18th November, 2018
- 6th NSC - 15th March, 2019.
- 7th NSC - 6th September, 2019
- 8th NSC - 19th December, 2019

Comments received from civil society

Comments received from Raymond Enoch CEED Taraba State 18 October 2020:

There is no doubt that since 2016 that Nigeria signed unto the Open Government Partnership (OGP) much have changed in the manner in which things are done in Nigeria at the Federal levels. At Sub-National levels, Open Government Partnership values is far from been understood and appreciated Government MDAs at the State levels operates far below OGPs standards Public Accountability on the side of state governors and MDAs is till not improved. Status quo still persist Information disclosures from Government institutions is not happening despite FOI Act

Recommendations
1 Nigeria's commitment should move to the concrete level in line with OGP values
2 Deliberate OGP engagement at the State and Local Government Area levels should steep up
3 We should see more transparency, participation, accountability, and quality engagement on the part of the citizens

Comments received from Basheer Adamu 19 October 2020:

it's obvious that the content of the report is reached and up-to-date. However, despite the numerous achievements recorded by OGP particularly Nigeria, there is a need to strategize a means of taking the idea to the far and near villages; this to give equal chance to everyone. I must acknowledge to effort put in place to achieve that through CSOs, but more is needed. I will confess here that we the CSOs need to double our effort even though we have limit if not supported. From my angle I promise to give my very best in backing the OGP's mission.Thank you all.

Comments received from Dr. Chris Ugwu (Executive Director) Society for the Improvement of Rural People 20 October 2020:

SOCIETY FOR THE IMPROVEMENT OF RURAL PEOPLE'S (SIRP'S) COMMENT ON THE FEDERAL REPUBLIC OF NIGERIA ACTION PLAN FOR IMPROVED DELIVERY OF SEVICES.

While we wish to commend the Federal Government of Nigeria for signing on to the Open Government Partnership; we wish to draw attention to the fact that government must demonstrate the necessary political will to be able to implement the 16 Commitments contained in the Action Plan especially such important topics as: budget openness, disclosure of public contracts, transparency of the extractive sector, beneficial ownership transparency, implementation of freedom of information law, and fostering integrity in public service delivery.

By the way, OGP as a global partnership must bring together government reformers and civil society leaders to create an action plan that makes governments including Nigerian government, more inclusive responsive, and accountable.

Accordingly to ensure full responsiveness and accountability it is our firm recommendation that the OGP Secretariat should create a publicly available website on the OGP process and ensure continued engagement of civil society in the Action Plan implementation.

Comments received from Oluseyi Oyebisi, 20 October 2020:

This recommendation is valid in the light of the new information we have on nonprofit tax obligations and the ongoing EndSARS protests. It is important that we document all actions taken by government including case studies of how the situations was managed. This will be an important element to report on as part of NAP II pg 5, 338

The OGP Secretariat will need to take up this important recommendation in the light of controversies around the Part F of CAMA. This working group will need to be activated immediately. The Nigeria Network of NGOs already recommended a multistakeholder approach to CAC. The IRM report validates this. pg 41, 339

This is an important commitment that should be prioritized by the OGP Secretariat in the light of recent protests and the trust deficits we have seen. This permanent dialogue mechanism should be activated immediately. pg 51, 340

The IRM recommendations are valid. We will also need to work with the Human Right Commission to also broker a space for engagement with the National Assembly on nonprofit tax regulations.
pg 56, 341

Comments received from Odeh Friday, Accountability Lab Nigeria

This recommendation is huge. It will support the progress report from the thematic working groups. Is there a way we can have this represented as infographics? pg 5, 342

maybe we can add a comment or link to the current COVID19 situation as most PWDs are disconnected from the government palliative plans. I believe they should be targeted. pg 60, 354

hoping we can reflect this repository to be accessible and inclusive. pg 67, 355

Comments received from the government

Comments received from Musa Kakaki, Ministry of Justice, 13 October 2020:

I have gone through the report and wish to make the following observations;

@ page 27 Commitment 4: Access to Information - The Lead Institution is the Ministry of Justice

@ page 9 paragraph 2 lines 2 - 6; the Anti-Corruption Unit in the Office of the Attorney General is now established, set up and staffed.

@ page 28 paragraph 2 lines 2 - 5; The Government of Nigeria passed the Freedom of Information (FOI) Act, 2011 but the Court Of Appeal ruled that this law only applies to federal institutions. Kaduna State Government however took initial steps in 2017 and drafted a FOI Bill which was forwarded to the State House of Assembly for passage into law. The Bill is yet to be passed into law by the State House of Assembly.

I hope these will be helpful to the report.

Comments received from Mansur Mamman, Bureau of Public Procurement, 19 October 2020:

It is not true that the data on the NOCOPO is not downloadable in a useable format. This is not true as Procurement information are currently downloadable using JSON format. The comment "the domain frequently crashes" is also wrong as the system in recent times is always up nd functional. The Home page was defaced in twice with 3 months. Please adjust or expunge that comment. pg 27, 337