

# Independent Reporting Mechanism (IRM): Kaduna State, Nigeria, Design Report 2018–2020

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This report was prepared in collaboration with Lawal Abubakar, independent researcher

## Table of Contents

<b>Executive Summary: Kaduna State</b>	<b>2</b>
<b>I. Introduction</b>	<b>5</b>
<b>II. Open Government Context in Kaduna State</b>	<b>6</b>
<b>III. Leadership and Multistakeholder Process</b>	<b>11</b>
3.1 Leadership	11
3.2 Action plan co-creation process	12
<b>IV. Commitments</b>	<b>15</b>
Commitment 1: Participatory Budgeting	17
Commitment 2: Open Contracting Data Standard	20
Commitment 3: Improve Ease of Doing Business	24
Commitment 4: Access to Information	26
Commitment 5: Citizens' Feedback Portal	29
<b>V. General Recommendations</b>	<b>31</b>
<b>VI. Methodology and Sources</b>	<b>34</b>
<b>Annex I. Overview of Kaduna State Performance throughout Action Plan Development</b>	<b>36</b>



## Executive Summary: Kaduna State

Kaduna State's first action plan represents a significant step toward a sustainable open government movement. The state's admirable initial co-creation process can be further strengthened by formalizing and documenting OGP processes. Now familiar with OGP, stakeholders can seek to increase commitments' scope and specificity, to raise the level of ambition in the next action plan.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Kaduna State joined OGP in 2018. This report evaluates the design of Kaduna's first action plan.

### General overview of action plan

Kaduna was the first Nigerian state to join OGP in 2018. Its first action plan builds on previous open government initiatives and aligns with similar commitments at the federal level. The plan offers opportunities for information sharing and mutual learning. The action plan is also consistent with the 2016–2020 State Development Plan, which includes governance as a central theme.

The action plan was co-created by the State Steering Committee and five Technical Working Groups with equal government and civil society representation. The Committee held a two-day public consultation workshop to incorporate broader public input into the commitment drafts. However, the government could strengthen the co-creation process through greater documentation of how working group members were selected and how public input was incorporated into the action plan.

The action plan features five commitments in the areas of participatory budgeting, open contracting, ease of doing business, access to information, and civic participation. Four commitments are expected to result in a moderate change in government practices. Commitment 3, on ease of doing business, is coded as minor. All commitments are relevant to OGP values and are specific enough to be verifiable. Some milestones throughout the action plan would benefit from greater specificity of intended actions and outcomes. Overall, Kaduna State's first action plan sets a strong foundation for increasingly ambitious open government reforms in future commitments.

#### Table 1. At a glance

Participating since: 2018  
Action plan under review: First  
Report type: Design Report  
Number of commitments: 5

#### Action plan development

Is there a multistakeholder forum: Yes  
Level of public influence: Involve  
Acted contrary to OGP process: No

#### Action plan design

Commitments relevant to OGP values:	5 (100%)
Transformative commitments:	0
Potentially starred commitments:	0



Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
<b>Commitment 1 Participatory Budgeting:</b> Increase budget transparency and citizen participation through Community Development Charters throughout the state budget process	To maximise this commitment's impact, the office that processes community charters should inform citizens of how their feedback was incorporated into the state budget. The office should also encourage community charters to be developed inclusively, ensuring that marginalised community members are heard. The government could provide citizens' guides and budgets in local languages and in formats accessible to nonliterate citizens.	Note: this will be assessed at the end of the action plan cycle.
<b>Commitment 2 Open Contracting Data Standards:</b> Implement the Open Contracting Data Standard to improve accountability and transparency in the procurement process	For effective implementation, the Public Procurement Authority should ensure contract information is simplified, published in a user-friendly format, and available in offline formats. The IRM researcher recommends expanding procurement data to cover all Local Government Councils and streamlining complaint and dispute mechanisms to reduce the length of bureaucratic procedures.	Note: this will be assessed at the end of the action plan cycle.
<b>Commitment 4 Access to Information:</b> Pass the Bill on Freedom of Information	For effective implementation, educate civil society, media, and the public on their right to information. Consider producing simplified and translated versions of the law and publicise them online and offline. Any future versions of this commitment should consider establishing corresponding institutions. To fully implement the law, such institutions could include a dedicated Freedom of Information (FOI) Act Unit staffed with trained officers, associated procedures, and sanctions for noncompliance. Observation of the federal government's implementation of FOI-related OGP commitments may provide valuable insights.	Note: this will be assessed at the end of the action plan cycle.
<b>Commitment 5 Citizens' Feedback Portal:</b> Increase and strengthen citizen-government engagement through multiple channels, such as the <b>CitiFeeds</b> app	To amplify this commitment's open government impact, the government should provide public responses to citizen feedback received through the app and other channels. It should also proactively disclose relevant information. The government could explore how to strengthen the legal mandate to respond to citizen feedback on technology platforms.	Note: this will be assessed at the end of the action plan cycle.

## Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five KEY IRM recommendations

<b>Formalise the OGP process to ensure sustainability.</b> Establish a clear role and mandate for the State Steering Committee. Seek a legal mandate and budgetary provisions for OGP activities.
<b>Increase documentation of the co-creation process.</b> Update and expand Kaduna's OGP repository and website to publish evidence, updates, and other documentation of the OGP processes.
<b>Add more specific activities in milestones, to ensure commitments are verifiable.</b> Aim to design milestones that are "SMART": specific, measurable, accountable, relevant, and time bound.
<b>Increase the scope of commitment activities, to raise the level of ambition.</b> Design commitments with a focus on the problem to be addressed rather than the instrument or document to be created.
<b>The State Steering Committee should prioritise discussion on continuing and expanding Commitment I on participatory budgeting in the second action plan.</b> Future iterations of this commitment could focus on government responsiveness, inclusive civic participation, and facilitation of participation throughout the entire budget cycle.

## ABOUT THE IRM

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Lawal Abubakar collaborated with the IRM to conduct desk research and interviews to inform the findings in this report.



## I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

Kaduna State joined OGP in 2018. This report covers the development and design of Kaduna State's first action plan for 2018–2020.

The Independent Reporting Mechanism of OGP has partnered with Lawal Abubakar to conduct this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

## II. Open Government Context in Kaduna State

This is the first action plan developed by Kaduna State, the first subnational government of Nigeria to join the global OGP programme. Facing issues of accountability, Kaduna adopted open government initiatives before joining OGP. These included online publication of the state budget and audited annual financial statements. To build on this progress, this plan contains a wide range of commitments to improve participatory budgeting, open contracting, the ease of doing business, access to information, and a citizens' feedback portal.

Nigeria joined OGP in 2016.<sup>1</sup> In 2018, Kaduna State joined, becoming the first among the 36 states in Nigeria to join the global OGP programme.<sup>2</sup> Kaduna stands among 18 subnational entities globally and four states in Africa to join OGP. The other three subnationals are Elgeyo-Marakwet, Kenya; Kigoma-Ujiji, Tanzania; and Sekondi-Takoradi, Ghana.<sup>3</sup>

Kaduna State had adopted several open government initiatives prior to joining OGP. These initiatives include online publication of the state budget and publication of audited annual financing statements within six months of financial year-end account.<sup>4</sup> These initiatives paved the way for Kaduna to join OGP and culminated in a letter of intent to join, submitted by the governor of Kaduna, Nasir Ahmad el-Rufai, in March 2018. OGP approved the request in the same year.<sup>5</sup>

### Background

Nigeria has three levels of government: federal, state, and local. The three levels are interdependent and distinct. Chapters 1 and 2 of the Constitution of the Federal Republic of Nigeria 1999 specifies the distribution of functions among federal, state, and local governments.<sup>6</sup> Kaduna is one of 36 state governments in Nigeria. The State of Kaduna covers 48,473.2 square kilometres and has an estimated population of 8.7 million, making it the third most populated state in Nigeria.<sup>7</sup> Kaduna State contains 23 local government areas. The state government is divided into an executive branch, led by the governor; the legislative branch, led by the State House of Assembly; and the judicial branch.

The Speaker heads the State House of Assembly. The Assembly has 34 members, who are elected by citizens from their state constituencies. The state legislature has three major responsibilities: (i) enacting laws at the state level, (ii) overseeing the other arms of government, and (iii) appropriating all monies for projects and programmes for the three arms of government. It also has investigative powers and can call the highest executive and judicial officers to appear before it to answer or testify on any issues of public concern and interest.

The judiciary is one of the three branches of Kaduna State government. The judiciary is made up of judges, nonjudge staff members of the state judicial service, courts, and tribunals. The Supreme Court is the final appellate judicial authority and is headed by a chief judge. The judiciary interprets, applies, and directs the enforcement of the laws, customs, and conventions that make up the state's

<sup>1</sup> "Members," Open Government Partnership, <https://www.opengovpartnership.org/our-members/>.

<sup>2</sup> "Kaduna State, Nigeria," Open Government Partnership, <https://www.opengovpartnership.org/countries/kaduna-state-nigeria>.

<sup>3</sup> "Members," Open Government Partnership, <https://www.opengovpartnership.org/our-members/>.

<sup>4</sup> "Application to Join the OGP Local Program: Call for Expressions of Interest," [https://www.opengovpartnership.org/wp-content/uploads/2018/04/Kaduna\\_Letter-of-Intent\\_March2018.pdf](https://www.opengovpartnership.org/wp-content/uploads/2018/04/Kaduna_Letter-of-Intent_March2018.pdf).

<sup>5</sup> "Kaduna State Letter of Intent to Join OGP," <https://www.opengovpartnership.org/documents/kaduna-state-nigeria-letter-of-intent-to-join-ogp-march-2018/>

<sup>6</sup> The first and second parts of the Constitution of Federal Republic of Nigeria 1999 focus on the general provisions, powers, and functions of the Federal Republic of Nigeria, see <https://www.wipo.int/edocs/lexdocs/laws/en/ng/ng014en.pdf>.

<sup>7</sup> The total population of Kaduna State according to the National Population and Housing Census of 2006 was 6,113,503; with the inter-census growth rate of 3.0 percent, the estimated population is 8,716,393. That count is only lower than the populations of Lagos and Kano States. National Bureau of Statistics, *Annual Abstract of Statistics 2011*, 2011, [http://istmat.info/files/uploads/53129/annual\\_abstract\\_of\\_statistics\\_2011.pdf](http://istmat.info/files/uploads/53129/annual_abstract_of_statistics_2011.pdf).

legal system. Its sphere also extends to the protection or preservation of contracts, rights, and freedoms that define the sociopolitical and economic space of the state. These rights and freedoms pertain to individuals and corporate bodies in the state.

General elections for the state governor and the legislature are held every four years. Although Kaduna has a multiparty democracy, the People's Democratic Party has governed Kaduna State for 16 years, from 1999 to 2015. In 2015, however, Nasir Ahmad el-Rufai of the All Progressives Congress was elected as the executive governor of Kaduna State. His election constituted the first time an opposition party gained leadership in the state.

According to the State Development Plan (2016–2020), the state government focuses on four areas: economic development, social welfare, security and justice, and governance.<sup>8</sup>

### **Transparency and Access to Information**

Kaduna State, like the federal government of Nigeria, has recently sought to dismantle the culture of government secrecy that was instilled by years of military rule. In 2011, the Federal Republic of Nigeria passed the Freedom of Information Act, which obliges a wide range of public authorities to provide information they hold.<sup>9</sup> The bill has a broad scope. However, Nigeria has struggled to fully implement the law. Global Right to Information Rating highlights the absence of an independent appeals body and weak judicial remedies as the law's greatest shortcomings.<sup>10</sup> In 2017, Nigeria ranked 53rd out of 111 countries on the Right to Information Index. In particular, the 2011 Freedom of Information Bill received 0 points for sanction and protections.<sup>11</sup> The federal government of Nigeria's first two action plans have sought full implementation of the law.<sup>12</sup>

However, as of 2018, the Freedom of Information Act did not apply to state agencies. Therefore, the Kaduna State government drafted a Freedom of Information Bill and forwarded it to the State House of Assembly in 2017. The bill is yet to be passed into law. Didam Laah of Invicta Radio noted that government agency procedures that have long been bureaucratic currently discourage citizens from requesting government-held information.<sup>13</sup> Additionally, there was no legal obligation for state officials to respond to requests for information or sanctions for noncompliance at the time this report was written.

The federal government has gradually moved toward greater open data in recent years. Nigeria's score on the Open Data Barometer has steadily increased, from 4 in 2013 to 14 in 2015. This places Nigeria close to the mean of 11 for sub-Saharan countries. There was particular improvement in open data related to social policy, business, and citizens and civil rights.<sup>14</sup> Commitments related to open data were included in Nigeria's first national action plan, suggesting continued improvement in open data policies at the federal level.<sup>15</sup>

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<sup>8</sup> "Kaduna State Development Plan (2016–2020)," <https://kdsg.gov.ng/development-plan/>

<sup>9</sup> "Freedom of Information Act (2011)," [Freedom of Information Act \(FOI Act\) www.cbn.gov.ng › FOI › Freedom Of Information Act](https://www.cbn.gov.ng/FOI/FreedomOfInformationAct)

<sup>10</sup> "Nigeria," Global Right to Information Rating, <https://www.rti-rating.org/country-detail/?country=Nigeria>.

<sup>11</sup> "Historical Data," Global Right to Information Rating, 2017, <https://www.rti-rating.org/historical/>.

<sup>12</sup> "Nigeria National Action Plan 2017–2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-national-action-plan-2017-2019/>; and "Nigeria National Action Plan 2019–2021," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-action-plan-2019-2021/>.

<sup>13</sup> Didam Laah (Invicta FP Radio, Kaduna), interview by IRM researcher, 5 April 2019.

<sup>14</sup> "Nigeria," Open Data Barometer, [https://opendatabarometer.org/data-explorer/?\\_year=2015&indicator=ODB&open=NGA](https://opendatabarometer.org/data-explorer/?_year=2015&indicator=ODB&open=NGA).

<sup>15</sup> "Nigeria National Action Plan 2017–2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-national-action-plan-2017-2019/>; and "Nigeria Action Plan 2019–2021," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-action-plan-2019-2021/>.



## Civic Liberties and Civic Space

The right to civic participation and freedom of expression, assembly, and association are enshrined in Chapter 4, Section 39 of the 1999 Nigerian Constitution.<sup>16</sup> Nigeria, for the most part, enjoys a robust civil society and freedom of the press.<sup>17</sup> According to Freedom House's 2017 *Freedom in the World* report, Nigeria ranks "partly free." Nigeria's political rights score increased from 4 to 3 in 2017 as a result of greater government transparency.<sup>18</sup> From 2015 to 2017, Nigeria remained around the 35th percentile for "voice and accountability," according to the World Bank's World Governance Indicators. This scoring placed Nigeria just above the regional average for sub-Saharan Africa.<sup>19</sup> However, in 2016, Nigerian civil society organisations raised concerns about a bill that called for the monitoring and regulation of civil society. The bill would require nongovernmental organisations (NGOs) to pay a fee and register with the government every two years. At the time this report was written, the NGO bill was still under consideration but had not yet been passed into law.<sup>20</sup>

Not fully realised civic participation is also evident at the state level. Kaduna State has faced problems with civic liberties, particularly regarding freedom of religion. However, it has also expanded opportunities for civic participation. Kaduna State has experienced communal violence for decades.<sup>21</sup> A 2017 *Freedom in the World* report noted that a judicial commission of inquiry was opened after hundreds of Shiite members of the Islamic Movement in Nigeria were killed by the Nigerian military in Kaduna. The Islamic Movement in Nigeria was also banned from operating in the state.<sup>22</sup>

However, the state government has made strides to increase channels for civic participation in government. Notably, the state government provides toll-free phone lines and an app called CitiFeeds for citizens to report on state project spending and implementation.<sup>23</sup> Additionally, civil society organisations (CSOs) provide a level of social accountability in Kaduna State. CSO coalitions, such as the Maternal & Child Health Civil Society Partnership (MCH-CS P), scrutinise government activities and request explanations from public officials.<sup>24</sup> However, Yusuf Ishaku Goje, from the Coalition of Association for Leadership, Peace, and Empowerment (CALPED), notes that no legislation enforces civic monitoring of public officials.<sup>25</sup>

## Accountability and Anticorruption

Nigeria and Kaduna State have both made strides to address corruption in recent years. However, Nigeria's ranking on the Transparency International Corruption Perceptions Index has remained relatively low. In 2017, Nigeria ranked 148 out of 198 countries. Nigeria has hovered around 27 points out of 100 on the index from 2014 to 2018.<sup>26</sup> Nigeria ranks lower than the regional average for "control of corruption," according to the World Bank's Worldwide Governance Indicators.

<sup>16</sup> "The 1999 Nigerian Constitution-as Amended," <https://nigerian-constitution.com/>.

<sup>17</sup> "Nigeria: Events of 2017," Human Rights Watch, <https://www.hrw.org/world-report/2018/country-chapters/nigeria#761225>.

<sup>18</sup> "Freedom in the World 2017: Nigeria," Freedom House, <https://freedomhouse.org/report/freedom-world>.

<sup>19</sup> "Worldwide Governance Indicators: Nigeria," World Bank, <http://info.worldbank.org/governance/wgi/Home/Reports>.

<sup>20</sup> "Nigeria: 'If Passed, the NGO Bill Will Reduce the Ability of CSOs to Hold the Government Accountable and Ensure That Human Rights Are Respected,'" CIVICUS, <https://www.civicus.org/index.php/fr/medias-ressources/122-news/interviews/3043-nigeria-if-passed-the-ngo-bill-will-reduce-the-ability-of-csos-to-hold-the-government-accountable-and-ensure-that-human-rights-are-respected>.

<sup>21</sup> Timothy Obiezu, "Lack of Protection, Justice Blamed for Persistent Violence in Nigeria's Kaduna State," VOA, 20 August 2020, <https://www.voanews.com/africa/lack-protection-justice-blamed-persistent-violence-nigerias-kaduna-state>.

<sup>22</sup> "Freedom in the World 2017: Nigeria," Freedom House, <https://freedomhouse.org/report/freedom-world>.

<sup>23</sup> "How Citizens Have Become 'Eyes and Ears' in Nigeria's Kaduna State," Open Government Partnership, <https://www.opengovpartnership.org/stories/how-citizens-have-become-eyes-and-ears-in-nigerias-kaduna-state/>.

<sup>24</sup> Amos Tauna, "Nigeria: CSOs Urge El-Rufai to Fulfill His Promise of Making Child Spacing Services Totally Free in Kaduna," Africa Prime News, 13 July 2017, <https://www.africaprimenews.com/2017/07/13/news/nigeria-csos-urge-el-rufai-to-fulfill-his-promise-of-making-child-spacing-services-totally-free-in-kaduna/>.

<sup>25</sup> Yusuf Ishaku Goje (Coalition of Association for Leadership, Peace, Empowerment, and Development) interview by IRM researcher, 7 April 2019.

<sup>26</sup> "Corruption Perceptions Index," Transparency International, <https://www.transparency.org/en/cpi/2017/results/nga>.



However, Nigeria has seen improvement, moving up from the 9th percentile in 2013 to the 13th in 2018.<sup>27</sup>

To address these challenges, in the first two national action plans, the national OGP Secretariat incorporated several commitments related to anticorruption law, information sharing among anticorruption agencies, and asset declaration.<sup>28</sup> Nigeria also joined the Extractive Industries Transparency Initiative in 2007. Since then, Nigeria has made significant strides to increase transparency in the extractive industry and to decrease corruption. For example, it established a public register of beneficial owners.<sup>29</sup>

Kaduna State has taken action at the subnational level to address corruption. In 2018, the Kaduna State government enacted the Anti-Corruption Law to increase accountability and transparency in the public sector.<sup>30</sup> The law makes provision for the establishment of an Anti-Corruption Unit in the Office of the Attorney General of the state. Barrister Musa Kakaki of the Ministry of Justice explained that the Anti-Corruption Unit has been established and staffed.<sup>31</sup> Kaduna State also passed the Whistleblower Protection Law in 2018 to protect persons who expose wrongdoing in either the public or private sector.<sup>32</sup> The state holds town hall hearings to collect citizen input on the budget. The abovementioned efforts have established the legal framework for a state anticorruption regime.

### Budget Transparency

Nationally, Nigeria ranks below the global average for budget transparency. On the Open Budget Survey, Nigeria's budget transparency score decreased from 24 to 17 out of 100 possible points between 2015 and 2017. Nigeria's score for public participation also decreased, from 25 to 13 between the same years. However, Nigeria's 2017 score of 13 still ranks one point above the global average for public participation in budget processes. In 2017, only the executive budget proposal, enacted budget, year-end report, and audit report were made publicly available. This represented the first year that Nigeria's audit report was made publicly available.<sup>33</sup> The federal government has sought to address the lack of budget transparency with an open budget commitment in the 2017 and 2019 national action plans.<sup>34</sup>

Similar to Nigeria as a nation, Kaduna State has room for growth in budget transparency and participation. In 2015, the Nigerian States Budget Transparency Survey awarded Kaduna State nine out of 100 possible points and ranked it 32nd out of Nigeria's 36 states for budget transparency. Kaduna scored 11 out of 100 for both citizen access to budget documents and public participation in the budget process. Kaduna's score for access to budget documents was based on access to documents such as the budget call circular, draft budget estimates, budget appropriation law, citizens' budget, budget execution reports, and state auditor's report. Kaduna scored only three points for access to procurement information.<sup>35</sup>

Kaduna has made progress with open government in recent years. The 2018 *Open State Government Report* ranked Kaduna State first out of Nigeria's 36 states. This ranking is based on (i) whether the state has signed up to OGP, (ii) whether citizens have access to budget information, and (iii)

<sup>27</sup> "Worldwide Governance Indicators: Nigeria," World Bank, <http://info.worldbank.org/governance/wgi/Home/Reports>.

<sup>28</sup> "Nigeria National Action Plan 2017–2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-national-action-plan-2017-2019/>; and "Nigeria Action Plan 2019–2021," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-action-plan-2019-2021/>.

<sup>29</sup> Nigerian Extractive Industries Transparency Initiative, <https://eiti.org/nigeria>.

<sup>30</sup> "Kaduna State Anti-corruption Law, 2018," <https://kdsg.gov.ng/3216-2/?wpdmc=laws>.

<sup>31</sup> Communication with IRM staff during the prepublication review period, 13 October 2020.

<sup>32</sup> "Kaduna State Whistle Blower Protection Law, 2018," <https://kdsg.gov.ng/3216-2/?wpdmc=laws>.

<sup>33</sup> "Country Summaries," Open Budget Survey 2019: Nigeria, 2015 and 2017, <https://www.internationalbudget.org/open-budget-survey/country-results/2019/nigeria>.

<sup>34</sup> "Nigeria National Action Plan 2017–2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-national-action-plan-2017-2019/>; and "Nigeria Action Plan 2019–2021," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-action-plan-2019-2021/>.

<sup>35</sup> Nigerian States Budget Transparency Survey, 2015 Report—Nigeria: 36 States, <https://www.internationalbudget.org/wp-content/uploads/2015-nigerian-states-budget-transparency-survey.pdf>.

whether citizens have access to contract information. The report notes that Kaduna had published its budget online for at least three preceding years and had published contractual details online for state projects, such as the location, amount, and contractor. The state government also published its audited accounts for 2018.<sup>36</sup> However, Alhaji Mustapha Jumare, the civil society co-chair of the OGP Steering Committee, shared that the state does not provide a simplified citizens' budget.<sup>37</sup> Therefore, it is difficult for the public to make use of published information.

Kaduna State has made notable efforts to promote procurement transparency. In 2016, the Kaduna State public procurement law established the Public Procurement Authority. The state also created a procurement portal that seeks to provide contract information according to the Open Contracting Data Standard.<sup>38</sup> However, Lawrence Obeweh, from the Initiative for Collective Voice, Accountability and Progress, shared that the portal is not functional and the procurement process remains shrouded in secrecy.

### **Progress or Regress on OGP's Eligibility Criteria in Kaduna State**

Countries or subnational governments must meet the eligibility criteria to join OGP.<sup>39</sup> Kaduna State joined OGP in 2018 after scoring 80 percent or above per criteria. These criteria include the value proposition to join OGP, high-level political commitment, the government's track record on open government reforms, and engagement with local civil society.<sup>40</sup> However, information is not available to ascertain progress or regress on OGP eligibility criteria, since the state joined OGP in 2018.<sup>41</sup>

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<sup>36</sup> "Kaduna State Audited Accounts for 2018," <https://kdsg.gov.ng/wp-content/uploads/2019/06/Kaduna-State-Audited-Accounts-2018.pdf>.

<sup>37</sup> Alhaji Mustapha Jumare (OGP Steering Committee, Kaduna State) interview by IRM researcher, 7 April 2019.

<sup>38</sup> Suleiman Muhammad (Kaduna Investment Promotion Agency), interview by IRM researcher, 12 April 2019.

<sup>39</sup> "[Concluded] Join the OGP Local Program: Call for Expressions of Interest (January 2018)," Open Government Partnership, <https://www.opengovpartnership.org/ogp-local-program/concluded-join-the-ogp-local-program-call-for-expressions-of-interest-january-2018/>.

<sup>40</sup> "2018 Expansion Applications: Kaduna State, Nigeria," Google Drive, <https://drive.google.com/drive/folders/1VQvrPxeZ-sh2qOEmQunDLIO3tgSPcmTI>.

<sup>41</sup> Yusuf Auta (Kaduna State) interview by IRM researcher, 8 April 2019.

### III. Leadership and Multistakeholder Process

Kaduna State instituted a co-creation process for its first action plan. State Steering Committee and Technical Working Group meetings, as well as a consultation workshop, facilitated strong public participation. The state OGP Secretariat can continue to strengthen its co-creation process by formalising OGP institutions and increasing documentation of deliberation and developments during action plan formation.

#### 3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Kaduna State.

The Planning and Budget Commission (PBC) coordinates OGP activities. The State Executive Council granted the PBC this role in August 2017.<sup>42</sup> Both government and civil society organisation (CSO) representatives considered the selection of PBC appropriate,<sup>43</sup> because the commission coordinates across the government more frequently than other ministries.<sup>44</sup> The commission has no legal power to make other ministries enforce policy changes regarding OGP issues. However, Section 6(c) of the law that established the commission empowers it to bring to the attention of the State Executive Council cases of noncompliance or violations of state policies and programmes by ministries, departments, and agencies.<sup>45</sup>

The government OGP point of contact (POC), Yusuf Auta, is the deputy director in the Department of Development Aid Coordination in the Kaduna PBC. He is responsible for engaging directly with government ministries, departments, and agencies that have commitments in the action plan via designated contact points in those institutions. The commission has recently increased the number of staff in the OGP unit from three to seven to strengthen its OGP coordination.<sup>46</sup> However, some representatives of CSOs noted that the unit is still understaffed, and only two of the staff are permanently working on open government matters.<sup>47</sup>

The OGP contact points in relevant ministries hold responsibility for the joint development, implementation, and monitoring of the commitments of their respective ministries. Government and civil society representatives describe the POC as highly accessible and engaged. They note that he participates in most of the OGP activities organised by CSOs and government ministries.<sup>48</sup>

Kaduna State government officials regularly attend OGP events at the state, national, and international levels.<sup>49</sup> Senior political leadership is also engaged in OGP-related matters in the state.<sup>50</sup> For instance, Nasir Ahmad el-Rufai, the governor of Kaduna State, led the Kaduna State delegation to the 5th OGP Global Summit in Tbilisi, Georgia, in 2018.<sup>51</sup> That delegation consisted of Muhammad Sani Abdullahi, the commissioner of budget and planning and government Steering Committee co-chair. Top government officials—such as commissioners of justice, agriculture, women's affairs, and social development—also attend OGP activities within the state.

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<sup>42</sup> The state government—through a memo on the Kaduna State subscription to OGP, presented by the commissioner of the Planning and Budget Commission—approved the role of the commission to coordinate OGP in Kaduna State.

<sup>43</sup> Alhaji Mustapha Jumare (OGP Steering Committee) and Emmanuel Bonnet, (Aid Foundation), interviews by IRM researcher, 4 April 2019.

<sup>44</sup> Kaduna State Planning and Budget Commission website, <http://pbc.kadgov.ng/>.

<sup>45</sup> “2017 Law II Planning and Budget Commission,” <https://kdsg.gov.ng/download/2017-law-ii-planning-and-budget-commission/>

<sup>46</sup> Yusuf Auta (Kaduna State Planning and Budget Commission), interview by IRM researcher, 7 April 2019.

<sup>47</sup> Emmanuel Bonnet (Aid Foundation) and Alhaji Mutapha Jumare (OGP Steering Committee), interviews by IRM researcher, 7 April 2019.

<sup>48</sup> Bako Abdul (Campaign for Democracy), interview by IRM researcher, 8 April 2019.

<sup>49</sup> Saied Tafida (FollowTaxes), interview by IRM researcher, 7 April 2019.

<sup>50</sup> Alhaji Mustapha Jumare (OGP Steering Committee), interview by IRM researcher, 7 April 2019.

<sup>51</sup> “The Governor of Kaduna State. Governor Nasir Ahmad El-Rufai Is Leading the Kaduna Team at the Open Government Partnership Summit in Tbilisi, Georgia,” The Governor of Kaduna State, Facebook, <https://www.facebook.com/govkaduna/posts/942897909228143/>.

The State Executive Council approved the first OGP action plan in June 2018.<sup>52</sup> Although OGP is coordinated centrally by the PBC, the implementation of the action plan rests with the various ministries that drafted the commitments relevant to their mandates. There are four ministries, departments, and agencies leading the implementation of the State OGP action plan: PBC, Public Procurement Authority, Kaduna Investment Promotion Agency, and Ministry of Justice. However, interviews with representatives of civil society show that these ministries, departments, and agencies do not have budget lines directly allotted for OGP activities.<sup>53</sup> The OGP point of contact stated that other budget lines that intersect with OGP action plan–related activities could be used in the implementation of the plan.<sup>54</sup>

### 3.2 Action plan co-creation process

**Table 4: Level of Public Influence**

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.<sup>55</sup> This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

Level of public influence		During development of action plan
<b>Empower</b>	The government handed decision-making power to members of the public.	
<b>Collaborate</b>	There was iterative dialogue AND the public helped set the agenda.	
<b>Involve</b> <sup>56</sup>	The government gave feedback on how public inputs were considered.	✓
<b>Consult</b>	The public could give inputs.	
<b>Inform</b>	The government provided the public with information on the action plan.	
<b>No Consultation</b>	No consultation	

### OGP Participation and Co-Creation Standards

In 2017, OGP adopted the OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

Please see Annex I for an overview of Kaduna State’s performance implementing the Co-Creation and Participation Standards throughout the action plan development.

<sup>52</sup> Kaduna State and Open Government Partnership, “Kaduna Open Government Partnership Action Plan, 2018–2020,” [https://www.opengovpartnership.org/wp-content/uploads/2018/10/Kaduna-State\\_Action-Plan\\_2018-2020.pdf](https://www.opengovpartnership.org/wp-content/uploads/2018/10/Kaduna-State_Action-Plan_2018-2020.pdf).

<sup>53</sup> Bako Abdul (Campaign for Democracy) and Emmanuel Bonnet (Aid Foundation), interview by IRM researcher, 8 April 2019.

<sup>54</sup> Yusuf Auta (Kaduna State Planning and Budget Commission), interview by IRM researcher, 7 April 2019.

<sup>55</sup> “IAP2’s Public Participation Spectrum,” IAP2, 2014, [IAP2 Spectrum of Public Participation cdn.ymaws.com › pillars › Spectrum\\_8.5x11\\_Print.pdf](https://www.iap2.org/~/media/Files/2014/04/IAP2_Spectrum_of_Public_Participation_cdn.ymaws.com_pillars_Spectrum_8.5x11_Print.pdf)

<sup>56</sup> OGP’s Articles of Governance also establish participation and co-creation requirements a country must meet in their action plan development and implementation to act according to OGP process. Based on these requirements, Kaduna State did not act contrary to OGP process during the development of the (2018-2019) action plan.

### Multistakeholder forum

Kaduna State achieved an “Involved” level of participation in the creation of its first action plan. Kaduna’s multistakeholder forum is called the State Steering Committee (SSC). The SSC constitutes the consultation platform for constant dialogue between government and civil society to shape the OGP agenda in the state. During co-creation, the SSC had around 14 members, five from the government, five from civil society, one from academia, and one from the State House of Assembly. The Kaduna State government and the UK Department for International Development’s Partnership to Engage, Reform and Learn programme invited specific civil society organisations (CSOs) to participate in the SSC. Those invitations were based on the organisations’ experience in relevant policy areas.<sup>57</sup>

The co-creation process began with an SSC meeting on 30 August 2018 to determine the drafting process. Commitments were largely drawn from Nigeria’s national action plan. Government SSC members presented seven commitments for inclusion in the action plan, and civil society SSC members presented others. The SSC then voted to finalise which commitments to include. The SSC created five Technical Working Groups (TWGs) for each commitment. These groups consisted of at least five members from government agencies and five members from nonstate organisations. The TWGs drafted milestones for each commitment.<sup>58</sup>

Civil society representatives acknowledged government efforts to communicate news regarding OGP and the action plan’s development.<sup>59</sup> The government largely provided responses to civil society feedback on the action plan face-to-face at working group meetings. The government also published some documentation of meetings and updates on the co-creation progress on the Google Drive repository.<sup>60</sup>

Kaduna State involved a wide range of stakeholders in the development of the action plan through a two-day consultation workshop. The workshop occurred on 4–5 September 2018 at Bafrá Hotel, Kaduna.<sup>61</sup> The OGP Secretariat invited 138 representatives from government, CSOs, the private sector, professional associations, and media, as well as traditional and religious leaders.<sup>62</sup> Participants formed TWGs to provide input on the development of each commitment. SSC civil society members publicised the invitation through the use of emails, text messages, and phone calls.<sup>63</sup> Beyond the workshop, the SSC familiarised stakeholders with OGP by distributing documents at formal and community meetings organised by CSOs.<sup>64</sup> Citizens were also invited to participate in the development of the action plan through social media platforms (Twitter, Facebook, and WhatsApp).<sup>65</sup>

Kaduna State built a co-creation process by convening multistakeholder meetings and facilitating a public consultation. The state OGP Secretariat can continue to strengthen its co-creation process by formalising OGP institutions and increasing documentation. In particular, the OGP repository or website should document the participant selection process and the outcome of deliberations. The IRM researcher suggests that moving forward, to improve performance in these areas, the following actions should be considered:

- *Improve documentation and information dissemination:* Regularly update the OGP Kaduna website with OGP developments and publish documents related to the OGP process,

<sup>57</sup> Emmanuel Bonnet (Aid Foundation) and Alhaji Mutapha Jumare (OGP Steering Committee), interview by the IRM researcher.

<sup>58</sup> Emmanuel Bonnet (Aid Foundation) and Alhaji Mutapha Jumare (OGP Steering Committee), interview by IRM researcher.

<sup>59</sup> Emmanuel Bonnet (Aid Foundation), interview by IRM researcher, 4 April 2019.

<sup>60</sup> “OGP Kaduna,” Google Drive, <https://drive.google.com/drive/folders/1-7wqaKiaG9vEN2IG09Gu7kucxndXuFEE>.

<sup>61</sup> Saied Tafida Sulaiman (FollowTaxes), interview by IRM researcher, 7 April 2019.

<sup>62</sup> “List of Technical Working Members That Participated in the Development of the State Action Plan,” OGP Kaduna, Google Drive, <https://drive.google.com/drive/folders/1-7wqaKiaG9vEN2IG09Gu7kucxndXuFEE>.

<sup>63</sup> Saied Tafida Sulaiman (FollowTaxes), interview by IRM researcher, 7 April 2019.

<sup>64</sup> Alhaji Mustapha Jumare (Steering Committee), interview by IRM researcher, 9 April 2019.

<sup>65</sup> Emmanuel Bonnet (Aid Foundation), interview by IRM researcher, 4 April 2019.

consultation, and action plans. Consider providing materials in accessible format and local languages.<sup>66</sup> The website can also be used to collect public input on action plans and to provide government responses to the public.

- *Establish a legal framework and budgetary provisions:* Kaduna State could consider passing legislation to provide a legal mandate for OGP activities. This would ensure continuity not only for OGP commitments, but also for other transparency and open governance initiatives in the state. The government could also consider budgetary provisions by relevant ministries, departments, and agencies committed to OGP to facilitate the implementation of action plan activities.
- *Increase grassroots civic education and awareness:* Government and CSOs alike should intensify citizens' education on open government processes, especially at the grassroots level and in local languages. The government and CSOs should make available more platforms for citizen-government engagement beyond SSC and TWG meetings, which have limited reach to the general public.

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<sup>66</sup> Didam Laah (Invicta Radio), interview by IRM researcher, 7 April 2019.

## IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programmes.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance and Open Government Declaration* signed by all OGP-participating countries.<sup>67</sup> Indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>68</sup> A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - **Not specific enough to verify:** As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - **Specific enough to verify:** As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
  - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - **Public Accountability:** Will the government create or improve public facing opportunities to hold officials answerable for their actions?
  - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

### What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

<sup>67</sup> "Open Government Partnership: Articles of Governance," OGP, June 2012 (updated March 2014 and April 2015), <https://www.opengovpartnership.org/articles-of-governance/>.

<sup>68</sup> "IRM Procedures Manual," OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.



1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., ‘Misallocation of welfare funds’ is more helpful than ‘lacking a website.’).
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., “26 percent of judicial corruption complaints are not processed currently.”)?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment’s implementation (e.g., “Doubling response rates to information requests” is a stronger goal than “publishing a protocol for response.”)?

### Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

### General Overview of the Commitments

The action plan features five commitments in the areas of participatory budgeting, open contracting, ease of doing business, access to information, and civic participation. Four commitments are expected to result in a moderate change in government practices. Commitment 3, on ease of doing business, is coded as minor. All commitments are relevant to OGP values and are specific enough to be verifiable. Some milestones throughout the action plan would benefit from greater specificity of intended actions and outcomes. Overall, Kaduna State’s first action plan sets a strong foundation for increasingly ambitious open government reforms in future commitments.

## Commitment I: Participatory Budgeting

### Language of the commitment as it appears in the action plan<sup>69</sup>

“This commitment will ensure that citizens participate and make inputs into the budget process starting with the pre-budget statement, and inclusion of community development charter (participatory budget and budgeting process) in the executive budget proposal, budget debate through public hearings in the legislature, implementation, and monitoring and reporting of the budget. Budget information should also be made accessible to all and available on time.”

### Milestones:

1. Establishment of office for processing of the community charter at the Planning and Budget Commission
2. Develop a framework for citizens to effectively prioritise their needs in their Community Development Charters
3. Publish, publicise, and distribute citizens guide and citizens budget to the citizens both online and offline
4. Timely response to reported projects in the Monitoring and Implementation portal on budget implementation

**Lead institution:** Kaduna State Planning and Budget Commission, Aid Foundation

**Start Date:** Sep 2018

**End Date:** Aug 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

Commitment I aims to ensure that budget planning, approval, implementation, monitoring, and reporting meet the needs of citizens. It also seeks to ensure that citizens have open access to budget information and that the information is in a usable format and provided in a timely manner.<sup>70</sup>

<sup>69</sup> The direct quotes from the commitment text reproduced here and all subsequent commitments cover the general description of the commitment and its milestones but, due to space constraints, do not include other sections. The unabridged English version of the first national action plan is available at

<https://www.opengovpartnership.org/documents/kaduna-state-national-action-plan-2018-2020/>

<sup>70</sup> Kaduna State and Open Government Partnership, “Kaduna Open Government Partnership, State Action Plan 2018–2020,” [https://www.opengovpartnership.org/wp-content/uploads/2018/10/Kaduna-State\\_Action-Plan\\_2018-2020.pdf](https://www.opengovpartnership.org/wp-content/uploads/2018/10/Kaduna-State_Action-Plan_2018-2020.pdf).

The performance of the state regarding provision of public budget information was low prior to this commitment. In the *2015 Budget Transparency Report*, the state scored 15 out of 100 in providing citizens with budget documents in a timely manner.<sup>71</sup> In terms of citizens' participation in the budget process, the state scored 11 out of 100, indicating that it provides minimal opportunities for citizens and civil society organisations to provide inputs in the budget process.

Dr. Elisha Auta, from Kaduna State University, said the major challenge in budget transparency is low citizen engagement and participation in the entire budget cycle.<sup>72</sup> In addition, Yusuf Ishaku Goje of Coalition of Association for Leadership, Peace, Empowerment and Development expressed his concern that the design of the current budget process excludes citizens from participating throughout the budget cycle.<sup>73</sup> For example, citizens participate only during the budget preparation stage. No mechanism ensures that citizens participate in the approval, implementation, and audit stages of the budget cycle.<sup>74</sup> According to the Kaduna OGP action plan, citizens do not have budget information and thus are unable to monitor the projects in the budget adequately. Furthermore, citizens lack avenues to provide input and feedback throughout the budgeting process. Absence of such mechanisms weakens accountability of resource allocation and reduces trust and confidence in government.

This commitment is relevant to the OGP values of access to information, civic participation, and use of technology and innovation for transparency and accountability. By establishing an office in the Planning and Budget Commission (Milestone 1) and developing a framework for citizens to prioritise their needs in the form of a community charter (Milestone 2), the commitment contributes to improving civic participation in budget preparation. However, these milestones could more specifically note how they enhance OGP values, for example, by explaining how citizens will engage in the development of community charters and how offices will support this process. Milestone 3 aims to publish, publicise, and distribute a citizens' guide and citizens' budget online and offline. It is relevant to improving access to information to citizens and use of technology and innovation for transparency and accountability.<sup>75</sup>

Milestone 4 aims to ensure a timely government response to citizen reports on state projects through use of a Monitoring and Implementation Portal. Currently, no mechanism sanctions government officials who fail to address the issues raised by citizens.<sup>76</sup> This milestone is directly relevant to civic participation because it commits the government to respond to requests from citizens for information on government projects. However, none of the four milestones, as presented, are directly aimed at public accountability. Nevertheless, these mechanisms may help ensure that government officials respond and give feedback to citizens. They also empower citizens to hold public officials accountable if officials do not respond or give feedback to citizens' requests.<sup>77</sup>

The milestones vary in their specificity and, therefore, their descriptions of verifiable activities. Milestones 1 and 3 offer specific and concrete activities. It will be easy to verify whether an office is established to process community charters and whether the budget and citizens' guides are published online. However, Milestone 2 is less clear. It calls for the development of a framework for citizens to prioritise their needs in their Community Development Charters. This milestone would benefit from more specific information on the intended content, scope, and outcome of the framework. Also, the processes for developing the framework and for measuring its impact could also be clarified. Milestone 4 would be strengthened by specifying what is considered a "timely"

<sup>71</sup> "Subnational Budget Transparency in Nigeria," International Budget Partnership, 2016, <https://www.internationalbudget.org/2016/01/subnational-budget-transparency-in-nigeria/>.

<sup>72</sup> Elisha Auta (Department of Economics, Kaduna State University), interview by IRM researcher, 8 April 2019.

<sup>73</sup> Yusuf Ishaku Goje (Coalition of Association for Leadership, Peace, Empowerment, and Development), interview by IRM researcher, 7 April 2019.

<sup>74</sup> Phoebe Yayi (Kaduna State Planning and Budget Commission), interview by IRM researcher, 26 April 2019.

<sup>75</sup> Yusuf Ishaku Goje (Coalition of Association for Leadership, Peace, Empowerment, and Development), interview by IRM researcher, 7 April 2019.

<sup>76</sup> Abdul Bako (Campaign for Democracy), interview by IRM researcher, 4 April 2019.

<sup>77</sup> Yusuf Ishaku Goje (Coalition of Association for Leadership, Peace, Empowerment, and Development), interview by IRM researcher, 7 April 2019.

response to reported projects in the Monitoring and Implementation Portal on budget implementation. Despite these gaps, the commitment overall is considered specific enough to be verifiable.

Commitment 1 is expected to have a moderate potential impact on government practices. This commitment seeks to address low citizen engagement and participation in the budget cycle across the preparation, approval, execution, and auditing stages. For Commitment 1, there is a clear link between the specified objective of the commitment and Milestones 1 and 2. No office holds responsibility for processing community charters, and the framework for prioritising the needs of citizens is absent in the state. Thus, Milestones 1 and 2 are considered a stepping stone to change the status quo.<sup>78</sup> Milestone 3 aims to improve access to budget information by citizens, online and offline. Milestone 4 seeks to ensure that the government provides timely information to citizens on its projects. Although these two milestones contribute to promoting the OGP value of access to information, representatives of civil society felt that the milestones do not directly address the problem of low citizen engagement in the budget process.<sup>79</sup> Hence, Commitment 1, as written in the Kaduna State OGP action plan, is assessed as having a moderate potential impact.

### Next Steps

The IRM researcher recommends prioritising this commitment in the next action plan. The milestones of this commitment lay the groundwork for a significant opening of the budget process. Potential future iterations of this commitment could take the following into consideration:

- The office for processing community charters could also be charged with informing citizens on how their feedback was incorporated into the state budget.
- The government could establish mechanisms to ensure community charters are developed inclusively, with an emphasis on ensuring marginalised community members are heard.
- The government could provide citizens' guides and budgets translated into local languages and in formats accessible to nonliterate citizens.
- The government could establish an enforcement mechanism for failure to respond to citizen input through the Monitoring and Implementation Portal.
- The government could formulate future iterations of this commitment to ensure citizen input in all stages of the budget process. For example, it could hold public hearings in the State House of Assembly before approval and once the audit is completed.

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<sup>78</sup> Phoebe Yayi (Kaduna State Planning and Budget Commission), interview by IRM researcher, 26 April 2019.

<sup>79</sup> Abdul Bako (Campaign for Democracy), interview by IRM researcher, 7 April 2019.

## Commitment 2: Open Contracting Data Standard

### Language of the commitment as it appears in the action plan<sup>80</sup>

“Kaduna State Government commits to progressive implementation of open contracting and the adoption of the open contracting data standards to enhance transparency, accountability and citizen engagement in public procurement and fiscal transparency. Priority will be given to at least 5 MDAs at the heart of government development priority (Works, Transportation, & Housing, Agriculture, Health, Education, and Environmental & Natural Resources).”

### Milestones:

- I. Increase the use of media and community engagement platforms for sensitisation of stakeholders.
  - i. Sensitisation of media practitioners to understand open contracting principles towards adopting standard reporting practices on public contract delivery.
  - ii. Sensitisation of communities/citizens and other stakeholder on existing or emerging media platforms to engage in accessing public contract information monitor the processes and contract implementation.
  - iii. Track and scale up stakeholder’s engagement platforms providing feedback on MDAs compliance with OCDS and PPA guidelines.
2. Enhance and structure the existing Kaduna State portal to incorporate more features that are OCDS compliant; Pilot- Ministry of Health, Education, Agriculture, Environment and Works, Housing & Transport.
  - i. Completion of collation and harmonisation of data for Kaduna State Portal linking it to other relevant MDAs including Sept 2018 Nov 2018 the Eyes & Ears Citizens FeedBack APP.
  - ii. Public Sensitisation and test running of KADPPA portal, addressing feedback and giving responses.
  - iii. Upload and full operationalisation of Kaduna State portal.
3. Scale up the compliance with the open contracting principles, PPA rules and guidelines in these priority MDAs (Ministry of Health, Education, Agriculture, Environment and Works, Housing & Transport) in procurement processes
  - i. Refresher for pilot MDAs towards full compliance with Public Procurement guidelines and generating records for ODDS
  - ii. Tracking compliance of PPA guidelines by Ministry of Health and Education.
  - iii. Tracking for compliance of PPA guidelines by Ministry of Agriculture; Works, Housing & Transport

**Lead institutions:** Public Procurement Authority, LAEDS

**Start Date:** Sep 2018

**End Date:** Aug 2020

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<sup>80</sup> The direct quotes from the commitment text reproduced here and all subsequent commitments cover the general description of the commitment and its milestones but, due to space constraints, do not include other sections. The unabridged English version of the first national action plan is available at <https://www.opengovpartnership.org/documents/kaduna-state-national-action-plan-2018-2020/>

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

## Context and Objectives

Commitment 2 aims to ensure full implementation of the Open Contracting Data Standard to improve the accountability in and transparency of the procurement process.<sup>81</sup>

In 2015 Kaduna State scored 3 out of 100 on provision of public procurement information, indicating that scant information on procurement processes is made publicly available.<sup>82</sup> The state's public procurement law establishes the Kaduna State Public Procurement Authority.<sup>83</sup> The government has established the legislative and administrative framework to ensure fiscal transparency.

However, Rebecca Sako-John of the Lawful Engagement and Development Society expressed concern that public participation in procurement processes is limited because officers are not willing to disclose information on procurement matters.<sup>84</sup> Moreover, public disclosure alone will not guarantee that the public participates.

Suleiman Muhammad of Kaduna Investment Promotion Agency confirmed that the state has an open contracting data portal that publishes contract data online.<sup>85</sup> However, the IRM researcher found that the portal is not currently functioning.<sup>86</sup> Lawrence Obeweh of Initiative for Collective Voice, Accountability and Progress explained that the portal's nonfunctionality is a result of unresolved issues between the government and the consultant managing the portal.<sup>87</sup> Although the portal was functional and accessible to a limited group of users, the government temporarily suspended public access to "harmonise" the platform with other citizen engagement platforms.<sup>88</sup>

The Kaduna OGP action plan states that the overall challenge in public procurement results from public authorities not proactively disclosing procurement information in a uniform format accessible to all citizens. Thus, public participation in the procurement process is minimal.

<sup>81</sup> Kaduna State and Open Government Partnership, "Kaduna Open Government Partnership State Action Plan—2018–2020," [https://www.opengovpartnership.org/wp-content/uploads/2018/10/Kaduna-State\\_Action-Plan\\_2018-2020.pdf](https://www.opengovpartnership.org/wp-content/uploads/2018/10/Kaduna-State_Action-Plan_2018-2020.pdf).

<sup>82</sup> Kaduna state government website, <https://kdsg.gov.ng/>.

<sup>83</sup> The Kaduna State Public Procurement Authority was established by the Kaduna State Public Procurement Law of 2016. The authority has the power to formulate general policy guidelines and implement regulations related to public procurement in Kaduna State and its local governments. See <http://kadppa.kdsg.gov.ng/index.php/downloads/> (accessed on 09 February 2019).

<sup>84</sup> Rebecca Sako-John (Lawful Engagement and Development Society), interview by IRM researcher, 5 April 2019.

<sup>85</sup> Suleiman Muhammad (Kaduna Investment Promotion Agency), interview by IRM researcher, 12 April 2019.

<sup>86</sup> Kaduna State open contracting data portal publishes projects at all stages. See <https://ocds.azurewebsites.net/#0>.

<sup>87</sup> Lawrence Obeweh (Initiative for Collective Voice, Accountability and Progress), interview by IRM researcher, 6 April 2019.

<sup>88</sup> Email from Lawrence Obeweh (Initiative for Collective Voice, Accountability and Progress), 10–11 October 2019.

The commitment entails progressive proactive disclosure of uniform procurement information by public authorities to citizens through the use of the Open Data Contracting Standard (OCDS). It also aims to ensure that the public can participate in the procurement process to improve accountability and transparency in contracting processes. By enabling citizens to ask questions about compliance with the OCDS and request information on procurement, the commitment fosters civic participation. For example, citizens could demand a bill of quantities from project contractors and notify the government of noncompliance.<sup>89</sup>

Kaduna is among the top 10 states in Nigeria with active internet subscription.<sup>90</sup> However, the OCDS portal is not accessible to the majority of citizens. Only contractors and “elites” could access information in the portal when it was online.<sup>91</sup> Tenders for contracts are usually placed on state government and ministry, department, and agency websites, as well as in newspapers.<sup>92</sup>

Citizens also face bureaucratic hurdles to gathering procurement information. Rebecca Sako-John noted that the state has a review mechanism to resolve complaints or disputes over procurement decisions. However, it requires lengthy bureaucratic procedures.<sup>93</sup> A citizen registers a complaint with the system, and the complaint is terminated only when the citizen is satisfied with the status of the complaint. However, the complaints review mechanism is not online.<sup>94</sup>

This commitment aligns with the OGP values of civic participation, access to information, and technology and innovation for transparency and accountability. The milestones in this commitment are specific enough to be verifiable. The provision of an online portal in conjunction with community sensitisation efforts creates mechanisms to increase public engagement in the procurement process. Specifically, an online feedback platform to allow citizens to report on procurement and open data compliance promises to enable citizens to monitor open contracting compliance.<sup>95</sup> Given that this commitment seeks to track sanctioning, rather than change sanctions for noncompliance under the Public Procurement Law of 2017, it is not coded under public accountability.<sup>96</sup> All three milestones may increase civil society involvement in the prequalification phase for contractors, the tender process, and the monitoring of projects.<sup>97</sup>

This commitment is expected to have a moderate potential impact on government practices. The commitment aims to create an enabling environment and establish prerequisites for consistent and sustainable open contracting data standards in Kaduna State.<sup>98</sup> Sensitising the media and citizens on the principles of open contracting and creating an online portal displaying contract information that meets the OCDS are positive steps toward providing citizens with public procurement data.<sup>99</sup> However, civil society representatives observed that the majority of citizens do not have access to computers, smartphones, and internet facilities in the state. This can limit the number of people who will access the public procurement data.<sup>100</sup>

<sup>89</sup> Email from Lawrence Obeweh (Initiative for Collective Voice, Accountability and Progress), 10–11 October 2019.

<sup>90</sup> “Telecom Data: Active Voice and Internet per State, Porting and Tariff Information (Q4 2017),” [file:///C:/Users/HP%20USER/Documents/Telecoms%20Sector%20Data%20-%20Q4%202017\\_.pdf](file:///C:/Users/HP%20USER/Documents/Telecoms%20Sector%20Data%20-%20Q4%202017_.pdf).

<sup>91</sup> Rebecca Sako-John (Lawful Engagement and Development Society), interview by IRM researcher, 5 April 2019.

<sup>92</sup> Suleiman Muhammad (Kaduna Investment Promotion Agency), interview by IRM researcher, 12 April 2019.

<sup>93</sup> Rebecca Sako-John (Lawful Engagement and Development Society), interview by IRM researcher, 5 April 2019.

<sup>94</sup> Email from Lawrence Obeweh (Initiative for Collective Voice, Accountability and Progress), interview by IRM researcher, on 10–11 October 2019.

<sup>95</sup> Email from Lawrence Obeweh (Initiative for Collective Voice, Accountability and Progress), interview by IRM researcher, on 10–11 October 2019.

<sup>96</sup> Email from Lawrence Obeweh (Initiative for Collective Voice, Accountability and Progress), interview by IRM researcher, on 10–11 October 2019.

<sup>97</sup> Email from Lawrence Obeweh (Initiative for Collective Voice, Accountability and Progress), interview by IRM researcher, on 10–11 October 2019.

<sup>98</sup> Suleiman Muhammad (Kaduna Investment Promotion Agency), interview by IRM researcher, 12 April 2019.

<sup>99</sup> Suleiman Muhammad (Kaduna Investment Promotion Agency), interview by IRM researcher, 12 April 2019.

<sup>100</sup> Rebecca Sako-John (Lawful Engagement and Development Society) and Bako Abdul (Campaign for Democracy), interviews by IRM researcher, 5 April 2019.



### Next Steps

Moving forward, it will be crucial to implement the Open Contracting Data Standard. The government should consider the following actions:

- Ensure that contract information provided to the public is simplified and published in a more user-friendly format, so citizens can understand it fully. The information should also be published and distributed offline, given internet accessibility deficiencies.
- Expand the procurement data made available to cover all the Local Government Councils in the state.<sup>101</sup>
- Streamline the mechanisms for complaints or disputes over procurement decisions to reduce the length of bureaucratic procedures.

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<sup>101</sup> Bako Abdul (Campaign for Democracy), interview by IRM researcher, 12 April 2019.

## Commitment 3: Improve Ease of Doing Business

### Language of the commitment as it appears in the action plan<sup>102</sup>

“The bureaucracy and excessive red-tapism inherent in government institutions involved in business process constitutes a challenge and makes it difficult for potential and existing investors and entrepreneurs to set up micro, small and medium scale enterprises. Lack of basic and functional infrastructure is another critical challenge which investors face especially in the area of taxation, power and transportation. This also discourage foreign businesses that wish to invest in Kaduna.”

### Milestones:

1. Review targets and service level agreements and standards in the ease of doing business charter
2. Sensitisation, Enlightenment and Education of all stakeholders including MDAs, BMOs and citizens to meet target and SLA set out in the charter
3. Periodic ease for doing business reporting to all stakeholders through all available channels at least twice in a year.
4. Campaign to promote tax for service at least twice in a year
5. Conduct a taxpayer perception and ease of doing business surveys at least once in two years

**Lead institutions:** Kaduna Investment Promotion Agency, KADCCIMA

**Start Date:** Sep 2018

**End Date:** Aug 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

Commitment 3 seeks to initiate and implement reforms that will make it easier for the private sector to engage with government agencies that provide business-related services. In 2018, A World Bank report deemed Kaduna as the most improved state for doing business in Nigeria. It based this decision on actions under four benchmarks: starting a business, dealing with construction permits, registering property, and enforcing contracts.<sup>103</sup>

<sup>102</sup> The direct quotes from the commitment text reproduced here and all subsequent commitments cover the general description of the commitment and its milestones but, due to space constraints, do not include other sections. The unabridged English version of the first national action plan is available at

<https://www.opengovpartnership.org/documents/kaduna-state-national-action-plan-2018-2020/>

<sup>103</sup> “Ease of Doing Business in Nigeria, 2014,” World Bank Group. Accessible from:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwirsqay-uv5AhUCUBUIHeZLCS0QFjAAegQIAxAC&url=https%3A%2F%2Fwww.doingbusiness.org%2Fcontent%2Fdam%2FdoingBusiness%2Fmedia%2FSubnational-Reports%2FDB14-Nigeria.pdf&usq=AOvVaw0CH0nze1iAJkGTgXJBWGVz>

Despite Kaduna State's good performance, there are still bureaucratic bottlenecks that make it difficult for potential and existing investors to set up businesses in the state.<sup>104</sup> There is limited public disclosure of business information. Kaduna also lacks a mechanism to process citizen complaints regarding the ease of doing business. Commitment 3 seeks to establish an enabling environment for opening and operating a business in Kaduna State and to streamline and harmonise the tax regime.

As written, this commitment lacks specificity, and only some commitments are readily verifiable. While Milestones 2 and 3 promote access to information, more information is needed on the intended audience and outcome of public outreach efforts. Specifically, how will sensitisation efforts on the Ease of Doing Business Charter and tax campaign facilitate increased public engagement in government reforms? Similarly, how will the survey called for in Milestone 5 inform policy making around ease of doing business? In general, this commitment is an initial step toward a change in government practices, but specific milestones lack ambition. For example, Milestones 1 and 2 do not extend beyond acknowledging and publicising existing requirements of the Ease of Doing Business Charter.

If fully implemented, this commitment is expected to result in minor changes in open government practices. Several activities, such as those under Milestone 1, do not directly align with OGP values, as they lack a public-facing element. Milestones 2, 3, and 4 relate to the OGP value of access to information, as they call for providing information on the ease of doing business to the public. Milestone 5 promises to moderately increase public input in government policymaking through a survey. Therefore, these activities offer the opportunity to increase government-citizen engagement around ease of doing business in Kaduna State.<sup>105</sup>

### **Next Steps**

If this commitment is continued in the next action plan, the IRM researcher recommends placing access to information and civic participation at the centre of ease of doing business reforms. One such approach could include an ease-of-doing-business portal. This could be a public-private web platform that collates information on starting and operating a business in the state. The portal could provide information on the business registration process and fees, the process to renew a business permit, tax exemptions, and other tax-related information. The portal could also include a form for citizens to submit questions, complaints, and feedback regarding business processes.

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<sup>104</sup> Felix Oloruntoba (Kaduna Chamber of Commerce, Industries, Mines and Agriculture), interview by IRM researcher, 5 April 2019.

<sup>105</sup> Felix Oloruntoba (Kaduna Chamber of Commerce, Industries, Mines and Agriculture), interview by IRM researcher, 8 October 2019.

## Commitment 4: Access to Information

### Language of the commitment as it appears in the action plan<sup>106</sup>

“This commitment seeks to promote and establish the legal right of the public to request and receive information about the activities and functions of the Government and establish the processes that marks the pathway to the utilisation of that right by members of the public.”

### Milestones:

1. Bill on Freedom of Information to be reviewed and updated by co-creation technical team and presented to Kaduna State House of Assembly during public hearing on the Bill.
2. Undertake advocacy visit to the State House of Assembly on the need to expedite action on the FOI Bill.
3. Bill Passed into Law and assented by the Governor
4. Conduct at least one advocacy and sensitization to the public and officers of state on the regulations and implementation of the FOI Law
5. Identify the relevant officers in MDAs and Local Government Areas to build their capacity on the FOI law.

**Lead Institutions:** Ministry of Justice, Nigeria Union of Journalist

**Start Date:** Sep 2018

**End Date:** Aug 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

This commitment seeks to promote and establish the legal right of the public to request and receive information about the activities and functions of government. It will also develop adequate administrative structures for effective implementation of the Bill on Freedom of Information.

While the Nigerian Constitution guarantees freedom of information, most public officials and state institutions determine when and at what time to provide information.<sup>107</sup> Senior government officials in Kaduna State, as in most states in Nigeria, are obliged upon appointment to be guided by “various

<sup>106</sup> The direct quotes from the commitment text reproduced here and all subsequent commitments cover the general description of the commitment and its milestones but, due to space constraints, do not include other sections. The unabridged English version of the first national action plan is available at <https://www.opengovpartnership.org/documents/kaduna-state-national-action-plan-2018-2020/>

<sup>107</sup> Didam Laah (Invicta FP Radio), interview by IRM researcher, 5 April 2019.

oaths of secrecy under which they undertake not to disclose any information which comes to them in the course of the performance of their duties.”<sup>108</sup> Resultantly, a culture of secrecy exists among civil servants and public officials.<sup>109</sup> The dearth of publicly available government-held information, in combination with the limited capacity for citizens to engage in the political process, has resulted in minimal avenues for citizens to demand improvement in service delivery in Kaduna State.

At present, the state does not have a legal framework that mandates the disclosure of information held by publicly funded institutions.<sup>110</sup> The Government of Nigeria passed a federal Freedom of Information (FOI) Bill in 2011. However, the Court of Appeal ruled that the FOI law applies only to federal institutions. In 2017, Kaduna State executives drafted a FOI bill. The bill was sent to the State House of Assembly but has not yet been passed into law.<sup>111</sup> If passed, this bill would provide a legal framework to mandate disclosure of information within a set period of time.<sup>112</sup> Even if the bill is passed into law, no administrative structures exist to facilitate the disclosure of government-held information to citizens. There are no online or offline freedom of information request forms and personnel to coordinate responses to these requests.<sup>113</sup> Alhaji Adamu Yusuf, chairman of the Nigerian Union of Journalists, indicated that citizens have advocated for information desk officers in all ministries, departments, and agencies to meet information requests. They have also advocated for training on information technology and management.<sup>114</sup>

This commitment acknowledges that the freedom of information law does not guarantee access to government-held information by the public. The state government has a website, <https://kdsg.gov.ng/>, where some information—such as laws, budgets, and contracts awarded—is available to the public. However, the government does not respond to individual requests for other information held by the government in a timely manner.<sup>115</sup> Currently, no mechanisms exist for the public to seek redress, and none exist to sanction government officials who refuse to provide requested information.<sup>116</sup> In addition, civil society and citizens have limited capacity to submit requests.<sup>117</sup>

This commitment is considered to have a potential moderate impact on open government in Kaduna State. The passage of the Bill on Freedom of Information would be a significant achievement toward increased access to information. The commitment also recognises the need to educate public officials on the importance and process of responding to public information requests. However, this commitment does not establish administrative structures to implement the law. Additionally, it calls for limited outreach to the public on their right to information and navigating the request process. Therefore, this commitment marks a vital but initial step toward increased citizen access to information.

## Next Steps

The IRM researcher recommends making this commitment an integral part of the next action plan. When the bill is passed into law, the IRM researcher suggests that the next action plan lay more emphasis on the following:

- Building the capacity of civil society, the media, and the public: The commitment’s aim should be to emphasise the need for and the benefits of the freedom of information (FOI) law as well as citizens’ rights and responsibilities under the law. It should also commit to building the capacity of citizens to use the law to demand the improvement of service delivery.

<sup>108</sup> Preye Kuro Inokoba, “Freedom of Information Act and Democratic Consolidation in Nigeria: Prospects and Challenges,” *International Journal of Development and Sustainability* 3, no. 12 (2014): 2268, <http://www.isdsnet.com/ijds-v3n12-7.pdf>.

<sup>109</sup> Madubuike-Ekwe and Mbadugha, “Obstacles to the Implementation of the Freedom of Information Act 2011 in Nigeria,” <https://www.ajol.info/index.php/aujil/article/download/168833/158299>.

<sup>110</sup> Alhaji Adamu Yusuf (Nigerian Union of Journalists), interview by the IRM researcher, 5 April 2019.

<sup>111</sup> Musa Kakaki (Ministry of Justice), interview by the IRM researcher, 5 April 2019, information updated during the prepublication review period through communication with IRM staff on 13 October 2020.

<sup>112</sup> Email from Alhaji Adamu Yusuf (Nigerian Union of Journalists), interview by the IRM researcher, 16 October 2019.

<sup>113</sup> Alhaji Adamu Yusuf (Nigerian Union of Journalists), interview by the IRM researcher, 5 April 2019.

<sup>114</sup> Email from Alhaji Adamu Yusuf (Nigerian Union of Journalists), 16 October 2019.

<sup>115</sup> Didam Laah (Invicta FP Radio), interview by the IRM researcher, 5 April 2019.

<sup>116</sup> Musa Kakaki (Ministry of Justice), interview by the IRM researcher, 5 April 2019.

<sup>117</sup> Email from Alhaji Adamu Yusuf (Nigerian Union of Journalists), interview by the IRM researcher, 16 October 2019.

- Running public awareness campaigns on the FOI law: One way to reach people is through awareness-raising activities, for example, posters, flyers, radio and television announcements, drama programmes, blogs, websites, Facebook, Twitter and mobile phone apps.
- Producing a simplified or abridged version of the FOI law: A simplified version would enable citizens to understand the provisions of the law and increase the use of the law. The publication should be written in several local languages to make it easy for people to understand the provisions in the FOI law. The document should be publicised using both online and offline channels.
- Identifying a sanction or sanctions to ensure compliance with the FOI law: Adding sanctions to the commitment can strengthen its alignment with the public accountability OGP value.
- Establishing administrative structures to deliver on the FOI law: Such structures could include a dedicated FOI Act Unit staffed with trained officers and governed by associated procedures. This commitment would benefit from alignment with the Government of Nigeria's commitment and milestones related to FOI.

## Commitment 5: Citizens' Feedback Portal

### Language of the commitment as it appears in the action plan<sup>118</sup>

"To ensure that basic information on government activities and services is readily available to citizens, in order to empower them to make informed decisions about their lives or provide them the basis for challenging retrogressive policies which may include but not limited to:

- i. To give citizens a voice in governance and make government more responsive to their priorities
- ii. To build mutual trust and confidence between government and citizens
- iii. To include all members of the society including people living with disabilities and to improve service delivery."

### Milestones:

1. Re-structure the Citizens feedback App to send responses to citizens on submissions made
2. Finalize the operations of the State toll free lines for citizens feedback
3. Conduct at least one dialogue town hall meeting in each senatorial zone on the use of Citizens feedback App and toll free lines in reporting status of government projects being implemented
4. Conduct advocacy visit to House of Assembly to institutionalize and establish a citizens feedback desk for effective engagement with communities by January 2019
5. Design complimentary technology-based feedback products that take into concern the needs of the underserved and people living with disability

**Lead institutions:** Planning and Budget Commission, FollowTaxes, BudgIT

**Start Date:** Sep 2018

**End Date:** Aug 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

This commitment aims to increase and broaden citizen-government engagement through the provision of multiple feedback channels.

<sup>118</sup> The direct quotes from the commitment text reproduced here and all subsequent commitments cover the general description of the commitment and its milestones but, due to space constraints, do not include other sections. The unabridged English version of the first national action plan is available at

<https://www.opengovpartnership.org/documents/kaduna-state-national-action-plan-2018-2020/>



Like many states in Nigeria, Kaduna State had limited channels to share information and engage with citizens about ongoing government projects. To address this challenge, Kaduna State launched the citizen engagement smartphone application CitiFeeds in 2017. This app was a significant achievement, allowing citizens to take a picture and provide feedback on the status of infrastructure projects throughout the state.<sup>119</sup> The app aims to send citizen feedback directly to the governor's office and the state legislature.<sup>120</sup> However, the app has faced some functionality challenges.

This commitment seeks to address obstacles to widespread use of the app and other civic engagement platforms. This commitment therefore relates to the OGP values of access to information, civic participation, and technology and innovation for transparency and accountability. Importantly, Milestone 1 aims to restructure the citizen app so that it can send information back to citizens on the request they made. Saied Tafida Sulaiman, from FollowTaxes, indicated that the application and toll-free line have technical difficulties, including basic functionality, geolocation glitches, and application incompatibility with Apple iOS software.<sup>121</sup>

Citizens are also not generally aware of these resources. Milestones 3 is aimed at sensitising citizens on the use of the citizen app and the toll-free line. The commitment also aims to establish a citizen feedback desk at the State House of Assembly and provide technology feedback tools for persons with disabilities.

The commitment is generally specific enough to be verifiable. However, Milestone 5 would benefit from a more concrete description of what tool will be created to aid the disability community and what needs the tool specifically seeks to address. The commitment also does not specify the functions and aim of the citizen feedback desk in Milestone 2. With these gaps in information, some activities will be difficult to verify.

If fully implemented, this commitment is expected to have a moderate impact on open government practices in Kaduna State. At present, citizens have to follow up on their submissions. Further, it is not guaranteed that the government will address their concerns. However, improvements to the toll-free line and app should help.<sup>122</sup> This commitment will also promote citizens' participation in governance, as citizens will use these mediums to give inputs on government projects.

### Next Steps

However, the commitment does not specify how the government will track or respond to citizen feedback. Saied Tafida Sulaiman also noted that government responses to citizen requests are not guaranteed, as no legislation compels public officials to respond and consider the inputs made by citizens on government projects.<sup>123</sup> To amplify this commitment's open government impact, the multistakeholder forum should consider requiring a government response to citizen feedback through technology platforms. It should also mandate that the government share responses publicly and proactively disclose relevant information.

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<sup>119</sup> "How Citizens Have Become 'Eyes and Ears' in Nigeria's Kaduna State," Open Government Partnership, <https://www.opengovpartnership.org/stories/how-citizens-have-become-eyes-and-ears-nigeria-s-kaduna-state>.

<sup>120</sup> Saied Tafida Sulaiman (FollowTaxes), interview by IRM researcher, 8 April 2019.

<sup>121</sup> Saied Tafida Sulaiman (FollowTaxes), interview by IRM researcher, 9 October 2019.

<sup>122</sup> Saied Tafida Sulaiman (FollowTaxes), interview by IRM researcher, 9 October 2019.

<sup>123</sup> Saied Tafida Sulaiman (FollowTaxes), interview by IRM researcher, 8 April 2019.

## V. General Recommendations

This section aims to inform the development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country and, 2) an assessment of how the government responded to previous IRM key recommendations.

### 5.1 IRM Five Key Recommendations

Kaduna State's first action plan is commendable, as it is the result of a thorough and iterative dialogue between government and civil society. Now that Kaduna is familiar with the OGP process, the state can focus on formalising and documenting open government efforts. This will help ensure the sustainability of the open government movement over time. It will also help Kaduna document its achievements and growth going forward. The commitments chosen reflect stakeholders' thematic priorities; however, the commitments can be improved by increasing their specificity and scope. This will enable Kaduna to make more ambitious commitments in future action plans.

Recommendations for the next action plan's development process	
1	<b>Formalise the OGP process to ensure sustainability.</b> Establish a clear role and mandate for the State Steering Committee. Seek a legal mandate and budgetary provisions for OGP activities.
2	<b>Increase documentation of the co-creation process.</b> Update and expand Kaduna's OGP repository and website to publish evidence on, updates to, and other documentation of OGP processes.

Kaduna State's formation of a State Steering Committee and Technical Working Groups to develop the first action plan constitute a significant achievement. Now that Kaduna State is familiar with OGP, the Secretariat can further institutionalise OGP processes to ensure sustainability of the open government movement over time. The IRM researcher recommends documenting a clear role and mandate for the State Steering Committee and publishing it on the Kaduna OGP website. Budgetary provisions for sufficient staffing of the OGP Unit will also help to ensure a sustainable OGP process.

Additionally, the lack of a legal framework backing the formulation and implementation of OGP reform initiatives serves as a recurring theme in Kaduna State's first action plan, and was highlighted by some interviewees.<sup>124</sup> The Planning and Budget Commission, the coordinating agency for OGP processes in the state, could consider drafting an OGP bill that would provide a legal mandate for OGP activities. This would ensure continuity, not only for OGP undertakings but also for other transparency and open governance initiatives within the state government.

Kaduna State achieved a notable level of dialogue between civil society and the government during the co-creation process. Kaduna State's next co-creation process should focus on documenting this iterative dialogue to ensure civil society and the public understand how their feedback was incorporated into the action plan. Going forward, the Steering Committee and Technical Working Groups' agendas, meeting minutes, members, and selection processes should be published online in a timely manner. The IRM researcher also recommends providing, on the state OGP website, materials in the local language, to increase public understanding. Thorough documentation of the co-creation process from the start will help Kaduna State document the open government process and the state's

<sup>124</sup> Yusuf Auta (Kaduna State), Alhaji Mustapha Jumare (OGP Steering Committee), and Emmanuel Bonnet (Aid Foundation), interview by IRM researcher, 8 April 2019.

For Public Comment: Please Do Not Cite achievements over time. It will also help civil society and the public identify opportunities for participation.

Recommendations for the next action plan's design	
1	<b>Add more specific activities in milestones, to ensure commitments are verifiable.</b> Aim to design milestones that are “SMART”: specific, measurable, accountable, relevant, and time bound.
2	<b>Increase the scope of commitment activities, to raise the level of ambition.</b> Design commitments with a focus on the problem to be addressed rather than the instrument or document to be created.
3	<b>The State Steering Committee should prioritise discussion on continuing and expanding Commitment 1 on participatory budgeting in the second action plan.</b> Future iterations of this commitment could focus on government responsiveness, inclusive civic participation, and facilitation of participation throughout the entire budget cycle.

- **Add more specific activities in milestones, to ensure commitments are verifiable.** Aim to design milestones that are “SMART”: specific, measurable, accountable, relevant, and time bound.

While some commitments list specific and measurable activities, such as Commitment 2, other milestones could be more clear. For example, Commitment 5 calls for “institutionalis[ing] and establish[ing] a citizens’ feedback desk for effective engagement with communities by January 2019” and “to design complimentary technology-based feedback products.” As written, it is not clear what the citizens’ feedback desk specifically aims to do or what counts as “effective engagement.” While the milestone itself could be a great tool for civic participation, it may be difficult to measure its impact. Similarly, the definition of “technology-based feedback products” could be stated directly in the commitment text. Designing concrete commitment milestones will help Kaduna State measure its open government progress over time.

- **Increase the scope of commitment activities, to raise the level of ambition.** Ensure that commitments are designed with a focus on the problem to be addressed rather than the instrument or law to be created.

Kaduna State took an important step toward transformative open government reforms by developing its first action plan. Now that there is familiarity with the OGP process, the multistakeholder forum can increase future commitments’ ambition by broadening their scope. For example, Commitment 4 on access to information is a very important commitment. It establishes the legal framework for citizens’ right to request information from their government. However, the milestones stop short of establishing the necessary administrative structures and creating the enabling environment to implement the law.

To increase the ambition of this commitment, the milestones could include specific actions to institutionalise the FOI bill through the creation of an FOI Act Unit with dedicated staff and sanctions for noncompliance. In addition to ensuring the necessary administrative structures, ambitious milestones could call for partnering with civil society to conduct broad outreach activities on the FOI bill. The government could work with the media and civil society to amplify sensitisation efforts, with a focus on citizens’ right to information and the process to request information. Such milestones help to ensure that commitments are designed with a focus on the problem to be addressed rather than the instrument or law to be created.

- **The State Steering Committee should prioritise discussion on continuing and expanding Commitment I on participatory budgeting in the second action plan.** Future iterations of this commitment could focus on government responsiveness, inclusive civic participation, and facilitation of participation throughout the entire budget cycle.

Commitment I on participatory budgeting is a laudable commitment which, if fully implemented, will directly increase civic participation in the budget process. The IRM researcher recommends that this commitment be carried forward and built upon in the next action plan.

If the commitment is continued, the IRM recommends three specific areas in which the commitment could be expanded. First, future iterations of this commitment could focus on establishing processes for government responsiveness to citizen input. For example, the office overseeing Community Development Charters could inform communities of how their feedback was incorporated into the state budget. Additionally, future milestones could establish processes for public government responses to citizen submissions through the Monitoring and Implementation Portal. Formal feedback processes will help to facilitate ongoing dialogue between the government and the public throughout the budget cycle.

Second, the IRM researcher recommends ensuring that Community Development Charters are developed inclusively. The relevant office could establish mechanisms and standards to ensure all community voices are heard, including marginalised groups. Additionally, the citizens' guide and budget could be provided in local languages as well as visual formats for illiterate citizens. Kaduna State could consider reaching out to the individuals who developed such materials for the open budget commitment in Nigeria's national action.<sup>125</sup>

Finally, the commitment could be expanded to facilitate citizen input in all stages of the budget process. For example, the government could hold public hearings in the State House of Assembly before approval and once the audit is completed.

## 5.2 Response to Previous IRM Key Recommendations

This is the first action plan developed by Kaduna State. As such, there are no IRM key recommendations from the previous report for the IRM researcher to assess.

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<sup>125</sup> "Nigeria National Action Plan 2017–2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-national-action-plan-2017-2019>; and "Nigeria Action Plan 2019–2021," Open Government Partnership, <https://www.opengovpartnership.org/documents/nigeria-action-plan-2019-2021/>.

## VI. Methodology and Sources

IRM reports are written in collaboration with researchers for each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Kaduna State's OGP repository,<sup>126</sup> website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organisations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.<sup>127</sup>

### Interviews and stakeholder input

#### One-on-one interviews and focus groups

The IRM researcher conducted one-on-one in-depth semistructured interviews with the following government and civil society organisation representatives:

- Yusuf Auta, Kaduna State OGP point of contact, Planning and Budget Commission, 6 April 2019
- Mustapha Jumare, Kaduna State OGP co-chair for civil society organisations, 5 April 2019
- Emmanuel Bonnet, Aid Foundation, 7 April 2019
- Phoebe Sukai Yayi, director of budget, Planning and Budget Commission
- Yusuf Ishaku Goje, Coalition of Association for Leadership, Peace, and Empowerment, 8 April 2019
- Saied Tafida Sulaiman, FollowTaxes, 7–8 April 2019
- Rebecca Sako-John, Lawful Engagement and Development Society Nigeria, 9 April 2019
- Director of procurement, Kaduna State Public Procurement Authority, 9 April 2019
- Director of monitoring and evaluation, Planning and Budget Commission, 9 April 2019
- Head of policy, research, and strategy, Kaduna Investment Promotion Agency, 9 April 2019
- Aisha Suleiman, Know Your Budget & Connecting Voices Initiative, 7 April 2019
- Abbas Inuwa, Transparency International, 7 April 2019
- Felix Olorun Toba, KADCCIMA, 7 April 2019
- Idris Mohammed, ACOMORAN, 7 April 2019
- Louis Edoh, SPRAD, 7 April 2019

<sup>126</sup> OGP Kaduna, <https://drive.google.com/drive/folders/1-7wqaKiaG9vEN2IG09Gu7kucxndXuFEE>.

<sup>127</sup> IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

For Public Comment: Please Do Not Cite

- Adamu Yusuf, Nigerian Union of Journalists, 7 April 2019
- Obiora Jane, CPAED, 7 April 2019
- Dr. Hauwau Yusuf, CERSDOV, 7 April 2019

The IRM researcher obtained additional information on the OGP process and action plan development from the following individuals at an OGP stakeholder's meeting on 8 May 2019:

- Mustapha Jumare, OGP co-chair for civil society organisations
- Nafisa Bala, FollowTaxes and OGP Secretariat support staff
- Aisha Zakari Yahaya, OGP Secretary
- Ahmed A. Maiyaki, OGP Technical Working Group Kaduna State
- Nabila Yusuf Ahmad, OGP Technical Working Group Kaduna State
- Rebeca Sako-John, OGP Technical Working Group Kaduna State
- Dogara Abba Danjuma, OGP Technical Working Group Kaduna State
- Smith Waya, Coalition of Association for Leadership, Peace, and Empowerment
- Idris Mohammed, ACOMORAN
- Phoebe Sukai Yayi, director of budget, Planning and Budget Commission
- Emmanuel Bonnet, Aid Foundation

### **About the Independent Reporting Mechanism**

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org).

## Annex I. Overview of Kaduna State Performance throughout Action Plan Development

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multistakeholder Forum	Status
<b>1a. Forum established: There is a forum to oversee the OGP process.</b>	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely.	Green
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership, and governance structure.	Green
1d. Mandate public: Information on the forum's remit, membership, and governance structure is available on the OGP website.	Yellow
<b>2a. Multistakeholder: The forum includes both government and nongovernment representatives.</b>	Green
2b. Parity: The forum includes an even balance of government and nongovernment representatives.	Green
<b>2c. Transparent selection: Nongovernment members of the forum are selected through a fair and transparent process.</b>	Yellow
2d. High-level government representation: The forum includes high-level government representatives with decision-making authority.	Green
<b>3a. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum.</b>	Green
3b. Remote participation: There are opportunities for remote participation in at least some meetings and events.	Green
3c. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities, and results to wider government and civil society stakeholders.	Green

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action



Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Yellow
4b. Documentation in advance: The forum shares information about OGP with stakeholders in advance, to guarantee they are informed and prepared to participate in all stages of the process.	Green
4c. Awareness-raising: The forum conducts outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process.	Yellow
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Green
<b>4e. Reasoned response: The multistakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.</b>	Red
<b>5a. Repository: The government collects and publishes a document repository on the national OGP website. The repository provides a historical record of and access to all documents related to the national OGP process. That includes consultation documents, national action plans, government self-assessments, IRM reports, and supporting documentation of commitment implementation (for example, links to databases, evidence of meetings, and publications).</b>	Yellow

**Editorial note:** If a country “meets” the six standards in bold, the IRM researcher will recognise the country’s process as a starred process.