



**Open Government Partnership  
Independent Reporting Mechanism  
Nigeria: Comments Received on the  
Implementation Report 2017-2019**

<b>Comments received from the Bureau of Public Service Reforms</b>	<b>1</b>
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**Comments from the Bureau of Public Service Reforms, Government of Nigeria**

**1.0 INTRODUCTION**

The Independent Reporting Mechanism (IRM) monitors all action plans in the Open Government Partnership initiative (OGP) to ensure that government follows through its commitments

During the period under review the IRM examined the 1st National Action Plan of the OGP, and expresses notable achievement especially in the areas of Open Budget process, Open contracting and the Ease of Doing business. However, major challenges that impeded the implementation of the 1<sup>st</sup> national action plan were identified as follows;

- Slow moving legislative processes; and
- Lack of lead Agency engagement

2.0 As a lead agency in charge of reforms at the federal level, the Bureau of Public Service Reforms is an agency of government under the Presidency, charged with the responsibility to initiate action on reforms at the Public Service Level; Coordinate, Monitor and Evaluate the Implementation of Reforms in Ministries, Departments and Agencies (MDAs) as well as Disseminate Information on all aspects of Public Service, amongst others

The Bureau participated in the development of the 1<sup>st</sup> and 2<sup>nd</sup> national Action plan of the OGP in Nigeria, and served as a steering committee member during the implementation of the 1<sup>st</sup> NAP

3.0 Having examined the fourteen (14) commitments reviewed by the IRM, the Bureau wishes to make its observation as follows;

- i. Ensure more citizens participation across the entire budget circle**

Despite innovations made to deepen citizens' participation in budget formulation and implementation processes, lack of supportive legal framework and delayed administrative processes remains a challenge. It is suggested that to ensure early budget passage, legislative framework should be reinforced with sanctions apportioned where necessary.

**II. Full implementation of Open contracting and adoption of open Contracting data standard in the public sector.**

Notable obstacles affecting the open contracting system are low citizen's feedback and technical issues. The Nigeria Open Contracting Portal (NOCOPO) launched by Bureau of Public Enterprises for disclosure of contractual data should be made mandatory to MDAs to submit their procurement plans and records within realistic timelines. More so there should be increased sensitization on the data entry format by users.

**III. Work together with all stakeholders to enhance transparency in the extractive sector through a concrete set of disclosures related to payments by companies and receipts by government in all transactions across the sector value chain**

Nigeria extractive industry is characterized with lots of barriers that impedes it to deliver on development and improve the well-being of the citizens. Two issues were identified as core problems facing the commitments, namely;

- Lack of buy-in by state Actors; and
- Refusal of NNPC to publicly disclose financial information

To strengthen the recommendation of this commitment in the, there should be high level executive support from the state and gas institutions.

**IV. Adoption of common report standards and the Addis Tax initiative aimed at improving fairness, transparency efficiency and effectiveness in tax system**

The IRM report observes that evasion of personal and corporate tax in Nigeria has become rampant, owing to the unscrupulous activities of tax consultants, accounting firms, corrupt tax officials and hardened attitude amongst tax payers.

It is suggested that Government should be able to build trust on the people and restore public confidence through good leadership

Reforms in Public financial management should be deepen, while efforts at engaging citizens in a sustainable manner for public programmes and buy-in should be encouraged.

**V. To increase the ease of doing business and Nigeria's ranking on world bank doing business index**

The commitment seeks to initiate and implement actions which will make it easier for the private sector to engage with government agencies involved in business related processes by streamlining the existing processes using innovative technology.

Access to information by citizens is still low as previously held information on Land titles, projects are not disclosed publicly. The need for a one-stop shop that will provide necessary documentation for potential investors remains paramount.

**VI. To establish a public a public central register of beneficial owners**

The commitment focuses on establishing a register that will identify the natural persons who directly or indirectly control, or enjoy the benefits of a corporate entity. Even with the new Companies and Amended Matters Act(CAMA) It is suggested that political will be required to ensure the establishment of beneficial ownership.

**VII. To establish a platform for sharing information among enforcement agencies, anti-corruption agencies, National Security Advisers, and financial sector regulators to detect, prevent, and direct corrupt practices.**

NO Comment

**Viii To strengthen access to every legislation including non- conviction based confiscation powers and introduction of unexplained wealth orders.**

Transparency in Asset recovery remains a great challenge, resulting to inaccurate records of assets held by the various anti-graft institutions and relevant authorities.

Actions should be stepped – up to ensure early passage of the proceed of crime bill to articulate asset recovery and utilization.

**IX. Commit to taking appropriate action to coordinate anti-corruption activities, transparency and accountability.**

The passage of the whistle blower policy and establishment of the national Strategy for Corruption strategy are welcome development to strengthen this commitments, however the whistle blower policy should ensure that the identity of persons disclosing stolen proceeds are protected, while administrative control through the issuance of mandatory circulars compelling MDAs to be subjected to NACs be effected.

**X. Improve compliance of public institution with the freedom of information(FOIA) in respect to annual reporting obligations by public institutions by level of response respect.**

The Bureau of Public Service Reforms introduced the score- card ranking of MDAs in 2017, this had to some extent added impetus and stimulated the responsiveness of MDAs compliance to the FOIA annual reporting obligations. One of the parameters adopted by the Bureau to evaluate the performance of MDAs score- ranking card is to ensure they have functional FOI portal.

**XI. Improved compliance of public institutions with freedom of information Act with respect to the proactive disclosure provisions stipulating mandatory publication requirements.**

In a study conducted by the Bureau of Public Service reforms in 2018 on the bottlenecks mitigating the implementation of the FOIA in selected MDAs, the issue of non-compliance to FOI request was key. Part of the recommendations put forward by BPSR, was to ensure that legislation on FOI are amended to provide for punitive measures to defaulting MDAs.

**XII Develop a permanent dialogue mechanism on transparency, accountability, and good governance between citizens and government to facilitate a culture of openness**

Citizens' engagement is one of the pillars adopted by the Bureau of Public Service Reforms to drive the strategy of implementing her mandate and strategic plan. The aim is to promote open governance principle, provide effective service delivery as well as ensure inclusive participation of citizens in good governance practices and processes.

In November, 2019 the Bureau organized an interactive workshop with a cross section of Civil society groups, in order to gauge the perception of governance processes in service delivery. The interaction was core, to enable participants understand the perception on service delivery by government with a view to strengthening services channels to improve governance processes.

Similarly, the Bureau organized a similar citizens forum to address the challenges faced by Micro –Small and medium Enterprises(MSMEs) in MSMEs interventions and proffer solutions. The idea was to bring together key operators of government intervention programmes and leaders of the various MSMEs to identify major challenges in the service delivery channels and provide feedback to address them, through an evidenced – based advocacy.

**xiii. Government and civil society to jointly review existing legislation on transparency and accountability issues and make recommendations to National Assembly**

Need to speed-up the legislative process.

**XIV. Adopt technology based citizens feedback in projects and programmes across transparency and accountability**

Bureau of Public Service Reforms was the first MDA to develop an FOI interactive portal. The Bureau also uses the portal interactive content as a parameter to assess their performance during the annual score- ranking card on MDAs websites.

**Comments received from the National Orientation Agency, Government of Nigeria**

The National Orientation Agency (NOA) is an Agency of government saddled with the responsibility of consistently raising awareness, sensitisation, educating citizens and providing timely and credible feedbacks, positively change attitudes, values and behaviours in ways that promote peace, harmony and national development. Notably, NOA engages citizens in various fora to co-create, strategise and ensure their participation in governance leading to service delivery.

The IRM itemised some findings on the Agency's involvement in the implementation of the Commitment 12 of the first National Action Plan (NAP I). Contrary to the expression, we are of the view that the findings were not the true reflection of the Agency's activities within the period under review as buttressed below:

❖ **First Issue:** "Implementation of the commitment was limited"

**Response:** The National Orientation Agency carried out full implementation of the activities under the Commitment. It should be stressed that the three tiers of its operation namely; Federal, States and Local Governments organized programmes at various platforms under the developed Permanent Dialogue Mechanism (PDM). These programmes are verifiable at NOA's Planning, Research and Strategy (PRS) Department.

❖ **Second Issue:** "There is no evidence that a baseline of performance indicators was established, per the first milestone"

**Response:** There are subsisting evidences that indicate baseline of performance for the milestone. These are as follow:

- a) Pre-Survey of each of the Programmes implementation,
- b) Adaptation of Survey Questionnaire,
- c) Post-Monitoring and Evaluation (M&E)
- d) Statistics of Respondents.
- e) Feedbacks from post-programme M & E are collated, analysed and dispatched to the appropriate government authorities for necessary action.

- ❖ **Third Issue:** “The National Orientation Agency (NOA) made no efforts to liaise with MDAs to capture citizen engagement activities in MDAs’ budget formation”  
**Response:** The Director-General in his capacity as the Lead State Actor, Co-Chair, paid advocacy visits to some CEOs of MDAs to get their support and capturing of citizens’ engagement activities in their budget. Acknowledged copies of letters to the CEOs of MDAs are available for verification. Though, the task has been challenging as many of the CEOs are yet to respond. The NOA will continue to, not only solicit but press for their support.
  
- ❖ **Fourth Issue:** “Standardized engagement through citizens’ fora, town hall meetings, and public hearings has not yet been implemented”  
**Response:** The NOA carried out many engagements with relevant stakeholders on service delivery and empowerment. Various platforms like: Local Government Assembly, Peace and Security Meeting, Town Hall Meeting, Citizens Groups, Engagement with CEOs of MDAs and Media were utilised. These were backed up with documentations.
  
- ❖ **Fifth Issue:** ‘The Permanent Dialogue Mechanism has not yet been implemented and therefore government practices associated with civic participation have not changed’  
**Response:** The PDM had been deployed for implementation after its validation. The First National Action Plan, 2017-2019, Commitment 12, was driven using the set criteria in the PDM in order to actualize NOA’s mission and objectives which are as follows:
  - (i) Ensure that government programmes and policies are better understood by the general public;
  - (ii) Mobilize favourable public opinion for such programmes and policies;
  - (iii) Encourage informal education through public enlightenment activities and publications;
  - (iv) Establish feedback channels to Government on all aspects of Nigerian national life;
  - (v) Establish appropriate national framework for educating, orientating and indoctrinating Nigerians towards attitudes, values and culture which project individual’s national pride and positive national image for Nigeria;
  - (vi) Awaken the consciousness of Nigerians to their responsibilities to the promotion of national unity, citizens’ commitment to their human rights to build a free, just and progressive society;
  - (vii) Develop among Nigerians of all ages and sex, social and cultural values and awareness which will inculcate the spirit of patriotism, nationalism, self-discipline and self-reliance;
  - (viii) Encourage the people to actively and freely participate in discussions and decisions on matters affecting their general welfare etc.

From the foregoing, the Agency's impact is acknowledged at the tiers and more importantly, by the stakeholders. Suffice it to say the Agency has been commended in different media for its efforts in the country.

In the light of the above, we will be grateful if our comments are captured in the final publication by the IRM.

Please accept the assurances of the Director-General's best regard.

**Sam Attah**

Deputy Director

For: Director-General