

# Independent Reporting Mechanism

Nigeria Co-Creation Brief 2022

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of the third action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in Nigeria and presents recommendations. This brief does not constitute an evaluation of a particular action plan and its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings.

The Co-Creation Brief draws on previous research results in [IRM reports for Nigeria](#). The brief draws on other sources such as the [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [online OGP repositories](#) and [the minimum threshold for "involve"](#), to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The Co-Creation Brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this Co-Creation Brief in May 2022.

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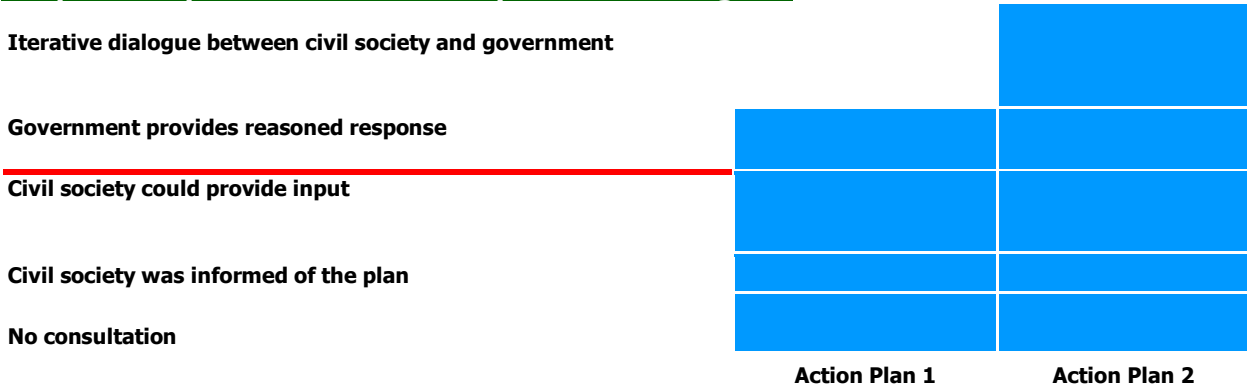
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# Section I: Action Plan Co-Creation Process

## Snapshot of previous co-creation processes in Nigeria



Nigeria joined OGP in 2016 and has since designed and implemented two OGP national action plans. Nigeria’s OGP processes are overseen by a National Steering Committee (NSC), comprised of civil society and government members, and the OGP National Coordinating Secretariat within the Federal Ministry of Finance, Budget, and National Planning. Nigeria’s OGP process benefits from high-level political support and an active civil society coalition, [Open Alliance](#).

Nigeria has [steadily raised the bar of its co-creation process](#) across the first and second action plans to design ambitious open government reforms, such as beneficial ownership transparency and fiscal openness. Nevertheless, difficulties in coordination and [budget constraints](#), especially for civil society organizations, have affected implementation and [monitoring](#) of commitments. With a strong ecosystem of government and non-state partners working together to promote open government, Nigeria could [improve transparency and accountability of the OGP process](#). This would bring the opportunity to [strengthen domestic ownership and funding for commitments](#) and reinforce the longer-term sustainability of projects that are dependent on external funding.

Development of the third action plan ahead of the 2023 [federal and state elections presents a challenge and an opportunity](#) for Nigerian open government reformers to bring the OGP process to greater maturity, address anti-corruption priorities, and bring stability to the democratic transition. The IRM encourages the Nigerian government and the NSC to follow the updated [OGP Participation and Co-Creation Standards](#). Greater transparency and accountability can, in turn, allow for better implementation of the action plan. Specifically, the IRM recommends that the NSC and the government:

1. Develop and maintain a comprehensive OGP website and publicly available repository
2. Ensure citizens are informed on opportunities for participation in the co-creation process
3. Document and respond back publicly to stakeholders on how their contributions influenced the action plan
4. Strategically design an action plan that prioritizes the most ambitious commitments and improve internal oversight through clear governance and coordination of working groups

### RECOMMENDATIONS

#### Recommendation 1: Develop and maintain a comprehensive OGP website and publicly available repository

Through a representative and well-installed National Steering Committee (NSC), Nigeria collaboratively co-created the second action plan. This exemplary evolution should be accompanied by more transparency and accountability of Nigeria's OGP structures and processes.

The [Participation and Co-Creation Standards](#) encourage members to practice maximum transparency throughout the action plan cycle. **Standard 2 requires that countries maintain an up-to-date website that either functions as or is accompanied by a repository.** Currently, neither the [OGP webpage](#), [Facebook](#), or [Open Alliance](#) website are up-to date. The IRM recommends that the National Secretariat or Open Alliance assume responsibility to maintain an OGP website and public repository to provide robust documentation and communication of the OGP process and outcomes. The National Secretariat and NSC can refer to the [IRM guidance](#) and the following recommendations to establish an OGP website and repository:

- Review existing communication and transparency channels to identify information gaps and next steps.
- Identify a government, multistakeholder, or civil society body with the technical and financial capacity to assume responsibility for the main OGP website and repository.
- Consider utilizing Google Drive or Dropbox as a free platform to serve as a repository to compliment an OGP website and Facebook page.
- Ensure that the website and repository include, at least, the latest action plan and evidence of co-creation and implementation updated within the last 6 months.
- Publish all relevant information on OGP processes and opportunities for participation, including meeting agendas and minutes, information on participating government agencies, and contact information for the Secretariat.

Examples of comprehensive OGP websites in the region include [Morocco](#), [Tunisia](#), and [Jordan](#).

#### Recommendation 2: Ensure citizens are informed on opportunities for participation in the co-creation process

Nigeria's co-creation process for the [2019-2022 action plan](#) exemplified strong government-civil society collaboration. Election of NSC members at the end of each action plan gives a chance for various governmental bodies and citizen organizations to play a role in the process. The selection by civil society of their representatives in the NSC is an inclusive practice.

However, the NSC and the National Secretariat should ensure that information about the co-creation process is shared with civil society, beyond the organizations sitting on the NSC at the time. The NSC and Secretariat can partner with [Open Alliance](#), the civil society platform for open government, to clarify and disseminate the opportunities to take part in action plan development to a wider audience. In particular, the [Toolkit for Gender Responsive Action Plans](#) provides guidance for inclusive co-creation practices.

The NSC and the government should publicize OGP and use outreach activities to communicate how OGP action plans present a space for civil society to advance their policy aims. The NSC is encouraged to communicate a clear [value proposition for open government](#) to inspire potential government and civil society partners. The IRM recommends that the NSC and Secretariat strive for the full ambition of Standards 1 and 3 of the [Participation and Co-Creation Standards](#) by:

- € Publishing the **basic rules for participation in the NSC**, such as current membership, rules on selection, decision-making process, external accountability mechanisms, and information on working groups' mandate and membership.
- € Publishing **the timeline and information on opportunities to get involved** in the co-creation process at least two weeks in advance and continue to actively seek to engage diverse stakeholders such as academia and the private sector.
- € Combining **in-person meetings and [online consultation tools](#)**. Opportunities for remote participation should be provided for at least some meetings and events to enable the inclusion of groups unable to attend in person.

### Recommendation 3: Document and respond back publicly to stakeholders on how their contributions influenced the action plan

Nigeria strengthened participation in the co-creation process for the [second action plan](#), which included an initial public call for proposals, a retreat for stakeholders and a validation workshop. However, the process [lacked a mechanism](#) for ongoing dialogue with civil society.

The IRM recommends that the Secretariat and NSC strengthen transparency around input received from various stakeholders throughout the action plan cycle. Under [Standard 4](#), the Secretariat and NSC are expected to **document and report back, or publish, information on how stakeholder contributions influenced the action plan's content before the action plan is finalized**. The Secretariat and NSC could ensure that civil society and others are provided a reasoned response as to how their input shaped the action plan by:

- Establishing an online channel to receive and respond to public input on the action plan's design and implementation progress.
- Publishing meeting minutes in which civil society input received in-person or virtually is discussed and decisions made based on the input.
- Publishing an online summary citizen feedback and how it was considered, as done by [Canada](#) or [Morocco](#).

### Recommendation 4: Strategically design an action plan that prioritizes the most ambitious commitments and improve internal oversight through clear governance and coordination of working groups

Nigeria's first action plan saw [limited levels of completion](#), in part due to coordination and [monitoring gaps](#) among various stakeholders and thematic working groups across a high number of commitments and milestones. For the second action plan, Nigeria's OGP Secretariat [developed a monitoring and evaluation framework](#) and working group. The IRM recommends continuing efforts to improve the design and application of monitoring mechanisms and to regularly report on progress to civil society, including those not yet involved in OGP processes.

To meet OGP's [requirements](#) under Standard 5, the NSC should convene regularly to oversee progress of the entire action plan and **hold at least two meetings every year with civil society to present results and collect comments**. Additionally, the NSC could improve co-ownership over the implementation and monitoring of commitments through:

- Developing an action plan that prioritizes commitments and milestones with the highest potential impact on open governance.
- Encourage and weigh ministerial-level support when selecting commitments and include relevant ministries in the NSC and working groups to facilitate engagement throughout implementation.
- Clarifying and publishing the composition and role of NSC thematic working groups along with agendas and meeting minutes.
- Establishing responsibilities for consistent information collection and evidence gathering on progress, following indicators established by the M&E framework.
- Assigning responsibility within working groups to establish the lead monitoring organization or person, perhaps clarified through a signed memorandum of understanding.
- Improving the M&E indicators as needed and training to working groups' leads and members.
- Coordinating regular reporting on progress through publication of reports and holding online and offline meetings.

## Section II: Action Plan Design

### AREAS OF OPPORTUNITY FOR COMMITMENTS

Nigeria's open government [achievements to date](#) lay the groundwork for a third plan that builds on ground-breaking anti-corruption and fiscal openness reforms and continues to strengthen protection of the freedoms of expression, assembly, and association. Specifically, transparency around beneficial ownership, asset recovery, budget processes, and open contracting offer opportunities for transformative change to government practices. Meanwhile, reinforcing freedoms of expression, assembly, and association hold particular importance in the lead up to Nigeria's 2023 elections.

#### AREA 1. Beneficial Ownership Transparency

Since 2017, Nigeria has been a [global leader](#) in transparency of beneficial ownership information. Nigeria developed Africa's first [beneficial ownership online portal for the extractives sector](#) and committed to [tackling the whole economy](#) in their second action plan, as acknowledged by their 2021 OGP Impact Award. The 2020 [Companies and Allied Matters Act \(CAMA\)](#) set up the basis for a central register of persons with significant control of companies, and mandated reporting is already [underway](#). The country is also seeking to use the potential of beneficial ownership information [to improve governance in the extractive sector](#).

Nigeria also initiated the [first-ever UN resolution approved on "Enhancing the use of beneficial ownership information to facilitate the identification, recovery and return of proceeds of crime"](#) at the Conference of the States Parties to the United Nations Convention Against Corruption in

2021. Moreover, Nigeria [committed](#) to beneficial ownership transparency under the International Monetary Fund's COVID-19 emergency financing scheme.

To continue [disclosing beneficial ownership information for action](#) in the next action plan, Nigeria can pursue milestones that build towards full disclosure of beneficial ownership high-quality data, engage companies and citizens to use the data and improve governance across sectors, and enforce sanctions through activities such as:

- Complete a comprehensive, central, and publicly available electronic register of beneficial owners of all companies with presence in the country.
- Ensure reliability and quality of the data through periodic verification of published information and facilitate data usability, as demonstrated by Ukraine's [commitment](#).
- Broaden engagement and data use by raising awareness and providing training to journalists and civil society organizations, including those working with vulnerable groups and communities, to monitor the register and information contained. Continue engagement with the private sector to [communicate the business case](#) for beneficial ownership transparency and to facilitate compliance.
- Implement the [Opening Extractives programme](#) and explore opportunities to combine beneficial ownership data with other data repositories, such as procurement data, to address policy priorities beyond the natural resource sector. This could include combatting illicit financial flows, strengthening environmental protection management, increasing [integrity in public procurement](#), or improving [gender equality](#).
- Ensure [enforcement of the sanctions](#) established by CAMA for non-compliance or false statement, through collaboration between the Corporate Affairs Commission lodging the register and the Ministry of Justice.
- Complete the process for Nigeria to join the [Beneficial Ownership Leadership Group](#), as announced by the Minister for Budget and State Planning.

### AREA 2. Citizen Participation in Asset Recovery and Repatriation

Through the [first](#) and the [second](#) action plans Nigeria sought to adopt a comprehensive legislative framework that would facilitate the recovery of stolen assets and ensure their proper and transparent management. Nigeria established the Asset Recovery and Management Unit, [launched a central asset database](#) and [uses, under limited circumstances, non-conviction-based forfeiture of assets](#) by anti-corruption authorities to pursue stolen assets instead of seeking legally complicated corruption convictions. Nigeria [tops the list of countries](#) involved in asset recovery cases and to which [considerable amounts](#) of looted assets have already been repatriated to, and [civil society has been able to follow-up](#) landmark agreements on utilization of the funds. In the international scene, Nigeria voices its [commitment to recovering proceeds of corruption](#) and to employ these funds for development through a [transparent and participatory](#) process. However, there is opportunity to comprehensively [guarantee public access to data and ensure transparent, accountable and inclusive repatriation](#) procedures in all cases.

Building on the important efforts undertaken, Nigeria can continue using the OGP platform to unlock the potential of asset recovery through a sound legal and institutional framework. Therefore, in the design of the third action plan, the IRM recommends that the Nigerian government and Parliament:

- Enact and enforce the [Proceeds of Crime Act](#) and remove legal barriers to asset recovery.

- Ensure that the central asset recovery database is functional and comprehensive and guarantees public access to the data.
- Strengthen [safeguards in the oversight of asset recoveries](#) through coordination with law enforcement agencies and by reinforcing civil society's monitoring capacities to counter corruption risks and political challenges in the repatriation and use of recovered funds.

### AREA 3. Right to Information

Nigeria has undertaken [four commitments](#) to strengthen access to information under the 2011 [Freedom of Information Act](#) (FOIA), with uneven completion rates so far. Notably, Nigeria undertook [a commitment](#) in 2019 with transformative potential to improve mandatory publication of information, reporting obligations, response to FOIA requests and adoption of sanctions. President Buhari also underscored Nigeria's commitment to public access to government-held information at the [OGP 2020 Virtual Leaders Summit](#).

Despite these efforts, obstacles remain to guaranteeing the right to information in Nigeria. In particular, the challenge still lays with proactive disclosure of information and with the level of responses to information requests. Information disclosure has not significantly increased and some civil society organizations report that agencies are [denying the release of information](#) requested or [asking applicants to pay fees](#). States are [neither applying the federal law nor developing their own](#) applicable legislation. Finally, [court judgments are not yet making the right impact](#) in favour of the FOIA.

A commitment on access to information in the next action plan would be an opportunity to strengthen government records and information disclosure, and citizens' knowledge and ability to submit information requests. The following aspects could be addressed:

- Remove legal barriers to implementation of the FOIA across the country. All existing laws, such as the Official Secrets Act, the Penal and Criminal Codes, the Public Complaints Commission Act, etc. should be reviewed to avoid conflict with the FOIA.
- The National Assembly could [take steps to address the gaps in the law](#) with a view to strengthening it, in consultation with stakeholders. It could also [consider stating that the FOIA applies to all states](#) of the Federation.
- Apply administrative sanctions for non-compliance and enforce court rulings in favour of the right to information.
- Strengthen government bodies' proactive information and data disclosure on institutional webpages.
- Provide clear guidance to desk officers in charge of information requests and recognize best practices in responding to requests.
- Establish a consolidated platform for citizens to learn about their right to information, submit and track information requests, and seek redress for denied requests, as exemplified by [Morocco's transparency portal](#) from their [2018 action plan](#).
- Increase awareness-raising campaigns on the right to information and training on how to submit information requests through FOIA. Consider targeted outreach to women or other communities less likely to know how to demand or receive ATI requests.

Several other OGP member countries in the Africa and MENA region are currently implementing access to information commitments (such as [Ghana](#), [Morocco](#), [Senegal](#), [Tunisia](#)),



providing opportunities for peer-to-peer learning. For more recommendations and examples see OGP's [Right to Information Fact Sheet](#) and [Policy Overview on the Right to Information](#).

### AREA 4. Fiscal Openness: Budget Transparency and Open Contracting

Nigeria has extensively worked on fiscal openness, encompassing budget transparency and open contracting, over the [first](#) and the [second](#) OGP action plans. However, there remains opportunity to strengthen [timely publication of audit reports](#) and public participation in budget oversight and contracting processes. In particular, the COVID-19 pandemic inhibited [participation of citizen groups](#) in the National Assembly public hearing for the 2021 budget. However, the government revised the second OGP action plan to include online publication of an audit report for all COVID-19 expenditures, reflecting Nigeria's [commitment](#) to the International Monetary Fund.

The IRM recommends that Nigeria capitalize on progress made and high-level support from the Federal Ministry of Finance, Budget and National Planning, current OGP National Coordinator and Co-Chair in the National Steering Committee, as well as the involvement of civil society organizations such as [BudgIT](#) in Open Alliance and OGP processes. Possible avenues to continue advancing fiscal openness in the third action plan include:

- Broaden budget transparency reforms with the timely publication of all key budget documents and audit reports.
- Establish viable mechanisms for public feedback and participation, including citizen monitoring and audits to the budget and public contracts.
- Increase training opportunities on budget monitoring to vulnerable groups and rural communities.
- Building on the second action plan, systematize use of [Open Contracting Data Standard](#) (OCDS) in a consolidated national public procurement platform and advocate for the use of the platform and OCDS at the state level.
- Link open contracting data to budget, spending, and beneficial ownership data.

OGP countries currently implementing budget transparency commitments include [Senegal](#), [Morocco](#), [Indonesia](#), and [Côte d'Ivoire](#). Many more countries are working on opening up public procurement, such as [Lithuania](#), [Mongolia](#), [United Kingdom](#) and [Italy](#), and in the region [Liberia](#) and [Kenya](#). For more recommendations and examples see OGP's [Fiscal Openness Fact Sheet](#), [Open Contracting Fact Sheet](#), and the research paper [State of the Evidence: Open Contracting](#).

### AREA 5. Freedoms of Expression and Association

Nigeria's vibrant civil society and media landscape have been [challenged in recent years](#) through [legislation](#) such as the Cybercrime Act of 2015 or the Protection from Internet Falsehood and Manipulation Bill of 2019, and by the [temporary ban of Twitter](#). [Legal proposals](#) and repression of street protests have limited citizens' rights to association and assembly.

To begin to address these challenges, Nigeria's [second action plan](#) included commitments to strengthen the civil society and the media environment, improve state-citizen relations and to take their voices into account. Moreover, President Buhari reiterated the government's commitment to democratic values and free and fair elections at [the 2021 Summit for Democracy](#).

In this context, the IRM recommends that the government and civil society consider a commitment to continue strengthening the enabling environment for journalists and citizens to express themselves freely and to inform and influence public policy. Such a commitment is particularly pertinent in the lead up to the 2023 elections and could address the following aspects:

- Remove legal barriers to the registration and operation of civil society organizations, including prior government approval of civil society organisations' projects.
- Continue to establish safeguards against undue supervision of civil society organizations and media outlets.
- Guarantee the freedoms of expression and association, including free operation of the media and use of social media networks.

For more information see OGP's guides for protecting [civic space](#) and the [freedom of expression](#) in the context of the COVID-19 pandemic.

### AREA 6. Civic Space and Accountability of Law Enforcement Agencies

Limited transparency and accountability of the police and the subsequent impact on civic space [is of concern](#) for Nigerian civil society. Following the police repression to the [End SARS protests](#), [the second action plan](#) was revised to include activities under commitment 13 to address and prevent police abuses. The IRM recommends that Nigeria undertake a dedicated commitment in partnership with law enforcement agencies and police that could seek to:

- **Strengthen transparency of law enforcement agencies** and evidence-based policy reform by disclosing related data, as undertaken in [the United States](#). Nigeria could publish data in exploitable and accessible formats, as [Austin, Texas](#) did through written narratives and interactive maps.
- **Improve accountability of law enforcement** by building on and formalizing quarterly zonal 'citizen-police dialogues' committed to under the second plan. Implementers can consider advisory or partnership councils as demonstrated by [Georgia](#), [Panama](#), and [Mexico](#).
- Continue the passage and implementation of legislation to **strengthen the Police Service Commission**, in particular its capacity to respond to police brutality. Consider developing oversight bodies and complaint mechanisms as described in "[Oversight and Monitoring of Police](#)" in the Open Justice Policy Series.
- Continue efforts started under the revised second action plan to **ensure proportionate police** conduct during public demonstrations through ongoing guidance, training and implementation on minimal use of force.