



LAWS AND POLICIES

PROCESSES AND PROCEDURES FOR OPEN GOVERNMENT PARTNERSHIP IN NIGERIA

(2ND REVIEW)

978-978-55807-7-8



ISBN: 978-978-55807-7-8

Centre LSD Book series No. 12- June 2018



CENTRE LSD

THE JOHN D. AND CATHERINE T.
MACARTHUR
FOUNDATION

LAWS AND POLICIES

PROCESSES AND PROCEDURES FOR OPEN GOVERNMENT PARTNERSHIP IN NIGERIA (2ND REVIEW)

Centre LSD Book series No. 11- June 2018



LAWS AND POLICIES

PROCESSES AND PROCEDURES FOR OPEN GOVERNMENT PARTNERSHIP IN NIGERIA (2ND REVIEW)

Copyright @
African Centre for Leadership, Development
(Centre LSD) and John. D and Catherine T. MacArthur
Foundation

All Rights Reserved. No part of this publication may be produced, transmitted, transcribed, stored in a retrieval system, or translated into any language or computer language in any form or by any means, electronic, mechanical, magnetic, chemical, photocopying, recording, manual or otherwise, without the prior permission of the copyright owner

ISBN: 978-978-55807-7-8

Printed in Nigeria
by
Unimike Global Concepts
E-mail: unimikeiq@gmail.com



TABLE OF CONTENTS

Introduction:.....	1
The Anti-Corruption Bills on the Implementation of the OGP Process in Nigeria:.....	4
Updates and Milestone of Policies on Anti-Corruption in Nigeria.....	15
The National Anti-Corruption Strategy (‘NACS’):.....	17
Recommendations.....	18
About Centre LSD.....	21

ACKNOWLEDGMENT

African Centre For Leadership, Strategy & Development (Centre LSD) Thank the Almighty God for his ever-increasing faithfulness and for making this research report – Laws and policies: processes And procedure for open government partnership appreciate the John D. and Catherine T. MacArthur Foundation for supporting the project "Promoting Transparency and Accountability through the implementation of the Open Government Partnership in Nigeria", a project which is helping to deepen the anti-corruption war in Nigeria through its co-creation methodology.

In carrying out this research, the African Centre for Leadership, Strategy and Development (Centre LSD), in the spirit of co-creation undertook the research from two perspectives – government and civil society perspectives. The Centre thanks Sulayman Dawodu of the Justice Reform Team, FMOJ and Mrs. Bola Lashmann, former Director Department of Legal Drafting, FMOJ and Nneka Eze OGP Secretariat who carried out the government side of the research. We also thank the Africa Network for Environment and Economic Justice (ANEEJ) team for their delivery on the civil society perspective. We specifically, thank the ANEEJ research team led by its Executive Director, Rev. David Ugolor, his Deputy, Mr Leo Atakpu, and Senior Lecturer, Faculty of Law, University of Benin, Benin City, Edo State, Anthony Ewere, PhD, for their diligence and painstaking effort to deliver the research report as scheduled.

And finally, to the management and the staff on the African Centre for Leadership, Strategy & Development (Centre LSD), for their determination to build an African Society with Strategic Leadership and Sustainable Development.

Centre LSD
May 2018

1

INTRODUCTION

INTRODUCTION

In the implementation of Commitment 13 of the OGP Nigeria National Action Plan with the main objective of ensuring the existence of adequate legal framework to engender transparency and accountability in the governance process, the African Centre for Leadership, Strategy and Development (Centre LSD) in collaboration with the Open Government Partnership secretariat and the Federal Ministry of Justice actively engaged in the course of the previous year to date in the delivery of this major commitment.

The main Report, commissioned by Centre LSD, which preceded this present edition contained extensive review work on the state of policies and legislation to combat the menace of corruption in Nigeria and comparative analysis of the anti- corruption laws and policies of other jurisdictions within and outside Africa. The earlier report set the tone for the tracking of progress and developments in the laws and policies necessary to deliver on this key OGP Commitment.

The main objectives of this edition of the 'Law and Policies: Processes and Procedures for Open Government Partnership in Nigeria' are essentially to-

- furnish updates and milestones on amendments of laws and policies on anti-corruption in Nigeria;
- report on progress made in the implementation of the Open Government Partnership initiative, especially from the Executive and Legislative arms of the Government at the Federal level; and
- provide updates on progress made on the recommendations of the earlier edition of this Report which contained extensive review work on the anti-corruption laws and policies to support the Open Government Partnership arrangement in Nigeria and comparative analysis of anti-corruption laws, policies and strategies from other climes with appropriate recommendations.

Based on earlier detailed review of the proposed legislation to combat corruption currently before the National Assembly, the scope of work under this present review exercise requires the carrying out of a critical analysis about the progress recorded so far in the passage of these anti-corruption Bills.

Having established that the passage of these anti-corruption Bills will give the necessary drive to the anti-corruption war and help in actualizing the Anti-Corruption elements of the National Action Plan of the OGP Commitment in Nigeria, this current review exercise will also extend to the making of necessary recommendations for a robust legislative frame-work to support the OGP process in Nigeria.

With the above scope of work in focus, the following segments of the work will examine the legislative journey of each of the Bills concerned, with updates on development as they pertain to each Bill, **including the developments within the National Assembly and within the parameters of the Executive arm of Government.**



2. THE ANTI- CORRUPTION BILLS ON THE IMPLEMENTATION OF THE OGP PROCESS IN NIGERIA

It is necessary to state from the on-set of this Report that all the Bills listed under the scope of work for this review are, **with the exception of the Prosecution of Offences Bill**, presently at various stages of legislative process before the National Assembly.

This segment of the Report outlines the position of these Bills, which due to the chequered history of their passage into laws, both during the tenure of the 7th National Assembly and the current 8th National Assembly have come to be known and referred to as 'the Anti-Corruption Bills'. These Bills, as reported in the earlier edition to the Report, are critical Bills to the successful implementation and attainment of the OGP's pact and commitments in Nigeria, making their passage a centre core activity for the OGP secretariat, the diligent pursuit and successful delivery of which will translate into specific milestones (achievement) in the implementation of the OGP plans and programmes. The Bills in question are listed as follows: -

- The Nigerian Financial Intelligence Agency Bill;
- Mutual Assistance in Criminal Matters Bill;
- Proceeds of Crime Bill;
- Whistle Blowers Protection Bill;
- Money Laundering (Prevention and Prohibition) Bill;
- Public Interest Disclosure and Witness Protection Bill; and
- Companies and Allied Matters Act, 1990, Repeal and Re-Enactment Bill.

Position of the Anti- Corruption Bills in the process of passage into Laws

a. The Nigerian Financial Intelligence Agency Bill.

Critical to the strengthening of any legal frame-work for combatting corruption is the establishment of an independent body or institution with responsibility for receiving, analyzing and disseminating financial intelligence reports to appropriate and relevant agencies involved in the anti-corruption crusade.

This Bill seeks to establish the Nigerian Financial Intelligence Agency ('the NFIA') as a central body in Nigeria responsible for receiving, requesting, analyzing and disseminating financial intelligence reports and other information to law enforcement agencies. Its passage into law by the current National Assembly is of

great importance and urgent in light of the threat of expulsion of membership of the country from the Egmont Group which is a network of national financial intelligence units and the highest inter-governmental association of intelligence agencies in the world, with 154 member countries including Britain and the United States of America.

Nigeria is currently serving a suspension from the group arising from the non-establishment of the NFIA as a unit standing autonomously and faces the risk of complete expulsion if this is not done soon, hence the urgent need for the passage of this Bill into law.

Current Status of the Nigerian Financial Intelligence Agency Bill

As at the time of compilation of this report, the Bill has been transmitted to the President for assent. It was transmitted to the President on Monday, 4th of June, 2018. It is necessary to mention at this juncture, that this Bill experienced expeditious passage at both Houses of the 8th Assembly early this year as a result of pressures mounted on Nigeria in respect of her outstanding international commitment to establish the NFIA as an autonomous unit or suffer the imminent sanction of expulsion from the Egmont group. After the Bill was sent to the Legal Services Department of the National Assembly for scrutiny, cleaning and forwarding to the President for assent, some errors were identified by this Department and the Bill was returned to the National Assembly along with an advice from the Department for the corrections to be approved by the National Assembly for reflection in the Bill before it is sent to the President for assent. The advice was sent to the National Assembly in March, 2018. The House of Representatives approved the corrections and passed the Bill again on the 29th of March, 2018. The Senate approved the corrections and passed the Bill again on Thursday 31st May, 2018. The Bill was then returned to the Department on Friday the 1st of June, 2018 for forwarding to the President. The cleaned and corrected draft was finally presented by the Department to the President for assent on Monday the 4th of June, 2018.

b. Mutual Assistance in Criminal Matters Bill, 2014

This Bill seeks to establish Mutual Assistance in Criminal Matters between Nigeria and other Foreign States and for Related Matters. It was conceived by the Executive to facilitate and establish strong partnerships between Nigeria and foreign governments in combating criminal activities, which have now gone beyond geographical borders and assumed international and trans-continental dimensions. The Bill seeks, amongst other things, to-

- facilitate voluntary attendance of persons in a requesting State for criminal prosecution or investigation purposes;
- effect temporary transfer of persons in custody to assist in investigations or appear as a witness;
- identify, trace, freeze, restrain, recover, forfeit and confiscate proceeds, property and other instrumentalities of crime;
- obtain and preserve computer data; and
- render assistance not contrary to the law of the requesting State.

This Bill is essential as it would assist Nigeria:

- in the repatriation of looted funds and other proceeds of crime stashed away in foreign countries;
- enhance effective prosecution of border crimes;
- assist in the reduction or elimination of offences with cross border dimensions including terrorism and terrorist financing, money laundering, advance fee fraud, proliferation of weapons of mass destruction; and
- enable Nigeria to obtain evidence and statements, identify suspects and witnesses, transfer suspects;
- serve as an avenue for Nigeria to be admitted as a member of the Financial Action Task Force ('FATF'), amongst other laudable benefits to the fight against corruption which the passage of this Bill into law is sure to herald.

Current status of the Mutual Legal Assistance in Criminal Matters Bill

The Bill was read for the First Time at the Senate on Tuesday 15th February, 2016. On Wednesday 9th March, 2016, the Senate debated on the general principles of the Bill. After extensive deliberations, it was read the Second Time and referred to the Senate Joint Committee on Judiciary, Human Rights and Legal Matters; Anti-Corruption and

Financial Crimes; and Foreign Affairs, to report back with its recommendations. Following the submission of the report of the joint committee, the Senate passed the Bill on Tuesday, May 30th 2017.

At the House of Representatives, the Bill was referred to the Committee of the Whole on the 19th of July, 2017. The Committee is yet to submit its report to the House. **The Bill is therefore awaiting passage by the House of Representatives since 2017.**

It is pertinent to mention at this junction that this Bill may have suffered the identified setback towards its passage due to ineffective follow-up actions by those responsible and absence of requisite synergy between the Legislature and the Executive in the passage of this critical Anti-Corruption Bill. The OGP on its own has identified this lacuna as a limiting factor towards the realization of its objectives and has mapped out action plans to ensure the passage of this Bill along with the other Anti-Corruption Bills.

c. Proceeds of Crime Bill

Of all the Bills tagged as Anti-Corruption Bills under this current dispensation, the Proceeds of Crimes Bill is perhaps the most misconstrued and misunderstood piece of proposed enactment under consideration before the Executive and Legislative arms of Government in recent times. Nigeria presently does not have a Civil Forfeiture regime and in the recovery of proceeds of crime, it entirely relies on criminal prosecution of crimes and recoveries of looted or stolen funds or assets after successful prosecution and conviction. Civil forfeiture on the other hand is concerned about the property or assets derived from unlawful activities and upon reasonable determination that a property or asset is so tainted, the relevant law enforcement agency can apply to the court for the plethora of court orders contained in the proposed legislation towards the forfeiture or confiscation of the tainted asset or property to the Federal Government.

Legal actions envisaged under this proposed enactment are simply action in rem which strictly is outside the realm of criminal law and prosecution by law enforcement agencies. This simply is the rationale for proposing a new agency to handle civil forfeiture cases and management of assets derived from unlawful activities.

The most outstanding features of this Bill are:

- the clear provisions made for the establishment of an effective legal and institutional framework for the recovery and management of the proceeds of crime or benefits from unlawful activities;
- the provisions made to deprive a person of the proceeds of an unlawful activity, the instrumentalities of an offence and any other benefit derived from offences committed within or outside Nigeria;
- The making of comprehensive provisions for the confiscation, forfeiture and management of properties derived from unlawful activities.

Due to the delays encountered by the Executive in the passage of this Bill in particular, which proposed enactment is considered a most central piece of legislation to the Anti-Corruption programme of this present administration, a number of other options were adopted by the Federal Government in the efforts to strengthen the existing legal frame-work on recovery of stolen or looted assets.

One avenue considered in the course of the previous year of the on-going lifespan of this current administration, was to consider using the medium of passing a subsidiary legislation, derived from the powers conferred on the Attorney-General and Minister of Justice of the Federal Republic of Nigeria to make regulations under the provisions of the Economic and Financial Crimes Commission ('the EFCC') Act, CAP E6, Laws of the Federation of Nigeria, 2004 for the recovery and management of stolen assets and proceeds of crime by the EFCC.

The objectives and scope of these regulations, if they had sailed through as proposed, were geared towards:

- the investigation of illegally acquired assets and proceeds of crime by any person or body corporate or financial institution;
- the tracing and attachment of assets and proceeds of crime of persons being investigated under any enabling Act; and
- the seizure and disposal of assets and proceeds of crime where such assets or proceeds of crimes have been proved to be subject to forfeiture under the enabling Act.

It is note-worthy however that the scope and objectives of these proposed regulations were considered to be so overreaching and appeared to the Legislature, and indeed the legal community at the time, as an attempt by the Executive to usurp, through powers conferred in principal Acts on the Executive to make regulations, to circumvent an Act of the National Assembly. This development may also have resulted in the moves by the National Assembly to put in place appropriate legislation to control the use of powers contained in principal legislation to make subsidiary laws by the Executive.

Another notable approach by the Executive arm in course of the previous year of this present administration is to, through the medium of an existing legislation, recover

stolen and looted funds back to the coffers of the Federal Government. The existing legislation in question is the **Recovery of Public Property (Special Provisions) Act, CAP R4, Laws of the Federation of Nigeria, 2004.**

The above-cited Act, which entered into the nation's statute books in 1983 essentially makes provision for the investigation of the assets of any public officer who is alleged to have been engaged in corrupt practices, unjust enrichment of himself or any other person or who has abused his office or is in anyway in any breach of the Code of Conduct for Public Officers contained in the Constitution of the Federal Republic of Nigeria.

- Notwithstanding the genuine intentions on the part of this administration to find a way round the delays being encountered in the passage of the proposed Proceeds of Crimes Bill in the efforts to provide a comprehensive legal framework on recovery of stolen funds and asset, this latest approach has met with so much `criticisms, principal amongst which is the allegation that this present administration is using this existing legislation to 'witch-hunt' political opponents. Aside from this major allegation, the Vice President of the Federal Republic of Nigeria on 1st August, 2017 leveraging on the provisions of this existing Act, established on 1st August, 2017, the office for the Special Investigation for the Recovery of Public Property headed by a Chairman. Other criticisms on the utilization of this existing legislation as a quick fix approach to solving the problem posed by the delay in passing the appropriate enactment to address the malaise of recovery of looted public funds include:

- the complaints being made about the Panel in legal quarters and among jurists that the Panel established cannot co-exist with EFCC and the Independent Corrupt Practices Commission ('the ICPC');
- the absence of any Gazette publication backing the establishment of this Panel; and
- the lack of provision for the Panel in the 2017 Appropriation Act.

In addition to the above, there has been complaints of the appropriate authorities of the Panel overreaching its mandate in some instances which has led to recent face-offs between members of the three arms of Government. Recently, the lower Chamber of the National Assembly of the Federal Republic of Nigeria, passed a resolution to probe the legality of the Panel's mode of operation.

Also, in the effort to take on board criticisms levied against this Proceeds of Crime Bill, particularly on the need to avoid the creation of multiple Government agencies to deal with prosecution, whether under a civil forfeiture regime or criminal prosecution leading to recovery of looted assets, management of recovered, forfeited and confiscated assets, the Executive has sought to meet this criticism by presenting one or two other versions of the same subject matter of asset recovery presently under consideration at the National Assembly.

Current status of the Proceeds of Crimes Bill

The version of this Bill at the House of Representatives was referred to the Committee of the Whole on the 18th of January, 2017. It is now awaiting the report from the Committee.

At the Senate, the Bill has passed 1st Reading and by the new rules of the Senate, it was sent to the Legal Services Department of the National Assembly in March, 2018 for scrutiny prior to 2nd reading. It is now back to the Senate for 2nd Reading.

d. Whistle Blowers Protection Bill

This is a Bill to encourage and facilitate whistle blowing. It is aimed at regulating the receiving, investigating and otherwise dealing with disclosures by whistle blowers and to protect whistle blowers from reprisals and other adverse actions, and for related matters. It was presented by the Committee on Judiciary, Human Rights and Legal Matters.

This Bill is essential as it would facilitate and encourage the disclosure of improper conduct by persons, public officers and corporate bodies, private and public in Nigeria. It would also ensure that matters disclosed were properly investigated and handled appropriately in accordance with the law. Importantly also, it would ensure adequate protection of whistle blowers from reprisals, victimization, isolation and humiliation which were some of the consequences of whistle-blowing. The Bill is therefore essential to protect the lives of persons who risk themselves to expose corrupt practices in Nigeria.

Current status of the Whistle Blowers Protection Bill

There are different versions of this Bill. There is the Senate version titled Witness Protection Programme (Establishment, etc), SB 157 which was passed by the Senate on Thursday 8th June, 2017, and the House version titled Whistle Blower's Protection

Bill, 2017, HB. 17.06.1073.

Both the Senate and House of Representatives versions of the Bill were consolidated and presented at the House of Representatives on the 8th of November, 2017. The first reading of the consolidated version was done on the 28th of September, 2017 and it is now awaiting second reading at the House of Representatives.

e. Money Laundering (Prevention and Prohibition) Bill

This Bill seeks to repeal the Money Laundering Act 2011, as amended in 2012, to widen the scope of money laundering offenses. It also seeks to expand the scope of operation of anti-corruption agencies namely the EFCC, the ICPC and Code of Conduct Bureau. When passed into law, financial institutions, designated non-financial institutions, businesses and professions will be required to do due diligence on their customers or risk penalties and sanctions as stipulated in the enhanced legal regime under the proposed re-enactment of the existing Money Laundering legislation. The proposed improved legal regime on money laundering also provides protection for persons who discover and make disclosure of money laundering.

Current status of the Money Laundering (Prevention and Prohibition) Bill

The Senate passed the Bill in May, 2017. It was read the first time at the House of Representatives on the 17th of February, 2017. It is now awaiting 2nd reading at the House of Representatives. The Legislature and the Executive have recently developed the necessary cooperation to facilitate the passage of this in the nearest foreseeable future and hopefully during the tenure of this 8th National Assembly.

f. Public Interest Disclosure and Witness Protection Bill.

This is a Bill to make provision for public interest disclosures, provide a framework for witness protection and establish the National Office for Public Interest Disclosure and Witness Protection in Nigeria and for other related matters. The objectives of the Bill as stated in it, amongst others, is to encourage and facilitate disclosure of wrongful or unlawful activities which directly or indirectly impact on the administration and management of public office or authority, to make adequate provision for the protection of persons making public interest disclosure including persons in employment in the public service, public service contractors, whistle blowers or informants and witnesses from reprisals or other adverse consequences. It would also ensure that information disclosing wrongful or unlawful activities received from

persons making public interest disclosure is properly assessed, investigated and dealt with and to establish an appropriate framework for rewarding or protecting, as the case may be, persons making public interest disclosures.

The provisions of this Bill, are similar to the provisions of the Whistle Blowers' Protection Bill referred to above. Additionally, its provisions are much more comprehensive and also has the necessary institutional support for providing the services necessary for the effective management of the protection of persons making public interest disclosures and persons in need of protection with respect to prosecution of criminal matters.

In the final analysis, the National Assembly and the responsible Federal Government Ministry, to ensure the passage of this proposed Bill will need to work together to carry out the necessary harmonization of all of these Bills on the same subject matter to ensure the passage of a holistic legislation that addresses all aspects of public interest disclosures and proffering protection under the law to all categories of informants and witnesses.

Current status of the Public Interest Disclosure and Witness Protection Bill

The Bill was passed by the Senate in June 2017.

At the House of Representatives, it passed second reading and was presented to the Committee on Justice for further review. The Committee submitted its report to the House on the 26th of January, 2017. The Bill is awaiting consideration (Third Reading) by the House following submission of Committee's report.

g. Companies and Allied Matters Act, 1990, Repeal and Re-Enactment Bill.

Amongst the package of amendments proposed to the Companies and Allied Matters Act, CAP C20, Laws of the Federation of Nigeria is the amendment pertaining to the disclosure of beneficial ownership for private companies. As contained in this Bill, all companies will now be required to disclose in their annual returns a register of members, with the details of all persons with significant control of over 5 per cent. This includes beneficial owners, disclosure of substantial shareholders and filing requirement for public companies. Likewise, public companies are to notify and disclose substantial shareholders to the Companies and Allied Commission.

These amendments are targeted to increase transparency and combat asset shielding and are particularly significant, since they may mandate the disclosure of beneficial interests in a company where such interests are held through nominal holders in trust.

Current status of the Companies and Allied Matters 1990, Repeal and Re-Enactment Bill.

The Senate of the Federal Republic of Nigeria, on 15th May, 2018, following the recommendation of the Senate Committee on Trade and Investment, passed this Bill. The Bill consolidates the proposed amendments on two related Bills, notably-

- the Companies and Allied Act, CAP C20, Laws of the Federation of Nigeria, 2004 (Amendment) Bill, 2016; and
- the Companies and Allied Matters Act, CAP C20, Laws of the Federation of Nigeria, 2004 (Amendment) Bill, 2017.

Section 6 of this Bill, passed by the Senate as aforesaid contains the vital provision on the statutory requirement on the issue of register of beneficial ownership to check financial corruption and illicit use of revenues from industry. Indeed, with the recent progress made in the passage of this Bill, by the Senate, information on the real owners of companies will be readily available, critical to the checking of corruption, money laundering, drug and terrorism financing, tax avoidance and evasion, which are also necessary to attain the core objectives of the OGP initiatives in Nigeria.

h. Prosecution of Offences Bill.

This proposed Bill as reported in the main Report, is not currently before the 8th National Assembly as action for its consideration and adoption by the Executive is still at the planning stage. The Bill is geared towards the establishment of an effective and efficient Federal Prosecution Service, under the direct and effective control of the Attorney-General of the Federation to enable the efficient execution of the public prosecution powers as conferred on the holder of the Office under section 174 of the Constitution of the Federal Republic of Nigeria, 1999. Importantly, the Bill also seeks to establish a body to be known as the 'Federal Prosecution Inspectorate' whose key functions include overseeing the efficient performance by prosecutors in the prosecution of offences under their responsibilities.

Current status of the Prosecution of Offences Bill

This Bill, as earlier stated, is still very much work-in-progress at the Federal Ministry of Justice as it still requires a lot of stake-holders' input. Ownership by the responsible Department at the Federal Ministry of Justice and adoption by the leadership of the Ministry, supported with the requisite political will and support is necessary for this Bill to be transmitted to the Legislature to undergo the necessary legislative processes. This Bill, all things being equal should be a sure candidate for legislative consideration by the 9th National Assembly.



3. UPDATES AND MILESTONES OF POLICIES ON ANTI-CORRUPTION IN NIGERIA.

The main research Report extensively dealt on the plans and policies on anti-corruption being pursued by the Government in the efforts to address the problem of the endemic and deep rooted corruption in management of public affairs. Some of the policies highlighted as veritable action plans on the part of the Government include:

- the Federal Ministry of Finance Whistle Blower Policy of 2017;
- the Policy on Improving the Business Environment in Nigeria through the Establishment of a Public Register of Beneficial Ownership; and
- Federal Government Policies on Fiscal Transparency, encompassing the introduction of the Treasury Single Account, the Government Integrated Financial Management System, the Bank Verification Number requirement, the open contracting arrangement requiring publication of all bids regardless of thresholds, the Voluntary Asset and Income Declaration Scheme, the Addis Initiative aimed at improving transparency and efficiency in the tax system, amongst other fiscal policies.

In certain instances, for some government policies to achieve the policy objectives they set out to achieve, the force of law is generally required. Consequently, the Whistle Blower Policy and the Policy on the Opening of a Register of Beneficial Ownership for businesses are currently undergoing legislative processes at the National Assembly as already elaborated upon in this report.

Most of the other policy initiatives referred to in the main review Report continue to be faithfully implemented by the Government. Some of these policies have translated into immediate positive gains and achievements for this administration. The implementation of a number of these policies, has, by and large, resulted in the reduction of looting of public funds and mismanagement of public funds and systemic corruption in the public service. While the effects of some of these policies can instantaneously impact on the general populace, other policy initiatives require longer gestation periods before the required benefits can be derived.



The NACS was a subject of extensive review in the main Report. An outstanding matter reported at the time of compilation of the main Report in relation to this strategy document was the need to set up the National Anti-Corruption Strategy Management and Implementation Committee (the 'NACSMIC') which has now been set up and is running its operations from the Federal Ministry of Justice.



This review has clearly brought out the need for the continuation of intensive advocacy work to ensure the passage of all the identified Bills at the National Assembly during the remainder of its term.

The passage of these Bills are most critical to the implementation of the OGP's Action Plan. Moreover, the OGP secretariat has been acting as a catalyst to organize constituent parts of the Executive and relevant Civil Society Organizations to take actions required on their respective parts towards the passage of these Anti- Corruption Bills. This accounts for why the secretariat of the OGP organizes its activities around the review of Anti-Corruption Bills and identification of other legislation in the same category, supported with intensive advocacy work in respect of Bills that are in the pipeline for passage at the National Assembly. It is accordingly recommended that all necessary support be given to the OGP to be able to deliver on this advocacy task.

The putting in place of stronger legislation to fight corruption also require the corresponding review of some of the legislation which established some anti-corruption institutions, like the EFCC, ICPC and Code of Conduct Bureau to achieve rationalization and streamlining of functions. The Nigeria Police Force must not also be left out of the equation in this enterprise as the Police, as an institution, have better outreach to the citizenry and can be more effective, with the infusion of appropriate reforms to make the difference.

Strengthening institutions charged with the statutory mandate to fight corruption in Nigeria is a winning panacea in the war currently being waged on corruption in Nigeria. In the ongoing fight against the malaise of corruption, the administration of the day must only establish those institutions that are complimentary to the existing legal regime, where a lacuna is found to exist and avoid stretching existing laws to create ad-hoc institutions, such as the case at hand on the inauguration, in August last year, of the Panel on Recovery of Public Property referred to above.

It is therefore suggested that in any further or other review work to be commissioned by Centre LSD on the anti-corruption laws and institutions in Nigeria, focus should particularly be on the establishment of laws of anti-corruption institutions in Nigeria and to undertake comparative and analytical studies of the laws and structures of anti-corruption institutions in other climes to draw experience from best practices that can

assist in improving the anti-corruption institutions, laws and structures in Nigeria.

Strengthening the legal framework and the responsible institutions for fighting corruption in Nigeria will also send a clear signal to the international community about the current administration's integrity, commitment and determination in the anti-corruption fight. The faithful implementation of the OGP commitments is also predicated on resilient Anti- Corruption Laws supported by strong institutions.

Further work needs to be done to ensure more Citizen's Engagement in the OGP Nigeria National Action Plan, particularly on this aspect of passage of these outstanding Anti-Corruption Bills. Therefore, the on-going work of the Centre towards the execution of Commitment 13 is most invaluable. The commissioning of research work of this nature by Centre LSD, in addition to the organizing of roundtables to validate research reports and the dissemination of research reports to guide critical stakeholders to acquire more in-depth knowledge of the tasks involved and also to enable them remain focus on the critical actions that need to be taken to win the war against corruption are all positive engagements towards the delivery of this Commitment within the time –frame allocated in the Action Plan.

Finally, it is hoped that all necessary efforts and initiatives are maximized to ensure that the above Bills are treated with the requisite importance and urgency and eventually passed into law by this 8th National Assembly.



ABOUT CENTRE LSD

AFRICAN CENTRE FOR LEADERSHIP, STRATEGY AND DEVELOPMENT (CENTRE LSD)

....Building Strategy Leadership for Sustainable Development in Africa.

The African Centre for Leadership, Strategy and Development (Centre LSD) is a non - profit, non-governmental organization established under Nigerian laws to build strategic leadership for sustainable development in Africa.

The African continent is very rich and diverse. There are abundant human and natural resources in the continent. But the continent has the worst development indices in the world: maternal mortality, infant mortality, literacy rate, HIV/AIDS prevalence, poverty rate, life expectancy etc. More than half of the populations of African people are living in abject poverty. Most country in Sub-Sahara Africa are unlikely to achieve the modest Millennium Development Goals (MDGs) adopted by world leaders at the UN Millennium Declaration in 2000. Many African countries continue to suffer food shortages. Some countries are in conflict. We have experienced democratic reversals in some countries with the military coming into power in Guinea Bissau. All of these make the development of Africa a huge challenge. The continent's effort to grapple with the developmental challenges have been complicated by its colonial history, globalization, leadership failures and adoption of development approaches that have been proved to be inadequate.

The importance of leadership for the success of organizations and nations cannot be overemphasized. Some scholars have pointed out that everything rises and falls on leadership. Despite this recognition, there is scarcity of leaders all over the world. There is a saying that the world is filled with followers, supervisors and managers but very few leaders. There are four kinds of people in the world: those who watch things happen; those who let things happen; those who ask what happen and those who make things happen. Leaders are those who make things happen. A visionless, insecure and incompetent leadership is a killer of organization and nations. Similarly, strategy is very crucial to the development and performance of any organization or nation. Strategy occupies a central position in the focus and proper functioning of any organization or nation. This is because it is a plan that integrates an organization or nation's major goals, policies and actions into a cohesive whole. A well formulated strategy should therefore help

to marshal and allocate an organization or nation's resources into a unique and viable posture based on its relative internal competencies and shortcomings, anticipated changes in the environment, and contingent moves by others. Strategies help to create a sense of politics, purpose and priorities.

A dynamic and visionary leadership combines with appropriate strategy process will produce a correct development approach that will lead to the prosperity and development of Africa. Centre LSD is poised to contributing to the transformation of Africa through building dynamic and visionary leadership and proposing appropriate strategies and development approaches.

The major focus of work will be in the giant of Africa- Nigeria, but the Centre will work across Africa with a Pan-African perspective with partners in all the sub-regions in Africa. The Centre's strategy, programme and actions will focus on Africa with the operations being run from Nigeria partnering with organizations across Africa. Centre LSD is registered with Corporate Affairs Commission as an NGO in Nigeria.

Centre LSD's Vision

The vision of Centre LSD is an African society with strategic leadership and sustainable development.

Centre LSD's Mission

The Centre's mission is to work with forces of positive change to empower citizens to transform society.

Centre LSD's Values

The Centre is guided by the following values:

- a) Diversity
- b) Feminism
- c) Integrity
- d) Dignity of the human person
- e) Pan-Africanism
- f) Accountability
- g) Transparency
- h) Transformative change

The objectives of the Centre include:

1. To promote ideas, policies and actions that will lead to transformative change in Africa.
2. To promote leader development (expanding the capacity of individuals for effective leadership roles and processes) and leadership development (expansion of organizations' capacity to enact basic leadership tasks including setting direction, creating alignment and maintaining commitment).

**LAWS AND POLICIES: PROCESSES AND PROCEDURE FOR OPEN GOVERNMENT
PARTNERSHIP IMPLEMENTATION IN NIGERIA [2ND REVIEW]**

3. To develop the capacity for strategic thinking, formulation, implantation and evaluation.
4. To promote human centered and sustainable development with special focus on Governance, Human Centre Development and Environment.
5. To collaborate with individuals, organizations, networks, coalitions and movements that will help in achieving the Centre's objectives

Operational Approach

The Centre carries out its programmes through the following methods:

Research
Think Thank
Capacity Building
Advocacy and Campaign

Programmatic Approach

The Centre's programme is built on the principles of catalytic partnership and rights-based approach.

- a. The programme conception, design, implementation and evaluation are built a r o u n d four principles:
- b. Dynamic and visionary leadership
- c. Appropriate strategy
- d. Relevant development approaches including the promotion of women's right, citizen participation, ownership, pro-poor orientation and focus on the next generation of youth and children.
- e. Building people and institutions.

Organs of Centre LSD:

International Advisory Council:

1. Pharm. Joel Omonigho, United Kingdom
2. Dr. Omano Edigheji, South Africa
3. Dr. John Ojedian, Nigeria
4. Mr. John Samuel, India
5. Mr. Brian Kagoro, Zimbabwe

Board of Trustees

- i. Mr. Ernest Kemakalom
- ii. Mrs. Kyauta Giwa
- iii. Dr. (Mrs.) Ufuoma Awhefeada

**LAWS AND POLICIES: PROCESSES AND PROCEDURE FOR OPEN GOVERNMENT
PARTNERSHIP IMPLEMENTATION IN NIGERIA [2ND REVIEW]**

- iv. Ms. Huawa Mustapha
- v. Ms. Pamela Esiri
- vi. Mr. Monday Osasah
- vii. Ms. Comfort Obi (OON)

Executive Director

Dr. Otiye Igbuzor

Headquarters:

Suites 27, Tolse Plaza,
4, Franca Afegbua Crescent,
Formerly Lawan Gwadabe Crescent,
Off Jonathan Mariere Road,
After Apo Legislative Quarters,
Apo, P. O. Box 9661, Garki, Abuja Nigeria.

Website: www.centrelsd.org

E-mail: info@centrelsd.org

Facebook: @centrelsd

Twitter: @centrelsd

Tel: +234(0)9022324901; +23498703178

Niger Delta Office:

Odeyovwi Villa
Emonu Orogun, Ughelli, Delta State.

Northern Regional Office:

No 4, Off Muhammed Adamu Aliero Road,
Behind Bahamas Food Restaurant,
Birnin Kebbi, Kebbi State.

Website: www.centrelsd.org

Email: info@centrelsd.org

Facebook: @centrelsd

Twitter: @centrelsd

Tel: +234(0)9022324901