



**Assessing the Roles of the Civil Society in the
Development and Implementation of the Fiscal
Transparency and Anti-corruption Commitments
in Nigeria's Open Government Partnership's Second
National Action Plan (NAP II)**





About this document

BudgIT Nigeria commissioned this case study on behalf of the Open Alliance Nigeria. In February 2022, researchers on behalf of BudgIT and the Open Alliance conducted an assessment of the functions and roles civil society actors played in the development and implementation of the commitments on Fiscal Transparency (FT) and Anti-Corruption in Nigeria's Open Government Partnership (OGP) second National Action Plan (NAP II). NAP II follows after the first NAP (NAP I), which was developed to address public service delivery issues and improve public governance in Nigeria.

About Open Alliance in Nigeria

The Open Alliance Nigeria is a coalition of Civil Society Organisations (CSOs) seeking to promote open and participatory governance in Nigeria through the adoption and implementation of the OGP principles. A key objective of the alliance is to ensure that Nigeria derives the maximum benefits for running an open and transparent public sector. Consequently leading to inclusive development and efficient service delivery across the country. The Open Alliance Nigeria has a membership of over 200 CSOs spread across the six geopolitical zones and has advocated for the adoption and implementation of the OGP Principles in eighteen (18) subnational entities within Nigeria.

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Acronyms

| | |
|-------------------|--|
| ANEEJ | <i>Africa Network for Environment and Economic Justice</i> |
| ACAs | <i>Anti-Corruption Agencies</i> |
| BO | <i>Beneficial Ownership</i> |
| CAMA | <i>Companies and Allied Matters Act</i> |
| Centre LSD | <i>African Centre for Leadership, Strategy and Development</i> |
| CISLAC | <i>Civil Society Legislative Advocacy Centre</i> |
| CSOs | <i>Civil Society Organizations</i> |
| EITI | <i>Extractives Industry Transparency Initiative</i> |
| FCDO | <i>Foreign Commonwealth and Development Office</i> |
| FEC | <i>Federal Executive Council</i> |
| FIRS | <i>Federal Inland Revenue Service</i> |
| FT | <i>Fiscal Transparency</i> |
| FMoj | <i>Federal Ministry of Justice</i> |
| IRM | <i>Independent Reporting Mechanism</i> |
| M & E | <i>Monitoring & Evaluation</i> |
| MRA | <i>Media Rights Agenda</i> |
| NACS | <i>National Anti-Corruption Strategy</i> |
| NAP | <i>National Action Plan</i> |
| NEITI | <i>Nigeria Extractive Industries Transparency Initiative</i> |
| NESG | <i>Nigerian Economic Summit Group</i> |
| NGOs | <i>Non Governmental Organizations</i> |
| NSC | <i>National Steering Committee</i> |
| NOCOPO | <i>Nigeria Open Contracting Portal</i> |
| OCDS | <i>Open Contracting Data Standards</i> |
| ANEEJ | <i>Africa Network for Environment and Economic Justice</i> |
| OGP | <i>Open Government Partnership</i> |
| OSIWA | <i>Open Society Foundation for West Africa</i> |
| PERL | <i>Partnership to Engage, Reform and Learn</i> |
| PPDC | <i>Public and Private Development Centre</i> |
| UK | <i>United Kingdom</i> |

Executive Summary

Nigeria's President Muhammadu Buhari had signed Nigeria onto the Open Government Partnership (OGP) initiative following his pronouncement during the London Anti-Corruption Summit in May 2016. This act was a commitment to strengthening anti-corruption reforms by implementing programmes aimed at exposing and ending the culture of corruption. This was not a tough sell in the country as it tied into the focus of President Buhari-led administration: anti-corruption, fiscal transparency and creating an enabling environment for businesses.

This pronouncement set the foundation for the design of co-created reform commitments expected to deliver transformative measures in public offices and across the public sector. With this pronouncement, state and non-state actors co-created, designed and implemented Nigeria's NAP I with fourteen (14) commitments geared towards improving fiscal transparency, citizen engagement and strengthening anti-corruption efforts.

While NAP I is over, the desire to deliver open governance across the country is unrelenting. Nigeria's OGP process continues to act on its co-creation principles with its second National Action Plan (2019-2022), currently in its implementation phase. As the second NAP ends in August 2022, it is important to assess the role non-state actors have played to ensure successful implementation of the commitments under fiscal transparency and anti-corruption. For comprehensive and comparative purposes, the case study expands beyond the implementation phase to cover the design phase for both NAP I and II.

This assessment compels a review of the performance and participation of non-state actors in the current OGP NAP and assesses the success, and blockers that have been recorded in the implementation of the second NAP. Non-state actors play critical roles in the OGP process as supporting actors. In Nigeria, non-state actors led the advocacy, adoption and design of the country's OGP principles, setting them in a more important role to ensure the progression of the OGP. They also did more. In this report, we highlight our findings on the non-state actors' efforts during the design and implementation phases. It further looks at the major limitations and the recommendations to mitigate on-field challenges experienced by non-state actors.



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Nigeria's Open Government Partnership Landscape

The Open Government Partnership (OGP) process in Nigeria brings together state and non-state reformers to co-create concrete action plans that, when implemented, will ensure the administration and management of the public sector. Consequently leading to the birth of a transparent, inclusive, responsive, and accountable public sector. Through the specific activities outlined in Nigeria's National Action Plan (NAP), relevant actors galvanized efforts, including identifying new strategies to implement reform commitments while monitoring and evaluating the progress made against predetermined output and outcomes.

Nigeria's OGP NAP II was developed on the fundamentals of established co-creation principles, as well as the successes and lessons learned from the implementation of NAP I. The end of NAP I's implementation cycle (2017-2019) heralded the beginning of the NAP II. Nigeria expanded its focus areas from four (4) to seven (7), extending beyond the initial 14 commitments in NAP I to 16 commitments in NAP II.

These included previous commitments on transparency in budgeting, public contracting, and the extractive industry, anti-corruption measures, the implementation of freedom of information legislation and citizens' engagement. With an implementation cycle six months beyond the prescribed two years, Nigeria's first NAP implementation cycle ran from January 2017 to June 2019. At the end of the cycle, Nigeria presented NAP II for implementation from September 2019 to August 2021. However, the advent of the COVID-19 pandemic presented OGP member countries with the opportunity of extending the implementation cycle of running action plans by one year, beyond the initially planned deadline, changing Nigeria's implementation timeline from 2019-2021 to 2019-2022.

Nigeria's OGP coordinating unit, the OGP Nigeria Secretariat was mandated by the National Steering Committee (NSC), to coordinate the process of the development of NAP II. To do this effectively, the secretariat developed a roadmap (see annex 1), detailing the activities and designating responsible persons for each activity. NAP II activities were sequenced according to recommendations from Nigeria's NAP I Independent Reporting Mechanism (IRM) report. The OGP IRM independently reviews the technical process, engagement, co-creation and implementation of the reform commitments of OGP member countries and sub-nationals, providing recommendations for stronger design and implementation process.



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Nigeria's Second National Action Plan
<https://www.opengovpartnership.org/documents/nigeria-action-plan-2019-2022/>

The composition and co-creation structure established during the development and implementation of the first action plan maintained its due course during the development of NAP II, with the OGP Nigeria Secretariat leading the mandate on consultations with identified stakeholders. This culminated in a positive outlook in Nigeria's 2019-2021 Independent Research Mechanism (IRM) Design Report.

When Nigeria developed its first action plan in 2016, the global OGP principles revolved around four (4) thematic areas-fiscal transparency, access to information, anti-corruption and citizens engagement. Since then, to truly address civic issues that affect the basic fundamental human rights of people living in OGP member countries and subnational entities, the OGP has added new focus areas such as feminist OGP, diversity and inclusion, and service delivery. In addition to these, 'Extractive Transparency' was added as an independent portion; it was previously embedded in the fiscal transparency thematic area in NAP I. The decision to create the extractive thematic group was predicated upon the need to pay special attention to the extractive sector as Nigeria's economy is largely dependent on the resources derived from the industry.

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The co-creation of the two NAPs was hinged on the Nigerian government's policy thrust and demands of civil society actors, to improve transparency and build accountability mechanisms within the public sector. As such, the consultations with the identified government implementing Ministries, Departments and Agencies (MDAs) for the commitments in NAP II were done to ensure that the draft commitments and specific activities fell under the mandates and programmatic functions of the designated MDAs, to increase ownership and improve implementation. It was to this end that NAP II was developed with 16 commitments under 7 thematic areas:



With this pronouncement, state and non-state actors co-created, designed and implemented Nigeria's NAP I with fourteen (14) commitments geared towards improving fiscal transparency, citizen engagement and strengthening anti-corruption efforts.



Nigeria Design Report 2019-2021
<https://www.opengovpartnership.org/documents/nigeria-design-report-2019-2021/>

Outline of the Second National Action Plan (2019-2022)



| Commitments | Thematic Areas | | Commitment Details |
|--------------|-------------------------|-------------------------|---|
| Commitment 1 | Fiscal Transparency | Open budget & audit | To ensure more effective citizens' participation across the entire budget cycle, including the audit process. |
| Commitment 2 | | Open procurement | Full operationalisation of open contracting and effective deployment and use of Open Contracting Data Standards (OCDS) to meet diverse stakeholders' needs. |
| Commitment 3 | | Revenue Transparency | Improving the fairness, transparency, efficiency and effectiveness of Nigerian tax and non-tax revenue systems through the adoption of common reporting standards and other key revenue initiatives (TADAT, Addis Tax initiative, Strategic Revenue |
| Commitment 4 | Extractive transparency | Extractive transparency | Public disclosure of extractive sector contracts, licences, permits, payments to government and revenue stream to improve transparency, fiscal terms and positively impact public finances. |
| Commitment 5 | | Extractive transparency | Work together with all stakeholders (especially women, youth and vulnerable groups) to enhance transparency in the extractive sector through full implementation of EITI standards and audit remediations. |

| | | | |
|---------------|-----------------------|--------------------------|--|
| Commitment 6 | Anti-corruption | Beneficial ownership | To establish a public register of beneficial owners of corporate entities. |
| Commitment 7 | | Asset recovery | To strengthen Nigeria's asset recovery legislation including non-conviction based on confiscating powers and the implementation of unexplained wealth orders |
| Commitment 8 | | Anti-corruption strategy | To take appropriate actions to implement the National Anti-Corruption strategy.Growth Initiative and Financial System Strategies 2020). |
| Commitment 9 | Access to Information | Access to Information | Improved compliance of public institutions with the Freedom of Information Act (FoIA) concerning the creation, storage, organisation and management of public records and strengthening the functions and |
| Commitment 10 | | Access to Information | Improved compliance of public institutions with FoIA concerning the mandatory publication provisions requirement, annual reporting obligations to the AGF and increasing the level of responses to FoI requests. |
| Commitment 11 | Citizens' Engagement | | To implement the permanent dialogue mechanism adopted in the first National Action Plan (NAP). |
| Commitment 12 | | | To synergise and co-ordinate technology-based citizens' feedback on programmes and projects across transparency and accountability. |

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| Commitment 13 | | | To create the space for citizens and citizen organisations, human rights defenders and the media to thrive, express themselves and participate in the different stages of the policy making process without fear or intimidation. |
| Commitment 14 | Inclusion and Diversity | Inclusiveness | To increase the voice and enhance participation of the vulnerable (women, young people, persons with disabilities and marginalised groups), thereby addressing systemic barriers, and improving inclusive services in governance and decision |
| Commitment 15 | Improved service delivery | Improved service delivery | Contributing to the improvement in quality of public service delivery (availability, efficiency, reliability, equitable without hidden costs, transparency and accountability) in six pilot ministries including health, education, agriculture and infrastructure (power, works & housing and transportation) through initiatives to improve the performance and results.making processes |
| Commitment 16 | | | Development/enactment of legal, legislative or executive Instrument |

* *New commitments are highlighted in green*



For instance, under Commitments 1, 2 and 3, specific activities addressing COVID-19 revenue and expenditure were added

The COVID-19 pandemic struck a few months into the implementation cycle of Nigeria's second NAP and taking into cognisance the effect of lockdowns, restrictions in movements and economic activities, the OGP Support Unit allowed member countries to extend the implementation timeline. This increased the execution time frame of the action plans by one year, reflecting the global partnership's Open Response + Open Recovery Campaign. For instance, under Commitments 1, 2 and 3, specific activities addressing COVID-19 revenue and expenditure were added; 'Activity 16- An audit of all COVID-19 related expenditure', 'Activity 7-Publication of Beneficial Ownership Information of entities and companies involved in COVID-19 related procurement' and 'Activity 8-Publish all COVID-19 related expenditure on the Open Treasury Portal'.

These additional sections are critical considering the enormity of funds pumped into addressing the COVID-19 challenge in the country.

Still connected with the existing realities in the country, the non-state actors in Nigeria continue to seek avenues to dialogue on OGP with the government at all levels. For instance, during the #EndSARs protests which began within the correspondence window for action plan reviews received from the OGP Support Unit, OGP non-state actors engaged the government. They sought redress of the government's violent response to peaceful protesters by including three specific activities under Commitment 13 on improving the oversight role of the Police Service Commission, instituting regular dialogue between police and citizens and police station visitation by citizens' groups to inspect their conditions and operations.





Methodology

To develop this case study, a qualitative research method was adopted. A combination of primary (Key Informant Interview (KII), survey) and secondary (desk research) research was done to gain insights into the roles and level of participation of civil society actors in the design and implementation of Nigeria's second OGP NAP (2019-2022). The research focused on governance reforms tied to the OGP, and reviewed civil society activities and actions, government pronouncements, the NAP document, OGP global best practices, assessment reports, activity reports and relevant materials produced to aid the implementation of the NAP.

The research findings were drawn from the responses of thirty (30) non-state actors including development partners actively involved in the OGP process in Nigeria. Their contributions to the case study and their willingness to share information provided a good view of the role that civil society has played in the implementation phase of Nigeria's NAP II



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Nigeria Design Report 2019-2021
<https://www.opengovpartnership.org/documents/nigeria-design-report-2019-2021/>

Review: Nigeria's OGP NAP

Thematic Areas: *Fiscal Transparency*

Open Budgeting

The budget stands as the pre-eminent public policy document which ensures the implementation of the government's objectives. As an important economic, political and human rights tool necessary for effective public service delivery in Nigeria, both state and non-state actors unanimously agreed to a commitment on transparent budgeting in NAP II.

The first commitment in the NAP I, and carried over to NAP II, is Nigeria's commitment on open budgeting; however, it was expanded to cover the audit process in NAP II. As reported in the IRM 2017-2019 Report, the commitment was substantially implemented during the NAP I cycle, as the national government made efforts to hold consistent public fora to discuss the budget with the public and published key budget documents. However, the documents were not published in a timely manner, reducing citizens' familiarisation with the documents and their ability to have informed engagements with the government. Also, CSOs had begun to advocate for the budget cycle to return to the timeline prescribed by relevant legal instruments, after several years of a distorted budget cycle. For these reasons, working together, state and non-state actors unanimously agreed to carry over the open budgeting commitment into the second phase. Non-state actors continued to engage state actors on budget allocations and priorities areas. Key changes in this commitment in NAP II include:



Timely publication of a budget monitoring report.



Advocacy on the actualisation of a definite budget calendar.



The development and deployment of a Fiscal Transparency Portal.

https://www.opengovpartnership.org/wp-content/uploads/2021/01/Nigeria_Implementation_Report_2017-2019_For-Public-Comment.pdf



Conducting a citizen participatory audit on government programmes/projects implemented in selected sectors including health, education, water, sanitation and social investments, etc.



Advocacy for the timely publication of audit recommendations by the National Assembly.



Advocacy for timely implementation of audit recommendations by executive agencies.



An audit of all COVID-19 related expenditure as agreed by the government with international financial institutions on financing instruments for the government's response to the pandemic.



The budget dialogue mechanism for budget engagement, formulated during NAP I, was carried into NAP II. However, the commitment on open budgeting witnessed a setback in 2021 and 2022 with the COVID-19 pandemic affecting the physical participation of non-state actors. Participation in the public hearing of the budget organised by the Budget Office of the Federation was done virtually via Zoom.

On the legislative front, no physical or virtual engagement was carried out with citizens and concerned stakeholders. To ensure participation and contribution of citizens' input in the 2022 budget, FCDO's PERL and the Nigerian OGP Secretariat organised a four-day technical meeting on budgets for non-state actors to critically assess and proffer recommendations on three key sectors (Agriculture, Education, Health) to the federal government based on the National Development Plan and other fiscal strategy documents. The Secretariat and PERL submitted copies of the output of the meeting to the relevant committees on these sectors at the National Assembly.

Open Procurement

Like budgeting, transparency in public procurement is pertinent as it is the channel through which public resources are expended to obtain public services. Over the years, the failure of public services has been directly linked to corruption in public procurement which can be curbed with effective transparency and accountability mechanisms. On this premise, non-state actors led the advocacy and consultations that led to the feature of the commitment on open procurement in Nigeria's NAP I, with the aim of adopting and implementing Open Contracting Data Standards (OCDS). There were proposed execution plans such as the development of an open contracting portal and the issuance and compliance of guidelines for open contracting for public contracts.

At the end of NAP I, the commitment was reported to have had a limited implementation status

as the open contracting portal (Nigeria Open Contracting Portal, NOCOPO) which was developed and deployed, failed to meet the OCDS. Some of the unmet standards included documents inaccessibility by users and unavailability of and/or inadequate data on public contracts. These shortcomings predicated the carry-over of this commitment to NAP II.

Nigeria's NAP II is set to address the challenges that hindered the full adoption and implementation of the OCDS during the implementation cycle of the NAP I by:



1 Building the capacity of procurement officers across MDAs to use NOCOPO to upload relevant procurement data.



2 Annual ranking of MDAs' compliance with the utilisation of NOCOPO.



3 Integration of the NOCOPO with the e-government platform.



4 Publication of Beneficial Ownership Information of entities and companies involved in COVID-19 related procurement NOCOPO to upload relevant procurement data.



While the Nigeria procurement portal (nocopo.bpp.gov.ng) has been created and Ministries Departments and Agencies (MDAs) expected to take up the usage of the tool, non-state actors like Public Private Development Centre (PPDC) have continued awareness and technical capacity building to ensure more MDAs use the platform to increase procurement transparency.

Revenue Transparency

To deliver its mandate, a government is expected to generate and manage revenue which will be expended on the delivery of public services. Economic growth and development have been stalled by the failures of governments to effectively plan and manage existing and new revenue sources as well as deal transparently with revenue. With a steady decline in oil prices and a brewing economic recession, state and non-state actors saw the need to include a commitment on tax transparency in NAP I with a view to block leakages in the tax system which would translate into more resources for the government to provide public services. To do this, Nigeria committed to adopting and implementing several international standards—including the Common Reporting Standards (CRS) and Addis Tax Initiative—aimed at improving the taxation system and processes. Although Nigeria had successfully adopted the CRS, the enforcement was stalled and

extended until one year after the end of the implementation cycle. The adoption of the CRS did not automatically lead to an increase in tax receipts by the government. As a growing concern, and to cascade the efforts made during the NAP I phase, the commitment was carried over as revenue transparency in NAP II but expanded to include non-tax based revenue sources.

The commitment on revenue transparency was developed and set in motion for implementation, to ‘establish transparent, fair and efficient tax and non-tax based systems that will aid the generation of substantially more domestic revenue for the improvement of citizens’ welfare’. A key activity in this commitment was the suggestion by the organized private sector on the need to close legal loopholes and resolve conflicting legal provisions that aid tax evasion or avoidance and limit the government from generating revenue from other revenue sources.



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NOCOPO <https://nocopo.bpp.gov.ng/>

Anti-Corruption

Beneficial Ownership Transparency

In the OGP space, commitments on the implementation of Beneficial Ownership Transparency (BOT) principles are termed transformational because, if fully implemented, can drastically change a country's socio-economic trajectory by uprooting corruption and its attendant effects. The Buhari administration's commitment to the OGP, including its commitment to implement BOT principles, was received with high expectations and zeal from civil society and state actors.

The commitment on implementing BOT principles, as featured in the NAP I, was to develop and deploy a register of beneficial owners of corporate entities. At the end of the implementation cycle, the register was yet to be developed due to a protracted process for enacting a law to support the disclosure of Beneficial Ownership (BO) information.

However, the country had made some laudable progress by deploying a register of beneficial owners of companies in the extractive sector, as part of the Extractive Industries Transparency Initiative (EITI) requirements for member countries and holding several capacity building engagements on BO.

To build on the first NAP cycle, the commitment was carried over to the second NAP with specific activities aimed at providing stopgap measures for a legal instrument, until the Companies and Allied Matters Act (CAMA) is repealed and reenacted to contain provisions for the disclosure of BO information in Nigeria. The CAMA was passed into law in 2020, setting the ball rolling for the establishment of the beneficial ownership register, for which Nigeria received support from the OGP Multi-Donor Trust Fund (MDTF)



The implementation of BOT principles in Nigeria required consistent technical support in terms of capacity building for actors involved in the process. CISLAC dedicated both technical and financial support to the capacity development for state and non-state actors to understand the tenets and objectives of BO and its alignment with the anti corruption efforts.

Asset Recovery

A key thrust of the President Buhari administration, a commitment to the transparent management of recovered looted/illegally transferred assets, was included in the first NAP. The activities listed in the NAP were barely implemented even though Nigeria has recorded the return of assets from abroad, valued at millions of dollars. Despite questions on the integrity and transparency employed in the management and redistribution of the assets, there was a consensus among state and non-state actors to carry the commitment over to the second NAP, to institutionalise transparency mechanisms for the management of recovered assets.

In NAP II, the asset recovery commitment sought to do four main things. First, the enactment of the Proceeds of Crime Bill. Second, frequent publication of recovered assets to allow for accountability in the process. Third, capacity building of officials mandated to recover looted assets in order to align their tasks with global best practices. Fourth, the deployment of a framework for CSOs to monitor the utilisation of recovered assets.

National Anti-Corruption Strategy

During NAP I, Nigeria committed to improve on transparency, accountability and integrity through several measures such as joining the International Sports Integrity Partnership, working with the private sector to adopt mechanisms that aid transparency in public systems in key sectors and the adoption of the national anti-corruption strategy, including the passage of the Whistleblowers Act. At the end of the implementation cycle, only one activity—the adoption of the National Anti-Corruption Strategy (NACS)—was implemented.

The implementation of the National Anti-Corruption Strategy which took 18 years before its adoption led to an agreement by both state and non-state actors to carry over the commitment to NAP II. NAP II outlines specific activities from the NACS including the coordination of efforts by Anti-Corruption Agencies (ACAs), to be implemented, to curb endemic corruption in Nigeria's public sector.





Research Findings



While there were indications that donor interest had waned in Nigeria's OGP process due to structural issues within the Secretariat, FCDO/PERL played a critical role in ensuring wider consultations with relevant stakeholders.

To assess the participation and role of civil society actors in the implementation of OGP principles in Nigeria, two phases of the NAP II cycle were reviewed: design and implementation. This was predicated on the idea that the approach adopted in the first phase could determine the state and non-state actors' participation level in the second phase. For this reason, the IRM which is the global assessment tool for OGP member countries and subnational entities, reviewed the design and implementation phases of the action plans to highlight and encourage practices that lead to accelerated implementation of commitments and OGP principles.

In assessing these, the role of the civil society actors and other non-state actors in the OGP space is critically considered on the premise that the partnership between government and civil society actors, to implement OGP Principles and commitments in the action plan, is based on the co-creation tenet according to the OGP principles. The research found out that the success level in the implementation of a commitment is largely dependent on the state actors' interest and participation level. Regardless of the civil society actors' performance, the state actors played a critical role in the OGP process.

Consequently, until there is a clear understanding of the various stakeholders' roles in the OGP process, the concept of co-creation will have little or no positive effect on public service delivery. The development phase of NAP II recorded some commendable differences from the development phase of the NAP I where non-state actors played a minimal role in consultation. Things were slightly different during the development phase of NAP II. While there were indications that donor interest had waned in Nigeria's OGP process due to structural issues within the Secretariat, FCDO/PERL played a critical role in ensuring wider consultations with relevant stakeholders. During the period of advocacy for the adoption of the OGP principles before 2016, the Buhari administration had just come into government with expectations from both national and international levels to implement the reform plans it harped on during the campaigns. The novelty of the OGP initiative had been accepted as a different approach to public governance in creating value within the public sector. As a result, international donor organisations weighed in on Nigeria's adoption of the initiative based on the pronouncement of the President at the London Anti Corruption Summit in 2016.

<http://ukanticorruptionpledgetracker.org/pledges/sports/>

Development Phase

The process for the development of the second NAP can be dated as far back as August 2018, when the National Steering Committee (NSC) mandated the Nigeria OGP Secretariat to begin the process of developing the second NAP. This was followed by the constitution of a sub-committee to oversee NAP II's development, in view of the winding down of the implementation cycle which coincided with the General Elections the following year. Harping on lessons learnt from other OGP member countries and IRM recommendations, the process began with the development of a roadmap clearly outlining step-by-step activities and individuals/teams responsible for deliverables.

Prior to this, in March 2018, the Open Alliance organised a retreat for key stakeholders, reviewed NAP I and collected suggestions of issues that should be captured in NAP II. This detailed and more inclusive approach, according to the Open Alliance Secretariat, played an important role in improving the participation level of/by civil society actors in the development of NAP II as opposed to NAP I where the process was mostly driven by the civil society actors with minimal participation from the government side.

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Enthusiasm and Interest

The enthusiasm level displayed by civil society actors in the development of NAP I was optimally higher than that displayed by state actors. This can be connected to the fact that CSOs had long advocated for, and awaited, Nigeria's membership of the OGP as against state actors who barely knew or understood the concepts and principles of the OGP. After a series of engagements, opportunities for peer learning and implementing some commitments that brought international recognition, the enthusiasm towards the implementation of OGP principles skyrocketed towards the end of the implementation cycle of NAP, even though there were issues within the coordinating unit that may have impeded the entire process.

These achievements, despite the issues within the coordinating unit that may have impeded the entire process, made the adoption process of OGP faster in the second phase. It was no longer an alien concept that the non-state actors were trying to educate and onboard the state actors on; they were now aware of it and were ready to get involved. However, it is important to note that while there were more non-state actors involved, most of these non-state actors focused on the adoption and implementation of the OGP principles at subnational levels. Consequently, the enthusiasm level of both state and non-state actors also

contributed to increased and improved consultations during the development phase of the second NAP.

A noteworthy finding is that some of the new commitments were received with more enthusiasm from state actors than others. For instance, the commitments on Improved Service Delivery were received with enthusiasm because some civil society actors had done some forms of advocacy on the OGP to the leadership of the implementing agency. On the other hand, the commitment on inclusion was received with very low enthusiasm, mainly because the state actor mandated to lead the implementation of the commitment lacked a clear understanding of the OGP process.

This could have been as a result of the constantly changing focal persons for OGP within the MDAs. In other cases, persons with little to no knowledge of the OGP represent the MDAs at co-creation and technical meetings, setting the pace of implementation back.

In 2016, the Open Alliance Nigeria had played a big role in engaging both state and non-state actors to adopt and co-create the NAP. A further expectation from civil society was an upward ownership and enthusiasm on the government side to ensure that civil society actors are not speaking alone when it comes to the reforms contained in the NAP. However, the non-state actors noted that the spirit of ownership and enthusiasm for the OGP principles had dropped since NAP I, spiralling into NAP II design and implementation.

It was no longer an alien concept that the non-state actors were trying to educate and onboard the state actors on; they were now aware of it and were ready to get involved.

Political Will

The OGP as a multi-stakeholder co-creation process requires high-level political will and interest that is clear and visible across the value and actors' chain. There was very little buzz around Nigeria's membership of the OGP and the lack of mentions from the presidency adversely affected the interest of other members of the executive cabinet, in the process. Even though there was a significant interest in the OGP from the donor and civil society community at the national level, political will and interest was low and this culminated into the development of NAP I.

This was not different with NAP II. There was still considerably low political interest from the members of the executive cabinet in the OGP process during the development phase. However, the thrill of showcasing successes and receiving international recognition at global summits and other international fora brought about the involvement of some heads of departments and agencies and mid-level civil servants in the development of NAP II.

Funding and Technical Functions

Funding remains a driver for OGP expansion and coordination especially during engagements with non-state

actors that play important roles in supporting state actors to implement the commitments. During the first phase, non-state actors drove the process of engagement on OGP with relevant stakeholders including state actors and development partners. Through support from donor organizations like the Foreign Commonwealth and Development Office (FCDO), Open Society Foundation for West Africa (OSIWA), MacArthur Foundation, FCDO's Partnership to Engagement Reform and Learn, Trust Africa, and Partners Global, non-state actors organised consultative technical engagements and meetings in several locations across the country in designing and implementing the commitments in the NAP.

For NAP II, the process was retained although with limited funding support from the non-state actors in the design phase. Nonetheless, FCDO's Partnership to Engage Reform and Learn (PERL) provided both financial and technical support to both state and non-state actors to design, review and validate the commitments co-created across the thematic areas. The financial capacity to design NAP II paled in comparison to the funding sources available during the first phase. At the development phase, a few non-state actors who had received grants towards the OGP and other donor partners like FCDO had been able to support the co-creation process leading to the formation of NAP II. As such, much of the co-creation between state and



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Implementation Phase



For NAP II, the implementation cycle was originally slated for 2019-2021 but the advent of the COVID-19 pandemic provided an opportunity for an extension of the implementation cycle by one year.

NAP's co-creation tenet encourages equal partnership and responsibility between state and non-state actors in the delivery and implementation of action plans. However, the government is mandated to lead the implementation of commitments, with state actors providing support where necessary. For NAP II, the implementation cycle was originally slated for 2019-2021 but the advent of the COVID-19 pandemic provided an opportunity for an extension of the implementation cycle by one year. A comparative analysis of the implementation phase of the first and second NAPs indicates that NAP I fared better, in terms of enthusiasm from both state and non-state actors, political will and availability of funding support. NAP II implementation cycle came with the inclusion of more civil society actors operating at both federal and subnational levels. In comparison to the first cycle, more civil society actors had a better understanding of the OGP in the second cycle. As the number of actors in the initiative grows, civil society actors that had been in the OGP explained that this came with a challenge of aggregating efforts and managing the efficiency of these newly joined CSOs. In an instance, the OGP supports a democratic and co-creation approach where actors play leadership roles alongside their state counterparts. Each thematic area or commitment has two co-chairs on both sides.

Our research findings indicate that the limitations constraining the participation and performance of non-state actors in the implementation of NAP II are tied to the actions and inactions of their state counterparts, whether administrative or operational.

Enthusiasm and Interest

The initial enthusiasm witnessed among both non-state and state actors during the early days of the OGP in Nigeria took a downward turn at the beginning of NAP II's implementation cycle. The unresolved structural issues within the secretariat affected its ability to effectively coordinate stakeholders to perform their responsibilities as contained in the second phase. Some civil society actors associated the decline in their enthusiasm to the COVID-19 pandemic. There was a shift in attention when it came to humanitarian issues at the time. More organisations were focused on survival rather than the NAP commitments. This meant that time and resources that had been previously used to ensure the smooth and timely implementation of specific activities under the second NAP commitments were diverted towards strengthening the resilience of CSOs.

Some civil society actors implied that leadership efforts of thematic working groups were insufficient, and as such, caused a decline in enthusiasm by other civil society actors. Indications were that the thematic working groups' co-chairs of the first phase had a deeper understanding of the OGP process. More than this, they had a clear knowledge of their roles and responsibilities in ensuring the successful implementation of the commitments, and as such, managed the process and stakeholders better than the present co-chairs. Unlike the second cycle, the first cycle had non-state actors co-chairs of thematic working groups working alongside the lead implementing agencies, as "big" CSOs with considerable access to funds to implement activities. For instance, BudgIT was the secretariat of the Open Alliance and Non-State Actors Co-chair of the Fiscal Transparency Working Group between 2017 and 2018. As the secretariat, it ensured that funds were sourced and made available for engagements and workshop sessions to advance the implementation of the commitments. It also organized quarterly meetings for the Open Alliance which sought to build collaboration between non-state actors.

OGP Secretariat Coordination

The Nigeria OGP Secretariat is mandated to coordinate the implementation of the OGP principles and commitments in Nigeria, providing support to both state and non-state actors under the leadership of the National Steering Committee. The coordination with the

secretariat during the implementation phase was impacted by the secretariat's leadership challenges in the period under review. The secretariat experienced leadership changes thrice between the end of the first cycle and the middle of the implementation of the second cycle which affected its coordination responsibilities and functions. According to the civil society actors, the leadership challenges and its attendant effects reduced the momentum of implementation as well as the enthusiasm and interest of state and non-state actors.

The co-creation dialogue mechanism for actors to review the implementation process of the OGP is the thematic working group meetings coordinated by the Nigeria OGP Secretariat. However, the leadership challenge with the secretariat hindered consistent meetings, which were scheduled to hold quarterly, and when held, the coordination was poor. This bottleneck created a disconnect between state and non-state actors, plunging non-state actors into a relegated status in the process.

Financial and Technical Support

Civil society actors had led the OGP advocacy process in the previous action plan cycle with both financial and technical support directed at the design and implementation phases. Through support from development and donor partners who had shown interest in the OGP principles at the national level, non-state actors committed funds and technical expertise to training,

consultation, review and co-creation dialogue mechanisms. Donor organisations such as Open Society Foundation for West Africa, MacArthur Foundation, FCDO's Partnership to Engagement Reform and Learn, Trust Africa, and Partners Global had provided funding support to the OGP process in the first action plan at the national level. The second action plan did not receive similar support as the funding made available to the OGP was directed at the subnational OGP process.



Trust Africa, and Partners Global had provided funding support to the OGP process in the first action plan at the national level.

NAP II witnessed a decline in both financial and technical support primarily due to the funding limitations. A review of the implementation of the first action plan had shown funding to be a critical driver for the successes recorded. The National Steering Committee with consistent advocacy from the non-state actors worked to get the Nigeria OGP Secretariat an allocation in Nigeria's Federal Government budget in 2021. The expectations from the non-state actors, as a gesture of political interest and investment, was that the OGP implementation would have been improved with such allocation. However, the government's administrative bureaucracy and leadership challenges at the Nigeria OGP Secretariat created a deadlock. Therefore, even with an allocation in the national budget, the OGP process did not improve, largely due to

the fact that the funds released were targeted mainly at statutory meetings and not for the direct implementation of specific activities under the commitments

Knowledge Gaps and Capacity Building

The dynamic of Nigeria's OGP process has been such that the non-state actors caught up with the OGP earlier than the state actors, placing the responsibility of bridging the knowledge and capacity gaps on the non-state actors. This is as a result of the fact that a majority of the reform ideas in the NAPs are a consequence of civil society actors' advocacy efforts. In continuation of previous efforts during the NAP I cycle, non-state actors like PPDC, CISLAC, MRA and Accountability Lab have continued to provide technical capacity training to state actors on commitments such as Open Contracting, Beneficial Ownership, Access to Information and Inclusion respectively. Additionally, Open Alliance Nigeria organised a strategy review session for non-state actors to review the lessons learnt during NAP I to improve the coordination between civil society actors in the implementation of commitments during the second phase.





Monitoring & Evaluation

Although Nigeria's first OGP NAP cycle received higher political interest and donor support than the second NAP and the OGP Nigeria Secretariat made concerted efforts towards monitoring the implementation of commitments, it lacked a detailed plan to assess the impact of the implementation and the milestones attached to the OGP commitments. Apart from the Independent Reporting Mechanism (IRM) deployed by the OGP support unit at the end of the implementation cycle to assess several indicators, there was no comprehensive Monitoring and Evaluation (M & E) plan for Nigeria's first NAP. The importance of an M & E framework was identified during mid-year assessment of NAP I which became a point of recommendation for subsequent action plans. This recommendation was considered during the development of NAP II as an M&E specialist was engaged during the development phase of NAP II. This resulted in the review of the NAP template to break down milestones into specific activities, expected output and outcomes.

This recommendation was considered during the development of NAP II as an M&E specialist was engaged, resulting in the review of the NAP template as well as clearly documented milestones, activities, expected output and outcomes. To further address the gap highlighted from the implementation of NAP I, the National Steering Committee led by the honourable minister of state, budget and national planning, seconded an M&E specialist to the Nigerian OGP Secretariat. Based on the second NAP commitments, the M&E specialist developed and disseminated the monitoring and evaluation framework to thematic working groups who distributed to the implementing organizations in 2021.

While efforts were made towards developing and disseminating an M&E framework, state and non-state actors were not trained on how to use the framework. As at the time of this case study, non-state actors could not use the framework to monitor their performance. Individual organisations working on the commitments in different thematic groups, on the other hand, separately monitored and documented their organisations' activities that are linked to specific activities captured under commitments in the second NAP. This indicates that there was no plan for the appropriate dissemination and validation of the M&E framework, to properly monitor progress in the implementation of the NAP II's commitments.



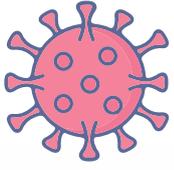
Based on the second NAP commitments, the M&E specialist developed and disseminated the monitoring and evaluation framework to thematic working





Limitations and Recommendations

NAP II cycle commenced with state and non-state actors co-creating and transmitting commitments, using lessons learned during the development and implementation of NAP I and shadowed with the collective goal of working towards the type of governance and service delivery they hoped to achieve. However, the implementation of activities may have suffered and stalled as a result of circumstances beyond the implementing partners' control, but with stronger intent, OGP activities may continue without interruptions, especially whilst NAP III is in the works.



Covid-19 Pandemic and OGP Implementation

In 2020, the world was unexpectedly hit by the COVID-19 pandemic which forced implementing organisations to suspend their projects and activities. On the OGP side, this hampered implementation as the majority of the strategies employed required physical activities.

To address the unpredictability of the pandemic, the workforce, especially in the development space, adapted varying styles of working, engaging with their beneficiaries, forming virtual communities and keeping the information ecosystem still functional. It was no different in Nigeria, as civil society organisations also transited online to keep their activities running. However this was not the case with OGP NAP II activities.

The approach to OGP implementation lacked innovation in terms of how it would continue to deliver its operations, particularly while the pandemic was in full swing, demonstrating the importance of new strategies and technological adaptability for OGP to continue to advance.

Recommendation

To deal with uncertainties like the pandemic and for OGP to keep running, provision for innovation should be designed and inserted into upcoming National Action Plans. The implementing partners should take the same approach to delivering the OGP Commitments as they did towards their organisations' needs. Given that the OGP is anchored on the use of technology to advance public service reform and governance at large, implementing actors most especially the OGP leadership should look at devising or adopting existing technological solutions for collaboration between state and non-state actors.



OGP Implementation and the Funding Challenge

Although budget allocation for OGP implementation was provided in Nigeria's 2021 Budget, the utilization of the fund to achieve the desired outcomes in terms of better implementation, and better collaboration between government and civil society actors, was not achieved as expected. Government bureaucracy, leadership issues at the Secretariat, among other issues, gave rise to this challenge. Enthusiasm waned on the non-state actors' side when funding was not available to bring non-state actors to the table to discuss progress and review performance. The provided transparency around the 2021 budget failed to meet the expected level of transparency non-state actors expected from the OGP Secretariat and the National Steering Committee.

Furthermore, a large number of civil society organisations in Nigeria work on transparency and accountability and they sourced funding for their organisational activities which were not necessarily OGP activities but still had to find a way to structure their activities to align with the National Action Plan. Even though funding might have been acquired, only a few organisations with national presence successfully secured funding to implement OGP commitments. For others who could not, the vigour continued to dwindle.

Recommendation

Civil society actors should prioritise fundraising for the OGP as a collective, instead of individual, effort. This could be done under the umbrella of the Open Alliance Nigeria since it leads the largest coalition of civil society actors working on the OGP in Nigeria and Africa. Approaching the delivery of commitments tied to individual organisational goals has the tendency for some commitments to be pursued to completion while others lag behind as a result of lack of funding. A consortium focusing on funding demands would better serve the OGP and its implementation.



Monitoring and Evaluation Gap

The implementation of NAP II began prior to the development of a monitoring and evaluation framework to track the progress of the commitments. This affected the design of the commitments to reflect the S.M.A.R.T. approach. To salvage the situation, the secretariat developed an M & E framework based on the milestones under each commitment. Nonetheless, the M & E framework, even though available, is yet to achieve the monitoring objective as both state and non-state actors are unable to use it. Although solid and progressive milestones were met during implementation, the lack of a holistic M&E roadmap encompassing the entire OGP process meant that certain milestones were lost or instead connected to organisational goals and its funding partner. Non-state actors did not have necessary tools and knowledge to monitor the implementation of their commitments.

Amongst other reasons highlighted in the research, implementing CSOs seem to always be distracted with their grant work plans and implementation, which has the tendency to clash with the monitoring of the OGP commitments, and might not be able to pay attention or allocate resources to the proper offices to keep track of activities under the OGP.

Recommendation

M&E frameworks need to be developed alongside the National Action Plans to capture the milestones, indicators and timelines. Rather than leaving M&E to CSOs, provisions should be made for an M&E personnel within the OGP secretariat to first train the CSOs on how to use the framework; follow up with implementing partners; keep track of activities and update the M&E framework as needed, as well as provide real-time support to ongoing activities.



The OGP Secretariat: Bureaucracy and Coordination Gaps

Although the co-creation clause was a key point in developing and implementing the commitments, not much collaboration happened during those phases. In many cases highlighted in the research, CSOs found it difficult to work with state actors who were not as involved in the process.

For example, on the side of the state actors, ministry representatives attended NSC meetings on behalf of the head of the lead agency and could not make quick decisions in critical times. On the other hand, heads of lead CSOs need to be more involved in the nitty-gritty of these activities and ensure collaboration with state actors. These situations affected co-creation and/or implementation of activities because questions were raised during implementation especially around collaboration to deliver on the commitments.

The secretariat's leadership issues plunged it into changing leadership three times within a short period. Each leadership change impacted civil society's expectations of the OGP. They expected that the proactive initiative would transcend unnecessary bureaucracy and focus on measurable results. Nonetheless, not much progress was identified by the civil society on the co-creation and implementation process apart from the seemingly stable leadership the secretariat now has.

Recommendation

It may be worth investing time identifying sweet spots and encouraging a symbiotic relationship between lead CSOs and lead agencies, as this will make co-creation and implementation smoother. The existing leadership challenges must be filled by requiring state actors to personally commit to guarantee that commitments are fulfilled. Not the focus individual, but leadership is aware of what is happening. This ties to the need for political interest at the right levels of government.



OGP is Becoming Less Popular

Although the Open Government Partnership encourages governments to open their systems to the public, many people are unaware that such a progressive initiative exists. Many citizens are unaware of how the OGP may benefit them and how it can be translated into better service delivery. On one hand, citizen feedback may be useful in developing unified National Action Plans. In the case where there is an understanding of the OGP amongst both state and non-state actors, OGP is steadily becoming less popular with interest at the national level. This affects the NAP implementation. The interest of the OGP is now concentrated at the subnational level especially in states that have signed to the OGP at a global level.

Furthermore, OGP seems to be implemented at the national level by the big names in civil society, with minimal involvement from grassroots CSOs. This is attributable to both financial and technical limitations faced by those grassroots organisations.

Recommendation

The OGP has to get to the stage where Nigerians are talking about it as a reform mechanism, but it presently lacks the necessary advocacy tools to spark dialogue in the civic space. A complete understanding of what the OGP represents to citizens and how they may participate in discussions about it is needed. There are means and channels, such as new media, that can be used to harness citizens' voices outside of civil society, simplify terminologies, and generate interest in the OGP.



ANNEX



Roadmap for the Development of the Nigeria Open Government Partnership Second National Action Plan (NAP)

Strategic Objective

The strategic objective of this roadmap is to develop an activity and guideline process in the development of an action plan that meets the OGP's co-creation and public consultation requirements and delivers an implementable plan agreed to by all stakeholders to the benefit of Nigerians in the development of the second National Action Plan.

1

Progress Report Review: A review of the last updated progress report on the 14 Commitments of NAP I will be submitted by the secretariat to the members of the National Steering Committee (NSC) to identify completed and pending commitments and activities. The lead state and non-state actors for each commitment will lead this activity. They will harmonize their findings for each commitment. A report on the assessment of each commitment will answer: How was the implementation done? Did it achieve the desired result? What hindered the completion of the commitment? Why are they pending? A team will collate the reports into a single document and present it to the NSC NAP committee.

2

The suggestion of reform ideas: There will be an open call for the public to submit reform ideas they would like to see in the action plan. A template for the suggestion of ideas will be circulated online with a submission deadline. The ideas submitted will be collated and further reviewed, assessed and categorised into four groups:

- a. *Proposals to be admitted with changes.*
- b. *Proposals to be incorporated in the NAP III.*
- c. *Proposals to be incorporated in future action plans.*
- d. *Inadmissible proposals.*

An appointed technical team will be responsible for carrying out the aforementioned activities and submit its reports to the NSC NAP Committee.

3

Retreat: The co-chairs will host a 2-3 day retreat to translate the accepted reform ideas into a draft National Action Plan. The draft plan will be deliberated upon by the stakeholders involved. The retreat will bring together government, civil society, organized private sector and technical consultants to review reports including the progress review. They will also prepare an updated draft NAP which combines outstanding commitments from the first NAP and new accepted reform ideas.

4

Public Consultation I: The NSC NAP committee will host a series of focus group and roundtable discussions. These activities will be attended by the key implementing officials identified in the action plan:

- a. *To discuss the content of the draft national action plan*
- b. *To enable the key stakeholders to understand their roles as stipulated in the action plan.*
- c. *To discuss timelines for implementation, performance metrics, expected outcomes and the impact of the commitments; reporting and M&E framework.*

5

Public Consultation II: At this stage, all the draft documents will be hosted online on the OGP Nigeria website and other stakeholders' websites to allow for public comments and feedback.

6

Report of the Public Consultation Processes: The technical team and consultants will collate feedback from all public consultation, produce a report and translate all the feedback into the draft NAP.

7

Approval of the Draft NAP: The final NAP will be presented to the members of the NSC for approval and adoption.

8

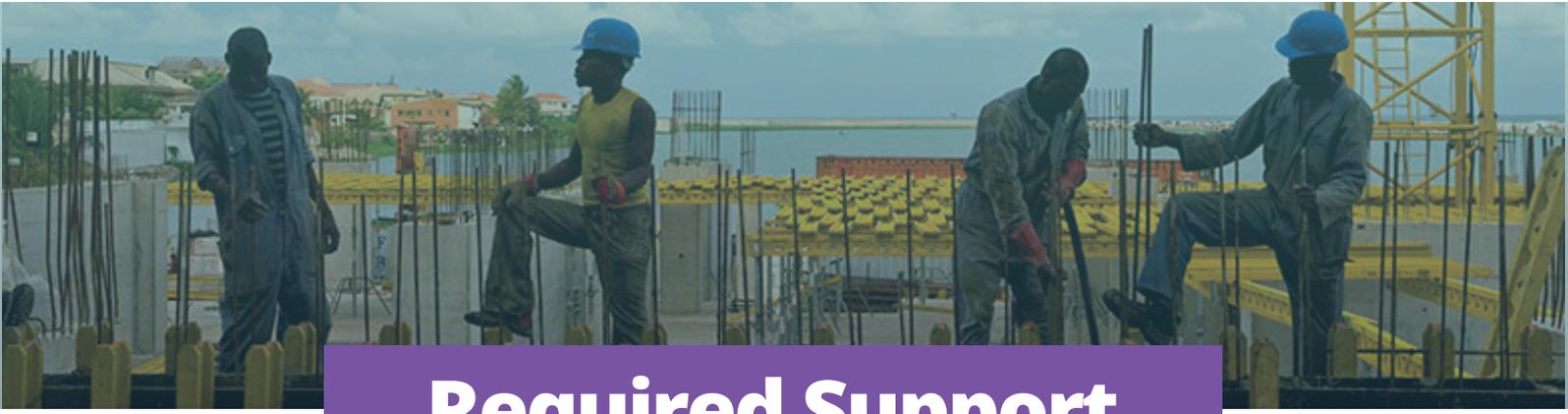
Implementation, M&E work plan and Costing: The OGP secretariat and the team of consultants will develop a work plan for the implementation of the NAP, Monitoring and Evaluation of the implementation of the NAP and a budget.

9

Design: Finalisation and Design of the Second National Action Plan.

10

Availability online.



Required Support



A team of consultants to support the NSC and Secretariat in the entire process.



Funding support to host the various meetings, focus group discussions, technical meetings, stakeholders retreat, NSC meetings, communications (traditional and new media), and the design and publication of NAP documents.

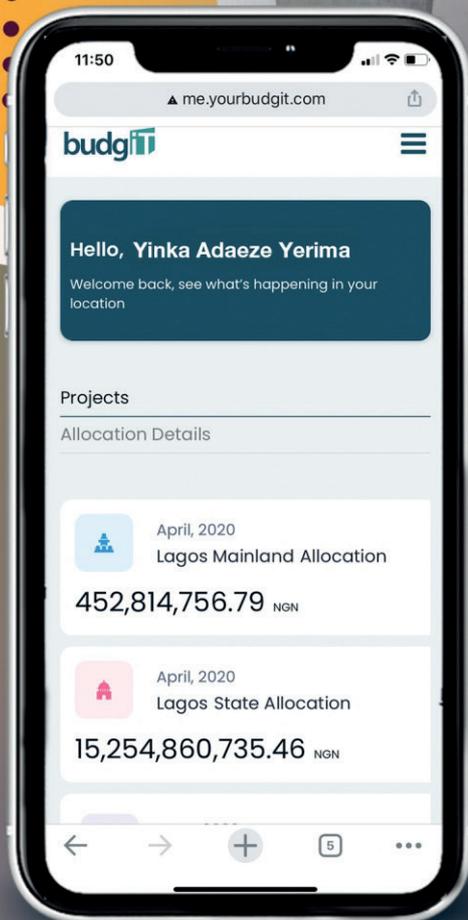


Timeline

The development of the Second National Action Plan is expected to be completed before the end of May 2019, a three-month duration.

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