

OGP Nigeria:

PROGRESS REPORT ON IMPLEMENTATION STATUS OF COMMITMENTS

2018

Anti-corruption

Commitment 6: *To establish a Public Central Register of Beneficial Owners of companies*

CAC and NEITI completed consultation with stakeholders on the implementation of beneficial ownership register and CAC developed new annual returns forms that require companies filing annual returns to provide information about the beneficial owners of the company. CSOs like CISLAC continued to provide research and knowledge support for the process of establishing beneficial ownership; hosting a multi stakeholder dialogue and built capacity of other CSOs on beneficial ownership. They published a research on the legal framework and factsheet on Beneficial ownership.

The details of implementation of specific activities are as follows:

Milestones for Commitment:	Report of Progress made Implementing Commitment
CAC to commence consultations, workshops and process of establishment of Register of Beneficial Ownership.	Completed <ul style="list-style-type: none">• This has been done with a government team undertaking a study of the UK Beneficial Ownership Register. The report of the study team was reviewed by stakeholders during focused group discussions.• CAC completed consultation with stakeholders on the implementation of Beneficial Ownership Register.• Following the consultation, CAC proposed a bill to repeal and re-enact the CAMA Bill, a database of Beneficial Owners will be managed by CAC and will be integrated with data from BPP, NEITI and FIRS.

	<ul style="list-style-type: none"> • CAC has redesigned the Annual Returns Forms to enable companies comply with the disclosure of information on beneficial owners and has submitted funding proposals in the 2018 budget <p>(PEBEC, FMITI, NESG)</p>
Capacity Building on Beneficial Ownership for public officials, civil society and investigative journalists.	<p>Underway</p> <ul style="list-style-type: none"> • CISLAC organised a collaborative advocacy meeting to CAC and with other stakeholders, held 2 capacity-building workshops for CSOs on Beneficial Ownership, developed and disseminated a BO factsheets, held multi stakeholder dialogue on Beneficial Ownership, commissioned research, validated outcome and published BO legal framework in Nigeria. • NEITI maintained a series trainings and public symposiums on the BO. <p>(NEITI, CISLAC, PWYP)</p>
Establishment of Beneficial Register designed according to Open data standards.	<p>Underway</p> <ul style="list-style-type: none"> • Template for collection of beneficial ownership data has been designed and is now being issued to companies making annual returns to CAC. • NITDA met with CAC on technology needs of the CAC.
Regular update of the Register using innovative technology.	Pending
Dissemination of Information on Beneficial	Pending

Ownership.	
Establish clear rules on beneficial ownership, constitute coordinating committee with CAC and NEITI as lead organizations.	Completed

Commitment 7:

Establish a platform for sharing information among Law Enforcement Agencies (LEAs), Anti-Corruption Agencies (ACAs), National Security Adviser (NSA) and financial sector regulators to detect, prevent and disrupt corrupt practices.

The inter-agency coordination for the implementation of National Anti-Corruption Strategy (NACS) has been constituted and a hotline is being set up in the Ministry of Justice.

The details of implementation of specific activities are as follows:

Milestones for Commitment:	Report of Progress made Implementing Commitment
Set up a technology aided platform for sharing information.	Pending
Regularly update the platform.	Pending
Set up the Inter-agency committee to co-ordinate the activities of Anti-Corruption Agencies (ACAs) on information sharing to fight corruption.	<p>Underway</p> <ul style="list-style-type: none"> An action plan was developed for the implementation of the NACS and will be validated and adopted before the end of the first quarter. The Inter-Ministerial Committee for the implementation of NACS will be inaugurated by President Muhammadu Buhari <p>(Presidency, FMOJ, ARMU, TUGAR)</p>
Establish and regularly update	

database of blacklisted and Convicted Companies and persons.	Pending
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Commitment 8:

To strengthen Nigeria’s asset recovery legislation including non-conviction based confiscation powers and the introduction of unexplained wealth orders.

The Asset Recovery and Management Unit which also serves as the secretariat of the National Anti-corruption Strategy was set up in the Ministry of Justice to coordinate asset recovery and implementation of NACS. A central asset recovery account was set up with the Central Bank of Nigeria to receive local and international recoveries. A presidential committee is currently auditing all recoveries and their report is expected to be made public soon.

ANEEJ led CSO participation in the negotiation of agreement for the return of recovered \$321m Abacha loot. The final agreement includes the historic CSO monitoring of utilisation of recovered assets; a first time CSOs are being included in a return of stolen asset agreement in the world. Nigeria fully participated in the Global Forum on Asset Recovery (GFAR) hosted the US and UK Government in Washington DC in December 2017. Nigeria presented a CSO Country Report on Asset Recovery at the Forum. Also, Nigeria received GBP78m from the UK Government as part of recoveries from the Malabu Oil Scandal.

Several anti-corruption strengthening bills like the Proceeds of Crime Bills continue to work its way through the legislature. The Senate passed the Proceeds of Crime (POCA) Bill and is awaiting passage by the House of Representatives before it is signed into law.

The details of implementation of specific activities are as follows:

Milestones for Commitment:	Report of Progress made Implementing Commitment
Enactment of the Proceeds of Crime Act.	Underway <ul style="list-style-type: none"> The bill has been passed by the Senate, awaiting passage by the House of Representatives. CSOs were encouraged to carry out advocacy for the passage of this important piece of legislation.

<p>Capacity building for the ACAs to implement non-conviction based asset forfeiture regime.</p>	<p>Underway</p> <ul style="list-style-type: none"> • This commitment is dependent on passing POCA into law. • Asset Management Unit held a capacity building training on Asset Management for the following ACAs in 2017 -CBN, FIRS, TUGAR, ICPC, EFCC, NDLEA, Customs, Foreign Affairs Ministry, CCB, Police, FMOJ, Legislature, Judiciary, SCMUL, PACAC -with over 100 participants. Another retreat on Asset Management for ACAs is planned for May 2018. The Justice Reform Team in the Ministry of Justice is carrying out a series of training for ACAs. • ANEEJ organised 2 training workshops on 2nd UNCAC review circle in Nigeria and the implementation of OGP in Nigeria for media and civil society in Lagos and Abuja. <p>(ARMU, FMOJ, ANEEJ)</p>
<p>Federal Ministry of Justice to develop guidelines for transparent management of recovered assets pending the enactment of the law.</p>	<p>Underway</p> <ul style="list-style-type: none"> • The newly established Asset Recovery Management Unit/National Anti-Corruption Strategy is working on this guideline. A central account was established with the CBN for local and international recoveries. <p>(ARMU, FMOJ)</p>
<p>Monthly publication of reports of the recovered assets and utilization.</p>	<p>Underway</p> <ul style="list-style-type: none"> • An audit committee set up by the President is currently verifying recovered asset and the audit report will be made public.

	<ul style="list-style-type: none"> • ANEEJ published a CSO report on Asset Recovery ahead of the Global Forum on Asset Recovery in December 2014 in Washington DC. <p>(ARMU)</p>
Deploy a framework for CSO monitoring of the procedure for recovery and utilization of recovered assets.	<p>Pending</p> <ul style="list-style-type: none"> • This is contained in Nigeria's agreement with Switzerland for the management of returned Abacha Loot. • The Anti-Corruption technical Committee should include this into their responsibilities. <p>(FMOJ, ARMU)</p>

Commitment 9:

Commit to taking appropriate actions to co-ordinate anti-corruption activities; improve integrity, transparency and accountability.

The Federal Government approved the harmonised national Anti-Corruption Strategy and the inter-ministerial committee will be set up soon. The Asset Recovery and Management Unit in the Federal Ministry of Justice, serves as the secretariat for the implementation of NACS.

Aside submission of the Whistleblower Bill to the National Assembly, the government followed up with a Whistleblower Policy managed by the Ministry of Finance and the Asset Recovery Management Unit (ARMU) pending passage of the bill into law.

The details of implementation of specific activities are as follows:

Milestones for Commitment:	Report of Progress made Implementing Commitment
To set up a cabinet committee to	Underway

<p>coordinate anti-corruption efforts of government and provide national accountability on the implementation of anti-corruption strategy.</p>	<ul style="list-style-type: none"> • The Federal Executive Council approved the National Anti-Corruption Strategy Document. • An inter-Ministerial Committee to be inaugurated by the President soon (FMOJ, ARMU, OGP Secretariat)
<p>To Join the international Sports Integrity Partnership</p>	<p>Pending (Ministry of Sports)</p>
<p>To launch a Practitioner Partnership on Institutional Integrity in the Public and Private Sector with special emphasis on the extractives, health, education, professional bodies, anti-corruption institutions and infrastructure development.</p>	<p>Pending (FMOJ NESG)</p>
<p>To adopt the National Anti-Corruption Strategy, working closely with CSOs.</p>	<p>Completed</p> <ul style="list-style-type: none"> • The Federal Executive Council approved the National Anti-Corruption Strategy and set up the secretariat at the Federal Ministry of Justice to coordinate implementation of the strategy. <p>(FMOJ)</p>
<p>To create an innovation hub that will facilitate the uptake of new approaches and technologies to tackle corruption and improve access to information.</p>	<p>Underway</p> <ul style="list-style-type: none"> • The Federal Ministry of Justice is currently developing the platforms for innovative hubs. <p>(FMOJ)</p>
<p>Introduction and passage of the</p>	<p>Underway</p>

Whistleblowers Act.

- The Whistleblowers Bill is being considered by the National Assembly. Pending passage of the bill, the Federal Executive Council approved the Whistleblower policy which is managed by the Federal Ministry of Finance. The Ministry of Finance reported that N7.8bn, \$368m, and £27,800 have been recovered through this policy.

(FMOJ, National Assembly, ANEEJ, CISLAC, CentreLSD)