

NIGERIAN LONDON SUMMIT COMMITMENTS

EXPOSE CORRUPTION

A. Beneficial ownership Transparency.

- Nigeria is committed to establishing a public central register of company beneficial ownership information (BOI). (The President of Nigeria has presented a draft Money Laundering Prevention and Prohibition Bill to the National Assembly in February, 2016. This bill has defined beneficial ownership in line with FATF standards).
- Nigeria has a database of registered companies, charities and trustees and provides access to lawyers and law enforcement agencies to BOI for companies and other legal entities registered within our jurisdiction.
- We are committed to implementing bilateral arrangements that will ensure law enforcement in one partner country has full and effective access to the BOI of companies incorporated in the other partner country.
- We are taking steps to ensure transparency of the ownership and control of all companies involved in property purchase and public contracting. Nigeria is already collating this information through the Extractive Industry Initiative process and would extend it to other sectors.
- Nigeria will establish a transparent central register of foreign companies bidding on public contracts and buying property.
- We welcome the proposal by developed countries to work together to improve the access of developing countries to BOI for use in public contracting.
- We welcome the proposal from countries to restrict the ability of those involved in grand corruption to travel, invest and do business overseas. (We suggest that this could be activated where there is a conviction or public information of the involvement in grand corruption and where it is in the public interest to impose those restrictions).

B. Preventing the facilitation of corruption.

- Nigeria commits to deploying public-private information sharing partnerships to bring together governments, law enforcement, regulators and the financial sector to detect, prevent and disrupt money laundering linked to corruption. (Within the financial sector, such a partnership exists and brings together the Chief Compliance Officers of banks, law enforcement and security agencies).
- We will work together with interested countries to share information between respective public-private partnerships to ensure the most effective response to international money laundering.

C. Public procurement and Fiscal transparency.

- We will work towards full implementation of the principles of the Open Contracting Data Standard, focusing on major projects as an early priority.
- We will apply the Open Contracting Data Standard to the following major projects – (i) Development of refineries in the oil sector; (ii) Building of health centres and improvement of health services; (iii) Building of roads and other infrastructures;

(iv) Building of schools and improving transparency in the management of education funds and (v) Investment in the power sector.

- We will implement the principles of Open Government Partnership and Open Data Charter.
- We commit to undertake IMF Fiscal Transparency Evaluation.

D. Extractive Industry (Oil Sector and Solid Mineral).

- We commit to work together to enhance company disclosure on the payments to governments for the sale of oil, gas and minerals, complementing on-going work within the Extractive industry Transparency Initiative (EITI). (As a member of the EITI, Nigeria is already implementing the principles of disclosure required under the EITI).
- Nigeria is already reporting progress through the EITI working groups and will continue to work with interested countries to build a common understanding and strengthen the evidence for transparency in this area.
- We welcome voluntary disclosures through EITI reporting and by some major companies regarding payments to governments for the sale of oil, gas and minerals.
- We welcome the new 2016 EITI standard, in particular the requirements on beneficial ownership and the sale of the state's share of production.

E. Tax Transparency.

- We will sign up to the Common Reporting Standard Initiative.
- We commit to join the Addis Tax initiative.
- We commit to reviewing penalties and other actions against professional enablers of tax evasion, including for corporations that fail to prevent their employees from facilitating tax evasion.
- We support the development of a global commitment for public country by country reporting on tax information for large multinational enterprises.

PUNISH THE CORRUPT/ SUPPORT VICTIMS OF CORRUPTION

F. Prevent corrupt bidders from winning contracts.

- We commit to establishing accessible central databases of companies with final convictions.
- We commit to exploring ways of sharing information on corrupt bidders across borders.

G. Asset recovery, Asset return and Transparent management of returned assets.

- We commit to the strengthening of our asset recovery legislation, including through non-conviction based confiscation powers and the introduction of unexplained wealth orders. (Nigeria has limited powers under the Independent Corrupt Practices Commission Act, 2000 and the Economic and Financial Crimes Commission, 2004 to recover stolen assets. In order to improve on the current legal procedures and ease asset recover procedures, Nigeria has drafted the Proceeds of Crime Bill. The

Proceeds of Crime Bill will provide for transparent management of returned assets and non-conviction based approach to asset recovery.

- We commit to developing internationally endorsed guidelines for the transparent and accountable management of returned stolen assets.

H. Payments to affected states and victims of corruption.

- We will develop common principles governing the payment of compensation to the countries affected, **(including payments from foreign bribery cases)** to ensure that such payments are made safely, fairly and in a transparent manner.

DRIVE OUT CULTURE OF CORRUPTION

I. Fostering integrity in International sports.

- We will join the International Sport Integrity Partnership.

J. Promoting integrity in our institutions.

- We will launch a practitioner partnership on institutional integrity, coordinated by the OECD. This will cover the following sectors: **[extractives, health, education, public service and anti-corruption institutions]**.
- We will provide institutional integrity and partnership between the UK Auditor General's office and the Nigerian office of the Auditor General as well as between Nigeria's Anti-Corruption institutions and the UK national crime agency to build the capacity to fight corruption while also improving professional standards.

K. Support innovations in the use of technology to fight corruption.

- We commit to participating in an innovative hub that will facilitate the uptake of new approaches and technologies to tackle corruption and to improve access to information.

L. Support to international system.

- We will work with other countries, civil society and international organisation to support accelerated implementation of the voluntary provisions of the UN Convention Against Corruption (UNCAC) and we commit to the implementation of the outstanding obligations under the UNCAC.
- We support the establishment of an International Anti-corruption Coordination Centre to be managed by National Crimes Agency (NCA), UK. We will work with NCA in promoting this centre in the African Region.

OPEN GOVERNMENT PARTNERSHIP-NIGERIAN COMMITMENTS

Thematic areas

FISCAL TRANSPARENCY

- A. Ensure more effective citizens' participation across the entire budget cycle.
 - This commitment will ensure that citizens participate and make inputs into the budget process starting with the pre-budget statement, executive budget proposal, budget debate through public hearings in the legislature, implementation, monitoring and reporting of the budget. Budget information should also be made accessible to all.
- B. Full implementation of Open Contracting and adoption of Open Contracting Data Standards in the public sector.
 - The Nigerian Government commits to progressive implementation of open contracting and the adoption of open contracting standards to enhance transparency, accountability and citizen engagement in public procurement and fiscal transparency. In this phase, priority will be given to at least 5-10 MDAs at the heart of government development priority (including Power, Transportation, Works, Agriculture, Health, Education, Niger Delta, Environment, and Solid Minerals).
- C. Work together with all stakeholders to enhance transparency in the extractive sector through a concrete set of disclosures related to payments by companies and receipts by governments on all transactions across the sectors' value chain.
 - Nigeria's extractive industry has failed to deliver development and improve the well-being of the vast majority of her citizens. The wide spread opacity in the industry has allowed corruption to thrive, thus, deepening issues of underassessment, underpayment and under-remittance/non-remittance of revenues due to government, thereby limiting what the government can deliver to improve the lives of citizens. A backlog of remedial actions to improve accountability across financial, processes and production has not been prioritized or implementation has been too slow leading to further leakage and loss in citizens' confidence.
- D. Adopt common reporting standards and the Addis Tax initiative aimed at improving the fairness, transparency, efficiency and effectiveness of the tax system.
 - The commitment seeks to promote increased tax revenues by ensuring the prevention of tax avoidance and evasion. This will address the issues of multiple taxation and make businesses pay their fair share of tax. It will also create equity such that local businesses are competitive, can create jobs and contribute to economic development. Tax avoidance and evasion have resulted in reduction of revenue needed to finance development and created an unfavourable environment for local entrepreneurs. This results in inability of government to provide sound services for citizens' welfare and failure of small businesses, thereby increasing poverty.

- E. Improve the ease of doing business and Nigeria's ranking on the World Bank Doing Business Index.
- This commitment seeks to initiate and implement reforms that will make it easier for the private sector to engage with government agencies involved with business process-related services by streamlining the existing processes using innovative technology. The commitment will encourage improvements in infrastructure that is critical to the success of businesses and promote timely and efficient service delivery in all business process-related services including business registration, licensing, taxation, applying for credit, extending credit facilities etc.

ANTI-CORRUPTION

- F. Establish a public register of Beneficial Owners of Companies.
- Nigeria is committing to establishing a register that will make it possible to identify the natural persons who directly or indirectly own, control or enjoy the benefits of the corporate entity.
- G. 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.
- This commitment is to set up two platforms, one for information sharing, co-ordination and synergy among anti-corruption and security agencies and the other, an accurate database of convicted companies and persons in Nigeria as required by the Administration of Criminal Justice Act, 2015.
- H. Strengthen Nigeria's asset recovery legislation including non-conviction based confiscation powers and the introduction of unexplained wealth orders.
- This commitment is to strengthen Nigerian laws with regards to asset recovery especially non-conviction based confiscation powers and unexplained wealth orders; and ensure proper management of assets and proceeds.
- I. Take appropriate actions to co-ordinate anti-corruption activities; improve integrity and transparency and accountability.
- This commitment is to take a wide range of actions that will change the culture of corruption and create the enabling environment for building institutional integrity in Nigeria.

ACCESS TO INFORMATION

- J. Improved compliance of public institutions with the Freedom Of Information Act in respect of the annual reporting obligations by public institutions and level of responses to requests.
- This commitment seeks to enhance compliance with the FOIA provision requiring all public institutions to submit a report to the Federal Ministry of Justice on FOI requests received and responded to in any given year, by February of the following year.

- K. Improved compliance of public institutions with the Freedom of Information Act with respect to the proactive disclosure provisions and stipulating mandatory publication requirements.
- This commitment seeks to improve compliance with the FOIA mandatory publication requirements and secures the right of citizens to information.

CITIZEN ENGAGEMENT

- L. Develop a permanent dialogue mechanism on transparency, accountability and good governance between citizens and government to facilitate a culture of openness.
- Citizens can be categorized into different publics like media, private sector, youth groups, women groups, rural and urban communities, traditional institutions etc. and each can be reached through different channels like Information portals, town hall meetings, media roundtable, policy dialogues, focus group discussions and others.
- M. Government-civil society to jointly review existing legislations on transparency and accountability issues and make recommendations to the National Assembly.
- Comprehensive review of all laws and legislations relevant to the OGP process like the Economic and Financial Crimes Commission (EFCC) Act, Nigeria Extractive Industries Transparency Initiative (NEITI) Act, Freedom of Information (FOI) Act, Independent Corrupt Practices and other Related Offences Commission (ICPC) Act, Money Laundering Prohibition Act (2011) and others.
- N. Adopt a technology-based citizens' feedback on projects and programmes across transparency and accountability.
- This commitment seeks the introduction of technology-driven applications, portals and platform that will enhance citizen's access to government policy process for regular input and monitoring.