

## OPEN GOVERNMENT PARTNERSHIP AT THE NATIONAL AND SUBNATIONAL STATE LEVEL

### History of OGP in Nigeria

The OGP is an international multistakeholder initiative focused on improving transparency, accountability, citizen participation and responsiveness to citizens through technology and innovation. It was formally launched in 2011 when the eight (8) founding governments (Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom and the United States) endorsed the Open Government Declaration and announced their country action plans. Since its launch in 2011, OGP has 79 participating countries and 20 subnational governments who have made over 3,100 commitments to make their governments more open and accountable. It is believed that through the platform, both the state and civil society will become co-equal partners in co-creating commitments which a nation would then work to achieve and have a common ground on issues that affect the country. Admiring this genuine initiative, Nigeria joined the platform in July 2016, a month after the president Muhammadu Buhari expressed the commitment of the country to the principles of OGP at the London Anti-Corruption Summit. In the same year, the Federal government developed the National Action Plan setting the pace for the implementation of OGP in Nigeria.

The Action Plan is the most important instrument in the OGP, as it forms the core of a country's participation in the OGP process. First Nigeria's National Action Plan (NAP I) 2016 - 2018 consolidated existing and a set of new reforms under four thematic pillars; namely: fiscal transparency, access to information, anti-corruption and asset disclosure as well as citizens engagement and empowerment to be implemented under 14 specific commitments co-created by both government and civil society actors. The NAP I review indicated that CSOs especially at subnational level have not laced onto the framework effectively. The self-assessment review shows that Nigeria achieved a significant level of success in budget transparency and accountability. The World Bank Ease of Doing Business Index showed that Nigeria moved up 24 points in the 2018 ranking exceeding the target of 20 points set in the National Action Plan. However, part of the challenges is poor compliance of public institutions with the Freedom of Information Act (FOI). Nigeria Open Procurement Portal (NOCOPO) was not functioning (see [Nocopo Upgrade \(bpp.gov.ng\)](http://bpp.gov.ng)).

The second National Action Plan (NAP II) 2019-2022 leverages and incorporates the lessons, insights and perspectives gained from the last two and half years of implementing NAP I. It effectively deals with issues of transparency in budgeting, procurement, taxation and natural resource governance, corruption, asset recovery management, freedom of information, communication channels between citizens and government, service delivery and inclusion of under-represented groups in government<sup>1</sup>. In 2021, Nigeria won OGP Impact Awards following an independent review that placed the country top in the implementation of the

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<sup>1</sup> [Nigeria Action-Plan 2019-2022 Revised.pdf \(opengovpartnership.org\)](https://www.opengovpartnership.org/wp-content/uploads/2021/03/Nigeria-Action-Plan-2019-2022-Revised.pdf)

Open Government Partnership (OGP) globally with its Beneficial Ownership Registry initiative which was part of the mechanism put in place to fight corruption in the country.<sup>2</sup> Therefore, as the NAP II coming to an end this year, there is an ongoing stakeholder engagement to identify successes, challenges and way forward towards developing the NAP III.

### **Reasons for Launching the OGP**

As a co-creation accountability platform, OGP catalyzes civil society and other civic groups to effectively engage the national and subnational level authorities across the country for more open and responsive governance. While OGP introduces a domestic policy mechanism through which the government and civil society can have an ongoing dialogue, it also provides a global platform to connect, empower and support domestic reformers committed to transforming governments and societies through openness. The following are some of the reasons for OGP in Nigeria.

- To citizens at the center of public decisions at all levels and throughout public policies' development: from design and implementation to evaluation, transparency in the process is required with clear roles and levels of participation to set the right expectations among citizens.
- To promote sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
- To improve the quality of governments and their services by increasing the legitimacy of public action through citizen participation in public processes.
- Promote trust between the state and other actors in society, based on collaboration and joint work as well as promoting transparency and accountability in the management of public office.
- Improve better results at lower cost, taking advantage of collective knowledge and citizen resources.
- Mitigate and prevent corruption through civil society monitoring of government actions;
- Development of targeted policies that address real needs, promoting consensual decision-making and smart public budgeting.
- To break down barriers to access to the processes of public policy formulation and citizen advocacy.
- To encourage innovation and new economic activities, generating economic value and job creation, improving the investment environment, and promoting an equal level playing field in public tendering.

### **States Signed on to OGP**

The membership of OGP goes beyond National. As a voluntary platform, it accommodates both subnational State and Local government authorities as members. There is no doubt, many subnational level authorities hardly negotiate important policy issues with the people being governed rather many state governors, having assumed almost questionable powers often impose decisions in a top down approach. The implication of this governance approach

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<sup>2</sup> [Open Government Awards \(opengovpartnership.org\)](https://opengovpartnership.org)

has impacted negatively, including the inability to consolidate on important reforms agenda on various sectors. Between 2017 and 2022, seventeen (17) states as signed to OGP recognizing that governments are more likely to be more effective and credible when they open governance to public input and oversight.

**Table 1: OGP States in Nigeria**

S/N	State	Year Signed	State Action Plan
1	Kaduna <sup>3</sup>	2017	Developed
2	Kano	2018	Developed
3	Niger	2018	Developed
4	Anambra	2019	Developed
5	Enugu	2017	Developed
6	Ebonyi <sup>4</sup>	2017	Developed
7	Jigawa	2018	Not Developed
8	Cross River	N/A	Not Yet Developed
9	Abia <sup>5</sup>	2018	Developed
10	Adamawa <sup>6</sup>	2019	Developed
11	Edo	2018	Developed
12	Imo <sup>7</sup>	2018	Developed
13	Ekiti	2020	Developed
14	Delta	N/A	Not Yet Developed
15	Zamfara <sup>8</sup>	N/A	Developed
16	Kebbi <sup>9</sup>	2020	Developed
17	Taraba	N/A	Not Yet Developed
18	Plateau	2020	Developed

### Subnational States Performance in the OGP

The OGP as Self-Assessment Report by the government and the Independent Reporting Mechanism (IRM). The latter is a key means by which stakeholders can track OGP progress in participating countries by the OGP secretary. Indeed, this mechanism was not designed for ranking the participating country but rather to ascertain the extent to which the member is executing their commitment. It is aimed to stimulate dialogue and promote accountability for results.<sup>10</sup> Every OGP participating country voluntarily chose the thematic areas and commitments they want to work on. It is very difficult to compare performance using the same indicators, as there was no OGP global performance index. However, for a state member

<sup>3</sup> [Kano gov signs Executive Order on Open Govt. Partnership \(sunnewsonline.com\)](https://www.sunnewsonline.com)

<sup>4</sup> [Ebonyi State Government | News Post](https://www.newspost.com)

<sup>5</sup> [S-East governors begin implementation of OGP - Vanguard News \(vanguardngr.com\)](https://www.vanguardngr.com)

<sup>6</sup> [ASAP-OGP-Final.pdf \(ad.gov.ng\)](https://ad.gov.ng)

<sup>7</sup> [OGP and Imo's Good Governance Voyage \(1\) - Business247News](https://www.business247news.com)

<sup>8</sup> [TWO YEARS ACTION PLANS ON \(OGP\) UNDERWAY AS STAKEHOLDERS CONCLUDE THREE-DAYS TECHNICAL TRAINING IN GUSAU - Thunder Blowers](https://www.thunderblowers.com)

<sup>9</sup> [Press Release: Bagudu unveils Open Govt Partnership Action Plan to bolster good governance | The Official Website of Kebbi State Government](https://www.kebbi.gov.ng)

<sup>10</sup> [IRM Technical-Paper Failure Dec2017.pdf \(opengovpartnership.org\)](https://www.opengovpartnership.org)

to have been successfully admitted into the OGP at the global level, such member must have scored 75% or more or have the required skills below.

- Strong Government Engagement Experience - 25%
- Good Leadership Experience in either the Civil Society and/or Private Sector - 25%
- Clear Understanding of OGP Principles and the evidence of modelling the said Principles - 25%
- Flexibility to travel and ability to dedicate ½ day a week to OGP Matters - 15%
- Strong Interpersonal Skills - 10%

Moreso, many of the OGP signatory states in Nigeria are still struggling to constitute the state steering committee, develop or start the implementation of the State's OGP Action Plan. Few states like Kaduna, and Plateau states are taking the lead in the implementation of their states' action plan and commitments. For instance, Kaduna State online platform is enhancing citizens-government engagement to track and monitor its interventions at their various domains for transparency and accountability, others are still finding their stand. More so, "Eyes and Ears" app used by Kaduna state after signing into OGP has improved the citizens' participation in governance processes. It has also dramatically improved some service delivery outcomes. For example, home-births have declined from 70% to 48% in two years.<sup>11</sup> This has created huge public awareness about governance, making them hold their representatives accountable, although was focused on OGP nor Budget tracking, analysis, and monitoring.

Meanwhile, Plateau State won the Open Government Partnership Award for increasing transparency and accountability in the extractive industry at the 2021 OGP Local Innovation Awards. The state had set up a forum to ensure transparency in the implementation of Community Development Agreements (CDAs), Environmental Management Plans (ESMPs) and 13% derivation principle within the extractive industry in Plateau State. The state is the first state in the country to put a structure in place to ensure that the host communities receive the developments they are promised and that the state receives the planned revenue.

### **Challenges of OGP at the State Level**

The OGP space across several states is challenged by myriads of problems, including weak CSOs organizational strength and technical know-how on governance issues. This has curtailed the abilities of civil society organizations (CSOs) to effectively engage the non-state actors on any serious sustained advocacy for change at several levels of interfaces with the supply side actors. Put simply, the shrinking space for civil society engagement is particularly problematic at subnational level in Nigeria where the CSOs continue to face significant capacity and visibility challenges, and sometimes intimidations by subnational authorities. Yet, without a free space for civic groups to operate seamlessly and transformative leadership at subnational level in the country, it is arguably OGP may not produce the desired result.

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<sup>11</sup> Diagnosing the Cure for Nigeria's Illness: Open Governance, <http://www.accountabilitylab.org/diagnosing-cure-nigerias-illness-open-governance/>

Exclusion of CSOs in OGP implementation process has become a major issue at subnational level. In Abi State, CSOs were excluded from the OGP process, even though it is regarded as cocreation. In November 2021, 100 CSOs called out the Abi state government for being excluded in the process. They also accused the development partners of joining the government to undermine the position of the CSOs in the state as well as irregular meetings of the OGP steering committee. In their words;

*“Unfortunately, few months to the end of the Abia state OGP two-year Action Plan, the steering committee of the State OGP Committee has just met once and process of engagement of the government actors has been closed, thereby violating the principles of co-creation and citizens engagement which are the critical components of the Open Government Partnership process’.*<sup>12</sup>

Lack of understanding of the OGP by the state actors. This is evidenced by the attitude of the state actors towards the CSOs. Poor knowledge of how OGP works weak by the state actors weakens its implementation. Many of the were lack the technical know-how requires to manage the OGP process as result of their poor understanding, they see CSOs trying to invade o their activities.

There are also issues of poor funding of activities set out for the implementation of the various commitments. The Niger states OGP CSOs face poor project implementation and the government does not always release the fund for the implementation of activities. There is also issue of who funds the meeting between the government and the CSOs.

Sometimes, CSOs also work against themselves in the OGP process. While some of them are seen in every thematic area without being specific on which area they have strength, they often sabotage the effort of their colleague who have demonstrated serious capacity but without visibility. This creates trust issues by the government thereby slow engagement and joint project implementation.

One fundamental issue is the lack of a global independent OGP assessment that measures and ranked government performance in their thematic. What is however available is the self-assessment report by the government and the independent reporting mechanism.

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<sup>12</sup> [Abia civil society organisations kick over exclusion from Open Government Partnership projects - News Express Nigeria \(newsexpressngr.com\)](https://www.newsexpressngr.com/news/abia-civil-society-organisations-kick-over-exclusion-from-open-government-partnership-projects)

