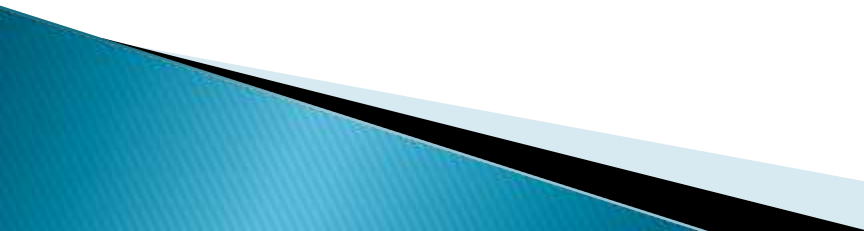


THEMATIC DISCUSSION ON  
THE MANDATES OF  
ANTI-CORRUPTION BODIES IN  
NIGERIA  
IN LINE WITH ARTICLE 6 OF  
UNCAC

8<sup>th</sup> September, 2014

# INTRODUCTION


- ▶ Nigeria signed UNCAC on 9/12/2003 and ratified it on 24/10/2004
  - ▶ Prior to the UNCAC, Nigeria had been implementing most of the initiatives in the UNCAC, and other regional instruments, through legislative and administrative measures.
  - ▶ Measures to prevent corruption are located in dedicated ACAs as well as those not performing core anti-corruption mandates.
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# Establishment, funding & Training of Staff of ACAs

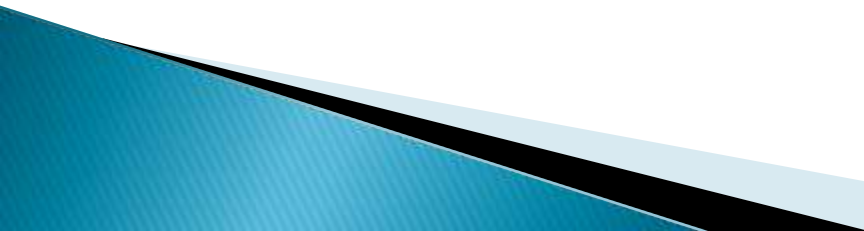
The establishment, funding, staffing and training of staff of the preventive anti-corruption bodies and implementation of articles 5 of the UNCAC by the four core ACAs and other bodies performing anti-corruption measures in Nigeria will be discussed below.

All these bodies were either set up by the Constitution, Acts of the Federal Parliament or Presidential Directives and have nation-wide application.

# Agencies that perform core preventive anti-corruption mandates in Nigeria

- ▶ Independent Corrupt Practices & Related Offences Commission (ICPC) – CPC ACT 2000,
  - ▶ Economic & Financial Crimes Commission (EFCC) – EFC Act 2004
  - ▶ Bureau for Public Procurement (BPP), PP Act
  - ▶ Code of Conduct Bureau (CCB) & Code of Conduct Tribunal – 1999 Constitution,
- 

## Other Non-core Bodies also engaged in Anti-corruption activities:

- ▶ Office of the Auditor-General of the Federation (OAGF) -- Constitution
  - ▶ Nigeria Extractive Industries Initiative (NEITI),
  - ▶ Public Complaints Commission (PCC), PC Act and
  - ▶ TUGAR - Presidential Directive
- 

# INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES COMMISSION

## ▶ MANDATE AND RESPONSIBILITIES

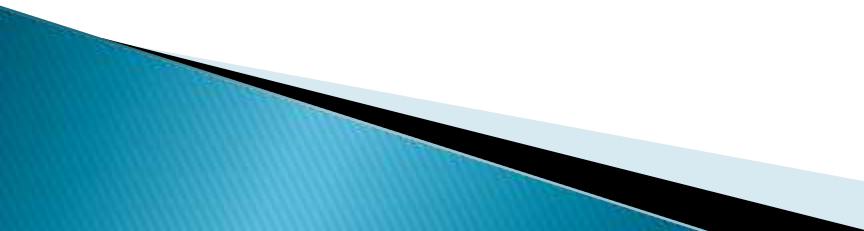
- Established by the Corrupt Practices and Other Related Offences Act 2000

- Has 3 main mandates i.e. enforcement, **prevention** and education


- Preventive mandate (Sect.6(b)–(f) of the Act includes:

- (i) examine practices, systems and procedures of public bodies that aid or facilitate fraud or corruption and to direct and supervise a review of them;

# ICPC MANDATE CONT'D


- (ii) instruct, advise and assist officers and agencies on ways to eliminate or minimize corruption;
  - (iii) advise public bodies of any change in practices, systems or procedures that tend to reduce incidence of bribery, corruption and related offences;
  - (iv) educate the public on or against bribery, corruption and related offences;
  - (v) enlist and foster public support in combating corruption.
- 

# INDEPENDENCE OF THE ICPC


- ▶ Chairman and members enjoy security of tenure
  - ▶ The Chairman and members are appointed by the President with the approval of the Senate
  - ▶ They can be removed only with the support of 2/3 majority of the Senate
  - ▶ The Commission also enjoys independence in the discharge of its mandate (Section 3(14) of the ICPC Act 2000)
- 




# ICPC CONT'D

- ▶ Has 805 staff and trains them annually at home and abroad and has established a training academy
  - ▶ Funded through national budget
- 


# ICPC PREVENTIVE MEASURES AND ACTIVITIES

- ▶ Carried out system study and Review in 25 MDAs and with the support of UNDP and in collaboration with other ACAs trained and certified 69 Corruption Risk Assessors
  - ▶ Established Anti- Corruption Transparency and Monitoring Units (ACTUs) in 384 MDAs to serve as focal point of the Commission and to perform all its functions except prosecution
- 


# PREVENTIVE MEASURES AND ACTIVITIES CONT'D

- ▶ In collaboration with National Educational and Research Development Council (NERDC) fused National Value Curriculum (NVC) into nation's educational system in 12 subjects in basic 1–9 and Colleges of Education
  - ▶ Formed National Anti–Corruption Volunteer Corps (NAVC) and has registered about 12,000 members
  - ▶ Creates a platform for the participation of society under National Anti–Corruption Coalition (NACC) which has 35 CSOs members.
  - ▶ Set up Anti–corruption Clubs in schools (about 300) and anti corruption vanguard in the tertiary institutions
- 

# PREVENTIVE MEASURES AND ACTIVITIES CONT'D

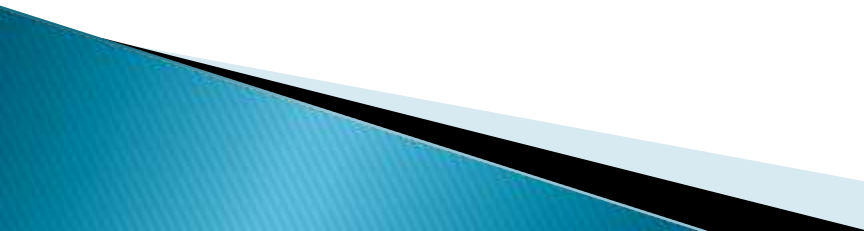
- ▶ Embarks on massive sensitization programmes in the radios and televisions
  - ▶ Creates Anti-corruption Personality Programme such as Good Governance Forum where State Governors and other Senior Public Official, who are adjudged to be performing well through a public opinion poll, are invited to present and defend their activities at a public forum.
- 

# PERIODIC EVALUATION OF ADMINISTRATIVE MEASURES AND LEGAL INSTRUMENTS

- ▶ Yet to carry out nation-wide public perception of its performance
  - ▶ In 2007, a survey on Commission's perception was carried out amongst 91 workshop participants from 6 LGAs.
  - ▶ Results showed that enforcement mandate was adequate but more efforts are required to be directed towards prevention particularly raising awareness and education
- 

# ECONOMIC AND FINANCIAL CRIMES COMMISSION

## ▶ MANDATE AND RESPONSIBILITIES

- (i) Established by the EFFC (Establishment) Act 2004
  - (ii) Primary mandate is to investigate and prosecute financial crimes
  - (iii) Has 1973 staff and trains them annually at home and aboard and has established a training academy.
  - (iv) Funded through the National Budget
- 

# EFCC PREVENTIVE MANDATE CONT'D


- ▶ Preventive mandate includes:
  - (i) Adoption of measures to eradicate economic and financial crimes (section 6(e) of the Act)
  - (ii) Provision of measures including coordinated preventive and regulatory actions (section 6(f) of the Act)
  - (iii) Carry out and sustain rigorous public and enlightenment campaign against economic and financial crimes within and outside Nigeria (section 6(p))

# PREVENTIVE MEASURES AND ACTIVITIES


- ▶ Creates Public–Private Initiative Programmes (PPSIP)–Enlightenment and Re–orientation Unit under Public Affairs Department carries out preventive activities with the private sector in particular the financial sector to prevent money laundering.
- ▶ Carries out Anti–Corruption campaigns in the MDAs –e. g Ministry of Transport, Nigerian Custom Service (NCS) and National Airspace Management Agency (NAMA) and urges the MDAs to set up anti corruption units where they do not already have ACTUs established by ICPC.




# INDEPENDENCE OF THE EFCC

- ▶ Chairman and Board members are appointed by the President with the approval of the Senate
  - ▶ None of them can be removed except by the President
  - ▶ Independent in the discharge of its mandate
- 

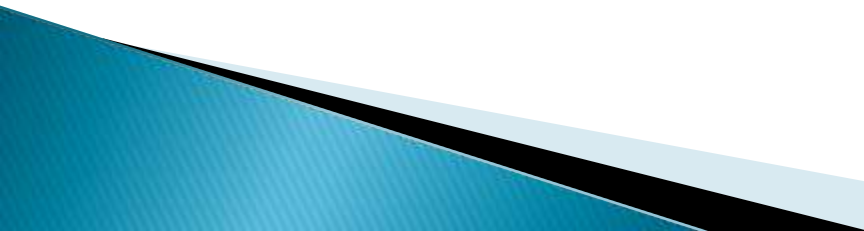
# BUREAU OF PUBLIC PROCUREMENT (BPP)

- ▶ MANDATE AND RESPONSIBILITIES
  - ▶ Established by the Public Procurement Act 2007
  - ▶ Funded through the National Budget.
  - ▶ Mandate encapsulated in Part 11 section 5(a) to (s) of Public Procurement Act 2007
- 

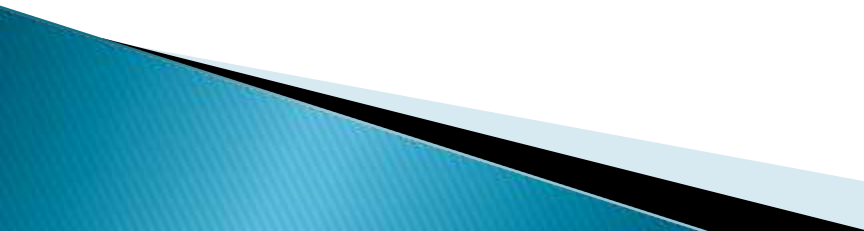
# MANDATE OF THE BPP includes

- ▶ Formulate general policies and guidelines relating to public sector procurement for the approval of the Council.
  - ▶ Publicize and explain the provisions of the Act
  - ▶ Supervise the implementation of establishment procurement policies
  - ▶ Prevent fraudulent and unfair procurement and where necessary apply administrative sanctions
  - ▶ Review the procurement and award of contract procedures of every entity to which the Act applies.
- 


# PREVENTIVE MEASURES AND ACTIVITIES

- ▶ Establishment of a procurement manuals and implementing regulations e. g National Standards Bidding Documents (NSBDs) for the procurement of goods, works and consulting services. Now available on the BPP web portal. World Bank has approved the use of NSBDs for its projects.
  - ▶ Professionalization of Procurement functions in the MDAs through capacity building to enable effective procurement laws
- 


# PREVENTIVE MEASURES AND ACTIVITIES CONT'D

- ▶ Creation of Procurement Professional Cadres recognized and gazetted by the Federal Civil Service Commission in collaboration with the Heads of Service
  - ▶ Procurement awareness and capacity building for Non-State actors to strengthen the understanding of non-state actors on the role of procurement monitoring and to demand for good procurement behaviours from the public officials and also putting in place mechanism for tracking, observing and assessing stakeholder compliance to the implementation of public procurement processes and regulations.
- 


# INDEPENDENCE OF THE BPP

- ▶ Director– General and the Board enjoy security of tenure
  - ▶ They cannot be removed from office without the approval of the Senate
- 

# PERIODIC EVALUATION OF MEASURES AND LEGAL INSTRUMENTS


- ▶ Has commissioned NISER to carry out the social and economic effect of Public Procurement Policies in Nigeria
  - ▶ Annual reports also address key conclusions and recommendations from ACAs and other institutions
- 

# CODE OF CONDUCT BUREAU


- ▶ MANDATE AND RESPONSIBILITIES
  - ▶ Established by the 1999 Constitution and CCB and Tribunal Act
  - ▶ Receives assets declaration by public officials
  - ▶ Examines the assets for compliance with the Act and any other law
  - ▶ Receives complaints about non compliance
  - ▶ Prevents conflict of interest by public officers including making regulation for receiving gifts
- 




# MANDATE OF CCB CONT'D

- ▶ Prevent bribery and abuse of powers by public officers
  - ▶ Prevent illicit and sanction enrichment through asset declaration and verification
  - ▶ Use of asset declaration forms in the prosecution of cases by other ACAs
- 


# CCB Staff and Funding:

- ▶ Has 8 departments and 3 units with adequate staff and trains them annually and operates offices in 36 states and FCT
  - ▶ Funded through the National Budget
- 


# INDEPENDENCE OF THE BUREAU

- ▶ The Bureau is provided for under the Constitution of the Federal Republic of Nigeria.
  - ▶ The Chairman and Board enjoy security of tenure in that they are appointed by the President with confirmation of the senate and they can only be removed with the confirmation of the 2/3 majority of the Senate.
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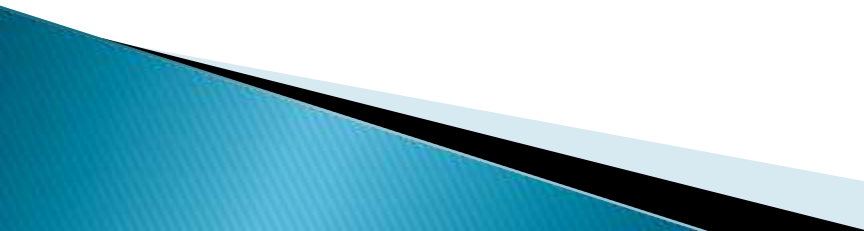
# PREVENTIVE MEASURES AND ACTIVITIES

- ▶ Administration of assets declaration by the public officers.
  - ▶ Conference and field verification of assets declared
  - ▶ Tracing of assets of public officers identified to be funded from proceeds of corruption
  - ▶ The Public Screening Committee invites public officers for interrogation on alleged breach of the Code of Conduct
- 


# PREVENTIVE MEASURES AND ACTIVITIES CONT'D

- ▶ Intelligence gathering namely institutional intelligence gathering– focuses on the patterns and behaviour of public officers. Systemic intelligence gathering deals with identification of leakages in the operations of agencies that could be exploited by corrupt public officials and individual intelligence gathering deals with the breach of the code of conduct for public officers.
- 


# NIGERIA EXTRACTIVE INDUSTRY TRANSPARENCY INITIATIVE (NEITI)

- ▶ MANDATE AND RESPONSIBILITIES
  - ▶ Established by the NEITI Act, 2007 and is Nigerian subset of EITI
  - ▶ Ensures transparency and accountability in revenue receipts and expenditures from the extractive sector.
  - ▶ Carries out its functions through a physical process and financial audit of the extractive sector
- 

# OFFICE OF THE AUDITOR–GENERAL OF THE FEDERATION (OAGF)


- ▶ MANDATE AND RESPONSIBILITIES
  - ▶ Provided for in the Constitution
  - ▶ Has the mandate to audit all public accounts of the Federation.
  - ▶ Submits his report to the National Assembly
  - ▶ Enjoys security of tenure as provided in the Constitution
- 

# PUBLIC COMPLAINTS COMMISSION

- ▶ MANDATE AND RESPONSIBILITIES
  - ▶ Created by the Public Complaint Commission Act
  - ▶ Is the Ombudsman and addresses issues of administrative injustice.
  - ▶ The Commission reports to the National Assembly and has offices in the 36 States and FCT
- 




# TECHNICAL UNIT ON GOVERNANCE AND ANTI-CORRUPTION REFORMS (TUGAR)

- ▶ MANDATE AND RESPONSIBILITIES
  - ▶ Set up by Presidential Order and domiciled at NEITI to respond to the critical need for a dedicated institution to monitor anti-corruption and Governance initiatives
  - ▶ Secretariat of Inter Agencies Task Team (IATT)
  - ▶ Evaluates both their structures and their outputs for impact.
- 

# TUGAR CONT'D

- ▶ Accesses public feedback and generates empirical data which will feed into the policy framework and enable reforms
- ▶ Carries out its mandates through research and survey and these include:
  - ▶ –a scoping survey of anti corruption initiatives and activities in Nigeria (Who is Doing What?)
  - ▶ –a Gap Analysis of the Public Finance Management System at the Federal level and States (Using UNCAC, the African Union Convention for Preventing and Combating Corruption and ECOWAS Protocol against Corruption as benchmark)

# CHALLENGES

- ▶ **CO-ORINDATION**
  - ▶ This is a challenge but addressed through the mechanism of the Inter-Agency Task Team (IATT) and regular meetings of Heads of ACAs
  - ▶ Resistance to reforms
  - ▶ Underfunding of ACTUs and victimization of members of members of ACTUs
- 

# CHALLENGES CONT'D

- ▶ **COMMUNICATION CHALLENGE** with regard to raising awareness of the existence, functions and aims of preventive anti corruption bodies

Limited resources impact on the scope and intensity of the programs.

- ▶ **IMPLEMENTATION CHALLENGE**

Institutional resistance and political interference at MDAs, unwillingness of officials to comply with the provisions of laws and preventive administrative measures

- ▶ **FINANCIAL CHALLENGE** in respect to maintaining sufficient and continuous funding for preventive anti corruption bodies

▪ THANK YOU