

REPORT OF THE PERL-OPEN ALLIANCE

SECOND MEDIA DIALOGUE

Date: April 17 – 18, 2018

Venue: R&A Hotel, No 2, Majekodunmi Street, by Oshopey Plaza Off Allen Avenue, Ikeja.

PERL and Open Alliance organized a 2-Day media dialogue in Lagos, Nigeria for journalists and other media practitioners.

Present at the event were

- Open Alliance – Organisers/facilitators
- Media – Participants
- OGP Secretariat (Communications Adviser) - Session Facilitators
- CS Co-Chair –Session facilitator

The objectives of the media dialogue are:

- To prepare the media ahead of the OGP dialogue so they constructively engage Government on second OGP dialogue
- To support media to identify and analyse advocacy issues on OGP implementation in Nigeria
- For media to be more strategic in leveraging (their respective) platforms to engage OGP process, by reporting and mainstreaming the commitments to improve governance and reform environment

REPORT OF THE EVENT

On the first day Abayomi Akinbo, the Open Alliance National Coordinator, welcomed participants and mentioned that this is the second dialogue centered on improving understanding of the Open Government Partnership (OGP) in Nigeria. He introduces Mr. Chidi to give the welcoming remarks.

Welcome Remarks and Introductory Speeches

Chidi begins with an introduction of participants. He goes on to welcome the co-chair of the OGP, members of government and media, as well as other members of civil society. He also welcomes all participants on behalf of PERL, a governance programme funded by the DFID. The OGP is a very important agenda for the Nigerian government and is designed to aid the delivery of goods and services. PERL is delighted to support this. PERL works in 7 states across the country, including Jigawa, Kaduna, Kano, Yobe and Borno. There are three pillars, including the **Accountable, Responsive and Capable government (ARC)**, the **Engaged Citizens Pillar (ECP)**, and **Learning, Evidencing and Advocacy Partnership (LEAP)**. These pillars are all aimed at improving governance delivery. The meeting is important in aiding efforts to attain Nigeria's potential as the leader in Africa and its place in the world at large.

Romney Mom set the agenda and began by stating the aim of the dialogue. He said the OGP is an acronym that the government engages in, *"but we do not understand it enough and how it affects our everyday lives. What does this mean? At the end of the day, we still struggle with the everyday, critical questions. The only way to achieve an understanding is if the media and CSOs carry the message. We are not here to talk to ourselves, or simply report. We represent the people who we are accountable to so that, at the end of the day, we can say to them, this is what it would do for you. The essence is the man on the street. The agenda is the outcome. To talk about the commitments so that people understand what it means to them and what the OGP is doing"*.

Abayomi informed everyone of a pre-dialogue session which took place a day before the main dialogue day. He stated that the pre-dialogue session was to bring the media practitioners onboard the OGP process. He furthered that relevant government officials are present to share more information about what they are doing to implement the OGP commitments.

Speaking after the remark by Abayomi, Edetaen Ojo, the OGP CSO Lead Co-Chair briefly addressed the gathering. Mr. Ojo began by pointing out that he works with media and civil society often and adds his voice to comments before his. He said he believes the media hasn't been engaged enough in the OGP process, and the media dialogue was a welcome part of efforts to improve on this. He noted that the media and the CSOs are allies in holding government accountable, and both interested in aiding social justice. *"It is strange that media hasn't been engaged enough in the OGP, despite being at the heart of it. The hope is to rectify*

this” he said. He asked participants to feel free to raise questions during the session for clarification.

Session 1: OGP Process in Nigeria

Uche Igwe, the Communications Adviser at the OGP Secretariat delivered a presentation on **OGP Process in Nigeria** stating that the OGP is about stakeholders (government and civil society) working to make government more responsive in empowering citizens. Uche Igwe hinted the gathering that the OGP inclusion is voluntary and international. *“Countries that sign need to fit their commitments into local realities, while maintaining global standards. The OGP process identifies problems and proffers solutions. OGP doesn’t talk about government or civil society in isolation, it is equal partnership. We try to evaluate progress in line with international standards. The 7th anniversary of the OGP will be celebrated this year. 76 countries have signed up so far (11 African countries have joined the movement). Nigeria’s membership is crucial as the AU Anti-corruption champion. Over 2500 commitments have been made globally. To be eligible, governments must demonstrate commitment in fiscal transparency, access to info, public disclosure and citizens’ engagement”*

Uche Igwe stated that the first principle is transparency. Where there is transparency, there is no room for speculation. *“Information is to be timely, specific and freely available. Accountability is the next step. Transparency is an action, and accountability is a relationship. This is the next step between government and media.” he furthered.*

Uche Igwe explained to the media personnel the role of the National Steering Committee with equal membership from government and civil society. He cited examples of the achievement the OGP has recorded in some countries. In Ukraine, Open contracting has yielded positive results in procurement and in building the ProZorro platform. He stated that the Bureau of Public Procurement (BPP) is working on a similar playform.

A question and answer session followed, and one participant expressed concern that the emphasis is on federal, state and local government. *“We aren’t looking at MDAs and their lack of transparency. Their budgets aren’t open to scrutiny. They only defend them before the National Assembly. What is the OGP doing to fix this?” the participant queried.*

Session 2: Reporting OGP from Different Perspective

The second session **Reporting OGP from Different Perspectives** was taken by Mr. Edet Ojo. Mr. Ojo reiterated at the beginning of his presentation that media participation in OGP is currently very low in Nigeria and internationally. He noted that the OGP initiative is a partnership, and there are several stakeholders working to ensure its implementation. He stated that Nigeria is working to amplify the role of private sector and media (which is considered civil society). *“We need the broadest variety of stakeholders. The Nigerian Union of Journalists (NUJ) hasn’t been as active as it should be and hasn’t made itself visible enough. How do we increase this influence and participation? We do not have a great deal of thinking at the moment*

about how to engage. These dialogues help to improve on this. There are limits as to how well the narrative can be spread” he added

“How does the media benefit from the OGP? They can set some commitment(s) to improve their working environment (regulatory and legal). This can be done through the National Action Plan (NAP) or State Action Plan (SAP).

The openness of media and its freedom indicates the progress of any democracy. The current NAP started in January 2017 and ends in June 2019, after which the cycle starts all over again. Having such commitments, we could develop a number of activities to achieve it. Things like the reform of relevant laws concerning the media. We could also reform institutions such as the Nigerian Press Council which has been dormant, and the Nigerian Broadcasting Commission for greater independence. Since 2013, Nigeria has been within the top 12 countries most dangerous for journalists.

At the end of the day, it is about achieving transparency and accountability to improve service delivery by helping citizens engage. It is a constitutional responsibility that is often challenging to deliver on. There is a risk that traditional CSOs can easily become corrupted and less effective in playing the watchdog role. The 21 organizations represented may become compromised and wary of criticizing their government partners. There is the need to strike a balance. This isn't theoretical. It can cripple their role in the OGP process. Media's role includes asking the difficult questions to avoid this trap.

Media can go beyond questions within the thematic areas to specific commitments which cover a variety of sectors that affect us directly. Government collects information from citizens daily. This means there is a pool for journalists to work with. Media can take advantage of the transparency OGP creates in order to seek or solicit feedback. Access to information also aids participation in the budget process and improves the workability of government plans. It aids journalists as they analyze. These are concrete benefits from the OGP.

The NAP contains 14 commitments and a series of activities the government has undertaken to implement them. A self-assessment report was produced based on these commitments (which not many participants were aware of). If the eyes of society are blind to this fact, how do citizens know? The document is online. At the end of year 2, there will be an independent report from international observers interacting with local stakeholders. It is important to get the ball rolling and start conversations before this happens. Investigate the claims in that report. This is part of co-responsibility and co-implementation. Media and government are not parallel lines that never meet.

There are four (4) thematic areas (Fiscal Transparency, Anti-corruption, Access to Information, Citizens' Engagement and Empowerment). Media can report on the OGP process by picking any of these and consistently following the commitments under that specific one (or more). Uche identified states that have joined the OGP, and the need to have benchmarks for quality control. If information is the product that journalists sell, we don't want it to run dry. Objectives need to be identified and time-bound in order to assess if we are on course, and to keep those with the direct responsibility of implementation on their toes - each has been identified based on their stated functions. CSO and private sector roles are also defined for each activity, depending on the commitment. For each of these actions, there is an expected outcome.

In conclusion, these dialogues provide some perspective, regardless of our competencies and interests. We do not have to cover it the same way.”

Question and answer

A participant thanked Mr Ojo for the presentation and requested that he share areas in the self-assessment report that need to be highlighted.

A second participant said someone mentioned concerns about security on the job yesterday. Today, we are talking about reforms related to the media. He also asked where the self-assessment report could be found. He noted that media needs the contacts of relevant government MDA officials going forward for continuity.

“In 1983/84, media battled with decrees that muzzled the media. Is the government truly committed to open government today? Some media practitioners are online publishers. How do they do their jobs effectively with bills such as the proposed Social Media Bill?” said a third participant.

In response, Mr Ojo says the report is available on the website of the Federal Ministry of Justice. Concerning the report, in some aspects, he personally thinks there is an exaggeration of achievements and downplay of the challenges so far. It is important to be honest about achievements and failures. But this is a personal opinion of a person who was a part of the process.

“We need to understand that, even within government, there are different arms. The National Assembly has 469 members, and anyone can propose a bill. Its existence doesn’t mean it is the mind of the entirety of government. Our role as citizens is to demonstrate the acceptability or otherwise of undesirable bills. But if we fail to engage, we encourage people with unpopular ideas. Activism is a collective responsibility”.

A participant said the NUJ was engaged during the gestation period of the OGP, but less active later. Individuals do not own the media. There is a need to identify critical partners. *“Also, we need to look at the limitations of media in discharging its duties. Independence is an issue. Financial upkeep and sustainability is also an issue if you desire an uncompromised media to engage with.”*

Another participant notes that the NUJ secretariat is present in all 36 states. If they were active within the process, they could easily trickle down the conversation. He furthered with a question, *“how did the states that have signed get to the point of signing? Was it voluntary?”*

Mr Ojo mentions that before the National Steering Committee was inaugurated, there were various stakeholder meetings. The NUJ was one of the organizations that put itself forward. It is the responsibility of media community to see how it is being represented. *“Public institutions are represented by senior officials, I suggested the NUJ did the same, but the NUJ President put forward his vice instead. This isn’t to say we don’t feel the NUJ’s influence, but it represents the bulk of media and is still the best body to represent journalists. This is an issue for the media community to resolve within itself.*

It is true that there are a lot of challenges within the media community, but the OGP presents an opportunity to resolve a number of them. There are countries that have independent funds to support media. We tried this during the Shonekan transition, but it became politicized. Still, it was an idea.”

“There is someone responsible for the sub-national level at the OGP secretariat. States apply to join, and the two co-chairs evaluate their application. We try to encourage more states to join as a commitment to improving governance at that crucial level of government.”

One of the participants said the co-chair paints an ideal situation concerning media’s role in the process but should note the FOI and slow progress made there. He also asked if there was a data to measure the progress.

A question was raised by a participant on the access to the Self-Assessment Report. Abayomi promised to share the report with the participants and also pointed them to the Ministry of Justice website for download

Session 3: Role of the Media in OGP

The third session ***Role of the Media in the OGP*** was facilitated by Uche Igwe, the Communications Adviser for the OGP Secretariat. Mr. Uche Igwe thanked the co-chair, Mr. Ojo, for making his task easy. He noted that the OGP secretariat recognizes the need for a constructive and result oriented partnership with the media.

Uche Igwe stated that there is a need to learn and imbibe OGP principles. He noted that participation in the working groups is also crucial for the media to achieve intended success. *“Members of relevant groups are present today to answer your questions. Be agents of tracking process. Praising government agencies where due doesn’t mean you are compromised. Balance is important. Even creating curiosity in society is a part of adding value. It creates debate and generates demand. With media partnership, citizens can lend their voice to the demand for greater participation in the OGP. But they need the right information in order to do this.”* Mr Igwe added.

He advised the CSO members present at the meeting not to engage media at the end of the meeting. He stated that the media is a part of the OGP working groups, should participate in co-creation, and take responsibility for failures, and credit for successes. *“There is a lot the media can push for, and benefits to be derived in the process. Sustainability is key. Strategic alliance before, during and after the forthcoming elections is required for effective service delivery.”* he said.

Question and Answer Session

A participant notes that one recurrent theme since yesterday has been facts. But government officials have sworn an oath of secrecy, it appears. Official secrets are protected by laws that

are sometimes reviewed, but not expunged. Because of these handicaps, and challenges with implementing the FOI requirements, how do we get government officials to open the process and balance laws that create a less-than-transparent system?

Someone mentioned that we need to be careful with the notion that a journalist needs 'motivation' to be professional, bold and balanced.

Dr Otive stressed that the FOI Act supersedes the Official Secrecy Act, and the Ministry of Justice has clarified this in a memo. Section one of the FOI speaks specifically to the Secrecy Act. It has exemptions (eight of them). Some classes of information are not open to the public.

A participant said it is sad that official corruption is still recognized in Nigeria. *"Many states governors that have joined the OGP need to answer several questions. States have joint account with the local governments and deny them control of their funds, even though FAAC transparently allocates to all tiers. What does the OGP do about this?"*

Panel Session on Fiscal transparency

This panel session was constituted of representatives of the Ministry of Budget and National Planning, Corporate Affairs Commission, the Bureau of Public Procurement, and the Public Private Development Centre

Peter Onyegbule said it isn't possible to cover progress made so far in one hour. Most of the information required will be provided by the OGP secretariat, along with resource persons involved.

Open contracting, budgeting, tax, beneficial ownership and ease of doing business are the key aspects of the fiscal transparency working group.

Open budget has 3 critical areas: Publish budget information, citizens' participation, and transparency and accountability.

There are 8 key documents which have been produced by the Budget Office of the Federation (BOF) so far, aimed at providing information. These including the Fiscal Strategy Plan, implementation reports, and the Audit report (by the Auditor General's office). The only one missing is Q4 2017 Implementation Report (which is still running).

Citizens' Participation looks to increase dialogue, and the BOF is hoping to leverage on technology. The Citizens' Portal and iMonitor on the BOF website helps to achieve this and give feedback. Some actions have not been taken, but there is a timeline for every activity

Concerning transparency and accountability, citizens need to be involved in informed public debate and engage. The Financial Correspondents of Nigeria are already involved, but BOF is happy to work with other passionate members of the media.

Mr. Isaac of the Bureau of Public Procurement explained that Commitment 2 which is on Open Contracting is about opening up the contracting process from the beginning of procurement to the end of the cycle. *"We desire that every interested person has free access throughout the cycle, with the aim of ensuring they can engage relevant stakeholders using that information."*

We have been working to come up with NOCOPO, which is at the testing stage and will be launched soon. It is an interface that requires the responsible use of Open Data and enables citizens give feedback. It is advised that people engage with the contracting entity for clarification before escalating (perceived) challenges. It is a system that is open to improvement

Public Private Development Centre (PPDC) talked about its BUDESHI platform and the regular radio programmes to engage citizens on procurement related issues. Speaking for PPDC, Ifeoma Onyebuchi emphasized on PPDC's role in the Procurement Working Group of the OGP and how it worked with BPP on open contracting.

The representative of the Ministry of Industry spoke next about the Ease of Doing Business. He said the milestone is to establish infrastructure, education and create an enabling environment (working with the Bank of Industry, the Corporate Affairs Commission, Standards Organisation of Nigeria, PEDEC, the Industrial Trust Fund and others). Last year, Nigeria improved on our World Bank Ease of Doing Business ranking by moving up 24 points.

Panel Session on Citizens' Engagement (National Orientation Agency) (NOA)

NOA official: Commitment 12 is about permanent dialogue that creates robust citizens' engagement. If citizens do not understand and actively participate, we experience an aloofness that hampers the possibility of success.

We have developed a permanent dialogue mechanism. The Local Government Assembly was created to allow citizens tell government their desires. Town hall meetings are similar. They bring citizens together to interact around government projects, policies and activities. There is also the Peace and Security platform, which allows for robust engagement. Elected representatives are engaged on policy with their communities for peaceful coexistence. This has happened in eight states so far (it is currently taking place in Gombe).

The NOA has translated the FOI in 20 indigenous languages so that citizens know what it means to them. NOA has trained members of 477 communities in 159 local governments (3 in each). This is to deal with the problem of ignorance not just by citizens, but also government institutions. The agency is, however, challenged by a paucity of funds.

NITDA official: NITDA works on Commitment 14. NITDA is currently carrying out an audit of all government websites because this is the fastest way to reach citizens. There is a guideline to encourage feedback on its website from citizens. NITDA is also currently meeting with MDAs that are co-chairs in the OGP to provide technical support and advice, as well as working on developing one OGP portal to merge all relevant websites and tools. What we do is cover the technology front.

CentreLSD official: CentreLSD works on Commitment 12, 13 and 14. We agreed to look at relevant laws and got researchers to produce a report. We published the report and are currently in the process of engaging the National Assembly for implementation. We are also working on producing FAQs on these laws. We have had advocacy visits to relevant MDAs to understand any challenges

Zonal rallies have been held to feel the pulse of the public. A town hall meeting will be held soon in Abuja to engage everyday citizens on the OGP.

Report from Panel Session on Anti-Corruption (ANEEJ, Ministry of Justice)

Commitment 8 has to do with strengthening asset recovery legislation.

In October 2017, with support from Ministry of Justice and OSIWA, there was a stakeholder summit on repatriation of looted funds. The aim was to harmonize our voices. We realize the need to be proactive and speak with one voice. An MOU was signed with Switzerland to repatriate over 321 million dollars.

There will be a global forum on asset recovery soon in Ethiopia.

The Office of the Attorney General (OAGF) is a focal point for this commitment. Last March/April, the FG developed an anti-corruption policy for the first time. It was developed by a variety of stakeholders and approved by the President. The OAGF is responsible for implementation. The committee includes six (6) Ministers of related agencies (Ministry of Interior, Ministry of Finance, Office of the Attorney General of the Federation, Ministry of Foreign Affairs, Ministry of Budget and National Planning). The policy will be in public domain soon.

There is also a technical committee of complementary policy makers (PACAC and other stakeholders). Regulatory agencies and the CSOs monitor and evaluate the strategy.

Nigeria has the Electronic Forum in the CBN, which shares information to combat fraud. It is made up of various financial institutions.

There is the Proceeds of Crime bill is currently before the National Assembly. It seeks to establish an assets management agency to deal with utilization of recovered funds, which is separate from law enforcement.

The Corporate Affairs Commission is the only registry of companies, and the law is on the exclusive list. It keeps records, but because of how company law evolved, in the formation of a company, you only disclose who owns what. But the company is considered a separate entity. It has the powers of a natural person, and the principal vehicle for illicit financial flows internationally is companies.

The global narrative has shifted to finding out beneficial owners and individuals who control companies. Our local law doesn't provide for this. In line with this OGP commitment, we have proposed an amendment to change this, and provide for disclosure of anyone who exerts any form of influence in the company. We have also criminalized non-disclosure. The legislative

process has started. In the interim, there are regulations to fill in for the gaps. Last week, we got comments from OGP international, and are working on recommendations.

Question and Answer Session

A participant submitted that the Office of the Attorney General is key to implementing a lot of these actions. He asked what the office is doing differently to remove individual influence on Nigeria's laws on anti-corruption.

Response: The OAGF isn't aware that anyone is above an institution. Most anti-corruption issues are addressed in other laws. One of the 5 pillars of our policy is Sanction and Enforcement to enhance these existing laws and make them applicable.

Another participant says not a lot of the information we just got from NOA is out there (translation of the FOI Act, for instance). Also, sometimes, we try to get information from government websites, but not sure where to find them (there seems to be a duplication of sites).

In response the NOA shared its online platforms so people could follow their activities:

Website: www.noa.gov.ng; Twitter: @noa_nigeria

Someone asked if the national commitments run till December 2018. The answer is, yes.

A participant submitted that government agencies sometimes appear to lack coordination and unity of purpose. How do we fix this lack of synergy?

In response, the Ministry of Justice representative said most of the agencies are guided by the laws that establish them. The EFCC is concerned with financial crimes, and the NIA is concerned with international matters. Sometimes, the heads of agencies can be headstrong, and that creates another problem.

The proposed audit report on websites is more to help MDAs with their challenges than embarrass them. The media will be involved in the stakeholder engagement that follows.

Conclusion

Mr Otiye who facilitated the panel sessions concluded by saying this dialogue isn't just about reporting that it took place. *"We need to adopt Chatham House rules and sustain the conversation. The chairman of NUJ Ekiti needs to go back and ensure he shares the knowledge. Open Alliance and PERL need to see if there is change in reportage concerning the OGP. We would like for everyone to share coverage of the issues with Open Alliance or the OGP secretariat (the email for the Communication Adviser, OGP Secretariat: ucheigwe@gmail.com)"*

A media tool is being developed, and a mentoring mechanism for passionate members of the media.



In his closing remarks, Uche Igwe pressed the gratitude of the team (PERL, Open Alliance, and the OGP Secretariat) to everyone present. He appreciated government partners and CSO chairs who started this journey with the Secretariat and are still with them. He noted that the media dialogue was the beginning of a long-term relationship.