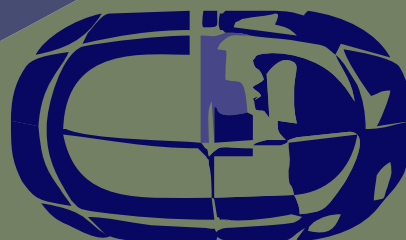


BUHARIMETER: PMB PERFORMANCE REPORT



Centre for Democracy and Development



#CORRUPTION

– FEBRUARY 2017

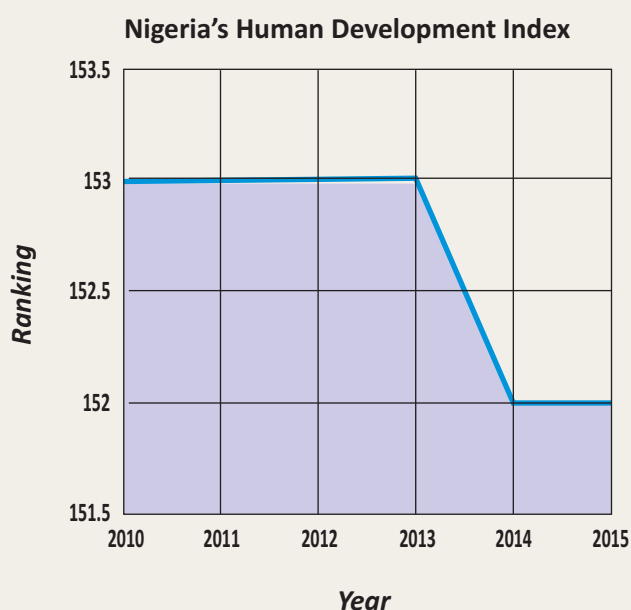
INTRODUCTION

Nigeria's experience of corruption is unarguably troubling and continues to be a blight on the country's record of toward economic, social and political progress. Despite natural resource wealth, Nigeria consistently underperforms on the Human Development Index.

The inauguration of President Muhammadu Buhari's (PMB) on the 29th of May, 2015 raised the hope of Nigerians that the fight against corruption will be tackled head-long.

Despite efforts directed at addressing ethical and institutional practices that drive corruption in the past 21 months in office, there is no significant upward movement on the ladder of corruption perception index.

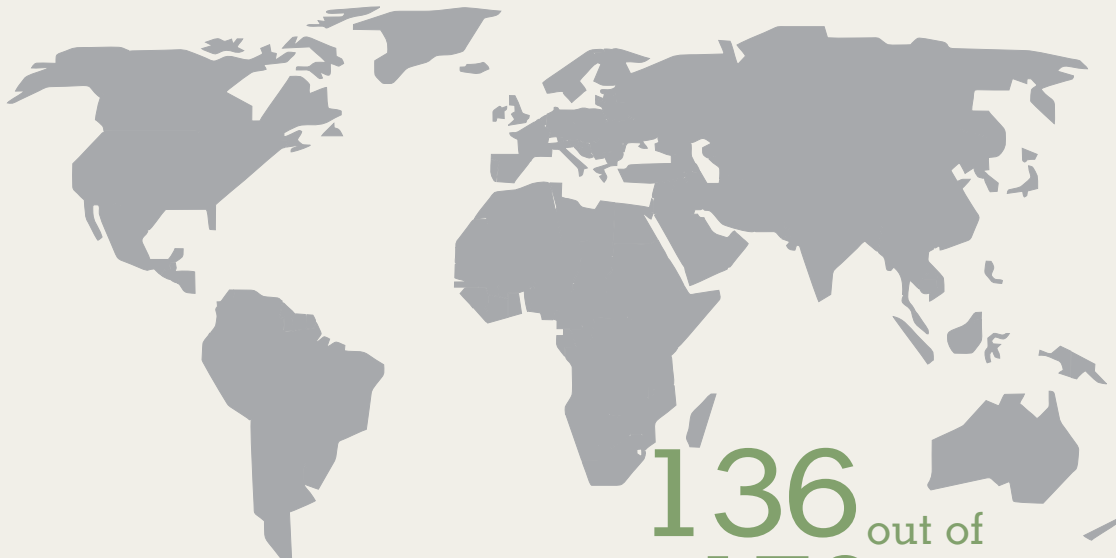
Fig. 1: Nigeria's Human Development Index (2010-2015)



In fact, according to the 2016 Transparency International (TI) report, the country still maintains the position of 136 out of 176 countries in the global corruption perception index as it was in 2014.¹

This report provides an update on the government's efforts in fulfilling its electoral promises on corruption. Additionally, the report looks at the implication of government actions on promise rating and an analysis of grey issues that require immediate response from the government.

1. See No Improvement in Nigeria's corruption index – TI at <http://dailypost.ng/2016/01/28/no-improvement-in-nigerias-corruption-index-ti/>



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METHODOLOGY

We employ a ranking system for rating performance per tracked promise which is operationally defined in Table 1 below:

Table 1: Operational definition of rating system

Ranking	Defination
<i>Achieved</i>	<i>This is when a pledge has been met.</i>
<i>Not Achieved</i>	<i>It means that within timeframe of 4 years or specifically defined by political party or the candidates no action is taken at all towards achieving a promise.</i>
<i>Ongoing</i>	<i>This is when government is in a process of achieving a promise but the pledge has not been fully met.</i>
<i>Not Rated</i>	<i>It means that, within reporting period, no noticeable action has been taken by government to achieve a promise</i>

The status of each of the promises is reviewed and verified by the project team using the above ranking system and in line with certain actions of government to fulfilling promises made.

The accuracy of reported actions is carefully verified and fact-checked before status of each promise is updated.

At the time of the status update, we first ensure that the relevance of specific actions of the government to a particular promise is ascertained by looking critically into the objectives of the action as established by the incumbent administration.

Data for the analysis is sourced through review of relevant reports, fact checking, on spot visits, interviews and media tracking.



#PMB's PROMISES

- 1 Publicly declare assets and liabilities and encourage all my political appointees to also publicly declare their assets and liabilities.


- 2 Inaugurate the National Council on Procurement as stipulated in the Procurement Act.


- 3 Review and implement audit recommendations by Nigeria Extractive Industries Transparency Initiative (NEITI).


- 4 Work with National Assembly towards the immediate enactment of a Whistle Blower Act.


- 5 Work with National Assembly to strengthen EFCC and ICPC by guaranteeing institutional autonomy including financial and prosecutorial independence and security of tenure of officials.


- 6 Ensure that all MDAs regularly comply with their accountability responsibilities to Nigerians through the National Assembly


- 7 Work with the leadership of National Assembly to cut down the cost of governance.


- 8 Present a National Anti-corruption Strategy.


- 9 Make the Financial Intelligence Unit (FIU) an autonomous and operational agency.


- 10 Encourage proactive disclosure of information by government institutions in the spirit of the Freedom of Information Act.


- 11 End all private jet and first class foreign travel for government employees.


- 12 Audit all government workers to remove all ghost workers from government pay roll.


- 13 Introduce a legally enforceable code of conduct for all public officials, including elected representative with stringent sanctions.



Source: My Covenant with Nigerians; APC Manifesto: An Honest Contract with Nigeria



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GOVERNMENT'S ACTION TOWARDS FULFILMENT

Since the inauguration of the incumbent president in May 29, 2015, several efforts have been made towards the fulfilment of 6 out of 13 election pledges made concerning corruption. The promise to publicly declare assets and liabilities has been rated as achieved. Just a few days to the president's first 100 days in office, the Senior Special Adviser to the President on Media and Publicity, Mallam Garba Shehu, released a summary statement to the press on the President's and Vice President's assets and liabilities.

In addition to the above and in relation to highlighted campaign promises below, the government has made the following efforts:

- *Implementation of NEITI Report:* The government has replaced crude swap with Direct-Sales-Direct-Purchase (DSDP) framework; introduced Price Modulation Mechanism (PMM) and subsequently, Appropriate Pricing Framework (APF); and constituted four governors of Gombe, Edo, Akwa Ibom and Kaduna States through the

National Economic Council (NEC) to inquire into N3.8 trillion that the NNPC was alleged not to have remitted in NEITI's 2014 audit report.

- *Accountability mechanism within MDAs:* The president ordered Continuous Audit Process (CAP) to check salaries and wages; appointed international accounting firms PriceWaterHouseCoopers(PWC) and KPMG to conduct forensic audits; implemented the Treasury Single Account (TSA) policy; approved modern internal audit process; and committed to Open Governance Partnership (OGP) and have in place a draft Nigeria's National Action Plan.
- *Audit of Government Workers:* Through TSA, CAP, the Integrated Personnel and Payroll Information System (IPPIS) and Bank Verification Number (BVN), the government so far claimed to have removed 50,000 ghost workers² from Federal Government payroll as at December 2016.

²Nigeria removes 50,000 ghost workers from payroll, saves N200 billion in 2016 – Presidency, See <http://www.premiumtimesng.com/news/headlines/219065-nigeria-removes-50000-ghost-workers-payroll-saves-n200-billion-2016-presidency.html>



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- *Cut down cost of governance:* The presidency established the Efficiency Unit (E-Unit) to reduce waste, amongst others; banned procurement of conference bags, T-Shirts and souvenirs; and advertised the sale A Falcon 7x and Hawker 4000.
- *Ban of first class flight:* The President issued a directive for the ban of first class travel by government officials. Since then, travel with business class tickets was restricted to only Ministers, Permanent Secretaries, Chairmen of Federal Government Committees, and others in that cadre, while directors-general, managing directors and executive secretaries are to fly economy class on all local and international flights.
- *Present a National Anti-Corruption Strategy:* PACAC was set up to advise the President on a reform agenda; and as claimed by the government, an anti-corruption strategy has been developed,

though, this has not been presented as promised by the government.

By implication, all promises highlighted above are rated as ongoing. Apart from the promise-related actions, the government has sought the assistance of countries like USA, UAE, Switzerland and others for the recovery of embezzled funds by signing bi-lateral agreements with them.

At the national level, the government has reportedly inaugurated the Presidential Committee on Asset Recovery, Asset Tracking Committee and Asset Register, as well as the National Prosecution Coordination Committee (NPCC) to strengthen its capacity to recover looted assets and handle high profile corrupt cases. Additionally, a “whistle blower” policy has been introduced. To ensure effective implementation, an app called 'Wahala Dey' was developed and launched by the government.

In all, the government claim to have recovered N15billion and \$10.5m from looters,³ as well as removed 50,000 ghost workers from its

3. See FG recovers N15bn, \$10.5m from looters – AGF retrieved on the 27 January 2017 at <http://www.dailytrust.com.ng/news/general/fg-recovers-n15bn-10-5m-from-looters-agf/182796.html#1irrpkODdrVkhr06.99>



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payroll, saving the country a huge amount of around N200 billion.⁴ Notwithstanding, there are fundamental promises that received no action towards their fulfilment in the last 20 months of the administration. These are:

1

Inaugurate the National Council on Procurement as stipulated in the Procurement Act;

Work with National Assembly towards immediate enactment of a Whistle Blower Act. Although, government has introduced Whistle Blower policy, and claimed to have recovered US\$151m, N8bn looted fund⁵, no concrete step has been taken to provide legislation for whistle blowing.

2

3

Work with National Assembly to strengthen EFCC and ICPC by guaranteeing institutional autonomy including financial and prosecutorial independence and security of tenure of office;

Make the Financial Intelligence (FIU) an autonomous and operational agency;

4

5

Encourage proactive disclosure of information by government institutions in the spirit of FOI Act; and

Introduce a legally enforceable code of conduct for all public officials, including elected representative with stringent sanctions.

6

⁴ See Nigeria removes 50,000 ghost workers from payroll, saves N200 billion in 2016 – Presidency, retrieved on the 27 December, 2016 at <http://www.premiumtimesng.com/news/headlines/219065-nigeria-removes-50000-ghost-workers-payroll-saves-n200-billion-2016-presidency.html>

⁵ FG's Whistle-blower policy yields fruit, recovers US\$151m, N8b looted funds, retrieved at <http://www.vanguardngr.com/2017/02/fgs-whistle-blower-policy-yields-fruit-recovers-us151m-n8b-looted-funds/>

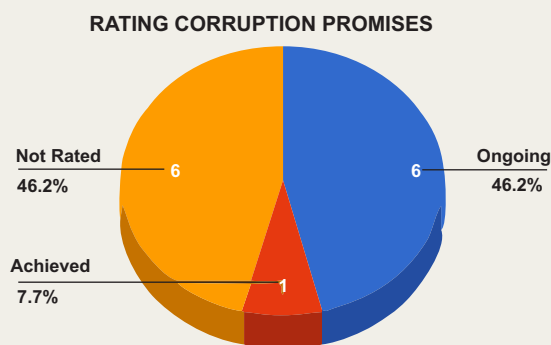


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IMPLICATION ON THE PROMISES

The chart below shows that, while none of the 13 election pledges have been rated as not achieved, government has been making frantic efforts towards achieving 6 (46.2 percent) of the promises. Meanwhile, only 1 out of the 13 promises, representing 7.7 percent, has been achieved. Additionally, government has over the past 21 months not taken any measure to fulfil 6 (46.2 percent) of the promises.



MATTERS ARISING

While acknowledging a positive trend in government's efforts towards the fulfilment of campaign promises, it is significant to note that there is a misplacement of priorities in its efforts to fulfil some promises. For example, instead of prioritising guaranteeing financial and prosecutorial autonomy, as well as security of tenure of office to EFCC and ICPC,

we have only seen two private amendment proposals for an establishment of witness protection and detention unit, and protection of rights of suspects. While these efforts are considered worthwhile to strengthening EFCC capacity in the delivery of its mandate, it is more fundamental to address the core issues of institutional dependence of the anti-graft agency.

While the public declaration of assets and liabilities by the President and the Vice-President remains enmeshed in controversy, the degree of responses from government appointees continues to be unencouraging. Within this reporting period, it is only the Executive Secretary of NEITI, Mr Waziri Adio, who has made his assets and liabilities public. Even some Ministers are reportedly alleged by the Code of Conduct Bureau (CCB) of non-compliance with procedures of declaring their assets and liabilities with the constituted authority.

Although, CDD fact-checked Lt. General Tukur Buratai's travel on business class, Lufthansa LU 0594, from Washington DC to Abuja on Friday, 16 September, 2016, further evidence reveals that not all government officials comply with the directive barring top government officials from travelling on first class tickets. A yet to be refuted report by *Premium Times* indicates that the Comptroller General of Customs,



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Hamid Ali, travelled on first class, British Airway BA83, in July 2016, from London to Abuja. Despite the heated debates this generated, there seems to be no corresponding action on the part of the Presidency to punish defaulters as a way of enforcing compliance to the directive.

Unarguably, there is a general consensus amongst Nigerians on the need to fight corruption and punish those who violate anti-graft laws. At the same time, it is important to respect the rule of law and due process. An analysis of the mannerism with which anti-graft agencies and the Department of Secret Service (DSS) are invading houses of and arresting suspected corrupt officials does not depict strict adherence to principles of rule of law and respect for human rights. Unlawful detention of suspects and blatant disregards of court orders seem to have characterised the ongoing anti-corruption war.

Recently, the credibility of the anti-corruption war seems to be withering following the President's approach to unravelling corrupt allegations against Babachir David Lawal (Secretary to the Government of the Federation) and Abba Kyari (Chief of Staff to the President). Many conceive setting up of Committee in the Ministry of Justice to investigate its inner cabinet members as more of politics of *double standard* and this reinforces the perception that the fight is one-sided and only targets those in opposition. Statutorily, the Ministry is a prosecuting

agency and ought not to have been burdened with the responsible of investigating alleged corrupt officials. We believe this responsibility should be left alone to anti-graft agencies.

While formulation of whistle blowing policy is laudable and, as it is currently claimed by the government, yielding positive impact in the fight against corruption, its capacity to protect whistle blower from retaliation, intimidation, harassment, violence, etc is questionable. The policy only creates an incentivised system to encourage exposure of financial related crimes but lack mechanism of protecting those who whistle blow, if exposed.

Therefore, enacting the Whistle Blower Bill by the government should be prioritized as a tool for taking responsibility and providing adequate measure to protect whistle blower. This has become very important given that the sustainability and success of the anti-corruption war largely predicates on citizen's participation, and realisation of the fact that their live may not be protected, if exposed, may mar effective engagement of Nigerians.

One of the major campaign promises of the administration is to present its National Anti-Corruption Strategy. This is to provide a coherent and strategic framework to tackle incidence of corruption. Given this, it is important that the government immediately release to the public its anti-graft strategy document

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