

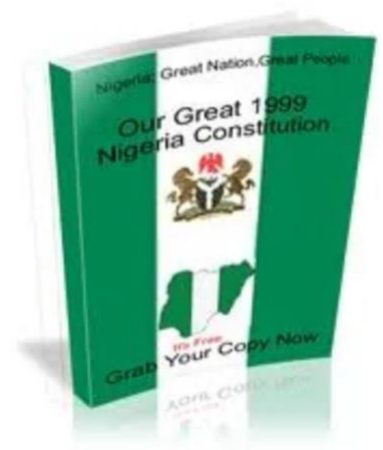
Constitutional Change: UK support for Nigeria's critical fight against corruption



For over two decades, UK Government-funded governance programmes have been helping civil society, media, trade unions, traditional and religious leaders in Nigeria to connect with parliamentarians and senior government officials. Together, these groups have shepherded constitutional reform onto the country's statute books, turning an aspiration for more transparent and accountable public spending into a growing reality.

Constitutional reform, as championed by the Partnership to Engage, Reform and Learn (PERL) programme and its predecessors, is the bedrock of a series of rolling reforms in the National Assembly (NASS) and State Houses of Assembly (SHoA). Historic constitutional reforms in Nigeria in 2018 and 2023, supported by the UK funded programmes, have given the country's 36 State legislatures unprecedented new powers to scrutinise public spending, thereby reducing the risk of meddling by the country's elites. Deepening this democratic oversight is helping to tackle misappropriation of public money and championing constituencies and communities as grassroots guardians of the public purse.

Although most States rely on federal transfers, increased financial autonomy is starting to pay off, with increased scrutiny of public spending and greater



self-sufficiency. This is now evident in states like Kaduna and Jigawa. In July 2023, Kaduna State House of Assembly suspended three Local Government Chairmen over mismanagement of public funds meant for projects in its members' constituencies.ⁱ More recently it also set up a committee to examine the financial dealings of the previous administration, under Governor Nasir El-Rufai.ⁱⁱ And in neighbouring Jigawa, the House of Assembly also suspended three Local Government Chairmen and is now receiving monthly allocations directly from the State's Consolidated Revenue Fund, having enacted its House Service Commission Law and Legislative Fund Management Law following the constitutional reforms.ⁱⁱⁱ Previous Assemblies in both states could only dream of wielding such independent legislative authority.

Box 1: PERL: Building partnerships for better governance and service delivery

PERL is providing technical assistance to reform-minded Nigerian partners through two pillars. Pillar one focuses on accountable, responsive and capable government (ARC). Pillar two centres on engaged citizens (ECP). It works nationally at the Federal level as well as with its three partner States of Kano, Kaduna and Jigawa in the north of Nigeria.

Working together, these two pillars have built powerful coalitions and partnerships between the public, politicians, civil servants, civil society, media, auditors, parliament, and the judiciary in the fight for better use of public resources.

The stakes are high in the fight against corruption in Nigeria

Endemic corruption poses a huge challenge to Nigeria's development and social cohesion. Nigeria ranks [150th out of 180 in Transparency International's Corruption Perceptions Index](#) and loses between \$16 billion and \$19 billion annually due to illicit financial flows, more than any other African country^{iv}. In addition, it faces the triple challenge of climate change, conflict and terrorism and a rapidly rising population with as many as four out of 10 Nigerians^v living below the national poverty line.

The drive for reform passed a major milestone in 2018, and again in 2023, when President Buhari signed off on changes to the 1999 Constitution of the Federal Republic of Nigeria. This was unlike other administrations where previous constitutional review exercises were truncated. UK support over a decade prior (2008 to 2018) and to date has played a critical role in both reforms, as this story will show. This landmark constitutional change paved the way for four major shifts in the scrutiny of public spending in Nigeria where a narrow network of individuals

benefits disproportionately from access to Nigeria's national oil and gas wealth.

Firstly, it has given SHoAs real power and financial autonomy for scrutinising public spending. Secondly, it has boosted the autonomy of public accounts auditing. For example, exercising their oversight function and scrutinising public expenditure, in March 2024 Jigawa State House of Assembly also suspended three Local Government Chairmen over allegations of financial misappropriation (see Box 2).^{vi} Thirdly, this has likewise boosted the autonomy of the state judiciary. Fourthly, it has created demand for greater local government autonomy in Africa's most populous country, challenging centralisation rooted in the 1999 Constitution marking the transition from military to democratic rule.

Box 2: Exercising new powers of legislative authority in Jigawa state

"We now operate with complete independence. Recently, we suspended three local government chairmen. The Governor heard it on the radio like any other person. He did not interfere with our procedures. If it was before autonomy, the Governor would not have allowed it. And because we were dependent on him for funding, we would have been afraid. But all those things of the past have stopped. Now, we are exercising our full authority as a legislative assembly of people's representatives."

Rt. Hon. Haruna Aliyu, Speaker of Jigawa State House of Assembly

[see corresponding **Human Angle Story No.1**]

Unspent and unaccounted for monies are also being returned to state coffers. For example, in February 2024 Kano State House of Assembly ordered three government agencies to refund the sum of 260 million Naira (roughly £150,000) said to have been misappropriated.^{vii} Such events were rare occurrences prior to 2018. Media and public

scrutiny of government spending is now growing, in a country with the largest youth population in the world, a vibrant media, and widespread social media use. Local communities are having a say about how public money is spent on hospitals and schools. This in turn has strengthened the relationship between SHoAs and constituents.

Constitutional change: from aspiration to reality

Box 3: Three generations of UK-funded governance programmes in Nigeria

PERL is the third generation in a series of programmes funded by the UK Foreign, Commonwealth and Development Office (FCDO) striving to improve governance systems and processes in Nigeria supported by the UK since Nigeria's return to democracy in 1999. All of these have broadly worked on public financial management (PFM), public sector management (PSM) and empowerment & accountability (E&A).

First generation:

State and Local Government Programme (SLGP)

2001–2008; £25 million. The first UK investment to engage with state officials and state-level governance processes as Nigeria transitioned to democratic rule.

Second generation:

State Partnership for Accountability, Responsiveness and Capability (SPARC)

2008–2016; £62 million. SPARC worked with State Governments to support changes in the way financial resources were managed and in how strategies and policies were prepared.

State Accountability and Voice Initiative (SAVI)

2008–2016; £32.3 million. SAVI worked alongside SPARC and supported civil society organisations (CSOs), the media and State House of Assembly (SHoA) elected representatives, working in issues-based advocacy partnerships.

Third generation:

Partnership to Engage, Reform and Learn (PERL)

2016–2024; £133 million, with three pillars: (i) Accountable, Responsive and Capable (ARC) government supporting 'supply-side' reform to government systems; (ii) Engaged Citizens (ECP) supporting 'demand-side' initiatives with CSOs, media and SHoAs; and (iii) Learning, Evidence and Advocacy Partnership (LEAP) supporting learning, evidence, and research.

A journey of a thousand miles begins with one step

Just over a decade ago, it was widely understood that greater financial autonomy for State Assemblies was critical to a clamp down on corruption and to ensure better public services. The answer was to increase independent scrutiny of public spending nationally, regionally, and locally in a country of around 225 million people with more than 250 ethnic groups.

The first big step towards reform was taken in 2011. PERL's predecessor, the State Accountability and Voice Initiative (SAVI), set out to *increase political and public support for reforms* to the constitution to deepen scrutiny of public spending to expose corruption, ensuring government delivered better public services in the interests of all Nigerians in a country grappling with high rates of poverty and unemployment.

The next step was to *build a coalition in support of reforming the constitution*, including among State Assemblies, the media, civil society groups, trade unions, local government employees and parliamentary staff.

In November 2011, the Conference of Speakers (CoS) from the State Assemblies got the reform ball rolling with UK Government support. They did so by engaging with the National Assembly and the media about the benefits of increasing the financial autonomy of the State Assemblies.

Box 4: Successful coalitions and collaborations

Citizens: Democracy Vanguard Pressure Group, Civil Society Coalition on Audit in Nigeria (CSCAN).

Parliament: Conference of Speakers (CoS), Forum of Clerks (FoCoN), the National Assembly (NASS).

Labour Unions: Parliamentary Staff Unions (PASAN), National Union of Local Government Employees (NULGE), Nigeria Labour Congress (NLC), Nigerian Union of Teachers (NUT).

Media: A host of media executives & anchors from: AIT, Channels TV, TVC, NTA, Arise TV, Daily Trust Newspaper, Guardian Newspaper, Jigawa Radio, Liberty FM, Freedom Radio, FRCN and others.

In 2013, both the National Assembly and State Assemblies held public consultations to gauge support for reform. Pressure for reform built further when a pressure group called the Friends of Democracy (FoD), supported by SAVI, participated in regional hearings on the issue and provided coordination and support for community groups to make their voices heard.

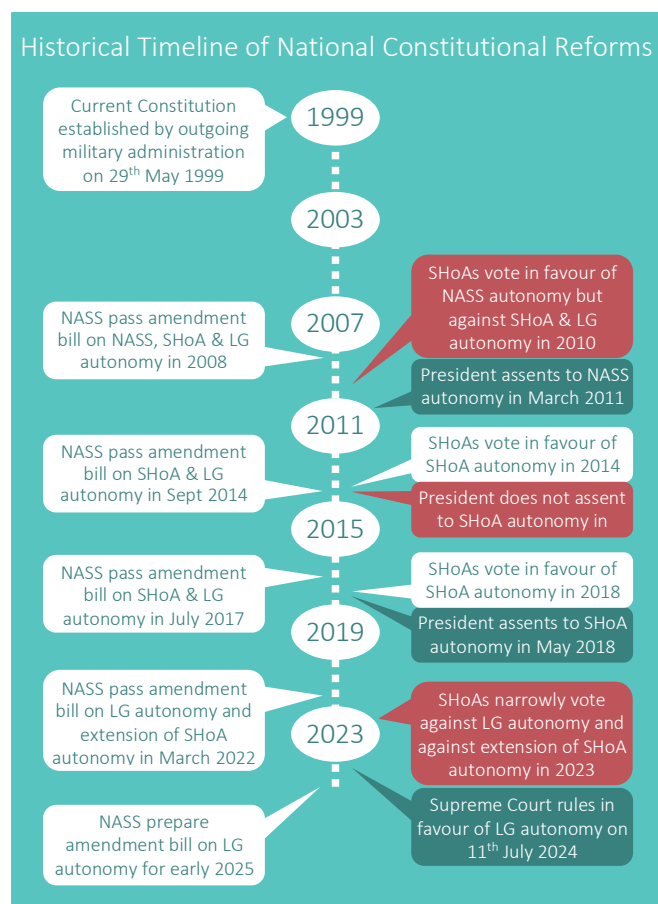
In 2014, the National Assembly took the first step towards passing an amendment to a key legislation which would grant greater financial autonomy to State Assemblies. However, the Constitution amendment bill was rejected by the President in 2015. Undaunted by the setback, SAVI continued to support reform momentum within the State Assemblies, encouraging newly elected representatives and speakers to speak up for constitutional reform.

Success was not far off following the inception of PERL in 2016. In 2017, the National Assembly passed another constitutional amendment bill. Momentum built further, this time from Democracy Vanguard (DV), a pressure group supported by PERL, which provided coordination and led consultation and advocacy engagements at regional level to elicit citizens voice and political support across the nation on this issue. In 2018, most of the State Assemblies approved the amendment despite pressure from powerful State Governors not to do so. Through sustained advocacy and pressure from PERL partners, the President in May 2018, gave his assent to the bill and the constitution was amended.

State Assemblies not only gained unprecedented financial autonomy on paper but also in practice. It has been a long process for them to establish the state-level legislation and fund management mechanisms needed for this, and get their State Governors to comply, but some are now receiving funding from central government, directly from source.

It has taken four waves of votes on bills and amendments nationally and in the States in 2008, 2011, 2018, 2023 to sow the seeds of success. Now, after more than a decade of patient and persistent support, Nigeria's State Houses of Assembly (SHoA) are now beginning to secure access and control over their finances with increasing capacity in scrutinising public spending in the interests of the many rather than the few. A new wave of reform is now seeking to increase

financial independence of the 774 local governments in Nigeria [see **Story 5 – Local Government: the final frontier in the fight for better grassroots services in Nigeria**].



The momentum for reform is spreading through the system

At the same time, work has progressed on increasing the independence of the Office of the Auditor-General of the Federation (OAuGF) and boosting the role of Public Accounts Committees (PACs). The OAuGF is Nigeria's supreme auditor with sole responsibility for auditing public accounts.

A major milestone was reached in October 2018 when the Nigerian 8th National Assembly passed the Federal Audit Service Bill, even though this failed to gain Presidential approval. The passage of the national legislation is proving a catalyst for all Nigerian States to pass their own audit laws to improve accountability and transparency. Kano State, for example, has already moved in this direction.

That legislation aimed to do four things: guarantee the independence of the OAuGF, enhance professionalism among its staff, promote effective oversight by the National Assembly and

increase federal transparency and accountability in public financial management. The 9th National Assembly also passed the Federal Audit Bill in 2022, but this again failed to gain Presidential approval. PERL set up a partnership fund to support far-reaching advocacy to facilitate the passage of both Bills by the NASS and assent by the President and played a coordination role among stakeholders to agree a common engagement strategy.

Despite absence of a Federal Audit Law, there are positive signs of some improved capacity in the National Assembly Public Accounts Committees and changes in behaviour in federal audit processes, leading to some reduction in losses through waste and corruption.

Success built on doing development differently

PERL's perseverance and persistence in promoting better governance – and that of the programmes that came before it – is paying off. Collectively they have done so by promoting collaboration between government agencies (supply side) and the public (demand side). Additionally, the programmes and interventions have avoided controversial advocacy strategies. Instead, they have developed coalitions between politicians, officials, professionals, citizens groups and the media.

Rather than embracing the traditional donor model of piecemeal support for individual projects run by non-governmental organisations (NGOs), PERL has sought to facilitate the engagement of organisations with a strong community and constituency base as the cornerstone of public demand – an approach that was locally led, inclusive and politically smart.

ⁱ <https://www.thecable.ng/kaduna-assembly-suspends-three-lq-chairmen-for-mismanaging-public-funds/>

ⁱⁱ <https://www.thecable.ng/just-in-kaduna-assembly-sets-up-committee-to-probe-expenditure-projects-under-el-rufai/>

ⁱⁱⁱ <https://youtu.be/GECOCacGAng>

^{iv} <https://www.transparency.org/en/countries/nigeria>

^v <https://www.worldbank.org/en/news/press-release/2022/03/21/afw-deep-structural-reforms-guided-by-evidence-are-urgently-needed-to-lift-millions-of-nigerians-out-of-poverty>

^{vi} <https://guardian.ng/news/jigawa-assembly-impeaches-two-principal-officers-suspends-four-council-chairmen/>

^{vii} <https://kanoassembly.gov.ng/kano-assembly-orders-three-agencies-to-refund-n260m/>



The opinions expressed above are those of the authors and do not necessarily represent the views of the UK's Foreign, Commonwealth & Development Office (FCDO)

PERL is the FCDO's flagship Public Sector Accountability & Governance programme in Nigeria since May 2016



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