



Address By

Mr. Abubakar Malami, SAN

Attorney General of the Federation and Minister of Justice

At the

***'All State Governments Conference on Corruption to Commemorate
the International Anti-Corruption Day- 9th December'***

Coronation Hall, Kano State

12th December, 2016

Protocol

1. Introduction

1.1. Good morning distinguished ladies and gentlemen. It is my pleasure to be here with you to commemorate the *International Anti-corruption Day 2016* that is usually celebrated on 9th of December every year. Our presence in this gathering demonstrates the importance President Muhammadu Buhari attaches to the fight against corruption, and to the role of good governance in the development of our great country Nigeria.

1.2. The collaboration of the Kano State Government in the hosting of this event is a laudable one and shows that the fight against corruption is gaining momentum at the state level. I must also not fail to commend the Governor of Kano State, Mallam Abdullahi Umar Ganduje and his team who have remained focused on enthroning a culture of transparency and accountability in governance through the strengthening of the Public Complaints and Anti-Corruption Commission - the first of its kind in Nigeria.

1.3. Distinguished Guests, as you all are aware the International Anti-Corruption Day marks the adoption of the United Nations Convention Against Corruption (UNCAC), which occurred in 2003. Nigeria ratified the Convention on 14th December 2004. As a universal legal instrument, the UN Convention aims to "promote and strengthen measures to prevent and combat corruption more efficiently and effectively, promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption... [and] promote integrity, accountability and proper management of public affairs and public property..."¹.

1.4 Having ratified the UNCAC, Nigeria is obligated to adopt and implement policies that prevent, penalize and eradicate corruption. By virtue of Section 12 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Nigeria domesticated the UNCAC and has fulfilled this obligation substantially through the enactment of various anti-corruption laws and setting up of anti-corruption institutions.

¹ Article 1 of the United Nations Convention Against Corruption (UNCAC)

2. Corruption Trends in Nigeria:

2.1 It is now widely acknowledged that corruption undermines economic development, political stability, rule of law, social development, disrupts social order and destroys public trust in the governance system. A recent report released by the United Nations revealed that every year \$1 trillion is paid in bribes while an estimated \$2.6 trillion are stolen annually through corruption, globally - this is a sum equivalent to more than 5 per cent of the global GDP. In developing countries, according to the United Nations Development Programme, funds lost to corruption are estimated at ten (10) times the amount of official development assistance.² This is a pathetic situation for most countries in Africa and Nigeria is not left out.

2.2 In Nigeria, we have observed a disturbing trend - which is that the link between corruption, organized crime, terrorism and insecurity is one of the reasons why Nigeria has remained largely underdeveloped despite having been endowed with huge natural resources. Our experience has shown that resources and funds meant for development of infrastructure, schools, health sector, law enforcement and security facilities have been gradually stolen and laundered in different parts of the world.

2.3 The most disturbing effect of corruption is its threat to our national security. This is manifest in the loss of lives of members of the Armed Forces of Nigeria and civilians on account of corrupt practices and the loss of property and funds meant for military equipment.

3. National Efforts to Combat Corruption

3.1 Since 2000, Nigeria has established various institutions aimed at improving transparency and accountability in the public service and the enforcement of sanctions against those who are corrupt. The establishment of the Revenue and Fiscal Mobilization Commission, the Independent Corrupt Practices and Other Related Offences Commission (ICPC), the Economic and Financial Crimes Commission (EFCC), the Bureau for Public Procurement (BPP), the Nigerian Extractive Industry Initiative (NEITI), the Code of Conduct Bureau and the Code of Conduct Tribunal are all actions aimed at tackling corruption. You may ask - why is it that corruption persists in Nigeria? My response is that until the coming into

² <http://www.un.org/en/events/anticorruptionday>

office of President Muhammadu Buhari, leaders and heads of public service institutions have failed to enforce these laws in a manner that deters people from seeking to divert public resources for personal use.

3.2 As we reflect on the best way to tackle this pervasive problem, I am happy that the Justice Reform Team in the Federal Ministry of Justice in consultation with other stakeholders has developed and published the first comprehensive National Anti-Corruption Strategy. The objectives of the National Anti-Corruption Strategy are as follows:

3.2.1 To promote an improved legal, policy and regulatory environment for the fight against corruption

3.2.2 To encourage an improved socio-cultural and political environment for transparency, accountability and integrity

3.2.3 To provide incentives for Sustainability in the fight against corruption

3.2.4 To improve the operational capacities of key Anti-Corruption Institutions and Initiatives

3.2.5. To achieve the Presidential Commitments on Asset Recovery, Transparency and Accountability in the Management of Public Resources.

3.3. These objectives are supported by an implementation plan that sets out the activities that will be undertaken by all anti-corruption agencies and citizens to address the problem of corruption within the next four years. The National Anti-Corruption Strategy, the Open Government Partnership's National Action Plan and the Justice Reform Plan has consolidated on these gains and in essence promotes transparency, accountability and collective engagement in governance.

4. The Open Government Partnership National Action Plan

4.1 In addition to the NACS, Nigeria, under the able stewardship of President Muhammadu Buhari has joined the Open Government Partnership (OGP) with a view to promote a transparent and accountable government. For many years, lack of openness and corruption has meant that resources meant for development have been frittered away through the entrenchment of a culture of opacity. Our membership of the OGP reaffirms the commitment of the President to a cardinal part of this government's policy agenda. The fight against corruption is not a stand-

alone effort. Rather, it is a coordinated and multi-sectorial effort consistent with what OGP is all about.

4.2 The application of criminal laws in the investigation and prosecution of corrupt practices is just one of the efforts we are undertaking as a government to enthrone accountability and national prosperity. We are also pursuing complementary programs aimed at opening up our country for non-oil investments by ensuring that global standards of business practice are respected and enforced.

4.3 The OGP National Action Plan (NAP), which was presented at the OGP Summit in Paris a few days ago, was developed through active collaboration with civil society and the private sector. The co-creation effort of civil society and government in developing the NAP is something I want to specifically applaud. This government considers civil society as partners in our developmental process.

4.4 The NAP spans into four key thematic areas of *fiscal transparency, anti-corruption, access to information, and citizen engagement as well as fourteen commitment areas set out in the implementation plan*. They draw from the issues the President committed to implement during the Anti-Corruption Summit in London in May 2016 and aim at consolidating on-going reform efforts within and outside the public service over the next two years.

5. Framework for the Reform of the Justice Sector

5.1 My office has also developed a Framework for the Reform of the Justice Sector known as the Justice Reform Plan, hinged on *four strategic objectives, namely (i) To Strengthen the Legal Drafting and Law Review Process; (ii) To Strengthen Prosecution and Enforcement Mandates; (iii) To Strengthen Public Engagement and Accountability Systems; (iv) To Support International and National Coordination in Justice Institutions*.

6. Actions Taken to Improve the Prosecution of Criminal Cases in Nigeria

6.1. It is our belief that there is a link between an effective criminal justice system, underpinned by strong prosecution mandates and our ability to combat corruption. Consequently, in May, 2016, President Muhammadu Buhari inaugurated a **National Prosecution Coordination**

Committee (NPCC) with a view to strengthening prosecutorial mandates of the FMOJ as well as enhancing coordination of the prosecution of high-profile cases.

6.2. As part of the on-going justice sector reform, my office and thirty-six states of the federation recently issued and adopted the '**National Prosecution Policy and Prosecution Guidelines**'. The prosecution policy will help to streamline good practices amongst federal and state prosecutors and prosecuting agencies. This will, no doubt, lead to improved prosecution of corruption cases and other offences; increase efficiency and effectiveness in criminal justice administration; and above all inspire public confidence in the nation's justice system.

6.3 In developing the policy, consideration was given to international instruments such as the United Nations Guidelines on Prosecution, the International Association of Prosecutors Standards for Prosecutors, the African Prosecutors Association (APA) and Maputo Recommendations for Effective Prosecution.

6.4. The two policy documents are a guide to good practices that could improve the capacity, career development, and enhance the productivity of prosecutors. In particular, the policy will seek to address the needs and expectations of prosecutors in the ministries of justice, specialized prosecuting agencies and private legal practitioners occasionally granted fiat to prosecute.

6.5. I would also wish to add at this point that we are currently collaborating with the United Nations High Commission on Refugees (UNHCR) to improve access to justice for internally displaced persons (IDPs). This is aimed at addressing the legal and human rights needs of IDP's in the Northeast. This program will ensure that IDPs can have access to justice.

6.6. Distinguished ladies and gentlemen, I want to reassure you that the Federal Government of Nigeria is committed to the fight against corruption and to ensuring that the Administration of Criminal Justice Act is fully complied with and domesticated in all the states of the Federation while at the same time providing the platform for the protection of citizens' rights and timely access to justice. I will like to use this opportunity to

call on the Kano State Government to adopt the ACJ Act to enhance criminal justice administration.

6.7 It is now my pleasure to formally present these three strategic plans, namely (i) **the National Anti-Corruption Strategy**, (ii) **the OGP National Action Plan** and (iii) **the Justice Reform Plan**.

6.8 I am aware that there will be challenges in the process of implementing these plans but let me assure you that as a government, we shall remain focused, bold and result oriented in delivering on the promises that the President made, to provide good governance to the Nigerian people and deliver on the numerous commitments to fight corruption.

7. Conclusion

7.1 Finally, distinguished ladies and gentlemen, as stakeholders in the fight against corruption, I invite you to join us in this very important journey of ridding our great country of the menace of corruption. With all of us working towards the same goals, I can say with both optimism and confidence that the battle against corruption, which has worsened the current economic challenges we are facing, will be fought and won, and would eventually lead to the elimination of prevailing obstacles and pave the way to accountability, transparency, prudence and responsible leadership.

7.2 Let me also use this opportunity to thank all those who struggle every day to tackle corruption in Nigeria, particularly the heads of Nigeria's anti-corruption agencies, the Kano government's anti-corruption agency led by Mr. Muhuyi Magaji Rimingado and our development partners led by the British Department for International Development through their Justice for All/PERL program, the United Nations Office on Drugs and Crime, the United Nations Development Program, Macarthur Foundation, Open Society for West Africa, the government of United States and Switzerland, as well a host of individuals, and civil society groups.

7.3. I call on all Nigerians to remain '*united in the fight against corruption*³'.

Thank you for your attention

Abubakar Malami, SAN
Honourable Attorney General of the Federation and Minister of Justice

³ <https://www.unodc.org/unodc/index.html?ref=menutop> - United Nations used this slogan for the celebration of the International Day Against Corruption on 9th December, 2016.