

Nigeria Report

Whistleblowing

December 2001

Executive Summary

With the generous support of the Partnership in Transparency Fund (PTF), Public Concern at Work (PCaW) spent a week in Nigeria working with Transparency in Nigeria (TIN) to raise awareness of whistleblowing as a tool to fight corruption. Forty delegates representing key perspectives including government, media, law enforcement and academia, gathered for a three-day intensive workshop in Abuja with a view to promoting whistleblowing protection legislation in Nigeria. The workshop was supported by the International Human Rights Law Group (IHLRG) and the Zero Corruption Coalition and began with a strong keynote address delivered by the Secretary to the Independent Commission of Corrupt Practices (ICPC). After a series of interactive sessions co-chaired by PCaW, a draft Bill was finalised and presented to the National Assembly. The event was covered by Nigerian television news and a press release was issued. The workshop provided a basis for the delegates to explore practical solutions to the problem of corruption in Nigeria. The result was a Bill which placed the issue firmly on the Government agenda. The next steps are to finalise the scope and detail of the legislation to keep it on the Government agenda and to begin to raise awareness of the importance and value of whistleblowing in Nigeria.

Introduction

Transparency in Nigeria (TIN) and the Zero Corruption Coalition in Nigeria asked Public Concern at Work (PCaW) to participate in a workshop on whistleblowing, which would promote whistleblowing protection legislation as part of the fight against corruption. They expressed particular interest in the UK legislation as it is based on the shared common law traditions of both countries and served as the model for whistleblowing protection in South Africa. The Partnership in Transparency Fund generously provided the funding which allowed the charity to send me, the Deputy Director and a lead trainer with PCaW, to travel to Abuja for a week.

I was asked to lead a session on the UK and South African law and experience and to help facilitate a drafting session as part of a 3-day intensive workshop. TIN organised the workshop in collaboration with the International Human Rights Law Group (IHRLG) and gathered together 40 delegates^[1] representing key perspectives within the country and sharing a common interest in fighting corruption in Nigeria.

The Workshop

Day 1: 3rd December:

The first day began with opening ceremonies. Welcoming remarks were made by the host organisations and from Senator Ayo Lawrence of the Senate Committee on Ethics and Privileges. The keynote address was presented by Mr. P E Odili, Secretary to the Independent Corrupt Practices and Related Offences Commission (ICPC). These were strong and welcome speeches stressing the need to move away from paying lip service to the idea of fighting corruption and to move towards action and prevention.

Then proceeded a 90-minute interactive session I led using international examples of corruption to focus discussion on the reality and dilemma of whistleblowing. As awareness of whistleblowing amongst the delegates was extremely varied, the ensuing discussion was lively and focused and proved helpful on the generic issue before the Nigerian context was addressed.

In the afternoon delegates divided into five groups representing their respective interests:

- lawyers/law enforcement/police
- media/civil society

- unions/workers/teachers
- private sector/accountants
- public sector/anti-corruption bodies.

Each group identified real whistleblowing cases within their sectors and then discussed the outcomes and lessons before sharing their views with the other groups.

In the final session, a draft Bill was presented to the group by the Zero Corruption Coalition, which the delegates were asked to review to discuss the following day.

Day 2: 4th December

In the morning I presented a session on the UK legal and practical experience, the Public Interest Disclosure Act (PIDA) and the South African Act. This then informed a valuable discussion about the Nigerian context and the ways in which it was distinct from the UK. The key differences identified by the delegates were very weak or non-existent labour/consumer laws, lack of a fully independent media and judiciary, and very little real police protection or effective regulatory oversight.

The delegates then spent the afternoon discussing the draft Bill. To focus on this I, as co-chair, asked the groups to look at four key areas: a) what types of information should be protected; b) who should be protected; c) where should the disclosures be made and d) what remedies should be available. They then reported back and two key recommendations were made: a) to protect civil society organisations that raise concerns on behalf of individuals and b) to ensure people had witness protection where necessary.

That night and into the early hours I and some lawyers and public servants went through the draft Bill and sought to revise it to reflect the day's discussions. This proved both complex and delicate.

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Day 3: 5th December

The revised draft was presented to the delegates for further discussion and amendment and in the early afternoon a revised Bill was prepared. Even though not final and not presented as such - being a committee draft - it was then presented to the National

Assembly and accepted by the Senate President, Senator Anyium Pius Amyium. This event was covered by the Nigerian television news that evening and a press release was issued (see attached).

The proposed Bill

The draft Bill^[ii] proposed the establishment of an independent body (the “Public Interest Protection Officer”) which could receive disclosures about wrongdoing or corruption, both from the public or private sectors and from workers, members of the public, or organisations. This Officer would be entirely independent of Government and would provide a broad range of protection to whistleblowers, including a job transfer or providing a new identity for individuals and their families.

The next steps

PCaW will provide comments to TIN on the draft Bill as it is carried forward. TIN and the Zero Corruption Coalition will use the Bill to continue to press the Nigerian Government to find real solutions to the problem of corruption. This will keep the issue firmly on the agenda and ensure the Government is aware of the importance of legitimate whistleblowing and a protective framework for it.

Conclusion

The delegates gave very positive feedback about the entire workshop and our contribution to it and were grateful to PTF. They were very pleased to have taken the important symbolic step of putting legislation firmly on the Government agenda.

As indicated, it is early days and there is work left to do on the Bill. In the UK, PIDA provides a framework for legitimate whistleblowing and protects workers (but not the wider public) who are unfairly treated or dismissed for raising genuine concerns about wrongdoing. It is not only meant to reassure workers there is a safe alternative to silence but it is meant to signal a wider change in culture. It builds on our liberal democracy where there is rule of law, an independent judiciary and media, and a strong regulatory framework. In Nigeria, for good reasons, whistleblowing is seen as

an adjunct to witness protection. In the UK these are different and the threat whistleblowers fear is loss of job rather than loss of life.

The delegates wanted the draft Bill to signal to communities facing corruption that there is a safe alternative to silence and to address the reality of the Nigerian situation where lives are cheap and legal and police protection is minimal. This inevitably requires a different legislative approach from us here. While we are always ready to share our experiences and to explain the UK-style legislation, we recognise that to succeed in changing the culture, each community/country must find and own its solution. However significant these differences may prove in practice, the Nigerian Bill sends a strong declaratory message both to the public and the Government that protecting whistleblowers is key to the fight against corruption. We continue to liaise with TIN on the terms of the Bill as it is carried forward.

Anna Myers

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[\[1\]](#) See attached delegate list.

[\[ii\]](#) See attached copy of draft Bill.