



KEYNOTE ADDRESS BY LATEEF O. FAGBEMI, SAN, ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE AT THE OPENING CEREMONY OF THE SENSITIZATION WORKSHOP ON THE PROPOSED "REVISED GUIDELINES ON NEGOTIATION AND DRAFTING AGREEMENTS BY GOVERNMENT PARTIES TO PREVENT CORRUPTION, ILLICIT FINANCIAL FLOWS, AND ENSURE SUSTAINABLE DEVELOPMENT" HELD ON THE 19TH SEPTEMBER, 2023 AT INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES COMMISSION (ICPC) AUDITORIUM

PROTOCOLS

It is my pleasure to be part of this sensitization workshop organized by the Independent Corrupt Practices and other Related Offences Commission (ICPC) on the Revised Guidelines on Negotiation and Drafting Agreements by Government Parties to Prevent Corruption, Illicit Financial Flows (IFFs) and ensure Sustainable Development.

2. Corruption is indeed a major challenge to the rule of law and it is undoubted that the political system loses its legitimacy when power is used for private advantage. It depletes national wealth and erodes trust in the system. It is for these reasons that the 2015 Nouakchott Declaration on Transparency and Sustainable Development in Africa, and the United Nations Resolution 74/206, called for more effective and transparent management of public resources as well as well-functioning institutions to combat Illicit Financial Flows.

3. The United Nation's *Agenda 2023 for Sustainable Development* and the *African Union's Agenda 2063* both acknowledge that combating IFFs are interconnected and concurrent to development. The African Union in its publication titled: *Domestic Resource Mobilization: Fighting Against Corruption*

• *and Illicit Financial Flows* (2019) affirmed that the diversity of forms of IFFs requires diversity and a cocktail of approaches, meaning there is no one size fits all approach to combating corruption and illicit financial flows. One thing is however clear, there can be no sustainable development without stemming corruption and IFFs. The key is the methodology of approach. Experience has however shown that law and order approach alone is not sustainable. Effectiveness and efficiency require a nuance combination or well-tailored mixture of governance reforms, prevention and sanctions.

4. It is estimated that Nigeria loses an average of \$1-18 billion annually to illicit financial flows, more than 60% of which is due to commercial IFFs which would be largely prevented with capable negotiation, drafting, transparency and patriotic zeal. Consequently, the methodology adopted with this workshop is a preventive effort aimed at enlightening key stakeholders charged with the responsibility of negotiating contracts on behalf of Government, on the contents of the Revised Guidelines. This would hopefully deter corruption in negotiation and execution of Government contracts, which is part of the Federal Government's Ministerial deliverables on Improved Governance for Effective Service Delivery.

5. The Federal Ministry of Justice is therefore committed to supporting initiatives undertaken by MDAs which are aimed at engendering transparency, efficiency and preventing corruption. Equally at the Ministerial level, the Ministry has developed policy documents and specific mechanisms to ensure transparency and reduce incidence of bad judgment awards arising from poor drafting or drafting of Federal Government Contracts with malafide intention against the country and its citizenry, particularly as it relates to contracts within the threshold of the Federal Executive Council.

6. Drawing lessons from the notorious case of FRN v. P&ID, the Government has taken measures aimed at ensuring that all contracts within Council's threshold are properly vetted, as we have discovered that a major source of

- drain on our national purse is the increasing utilization of litigation and arbitration, sometimes funded by litigation sharks, to foist contracts and agreements that were ab initio procured through bribery and corruption on Nigeria. I assure you that the Office of the Attorney General of the Federation is alive to its responsibility and will henceforth look closely and review arrangements that are tainted with corruption. The law is that time does not run against the state in the discovery of criminality.

7. I wish to emphasize the need for MDAs to develop capacity and competence in negotiating and drafting Government contracts. Nigeria's experience in the oil and gas sector and in mining of solid minerals to cite few examples, reinforces the need to have a ready pool of well-trained, experienced, tough, and reliable negotiators and guidelines to assist them navigate the usually technical negotiation and drafting process. This can have positive multiplier effects on the nation's economy in terms of more tax revenue, royalties, transfer of technology and know-how to mention a few. Nigeria stands to gain more with proper negotiation of royalties, taxes, clean and sustainable environmental practices in these areas.

8. Experience has shown that trained and experienced negotiators and draftsmen and women are sometimes moved around to posts and positions where government may not fully maximize their skills. While it is necessary to infuse new blood and expose officers to the broad range of ministries, departments and agencies in accordance with the Public Service Rules and scheme of service, this ordinarily should not be at the expense of government being able to leverage on skills set and experience which government expended resources to infuse and hone over many years at home and abroad. It should be possible for the system to constitute teams of experienced negotiators to handle essential or delicate tasks when the need arises to add value and ensure that the state benefits from investment in building the skill and capacity of its workforce.

9. I wish to commend the ICPC for its indelible efforts at organizing this laudable event which is part of Government's measures to further strengthen the anti-corruption regime by developing standardized mechanisms for prevention of corruption and Illicit Financial Flows and for being unrelenting in its efforts in the fight against corruption and other related offences.

10. I am convinced that the **“REVISED GUIDELINES ON NEGOTIATION AND DRAFTING AGREEMENTS BY GOVERNMENT PARTIES TO PREVENT CORRUPTION, ILLICIT FINANCIAL FLOWS AND ENSURE SUSTAINABLE DEVELOPMENT”** will set the stage to capacitate negotiators in negotiation of contracts and agreements for ministries, departments and agencies of the federal government towards the attainment/actualization of Sustainable Development and Agenda 2030 and government's policy priorities.

11. I thank you all for your kind attention and I wish stakeholders fruitful deliberations.

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