

SUMMARY

Annual Action Programme 2016 in favour of the Federal Republic of Nigeria to be financed from the 11th European Development Fund

1. Identification

EDF allocation	EUR 87 000 000
Total cost	EUR 99 650 000
Basic act	Council Regulation (EU) 2015/322 of March 2015 on the implementation of the 11 th European Development Fund

2. Country background

With an estimated population of around 180 million, Nigeria is the most populous country in Africa. Its economy is also the largest since the rebasing of the Gross Domestic Product (GDP) in 2014 - it accounts for nearly 32% of total GDP for sub-Saharan Africa and 78% of Economic Community of West African States (ECOWAS) GDP. According to estimations, Lagos State alone has a GDP superior to Ghana and Cote d'Ivoire, ECOWAS' second and third largest economies. However, the development of the country has been held back by poor overall governance, weak and complex institutions, massive inequality and corruption and very limited access for most of the population to basic services.

This has been aggravated by a history of violence and instability, stemming from geographical and ethnological specificities. This goes beyond the Boko Haram insurgency in the north east and also involves widespread inter-community and inter-ethnic tensions such as in the middle-belt and persistent insecurity in the Niger Delta with the potential for violence to be renewed as the Government's amnesty programme draws to a close.

Nigeria continues to have some of the worst development indicators in sub-Saharan Africa, with over 60% of the population (over 100 million people) living below the poverty threshold. There are huge regional disparities in income between the north and south and unemployment, especially among the youth, continues to be high. The enormous size of this acute poverty caseload is of considerable concern to the EU.

This is compounded by the current economic situation the country finds itself in with the reduction in oil prices. 70% of government revenues stem from oil; these are today 50% lower than they were 5 years ago. According to the International Monetary Fund's predictions, the GDP growth rate is set to drop to 4% for 2015 and unlikely to surpass 5% over the next 5 years, in contrast to a steady 6.8% over the past decade.

The conflict in the north east has also provoked a serious humanitarian crisis whereby over 2 million people have been internally displaced. The investments needed for the recovery and reconstruction of the north east, once peace and stability have been restored, will be massive.

In this context, the 11th European Development Fund (EDF) National Indicative Programme (NIP) for Nigeria 2014-2020, which was signed in June 2014, focuses on three sectors of cooperation – namely (1) Health, nutrition and resilience, (2) Sustainable energy and access to electricity and (3) Rule of Law, governance and democracy – and plans a total indicative amount of EUR 512 million.

This Annual Action Programme (AAP) 2016 includes actions under the second and third sectors mentioned above. All three actions are coherent with the objectives identified in the 11th EDF NIP.

3. Summary of the Action Programme

Action 1: Action Against Trafficking in Persons and Smuggling of Migrants in Nigeria

Nigeria is a country of origin, transit and destination for diverse migratory configurations, both domestically and externally, including seasonal labour migration, undocumented or irregular migration, internal displacements, human trafficking, smuggling of migrants, female migration and migration of skilled professionals.

The main objective of this specific project is to reduce trafficking in persons (TIP)/trafficking in human beings (THB) and smuggling of migrants (SOM) at national and regional level, and between Nigeria and the European Union, with specific emphasis on women and children.

The specific objectives and outcomes are: (1) Improved governance of the migration sector in Nigeria, with specific focus on the fight against THB and SOM; (2) Enhanced prevention of THB and SOM in key states of origin and of transit; (3) Improved protection, return and reintegration of victims of trafficking and of smuggling, particularly from Europe; (4) Enhanced identification, investigation and prosecution of traffickers and smugglers; and (5) More effective cooperation at national, regional and international levels in fighting THB and SOM.

The project focusses on the fight against trafficking in persons and smuggling of migrants on the federal level and in selected states which are among principal sources, and transit routes, of trafficked and smuggled victims to Europe, such as Edo, Delta, Lagos, Sokoto (further assessment and review of target states may be done at the project inception phase).

The action is formulated at an opportune moment in Nigeria, when key policies and legislation on THB and SOM have recently been developed, and the political momentum and leadership to advance on the fight against these crimes are largely in place. It is directly designed to contribute to the implementation and enforcement of this new policy and legal framework, by strengthening, and where needed support the development of, the required institutional structures and capacities of key mandated agencies and relevant Civil Society Organisations.

The action will contribute to the implementation of the Common Agenda on Migration and Mobility (CAMM) between the EU and Nigeria. It is envisaged as part of an enhanced partnership with Nigeria which could also include support to other aspects of migration management such as internally displaced people (IDPs), regular migration and mobility, border management, return, readmission and reintegration, and continuing EU support to addressing the root causes of irregular migration.

Action 2: Support to Rule of Law and Anti-Corruption in Nigeria

The Nigerian government has made the fight against corruption a top priority and has re-affirmed its commitment to reform the criminal justice system. In line with these aspirations, the overall objective of the 11th EDF Rule of Law and Anti-Corruption (RoLAC) project is to enhance good governance in Nigeria by contributing to strengthening of the rule of law and curbing corruption.

The project is anchored in the fundamental issues that hamper criminal justice reforms and fight against corruption in Nigeria, and at a rare political moment of apparent genuine political will to tackle these issues. It addresses the root causes of the problems (not the symptoms) through a coordinated and sector wide approach; recognising the interconnectedness of the criminal justice chain and the importance of involving both the supply and demand side in criminal justice reforms and fight against corruption.

It seeks to support the effective implementation of key established laws, policies, plans, while ensuring that institutional capacity to effectively manage the anticipated reform/change is in place, and also enabling civil society to exercise its role of watchdog on criminal justice and anti-corruption.

The key pillars of interventions under this project - criminal justice reform and fight against corruption – are complementary and mutually reinforcing. Corruption is both a cause and driver of the poor governance and performance of the criminal justice system. At the same time, a strong Nigerian criminal justice, able to dispense timely and effective justice would strengthen the fight against corruption, as incentives to engage in corrupt practices are reduced.

The main expected outcomes are to: a) advance the timely, effective and transparent dispensation of criminal justice; b) strengthen access to justice of women, children and persons with disabilities at federal and state level; c) strengthen the fight against corruption by reinforcing prevention mechanisms and building the capacity of anti-corruption agencies to effectively address corruption in public procurement, the criminal justice system and the extractive sector; and d) to enhance civil society and public engagement in the fight against corruption and the criminal justice reform process.

Action 3: EU Support to Energy Sector in Nigeria - Phase 1

Electricity supply in Nigeria, the largest country in Sub-Saharan Africa with a population of 180 million, is significantly impaired by critical and frequent outages and power unavailability for almost half of the population.

Within the framework of the 11th EDF National Indicative Programme 2014-2020 (NIP), the EU has allocated EUR 150 million to contribute to improving access to the sustainable supply of electricity, particularly for the poorest and in the least developed states, especially those in northern Nigeria. In line with the specific objectives identified under this sector of the NIP, this action proposes to improve the regulatory and business environment for increased private sector involvement, especially in renewable and energy efficiency projects, as well as to support the supply of renewable energy for the provision of health and education services in the north.

The action is complementary to other EU interventions in the sector, particularly to blending operations, including on vocational training and a credit facility for renewable energy (RE) and energy efficiency (EE). Synergies exist with the EU Support to the Health Sector in Nigeria Phase I and also with future interventions in the field of vocational training under the EU Emergency Trust Fund for Africa. Through its impact on the reactivation of economic activity in disadvantaged regions, the project will contribute to mitigating the risks of irregular migration. The action will also contribute to the implementation of the Economic Partnership Agreement and is part of the EU's support to the Economic Partnership Agreement (EPA) Programme for Development in West Africa.

The proposed intervention follows the strategy defined in the NIP and during the identification phase, which is based on the combination of "soft" (technical assistance, specialised advice) and "hard" (actual investment in energy infrastructure) actions, and prioritising filling a gap in access to electricity in the north. This first phase of EU Support to the Energy Sector in Nigeria aims at putting in place all the "soft" elements required for the whole NIP intervention while kick-starting the investment in energy infrastructure. Subsequent phases will focus on the identification of blending operations and the further expansion of EU investment in energy infrastructure.

The action combines this policy and regulatory aspect with specific activities aiming at "kick-starting" private sector investment in the sector, and which should demonstrate the feasibility

of certain business models for broader scalability. In this way, the action not only addresses the need to activate a recently privatised sector, but will also deliver small-scale energy generation infrastructure.

Finally, EU investment in energy infrastructure in Nigeria starts through this action with a component to provide reliable renewable energy supply to health and education centers in the North of the country, in line with the NIP strategy.

Cross-cutting issues such as gender, human rights and climate change will be mainstreamed across the three actions. In particular, Action 1 specifically targets women and girls, and boys, who constitute the main victims of trafficking both within Nigeria, in the region and into Europe. The action is also in line with the EU’s Strategic Framework on Human Rights and Democracy (2012) and its accompanying Action Plan currently covering the period 2015-2019 which confirms that the "Migration/trafficking in human beings (THB)/smuggling of migrants/asylum policies" are key aspects for fostering better coherence and consistency of the EU’s human rights policy and nexus with these cross-cutting thematic areas.

Action 2 includes a component that specifically seeks to enhance access to justice for women, and to improve the protection of girls and boys, by targeting resources on the implementation and enforcement of relevant legislation in this area and as such directly contributing to the European Union Gender Action Plan 2016-2020. A rights-based approach is at the core of the project, with particular focus on the rights of the most vulnerable groups, including rights of persons living in poverty, female victims of violence, children and persons with disabilities.

Through increased on-grid electricity supply, use of RE and improved EE, Action 3 will contribute to reducing the need for the combustion of fossil fuels (diesel and petrol generators), charcoal and firewood, as well as ensure sustainable global benefits in slowing the growth rate of greenhouse gas emissions. Action 3 also takes into account the necessity of gender mainstreaming, namely the electrification component, which will have a focus on girls’ schools and facilities providing maternal healthcare.

4. Communication and visibility

The actions under this AAP shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in the relevant section of each Action Document.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

5. Cost and financing

Action Against Trafficking in Persons and Smuggling of Migrants in Nigeria	EUR 10 million
Support to Rule of Law and Anti-Corruption in Nigeria	EUR 25 million
EU Support to Energy Sector in Nigeria - Phase 1	EUR 52 million
Total EU contribution to the AAP	EUR 87 million

The Committee is invited to give its opinion on the attached Annual Action Programme 2016 in favour of the Federal Republic of Nigeria.



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This action is funded by the European Union

ANNEX 1

of the Commission Decision on the Annual Action Programme 2016 in favour of the Federal Republic of Nigeria to be financed from the 11th European Development Fund

Action Document for "Action Against Trafficking in Persons and Smuggling of Migrants in Nigeria"

INFORMATION FOR POTENTIAL GRANT APPLICANTS

WORK PROGRAMME FOR GRANTS

This document constitutes the work programme for grants in the sense of Article 128(1) of the Financial Regulation (Regulation (EU, Euratom) No 966/2012, applicable to the EDF in accordance with Article 37 of Regulation (EU) 2015/323, in the following sections concerning calls for proposals: 5.4.2.

1. Title/basic act/ CRIS number	Action Against Trafficking in Persons and Smuggling of Migrants in Nigeria CRIS number: NG/FED/039-176 financed under the 11 th European Development Fund (EDF)	
2. Zone benefiting from the action/ location	West Africa, Federal Republic of Nigeria The action shall be carried out at the following location: at federal level and indicatively Lagos, Edo, Delta and Sokoto as focal states.	
3. Programming document	National Indicative Programme between the European Union and Nigeria for the period 2014-2020	
4. Sector of concentration/ thematic area	Focal sector 3: Rule of law, Governance and Democracy	DEV. Aid: YES ¹
5. Amounts concerned	Total estimate cost: EUR 10 150 000 Total amount of EDF contribution: EUR 10 000 000 This action is co-financed by potential grant beneficiaries for an indicative amount of EUR 150 000.	
6. Aid modality and implementation modalities	Project Modality Indirect management with the Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIIAPP) Direct management – grants – call for proposals	
7 a) DAC code	13010	
b) Main Delivery Channel	10000 – Public sector institution	

¹ Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X		<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			
10. Sustainable Development Goals (SDGs)	Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels Goal 5: Achieve gender equality and empower all women and girls			

SUMMARY

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1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

Nigeria is richly endowed with human and mineral resources, with an estimated population of around 170 million which is essentially young and growing rapidly. It is a country of origin, transit and destination for diverse migratory configurations, both domestically and externally, including seasonal labour migration, undocumented or irregular migration, internal displacements, human trafficking, smuggling of migrants, female migration and migration of skilled professionals.

Internally, high population growth, combined with reduced livelihood prospects in rural areas, has resulted in massive rural to urban migration. Recurring violent conflict has led to widespread internal displacement. The UN Office of for the Coordination of Humanitarian Affairs estimates that since 2009 some 2.2 million have been displaced by the ongoing Boko Haram insurgency in the North East. Externally, the migration challenge is significant and emigration of Nigerians to other countries is essentially intra-African. According to the International Organisation for Migration (IOM) the majority of Nigerians, some 62%, migrate to other sub-Saharan countries, while 18% go to Europe, 15% to North America and 5% to other countries².

Although irregular migration of Nigerians to Europe is relatively marginal – in 2014, there were 8,700 illegal entries of a total of 283,532 Nigerian regular entries into the EU (Frontex³) – it is highly problematic in terms of the human and social costs involved. Precise data is difficult to obtain, but in 2015 Frontex estimated that Eritreans, Nigerians and Somalis accounted for the biggest share of some 154,000 migrants making the dangerous journey over the central Mediterranean, many of which put their lives in the hands of criminal smuggling networks. Curbing irregular migration from Nigeria to Europe will take time and may well intensify in the coming years in the light of expected economic hardship and continuing conflict.

Nigeria is also a source, transit and destination country for women and children victims of sex trafficking and forced labour. While the phenomenon affects almost all states of the country, and particularly in the south, Edo state, and mainly its capital Benin City, is the main recruitment foyer of human trafficking to Europe (European Asylum Support Office (EASO), 2015). Young women and children are the most affected and THB is mostly geared towards prostitution, domestic servitude, forced labour, begging and sometimes trafficking in human organs. In 2015, EASO reported that Italy and Spain appeared to be the primary destinations of trafficked Nigerian women to the EU but that a number of other EU Member States are also affected⁴.

1.1.1 Public Policy Assessment and EU Policy Framework

In 2015, Nigeria made remarkable progress on its legal and policy framework on migration, enacting the following policies and legislation:

- National Policy on Migration (NPM)
- National Labour Migration Policy (NLMP)
- Trafficking in Persons (Prohibition) Enforcement and Administration Act (amendment)
- Immigration Act

The National Policy on Migration, elaborated with EU support under the 10th EDF, contains specific policy objectives on THB and SOM, which aim to better understand the causes and consequences of THB and SOM, to contain the crimes by establishing appropriate punitive and deterrent measures, to strengthen mandated institutions, and to establish a referral mechanism for THB among law enforcement agencies (LEAs) and civil society organisations (CSOs).

The Nigerian Government has demonstrated its commitment to the fight against THB by passing the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act in 2003, amended in 2005 and 2015, to harden the sentence imposed on traffickers. The Act resulted in the creation of the National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP), with the mandate to prevent THB, protect victims and to investigate and prosecute perpetrators. Smuggling of migrants was criminalised in the 2015 Immigration Act, which aligned Nigeria with international practices. Combined with the NPM, the Immigration Act provides the framework and direction for the Government's fight against SOM.

² Cf. Federal Republic of Nigeria, OIM, National Migration Policy, 2015, p.22.

³ European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

⁴ Including UK, SE, PR, FR, AT, BE, CZ, FI, DE, GR, EI as well as Norway and Switzerland (EASO, 2015).

The action corresponds to focal sector "Rule of Law, Governance and Democracy" of the EU-Nigeria National Indicative Programme 2014 - 2020 (NIP) and the specific objective to "support government action to enhance capacity to manage migration and mobility". It is foreseen to contribute to expected result 3.1. "Implementation of enhanced national and local institutional capacities to manage migration", result 3.3. "Improved border management" and result 3.4 "Implementation of the Nigeria-EU CAMM".

In March 2015, Nigeria and the EU signed the Common Agenda for Migration and Mobility (CAMM), which establishes the prevention and combatting irregular migration and tackling trafficking in human beings as one of four priority areas of bilateral collaboration on migration. The urgent need to address THB and SOM was also emphasised in the Valetta Summit Declaration and Action Plan, adopted in November 2015, which brought together European and African Heads of State and Government in an effort to strengthen cooperation and address the current challenges but also the opportunities of migration. The project will support the Valetta Declaration Action Plan objectives, notably a) to prevent and address irregular migration and to fight related organised crime, such as trafficking in human beings and migrant smuggling and b) to provide protection, support and/or assistance to stranded/vulnerable migrants, refugees and victims of trafficking with a special attention given to vulnerable groups, notably women and children. Finally, the project will contribute to the implementation of a new Partnership Framework between Nigeria and the EU, in line with the provisions of the Commission Communication "Establishing a new Partnership Framework with third countries under the European Agenda on Migration" states⁵.

The project also fits well in the EU's relevant policy framework, particularly the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 [COM(2012) 286 final] and the Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings, while it is compliant with the European Agenda on Security [COM(2015) 185 final, 28.4.2015] which, inter alia, identifies the fight against SOM and THB as two of the main issues covered under the organised crime priority and its external dimension.

1.1.2 Stakeholder analysis

Key beneficiaries:

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was created in 2003 to prevent human trafficking, investigate and prosecute human traffickers and protect victims. It depends upon the Federal Ministry of Justice. It is in charge of implementing the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act as well as overseeing the application of the Violence Against Persons (Prohibition) Act (VAPP Act). It has a federal office in Abuja and 9 Zonal Commands in cities significant in matters of trafficking (Lagos, Benin, Uyo, Kano, Sokoto, Enugu, Maiduguri, Makurdi, Port Harcourt).

In line with its strategic plan 2012-2017 – and its 4 "P" approach: prevention, prosecution, protection and partnership - NAPTIP has undertaken a number of actions to enhance implementation of its mandate, including through support under the 10th EDF, particularly in terms of project management, prevention and protection. There has also been progress in terms of advancing towards a more coordinated national response to trafficking, with better collaboration with Nigeria Police Force (NPF), the Nigeria Immigration Service (NIS), the Department of State Services (DSS) and civil society through NACTAL (see below).

NAPTIP needs however to reinforce its capacities, notably in the areas of forensic investigation, prosecution, scaling up of awareness strategies and victim protection and organisation development to enhance performance and impact. To effectively tackle the crime, it will also be critical to further strengthen cooperation at national, regional and international level – notably on investigation, intelligence sharing, return and reintegration – including with EU agencies and Member States.

The Nigeria Immigration Service (NIS). The 2015 Immigration Act updated and clarified the responsibilities of the NIS⁶, which includes border management and patrol, issuance of travel documents, enforcement of relevant laws and regulations, and certain para-military duties within and outside Nigeria,

⁵ "Establishing a new Partnership Framework with third countries under the European Agenda on Migration" Communication of the European Commission, June 2016.

⁶ NIS was formerly regulated by the 1963 Immigration Act.

and as such plays a leading role in the fight against THB and SOM. Under the supervision of the Federal Ministry of the Interior, its operational structure is composed of 8 Zonal offices, 36 State Commands and Federal Capital Territory and Immigration offices in all of Nigeria's 774 local government areas.

With porous land, coastal and air borders and a vast territory, the NIS faces the enormous challenge of controlling regular and irregular inflow and outflow of persons to and from Nigeria.. It has created the Directorate of Migration to administer regular migration and tackle irregular migration, a Public Relations Unit to create public awareness on the dangers of smuggling of migrants, and an Economic Community Of West African States (ECOWAS) and African affairs/bilateral division to accommodate regional and sub-regional political elements of migration. NIS is in need of capacity building and institutional strengthening to be more effective in implementing the various provisions of the Immigration Act, notably its migration, legal and anti-smuggling and anti-trafficking officers in terms of prevention, identification and investigation of offenders, as well as in strategic design, development and implementation.

Nigeria Police Force (NPF) is an agency under the Federal Ministry of Interior, and a key stakeholder in the fight against THB and SOM, collaborating with other law enforcement agencies (LEAs) in the detection and arrest of traffickers as well as the identification and referral of Victims of Trafficking (VOTs) to NAPTIP and NACTAL CSOs. The Anti-Human Trafficking Unit under the Criminal Investigation Department and the Force Gender Unit, set up in 2012 to address the high rate of Sexual and Gender Based Violence (SGBV), is particularly relevant for the purposes of this project. The NPF will benefit from capacity building activities, particularly in terms of strengthening investigation on trafficking/smuggling crimes, and intelligence sharing and collaboration with NAPTIP, NIS and other LEAs.

Network of Civil Society organization against Child trafficking, Abuse and Labour (NACTAL) is a civil society network gathering some 70 CSOs working against child labour and trafficking spread all over the entire national territory by geographical areas. In May 2012, NACTAL signed a Memorandum of Understanding with NAPTIP to effectively stem child labour and trafficking in Nigeria. NACTAL members' have a strong commitment to THB and SOM prevention and victim protection, and actively collaborate with NIS and NAPTIP on these areas but its impact is still limited due to irregular access to resources and limited institutional capacities.

Other key stakeholders

The **National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI)** is the coordinating agency for migration activities in Nigeria and monitors the application of the National Migration Policy (NPM). Under the 10th EDF, the Commission benefited from capacity building that enabled it to organise and facilitate the establishment of an NPM governance structure, which includes the recently (June 2016) created Standing Committee on Border Management and Control, with THB and SOM among the covered policy areas, and with NAPTIP, NIS and NPF represented.

National Population Commission (NPC) and **National Bureau of Statistics (NBS)** are the mandated agencies to collect data and generate statistics on issues of national significance but lack capacities, systems and methodology to produce migration related data.

Relevant **Ministries, Departments and Agencies (MDAs)** include the Ministry of Budget and Planning (National Authorising Officer), the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Interior, the Federal Ministry of Labour and Employment, the Federal Ministry of Women's Affairs and Social Development, the National Bureau of Statistics, the National Population Commission. Close coordination and dialogue with these MDAs will be critical to ensure high-level political buy-in.

Target groups and beneficiaries:

Women/girls/boys victims of trafficking, potential to become victims of trafficking;

Smuggled migrants, prospective irregular migrants; their families and communities; traditional, religious and community leaders, teachers and students.

EU agencies:

Frontex promotes, coordinates and develops European border management in line with the EU fundamental rights charter applying the concept of Integrated Border Management, and streamlining cooperation between national border authorities. Frontex liaises closely with other EU agencies such as Europol, EASO, Eurojust (the European Union's Judicial Cooperation Unit), Fundamental Rights Agency

FRA and CEPOL (European Union Agency for Law Enforcement Training), as well as with border-control authorities of non-EU/Schengen countries - mainly those countries identified as a source or transit route of irregular migration. In 2011 Frontex Training Unit developed an anti-THB training package to train European border guards to identify and deal with potential victims of this crime.

Frontex and NIS signed a working arrangement in 2012, which extends also to other Nigerian agencies involved in border and migration management, including the NPF and NAPTIP. It includes provisions for dialogue and establishment of contact points in Nigeria to develop communication and information sharing in the field of border management activities of the Nigerian authorities and EU Member State counterparts. Frontex also has expertise on document fraud analysis, which is highly relevant for Nigeria. In 2014, Africa-Frontex Intelligence Community (AFIC), of which Nigeria is part, was established to analyse irregular migratory movements affecting AFIC countries and EU Member States.

Europol, the EU's law enforcement agency, assists EU Member States in their fight against serious international crime and terrorism. Europol coordinates an EU-wide approach to trafficking in human beings for labour exploitation, and has supported an EU-wide operation in this area. Europol supports high-level human trafficking investigations, including major international investigations, by coordinating operations, providing forensic and technical expertise and access to criminal intelligence and analysis. The European Migrant Smuggling Centre (EMSC), launched by Europol in 2016 with the aim of assisting EU Member States in dismantling criminal networks involved in migrant smuggling, presents an important opportunity for the project to advance collaboration and train Nigerian authorities in this area. While Nigeria is a Europol priority country on THB, it cannot operate in third countries but can lend support to EU Member State-led investigations, through for example the EMPACT (European Multidisciplinary Platform Against Criminal Threats) programme.

EASO, also consulted during the formulation of the action, is a small and relatively new agency, with a mandate on asylum, international protection, awareness and THB victims' assistance. While the current refugee crisis attracts most of its resources, EASO has developed training modules on THB for EU Member States' border officials to be able to identify and refer victims and, if resources are provided, could explore mobilising EU experts to train their Nigerian counterparts.

EU Member States:

Several EU Member States have had a close cooperation with Nigeria in the past years in the areas of intelligence sharing on irregular migration issues, fraudulent documents, identification of offenders as well as the return and reintegration of victims of trafficking and smuggling. Notably, Spain, UK, Germany, Italy, Netherlands, Malta and Switzerland have Memoranda of Understanding (MoUs) with Nigerian law enforcement agencies, including NAPTIP. However, cooperation is on a bilateral basis and not on a coordinated EU level. The project presents an opportunity to further EU Member States-Nigeria collaboration on trafficking and smuggling, e.g. within the context of the MOUs, and promote a more coordinated EU/EU Member States' response to the issue. **Spain**, one of the main destination EU Member States of irregular migrants and trafficked victims from Nigeria, will have a prominent role in the implementation of the action.

1.1.3 Priority areas for support/problem analysis

The action will support the implementation and enforcement of Nigeria's updated policy and legal framework in the area of THB and SOM and, in particular, relevant policy objectives and provisions of the National Migration Policy (2015), the Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015) and the Immigration Act (2015), as well as relevant strategies and action plans. Within this framework, the following priority areas have been identified in consultation with NAO, NAPTIP, NIS, NPF and other key national stakeholders.

Institutional capacity building, and better coordination, of ministries, departments and agencies (MDAs) having a mandate on THB and SOM, as well as CSOs. The lack of in-house coordinating mechanisms between LEAs, the high staff turnover leading to a loss of institutional and technical knowledge, the lack of organisational capacities as well as poor data management and information sharing between the various stakeholders are critical issues. CSOs represented in the NACTAL civil society network, collaborating with MDAs on issues relating to THB and SOM, are equally in need of institutional capacity building, notably in project management, policy apprehension and application.

Awareness raising and campaigns targeting potential irregular migrants and victims of trafficking, as well as their families and communities. This will build on 10th EDF achievements but be reinforced and targeted to reach new areas in source states for increased impact. The media is recognised as a key stakeholder in this sense. The project will rely on experience and local expertise of the LEAs and partner CSOs that have developed prevention and awareness raising tools. Particular attention should be given to vulnerable groups, women and children.

Protection, return and reintegration of victims of THB and vulnerable smuggled migrants. The protection measures and conditions of stay for victims of trafficking (VOTs) before reintegration are not satisfactory, particularly for unaccompanied children. The need for adequate shelter and screening centres, in line with modern standards, is acute. Technical training is needed to enhance impact of existing activities of LEAs and CSOs on VOT protection and reintegration, notably through the implementation of the National Referral Programme. Enhanced coordination at EU level, including on harmonising reintegration packages/support, and appropriate monitoring and tracking mechanisms have the potential to enhance effectiveness.

There is a need for **strengthening law enforcement and the prosecutorial response to THB and SOM**. Various factors limit LEAs efficiency in the identification, arrest and prosecution of offenders: logistical constraints such as vehicles or communication equipment particularly at focal state level; limited capacities in data processing and sharing with other LEAs, whether at national, EU or international level; limited coordination mechanisms between LEAs and lack of Standard Operating Procedures (SOPs) on investigation, prosecution and judicial matters related to THB and SOM; staff training.

The role of corruption in enabling organised smuggling/trafficking groups is also an important factor. These groups capitalise on opportunities for corruption to facilitate their outlawed activities, they seek to infiltrate and influence the state itself and weaken governance.

THB and SOM are by definition international issues and the **promotion of regional and international collaboration**, exchange of good practices and intelligence sharing has also been identified as an area requiring additional support. Good collaboration however should start at national level, between stakeholders, to have integrated data worth sharing with regional and international partners.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Migration and mobility is not a high priority for the Government of Nigeria	H	At political levels, the dialogue between the EU and Nigeria is well developed but needs more involvement of EU Member States. This will be encouraged in the framework of the EU working group on migration and mobility, chaired by the EU Delegation. The proposed implementation by an EU Member State agency – FIIAPP – which has the possibility to mobilise expertise, and support the involvement of other EU Member States will also contribute to fostering EU Member States' involvement.
Insufficient cooperation between Ministries, Departments and Agencies (MDAs)	M	The 11 th EDF will reinforce institutional coordination of MDAs.
Insufficient cooperation between governmental and non-governmental agencies	L	The EU project will enhance cooperation and complementarity between NAPTIP, NIS, relevant MDAs and NACTAL.
Cultural barriers hamper efforts to mitigate THB and SOM	M-H	The project will develop targeted awareness and prevention campaigns in collaboration with local stakeholders.

Terrorism and other security issues could prevent project implementation in some states	L	Terrorism so far is concentrated in North East Nigeria and working with LEAs will be a strong mitigating factor.
Insufficiency of in-kind counterparts of MDAs will undermine cost effectiveness	M	Project steering committee should provide guidance on the rational use of national assets.
Corruption within the beneficiary structures	H	Promotion of national inter-agency teams to mitigate the risk through internal checks and balances. Continuous monitoring and engagement at medium and high political level.
Assumptions		
The agencies in charge of enforcement of migration standards are willing to perform more effectively their mandate.		
The Government of Nigeria will remain committed and continue to encourage cooperation with the EU and EU Member States in the fight against irregular migration.		
The Government of Nigeria will sustain project result ownership at national budget level.		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The proposed action builds on the results, outputs and lessons learnt from the 10th EDF project, "Promoting Better Management of Migration and Mobility in Nigeria" (PBMMN), implemented by the International Organization for Migration (IOM) and United Nations Office on Drugs and Crime (UNODC) and in its closing phase at the time of writing. The PBMMN Results Oriented Monitoring (ROM) and final evaluation report conclusions and recommendations have been taken into consideration and have been complemented by inputs gathered during meetings with stakeholders and visits to the identified focal states. Key lessons learnt include:

- The new developments of migration, including flow of IDPs in the North East (because of the security crisis caused by Boko Haram), which had not previously been integrated should be taken into account for future projects under the 11th EDF.
- In order to maintain a certain continuity of action, it is advisable to integrate the unfinished activities of the 10th EDF PBMMN project, including sustaining training capacities and maintenance of infrastructures and databases.
- National ownership and coherence benefits from anchoring external support in the domestic policy and legal framework. The 2015 National Policy on Migration (NPM) is a key achievement, proving the strategic priorities, strategies and overarching framework for coordinating the management of migration in Nigeria. In practical terms, the NPM, the Immigration Act and the NAPTIP Act help to address the overlapping and fragmentary activities by LEAs by way of defining the operational boundaries and designate the NCFRMI to provide coordination.
- Balance needs to be struck between a comprehensive approach and a need for impact/clear deliverables. It is difficult to achieve tangible results when trying to involve all existing agencies and when the focus of action is wide, both on regular and on irregular migration issues. The complementary use of EU instruments to tackle different aspects of migration is therefore recommended and by doing so comprehensively address Nigeria's migration challenges while still allowing for a targeted/result-oriented approach for the individual project.
- In order to better re-integrate the victims of human trafficking, it will be necessary to promote better cooperation between EU Member States, harmonise reintegration packages, enhance protection means and enhance CSOs capacities in rehabilitation/reintegration of VOTs.
- While capacity needs are significant, capacity development should respond to specific needs as expressed by the partners, and linked to processes of institutional development. A differentiated capacity development approach should be adopted, with long-term TA/mentoring/coaching and twinning arrangements with EU/EU Member States agencies to be promoted.

- Training delivered in an environment that suffers from the lack of necessary equipment to replicate the lessons learnt is ineffective. Therefore, it could be preferable to organise training only as part of a more complete chain of intervention (supply of equipment, rehabilitation of facilities, etc.). In order to ensure sustainability with previous results, the project's actions will build on key results achieved under the 10th EDF (adoption of policies and strengthened legislative framework, first steps done in the development of databases on criminal and related activities within NIS, NAPTIP and CSOs).

3.2 Complementarity, synergy and donor coordination

The framework for the EU-Nigeria relationship on migration is centred on the Common Agenda on Migration and Mobility (CAMM), the Valletta Action Plan, and the Nigerian National Policy on Migration. The proposed action will contribute to the implementation of the second priority area of the CAMM: preventing and combating irregular migration and tackling trafficking in human beings. Complementarity will be ensured with ongoing and future EU actions linked to the implementation of the CAMM such as IDPs, regular migration and mobility, border management, return, readmission and reintegration, and continuing EU support to addressing the root causes of irregular migration.

In particular, there are clear synergies with ongoing and planned actions under the EU Emergency Trust Fund for Africa. In addition, the ongoing regional project "Support to Free Movement and Migration in West Africa", supported under the 10th EDF, will also be useful to promote good practices and lessons learnt from Nigeria's fight against THB and SOM on the regional level and to other ECOWAS Member States. Activities will need to be closely coordinated with the planned follow-up to Assisted Voluntary Returns and Reintegration (AVRR) programme, earlier supported by the Commission's Directorate General for Migration and Home Affairs..

In addition, the planned 11th EDF project "EU Support to Rule of Law and Anti-Corruption in Nigeria" will complement the project in its efforts to support a more effective criminal justice system and, by extension, its ability to hold suspects of THB and SOM to account – as well as through its focus on the implementation of the Violence Against Persons Prohibition Act (VAPP), where NAPTIP plays a coordinating role, and the Child Rights Act, which seeks strengthen child protection systems.

Coordination and synergies with EU Member States will be promoted through taking an "EU wide approach" to implementation. This means, on the one hand, ensuring that project activities are complementary to existing EU Member States' efforts in this area. Particular care will be taken to ensure complementarity of activities with ongoing projects supported by the UK and NL on THB and on border security by DE/GIZ. On the other hand, the project will promote and, wherever possible, directly support collaboration between and among EU agencies, affected and interested EU Member States and Nigerian authorities on THB and SOM, for example, in areas relating to information and intelligence sharing among LEAs, while also making use of EU and EU Member States' expertise in these areas. The proposed implementation by an EU Member States agency – FIIAPP, which has the possibility to mobilise expertise and support the involvement of other EU Member States, brings obvious benefits in this sense. Overall coordination will be one within the EU working group on migration and mobility, chaired by the EU Delegation.

3.3 Cross-cutting issues

The action is directly in line with the European Union Gender Action Plan 2016-2020, which affirms the EU's strong commitment to gender equality and human rights, as it specifically targets women and girls, and boys, who constitute the main victims of trafficking within Nigeria, in the region and into Europe. Beyond seeking to reduce levels of trafficking, and by doing so have a positive impact on the lives of women and children who are, or risk becoming, victims of trafficking, it contains a strong protection component to empower victims to fully reintegrate and participate in their communities and society.

By strengthening the capacity, systems and structures of NAPTIP to address THB, as well as the NPF as it concerns trafficking, it is also expected to have a positive impact on the capacities of these institutions to address sexual and gender based violence and to implement and enforce the VAPP Act.

The action is also in line with the EU's Strategic Framework on Human Rights and Democracy (2012) and its accompanying Action Plan currently covering the period 2015-2019 which confirms that the "Migration/trafficking in human beings (THB)/smuggling of migrants/asylum policies" are key aspects for

fostering better coherence and consistency of the EU's human rights policy and nexus with these cross-cutting thematic areas. A rights-based approach will be the basis for this project which focusses on the rights of women and child victims of trafficking and on the rights of migrants more generally. The rights-based approach will be implemented through empowering the rights holders (e.g. building their awareness of risks, relevant laws and policies as well as protection mechanisms) and on strengthening capacities of duty bearers to protect rights (e.g. building investigation and prosecution capacities of NAPTIP).

4. DESCRIPTION OF THE ACTION

4.1. Objectives/results

This programme is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDG Goal(s) 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels but also promotes progress towards Goal 5: Achieve gender equality and empower all women and girls. This does not imply a commitment by the country benefiting from this programme.

The overall objective of the project is to reduce trafficking in human beings (THB) and smuggling of migrants (SOM) at national and regional level, and between Nigeria and the European Union, with specific emphasis on women and children.

The specific objectives and outcomes are as follows:

Outcome 1: Improved governance of migration sector in Nigeria, with focus on THB and SOM

- Output 1.1: Strengthened coordination of the implementation and enforcement of relevant policies and legislation concerning THB and SOM
- Output 1.2: Strengthened research capacities and risk analysis on trends, causes and consequences of THB and SOM and used in support of policy and strategy development and implementation
- Output 1.3: Enhanced operational data collection and management capacities of NPC, NBS, NAPTIP, NIS and NPF on THB and SOM
- Output 1.4: Enhanced results-based monitoring and evaluation of policy and strategy implementation on THB and SOM

Outcome 2: Enhanced prevention of THB and SOM in key states of origin and of transit

- Output 2.1: Strengthened capacities of MDAs, LEAs and CSOs active in prevention of THB and SOM
- Output 2.2: Increased awareness of potential migrants and high-risk populations to the dangers and consequences of THB and SOM in key source and transit states

Outcome 3: Improved protection, return and reintegration of victims of trafficking and smuggled migrants, particularly from Europe

- Output 3.1: Enhanced capacities of relevant MDAs, LEAs and CSOs in protection of victims of trafficking and smuggled migrants
- Output 3.2: The logistical capacities of LEAs and CSOs in focal states to effectively provide protection and reintegration support to victims of trafficking are enhanced
- Output 3.3: Enhanced assistance to voluntary return and reintegration of victims of trafficking and smuggled migrants

Outcome 4: Enhanced identification, investigation and prosecution of traffickers and smugglers

- Output 4.1: NAPTIP and NIS capacities and mechanisms for identifying perpetrators of smuggling and trafficking are enhanced
- Output 4.2: Enhanced capacities of NAPTIP, NIS and NPF for investigation and prosecution on THB and SOM

Outcome 5: More effective cooperation at national, regional and international level in fighting THB and SOM

- Output 5.1: Enhanced operational collaboration and data-sharing mechanisms between NAPTIP, NIS and NPF
- Output 5.2: Improved operational collaboration between LEAs at regional level on THB and SOM
- Output 5.3: Improved operational collaboration and data sharing on THB and SOM between Nigeria, EU and EU Member States
- Output 5.4: Enhanced participation of Nigeria in THB and SOM relevant frameworks and international fora

4.2 Main Activities

Outcome 1: Improved governance of migration sector in Nigeria, with focus on THB and SOM

Output 1.1. Strengthened coordination of the implementation and enforcement of relevant policies and legislation concerning THB and SOM

Review the National Policy on Protection and Assistance to THB to reflect the Post Valetta Outcomes; Develop a national strategy to prevent irregular migration and counter migrant smuggling; Strengthen research capacities on trends, causes and consequences of THB and SOM and use in support of policy and strategy development and implementation; Training needs assessment of capacity gaps of NAPTIP and NIS Officers at HQ and Zonal commands; Capacity building of NAPTIP and NIS Officers on research development and reporting, baselines, data management, statistical analyses and specialised research software, M&E; Conduct research on trends, magnitude and patterns of THB and SOM.

Output 1.2. Strengthened research capacities and risk analysis on trends, causes and consequences of THB and SOM and used in support of policy and strategy development and implementation

There is an urgent need to strengthen Nigeria's capacity to analyse and deepen its understanding of how THB and SOM are evolving in response to the volatile situation within the country and as new policy measures take hold. This will feed into improved policy making and lead to more coherent strategic planning in the sector.

Output 1.3: Enhanced operational data collection and management capacities of NPC, NBS, NAPTIP, NIS and NPF on THB and SOM

Establishment of Mini Data centres and power backups for selected NAPTIP Zonal Commands; IT solutions and establishment of Collaborative/Intranet Suite; Training on data collection, retrieval and analysis; Development of a sustainable interconnectivity interface on existing database between LEAs; Support the implementation of the national data management strategy in national MDAs.

Output 1.4. Enhanced results-based monitoring and evaluation of policy and strategy implementation on THB and SOM

Dissemination of research reports; develop and implement institutionalised M&E framework for THB and SOM.

Outcome 2: Enhanced prevention of THB and SOM in key states of origin and of transit

Output 2.1: Strengthened capacities of MDAs, LEAs and CSOs active in prevention of THB and SOM

Organize capacity building seminars/workshops for Nigeria Security and Civil Defence Corps, Nigeria Immigration Service, Nigeria Police Force, Department of State Services and NACTAL; Organize sensitization workshops on the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 for judges of the Federal High Courts and State High Courts across the geopolitical zones of the country; Strengthen collaboration with Federal High Court judges, State High Court Judges, NBA and FIDA; Increase partnership with mass media to build a core of specialists on THB and SOM; Extend Training of Trainers (TOT) for instructors of LEA Training Institutions on THB and SOM.

Output 2.2: Increased awareness of potential migrants and high-risk populations on the dangers and consequences of THB and SOM in key source and transit states

Closer engagement with traditional, religious and community leaders in identified smuggling and trafficking endemic communities through NAPTIP community dialogues; Sensitization of teachers and students in schools in selected endemic communities; Sensitization of LEA officers and community leaders at border communities; Support the expansion of existing beneficiary awareness campaigns to new identified geographical areas and population groups; Develop and carry out prevention campaigns with the involvement of media and telecom institutions; Support the Ministry of Labour in its efforts to curb child labour and for setting up regulations to oversee private recruiting agencies in order to prevent abuses in domestic work recruitment.

Outcome 3: Improved protection, return and reintegration of victims of trafficking and smuggled migrants from Europe and other parts of the world

Output 3.1: Enhanced capacities of relevant MDAs, LEAs and CSOs in protection of victims of Trafficking and Smuggling

Develop a framework for identification, safe return and reintegration of VOTs; Upgrading and refurbishing of selected shelters of NAPTIP and NRM partners through co-funding with the Nigerian Government; Upgrading and refurbishing of selected NIS screening centres through co-funding with the Nigerian Government; Training of NAPTIP Officers and NACTAL Members on shelter management and child protection; Survey of Child Labour in selected locations and sectors in collaboration with the Federal Ministry of Labour and Employment FMLE and NIS.

Output 3.2: The logistical capacities of LEAs and CSOs in focal states to effectively provide protection and reintegration support to victims are enhanced

Establish a National Referral Mechanism (NRM) Coordination Group; Develop collaboration processes between Nigeria and EU Member States on identification, return and reintegration in collaboration with CSOs.

Output 3.3: Enhanced assistance to voluntary return and reintegration of victims of trafficking and smuggled migrants

Support mechanisms for collaboration with relevant EU agencies (EASO, Frontex) and EU Member States' migration authorities on return, readmission and reintegration of victims of trafficking and smuggling; Support inclusion of THB and SOM aspects in negotiations of EU-Nigeria Return and Readmission Agreement.

Outcome 4: Enhanced identification, investigation and prosecution of traffickers and smugglers

Output 4.1: NAPTIP and NIS capacities and mechanisms for identifying perpetrators of smuggling and trafficking are enhanced

Printing, dissemination and sensitization of Standard Operational Procedures (SOPs) for LEAs on THB and SOM; training border officials on identification of victims of trafficking/smuggling by relevant EU Member States/EU (e.g. EASO, Frontex)

Output 4.2 : Enhanced capacities for investigation and prosecution, of NAPTIP, NIS and NPF on THB and SOM criminal networks

Enhanced capacities of NAPTIP, NIS and NPF for investigation and prosecution on THB and SOM; Develop and strengthen capacities of NAPTIP and LEAs on forensic investigation and prosecution; Capacity building for NAPTIP officers, NIS and NPF on digital and other forms of evidence for admissibility in court, including training by experts of relevant EU agencies (EASO, Europol), and collaboration with Europol's European Migrant Smuggling Centre)

Outcome 5: More effective cooperation at national, regional and international level in fighting THB and SOM

Output 5.1: Enhanced operational collaboration and data-sharing mechanisms between NAPTIP, NIS and NPF

Establish a single national focal point on migrant smuggling; establishment of a robust mechanism for sustainable collaboration amongst LEAs for intelligence sharing, joint investigations and operations against THB and financial institutions; Support the creation of joint investigation teams at national and regional level; Training workshops for NAPTIP and other relevant LEAs on coordinated investigation techniques,

intelligence gathering, financial intelligence and on asset recovery and management of intelligence evidence; Develop SOPs to strengthen cooperation between NAPTIP, other LEAs and financial institutions; annual seminar on international cooperation with LEAs, prosecutors, judges and foreign embassies in Nigeria; Relaunch of zonal working groups on THB.

Output 5.2: Improved operational collaboration between LEAs at regional level on THB and SOM

Resuscitation of the Nigeria/Republic of Benin Accord on THB; Support for the development and implementation of relevant protocols and frameworks for regional cooperation on THB and SOM, notably with ECOWAS and ECCAS (Economic Community of Central African States) including the creation of joint investigation teams, joint patrol and technical assistance

Output 5.3: Improved operational collaboration and data sharing on THB and SOM between Nigeria, EU and EU Member States

Support the strengthening of collaboration with EU Member States destination countries, Europol (including European Migrant Smuggling Centre) and relevant EU Agencies on joint investigations, mutual legal assistance and intelligence sharing; Support Nigeria's cooperation within the Africa Freedom of Information Centre (AFIC) framework; MoUs with EU Member States on intelligence sharing, joint investigations and mutual legal assistance; Engagement with and exchange visits between Nigerian actors against THB and SOM and their EU/EU Member States' counterparts in a broad spectrum of operational areas such as research and data management, victim protection, community mobilization and law enforcement.

Output 5.4: Enhanced participation of Nigeria in THB and SOM relevant frameworks and international fora

Engagement with and exchange visits between Nigerian stakeholders against THB and SOM and their EU counterparts in a broad spectrum of operational areas such as research and data management, victim protection, community mobilization and law enforcement; implementation of relevant international protocols on THB and SOM in Nigeria.

4.3. Intervention logic

The project focusses on the fight against trafficking in persons and smuggling of migrants on the federal level and in selected states which are among principal sources, and transit routes, of trafficked and smuggled victims to Europe, such as Edo, Delta, Lagos, Sokoto (further assessment and review of target states may be done at the project inception phase).

The action is formulated at an opportune moment in Nigeria when key policies and legislation on THB and SOM have recently been developed and the political momentum and leadership to advance in the fight against these crimes are largely in place. It is directly designed to contribute to the implementation and enforcement of this new policy and legal framework by strengthening, and where needed support the development of, the required institutional structures and capacities of key mandated agencies, such as NAPTIP, NIS and NPF, as well as the coordination platforms and mechanisms between these agencies and with other relevant ministries, development and agencies. Given the key role played by civil society in awareness raising, service delivery and advocacy), the action seeks to build capacities of CSOs, corresponding to the NACTAL network, while supporting their coordination with government.

The outcomes corresponds to the "4 Ps" strategy (prevention, protection, prosecution and partnership), adopted by the NAPTIP, while focussing also on improving the governance of the migration sector in Nigeria, with specific focus on THB and SOM. In terms of partnership, it specifically seeks to promote EU-Nigeria partnership, both at the level of EU agencies and affected EU Member States, as is required to effectively address THB and SOM.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is foreseen to conclude a financing agreement with the partner country, referred to in Article 17 of Annex IV to the ACP-EU Partnership Agreement

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute non-substantial amendment in the sense of Article 9(4) of Regulation (EU) 2015/322.

5.3 Implementation of the budget support component

N/A

5.4 Implementation modalities

5.4.1. Indirect management with a Member State agency

This action may be implemented in indirect management with Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIIAPP) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 17 of Regulation (EU) 2015/323. This implementation entails: (1) Improving governance of the migration sector in Nigeria with specific focus on the fight against THB and SOM; (2) Enhancing prevention of THB and SOM in key states of origin and of transit; (3) Improving protection, return and reintegration of victims of trafficking and of smuggling, particularly from Europe; (4) Enhancing identification, investigation and prosecution of traffickers and smugglers; and (5) More effective cooperation at national, regional and international levels in fighting THB and SOM. This implementation is justified because FIIAPP holds the required expertise and capacity to implement the action. FIIAPP, along with the Spanish National Police, has accumulated considerable expertise on THB and SOM and international cooperation, including in West Africa. The Spanish Police and FIIAPP have been working jointly on the international outreach of the Spanish Police since 1997, with West Africa becoming a place of priority given the high levels of trafficking and irregular migration from the region to Spain.

The entrusted entity would carry out the following budget-implementation tasks: mobilise relevant expertise, undertake necessary procurement and contracting of services and grants, as well as undertake payments.

5.4.2. Grants: call for proposals "Awareness-raising on dangers and consequences of THB and SOM" (direct management)⁷

(a) Objectives of the grants, fields of intervention, priorities of the year and expected results

To raise awareness on the dangers and consequences of THB and SOM in key source and transit states in Nigeria (Output 2.2)

(b) Eligibility conditions

Registered Nigerian CSOs or CSOs from EU Member-States

Subject to information to be published in the call for proposals, the indicative amount of the EU contribution per grant is EUR 200 000-400,000 to sole beneficiaries and to consortia of beneficiaries (coordinator and co-beneficiaries). The indicative duration of the grant (its implementation period) is 36-48 months.

⁷ A call for proposal is required as FIIAPP does not have the possibility to sub-grant. FIIAPP will be responsible for drafting guidelines, selecting and monitoring awarded grants.

(c) Essential selection and award criteria

The essential selection criteria are financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the call; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(d) Maximum rate of co-financing

The maximum possible rate of co-financing for grants under this call is 80%.

In accordance with Article 192 of Regulation (EU, Euratom) No 966/2012, applicable in accordance with Article 37 of Regulation (EU) 2015/323, if full funding is essential for the action to be carried out, the maximum possible rate of co-financing may be increased up to 100%. The essentiality of full funding will be justified by the Commission's authorising officer responsible in the award decision, in respect of the principles of equal treatment and sound financial management.

(e) Indicative timing to launch the call

2nd-3rd trimester of 2017.

5.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 22(1)(b) of Annex IV to the ACP-EU Partnership Agreement on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.6 Indicative budget

	EU contribution (in EUR)	Indicative third party contribution (in EUR)
5.4.1. Indirect management with a Member-State agency (indicative amounts)	8 300 000	N/A
<i>Outcome 1: Improved governance of migration sector in Nigeria, with focus on THB and SOM</i>	<i>1 100 000</i>	
<i>Outcome 2: Enhanced prevention of THB and SOM in key states of origin and of transit – Grants to service providers</i>	<i>1 000 000</i>	
<i>Outcome 3: Improved protection, return and reintegration of victims of trafficking and of smuggling from Europe</i>	<i>4 200 000</i>	
<i>Outcome 4: Enhanced identification, investigation and prosecution of traffickers and smugglers</i>	<i>1 000 000</i>	
<i>Outcome 5: More effective cooperation at national, regional and international level in fighting THB and SOM</i>	<i>1 000 000</i>	
5.4.2. Direct management: Call for proposals "Awareness-raising on dangers and consequences of THB and SOM" (Outcome 2) (indicative amounts)	600 000	150 000
5.9 Evaluation - 5.10 audit	400 000	N/A
5.11 - Communication and visibility	200 000	N/A
Contingencies	500 000	N/A
TOTAL	10 000 000	150 000

5.7 Organisational set-up and responsibilities

The project will have a governance and management structure supported by a Technical Working Group.

Project Steering and Coordination Committee (PSCC) - Biannual

Main functions include overseeing, guiding and monitoring project implementation; reviewing and approving strategic project documentation, including workplans and progress reports. The PSCC will be chaired by the Ministry of Budget Planning as National Authorising Officer (NAO), with a possible co-chair arrangement, and include high level officials and decision makers of key beneficiaries and stakeholders, NACTAL, the EU Delegation, interested EU Member States Embassies and FIIAPP. Coordination with the Sector Policy Review Committee of the National Policy on Migration will be ensured to achieve alignment with national migration policy priorities.

Terms of Reference for the PSCC, including final composition and modus operandi, the designation of the chairs and possible co-chair(s), will be drafted at project inception and approved during the first PSCC.

Technical Working Group - Quarterly

The Technical Working Group (TWG) will ensure the proper technical liaison between project management, national stakeholders, EU Delegation and interested EU member states. The TWG will seek to enhance coordination and operational partnerships between national authorities and EU/EU Member States, address any problems and obstacles to ensure smooth project implementation, and prepare the agenda and follow-up on implementation of decision of the PSCC. It will also ensure coordination and information sharing with the Standing Committee on Border Management and Control under the National Policy on Migration governance structure.

FIIAPP, in coordination with the NCFRMI, will be responsible for the preparation of the agenda of the meetings and distribution of the minutes to the stakeholders. Beyond FIIAPP and NCFRMI, members include designated focal points of key stakeholder and beneficiaries, at director level or equivalent, NACTAL, EU Delegation and interested EU Member States Embassies.

The TWG may also be replicated in the focal states with similar purpose and participation. Terms of Reference for the TWG, including final composition and modus operandi, the designation of the chairs and possible co-chair(s), will be drafted at project inception and approved during the first TWG.

Project Management

The project administrative, financial and technical management will be under the responsibility of FIIAPP, who will recruit a project management team, with the required technical and support staff, including a resident expert from Spain/other EU Member State to coordinate the project.

5.8 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

In addition, a number of activities are foreseen during the inception phase of the project, including required baseline surveys, capacity gaps and needs analysis, review of the logframe, establishment of action plans, operational methodologies and budgets specific to each key project beneficiary according to their mandate, at federal and state level, development of monitoring and evaluation systems with performance indicators and monitoring benchmarks. These will be funded by the project and carried out by FIIAPP.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.9 Evaluation

Having regard to the nature of the action, mid-term and final evaluations will be carried out for this action via independent consultants contracted by the commission.

A mid-term evaluation will be carried out for problem solving and learning purposes. A final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision). The Commission shall inform the implementing partner at least 1 month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Indicatively, two contracts for evaluation services shall be concluded under a framework contract for both the mid-term and final project evaluations, in mid-2019 and late 2021 respectively.

5.10 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

Indicatively, at least one contract for audit services shall be concluded under a framework contract.

5.11 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.6 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

6. PRE-CONDITIONS

N/A

APPENDIX - INDICATIVE LOGFRAME MATRIX

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Results chain	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall Objective	To reduce trafficking in human beings (THB) and smuggling of migrants (SOM) at national and regional level, and between Nigeria and the EU, with specific emphasis on women and children.	1. Number of irregular Nigerian migrants entering EU borders 2. Number of Nigerian victims of trafficking entering EU borders	Tbd during inception phase of action	Tbd during inception phase of action	-Reports of EU agencies (Frontex, Europol, EASO) -Reports of NG/EU Member States migration authorities	
Outcome 1	Improved governance of migration sector in Nigeria, with focus on THB and SOM	1.1. Status of coordination platform for policy implementation on THB and SOM in place 1.2. Number of sector-wide strategies, policies and plans on THB and SOM produced, based on research from Nigerian institutions 1.3. Status of results-based M&E system of policy and strategy implementation on THB/SOM	As above	As above	Annual project reports	Sustained commitment of Government for the adoption and implementation of the policies Nigerian MDAs are willing and committed to coordinate on TBG and SOM Most affected EU Member States are willing and committed to address THB and SOM from Nigeria
Outcome 2	Enhanced prevention of THB and SOM in key states of origin and of transit	2.1. Number of victims of trafficking and smuggled migrants in target states, disaggregated by gender 2.2. Proportion of risk target groups exposed to THB and SOM prevention activities, disaggregated by gender 2.3. Number of referrals to NAPTIP, NIS, NPF of potential victims and suspected, perpetrators, disaggregated by gender	As above	As above	-Institutionalised M&E system on THB and SOM (to be developed under project) -THB and SOM prevention campaigns reports -National Referral Mechanism (NRM)	Government MDAs, and NACTAL CSO members, at federal and state level sustains commitment to prevention measures

Outcome 3	Improved protection, return and reintegration of victims of trafficking and of vulnerable smuggled migrants, particularly from Europe	3.1. Number of women and children who are victims of trafficking assisted 3.2. Number of women and children returned and reintegrated 3.3. Effectiveness of application of relevant policies and action plan	As above	As above	-NAPTIP annual reports -Institutionalised M&E system on THB and SOM (to be developed by project) -EU/EU Member States reports	-EU Member States/EU and Nigerian authorities committed to effective collaboration on protection, return and reintegration of victims
Outcome 4	Enhanced identification, investigation and prosecution of traffickers and smugglers	4.1. Number of traffickers and smugglers arrested 4.2. Number of traffickers and smugglers prosecuted	As above	As above	LEAs reports Institutionalised M&E system on THB and SOM (to be developed under project)	-Relevant LEAs make use of acquired capacities -LEAs committed to investigate and prosecute traffickers and smugglers - EU Member States and Nigeria willing and able to collaborate on investigation and info-sharing
Outcome 5	More effective cooperation at national, regional and international level in fighting THB and SOM	5.1. Number of arrests of smugglers and traffickers on basis of coordinated investigation between NG-EU Member States LEAs 5.2. Number of MoUs between Nigerian and EU Member States on THB and SOM 5.3. Status of implementation of MoUs	As above	As above	To be defined during inception phase.	EU Member States and Nigeria willing and able to collaborate on investigation and information sharing
Outputs/Outcome 1	R1.1. Strengthened coordination of implementation and enforcement of relevant policies and legislation concerning THB and SOM. R1.2. Strengthened research capacities on trends, causes and consequences of THB/SOM in support of policy and strategy development and implementation R1.3.Enhanced operational data collection/management capacities NAPTIP/NIS/NPF on THB/SOM. R1.4. Enhanced result based M&E of policy and strategy implementation on THB and SOM	1.1.1. Number of actions plans with initiatives, programmes, projects by relevant MDAs to implement sectoral policies 1.1.2 Number and frequency of inter-agency coordination meetings on THB and SOM 1.2. Number of surveys/research on migration data (from various MDAs) available directly from NPC and NBS 1.3. Status of implementation of data management strategy action plan among key stakeholders 1.4. Status of result based M&E system to monitor THB and SOM related policies/strategies	As above	As above	-Sectoral Policies on THB and SOM and action plan, MDAs action plans -Minutes of meetings of the TWG -Publication and dissemination material -Monitoring reports -Project progress reports	

<p style="text-align: center;">Outputs/ Outcome 2</p>	<p>R2.1. Strengthened capacities of MDAs and LEAs and CSOs active in prevention of THB and SOM. R2.2. Increased awareness of potential migrants and high-risk populations on the dangers and consequences of THB and SOM in key source and transit states</p>	<p>2.1.1 Quality of cooperation between CSOs and MDAs in identification and referral of traffickers and smugglers 2.1.2 Status of prevention policies for THB and SOM among key stakeholders 2.2. Number of potential victims of smuggling and trafficking informed through awareness raising actions</p>	<p>As above</p>	<p>As above</p>	<p>-THB and SOM prevention campaigns reports -Statistical reports -Project progress reports</p>	
<p style="text-align: center;">Outputs/Outcome 3</p>	<p>R3.1.Enhanced capacities of relevant MDAs, LEAs and CSOs in protection of victims of trafficking and smuggling R3.2. The logistical capacities of LEAs and CSOs in focal states to effectively provide protection and reintegration support to victims are enhanced R3.3.Enhanced assistance to voluntary return and reintegration of trafficking and smuggled migrants</p>	<p>3.1. Number of persons trained in protection of VoT and VoS in LEAs and CSOs 3.2. Number of shelters rehabilitated 3.3. Number of VOT and VOS returned from EU Member States and reintegrated as result of project</p>	<p>As above</p>	<p>As above</p>	<p>- Project progress reports</p>	
<p style="text-align: center;">Outputs Outcome 4</p>	<p>R4.1. NAP TIP and NIS capacities and mechanisms for identifying perpetrators of smuggling and trafficking are enhanced R4.2. Enhanced capacities for investigation and prosecution of NAP TIP, NIS, NPF</p>	<p>4.1. Number of training activities by EU Agencies 4.2. Number of cases investigated and prosecuted</p>	<p>As above</p>	<p>As above</p>	<p>- Progress reports</p>	
<p style="text-align: center;">Outputs/Outcome 5</p>	<p>R5.1. Enhanced operational collaboration and data-sharing mechanisms between NAP TIP, NIS and NPF R5.2. Improved regional operational collaboration between LEAs on THB/SOM R5.3. Improved operational collaboration and data sharing on THB&SOM between NG, EU and EU Member States R5.4. Enhanced participation of Nigeria in THB and SOM relevant frameworks and international fora</p>	<p>5.1. Number of cases investigated jointly by EU Member States-NG 5.2. Number of traffickers arrested during joint operations 5.3. Sustained THB and SOM working groups meetings at state level 5.4. Number of actions under EU Member States-NG MoUs implemented under project</p>	<p>As above</p>	<p>As above</p>	<p>-Progress reports -Police reports</p>	



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This action is funded by the European Union

ANNEX 2

of the Commission Decision on the Annual Action Programme 2016 in favour of the Federal Republic of Nigeria to be financed from the 11th European Development Fund

Action Document for Support to Rule of Law and Anti-Corruption in Nigeria

1. Title/basic act/ CRIS number	Support to Rule of Law and Anti-Corruption in Nigeria (RoLAC) CRIS number: NG/FED/039-083 financed under 11 th European Development Fund (EDF)			
2. Zone benefiting from the action/ location	Federal Republic of Nigeria The action shall be carried out at the following location: Federal level and in selected States with project team based in Abuja.			
3. Programming document	National Indicative Programme between the European Union and Nigeria for the period 2014-2020			
4. Sector of concentration/ thematic area	Sector 3: Rule of Law, Governance and Democracy	DEV. Aid: YES ¹		
5. Amounts concerned	Total estimated cost: EUR 25 000 000 Total amount of EDF contribution EUR 25 000 000			
6. Aid modality and implementation modality	Project Modality Indirect management with a Member State agency (British Council)			
7. a) DAC code(s)	15130 - Legal and Judicial Development 15210 - Security system management and reform 15118 - Anti-corruption organisations and institutions.			
b) Main Delivery Channel	Public Sector Institutions - 10000			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>

¹ Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A
10. Sustainable Development Goals (SDGs)	SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels Goal 5: Achieve gender equality and empower all women and girls

SUMMARY

The Nigerian government has made the fight against corruption a top priority and has re-affirmed its commitment to reform the criminal justice system. In line with these aspirations, the overall objective of the 11th EDF Rule of Law and Anti-Corruption (RoLAC) project is to enhance good governance in Nigeria by contributing to strengthening the rule of law and curbing corruption.

The main expected outcomes are to: a) advance the timely, effective and transparent dispensation of criminal justice; b) strengthen access to justice for women, children and persons with disabilities at Federal and State levels; c) strengthen the fight against corruption by reinforcing prevention mechanisms and building the capacity of anti-corruption agencies to effectively address corruption in public procurement, the criminal justice system and the extractive sector; and d) to enhance civil society and public engagement in the fight against corruption and the criminal justice reform process.

The action corresponds to specific objective 2 of the third focal sector (rule of law, governance and democracy) of the 11th EDF EU-Nigeria National Indicative Programme (NIP), i.e. "To contribute to measures to improve economic governance, consolidate rule of law and enhance peace and security in Nigeria", and will contribute to achieving its three expected results: (1.1) "more independent, effective, responsive and transparent justice sector", (1.2) "improved accountability of and transparency in the financial management of government resources" and (1.3) "increased promotion and protection of human rights".

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

With an estimated population of 177.5 million (World Bank 2015), Nigeria is the most populous country in Africa. It is a federation of 36 states and the Federal Capital Territory (FCT) Abuja serves as the seat of government. The country operates a presidential system of government, with executive, legislative and judicial branches, and has a President that serves as both head of state and head of government. The states form the second tier of government and are further sub-divided into 774 Local Government Areas (LGAs) which constitute the third tier of government. Each state is administered by an elected Governor.

Returning to civilian rule in 1999, Nigeria's young democratic system has had to deal with the consequences of almost three decades of autocratic military rule and its legacy of weak and fragile rule of law institutions, repressive and unaccountable security forces, deeply entrenched corruption and citizens alienated from government and public affairs. While several attempts have been made to reform the justice sector and to combat corruption - and have contributed to some degree of independence and professionalism - efforts have generally not been matched by the political commitment and resources required for comprehensive reform.

Corruption pervades all levels of government in Nigeria, causing a massive strain on public resources and eroding citizens' trust and confidence in the system. Successive governments have devised numerous ways of tackling this threat, particularly since the country's return to civilian rule, passing legislation and setting up anti-corruption agencies with a mandate to independently investigate, prosecute and prevent corruption. At international level, Nigeria has ratified and signed the United Nations Convention Against Corruption (UNCAC) and is a signatory to both the African Union

Convention on Preventing and Combating Corruption (AU Convention) and the Economic Community of West African States Protocol on the fight against Corruption (ECOWAS Protocol).

However, the fight against corruption in Nigeria has remained largely ineffective as existing laws are not adequately enforced, legal gaps still exist, and past governments have failed to root out corrupt practices and hold perpetrators to account. Transparency International's Corruption Perceptions Index (CPI) for the years 2012-2015 gave Nigeria scores of around 27 of 100 in terms of perceived levels of public sector corruption².

Nigeria has over the years had to deal with problems of insecurity, particularly those brought on by *Boko Haram* which has been linked to ISIS and other terrorist organisations. Their activities are often facilitated and enabled by the absence of accountability and the rule of law which remain significant obstacles to political, economic, infrastructural and social development in Nigeria.

1.1.1 Public Policy Assessment and EU Policy Framework

Assuming office in May 2015, President Muhammadu Buhari's administration has identified three main policy priorities: combating insecurity, tackling corruption and re-structuring the underperforming national economy. Furthermore, Buhari has repeatedly emphasised the need for judicial reforms that will strengthen the rule of law, assist his administration's war against corruption and strengthen democratic governance.

The government has reaffirmed that the Administration of Criminal Justice Act (ACJ) will be at the centre of its **criminal justice** reform efforts. Passed in 2015, after a legislative process of over 10 years, the ACJ marked a watershed in the reform process, setting out an agenda for comprehensive overhaul of the criminal justice administration. The ACJ has the stated purpose to "promote efficient management of criminal justice institutions, speedy dispensation of justice, protection of society from crime and protection of the suspect, defendant and victim". It contains provisions to update archaic criminal procedure systems, which were first introduced during the colonial era, and to promote a paradigmatic shift in a punishment-based criminal justice system to one of restorative justice addressing the needs of society and the human rights of victims and vulnerable persons. The Federal Ministry of Justice (FMOJ) is in the process of setting up a high-level "ACJ Monitoring Committee" which will guide the implementation of the ACJ³.

Nigeria's federal character means that the Act has to be domesticated by states in order to be applicable at state level. Given the delay in passing the bill at the Federal level, some states enacted the bill already before 2015 – including the selected focal states Lagos (2007) and Anambra (2011) – while others are in the process. State model laws have been developed under the 10th EDF "EU support to the Justice Sector" project to facilitate state domestication. If implemented, the ACJA could have a real impact on the effectiveness criminal justice system: a United Nations Office on Drugs and Crime (UNODC) study demonstrated that states where ACJ is already in force has reduced time from arrest to judgement to an average of 22 months, compared to the national average of 42 months.

FMOJ is also in the process of drafting and reviewing other legislation, notably the Prisons and Police Reform Bills, which if enacted would complement the ACJ reform efforts. In addition, specific legislation to address violence against women and girls - the Violence Against Persons (Prohibition) Act (VAPP) – was passed in 2015 and the Child Rights Act (CRA) has existed since 2003 for the protection of children and minors, including those in conflict with the law. Both laws have been enacted at federal level and require adoption at state level, with 24 states having passed the CRA. The Legal Aid Act (2011) provides the mandate and responsibilities of the Legal Aid Council, the agency tasked with providing free legal assistance to the poorest citizens.

While the government's policy and strategic direction on the **fight against corruption** is still under development, during the Anti-Corruption Summit in London (May 2016), President Buhari referred to

²Transparency International [<http://www.transparency.org/cpi2015/>].

³ For further information, see Appendix 5 "Factsheet on the Administration of Criminal Justice Act".

the development of a "national anti-corruption strategy document that will guide our policies in the next three years, and possibly beyond". A draft summary of the strategy was presented to the public on May 2016 - along with a commitment that it would be passed before the end of the year - which foresees five objectives relating to (i) addressing foundational gaps; (ii) an improved environment for transparency and accountability; (iii) strengthening key anti-corruption institutions and initiatives; (iv) improving anti-corruption incentives; and (v) recovering the proceeds of corruption⁴.

At federal level, the legal framework for anti-corruption in Nigeria is rooted in the Nigerian Constitution and a myriad of legislation targeted at preventing and combating corruption. Key anti-corruption legislation includes the Corrupt Practices and Other Related Offences Act (2000) and the Economic and Financial Crimes Commission Establishment Act (2004) – establishing the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) – the Public Procurement Act (2007), creating the Bureau of Public Procurement (BPP), and the Nigeria Extractive Industries Transparency Initiative Act (2007) which mandates the Nigeria Extractive Industries Transparency Initiative (NEITI) to promote transparency and accountability in the management of Nigeria's oil, gas and mining revenues.

This has resulted in the existence of multiple institutions with mandates to fight corruption – some twenty-one federal agencies as per the 2009 United Nations Convention against Corruption (UNCAC) process. While created to address different aspects of corruption, in practice this has created a situation of overlapping mandates, competition over limited funding and inadequate information sharing and coordination.

In terms of budgetary allocations, the Federal Ministry of Justice has a budget estimate of NGN 18 billion (EUR 80 million) for 2016. The total allocation for the Ministry of Interior, which includes police and prisons services, is over NGN 500 billion (EUR 2 billion) which is an increase from their budget allocations for 2014 and 2015. The Federal Government proposes to spend a total of about NGN 28 billion (EUR 124 million) in 2016 on Nigeria's anti-corruption agencies which represents a 3.1% increase to 2015. Out of this, 40%, or NGN 11 billion (EUR 49 million), is allocated to EFCC, NGN 1.4 billion (EUR 6 million) each to BPP and NEITI; ICPC NGN 4.6 billion (EUR 20 million), while the Code of Conduct Bureau (CCB) has been allocated about NGN 2 billion (EUR 9 million).

The 11th EDF Support to Rule of Law and Anti-Corruption Project (RoLAC) falls within the scope of the third focal sector of the EU-Nigeria NIP 2014 – 2020 which focuses on the "rule of law, governance and democracy" and specific objective 2 "to contribute to measures to improve economic governance, consolidate rule of law and enhance peace and security in Nigeria". The action should contribute to the achievement of the three expected results under this specific objective, namely: (1.1) "more independent, effective, responsive and transparent justice sector", (1.2) "improved accountability of and transparency in the financial management of government resources and (1.3) "increased promotion and protection of human rights". Furthermore the project aligns with the EU's development policy *Agenda for Change* (2011) and the policy priority on human rights, democracy and other key elements of good governance.

1.1.2 Stakeholder analysis

Nigerian criminal justice and anti-corruption sectors are highly complex, with the three branches of government at both federal and state playing central, and sometimes parallel, roles in terms of policy-making, legislation, litigation and adjudication, and various federal and state institutions and agencies involved in law enforcement, implementation and service delivery. Civil society organisations (CSOs) are critical to the reform process, and exercise roles on both the supply side – e.g. providing legal aid – and the demand side – e.g. raising awareness among the general public of their rights and issues of general concern as well as a watchdog, advocating for better governance and holding government to account.

⁴ The Presidency / Inter Agency Task Team (IATT) *Draft National Strategy to Combat Corruption* (2016). The strategy builds on efforts supported under the 10th EDF.

Key beneficiaries– Criminal Justice

Key institutions of the **criminal justice system** include the Ministry of Justice (federal and state level), the judiciary, the police, the prisons service and legal practitioners. The Ministry of Justice leads on policy making and prosecution of offences, the Nigerian Police Force (NPF) is tasked with investigation and prosecutes some cases (although this may change with implementation of ACJ), the judiciary is responsible for the trial and sentencing of indicted offenders, while the Nigerian Prisons Service (NPS) detains and provides correctional services to pre-trial detainees and sentenced offenders.

The **Federal Ministry of Justice** (FMOJ) is expected to drive coordinated reform of the justice sector. In 2008, the Federal Justice Sector Reform Coordination Committee (FJSRCC) was set up for this purpose, and the Minister of Justice/Attorney General of the Federation has committed to revitalise the structure so as to secure high level participation of key stakeholders. The FMOJ is also responsible for prosecution, through the Department of Public Prosecution (DPP), including training, as well as supervising specialised prosecution agencies but lacks adequate facilities and capacities. The FMOJ Legal Drafting Department drafts new legislation – it is currently reviewing and developing a number of bills to advance the reform agenda - but faces capacity challenges in this area. The Office of the Vice-President has established a **Rule of Law Advisory Team** (RoLAT), tasked with the responsibility of making recommendations to the Vice-president on justice sector reform issues in three specific areas: Police Reform, Anti-Corruption and Criminal Justice Sector Reform.

Led by the Commissioner of Justice and Attorney General (AG), **state ministries of justice** oversee coordination of the criminal justice system at state level, work with state level law reform commissions, undertake legal drafting, and are largely responsible for prosecution and legal advice of criminal cases in states high courts. However, state ministries face significant capacity and resource constraints, making it a weak link in the criminal justice chain. Some states, including three of the selected pilot states (Kano, Anambra and Lagos) have set up Justice Reform Teams to address the lack of sectoral coordination and to improve the judicial efficiency. The four targeted focal states are led by reform-minded AGs who are putting forward initiatives to improve criminal justice administration and access to justice, including through implementing, or in Adamawa's case domesticating, state ACJ laws.

The **judiciary** administers criminal justice on the basis of three distinct legal systems: English Common Law derived from its colonial past; Customary Law based on indigenous traditional norms and practice, and Sharia Law applicable to Muslims in 12 northern states (including the focal state Kano, but not Adamawa) since its introduction in 2000. With respect to substantive law, the Criminal Code Act applies in the southern states while the Penal Code Act applies in northern states. In procedural matters, the Criminal Procedure Act is applicable in southern states while the Criminal Procedure Code applies in northern states, although the ACJ provides for a uniform national criminal procedure.

The judiciary operates through courts at the federal and state levels with fusion at the level of Appellate Courts. At the federal level, there are the Federal High Court, the Supreme Court as the highest appellate court, and the Court of Appeal which also serves as an appellate court from state high courts. States are responsible for the administration of justice at state level, with state high courts, magistrates' courts and lower courts applying statutory (written) laws while customary courts apply customary (non-written) laws in most southern states and Sharia courts, or Area courts, enforce Sharia laws in the 12 northern states. **Traditional, customary and alternative mechanisms** of justice dispensation, as well as private and informal security actors constitute critical stakeholders in the Nigerian justice system, and are the prime administrators of justice in many parts of the country for poorer litigants.

The **Legal Aid Council** provides free legal services to those that cannot afford a legal practitioner and as such has a key role in advancing access to justice. It is a federal institution but with offices in all states and the 2011 Legal Aid Act also requires the establishment of centres at local government level. However, it has limited capacity and finances to meet the massive needs and, in line with the Act and a strategic plan developed with support under the 10th EDF, is working to expand services by partnering with the Nigeria Bar Association, the umbrella association for lawyers, and CSOs providing legal

assistance. Some states, including the focal states, have established their own Office for Public Defender/Citizen's Rights Directorates/Departments which also provide legal aid services.

The federal **Nigerian Police Force** (NPF), under the Ministry of Interior, represents a key bottleneck in the criminal justice system. Key problems relate to management, capacity constraints, staff motivation, operational coordination with prosecution and state level institutions (courts, prosecutors), lack of credible accountability systems to check staff performance and behaviour, while pervasive corruption and abuse erodes public trust in the institution. The reliance on untrained police officers to investigate crimes and prosecute some criminal cases introduces unacceptable delays in the judicial process. The police leadership has introduced measures to address the issue, including some with the support of development partners, notably the UK Department for International Development (DFID), but this has yet translated into a comprehensive reform plan. FMOJ has indicated that the Police Reform Bill is among its legislative priorities for criminal justice from. The action will target the **NPF Force Gender Unit**, set up in 2012 in reaction to the alarming rates of Sexual and Gender Based Violence (SGBV).

Also a federal agency under the Ministry of Interior, the **Nigeria Prison Service** (NPS) faces significant challenges and is seriously under-resourced. NPS is trapped in gridlock of institutional deficiencies of the police, prosecution, legal aid and the courts which results in lengthy delays in criminal justice and trial processes and, as justice institutions remand suspects in prisons, prison congestion. About two thirds of the overall prison population are awaiting trial, reducing in turn the possibility of NPS to deliver its expected rehabilitation of prisoners.

Key beneficiaries – Anti Corruption

The **FMOJ** plays a convening and strategic role in the government's fight against corruption. Alongside the anti-corruption agencies, FMOJ also contributes to the prosecution and legal advice of anti-corruption cases - e.g. the FMOJ has indicated an interest in creating a task force of investigators and prosecutors to take on complex and high-profile anti-corruption cases - and oversees enforcement of regulatory frameworks. It plays a key role in the government's asset recovery agenda.

Established by Buhari in 2015, the **Presidential Advisory Committee Against Corruption (PAC-AC)** advises the administration on the fight against corruption and seeks to engender inter-agency cooperation, promote effectiveness of anti-corruption agencies (ACAs), to promote required reforms of the criminal justice system, as well as to revisit corruption cases which have stalled or been suspended. It complements IATT/TUGAR in its coordinating role (see below), focussing mainly on the political level with the IATT/TUGAR platform being more technical in nature. The PAC-AC provides a useful entry point for the action but limited government funding thus far raises concerns as to its sustainability.

The **anti-corruption agencies (ACAs)** which will be targeted under the project, all of which were beneficiaries under the 10th EDF, include: the Independent Corrupt Practices and Other Related Crimes Commission (ICPC); the Economic and Financial Crimes Commission (EFCC); Code of Conduct Bureau (CCB) and the Code of Conduct Tribunal (CCT); the Bureau for Public Procurement (BPP); and the Nigeria Extractive Industries Transparency Initiative (NEITI).

ICPC was established in 2000 with the enactment of the Corrupt Practices and Other Related Offences Act. It is mandated to carry out "investigation, prosecution, system study and review, education as well as enlistment and fostering of public support in combatting corruption"⁵. The **EFCC**, established in 2004, has the mandate to investigate financial crimes and coordinate existing economic and financial crimes units such as the Nigerian Fiscal Intelligence Unit (NFIU) and the Special Control Unit against Money Laundering (SCUML). Both the ICPC and EFCC Acts apply at all levels of government and they both have the mandates to prevent, investigate and prosecute acts of corruption.

The **CCB**, which derives its existence from the 1999 constitution as amended, was established to administer and enforce the code of conduct for public officers. It has the powers to compel declaration

⁵ Independent Corrupt Practices and Other Related Crimes Commission (ICPC), Strategic Plan (2013 – 2017).

of assets by public officers and to receive and investigate complaints regarding violations of the code. The CCB has powers to enforce the public service code of conduct through the instrumentality of the **CCT** which is also established by the Constitution. CCB officials scan hundreds of completed asset declaration daily but the system in use is time-consuming and makes data management cumbersome. The CCB also faces challenges on making public the asset declaration forms in spite of the existence of the Freedom of Information Act (FOI). Under the 10th EDF, support was provided for drafting asset declaration guidelines which are currently awaiting approval of the National Assembly.

The **Bureau of Public Procurement (BPP)** exists to regulate the procurement of goods and services within the public sector. Taking their cue from procurement reforms at federal level, some states have enacted public procurement laws modelled after the Public Procurement Act (2007) and are putting in place mechanisms to ensure due process in public procurement. However, large gaps remain in the legal and institutional framework and institutional capacity of states and LGAs in the area of public procurement and fiscal transparency and accountability which could be addressed by this project. The **NEITI** Act provides an institutional mechanism for transparency in the extractive industries, through revenue and expenditure tracking and monitoring of industry practices with an eye to ensuring remedial action, in collaboration with stakeholders.

Due to the inexistence of an enabling law, the coordination role provided by the **Inter Agency Task Team (IATT)** and the **Technical Unit on Anti-Corruption and Governance Reforms (TUGAR)**, which acts as its secretariat, is limited and somewhat superficial. It rarely extends to issues of policy and rarely brings together the heads as key decision makers in their respective institutions. Nevertheless, under the 10th EDF, the IATT/TUGAR coordination platform was able to constitute, with varying degrees of success, the beneficiary ACAs into five inter-agency working groups on asset recovery; prevention; investigation and prosecution; policy and safe reporting.

Overall, and in addition to, the challenges that derive from a lack of coordination and overlapping mandates, the ACAs face a number of challenges in the delivery of their mandates, including inadequacies of their establishment acts; weak/underutilised ICT infrastructure; capacity gaps; delays in the prosecution of corruption cases; inadequate funding; and inadequate public demands for accountability. ACAs also face challenges which have impeded their capacity to effectively absorb development assistance, such as organisational bureaucracy; institutional weaknesses and political interference.

Other key stakeholders

As part of its approach to capacity development based on sustainability and institutional strengthening, the action foresees support to respective **training institutions** and entities of the criminal justice and anti-corruption sectors. The National Judicial Institute (NJI) is responsible for appointment and training all judges and magistrates in the country. Although considerable resources have been expended recently on the building of a new training complex, the NJI lacks the capacity, resources and outreach (with only one training venue located in Abuja) to reach, train and re-train all members of the Judiciary. The Nigerian Institute of Advanced Legal Studies (NIALS) is yet another platform for the training of lawyers located in both Lagos and Abuja. Within the anti-corruption sector, the ICPC and EFCC have their training academies and, as explained above, the PAC-AC also undertakes training.

The **legislature**, constituted by the National Assembly at federal level, and Houses of Assembly at state level, plays a critical role in criminal justice reform and the fight against corruption, in terms of its law-making and deliberative functions as well as in exercising financial control and oversight of the executive power. However, the Nigerian legislature faces significant capacity constraints in all these areas, and particularly at state level.

Civil society organisations (and other non-state actors) also play crucial roles in promoting the rule of law and combating corruption. There are also some highly specialised CSOs and CSO networks active working in the justice and anti-corruption sector. Further capacity building and institutional strengthening of many of the CSOs is needed.

1.1.3 Priority areas for support/problem analysis

The fight against corruption and the advancement of criminal justice reforms have been hampered by a complex combination of factors, including lack of political commitment and institutional will; outdated/incomplete/absent legislative and policy frameworks; capacity and resource constraints; limitations in terms of strategic planning; and insufficient coordination among the numerous agencies involved in both fighting corruption and the criminal justice sector. The lack of policy attention to prevention, including social norms and practices, has also reduced the effectiveness of anti-corruption measures.

While the policy/strategic direction on criminal justice reform and the fight against corruption is still under development – with the EU lending support under the 10th EDF for this process – the EU has initiated a dialogue with the Ministries of Justice, Interior and Budget and National Planning to identify priority areas of support, consistent with specific objectives and results under the 11th EDF NIP. In addition, priority areas were arrived at through a review of policy statements made by high level government representatives⁶, extensive consultations with target beneficiaries and stakeholders, and a review of 10th EDF justice sector and anti-corruption project reports and evaluations towards identifying best practices, lessons learnt and key achievements that can be built upon under the 11th EDF.

In addition, the following factors were taken into consideration: (i) the need to be concrete and targeted in line with both available financial resources and recommendations of the relevant evaluations; (ii) the need to ensure synergy and complementarity, while avoiding duplication, with support being provided by other development partners as well as with both ongoing and planned EU projects; and (iii) a focus on programmatic interventions as opposed to critical measures that are out of the project's control and can only be addressed by political decisions/commitment (e.g. adoption of the NACS; passage of pending bills, etc.).

On this basis, the action will focus on the following specific areas at federal level as well as in 4 selected focal states – Kano, Adamawa, Anambra, Lagos⁷ - with a proven commitment to the reform process:

On criminal justice reform:

- More timely, effective and transparent dispensation of criminal justice through the implementation of relevant provisions of the Administration of Criminal Justice (ACJ) Act and Laws (in states).
- Institutional development of justice sector agencies both at federal and state levels.
- Improved access to justice for vulnerable groups, particularly women and children, through implementation of the Violence Against Persons Prohibition (VAPP) act and the Child Rights Act.
- Provision of legal aid and access to justice, particularly at the local level, by scaling up support to the establishment of low-cost paralegals to provide first legal aid services in the community, police, prisons and courts and testing the feasibility of public defenders to provide representation in the lower courts.
- Engagement with the informal justice sector and customary/traditional justice sector groups by supporting independent village mediation services drawing on lessons learnt and best practices.
- Civic engagement on justice sector reform.

On anti-corruption:

- A focus on identified key hotbeds of corruption as follows: corruption in the criminal justice system; public procurement and the extractive sector.
- Strengthening inter-agency coordination and collaboration among relevant ACAs as well as with the justice sector.

⁶Including the draft country statement from Nigeria for the London Anti-Corruption Summit held in May 2016; and the communiqué of the Abuja Anti-corruption Summit held on 5th May, 2016 attended by representatives of the Government of Nigeria, civil society and the media.

⁷Please see Appendix 2 for the criteria of selection of the focal states.

- Defining and implementing an overarching vision or strategy for the fight against corruption including devising an effective means of communicating this vision or strategy to the citizens.
- Supporting the implementation of existing/planned anti-corruption legislation, policies and strategies by developing administrative, technical and operational capacities, on the basis of agency-specific capacity gap assessments (as developed under 10th EDF).
- Supporting the implementation of preventive measures including, but not limited to, conducting corruption risk assessments in target Ministries Department and Agencies (MDAs); system studies and reviews; asset declaration management; extractive sector audits; the development and implementation of integrity plans and key audit recommendations; and conducting relevant monitoring and evaluation activities.
- Support to non-state actors such as civil society, society/opinion influencers and the media in the fight against corruption through their roles as (i) educators and mobilisers of the public, (ii) think tanks to influence government decision and public opinion, (iii) watchdogs, through e.g. investigative journalism and, (iv) agents of accountability, ensuring the public funds are managed efficiently and effectively.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Project activities are significantly disrupted by adverse events, such as a poor security situation, natural hazards, sickness or injury to staff.	Medium to High	<ul style="list-style-type: none"> ▪ The assessment of the security situation and risk to staff will be conducted prior to staff travel and commencement of any project activities in any state/project location. ▪ Given that project activities will take place at both federal and state level, and in more than one state, the suspension of a project activity in a location will not imply suspension of the whole project as activities will be continued elsewhere.
Staff turn-over (this includes frequent changes of staff interfacing with the project).	Medium	<ul style="list-style-type: none"> ▪ Development of proper HR management systems within the beneficiary. ▪ The project keeps records of staff trained and follows up their mobility to ensure they are moving on to posts that reflect the value of their training. ▪ Agreement with heads of institutions to retain staff assigned to the project (including seconded staff/project officers and project focal persons). ▪ Reflect evidence of inappropriate transfers of seconded staff in project reports to EU Delegation and where possible follow up to avoid future occurrence.
Resistance to full implementation of newly learned skills from stakeholders.	High	<ul style="list-style-type: none"> ▪ Positive reinforcement and feedback on how enhanced skills improve performance and international reputation of Nigerian authorities. ▪ Ensure continuing support for implementation of new procedures and protocols at highest levels within stakeholder bodies.
Lack of coordination with the activities of other international partners.	Medium	Development of close working relationships both at state and federal levels, particularly with DFID, relevant EU Member States (UK and DE), Switzerland, US, and UN agencies, notably UNWOMEN, UNDP, UNODC.
Activities undertaken not sustained by beneficiaries post-project.	High	<ul style="list-style-type: none"> ▪ Development of a project culture of building capacity, not replacing it. ▪ Objectives to be SMART and take into account the beneficiaries' situation. ▪ Each component to have a sustainability element.
Beneficiary agencies experience changes in leadership or resistance to proposed changes or technical assistance.	Medium	<ul style="list-style-type: none"> ▪ Development of the activities and priorities of the project is in full cooperation with the stakeholders involved and demand driven. ▪ Encourage participation of cadre personnel of key stakeholders/partner institutions (including top/middle management) in the project activities. ▪ Regular stakeholder analysis to identify those supportive, resistant, or indifferent to changes/TA and take steps to encourage support.
Changes in the policy direction with regard to the rule of law and anti-corruption.	Low	Monitor the tone at the top and ensure that the selected programme implementation modality allows for reviews and flexibility during implementation.

Assumptions

In general, indeterminable factors such as the persistence of the political culture in the country, resistant informal organisational structures, and the assertiveness of authorities working in the field of anti-corruption, as well as international developments and events (security) can never be fully anticipated or controlled. However, the success of the project will depend largely on the commitment, active participation and close cooperation of project partners, as well as the quality of the project design, taking into account conditionalities and sequencing in the design.

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The development of this project takes into account the recommendations of the mid-term evaluation for the ongoing 10th EDF projects on Justice (FED/2011/021-747) and Anti-Corruption (FED/2011/022-161) and verification mission carried out in 2015, the final evaluation of the 9th EDF projects on both the justice and the anti-corruption sector as well feedback from extensive consultations with key stakeholders. Key findings and lessons learnt include the following.

In its efforts to reform the justice sector holistically, the **10th EDF justice sector project lacked focus**, both thematically and geographically. Similarly the anti-corruption project was spread too thinly over support to 14 agencies. To address this, the action will focus on a manageable number of outputs - based on the expressed reform commitments and policy priorities by government - in a limited number of agencies, thematic areas and focal states (e.g. geographic focus to federal level and 4 focal states with a proven commitment to undertake reforms, rather than the 10 focal states under the 10th EDF)

The impact of 10th EDF anti-corruption and justice projects was reduced by **cumbersome and rigid implementation arrangements**, including problems due to the systems, procedures and capacities of the selected implementing partner. The implementation modality under the 11th has been designed to allow for more flexibility, reduced bureaucratic delays, periodic revision of implementation to enable project to adapt to changing context, and permanent presence in focal states to facilitate project implementation.

Classifying the Federal Government of Nigeria as a beneficiary, rather than the leading agent for reform, reduces the government's incentive (and ability) to engage in solving its own problems and could contradict principles on **national ownership** and aid effectiveness. The action will address this by recognising and promoting national ownership throughout the project management cycle and by seeking to complement not replace government reform efforts. Key government partners will be encouraged to second staff to the project, including in the pilot states, with a view to ensure alignment with reform plans and develop skills to enable them to support implementation of reform agendas.

The impact of capacity development under the 10th EDF was reduced as **training did not always comply with requirements of institutional development and sustainability**. The action adopts a different approach focussed on strengthening designated training institutions of the beneficiary agencies (where applicable), rather than relying on external resources, and provide training that is more based on expressed needs, targeting key knowledge gaps and focused on actual hands-on implementation.

The inclusion of financing for **tangible assets undermines incentives to focus on systemic problems** in governance reform. The focus of the project will be on providing 'software' not 'hardware' such as vehicles and equipment. Incentives will also be built into the project to encourage medium and long term institutionalisation of recommended project actions and the reform agendas.

As recommended by the mid-term review of the anti-corruption project under the 10th EDF, the action focuses more on **corruption prevention**, especially with regard to public service ethics, assets declaration, a focus on public procurement and conducting corruption risk assessments. Equally, there will be significant support to CSOs activities relating to prevention.

The 10th EDF support has contributed to improvements in fundamental institutional and organisational frameworks as well as the enactment of relevant laws and the establishment of formal structures. Thus, there is now need to **focus on the implementation**, monitoring and evaluation of these laws. In this

regard, the project needs to be reinforced by political/policy dialogue with relevant stakeholders at the highest levels to ensure progress/performance.

3.2 Complementarity, synergy and donor coordination

Synergies will be ensured with other interventions proposed under the 11th EDF, including the "Action Against Trafficking in Persons and Smuggling of Migrants" (the key stakeholder of this action, the National Agency on the Prohibition of Trafficking in Persons, NAP TIP, investigates and prosecutes victims of trafficking and is the coordinating entity of the VAPP Act), the "EU support to Agents for Citizen-driven Transformation, EU-ACT" (support to social accountability mechanisms and civil society engagement on budgetary and policy process) as well as relevant actions under the European Instrument for Democracy and Human Rights (EIDHR). Complementarity with activities on the Child Rights and VAPP Act supported under the 10th EDF UNWOMEN project in the north east will be ensured, particularly in relation to Adamawa.

The project will also build on activities of the 10th EDF justice and anti-corruption projects, implemented by UNODC, including implementation of the National Legal Aid Strategy, making use of conducted capacity and needs assessments, continue support to development of strategic plans and legislative models for implementing the ACJ Act, and support, once approved, the implementation of the National Anti-Corruption Strategy.

The action will be coordinated with development partners in the sector both at the federal and project pilot state levels. The current Justice Sector Donor Coordination Group, and the group being proposed by DFID on anti-corruption (if and when established), will be used.

Close coordination with key partners on anti-corruption and justice reform, such as UK and US, will be established, including by inviting them as observers in the project steering committee. Complementarity will be sought with DFID's anticorruption project currently under elaboration (estimated budget of GBP 20 million, 5 years) set to commence early 2017 and its focus on institutional strengthening of the ACAs. On justice, UK/DFID has indicated a more limited focus on police and prisons from 2017, complementary to the project's focus on criminal justice administration and access to justice. As for the UN Agencies, the project will coordinate with UNICEF on activities relating to child protection and the Child Rights Act, UNWOMEN on the VAPP and Child Rights Act and the UNODC on any relevant activities once the 10th EDF projects conclude.

3.3 Cross-cutting issues

The action includes a component that specifically seeks to enhance access to justice for women, and to improve the protection of girls and boys, by targeting resources on the implementation and enforcement of relevant legislation in this area (e.g. the VAPP and the Child Rights Act) and as such directly contributing to the European Union Gender Action Plan 2016-2020. It aims to do so both by assisting Nigeria to build the appropriate institutional set up and coordination between the different law enforcement and welfare agencies mandates to address the situation – including e.g. Ministry of Women and Social Affairs and the police Gender Unit - as well as by training police, judges and legal practitioners to be able to address the specific needs of women and children.

A rights-based approach is at the core of the project, with particular focus on the rights of the most vulnerable groups, including rights of persons living in poverty, female victims of violence, children and persons with disabilities. The rights-based approach will be implemented through empowering the rights holders (e.g. building their awareness of risks, relevant laws and policies as well as protection mechanisms) and on strengthening capacities of duty bearers to protect rights (e.g. building Nigeria's ability to investigate, prosecute and adjudicate crimes, including on corruption but also to respect due process and rights of defendants). The focus on corruption is key as it hampers Nigeria's capacity and resources to promote and protect citizens' rights.

4 DESCRIPTION OF THE ACTION

4.1 Objectives / Results

The **overall objective** of the project is to enhance good governance in Nigeria by contributing to strengthening of the rule of law and curbing corruption.

Component 1: Implementation of the Nigerian Criminal Justice Reform agenda

Main Outcome 1: Dispensation of criminal justice at federal and state level is more timely, effective and transparent.

- **Output 1.1:** Implementation and adoption of the Administration of Criminal Justice Act (ACJA) and Administration of Criminal Justice Laws at federal and state level respectively⁸.
- **Output 1.2:** The enactment and implementation of the critical criminal justice reform bills complementary to the implementation of the ACJA at federal and state level (including the police and prisons reform bills if and when enacted).
- **Output 1.3:** Institutional capacities, systems, procedures and administrative structures are developed to advance the priorities of the ACJ Act and complementary bills (as defined in outputs 1 and 2).
- **Output 1.4:** Improved coordination of the criminal justice sector at the federal and state level, and between states⁹.

Component 2: Access to Justice for women, children and persons with disabilities.

Main Outcome 2: Access to justice is improved at federal level and in selected focal states for women, children, and persons with disabilities.

- **Output 2.1:** Implementation of the VAPP Act advanced at federal and state level and promotion of other laws and practices that facilitate access to justice for women.
- **Output 2.2:** Implementation of the Child Rights Act advanced at federal and state level and promotion of other laws and practices that facilitate access to justice for children and young persons in conflict with the law.
- **Output 2.3:** Promotion and implementation of laws and practices that facilitate access to justice for persons with mental and physical disabilities at federal and state level.
- **Output 2.4:** Legal Aid Council provides enhanced legal assistance for vulnerable groups including in partnership with various stakeholders such as the Office of Public Defenders, Nigeria Bar Association (NBA), and other Non-State Actors (NSA).
- **Output 2.5:** Enhanced dispensation of justice by formal, informal and traditional entities such as through victim-offender mediation, and other restorative justice models at all levels including at the grassroots.

Component 3: Strengthening the fight against corruption in key thematic areas

Main Outcome 3: Enhanced ability to address corruption in the criminal justice sector, public procurement and the extractive industries, including through improved performance and coordination among target Anti-Corruption Agencies (ACAs)¹⁰.

- **Output 3.1:** Enhanced coordination among target ACAs.
- **Output 3.2:** Improved institutional and operational capacities of target ACAs in the fight against corruption.

⁸ This will involve the implementation of the ACJA in the Federal Capital Territory (FCT) and amongst Federal Institutions. It will also include support to Lagos State and Anambra State that has passed the Administration of Criminal Law to effectively implement these laws as well as provide support to Adamawa State and Kano State towards the adoption of the ACJA and its implementation if and when adopted.

⁹ e.g. Federal Justice Sector Reform Committee/ACJ Monitoring Committee located at the Federal Ministry of Justice, Forum of Attorney Generals, Prosecutors Forum, Security Justice Information and Coordination (SJ-TIC) Group, AG Forums, and state level Administration of Criminal Justice Committees, Justice Reform Teams and other relevant coordination platforms.

¹⁰ For the purpose of this project 'target ACAs' refer to ICPC; EFCC; CCB; BPP; NEITI; TUGAR (in its capacity as secretariat of the IATT) depending on the relevance of each institution to the achievement of the output target. The PAC-AC is also included where applicable.

- **Output 3.3:** Improved transparency, accountability and integrity in the criminal justice sector to combat corruption.
- **Output 3.4:** Improved transparency, accountability and integrity in the extractive sector.
- **Output 3.5:** Improved effectiveness, efficiency and transparency in the area of public procurement at Federal level and in selected states.
- **Output 3.6:** Improved capacity of target ACAs to prevent corruption with a focus on risk assessments and the management of asset declarations.

Component 4: Enhancement of citizens' civic and public engagement in criminal justice sector reforms and the fight against corruption

Main Outcome 4: Civil society, public and private sector empowered to constructively engage on criminal justice reforms and the fight against anti-corruption.

- **Output 4.1:** Improved civil society engagement in the criminal justice reform agenda and access to justice.
- **Output 4.2:** Improved citizen, civil society, media and private sector engagement in the fight against corruption.
- **Output 4.3:** Improved capacities of civil society and media to successfully track, investigate and report corruption.
- **Output 4.4:** Enhanced public awareness on relevant messages about the rule of law and anti-corruption in Nigeria.

4.2 Main Activities

Outcome 1: support effective functioning/set-up of relevant committees and forums to oversee ACJ Act/Laws; develop model instruments (laws/policies/strategies/regulate) to domesticate and implement ACJ Act/Laws; dissemination, training and advocacy of ACJ Act/Laws and complementary criminal justice reform bills; development and implementation of M&E frameworks to assess implementation of ACJ and relevant policies and legislation; developing case tracking and management system to enhance coordination within and between criminal justice institutions; training on strategic planning, interviewing, investigation, prosecution, budgeting other critical skills with focus on relevant training institutions and institutionalisation of training capacities; support to develop monitoring system on pre-trial detention.

Outcome 2: support to implementation (federal), domestication, dissemination, training and advocacy of relevant legislation (VAPP Act, Child Rights Act, Legal Aid Act, Person with Disabilities Bill, Mental Health Bill); support to establish/strengthen family courts, borstals and young offender and rehabilitation institutions; support to establish/strengthen sexual assault referral centers, sexual violence response teams, mapping and strengthening of SGBV protection services; support Police Gender Unit in implementation of mandate; baseline assessment on access to justice for persons with disabilities; training and capacity building of Legal Aid Council; support implementation of National Strategy on Legal Aid in Nigeria; enhance coordination and partnership between Legal Aid Council, Nigeria Bar Association and CSO legal aid service providers; establish community-based law clinics and promote restorative justice models; train traditional/customary/community justice administrators.

Outcome 3: develop and implement coordination protocol on intelligence sharing between ACAs and relevant justice institutions; support effective functioning of anti-corruption coordination platforms; support development of institutional strategic plans of ACAs; build capacities of key ACAs on identified skills gaps; support development and implementation of anti-corruption strategies for criminal justice, public procurement and extractive industries sectors; support to establish/strengthen prevention and accountability mechanisms within key justice institutions; support development, dissemination and follow-up of NEITI audit reports; support ACA coordination on public procurement corruption cases; support corruption risk assessment, integrity plans and procurement capacities and systems of selected state institutions; support development of key performance indicators (KPIs) for monitoring budget implementation.

Outcome 4: Support CSO awareness raising and campaigns on relevant legislation, criminal justice and anti-corruption issues; support CSO advocacy on key legislation; train demand side of criminal justice and anti-corruption to effectively engage on criminal justice and anti-corruption reform; support budgetary tracking and other budgetary oversight activities; support effective implementation of Freedom of Information Act; support investigative journalism on anti-corruption and criminal justice issues.

In addition, a number of activities are foreseen at the inception phase of the project, including required baseline surveys, capacity gaps and needs analysis, review of the logframe, establishment of action plans, operational methodologies and budgets specific to each key project beneficiary according to their mandate, at federal and state level, development of monitoring and evaluation systems with performance indicators and monitoring benchmarks.

4.3 Intervention Logic

The project is anchored in the fundamental issues that hamper criminal justice reforms and the fight against corruption in Nigeria at a rare political moment of apparent genuine political will to tackle these issues. It addresses the root causes of the problems (not the symptoms) through a coordinated and sector wide approach; recognising the interconnectedness of the criminal justice chain and the importance of involving both the supply and demand side in criminal justice reforms and fight against corruption.

It seeks to support the effective implementation of key established laws, policies, plans, while ensuring that institutional capacity to effectively manage the anticipated reform/change is in place, and also enabling civil society to exercise its role of watchdog on criminal justice and anti-corruption. Experience shows that a well mobilised civil society is critical to push government to initiate desired reforms and move towards increased accountability in governance. Civil society, and the public in general, also has a key role to contribute to changes in social norms and behaviour, altering the parameters of what is regarded as socially accepted/sanctioned behaviour. This is critical in Nigeria where the rule of law and democratic ethos are yet to be deeply entrenched¹¹.

The key pillars of interventions under this project - criminal justice reform and fight against corruption – are complementary and mutually reinforcing. Corruption is both a cause and driver of the poor governance and performance of the criminal justice system. At the same time, a strong Nigerian criminal justice, able to dispense timely and effective justice would strengthen the fight against corruption, as incentives to engage in corrupt practices are reduced. Available research suggests that comprehensive criminal justice reform would go a long way in promoting the fight against corruption and other crimes¹².

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is foreseen to conclude a financing agreement with the partner country, referred to in Article 17 of Annex IV to the ACP-EU Partnership Agreement.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in Section 4.2 will be carried out and the corresponding contracts and agreements implemented is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute a non-substantial amendment in the sense of Article 9(4) of Regulation (EU) 2015/322.

¹¹ See e.g. Ijewereme O.B (2015), 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations', Ijewereme O.B (2013), 'An Examination of Anti-Corruption Crusades In Nigeria: Issues and Challenges.

¹² Enweremadu, 'The Struggle Against Corruption in Nigeria: The Role of the national Anti-Corruption ICPC Under the Fourth Republic'.

5.3 Implementation of the budget support component

N/A

5.4 Implementation modalities

5.4.1 Indirect management with a Member State agency

This action will be implemented in indirect management with the British Council in accordance with Article 58(1) (c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 17 of Regulation (EU) 2015/323. This implementation entails a) advancing the timely, effective and transparent dispensation of criminal justice; b) strengthening access to justice of women, children and persons with disabilities at federal and state levels; c) strengthening the fight against corruption by reinforcing prevention mechanisms and building the capacity of anti-corruption agencies to effectively address corruption in public procurement, the criminal justice system and the extractive sector; and d) enhancing civil society and public engagement in the fight against corruption and the criminal justice reform process. This implementation is justified because the agency is deemed to hold the required expertise and capacity to implement the action. The British Council has long-standing presence in Nigeria and in the governance sector. It has been implementing DFID funded actions "Justice for All" and the Nigeria Reconciliation and Stability Programme. The entrusted entity would carry out the following budget-implementation tasks: mobilise relevant expertise (both local and international), undertake procurement, award grants and undertake payments.

5.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 22(1) (b) of Annex IV to the ACP-EU Partnership Agreement on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.6 Indicative budget

	EU contribution (in EUR)	Third party contribution
5.4.1. Indirect management with British Council, (indicative amounts)	23 300 000	N/A
<i>Component 1: Implementation of the Nigerian Criminal Justice Reform agenda</i>	<i>7 800 000</i>	
<i>Component 2: Access to Justice for vulnerable persons</i>	<i>5 500 000</i>	
<i>Component 3: Strengthening the anti-corruption sector in key thematic areas</i>	<i>5 500 000</i>	
<i>Component 4: Enhancement of citizens' of civic and public engagement in criminal justice sector reform and anti-corruption initiatives</i>	<i>4 500 000</i>	
5.9 Evaluation, 5.10 Audit	600 000	N/A
5.11 Communication and visibility	400 000	N/A
Contingencies	700 000	N/A
Total	25 000 000	N/A

5.7 Organisational set-up and responsibilities

Federal level

A **Project Implementation Unit (PIU)** will be established at the federal level in Abuja. It may also include an adviser seconded from the FMOJ, to ensure alignment with government reform plans and serve as liaison officer between the project and the FMOJ/Attorney General of the Federation (AGF).

A **High Level Project Governance Steering Committee** (biannual) will focus on policy and strategic issues and will be co-chaired by the NAO and the FMOJ/AGF, with participation of the Chief Justice of Nigeria, Ministry of Women and Social Affairs, focal State AGs, heads of beneficiary anti-corruption agencies/entities and criminal justice institutions and a representative of the EU. Members of the technical committee and relevant development partners will attend as observers.

A **Technical Committee** (quarterly), chaired by the NAO, will include key stakeholders (beneficiaries), such as civil society, a representative of the ACJA monitoring committee; state coordinators and a state representative – with level of representation at director level - and the EU. This body will be responsible for approving strategic documents and policies of the project, including annual reports, work plans and budget. It will prepare the agendas and follow up on the implementation of decisions of the high level committee.

State level (Kano, Adamawa, Anambra, Lagos)

In each pilot state, a **State Project Implementation Unit (State PIU)** will be established in the state Ministry of Justice (MOJ). Where relevant, a MOJ Department of Criminal Justice and Anti-Corruption will be set up to host the PIU, to be headed by MOJ staff member, preferably at Director level.

Each pilot state will establish a **State Project Steering Group (SMG)**. The SMG will be composed of heads of relevant MDAs, representative/s from civil society, and chaired by the State Attorney General and Minister of Justice. This group will interface with the Justice Sector Reform Team where in existence, or where the Justice Sector Reform Team reflects this composition, they may also serve as the SMG. The responsibility of the group is to ensure alignment of the project with state reform plans.

5.8 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partners' responsibilities. To do this, the implementing partners shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outcomes and direct outputs) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

In addition, a number of activities are foreseen during the inception phase of the project, including required baseline surveys, capacity assessments, review of the logframe, development of monitoring and evaluation systems with performance indicators and monitoring benchmarks. These will be funded by the project and carried out by the implementing partner.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.9 Evaluation

Having regard to the nature of the action, mid-term and final evaluations will be carried out for this action via independent consultants contracted by the commission. A mid-term evaluation will be carried

out for problem solving and learning purposes. A final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision). The Commission shall inform the implementing partner at least 1 month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Indicatively, two contracts for evaluation services shall be concluded under a framework contract for both the mid-term and final project evaluations, in mid-2019 and late 2021 respectively.

5.10 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

Indicatively, at least one contract for audit services shall be concluded under a framework contract in mid-2019.

5.11 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.6 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX 1 - INDICATIVE LOGFRAME MATRIX¹

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective/Impact	To enhance good governance in Nigeria by contributing to strengthening the rule of law and curbing corruption.	1. Average Rule of Law score ** (EURF 4 level 1) 2. Average control of corruption score** (EURF 5 level 1) 3. Average voice and accountability score ** (EURF 6 level 1)	1. 11.5 (2014) 2. 7.2 (2014) 3. 29.6 (2014)	1. Tbd inception phase 2. Tbd inception phase 3. Tbd inception phase	1. World Governance Indicators 2. World Governance Indicators 3. World Governance Indicators	
Outcome 1:	Dispensation of criminal justice at federal and state level is more timely, effective and transparent.	1. Number of cases which are investigated, prosecuted and adjudicated by the relevant institutions* 2. Average length of time taken to complete a criminal trial in months 3. *Number of remand prisoners relative to the total number of prisoners as well as numbers of juveniles in detention. 4. Citizens' perception of the quality of justice dispensed.	1. Tbd inception phase 2. Tbd inception phase 3. >2/3 of prison population are pre-trial detainees 4. Tbd inception phase	1. 10% positive change on each of the indicators annually (calculated from the baseline figure prior to commencement of the project) progressively. 2. Same as above 3. Same as above 4. Same as above	1. Prison statistics (monthly/quarterly/ annually collected by prison records unit and prison case management system), 2. same as above 3. same as above 4. Citizens' perception survey, and statistics of returns from the judiciary (quarterly/annually) to be conducted by the project and other key stakeholders.,	The continued existence of political will and government interest in these issues.

¹ Indicators aligned with the relevant programming document are marked with '*' and indicators aligned to the EU Results Framework with '**'.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Outcome 2:	Improved access to justice at federal level and in selected focal states for women, children, and persons with disabilities.	1. Number of women, children and persons with disability who were able to access justice through this project; 2.* Number of cases of human rights abuses, including gender based and sexual violence brought to court 3. *Level of domestication of human rights conventions signed by Nigeria	1. Tbd inception phase 2. Tbd inception phase 3. Tbd inception phase	1. 15% increase in the No of women, children and persons with disability who access justice; 2. same as above 3. same as above	1. Performance data from the LACON Pro Bono Clearing House Database, NPS CMS and other records; Project report; M&E reports (collated quarterly or/and annually). 2. Same as above 3. Reports from the Federal Ministry of Justice	The continued existence of political will and government interest in these issues.
Outcome 3:	Enhanced ability to address corruption in the criminal justice sector, public procurement and the extractive industries, including through improved performance and coordination among target Anti-Corruption Agencies (ACAs)	1. Number of cases of corruption or administrative misconduct which are investigated, prosecuted and adjudicated by the relevant institutions 2. Level of coordination among key ACAs	1. High levels of corruption in identified thematic areas, 2016 2. Limited coordination, particularly on intelligence sharing, 2016	1. 20% reduced levels of corruption in identified thematic areas by 2020 2. Improved coordination on intelligence sharing by 2020	1. Local/International reports; Target ACA reports; CPI ratings; Media reports; High level speeches/reports from Federal Government 2. Same as above	The continued existence of political will and government interest in these issues.
Outcome 4:	Strengthened capacity of government institutions and civil society to engage in a public dialogue on criminal justice and anti-corruption policies and issues.	1. Number of CSOs trained by project 2. Number of CSO coalitions established/strengthened by project 3. *% of number of CSOs involved in advocacy for improved economic governance	1. 0 2. 0 3. Tbd inception phase	1. 20% increase in the number of CSOs trained and coalitions strengthened 2. Same as above 3. same as above	1. Project reports 2. Project reports 3. Project reports and target ACA reports; CSO reports; Media reports (both traditional and new media)	The continued existence of political will and government interest in these issues. An enabling environment for CSOs to conduct identified activities at Federal level and in selected states.
Outcome 1/Outputs	1.1 Implementation and adoption of the Administration of Criminal Justice Act (ACJA) and Administration of Criminal Justice Laws at federal and state level respectively. 1.2 Enactment and implementation of critical criminal justice reform bills complementary to the ACJA.	1.1 Status of the implementation of Administration of Criminal Justice Act (ACJA) and Administration of Criminal Justice Laws at federal and state levels. 1.2. Number of laws passed which complement the	1.1 ACJ Act (ACJA) passed at federal level, ACJ laws (ACJL) passed in Lagos and Anambra (2016) 1.2. Prison and Police reform bills are currently before the National Assembly 1.3 Inadequate systems and procedures exist amongst key	1.1. 50% of provisions of ACJA implemented. ACJL laws domesticated and implemented in focal states. 1.2 Prisons and police reform bills are passed by National Assembly 1.3. To be defined in inception phase	1.1. Project report; stakeholder feedbacks; media reports. 1.2 Official gazette 1.3. Records of Pre- and Post-Test Evaluation, M & E records, stakeholder feedback; Project report 1.4. Project reports; media reports	The ACJA remains a critical criminal justice law and is not repealed.

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
	<p>1.3 Institutional capacities, systems, procedures and administrative structures are developed to advance the priorities of the ACJ Act and complementary bills</p> <p>1.4 Improved coordination of the criminal justice sector at the federal and/between state level</p>	<p>implementation of the ACJA</p> <p>1.3. Status of implementation of capacity/needs assessment recommendations and actions</p> <p>1.4. Status of coordination platforms and mechanisms to ensure judicial effectiveness.</p>	<p>project partners.</p> <p>1.4. Existence of the Federal Justice Sector Reform Coordinating Committee and the Administration of Criminal Justice Monitoring Committee (2017)</p>	<p>1.4 To be defined in inception phase</p>		
Outcome 2/Outputs	<p>2.1: Implementation of the VAPP Act advanced at federal and state level and promotion of other laws and practices that facilitate access to justice for women.</p> <p>2.2: Implementation of the Child Rights Act (CRA) advanced at federal and state level and promotion of other laws and practices that facilitate access to justice for children and young persons in conflict with the law.</p> <p>2.3: Promotion and implementation of laws and practices that facilitate access to justice for persons with mental and physical disabilities at federal and state level.</p> <p>2.4: Legal Aid Council provides enhanced legal assistance for vulnerable groups including in partnership with various stakeholders such as the Office of Public Defenders, Nigeria Bar Association (NBA), and other Non-State Actors (NSA).</p> <p>2.5: Enhanced dispensation of justice by formal, informal and traditional entities at local level</p>	<p>2.1. Status of implementation of the VAPP Act and /or other relevant laws promoting women’s rights at federal and state level</p> <p>2.2. Status of implementation of the CRA at federal and state level</p> <p>2.3. Number of persons with disabilities that are assisted to effectively access justice especially the courts</p> <p>2.4. Number of persons that benefited from free legal services as provided by LACON or partner institutions</p> <p>2.5. Number of persons enabled to access justice at the grassroots including through providing restorative justice models.</p>	<p>2.1. VAPP Act passed at federal level, not domesticated in focal states.</p> <p>2.1. CRA passed at federal level, domesticated in Lagos and Anambra.</p> <p>2.3. Lack of structured mechanisms to provide legal support to persons with disabilities;</p> <p>2.4. Tbd inception phase</p> <p>2.5. Tbd inception phase</p>	<p>2.1. Key provisions of the VAPP Act implemented. VAPP domesticated and implemented in focal states.</p> <p>2.2. Key provisions of the CRA implemented. CRA domesticated and implemented in focal states.</p> <p>2.3. To be defined during inception phase</p> <p>2.4. Tbd inception phase</p> <p>2.5. Tbd inception phase</p>	<p>2.1. Project report; stakeholder feedback; media report</p> <p>2.2. Project report; stakeholder feedback; media report</p> <p>2.3. Monthly, Quarterly and Annual Project Performance Data/statistical records (including from LACON and other sources); Project reports; media reports; stakeholder/client feedback.</p> <p>2.4. Monthly/Quarterly/ Annual Prison statistics and other relevant data sources; Project reports; media reports; stakeholder reports</p> <p>2.5. LACON Statistics Return/Performance data, Project report; client feedback; media reports</p>	<p>Sustained commitment from key stakeholders.</p>
Outcome 3/Outputs	<p>3.1: Enhanced coordination among target ACAs</p> <p>3.2: Improved institutional and operational capacities of target ACAs in the fight against corruption.</p> <p>3.3: Improved transparency, accountability and integrity in the criminal justice sector to</p>	<p>3.1 Status of use of coordination protocol on intelligence sharing for ACAs.</p> <p>3.2. Number of anti-corruption cases investigated and prosecuted by ACAs</p> <p>3.3. Existence of an anti-corruption strategy and action</p>	<p>3.1. The PAC-AC has worked with ICPC and EFCC to revise existing coordination protocols on intelligence sharing.</p> <p>3.2. Tbd inception phase</p> <p>3.3. No strategy/action plan in place.</p> <p>3.4. No strategy/action plan in</p>	<p>3.1. Effective implementation of coordination protocols</p> <p>3.2. Tbd inception phase</p> <p>3.3. Strategy/action plan in place.</p> <p>3.4. Strategy/action plan in place.</p> <p>3.5. Strategy/action plan in</p>	<p>3.1. PAC-AC, ICPC, EFCC, NFIU reports</p> <p>3.2. ACA annual reports.</p> <p>3.3. Project progress reports.</p> <p>3.4. Project progress reports</p> <p>3.5. Project progress reports</p> <p>3.6. CCB reports; Media reports</p>	<p>Commitment of the ACAs to implement the coordination protocols recommended by the PAC-AC.</p>

	Intervention logic	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
	<p>combat corruption</p> <p>3.4: Improved transparency, accountability and integrity in the extractive sector.</p> <p>3.5: Improved effectiveness, efficiency and transparency in the area of public procurement at Federal level and in selected states</p> <p>3.6: Improved capacity of target ACAs to prevent corruption with a focus on risk assessments and the management of asset declarations.</p>	<p>plan for the justice sector.</p> <p>3.4. Existence of an anti-corruption strategy and action plan for the extractive sector.</p> <p>3.5. Existence of an anti-corruption strategy and action plan for public procurement.</p> <p>3.6. Number of on-line asset declarations entered directly by public officials into CCB's data management system.</p>	<p>place.</p> <p>3.5. No strategy/action plan in place.</p> <p>3.6. Data management system currently being developed with support provided under the 10th EDF.</p>	<p>place.</p> <p>3.6. Fully operational on-line asset declaration and data management system by 2020.</p>		
Outcome 4/Outputs	<p>4.1: Improved civil society engagement in the criminal justice reform agenda and access to justice.</p> <p>4.2: Improved citizen, civil society, media and private sector engagement in the fight against corruption.</p> <p>4.3: Improved capacities of civil society and media to successfully track, investigate and report corruption.</p> <p>4.4: Enhanced public awareness on relevant messages about the rule of law and anti-corruption in Nigeria.</p>	<p>4.1. Number of public defenders, criminal defence lawyers and CSOs trained to engage with justice sector institutions</p> <p>4.2. Number of policy dialogues on involvement of civil society, beneficiary communities and professional associations on anti-corruption issues.</p> <p>4.3. Number of CSOs involved in advocating for accountability of justice sector, budget tracking and other monitoring activities.</p> <p>4.4. Number of CSOs trained on public awareness raising aimed at promotion of criminal justice sector reform and fight against corruption.</p>	<p>4.1. 0</p> <p>4.2. 0</p> <p>4.3. Tbd inception phase</p> <p>4.4. 0</p>	<p>4.1. Tbd inception phase</p> <p>4.2. Tbd inception phase</p> <p>4.3. Tbd inception phase</p> <p>4.4. Tbd inception phase</p>	<p>4.1. CSO reports; Media reports; project progress reports</p> <p>4.2. CSO reports; Media reports; project progress reports</p> <p>4.3. CSO reports; Media reports; project progress reports</p> <p>4.4. CSO reports; Media reports; project progress reports</p>	<p>An enabling environment for CSOs to conduct identified activities at federal level and in selected states.</p>

APPENDIX 2:

Criteria for Selection of the Project Pilot States and 11th EDF rule of law programming for the recommended Pilot States:

I. Introduction:

The ToR request the Consultant to conduct an assessment to provide a basis for the selection of 3-5 pilot states for the proposed action. The criteria indicated in the ToR could include 11th EDF Focal States, level of poverty, reform mindedness of state/local authorities, regional balance, CSO presence in the focal sectors and capacity to participate and influence reform of federal and state level operations.

The Identification Mission Report recommended the following States to be selected:

Adamawa State (North-East), Kano State (North-West), Anambra (South-East), Lagos State (South-West), and Cross Rivers State (South-South).

The inception report recommended that the Formulation Team visit and consult with key stakeholders in all the states indicated above. Following this recommendation, the Formulation Team was able to carry out the following:

- (i). Consulted with representatives of the Cross River State Justice Reform Team in Abuja (28 April, 2016)
- (ii). Visited the following States and consulted with key stakeholders:
 - (a). Anambra State (2-3 May, 2016)
 - (b). Adamawa State (4-6 May, 2016)
 - (c). Kano State (10-11 May, 2016)
 - (d). Lagos State (17-20 May, 2016)

II. Criteria for Selection of the Pilot States:

These include the following:

- (i). Inclusion of the States as possible EU Focal States for the 11th EDF
- (ii). Good indication of reform mindedness among some key public officers in the institutions/sectors relevant to the effective implementation of the proposed project actions.
- (iii). Evidence of adoption of relevant laws and policies critical to the successful implementation of the project, especially with the Administration of Criminal Justice (ACJ) Act. Where the ACJ law has not been passed, an indication of progress towards the adoption of this law in the State.
- (iv). Evidence of legislative and policy framework and processes that will enhance the successful implementation of the project such as existence of justice sector coordination platforms, laws addressing women, children and/or anti-corruption issues, presence of the key institutions relevant to the implementation of the project, etc.
- (v). Presence of CSOs active on the issues of focus to the project.
- (vi). Willingness of the State MoJ to provide space for the State Project Implementation Unit and to second 3-4 staff to the unit.
- (vii). Geographical balance

(viii). Evidence of need for the sector in the State

(ix). Need for continuity and possibility of synergy building with past and ongoing donor support including the EU.

III. Recommended Project Pilot States:

The following states are recommended to serve as the project pilot states:

- ❖ Adamawa State (North East)
- ❖ Kano State (North West)
- ❖ Anambra State (South East)
- ❖ Lagos State (South West) *(Subject to confirmation after the Formulation Team's Visit to Lagos State.

Note:

- The Pilot States were considered more with respect to the Justice Sector component of the project than the Anti-Corruption component.
- FCT would also be selected especially for the implementation of some of the federal level activities of the project.

IV. Rationale for Recommending These States as the Project Pilot States.

All the four States met the above criteria.

For example:

- a. All four states are listed as possible 11th EDF Pilot States
- b. The Administration of Criminal Justice Law has been passed by Anambra State and Lagos State. Anambra State passed the Child Rights law in 2006 and the Anambra State Widows and Widowers Malpractices Prohibition Law in 2005. A model Administration of Criminal Justice Law has been developed by the Northern Attorney Generals Forum. The Attorney General of Adamawa State is spearheading this process as the Secretary of the Northern AG Forum. This law along with the model Penal Code and the model Fiscal Responsibility law have been presented by the Northern AG Forum to the Northern Governors Forum for adoption and fast tracking of its passage in all the Northern States. Kano State has established a committee to work on this, chaired by the Deputy Governor and with notable legal luminaries as members of the committee including Hon Justice Wali, A.B Mahmoud SAN. Anambra State's Governor has also shown considerable interest in strengthening its fiscal responsibility policies, with some states visiting to learn more about the progress made by the state in this direction. Kano State in 2010 enacted the Public Complaints and Anti-Corruption Law for Kano State which provides for a Public Complaints and Anti-Corruption Commission. Lagos State has over the years demonstrated its keen interest in initiating and sustaining reforms which are subsequently replicated in other States.
- c. Anambra State, Lagos State and Kano State have Justice Sector Reform Teams. Kano State has a law establishing the Team and there is an annual allocation of fifty million

naira by the State government for the team to implement justice sector activities in the State including providing transportation funds to court witnesses and transport funds to the LACON Kano Office¹ and Kano State Prisons Service² especially to Kano Central prison and Godon Dutse prison. There are Legal Aid Council Offices present in all the states and the LACON Pro bono Clearing House initiative has been introduced in all the four states (Kano, Adamawa, Anambra and Lagos State) to encourage an increase in the number of pro bono lawyers in the state and enhance coordination between the pro bono service providers including from the Nigeria Bar Association, Civil Society Organisations and Private Legal Practitioners.

- d. Lagos State had documentation of all its laws including online documentation (ref: www.laws.lagosstate.gov.ng) as well as increased online visibility of the Ministry of Justice and its activities (ref: www.lagosministryofjustice.org). It is currently embarking on the establishment of a DNA Testing facility including for rape cases for which the contract is already signed and proposed for completion in 6 months. This will lead to better investigation and the production of reliable evidence to aid and speed up criminal justice administration. Lagos State has domesticated the ACJL, CRA and it has a domestic violence law. It also has a disability law. Kano State government recently established the Kano State Anti-Child Abuse Stakeholders' Committee.
- e. Lagos, Anambra and Kano States are Pilot States under the 10th EDF Justice Sector Project. EU is currently providing some support to Adamawa on Health. Adamawa and Kano States are possible Focal States under the 11th EDF CSO Support Project.
- f. Issue regarding poverty level though this may vary from State to State, there is no State in which poverty is not an issue for certain members/clusters of the State. There will always be room for the implementation of pro-poor initiatives in all the States indicated, especially through component 2 – Promoting Access to Justice for Vulnerable Persons.

¹ Between 100,000 naira to 150,000 naira per year.

² Further clarification is still required on this given that the Formulation Team Leader for the EU Support to Rule of Law in Nigeria 2017-2020 Project was informed by Ministry of Justice that 20,000 naira monthly was provided to the Kano State Prison Service for transportation of inmates to court. But both the Kano State Prison Controller and the Officer in charge of Kano Central Prison indicated to the Team Leader that they were not aware of the existence of any financial support to the Kano State prisons regarding this.

11th EDF rule of law programming for the recommended Pilot States:

a. Adamawa State:

The Adamawa State Attorney General (AG) appears to be committed to the fight against corruption (the Governor has called for zero tolerance) and to reform of the justice system. The AG has significant clout in the state, and (according to himself) should be able to secure significant government funding for justice/anti-corruption reform efforts. Having experience with the EU, he is also aware of limitations in terms of the EU providing hardware (equipment, infrastructure) as opposed to software (training, etc.).

He arranged visits to the Speaker of the Assembly with most of the 25 assembly members present (very low level of knowledge of basic legislative functions and political skills) to the Chief Judge (not impressive with little energy and only interested in EU funding for the courts), the commissioner of police (who, heavily under-resourced, was preparing for transition to civilian rule after a state of emergency in northern LGAs, and was concerned about the lack of supervision of mushrooming vigilante groups in-state, often taking orders from politicians) and to a prison which was depressing (the majority of prisoners are awaiting trial, as is the rule in Nigeria, with 1 inmate locked up for 10 years awaiting trial and none of the consulted having received any form of legal aid. The AG mentioned that even if he was convicted for the crime that he is alleged to have committed that the sentence would be shorter than 10 years). Meetings were also held with the Legal Aid Council (5 lawyers for a State with a population of 4 million), CSOs and the state chapter of the Nigerian Bar Association, where there was agreement that LACON should partner with NBA and CSOs to expand legal aid.

On the basis of consultations, an initial project plan for Adamawa was developed, centred on supporting the AG and Ministry of Justice in its criminal justice reform plan, and based on a comprehensive approach across the criminal justice chain given the significant weaknesses observed in the state, including:

1. Domestication, sensitisation and implementation of the Administration of Criminal Justice Act and a reviewed Penal Code;
2. Demand driven and institutionalised programme of capacity building/institutional strengthening of justice (e.g. law reform/prosecution/ M&E/computerisation/case management), house of assembly (core legislative functions), police (investigation/training on VAW, juvenile offenders/awareness), judiciary (training of judges, traditional rulers, and religious leaders/faith based organisation);
3. Baseline study/capacity assessment study driven by institutions themselves to guide processes, ideally to be integrated into criminal justice monitoring/performance assessment framework of relevance beyond project.
4. Training at 4 levels: (i) by agency training institutions themselves (ii) by mentoring programmes within institutions (iii) other platforms in state, e.g. American University of Nigeria (AUN) on legislators, paralegals (iv) external training for specialised skills.

5. A strong element of access to justice is needed, looking at grassroots access (paralegal law clinics in communities), LACON clearing house (model used in other states to link demand to supply, including NBA pro bono lawyers)³, training of paralegals with a view to LACON certification (e.g. in AUN) and support to the AG's judicial division expansion, ARD/mediation and the idea of "multi-door court houses" and restorative justice models.
6. VAW/juvenile justice/child protection. Better understanding of the situation is needed here, but it could look at VAPP/CRA (and other relevant protection laws), child protection and access to justice.
7. Provision of responsive and quality pro bono legal service to Awaiting Trial Prisoners⁴ and detainees including Women and Children/Young persons in conflict with the law as well as support for their treatment and rehabilitation, and reintegration back into the community.
8. Seek support of the North East funds to reconstruct 3 out of the 6 prisons in Adamawa State closed due to the insurgency and use these pilot reforms⁵ and advocate for support for the provision of barracks accommodation in the prison constructed by the Adamawa State government.
9. Technical support to the Adamawa State Ministry of Justice⁶ and the other justice sector agencies including advocacy for increased funding support on the sector.⁷

NOTE:

Agreement was reached at a subsequent meeting with the President of AUN that the university could partner with state government and the EU, to hold training for legislators and support staff on core legislative functions, para-legal/grassroots outreach, and public finance management (PFM) related issues. AUN would also send the EU Delegation a concept note on a CSO resource centre which had been concluded with USAID, but with dried out funding (to be explored for the 11th EDF CSO support programme). Focus should be given to building the capacity of the individual NGOs represented in the Adamawa Peace Network (APN) to enhance sustainability, local capacities and a greater sense of local ownership.

b. Lagos State:

Meetings were held with the Lagos State AG, Chief Judge, Chief Registrar, Police Commissioner, State Controller of Prisons, LACON Staff, and CSOs.

The following activities should be targeted:

³ There are two NBA branches in Adamawa State, namely NBA Mubi branch and NBA Yola branch. 170 NBA members

⁴ There are 17 prisons in Adamawa State with a total prison capacity of 2580. 6 of these prisons were closed because of the insurgency and only about 11 prisons are currently functional. As of 6 May 2016, the total lockup at Yola prison has 298 Awaiting Trial Persons and 395 convicted prisoners. Yola prison has a total prison capacity of 500 persons.

⁵ The Adamawa State government has reconstructed 3 out of the 6 prisons closed.

⁶ Adamawa Ministry of Justice has 72 lawyers as staff.

⁷ Adamawa State is not connected to the national electricity grid. Four judicial divisions which were closed due to the insurgency need to be opened.

1. Training Ministry of Justice staff in technical and soft skills including interviewing skills, effective time management skills, drafting, legislative review, effective and timely criminal prosecution, etc.
2. Revitalising and sustaining the Case Management and Tracking System, the Crime Data Register including the register of those convicted of sexual crimes and the need to link to all relevant justice sector institutions (Police, Ministry of Justice, judiciary and prisons).
3. Strengthening the Citizens Mediation Center which currently has 14 offices across the State to make it more accessible, including making it more accessible to the beneficiaries, for example through participation via video conferencing in some of the mediation sessions.
4. Establishing a comprehensive Youth/Juvenile Institution and Rehabilitation Facility to provide a much needed facility for processing and rehabilitation of young offenders as well as prevention of offending behaviour among youths.
5. Extensive support on SGBV, including working with CSOs and government and making these services more efficient, sustainable, coordinated and accessible at the grassroots including mapping of training/willing service providers and creating awareness of how to access these. These should include support to organisations providing medical/psychological treatment to victims (such as Mirabel Center) as well as those providing shelters and other support services for survivors of SGBV (such as Project Alert). This should include advocacy for establishment of a sustainable survivors' of domestic and sexual violence fund.
6. Training of criminal justice officers on the Lagos State ACJL, VAPP, CRA and other relevant laws aimed at enhancing criminal justice administration and access to justice; technical support to the justice sector institutions towards the effective implementation of these laws.
7. Support to the Judiciary towards the strengthening of the family courts/juvenile courts.
8. Support towards the implementation of non-custodial measures.
9. Support towards the implementation of the disability law of Lagos State and enhanced access to justice for persons with mental and physical disabilities.
10. Strengthen the coordination and partnership between the Office of the Public Defender (of the Lagos State Ministry of Justice), Legal Aid Council of Nigeria, and Non-State Actors providing pro bono legal aid services for indigent citizens including awaiting trial prisoners and detainees in police and other detention centres in the state; support services providing access to justice at the grassroots level including all the local government areas/development councils.
11. Training of Police, Prisons and Other Law Enforcement Officers on Human Rights, torture prevention and oversight/monitoring of compliance with human rights standards.

12. Awareness creation and sensitisation on ACJ, VAPP, CRA and other relevant federal and state laws, including production of awareness materials and handbooks with specific focus on each of the criminal justice agencies on this.

13. Support for advocacy to improve justice sector funding and assistance in areas such as vehicles for transportation and security back-up during transportation of ATPs⁸ to court, construction of holding cells in the courts (especially at the Igbosere, Ikeja and Victoria Island courts),

c. Anambra State:

1. Further review of the Anambra ACJL to ensure that this aligns with the ACJA.

2. Sensitisation of lawyers, magistrates, judges, police and prisons on the provision of the ACJL, Child Rights Law and the Anambra State Widows and Widowers Malpractices Prohibition Law, including the development of a guidance manual for the different operators on these; also support the already established Widows Forum.

3. Public awareness and training for journalists with the Ministry of Justice running a special radio and television programme to create awareness on key justice sector issues.

4. Capacity building for the staff of the Ministry of Justice's Citizens Rights, Office of Public Defender which currently has 12 lawyers and 6 other staff (not lawyers) serving as support staff as well as training for the 116 lawyers of the Anambra State Ministry of Justice.

5. Provision of witness support services at the court and the establishment of family courts.

6. Support the establishment of the case management system, transportation of ATPs to court as well as strengthen the jail delivery process to address the problem of high numbers of awaiting trial prisoners in the State⁹.

7. Support for advocacy for an increase in budgetary allocation to the justice sector

8. Support towards advocating for the passage of the VAPP Act into law in Anambra State and review the reasons why previous attempts to pass this bill were not successful.

9. Establishment of a shelter/rape crisis system as well as establishment of family courts

⁸ There are five prisons in Lagos State namely: Kirikiri Maximum Security Prison, Kirikiri Medium Security Prison, Female Prison Kirikiri, Badagry Prison and Ikoyi Prison.

⁹ There are four prisons in Anambra State, namely: Awka prison, Onitsha prison, Ekwulobia prison and Nnewi prison. As at 3rd May, 2016 Awka prison established in 1904 with a prison capacity of 238 had a total of 338 prisoners (295 Awaiting Trial Persons and 43 convicts). There were 2 buses for transporting ATPs from Awka prisons to court (18 seater and 14 seater) transporting inmates to 13 courts daily in 8 local government areas namely, Awka north, Awka south, Idemili south, Idemili north, Njikoka, Oyi and Dunekofia lga

10. Advocacy and support for the establishment of a Young Offenders facility in the State to provide a much needed facility for processing and rehabilitation of young offenders as well as prevention of offending behaviour among youths.

11. Strengthening of the transit centres (run by CSOs) in Onitsha and Awka in partnership with the Ministry of Women Affairs, engage the welfare department for women and children located in each of the 21 LGAs and work in partnership the Association of Town Union (Women Wing) – ASATU.

12. Work with CSOs to build their capacity to identify and track project indicators, etc.

13. Advocacy for provision of support towards the transportation of ATPs to courts.

14. Training of paralegals for LACON and establishment of law clinics in the 21 Local Government Areas in the State.

15. Support for the convening of the prosecution forum to enhance coordination between police and ministry of justice.

d. Kano State:

Activities to include:

1. Strengthening of the Justice Reform Team, including its Case Management System¹⁰ to become fully operational, capture cases at local government level and address the electricity problem through alternative generation.
2. Support to the sexual assault referral centre being piloted in the State.
3. Support advocacy towards the adoption of the ACJA, VAPP, CRA and other related laws.
4. Support the establishment of Law clinics in partnership with LACON and the Ministry of Justice, as well as the establishment of mediation centres in all the senatorial zones and presence of lawyers in all 8 court divisions already established and support advocacy for provision of accommodation and other support to the MOJ lawyers.
5. Human rights training for police, prisons and other law enforcement agencies
6. Support to the media and NGOs on increasing their role in supporting criminal reforms and anti-corruption.

¹⁰ At the moment the Kano State Justice Sector Reform Team Case Management System can produce data on the complaints that have gone to courts using the First Information Reports and number of inmates at the prisons. The installation of the computers at the police and prisons is still ongoing and they often have electricity blackouts affecting utilisation of the CMS.

7. Addressing Juvenile Justice Issues including drug problems among youths and the *Amajiri* problems
8. Training of lawyers on legal drafting, ACJA, prosecuting anti-corruption cases for Ministry of Justice, etc.
9. Training of the newly recruited lawyers to enable them to man all magistrate courts and take over prosecution from police.
10. Training the police on how to conduct investigations.
11. Provision of legal aid for ATPs¹¹ in prisons and strengthening of the jail delivery process; support activities to promote treatment and rehabilitation as well as reintegration back into the communities including for ATPs, women and children and young persons in conflict to the law.
12. Special support and training for the Kano State Judiciary, police and the Kano State Ministry of Justice and other relevant stakeholders to enhance prevention, apprehension, investigation, prosecution of cases involving SGBV as well as children, and treatment and rehabilitation of the victims/survivors.
13. Special training and other support to sharia courts to ensure compliance to rule of law principles.

¹¹There are 10 prisons in Kano State, namely: Kano Central prison, Godon Dutse prison, Wudil Prison, Sumaila Satellite, Tudun Wada Satellite prison, Kiru Satellite prison, Gwarzo Satellite prison, Bichi Satellite prison, D/Tofa Satellite Prison and Satellite Prison. As of 11 May, 2016 the population of Kano Central Prison is as follows: Total Open Out: 1733 of which ATPs are 1030 (1017 Awaiting Trial Males and 13 Awaiting Trial Females), 242 long term convicts (239 Long Term Convict Males and 3 Long Term Convict females), 356 Short Term convicts (352 Short Term Convict Males and 4 Short Term Convict Females), 1 lunatic (Male), 99 Condemned Convicts (i.e . those on death row) 97 Condemned Convict Males and 2 Condemned Convict Females, 5 Lifers (all Males).



EN

This action is funded by the European Union

ANNEX 3

of the Commission Decision on the Annual Action Programme 2016 in favour of the Federal Republic of Nigeria to be financed from the European Development Fund

Action Document for "EU Support to Energy Sector in Nigeria- Phase 1"

1. Title/basic act/ CRIS number	EU Support to Energy Sector in Nigeria – Phase 1 CRIS number: NG/FED/038-527 financed under the 11 th European Development Fund			
2. Zone benefiting from the action/location	Nigeria The action shall be carried out at the following location: Federal and State levels in the Federal Republic of Nigeria			
3. Programming document	National Indicative Programme between the European Union and Nigeria for the period 2014-2020			
4. Sector of concentration/ thematic area	Sustainable energy and access to electricity			
5. Amounts concerned	Total estimated cost: EUR 64 500 000 Total amount of EDF contribution EUR 52 000 000 This action is co-financed in joint co-financing by: - GIZ for an estimated amount of EUR 8 000 000 - potential beneficiary authorities at state level for an estimated amount of EUR 4 500 000.			
6. Aid modality and implementa- tion modality	Project Modality Indirect management with DFID and GIZ			
7. a) DAC code(s)	2310 – energy policy and administrative management; 23183 - Energy conservation and demand-side efficiency; 23030 – Solar energy			
b) Main Delivery Channel	Donor Government - 11000			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance		x	<input type="checkbox"/>
	Aid to environment		x	<input type="checkbox"/>
	Gender equality (including Women In Development)	x		<input type="checkbox"/>
	Trade Development		x	<input type="checkbox"/>
	Reproductive, Maternal, New born and Child Health		x	<input type="checkbox"/>

	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation		x	<input type="checkbox"/>
	Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			
10. Sustainable Development Goals (SDGs)	SDG 7: Affordable and Clean Energy - Ensure access to affordable, reliable, sustainable and clean energy for all SDG 8: Decent Work and Economic Growth - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. SDG 3: Good Health and Well Being - Ensure healthy lives and promote well-being for all ages SDG 4: Quality Education - Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all			

SUMMARY:

Electricity supply in Nigeria, the largest country in Sub-Saharan Africa with a population of 180 million, is significantly impaired by critical and frequent outages and power unavailability for almost half of the population.

Within the framework of the 11th EDF National Indicative Programme 2014-2020 (NIP), the EU has allocated EUR 150 million to contribute to improving access to the sustainable supply of electricity, particularly for the poorest and in the least developed states, especially in northern Nigeria. In line with the specific objectives identified under this sector of the NIP, this action proposes to improve the regulatory and business environment for increased private sector involvement, especially in renewable and energy efficiency projects, as well as to support the supply of renewable energy for the provision of health and education services in the north.

The action is complementary to other EU interventions in the sector, particularly to blending operations, including on vocational training and a credit facility for renewable energy (RE) and energy efficiency (EE). Synergies exist with the EU Support to the Health Sector in Nigeria Phase I and also with future interventions in the field of vocational training under the EU Emergency Trust Fund for Africa. Through its impact on the reactivation of economic activity in disadvantaged regions, the project will contribute to mitigating the risks of irregular migration. The action will also contribute to the implementation of the Economic Partnership Agreement (EPA) and is part of the EU's support to the EPA Programme for Development in West Africa. Finally, implementation is entrusted to specialised EU Member States' agencies with demonstrated presence and expertise in the country and sector.

1 CONTEXT

Despite its rich gas and oil reserves and the corresponding export earnings, Nigeria continues to suffer from a chronic shortage of electricity. Nigeria has available capacity of only 3,500 MW to meet the needs of a population of almost 180 million. The estimated demand for electricity in Nigeria, as of January 2016, is 12,800 MW. Nigeria lags far behind other developing nations in terms of grid-based electricity consumption, with about 126kWh per capita while countries like Ghana and South Africa have an average consumption, respectively, of 361kWh and 3,926kWh. The energy mix is heavily reliant on fossil fuels.

Approximately 45% of Nigerians lack access to electricity and those with access face frequent power outages. Nigerians get a significant portion of their electricity from private, mainly diesel, generators at a higher cost (Nigerian Naira, NGN 62 to 94/kWh) than grid-based (NGN 26 to 48/kWh) power. Self-generation accounts for a significant portion of most businesses' recurrent expenditure and has resulted in environmental degradation and contributed to the increased price of goods and services.

The Nigerian power sector was unbundled and privatised in 2013, leaving only the transmission network in federal government's hands. A transitional electricity market is in force but, for most of 2016, a number of key agencies, principal officers and boards are to be appointed. Further, vandalism and unprecedented large-scale and well-orchestrated sabotage has crippled gas supply, creating chronic gas shortages at power plants. Underinvestment in maintenance and infrastructure has constrained the transmission grid. Finally, high collection and commercial losses impact the financial viability of the privatised distribution companies, as well as a tariff modelled for larger volumes of electricity. Liquidity is still a major issue, given the low generation available.

There are a number of constraints to the business climate, including difficulties to access finance, lack of standards, absence of human resources development plans, management and technical inefficiencies and inadequate pricing mechanisms. This inefficient energy sector is a constraint for the development of the country.

1.1.1 Public Policy Assessment and EU Policy Framework

The present administration has made the implementation of the sector development agenda, detailed in the 2005 Electricity and Power Sector Reform Act and its alignment across the industry a top priority in order to meet and deliver on its goals, following a bold privatisation of the sector. There is an over-ambitious power generation target of 40,000 MW by 2020, given the number of large scale projects being launched while the intended Nationally Determined Contribution (INDC) for off grid renewable energy (RE) is 13,000MW by 2030. Achieving these targets will depend heavily on political will, adequate funding and the further implementation of the Roadmap for the Power Sector Reform. Streamlining relevant institutions, their goals and targets, and ensuring better coordination, are critical in order to achieve these ambitious targets.¹

A "National Renewable Energy and Energy Efficiency policy" (NREEEP) was adopted in May 2015 to create an enabling environment for investments in the sector. However, the action plan's precise timelines and targets have still not been agreed upon and the market system currently takes insufficient account of the specific requirements for renewable energy and energy efficiency. A Rural Electrification Fund has been set up to promote, support and provide rural electrification programmes through public and private sector participation, to expand the grid and

¹ Renewable energy is understood as a flow energy, produced from non-finite sources, including wind, solar, hydro and biomass. Energy efficiency is reducing the amount of energy needed for a product or service.

develop off-grid electrification. However, the fund is not yet operational, mostly due to the low priority given to it by the government.

Access to secure, affordable, clean and sustainable energy services has been identified by the *European Union's Agenda for Change* as one of EU's priorities and a key driver for inclusive growth. The EU strongly supports the United Nations' (UN) Sustainable Development Goal 7 (SDG) on affordable, reliable and clean energy and has been one of the leaders in the UN initiative on Sustainable Energy for All (SE4ALL), aiming at ensuring universal access to modern energy services, doubling the share of renewable energy in the global energy mix and doubling the global rate of improvement in energy efficiency. The EU's target is to help developing countries to provide access to sustainable energy services to 500 million people by 2030. These are in line with targets established within the *Africa-EU Energy Partnership*. Within Europe, the EU aims at 20% final energy consumption from renewable sources by 2020 and, in 2014, its share was 15.3%. Its energy efficiency target is of 27% by 2030; primary and final energy consumption decreased by 8 and 7 % between 2005 and 2013.

1.1.2 Stakeholder analysis

The potential of renewable energy sources for ensuring a reliable electricity supply and improving energy access is getting increasing attention from leading sector institutions. The Federal Ministry of Power Works and Housing (FMPWH) is central to power development in Nigeria, even in the framework of a privatised market. Since 2015, the Ministry has undergone some reform and has a standalone department of Renewables and Energy Efficiency, which makes proposals and coordinates government actions in this field. The Ministry has experienced challenges adapting to its new role post-privatisation and has stepped in into the responsibilities of some of the mandated institutions.

The Nigerian Electricity Regulatory Commission (NERC) is the main sector regulator, responsible for setting tariffs, which are not yet fully cost-reflective, and licensing. It coordinates well with other power sector institutions and should be independent. Nonetheless, NERC has not had a functioning Board since December 2015 and lacks certain specialised skills, which does not always allow it to fully fulfil its mandate.

The Nigerian Bulk Electricity Trading Plc (NBET) purchases bulk electric power and related services from Independent Power Producers (IPPs), such as the generation companies privatised in 2013 (GENCOs). Management positions have been vacant since spring 2016, a significant weakness at a critical time, given its role in integrating large scale solar to the grid.

The Standards Organisation of Nigeria (SON) is responsible for the adoption of standards and for ensuring the compliance of all electrical appliances, while the Nigerian Electricity Management Services Agency (NEMSA) enforces technical standards and regulations, technical inspection, testing and certification of electrical installations. The Rural Electrification Agency (REA) is meant to plan electrification of rural communities in Nigeria and manage the Rural Electrification Fund, blending private and public capital to improve access for the poorest but has not fulfilled its role due to an insufficient management capacity.

Electricity is a shared responsibility between federal and state governments. The primary role of states is to create an enabling environment for better electricity supply in their distribution zones. They are further responsible for generation, transmission and distribution of electricity to rural off-grid communities and have the authority to allocate land and right of way. Some states are taking a keen interest in improving access and have benefited from capacity building regarding electrification planning but capacities are still low.

Other players are, on the one hand, the government owned and privately managed Transmission Company of Nigeria (TCN), which houses the System and Market Operator and is one of the weakest links in the overall grid system due to project management and investment capacity constraints and, on the other hand, the distribution companies, most of which having states as minority investors with a stake of less than 10%, face significant liquidity challenges and several face too many commercial and operational losses to be financially viable.

Federal, state and local authorities, as well as private businesses and households, will be beneficiaries of the programme.

1.1.3 Priority areas for support/problem analysis

The key problem areas the action seeks to address are lack of access to electricity in disadvantaged areas, poor coordination and insufficient capacity of key agencies to design and implement effective policies, a privatisation process which still has not rendered the desired benefits and a civil society insufficiently mobilised and capable to advocate for the improvement of the sector and the interests of its stakeholders.

The bulk electricity system has been affected by insufficient and inadequate capacity in generation, transmission and distribution and is marred by high levels of system failures and electricity losses. Particularly affected by this access problem is northern Nigeria, which has the least developed transmission and distribution networks and a more sparsely distributed population. Privatisation has been implemented, with the transition of the energy generation and distribution segments to private management but is affected by investment constraints in energy generation and liquidity issues at the distribution end. This means that the grid system will not be extended to reach the isolated areas in the north in the near future. Off grid renewable energy solutions are regarded as potential alternatives to fill in this gap and a study has been undertaken by the Nigeria Energy Support Programme, highlighting where decentralised systems would be most-cost effective. Badly designed and poorly implemented solar projects created negative public opinion about the benefits of solar energy in the country, so it is essential to demonstrate the viability of photovoltaic installations. The northern states receive more solar irradiance than southern ones, as well as having worse health and education indicators, and therefore represent a real opportunity for solar photovoltaic (PV) installations to clinics and schools. Education and health infrastructure has been damaged in the Northeast.

Apart from being one of the most important barriers affecting businesses and the investment climate, lack of reliable access to electricity is also an obstacle to the provision of basic services to the population, for example primary health and education, particularly in isolated areas.

The ongoing reform provides a basis for a sustainable transformation of the electricity sector but there is a general lack of capacity/expertise across agencies involved in the sector. That applies to regulators (NERC), the need for better implementation of standards (SON) as well as their enforcement (NEMSA), and the need for grid integration and management as well as grid code for RE (TCN and NERC). Further, distribution companies (DISCOs) lack business and organisational skills, while ministries/agencies (FMP, REA) need to clarify their mandates as well as improve sector coordination. The lack of administrative capacities for planning and implementing measures at central and state level, incoherent decision-making procedures, insufficient frameworks and regulations and lack of administrative and technical know-how in the entire power sector are a great burden on further development of the power sector value chain as a whole.

Regarding the business environment, fiscal incentives for RE for investors have been introduced but need to be streamlined and clarified across the sector and aligned with ECOWAS Common

External Tariff (CET) provisions, as well as more clearly defined amongst public institutions at federal and state levels. Meanwhile, market-oriented policies are being implemented with an Investment Prospectus launched by the FMPWH to benefit from the efficiencies of the private sector in service delivery and to attract domestic and foreign direct investment. The expected increasing demand for renewable energy and related products and services should provide opportunities for the development of a supply chain of local Small and Medium Enterprises (SMEs). Nonetheless, serious constraints exist for businesses in the electricity sector, such as lack of finance and technical skills.

Civil society could play a positive role in promoting the good functioning of the recently privatised sector while advocating sound policies and the interests of consumers. However, relevant civil society organisations are either not established or have very weak organisational capacity and resources to play that supporting role.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Federal and state institutions (e.g. FMP, NERC, etc) lack commitment to the development of RE and EE.	M	Intensified policy dialogue.
Volatility of the security situation leading to reduced effectiveness and delays in the implementation of activities.	M	Careful selection of partner states, effective communication with implementing partners, communities and security agencies.
Lack of demand for RE technologies.	M	Demonstration projects bring public awareness of the benefits of RE.
Low quality pipeline of project proposals and also of renewable energy (RE), energy efficiency (EE) and rural electrification (RrE) projects.	M	Pre-feasibility studies and building on the project pipeline and lessons learnt from first phases of NESP and Solar Nigeria. Technical assessments on potential projects will be conducted through the pre-feasibility facility.
The operationalisation of the Rural Electrification Fund is delayed.	H	Alternative financing mechanisms will be sought as part of the development of mini-grid business models.
Procurement and import challenges hinder project implementation.	L	Close collaboration with customs and the Ministry of Finance.
Insufficient funding, planning and maintenance capacity in beneficiary states.	H	Project implementers will ensure through TA full ownership from the recipient MDA at State level, so that maintenance is provisioned for from inception.
Assumptions		
<ul style="list-style-type: none"> • The government remains committed to making RE an integral part of the energy mix • The security situation allows for the implementation of activities in the selected states • Private and public sector funds are available to finance large scale RE projects. • Effective governance and programme monitoring exist 		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

The 10th European Development Fund financed the *Nigeria Energy Support Programme* (NESP), implemented by GIZ, to support improved access to energy through renewable energy and energy efficiency measures. A policy for RE and EE was adopted, feed-in-tariffs and grid codes revised, a Building Energy Efficiency Guideline drafted, organisational assessment and development conducted at National Power Training Institute of Nigeria (NAPTIN) and a clean energy training partnership network created. Pilots have been launched on Energy Management Systems, solar water heating and rural electrification, through mini-grids.

One implementation challenge has been the engagement with the Rural Electrification Agency (REA) including the operationalisation of the Rural Electrification Fund, which is administered by REA. Another relates to the budgetary constraints of federal and state governments, which means that partner contribution could not always be enforced within our projects. There is a need to strike a balance between local ownership and programme progress, which can be done by engaging beneficiaries early in programme development. Ownership has an important role to play in maintenance and adequate technical assistance needs to be provided to ensure ownership. Lack of effective operations and maintenance is the biggest reason for social solar project failure across the world and this verifies in Nigeria, with the aggravation that projects have also often not been well designed.

The first phases of Solar Nigeria, implemented in Lagos and Kaduna since 2014, showed that, regardless of counterpart funding commitment, technical assistance on operations and maintenance is needed up to one year post commissioning. Another lesson is that political cycles must be factored into project planning and that beneficiaries should be educated where possible with respect to the renewable energy technology being used. Further, site selection is a sensitive issue, as multiple plans may exist for potential sites and priorities of government may change after an approved list has been agreed. State government is often concerned with numbers of facilities receiving support, rather than total coverage for individual sites. However, there are different governance and funding challenges that need addressing in northern states than in Lagos, where the first phase of Solar Nigeria has been implemented.

Finally, procurement and import of goods to Nigeria has shown to be a potential delaying factor and has to be planned for carefully. Some remedies are further operationalising the institutions involved and careful attention to the implementation of duty waivers.

3.2 Complementarity, synergy and donor coordination

The action complements EU cooperation initiatives in Nigeria. First, the activities in support of the improvement of quality aspects, streamlining of the investment climate and the development of local supply chains are in line and will provide continuity to the Nigeria Competitiveness Support Programme, as well as blending operations such as the credit facility for DISCOs' investment, the credit line for RE/EE small projects (SUNREF) and support to NAPTIN. A division of roles has been established by which AFD will concentrate on the strengthening of the vocational training institute for the energy sector NAPTIN through a blending operation financed by the EU, while GIZ will focus through this action on other key aspects affecting the business environment of the energy sector. In addition, the EU is working with GIZ on the preparation of a project for possible support under the EU Emergency Trust Fund for Africa which will cover vocational training for other key sectors of the Nigerian economy (agricultural processing, construction). Finally, complementarity will be ensured with EU interventions at the regional level in energy and other related sectors.

Second, the action will complement the EU Support to the Health Sector in Nigeria by and ECHO activities focusing on northern states and integrating efforts in the electrification of public health facilities. ECHO is focused on the response to the humanitarian crisis in the three North Eastern states of the country, including Adamawa, and namely engaged in the provision of nutrition and health services for children under 5 and pregnant and lactating women. One of the northern states where the action will operate will also be in line with the reconstruction and peace building effort in the north east, an initiative where the EU is playing a key role.

Several development partners are already active, or planning to get involved, in supporting the energy sector in Nigeria. Indeed, EU, GIZ, AFD, AfDB, JICA, DFID, USAID and the World Bank finance and implement various types of institutional support measures, actions, studies and capacity building programmes. A donor coordination group is in place to exchange information, conduct policy dialogue with government and coordinate donor activities.

DFID funds the Nigeria Infrastructure Advisory Facility (NIAF) which supports institutions in the energy sector, mainly to implement the initiated reform measures and do strategic planning. Solar Nigeria has provided electricity to schools and clinics, mostly in rural Lagos, and is scaling up activities to other states, while bringing down barriers to entry for solar to private consumers and SMEs and, finally, encouraging on-grid solar. DFID is considering additional funding for the north east which would be delivered via the Solar Nigeria Social component. DFID has to date funded GBP 53.8 million (the programme was recently extended from its original GBP 37.1 million by GBP 16.7 million in April 2016). This funding has supported the Social Phases 1 and 2 and continues to support the Commercial and Consumer components, planning and extension activities in the north, all of which underpins the proposed Social Phase 3 element for EU funding. USAID and DFID are currently agreeing on partnership options to support Solar Nigeria's Commercial component TA, which would again support Social Phase 3 sustainability.

GIZ has implemented the EUR 24 500 000 Nigerian Energy Support Programme (NESP) for the EU and the German Government, including components on RE, EE, rural electrification and vocational training.

AFD is contributing to transmission system upgrade and extension, supporting distribution companies (DISCOs) and vocational training (NAPTIN), including with EU grants. It will be looking into energy efficiency gains and renewable energy through a credit line, SUNREF, in 2017.

The World Bank has focused on improving gas supplies to thermal power stations and the transmission and distribution infrastructure. Other programmes aim to rehabilitate hydro power plants and to improve access, namely by mapping least-cost expansion of the grid. Similarly, the African Development Bank provides direct financing to FMPWH and partial risk guarantees have been made available in support of the privatisation.

JICA provides technical advisory services in the fields of energy planning and hydro power development. USAID provides general energy policy consultancy, has set up a financing facility for renewable energy and is scaling up its support through the Power Africa initiative.

3.3 Cross-cutting issues

Environmental issues will be tackled by the project. Indeed, the increased on-grid electricity supply, use of RE and improved EE will reduce the need for the combustion of fossil fuels (diesel and petrol generators), charcoal and firewood, as well as ensure sustainable global benefits in slowing the growth rate of greenhouse gas emissions.

The programme takes into account the necessity of gender mainstreaming, namely the electrification component, which will have a focus on girls schools and facilities providing maternal health care, as well as marginal groups participation. Attendance/user data will be

disaggregated by gender in its monitoring systems and project planning. In this way, implementation will lead to improved health and education outcomes for users, especially women and girls.

Economic activity will be activated in disadvantaged regions by addressing constraints affecting the business climate in the sector, supporting the kick-starting of private investment and improving reliability of energy supply, which could mitigate the risks of irregular migration.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

This programme is relevant for the United Nations 2030 Agenda on Sustainable Development. It contributes primarily to the progressive achievement of SDG Goal 7, to ensure access to affordable, reliable, sustainable and clean energy for all, but also promotes progress towards Goals 8 - Decent Work and Economic Growth, 3 - Good Health and Well Being, 4 - Quality Education. This does not imply a commitment by the country benefiting from this programme.

The **Overall Objective/Impact** of the action is to contribute to Nigeria's economic and social development through better access to reliable and sustainable energy.

The **Specific Objectives/Outcomes** are:

- To enable and foster investments in a domestic market for Renewable Energy and Energy Efficiency;
- To improve access to electricity for disadvantaged, mostly rural, communities, also in conflict affected areas.

Expected **Outputs/Results** are:

- A strengthened policy and regulatory framework which is conducive to the provision of reliable and sustainable energy;
- Implementation mechanisms for RE and EE provide access, CO2 emissions reductions and scaling up sustainable business models in the sector;
- Reduction of barriers for market and business development in the sector by strengthening technical market capacities and conducive frameworks;
- Improved reliability of health and education services in three northern states through providing off-grid access to renewable energy to clinics and schools.

4.2 Main activities

Component 1: Building framework and pre-conditions in the RE/EE sector, to enable policy decisions, coherent electrification planning and to foster investment

- Provide capacity building and specialised embedded technical expertise to key public policy, regulatory and implementation agencies, facilitate their coordination and the updating of key policy documents
- Improve system and market operator capacity for grid management and grid expansion planning

- Conduct an investment grade energy resource mapping exercise, carry out electrification surveys and establish rural electrification plans in selected states

Component 2: Improving access to electricity through RE and EE, scaling up sustainable business models

- Procure up to 2000 MW on-grid solar PV capacity in a structured bidding approach
- Give access to power through sustainable and scalable solutions to 100.000 previously un-electrified rural people
- Deploy sustainable energy solutions in the agro-processing sector allowing for 10.000t CO2 saved per annum.
- Put in place energy efficiency measures in buildings and industry leading to at least 15% energy savings and a reduction of CO2 emissions

Component 3: Strengthening technical market capacities and conducive frameworks

- Strengthen capacities of quality infrastructure institutions to enforce quality standards in the Nigerian RE/EE market (standardisation, accreditation and conformity assessment bodies) and ensure harmonisation with regional and global standards
- Foster local market development through the professionalisation of organised representation in the sector, including civil society organisations, strengthening local technical capacities and supply chains
- Support streamlining investment entry procedures into the energy sector and importing clean energy products
- Support training institutions, particularly on clean energy and the development of a nation-wide certification process

Component 4: Improving reliability of health and education services in three northern states through renewable energy solutions

- Provide sustainable solar and hybrid off-grid systems for education and health facilities, including schools, boarding schools, clinics and health centres, in 3 northern states (Kaduna, Kano and Adamawa), for 650.000 beneficiaries and emissions reductions of 15000 tCO2 per annum.
- Promote equal gender opportunities by prioritising all girls' schools, female teacher training and maternal health facilities.

4.3 Intervention logic

The proposed intervention follows the strategy defined in the NIP and during the identification phase, which is based on the combination of "soft" (technical assistance, specialised advice) and "hard" (actual investment in energy infrastructure) actions, and prioritising filling a gap in access to electricity in the north. This first phase of EU Support to the Energy Sector in Nigeria aims at putting in place all the "soft" elements required for the whole NIP intervention while kick-starting the investment in energy infrastructure. Subsequent phases will focus on the identification of blending operations and the further expansion of EU investment in energy infrastructure.

The action addresses the main issues identified affecting the overall sector, as described in Section 1.1.3. It does so by providing specialised technical assistance and embedded advisory services to key agencies and stakeholders through an integrated project managed by a well-qualified EU Member State agency, namely GIZ. This approach offers the possibility of targeting

support for development and implementation of key regulatory and policy decisions in a flexible way. In doing so, this component also helps the EU position itself as a leading dialogue partner with critical government agencies and civil society stakeholders.

The action combines this policy and regulatory aspect with specific activities aiming at "kick-starting" private sector investment in the sector and which should demonstrate the feasibility of certain business models for broader scalability. In this way, the action not only addresses the need to activate a recently privatised sector but will also deliver small-scale energy generation infrastructure.

EU investment in energy infrastructure in Nigeria starts through this action with a component to provide reliable renewable energy supply to health and education centers in the north of the country, in line with the NIP strategy. The budget for this component will be channeled to the supply of equipment and works, combined with technical assistance to ensure correct operational maintenance during and after the life of the project. State selection is in line with the priorities defined by the EU for cooperation under the 11th EDF. In addition, through the selection of the north eastern state of Adamawa, this component will complement EU Support to the Nigeria Health Sector, in the electrification of health facilities and also the efforts already initiated to support the reconstruction of the north east. The programme will focus on building solid long-lasting relationships with state actors to ensure Operations and Maintenance (O&M) budget materialises and is implemented even after TA has ended. Detailed preparatory work with government counterparts on procurement and implementation modalities and longer term institutional arrangements is proving effective in Lagos and in the inception work for the Northern Clinics pilot in Kaduna.

Finally, through specific activities, such as launching mini-grid pilots or even through the policy dialogue, the action could act as a platform to feed in proposals for potential blending operations, therefore contributing further to the investment in infrastructure sought for the overall EU intervention in the sector.

Through its impact on the reactivation of economic activity in disadvantaged regions, the project will contribute to mitigating the risks of irregular migration. The action will also contribute to the implementation of the Economic Partnership Agreement (EPA) and is part of the EU's support to the EPA Programme for Development in West Africa.

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is foreseen to conclude a financing agreement with the partner country, referred to in Article 17 of Annex IV to the ACP-EU Partnership Agreement.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute non-substantial amendment in the sense of Article 9(4) of Regulation (EU) 2015/322.

5.3 Implementation of the budget support component

N/A

5.4 Implementation modalities

5.4.1 Indirect management with Member State agencies

(A) Deutsche Gesellschaft für Internationale Zusammenarbeit - GIZ

A part of this action, related to components 1 to 3, may be implemented in indirect management with GIZ, in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012, applicable in accordance with Article 17 of Regulation (EU) 2015/323. This implementation entails hiring teams of experts to steer the programmes, in collaboration with relevant Nigerian institutions. The technical team will design and implement the activities either directly or indirectly by contracting service providers. It will write the terms of reference of the tasks, invite tenderers, report on the implementation progress and ensure the quality of the results. It will provide technical expertise to key agencies and associations, including at state level, on grid and off-grid expansion planning, clean energy products and services, as well as establish roll-out support mechanisms for RE/EE projects.

A specific team will be responsible for communication and visibility activities. This implementation is justified because of the experience and good track record of the entity in the sector in Nigeria, namely through the implementation of NESP I, and the alignment of the project proposed with the needs of the country and NIP objectives.

The entrusted entity would carry out the following budget-implementation tasks: launching calls for tenders and for proposals where appropriate; definition of eligibility, selection and award criteria; evaluation of tenders and proposals if appropriate; award of grants and contracts; concluding and managing contracts, carrying out payments, recovering money due, among others.

(B) Department for International Development/UKAID – DFID

A part of this action, related to component 4, may be implemented in indirect management with DFID, in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012, applicable in accordance with Article 17 of Regulation (EU) 2015/323. This implementation entails hiring teams of experts to steer the programmes, in collaboration with relevant Nigerian institutions. The technical team will design and implement the activities either directly or indirectly by contracting service providers. It will write the terms of reference of the tasks, invite tenderers, report on the implementation progress and ensure the quality of the results. A specific team will be responsible for communication and visibility activities. This implementation is justified because of the alignment of the project proposed with the needs of the country and NIP objectives, as well as the experience and good track record of the entity in the sector in Nigeria, through the implementation of the Nigeria Infrastructure Advisory Facility - NIAF, and its spin-off, Solar Nigeria.

The entrusted entity would carry out the following budget-implementation tasks: launching calls for tenders and for proposals where appropriate; definition of eligibility, selection and award criteria; evaluation of tenders and proposals if appropriate; award of grants and contracts; concluding and managing contracts, carrying out payments, recovering money due, among others. Capital Expenditure will cover equipment, procurement costs, installation, logistics, testing of the solar equipment. The entity will also be responsible for Technical Support (energy audits, systems design/review, engineering oversight/sign-off, in-state stakeholder management and training, post commissioning O&M planning and state agency support, etc), as well as Monitoring and Evaluation and Programme Management (Team leadership and oversight, financial management, donor coordination, communication).

5.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 22(1)(b) of Annex IV to the ACP-EU Partnership Agreement on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.6 Indicative budget

	EU contribution (in EUR)	Indicative third party contribution (in EUR)
5.4.1(A) Indirect management with GIZ (Components 1, 2, 3) - indicative amounts	20 000 000	8 000 000
<i>Programme Management/ Administration</i>	<i>2 500 000</i>	<i>1 000 000</i>
<i>Component 1: Frameworks, conditions and planning</i>	<i>4 600 000</i>	<i>1 800 000</i>
<i>Component 2 RE access and EE</i>	<i>9 200 000</i>	<i>3 700 000</i>
<i>Component 3 Market and business development</i>	<i>3 700 000</i>	<i>1 500 000</i>
5.4.1(B) Indirect management with DFID - (Component 4) - indicative amounts	30 000 000	4 500 000
<i>Independent solar power systems for schools and clinics (capital expenditure)</i>	<i>27 000 000</i>	<i>4 500 000</i>
<i>Technical assistance and programme management</i>	<i>3 000 000</i>	<i>0</i>
5.9 Evaluation and 5.10 Audit	500 000	N/A
5.11 Communication and visibility	300 000	N/A
Contingencies	1 200 000	N/A
Total	52 000 000	12 500 000

5.7 Organisational set-up and responsibilities

Components 1-3 will be implemented through an integrated project by GIZ, component 4 similarly by DFID. A governance structure will be put in place for all interventions of the programme. This will rely on the establishment of project Steering Committees which will include representatives from the beneficiary institutions, the EU Delegation to Nigeria, implementing partners and other stakeholders relevant to the objectives and activities of the specific action. Steering Committees will review and approve work plans and reports, review implementation and define actions to address any issues identified. The programme will also set up mechanisms to strengthen high level dialogue between key government agencies, development partners and other stakeholders active in the sector.

State partners are expected to commit regular O&M funds and locate projects within ministries/agencies, with assigned staff to manage. They will be actively engaged throughout the design, inception and installation phases, with regular high-level and joint planning meetings. The programme will negotiate counterpart funding agreements – financial contributions for

ongoing O&M and in kind, through staff time – during the inception period in each state. DFID will lead on capacity building with Ministries, Departments and Agencies (MDAs) in the run up to site handover and then shift to a supporting role, with partner state agencies and facility managers in the lead.

5.8 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.9 Evaluation

Having regard to the importance and nature of the action, mid-term and final evaluations will be carried out for this action or its components via independent consultants contracted by the Commission.

A mid-term evaluation will be carried out for progress review, problem solving, and learning purposes.

A final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision).

The Commission shall inform the implementing partner at least one month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Indicatively, two contracts for evaluation services shall be concluded under a framework contract half way into the implementation period and at the end of the programme.

5.10 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

Indicatively, one contract for audit services shall be concluded under a framework contract at the end of the implementation period of the programme.

5.11 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.6 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

Communication and visibility actions will be procured through a framework contract which will be concluded in the first year of implementation of the programme.

APPENDIX - LOGFRAME MATRIX (FOR PROJECT MODALITY) ²

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Results chain	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective: Impact	Contribute to Nigeria's economic and social development through a better access to reliable and sustainable energy.	<ul style="list-style-type: none"> To enable and foster investments in a domestic market for Renewable Energy and Energy Efficiency; Improved access to electricity for disadvantaged, mostly rural, communities, also in conflict affected areas 	2016: 45% of Nigerians lack access to electricity and those who do face frequent outages.	Contribute to the government's ambition to diversify the energy mix by 2020.	Project Reports; Government reports; Sector reports; Donor/Partners reports' strategy	
Specific objective(s): Outcome(s)	<p>SO1: Building framework and pre-conditions in the RE/EE sector, to enable policy decisions, coherent electrification planning and to foster investment</p> <p>SO2: Improving access to electricity through RE and EE, scaling up sustainable business models</p> <p>SO3: Strengthening technical market capacities and conducive frameworks</p> <p>SO4: Improving reliability of health and education services in three Northern states through renewable energy solutions</p>	<ul style="list-style-type: none"> A strengthened policy and regulatory framework in place which is conducive to the provision of reliable and sustainable energy Favourable conditions in place for promoting private business and investment activities in the Nigerian energy sector, particularly in the RE/EE areas Implementation of successful RE/EE projects to demonstrate the sustainability of approaches beyond the pilot stage Improved capacity of civil 	Economic activities are almost on a standstill due to critical lack of energy to businesses, with frequent cut-offs due to diminished capacity which has created a culture of highly polluting individual generators.	Give energy access to 100.000 people, provide access to clean cooking stoves to 12.000 people and support sustainable generation of renewable energy with on-grid, mini-grids and off grid solutions for education and health facilities in rural communities.	Project Reports; Government reports; Sector reports; Donor/Partners reports' strategy.	<p>Political stability in Nigeria is maintained.</p> <p>The Federal Government of Nigeria remains committed to the promotion of RE/EE and rural electrification; and sets-up relevant promotion strategies / instruments as well as providing funds for these.</p>

² Indicators aligned with the relevant programming document are marked with '*' and indicators aligned to the EU Results Framework with '**'.

		<p>society organisations involved in the energy sector</p> <ul style="list-style-type: none"> Improve reliability of health and education services in three Northern states by providing off-grid access to renewable energy to clinics and schools. 		Promote Energy Efficiency and contribute to mitigation of the negative impact on the environment by reducing 25,000 Tonnes of CO2 at 2019.		
Outputs	<p>SO1:</p> <ol style="list-style-type: none"> Provide capacity building and specialised embedded technical expertise to key public policy, regulatory and implementation agencies, facilitate their coordination and the updating of key policy documents 	<p>1.1 Policy documents for the application of RE/RrE/EE are updated, endorsed and implemented as basis for the electrification of Nigeria in a coherent energy mix.</p> <p>1.2 Key stakeholders on federal and state level in the sector are able to collect and assess data and thus monitor the implementation of policies</p>	<p>1.1 Status: National Renewable Energy and Energy Efficiency Policy has been approved May 2015 with support of NESP I</p> <p>National Renewable Energy Action Plan and National Energy Efficiency Action Plan have been approved July 2016 as part of the Sustainable Energy 4 All Action Agenda, alignment of all policies within the sector and with climate targets needs to be evaluated, alignment of stakeholders for implementation unclear</p> <p>Draft Rural Electrification Plan and Strategy has been developed 2014/15, but not approved, update and alignment with National Renewable Energy Action Plan needed.</p> <p>1.2 A central data management system is currently being installed at the Federal Ministry of Power, Works and Housing as part of NESP</p>		<p>1.1 Official Gazette/ reports of endorsement</p> <p>Official implementation procedures</p> <p>Roadmap for implementation</p> <p>Report on trainings</p> <p>1.2 Monitoring framework</p>	<p>Efficient inter-departmental coordination between FMP, FME, ECN, NERC</p> <p>Consistency in political leadership</p> <p>Availability of resources (for funding of staff and support mechanisms)</p>

	<p>2. Improve System and Market Operator capacity for grid management and grid</p>	<p>1.3 The capacities of the Nigerian Electricity Regulatory Authority (NERC) to implement its core mandate are strengthened</p> <p>1.4 The capacities of the Rural Electrification Agency (REA) to implement its core mandate are strengthened</p> <p>2.1 Transmission Company of Nigeria (TCN)</p>	<p>II support. No coherent data collection, assessment and monitoring process is established between key stakeholders on federal and state level</p> <p>1.3 Sector coordination is challenged by lacking technical capacities of NERC to oversee core mandate functions such as orders towards other sector agencies with regards to power procurement, tariff setting and projection in different energy mix scenarios, implementation of stakeholder and approval processes for new regulations</p> <p>1.4 The capacities of REA to plan for rural electrification are weak due to lacking technical capacities and missing framework documents such as the Rural Electrification Strategy and Plan. REA's mandate includes overseeing the Rural Electrification Fund, capacities to oversee disbursement of this fund are also weak. (Endorsement of strategy and plan is a pre-condition for operationalization of the fund)</p> <p>2.1.1 TCN currently</p>		<p>Reports on data collection activities</p> <p>1.3 Needs assessment</p> <p>Training documentation</p> <p>Documentation of improved process such as tariff setting/ endorsement of regulation</p> <p>1.4 Needs assessment</p> <p>Training documentation</p> <p>2.1.1 TCN monitoring</p>	<p>Political leadership; Availability of government funds (e.g. for support mechanisms); Private sector engagement</p> <p>Electrification targets on-grid will not be reached</p>
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	<p>expansion planning</p> <p>3. Conduct an investment grade energy resource mapping exercise, carry out electrification surveys and establish rural electrification plans in selected states</p>	<p>enforces technical standards and is capacitated to handle integration of additional capacities on-grid.</p> <p>3.1 State electrification planning and implementation of rural electrification is based on reliable data</p>	<p>lacks technical capacities to operate the system with additional new electricity sources such as solar PV being integrated. Grid Codes have been revised 2015, but not enforced and monitored.</p> <p>2.1.2 TCN currently lacks technical capacities to operate the system with additional new electricity sources such as solar PV being integrated.</p> <p>3.1.1 NESP I has supported the development of GIS data assessment and analysis in 5 states for electrification planning. In order to foster a private sector investment for a roll-out of rural electrification, surveys on ground need to be carried out. Currently, no surveys exist.</p> <p>3.1.2 Currently, rural electrification planning in states is based on secondary data projections</p>		<p>system</p> <p>2.1.2 Training evaluation</p> <p>3.1.1 Survey reports</p> <p>3.1.2 Rural electrification plans</p>	<p>with regards to integration of solar PV if TCN's capacities are not strengthened</p>
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	<p>SO2:</p> <p>4. Procure up to 2000 MW on-grid solar PV capacity in a structured bidding approach</p>	<p>3.2 Surveys on energy resources such as river flows, wind speed and biomass have been carried out nationwide and allow for coherent planning and investment decisions in line with policy documents.</p> <p>4.1 The Nigerian Bulk Electricity Trading Plc. (NBET) has developed dedicated capacities to administer a structured bidding approach</p> <p>4.2 A complete round of structured tendering for up to 2000 MW solar PV generation capacity has been executed</p>	<p>3.2.1 No reliable data on availability of resources is present, this challenges electrification planning as well as investment decisions</p> <p>3.2.2 Currently, electrification planning on federal level is based on resource projections</p> <p>3.2.3 Currently, electrification planning on state level is based on resource projections</p> <p>4.1 Baseline 2016: 0 MW solar PV capacity on-grid</p> <p>The regulation states that power has to be procured competitively in Nigeria. Up to now, negotiations have been unsolicited and not in line with the regulation due to capacity lacks on side of NBET</p> <p>4.2 Currently, no structured procurement process for RE is established with NBET in line with the regulation on procurement of on-grid electricity</p>		<p>3.2.1 Survey reports</p> <p>3.2.2 Blueprint document</p> <p>3.2.3 IRPs</p> <p>4.1 Training documentation and reports</p> <p>4.2 Report on process; tender documents, reports on electricity procured</p>	<p>Power will not be procured in line with existing regulations if capacities at NBET are not strengthened and a clear transition process from un-solicited to structured bidding procedures is defined</p>
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	<p>5. Give access to power through sustainable and scalable solutions to 100.000 previously un-electrified rural people.</p>	<p>5.1 100.000 people have gained access to sustainable electricity through the implementation of mini-grid projects in Nigeria</p> <p>5.2 A framework for enabling private project development including blending of public and private finance has been developed and endorsed by the relevant stakeholders</p> <p>5.3 The rural electrification fund (REF) is operational and provides access to public funds</p> <p>5.4 At least 5 mini-grid projects have been implemented blending private and public funds, one of them using the REF as a source for public funds</p>	<p>5.1 NESP I has developed a business model for technically and financially feasible mini-grids with the aim of electrifying 10.000 people. Also, NESP I established the potential for mini-grids in the country based on on-grid-projections and size of economically feasible clusters (currently underway). This is a new approach that needs further capacity building of Nigerian project developers in order to be rolled-out nationwide.</p> <p>5.2 Frameworks have been drafted in 5 states as part of NESP I as part of electrification planning, but have not been aligned between federal and state level in line with overall rural electrification strategies</p> <p>5.3 Operationalization relies on the endorsement of the Rural Electrification Strategy and Plan, currently, REF is not operational</p> <p>5.4 Currently, no project has accessed the REF, applicability has not been piloted; access to other public funds such as credit schemes by the</p>		<p>5.1 NESP electrification surveys and commission reports</p> <p>5.2 Framework documents</p> <p>5.3 Publishes access criteria</p> <p>5.4 Business plans of projects</p>	<p>Large roll-out of rural electrification approaches cannot be implemented if there is no blending framework</p>
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	<p>6. Deploy sustainable energy solutions in the agro-processing sector allowing for 10.000 tCO2 saved per annum due</p> <p>7. Put in place Energy Efficiency measures in buildings and industry leading to at least 15% energy savings and a reduction of CO2 emissions</p>	<p>6.1 12.000 people in the agro-processing sector or in social institutions have gained access to improved cooking stoves</p> <p>6.2 Cook stove manufacturers ensure utilisation of 500 cook stoves by customers through monitoring, maintenance and servicing</p> <p>6.3 Cook stove manufacturers monitor emissions saved through the usage of cook stoves</p> <p>7.1 Five projects in selected industries demonstrate at least 15% energy savings</p> <p>7.2 Five projects in the building sector demonstrate at least 15% energy savings</p> <p>7.3 At least two high-cost energy efficiency measures in industries/ buildings have been implemented through adequate financial support mechanisms (e.g. Performance based contracting; blending of public and private</p>	<p>Central Bank of Nigeria has been piloted as part of NESP I. Other public funding sources for blending operations have not been used for mini-grid operations in Nigeria so far.</p> <p>6.1 2.500 agro-processors have gained access as part of NESP I</p> <p>6.2 100 cook stoves have been sold by private manufacturers as part of NESP I.</p> <p>6.3 Cook stove developers currently not monitor CO2 emission savings</p> <p>7.1 Two measures have been implemented as part of NESP I, further roll-out proves scalability of the approach</p> <p>7.2 Two measures have been implemented as part of NESP I, further roll-out proves scalability of the approach</p> <p>7.3 Four measures have been implemented on a low/medium-cost scenario, no financial</p>		<p>6.1 Sales statistics of manufacturers, reports of agro-processors</p> <p>6.2 MRV systems of manufacturers</p> <p>6.3 MRV systems of manufacturers</p> <p>7.1 Energy management data of industries</p> <p>7.2 Energy management data of building owners</p> <p>7.3 Project reports</p>	<p>Political stability in Nigeria is maintained.</p> <p>The Federal and State Governments of Nigeria remain committed to the promotion of renewable energy, energy efficiency and approve relevant promotion strategies / instruments as well as provide funding for these</p> <p>Political stability in Nigeria is maintained.</p>
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	<p>SO3:</p> <p>8. Strengthen capacities of quality infrastructure institutions to enforce quality standards in the Nigerian RE/EE market (standardisation, accreditation and conformity assessment bodies) and ensuring harmonisation with regional</p>	<p>funds)</p> <p>7.4 Five states have developed frameworks for the application of the Energy Efficiency in Buildings Code</p> <p>7.4 Six states are capacitated to oversee the implementation of the Code, including licenses for builders, energy performance certificates, monitoring and verification</p> <p>7.5 The designs for a pilot zero emission house in Lagos / Abuja have been developed and are implemented by a private or public builder</p> <p>8.1 The Standards Organization (SON) of Nigeria is technically able to perform quality control checks on locally manufactured and imported goods</p>	<p>mechanism for implementation of high cost efficiency measures has been utilized</p> <p>7.3 As part of NESPI I, energy efficiency is going to be mainstreamed into the National Building Code at federal level and piloted on state level in Abuja.</p> <p>7.4 Currently, there are no capacities on state level to enforce energy efficiency as part of building codes or regulations.</p> <p>7.5 No zero emission house has been developed in Nigeria currently</p> <p>8.1 SON currently does not have equipment to perform quality checks, staff is not trained</p>		<p>7.3 Framework documents</p> <p>7.4 Training reports, process documents</p> <p>7.5 Building design documents</p> <p>8.1 Launch of facility, training documents</p>	<p>Standards in the sector are not enforced as long as SON is not strengthened</p>
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	<p>and global standards</p> <p>9. Foster local market development through the professionalisation of organised representation in the sector, , including civil society organisations, strengthening of local technical capacities and of supply chains</p>	<p>9.1 A dedicated RE sector association is established and drives the development of the clean energy sector (RE and EE) in Nigeria OR the capacities of an existing organization are improved</p> <p>9.2 10 audits have been performed in industries and buildings by local energy auditors</p> <p>9.3.1 3 Distribution Companies (DisCos) have diversified their business portfolio (e.g. by supplying eligible customers)</p> <p>9.3.2 At least one DisCo has built the capacities and developed the contractual framework to procure RE generation capacity from IPPs</p> <p>9.4 SON has developed at least 3 standards/ labels, taken into account local adaptations to trigger Nigerian market development</p> <p>9.5 A regular coordination mechanism between SON, associations and consumer organizations has been established</p> <p>9.6</p>	<p>9.1 An assessment of associations will be undertaken at the beginning of the action</p> <p>9.2 Currently, no market for Nigerian energy auditors is established</p> <p>9.3.1 DisCos currently are not financially viable in their operations</p> <p>9.3.2 No DisCos has currently signed a Power Purchase Agreement with Independent Power Producers</p> <p>9.4 Two standards/ labels have been developed as part of NESP I, they do not take into account local adaptations</p> <p>9.5 There is currently no coordination mechanism established</p> <p>9.6 Assessment on sensitization and</p>		<p>9.1 Association reports</p> <p>9.2 Registration license of auditors</p> <p>9.3.1 Business plans of DisCos</p> <p>9.3.2 Contract document</p> <p>9.4 Official gazettes</p> <p>9.5 Meeting reports</p> <p>9.6 Consumer surveys; campaign documents</p>	
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	<p>10. Support the streamlining of investment entry procedures into the energy sector and of import of clean energy products</p> <p>11. Support training institutions, particularly on clean energy and the development of a nation-wide certification process</p>	<p>Consumers associations are strengthened in raising awareness in the advantages of Renewable Energy and Energy Efficiency</p> <p>10.1 A streamlined process for custom clearance and quality checks with clear timelines has been established between customs and SON, including a white list for the imports of RE/EE equipment</p> <p>10.2 Investors are able to access necessary information on the investment climate for RE/EE projects and necessary procedures and licenses through an investment one-stop-shop</p> <p>11.1 10 training network participants carry out regular trainings in 2020</p> <p>11.2 Participants of trainings have access to nationally recognized certification schemes</p>	<p>mobilization campaigns will be carried out at the beginning of NESP I</p> <p>10.1 The National Renewable Energy and Energy Efficiency Policy refers to duty waivers for the import of RE/EE equipment. This is not implemented due to lacking processes and definitions</p> <p>10.2 The Federal Ministry of Power has developed an investment guide draft that has not been aligned with stakeholders. There is no “one-stop-shop” for investors</p> <p>11.1 Training network with 11 private training institutions has been established as part of NESP I</p> <p>11.2 Criteria for national certification have been developed as part of NESP I, no coherent process is endorsed and aligned with stakeholders yet</p>		<p>10.1 Published process and whitelist</p> <p>10.2 Document on investment procedures, endorsement of “one-stop-shop”</p> <p>11.1 Training reports</p> <p>11.2 Published certification process</p>	
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	SO4: 12. Provide sustainable solar and hybrid off-grid systems for education and health facilities, including schools, boarding schools, clinics and health centres, in 3 Northern States (Kaduna, Kano and Adamawa)	12.1 Number of beneficiaries	None				
		12.2 Number of users of public institutions receiving welfare benefits in a given year from cleaner and more reliable energy as a result of the programme activities	None				
		12.3 Greenhouse gas emissions avoided/reduced in a given year as a result of ICF support – tonnes of CO2	None				
		12.4 % of PV systems in public institutions installed with programme support, operating effectively	None				
		12.5 % of public institutions in Northern Nigeria for which there are O & M contracts in place	None				
		12.6 Total installed capacity of PV as a result of program activities (MWp) (cumulative)	None				
		13. Promote equal gender opportunities by prioritizing all girls' schools, female teacher training and maternal health facilities	13.1 Number of female users of public institutions receiving welfare benefits in a given year from cleaner and more reliable energy as a result of the programme activities	None			