



CENTER FOR FISCAL TRANSPARENCY AND INTEGRITY WATCH

MONTHLY TRANSPARENCY WATCH



May 2022 Edition

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INTRODUCTION ▶

Dear Reader,

Welcome to another exciting edition of our **Monthly Transparency Watch**.

In our relentless quest to stamp out corruption and entrench the culture of transparency in the nation's public sector, we saw the fruit of our advocacy with the passage and signing into law of anti-corruption bills into law in the month of May.

These laws - Money Laundering (Prevention and Prohibition) Act, 2022, the Terrorism (Prevention and Prohibition) Act, 2022, and the Proceeds of Crime (Recovery and Management) Act, 2022, no doubt, will strengthen the anti-corruption environment, as they provide the needed framework in the nation's fight against systemic corruption. Find our press intervention on page 8 & 9 to learn more about the Center's position.

In May also, we reached out to strategic stakeholders, the Bureau of Public Service Reforms (BPSR) and the Center for Journalism and Innovation and Development (CJID) to forge ways our organizations can partner for effective advocacies in areas of capacity building, reforms and the usefulness of data in promoting transparency and accountability.

The Center continues to spotlight issues of public sector transparency, integrity and accountability through our weekly Twitter Spaces programs; and it has proven an important tool of advocacy. We enjoin you to join us every Thursday at our twitter handle - @FTransparencyNG as we continue to beam searchlight on these issues and draw attention of stakeholders and policy makers.

We do hope that you will find this edition resourceful as we look forward to your continuous partnership and support.

Victor Agi
Public Affairs Manager

CeFTIW, CJID Commit to Promoting Transparency, Accountability in Public Sector



Members of Staff and Management of the Center and CJID during the courtesy call

In line with the strategic roles of the Center for Fiscal Transparency and Integrity Watch (CeFTIW) and the Center for Journalism Innovation (CJID), the organizations have committed to strengthening existing relationship toward promoting transparency and accountability in the nation's public service.

The organizations made this commitment during a courtesy call led by the Executive Director of the Center, Yakubu Umar, to the CJID.

Umar explained that partnership with the CJID will enhance the efficiency of the Center's advocacies and the deployment of technological solutions toward promoting a culture of

transparency and accountability in the nation's public sector.

Responding, the acting Executive Director of CJID, Tobi Oluwatola, underscored the need for institutional partnership and pledged to work with the Center to improve the accountability value chain, primarily through media and journalism.

Oluwatola also promised to provide media resources and support to amplify issues of transparency and accountability in the public service in line with the organization's mission to "improve governance, promote a community of informed citizenry, and entrench democratic



CeFTIW Forges Strategic Partnership with BPSR to Promote Good Governance

In recognition of the importance of data and public sector reforms to national development, the Center for Fiscal Transparency and Integrity Watch (CeFTIW) and the Bureau of Public Service Reforms (BPSR) have identified strategic areas of partnership towards the promotion of transparency and accountability.

These areas of partnership were identified when, in furtherance of its advocacies to critical stakeholders, the Center paid a courtesy call on the Director General of the BPSR.

Speaking during the visit, the Executive Director, Umar Yakubu said that the public service is crucial in the developmental aspirations of any nation, and noted that the Center, through its Transparency and Integrity Index (TII) has continued to support efforts at combating public sector corruption.

“The Center’s Transparency and Integrity Index (TII) initiative is designed to monitor and promotes measures of fighting corruption and the lack of accountability and transparency in the nation’s public sector.

“The TII ensures and insists that MDAs obey extant laws on information sharing as provided for in the Freedom of information Act (FOIA) which would promote culture of transparency in the system,” Umar said.

The Executive Director added that reforming the public service in line with international best practices and Open Government Partnership (OGP) such as the BPSR is doing is a welcome development, and he pledged that the Center would support the Bureau where needed.

Responding, the Director General of the Bureau, Dasuki Arabi assured the Center of his organization’s willingness to partner with the Center towards promoting transparency and accountability in the public service. He commended the Center for the TII project, saying that it is a laudable initiative that would support the fight against public sector corruption.

While also pledging to ensure that there is improved ranking for Ministries, Agencies and

Departments (MDAs) in subsequent editions of the TII, Arabi pointed out that the BPSR has invested hugely in public sector reforms which has resulted in the nation’s positive international outlook in some indexes.

In line with the Bureau four pillars of national strategy for public service reforms, which include enabling institutional and governance environment, enabling socio-economic environment, public financial management reform, and public service administration reform, Arabi said that the Bureau has work with stakeholder to “promote OGP and effective implementation of National Anti-corruption Strategy,” and successfully conduct studies in the implementation of efficiency, production, integrity and citizen-centred services; and on the contribution of MDAs in creating business friendly environment.

He seized the opportunity to call on other civil society organizations (CSOs) to emulate the Center in driving reforms and policies implementation.

Also at the courtesy call, a member of the Board of Trustees, CeFTIW, AIG Muazu Zubairu, rtd. mni, called for the need for government to implement important reforms aimed at repositioning the nation’s security architecture for efficiency. He added that public service reforms can be effective to the extent that there is peace and security in the land.



Stakeholders Decry Widening Trust Gap in Governance, Call for an End to Lingerin ASUU Strike

At the Center for Fiscal Transparency and Integrity Watch (CeFTIW) weekly twitter spaces, guest experts and participants have unanimously decried the widening trust gap in governance over the years, noting particularly that the government has not lived up to its expectations and commitment to the education sector, the consequence of which is the ongoing industrial actions by the Academic Staff Union of Universities (ASUU).

This was as participants equally called on the ASUU to shift ground, and focus on other areas of autonomy that would be important to the growth of university education in the country.

Speaking for the Union, Dr. Happiness Uduk, ASUU Chairperson, University of Uyo branch, argued that the struggle of university lecturers over the years has been to better the university system. She said that the Union is altruistic and not seeking for just the selfish interest of its members as has been speculated, adding that the Union's struggle and actions are the reasons for the level of infrastructural development in most government owned universities in the country.

While calling on stakeholders to support the cause of the Union, which she said is to reposition the nation's university education, she said that the Union is not insensitive to the plights of

Nigerian students, but its actions are in response to government lack of commitment to the Union demands since 2009.

Responding to the issue of trust gap in governance in relation to the ASUU crises, she said: "this trust deficit essentially stems from government's inability to honor its own part of the bargain. When I say bargain, I mean various agreements and Memoranda of Understanding, and then the last Memorandum of Action that was entered into in December 2020 between the ASUU and the federal government that saw to the suspension of the nine months strike that was embarked upon by the Union."

Dr. Uduk explained that the government has consistently failed to look into the agreement it entered with the Union, adding that governments has not shown enough commitment to end the current strike action, accusing the government of misplaced priority.

In his global perspective to the conversation, Dr. Nasir Aminu while condemning government's lack of commitment to its own promises to the academic staff, observed that the 2009 agreement is no longer realistic on several grounds.

Dr. Aminu also advised the Union to focus on other areas of autonomy, and deemphasize the focus on financial autonomy as obtainable in other climes, noting that universities in Portugal, Hungary and Czech Republic for

instance do not have financial autonomy, but are doing better in other areas of autonomy.

He identified areas of academic autonomy, which would give the Union control over students admission, academic content and curriculum, and best practices in quality assurance to guarantee the integrity of the system. He added that staffing and organizational autonomies would also allow the Union decide on the quality of lecturers to be recruited into the system, prioritize the welfare and growth of its members, and allow for greater control over internal academic structure.

Dr. Aminu said that universities are positioned to create an engine room for development, as they serve as knowledge and human capital resource centers for economic development, and urged the nation's academics to focus on areas that would drive and promote innovation.

He warned that putting the financial burden of running the university education on the students is a recipe for disaster, and would mean that only the children of politicians, whose children are already being sent abroad for education, would be able to afford education.

On his part, the National Public Relations Officer, National Association of Nigerian Students (NANS), Comr. Victor Ezenagu also appealed to the ASUU to shift ground, noting that Nigerian students are at the receiving end of the incessant strike actions. Referring to the failure of the ASUU and the federal government to broker an agreement, he decried: "Our two parents are not being sincere to themselves, both ASUU and the federal government are part of Nigerians, and can both attest to the current economic situation."

Jonah Uket, the Program Manager of the Center also called on other stakeholders to take responsibility and be committed to the development of education in the country. He noted that funds voted by the federal government through the Universal Basic Education

Commission (UBEC) to state governments have failed to significantly impact basic education.

While reiterating the need for state government and other stakeholders to support the growth and development of education at all level, Uket urged the government to comply with the UNESCO education funding benchmark for developing countries which recommended that 15 to 20 percent of annual budgets be

earmarked for education.

At the Center, we strongly believe that the government must consciously work to rebuilt trust in order to earn citizens support for effective implementation of well-meaning policies. Policies such as the removal of the fuel subsidy to develop the nation's infrastructures for instance, are rejected because the people have lost confidence in the government to keep to its promises.



www.fiscaltransparency.org

The banner is framed by a blue arch at the top and a green base. At the top center is the circular logo of the Center for Fiscal Transparency and Integrity Watch. Below the logo, the text "Join us" is in green, "Every Thursday" is in large dark blue font, and "at our Weekly Spaces" is in white on a green background. A Twitter icon is placed next to "Weekly Spaces". Below this, "@FTTransparencyNG" is written in white. On the right side, a white banner with a clock icon at the top contains the text "5 PM" in dark blue. The website "www.fiscaltransparency.org" is at the bottom right.

Nigeria’s Justice System and the Fight Against Corruption Revisiting the Issue of Perpetual Injunction



On the 23rd of March, 2007, Honorable Justice Ibrahim Nyaure Buba delivered an unprecedented judgment in the history of the judiciary.

In the suit filed by the then Attorney General and Commissioner for Justice for Rivers State; suit No. FHC/PHC/CSI78/2007: Attorney-General for Rivers State v the Economic and Financial Crimes Commission & 3 Others), Justice Buba held that the Economic and Financial Crimes Commission’s investigations into a corruption case brought against the governor of the state are “invalid, unlawful, unconstitutional, null and void;” and further restrained the defendant (EFCC) through a “perpetual injunction” from probing the alleged financial crimes its investigations brought to the fore.

Many Nigerians were disappointed and considered it an abuse of judicial power, when the Judge granted a perpetual or permanent injunction before the commencement of a trial, without recourse to the merit or

otherwise of the case brought by the EFCC. The argument was premised on ground of immunity, with no consideration for the need for the plaintiff, a public officer, to respond to allegations.

Despite calls by well-meaning Nigerians and civil society organizations to revisit the matter which alleged serious “fraud, conspiracy, conversion of public funds, foreign exchange malpractice, money laundering, stealing and abuse of oath of office,” the case has not been addressed.

At the Center for Fiscal Transparency and Integrity (CeFTIW), we firmly believe that the fight against corruption can be successful to the extent that the judiciary discharges its duties in accordance with legal and constitutional provisions. Judicial corruption portends one of the greatest threats to the fight against corruption, as well as democracy. The referenced case is one of many cases judges have been found wanting of delivering controversial

judgments in recent years. Despite the self-cleansing mechanisms by the judiciary, corruption in the legal profession continues to be a source of concern, with the executive clamping down on erring judges in recent times.

In the wake of recent passage of anti-corruption bills into law by President Muhammadu Buhari, including the Money Laundering (Prevention and Prohibition) Bill, 2022, the Terrorism (Prevention and Prohibition) Bill, 2022, and the Proceeds of Crime (Recovery and Management) Bill, 2022, which would further provide legal frameworks in the fight against money laundering and terrorism financing/proliferation in the country, it’s hoped that the judiciary will continue to cooperate on the implementation of these legislations.

The Center holds that the power of the judiciary and judges are not unlimited, and in exercising their powers, they must be seen to be interpreting the laws correctly, and failure to so do, should be seen as judicial misconduct, which should attract disciplinary actions.

As an organization that advocates for integrity, transparency and accountability, which are key pillars of justice, we are by this statement demanding that alleged economic and financial crimes committed by former government officials should be revisited. This is also in the interest of those alleged to have committed those crimes, since a legal process presents an opportunity to clear one’s name of corruption.

Press release



CENTER FOR FISCAL TRANSPARENCY AND INTEGRITY WATCH

Open Governance | Transparency | Anti-Corruption | Research | Technology | Advisory | Capacity Development

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5th May, 2022

Press release

CeFTIW Commends Reps on the Passage of Anti-Corruption, Terrorism Prohibition & Prevention Bills, Calls for Expedite Assent

On the 4th of May, 2022, the House of Representatives reconvened to pass a Bill for an Act to Repeal the Terrorism (Prevention) Act, 2011 and Terrorism (Prevention) (Amendment) Act, 2013, and Enact the Terrorism (Prohibition and Prevention) Bill, 2022, and another Bill for an Act to Repeal the Money Laundering (Prohibition) Act, 2011 (as amended) and Enact the Money Laundering (Prevention and Prohibition) Bill, 2022.

These bills when signed would “provide for an effective, unified and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism, terrorism financing, proliferation and financing of the proliferation of weapons of mass destruction in Nigeria; and for related matters;” and “provide comprehensive legal and institutional framework for the prevention and prohibition of money laundering in Nigeria, establish the special control unit under the economic and financial crimes commission; and for related matters”, respectively.

Also considered and adopted were a “Bill for an Act to make Comprehensive Provisions for Seizure, Confiscation, Forfeiture and Management of Properties Reasonably Suspected to have been Derived from Unlawful activities;” and a “Bill for an Act to Provide Framework for the Support, Management and Protection of Witnesses who Provide Information, Evidence or any other Assistance to Law Enforcement Agencies during Inquiries, Investigations or Prosecution,” which would strengthen the whistleblowers policy.

The Center for Fiscal Transparency and Integrity Watch (CeFTIW) considers the passage of these bills, which is long overdue, a welcome development that would strengthen the nation’s capacity to fight and prosecute criminal actors, especially given the nation’s struggle against organized crime in recent years.

As a critical stakeholder that has been at the forefront of advocating for the passage of these bills, the Center expresses the belief that the bills when passed to law would further institutionalize and solidify the fight against crime and criminality in the society. These legal frameworks would also boost confidence of security agencies as they prosecute organized crime that have long become a menace and a threat to national unity and peace.

While we call for expedited joint action by the senate and house of representatives, we expect President Muhammadu Buhari to assent to these bills that would consolidate and strengthen the nation’s fight against corruption and insecurity.

Victor Agi
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Press release



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13th May, 2022

Press release

CeFTIW Commends Expedite Assent to Anti-Corruption Bills, Demands Swift Enforcement

The Center for Fiscal Transparency and Integrity Watch (CeFTIW) commends President Muhammadu Buhari over the expedite assent to three anti-corruption bills passed last week by the National Assembly; and calls for swift enforcement of the signed laws.

These bills which would provide the needed legal framework in the fight against money laundering and terrorism financing/proliferation in the country is an important step in the nation's efforts to rid the country of corruption and acts of terrorism.

Signed are the Money Laundering (Prevention and Prohibition) Bill, 2022, the Terrorism (Prevention and Prohibition) Bill, 2022, and the Proceeds of Crime (Recovery and Management) Bill, 2022.

These laws would provide adequate punitive and preventive measures to deter offenders, while checking abuses and compromises that the repealed Acts could not prevent.

The Center also, totally aligns its thought with Mr. President that, "The signing of these bills into law today not only strengthens the Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) framework in the Country, but addresses the deficiencies identified in Nigeria's 2nd round of Mutual Evaluation as assessed by Inter-Governmental Action Group Against Money Laundering in West Africa on compliance with the Financial Action Task Force global standards."

By these laws, the anti-graft agencies, and the Economic and Financial Crimes Commission (EFCC) in particular is provided with comprehensive legal and institutional framework to operate as the "Special Control Unit Against Money Laundering," which would enhance its operations.

Also, the Proceeds of Crime (Recovery and Management) law which mandate the creation of dedicated accounts for the proceeds of crime and other confiscated assets will enhance transparency and accountability in the system.

There is therefore the need for synergy and unification of strategies by the anti-graft agencies for these laws to be effective in the long-run; and the Center seize this opportunity to call for expedite enforcement by relevant agencies.

Government must create the right environment for implementation and enforcement of these laws, and this is a clarion call to stakeholders including the media, Civil Society Organizations (CSOs) and the general public to support the anti-graft agencies in efforts to rid the country of all forms of corruption and fight insecurity.

Importantly too, we call for proper monitoring of the implementation of these laws, which would allow for proper checks and appraisals of the enforcing agencies.

The Center is especially pleased that our effort, working assiduously to see to the passage of these bills has finally been rewarded with assent by the President. We remain resolute in our commitment to promote best practices in the nation's public sector, and also working to strengthen anti-corruption environment in the country.

Victor Agi
CeFTIW Public Affairs

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Moneybags Politics and Nigeria's 'Rule of Money' Democracy

By Victor Agi



When Nigeria transitioned to democracy and embraced the presidential system of government in 1999, it marked the transfer of sovereignty from authoritarian leaders to the people. Nigerians were presented with the opportunity to elect their president and other political leaders every four years.

But, the democratic system of governance, all over the world is expensive, and the cost of conducting elections vary from country to country depending on the prevailing socio-political situation and nation's social classification either as underdeveloped, developing and developed nation. Likewise, the cost of conducting elections in established and stable democracies differs from what is obtainable in transitional, and indeed restive / post-conflict societies.

Over the last two election cycles in Nigeria, the Independent National Electoral Commission (INEC) reportedly expended the sum of

N108.8B and N189B in 2015 and 2019 respectively, with the Commission's Election Project Plan (EPP) document showing that the sum of N305 billion is estimated to conduct the 2023 general elections.

Cumulative spending by key stakeholders, including INEC, political parties and candidates was estimated at N1 trillion during the 2015 general elections alone, for instance. This estimate, it was learnt, at a two-day Learning Conference on the Regional Cost of Politics organized by Westminster Foundation for Democracy in 2017, are those expenditures that could be traced and recorded, implying that the actual cost could be higher.

There has been an incremental budgetary allocation towards the conduct of elections over the years, and the INEC may be justified to claim that the number of registered voters has steadily increased during this period, which would necessarily attract more costs, coupled with the cost of deploying innovations like the Card Readers and Bimodal Voters Accreditation System (BVAS) to strengthen the process.

However, there have been reported cases of resource wastage as a result of low voters' turnouts during polls, with Dataphyte reviewing and submitting that, "while the Federal Government spent N444.5 billion to conduct the country's last three general elections, a total of N255 billion was wasted due to the low voter turnout recorded in each of the elections."

The brazen use of money to determine the outcome of elections, manifested in vote buying and selling, has continued unfettered, with the recently passed electoral law further encouraging a hijack of the electoral process by political elites. Section 88 of the Electoral Act, 2022 for example, increased the spending ceiling for the position of the president from N1 billion to N5 billion; the ceiling for the governorship position was also jerked up from 200 million to 1 billion, and it applies to all other elective positions in the land.

It is therefore not surprising that the major political parties have also jerked up the cost of nomination forms for key political positions ahead of 2023 elections. The ruling All Progressive Congress' presidential nomination form is pegged at a N100 million, governorship aspirants are to also cough out N50 million, while house of representatives and senate hopefuls are to pay N20 million and N10 million respectively. The main opposition party, the Peoples' Democratic Party (PDP) also raised the cost for its nomination forms, with the presidential and governorship form now selling for N40 million and N21 million respectively, up from N12 million and N6 million it sold same forms in 2019.

Unequivocally, political elites have perfected measures to politically exclude majority of the nation's population and will continue to deny the nation of capable leaders,

Opinion

either through laws they facilitated or by willfully disobeying laws to remain in power. It is not out of place to posit that moneybag politics has become a recipe for organized crime by politicians, the consequent of which is embezzlement of public funds and other acts of corruption; because a politician who 'invests' hugely in winning election is most likely to want to recoup his/her investment.

For instance, available breakdown from the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC) shows that currently, the nation's president earns N1,171,568.33 monthly, and N14,058,820 yearly in salary and allowances; with basic salary of N3.5m per annum; while a governor's basic salary is merely N2.22m. In four years, the statutory salaries and allowance of the president will be N56,235,280 million.

Without prejudice to other benefits that come with being the president of a nation, is it not ridiculous that the presidential nomination form of the ruling party is sold for 100 million, and much more so, in the nation that is reputed as the poverty capital of world?

As earlier submitted, the high cost of politics has proven to be a calculated attempt to exclude women and youth, who do not have the financial strength, from participating in the electioneering process. This is why despite the celebrated "Not Too Young to Run" efforts, which saw president Buhari signing the bill into law, the current political environment has made it seemingly difficult for young people to participate as they should.

Ahead of 2023, INEC and other stakeholders must take more seriously the enforcement of relevant laws that discourage brazen display of money in politics, such as we have begun to witness. While it may be difficult to actually quantify in monetary terms, all the fund politicians expend during elections in our kind of politics, one of the responsibilities of political parties as provided for in Section 90 (4) of the Electoral Act is to, "within three months after the announcement of the results of the election, file a report of the contributions made by individuals and entities to the Commission."

Political parties have consistently violated this provision in the

nation's electoral laws, with no punitive actions by the electoral umpire over the years. Electoral transparency remains the bedrock of a transparent and accountable public sector. The INEC must wake up to its responsibilities as a regulatory and enforcement agency, and it should begin with tracking and monitoring elections spending ahead of 2023.

Stakeholders must begin to interrogate wastages that we have recorded through the conduct of elections over the years; a situation where more than half of the money budgeted for the last three elections was reportedly wasted as a result of low voter turnout should be part of the discussion around cutting the cost of elections. It also brings to the fore the issue of electronic voting which would automate the process, and considerably reduce the personnel and election material costs.

Beyond the rhetoric, the Economic and Financial Crimes Commission (EFCC) and other anti-graft agencies must work with INEC in monitoring and investigating electoral spending, while culprits are properly prosecuted.

STOP CORRUPTION



Stop corruption please,
It's a contagious disease,
That not only affects the persons,
But also the whole nation.

Corruption is like cancer,
Spreading from one part to another,
And its movement is so fast,
That almost nothing's left to be done at last.

The apparent patriots like the scared birds,
Fly away to the distant lands,
In search of a secured,
And better life indeed.

If anyone dares to stand against corruption,
The ones suffering from the very pollution,
Throw him in the jail,
Or bury under the soil.

As the sunset lets the dawn to appear,
We shouldn't let our dreams expire,
Since the expected moment isn't far away,
Only you and I can bring that day.

@Md. Ziaul Haque



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