

**THE PRESIDENCY**

**CABINET AFFAIRS OFFICE**

**OFFICE OF THE SECRETARY TO THE GOVERNMENT OF THE FEDERATION**

CONFIDENTIAL

OPERATION MANUAL FOR COUNCIL DOCUMENTS

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Office of the Secretary to the Government of the Federation

The Presidency

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**CABINET AFFAIRS OFFICE**

**ABUJA.**

**15th December, 2014.**

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**FOREWORD**

The establishment of formal, coherent, consistent policy management and decision-making process is fundamental to the achievement of the President’s agenda for transforming the Nigerian State. It is in this regard that the Cabinet Affairs Office in the Office of the Secretary to the Government of the Federation has developed the ‘Operation Manual for Council Documents’ to guide Ministries, Departments, and Agencies (MDAs) in the preparation of documents for the Federal Executive Council (FEC) and other advisory councils. This is in accordance with Section 148 (2) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), which states, "The President shall hold regular meetings with the Vice-President and all the Ministers of the Government of the Federation".

Executive Council Memoranda (ECM) from the various MDAs of the Federal Government are important, as they enable the President-in-Council, to make decisions that have wide-ranging implications for the country. The manner in which such ECM are prepared and presented may simplify or complicate the work of the FEC and may even influence the quality of decisions made by the FEC. In view of this, this Manual has been prepared to serve as a guide to the MDAs in the preparation of Council documents, and as a reference document for Council matters.

The development of this Manual was informed by the Public Service Rules, FEC practices and experience over the years, as well as insights gained from other countries with similar Cabinet processes. Nonetheless, the Manual is a dynamic and living document that will benefit from review as the need arises, to accord with evolving political, structural and technical trends.

It is my conviction that strict adherence to the guidelines in this Manual in the preparation of Council documents will facilitate the work of the President-in-Council and, thereby, ensure good governance and delivery on the Government’s agenda. I, therefore, enjoin Ministers and Heads of Departments and Agencies to ensure strict adherence to the Manual.

**Anyim Pius Anyim, GCON**

Secretary to the Government of the Federation

December 2014

PREFACE

The majority of the decisions of the Federal Executive Council (FEC), Council of State (CS), etc. are based on the materials contained in Council Documents (CDs) submitted to the President-in-Council by the President and Ministers. It is important that, the ECM as well as other Council documents, are appropriate in structure and adequate in content so as to facilitate the work of the Cabinet Affairs Office (CAO) and to ensure the efficiency and effectiveness of FEC decision making. Hence, there is a need for a Manual to guide Ministries, Departments, and Agencies (MDAs) in the preparation and submission of all Council documents.

The Manual has two specific purposes, and is accordingly arranged in two major parts. First, it sets out the correct procedures for providing information to the FEC and other advisory councils and second, it details the contents, format, and quality required by the CAO before acceptance and presentation of the CDs to the various councils. The Manual has been developed by the CAO to serve as a comprehensive and standard guide to MDAs for the preparation and submission of CDs to the CAO and, ultimately, to the FEC or other advisory councils.

The major emphasis of the Manual concern, *inter alia*, the following: the need to restrict the CD to an explanation of the essence of the matter and to attach a more comprehensive and technical exposition in one or more annexes to the Memorandum or Note where applicable; the presentation of sound and coherent proposals that are well laid out; and the acknowledgement that the CDs result from rigorous policy development processes and present the best options for consideration by the FEC or other executive councils. The CDs should adhere to standard structures and be presented in simple, straightforward language.

Faithful application of the Manual will facilitate the work of all involved in developing, reviewing, approving, and tracking policy in Nigeria. The CAO, therefore, urges MDAs and other stakeholders to be diligent in their adherence to the standards set out in the Manual.

**Ambassador J. A. Gana**

PS, Cabinet Affairs Office

March 2014

ACRONYMS

ACM African Common Market

AU African Union

BPP Bureau of Public Procurement

CAs Central Agencies

CAO Cabinet Affairs Office

CBOs Community Based Organisations

CD(s) Council Document(s)

CM Council Memorandum/Council Memoranda

CSN Council of State Note

ECA Executive Council Agenda

ECC Executive Council Conclusion

ECE Executive Council Extract

ECM Executive Council Memorandum/Memoranda

ECN Executive Council Note

ECOWAS Economic Community of West African States

EDMS Electronic Document Management System

FCSC Federal Civil Service Commission

FEC Federal Executive Council

FGN Federal Government of Nigeria

FMF Federal Ministry of Finance

FMI Federal Ministry of Information

FMJ Federal Ministry of Justice

HCSF Head of the Civil Service of the Federation

ICPC Independent Corrupt Practices and Other Related Offences Commission

IM Initiating Minister(s)/Ministry

IMF International Monetary Fund

MDAs Ministries, Departments, and Agencies

NEPAD New Partnership for African Development

NGOs Non-governmental Organisations

NPC National Planning Commission

OECD Organisation for Economic Cooperation and Development

OHCSF Office of the Head of the Civil Service of the Federation

OSGF Office of the Secretary to the Government of the Federation

PCC Police Council Conclusion

PCN Police Council Note

PS Permanent Secretary

SGF Secretary to the Government of the Federation

UNDP United Nations Development Programme

**THE CAO MISSION STATEMENT**

***The Cabinet Affairs Office,***

***is determined and committed to serve as***

***the main facilitator in the consideration and approval***

***of all Government programmes and projects by the***

***President-in Council through the processing of the Council Memoranda, Notes, Conclusions and discussions of all statutory Councils and Committees***

INTRODUCTION

The Executive Arm of the Federal Government is structured into Ministries, Departments, and Agencies (MDAs), each of which contributes to the formulation of policies and the implementation of government programmes that are approved by the Federal Executive Council (FEC). Ministers submit draft memoranda within the mandate of their ministries informed by some basic documents: the National Implementation Plan, the Government Policy Framework, International Conventions, Government Circulars, Financial Regulations, Public Service Rules, Reports and Enquiries, Previous Decisions of Council, etc.

This manual sets out the correct procedures to provide information to the FEC and the roles of the central agencies in the Cabinet decision-making process. If these procedures are not followed, then FEC cannot be expected to take informed and effective decisions. It is therefore required that all Ministers ensure that the correct process is followed by their officers and advisers in order that the President and the FEC are able to take well-informed decisions, based on full access to relevant data and information**.**

**1.0 MEMORANDUM IN GOVERNMENT DECISION-MAKING**

The FEC has a constitutional role in advising the President to determine the direction of government, although the President is the ultimate executive decision-maker. It is important that the FEC is properly informed through an appropriate ECM in order to stimulate debate and take decisions that are vital to the governance of Nigeria.

## Governance and Decision-Making in Nigeria

To understand the role of the FEC, it is also useful to review the overall governance and decision-making system of Nigeria. This can be seen in two parts: the three arms of the Federal Government and a set of central agencies. After these are reviewed, the detail of how the Council operates and the different types of decisions it can take are examined.

Article 144 (5) of the Constitution recognises the “executive council of the Federation" (the Federal Executive Council) as the “body of Ministers of the Government of the Federation, howsoever called, established by the President and charged with such responsibilities for the functions of government as the President may direct”.

**1.1.1 The Federal Government**

The Federal Government is made up of the three arms of government: the Legislature (The National Assembly), the Executive, and the Judiciary. The President, with the advice of the Federal Executive Council and other decision-making bodies, establishes governmental strategic directions, which provide the framework for the day-to-day operational decisions made by MDAs.

**1.1.2 The Legislature (The National Assembly)**

The National Assembly is the legislative arm of government and has powers to make laws for the peace, order, and good government of the Federation with respect to any matter included in the Exclusive and Concurrent Legislative Lists. It also provides oversight of the executive agencies. Furthermore, the legislators have a duty of representation of their respective constituencies.

The National Assembly consists of a Senate and a House of Representatives. The Senate comprises 109 senators, with three senators from each State and one from the Federal Capital Territory, Abuja. The House of Representatives comprises 360 elected members. A President presides over Senate whilst a Speaker presides over the House of Representatives. The executive President and the Ministers are not members of the Legislature under the presidential system of government.

**1.1.3 The Executive**

The executive powers of the Federal Government are vested in the President as the head of the Executive Arm. In the exercise of these powers as contained in Article 148 (2) of the Nigerian Constitution, "the President shall hold regular meetings with the Vice-President and all Ministers of the Government of the Federation (known as the Federal Executive Council) for the purposes of:

1. determining the general direction of domestic and foreign policies of the Government of the Federation;
2. coordinating the activities of the President, the Vice-President and the Ministers of the Government of the Federation in the discharge of their executive responsibilities; and
3. advising the President generally in the discharge of his executive functions other than those functions with respect to which he is required by the Constitution to seek the advice or act on the recommendation of any other person or body.”

In the discharge of its duty, the FEC considers and decides on policy proposals, presented as Executive Cabinet Memoranda (ECM) and draft federal budgets. The budgets are submitted to the National Assembly for passage into law. The FEC also coordinates other government business such as draft bills, loan agreements, and international treaties.

As Article 148 (2) of the Constitution also makes clear, the President is required to seek the advice or act on the recommendations of other constitutionally mandated advisory bodies. These include the Council of State, the National Security Council, and the Nigeria Police Council, among others, each of which meets occasionally to offer such advice and recommendations.

For the FEC and the advisory councils, an ECM, Note and Brief must be prepared if a decision of the President-in-Council is required. The ECM is prepared when issues involving direction setting are of significant public interest and require a decision. Responsibility for preparing an ECM, a Note and a Brief is dictated by the type of council meeting to be convened:

1. Council of State Notes are prepared by the Secretary to the Government of the Federation on behalf of the President;
2. National Security Council Briefs are prepared by relevant ministries;
3. Nigeria Police Council Notes are prepared by the Minister of Police Affairs; and
4. Ministries prepare ECM.

Although the Secretary to the Government of the Federation (SGF) coordinates the work of all these councils, this Manual focuses on the work of the FEC. However, the principles and guidance provided herein are also applicable, as a rule, to submissions prepared for the advisory councils.

**1.1.4 The Judiciary**

Judicial powers are vested in the courts to provide interpretation of laws and to adjudicate in disputes among parties in the Federation.

## The Role of Central Agencies in the Decision-Making System

A number of Central Agencies (CAs) coordinate and/or support the policy development process and the executive decision-making system. The most important of the CAs are: the Office of the Secretary to the Government of the Federation (OSGF), the Office of the Head of the Civil Service of the Federation (OHCSF), the Federal Ministry of Finance (FMF), the National Planning Commission (NPC), the Federal Ministry of Information (FMI), and the Federal Ministry of Justice (FMJ).

**1.2.1 The Office of the Secretary to the Government of the Federation**

The OSGF provides the secretariat for the FEC (and other councils) and ensures the effectiveness and efficiency of the FEC process. The Office also tracks the implementation of the FEC decisions and liaises with other MDAs to make sure that the President is provided with a complete range of high quality information and advice for decision-making. More specifically, the OSGF:

1. drives policy formulation and harmonisation;
2. monitors and coordinates the implementation of policies and programmes;
3. serves as frontline advisory institution of the Presidency; and
4. monitors institutions of governance.

### 1.2.2 Cabinet Affairs Office (CAO)

The Cabinet Affairs Office (CAO) is the office in the OSGF that is responsible for the interface between the MDAs and the FEC. It is headed by a PS and staffed with officers providing support to the President in his role as the Chair of the FEC. The CAO coordinates the FEC decision-making process and works closely with the other OSGF offices, the OHCSF, and MDAs to ensure that the President receives all the information and documentation required for sound decision-making. In fulfilling this mandate, the CAO:

1. provides technical and administrative support to the FEC and its committees;
2. works closely with ministries to ensure that FEC decisions are conveyed and implemented; and
3. coordinates linkages between FEC and the National Assembly through the SGF.

The PS CAO is appointed by the President, reports to the SGF, and is responsible for conveying FEC decisions and the President’s directives to MDAs and ensuring that the decisions are implemented.

### 1.2.3 Office of the Head of the Civil Service of the Federation

The OHCSF, headed by the Head of the Civil Service of the Federation (HCSF) provides support to the President by preserving Civil Service ethics and values. More specifically, the responsibilities of the OHCSF are to:

1. provide effective leadership for the Civil Service;
2. promote professional development through capacity-building, career progression and deployment of staff; and
3. motivate civil servants to carry out their functions with competence, diligence, and integrity.

The President appoints the Head of the Civil Service of the Federation on the advice of the Federal Civil Service Commission (FCSC).

### 1.2.4 Federal Ministry of Finance

The FMF provides advice and assistance in setting and achieving the government’s fiscal plan, taxation, and economic policies. In fulfilling its mandate, the FMF is tasked with the following functions:

1. preparing annual estimates of revenue and expenditure for the Federal Government;
2. formulating policies on fiscal and monetary matters;
3. mobilising domestic and external financial resources through both internal and external financial institutions, for development purposes;
4. maintaining adequate foreign exchange reserves aimed at ensuring a healthy balance of payment position;
5. maintaining the internal and external value and stability of the Nigerian currency;
6. monitoring government revenue from oil and non-oil resources;
7. supervising the insurance industry;
8. managing revenue allocation matters; and
9. relating with relevant international organisations and financial institutions, such as the Economic Commission for Africa, World Bank, International Monetary Fund (IMF), United Nations Development Programme (UNDP), Commonwealth Economic Committee, European Union/Africa, Caribbean and Pacific, Economic and Social Commission of the African Union, Economic Community of West African States (ECOWAS), etc.

It is required that the FMF reviews all ECM for fiscal considerations and to ensure fiscal policy linkages.

**1.2.5 National Planning Commission (NPC)**

The National Planning Commission (NPC) was established by Act 71 of 1993 and is responsible to the President. Its role is to pro-actively and efficiently determine and advise on matters relating to national development and overall management of the economy for positive growth and to ensure that all relevant stakeholders properly implement approved plans and policies. The Act stipulates the following functions for the NPC:

1. provide policy advice to the President in particular and Nigeria in general on all spheres of national life;
2. set national priorities and goals and engender consensus among government agencies, as may be contained in guidelines issued by the Commission from time to time;
3. undertake periodic review and appraisal of the human and material resources capabilities of Nigeria with a view to advancing their development, efficiency, and effective utilisation;
4. formulate and prepare long-term, medium-term, and short-term national development plans and to coordinate such plans at the federal, state and local government levels;
5. monitor projects and progress relating to plan implementation;
6. advise on changes and adjustments in institutions and management techniques as well as attitudes necessary for the alignment of actions with plan targets and goals;
7. conduct research into various aspects of national interest and public policy and ensure that the implications and results of the findings in such research are geared towards the enhancement of national, economic, social, technological, defence, and security capabilities and management;
8. mobilise popular group and institutional consensus in support of government policies and programmes;
9. manage multilateral and bilateral economic cooperation, including development aid and technical assistance;
10. deal with matters relating to regional economic cooperation, including ECOWAS, the African Common Market (AECM), the United Nations Economic Commission for Africa, and the High-Level Committee on South-South cooperation; and
11. carry out such other duties as are necessary or expedient for the full discharge of all or any of the functions conferred on the Commission under the Act.

The Vice-President is the Chairman of the Commission and is assisted by a minister appointed by the President who is responsible for the efficient organisation and management of the Commission.

### 1.2.6 Federal Ministry of Information

The FMI is responsible for communicating government policies and programmes to the public, as it is imperative for government and its partners to obtain the support of the target beneficiaries and other stakeholders of its policies and programmes. The Ministry is mandated to:

1. serve as the Federal Public Information organisation responsible for professional policy-making, planning, gathering, processing, packaging, and disseminating essential information to facilitate democratic governance;
2. provide professional information services that will project the image and reputation of the Federal Government and her people as a responsible society;
3. develop, design, and institutionalise appropriate and generally-acceptable public information and communication policies that will promote information management and control in a democratic society;
4. initiate policies, programmes, rules and regulations that will ensure the existence and maintenance of civilised and orderly information and communication systems in Nigeria consistent with acceptable cultural and conventional norms and ethics of the Nigerian people and world community;
5. provide broad and specific guidelines for development management and operation of print and electronic media for education, public enlightenment, entertainment, and socio-economic and political development and orientation. In this respect, the Ministry maintains appropriate relationships with the press and the government;
6. conduct research, surveys, and studies that will enhance better understanding of the relevance, impact, and approach to public information and their implications for public policies and programmes;
7. provide general printing and publishing services to all ministries for effective public administration and to educational, business, and international organisations for their use; and
8. advise on and review communication plans for ECM.

### 1.2.7 Federal Ministry of Justice

The Federal Ministry of Justice (FMJ) is responsible for ensuring justice for all and provides the legal framework to maintain the rule of law as well as economic and social reform. Some of the duties that fall within the realm of the ministry include:

1. prosecuting criminal cases and defence of civil suits against the Government;
2. providing legal advice to government organisations and institutions;
3. drafting bills; and
4. handling complaints of breaches of citizens' rights, and publishing revised laws

and white papers for the Ministry of Justice.

It is required that the Ministry is consulted on drafting of all bills.

## The Operations of the Federal Executive Council and Types of Decisions

The FEC meets weekly to discuss scheduled items and take decisions. It is important that this time is used as productively as possible.

**1.3.1 FEC Committees**

Provision has been made for the establishment of standing FEC committees to strengthen the ECM review and approval process. Permanent committees are very useful mechanism to ensure that all the relevant ministries are fully consulted and involved before a decision reaches Council. They can examine draft ECM, challenge the underlying analysis and ensure that the options presented are coherent, appropriate linkages made, and potential impacts fully explored. In addition to these Standing FEC Committees, the President may appoint Special Committees as and when necessary to perform specific assignments.

The expectation is that the standing committees will be comprised of ministers and serviced by the CAO.

There is provision for three main standing committees, as well as special committees (the membership of the various committees is set out in Annex 9):

1. Economic and Financial Services;
2. Social and Infrastructural Services;
3. Governance and Security Services; and
4. Special Committees (ad hoc committees established as when deemed necessary by the President).

FEC committees provide a political structure and process for managing complex issues that need more detailed consideration prior to Council’s final approval. They enhance the effectiveness of Council decision-making by providing a platform for detailed policy consideration and discussion, thus maximising decision-making time at Council meetings. The committees ensure that:

1. the underlying analysis has been challenged and checked;
2. all relevant line ministries have been consulted and their concerns understood and, where possible, addressed (and where not, explanations given);
3. all reasonable options have been explored;
4. sufficient consultations have occurred;
5. a communication plan has been produced both to explain the issue to the public and to assure ministers to know how to respond to questions;
6. management strategies are in place to address contentious issues;
7. proposals are consistent with the government’s strategic directions and priorities; and
8. any decisions that have spending implications have been discussed with the Ministry of Finance.

### 1.3.2 Types of FEC Decisions

The majority of FEC decisions fall into four categories:

1. Policy,
2. Statutory,
3. Financial, and
4. Resource.

| **Policy** | **Statutory** | **Financial** | **Resource** |
| --- | --- | --- | --- |
| Policy decisions are taken on Issues that involve setting important Directions or have significant public or political dimensions. They include:   * Proposals to create, eliminate or substantially restructure major programmes;   + A new or changed government position on a policy issue;   + A regulatory change that would create a new government position or significantly affect an existing position;   + A response to an urgent or strategic issue;   + The launch of a high-profile external consultation process;   + A framework for negotiations in which the outcome will have important consequences for the government and the country; and   + Issues that affect inter-governmental relations. | Statutory Decisions are constitutional, legal, or legislative in nature. MDAs should consult the FMJ and the Attorney-General’s Office. Statutory Decisions include:   * Legislation (new, repealed or amended); * Draft regulations; * International Treaties, Conventions and Agreements; and * Loan agreements. | Financial Decisions are taken on items with financial impacts. MDAs should consult the FMF on Financial Decisions. Financial Decisions that require FEC approval include:   * Approval of ministry budgets (allocations/estimates); * Financial impact of an approved policy initiative; * Request for an expenditure beyond the approved budget (supplementary budget); * Issues with major revenue or expenditure impacts (e.g., tax exemptions, national disasters, etc.); * Establishing fees or implementing other non-tax revenue initiatives; and * Approving loans and investments. | MDAs preparing other resource-related memoranda should consult the appropriate authorities on resource decisions.   * Government employees (e.g., pension plan, salary levels, collective bargaining); * Lands acquired and buildings owned by the government; and * Technology used by the government, or information held by the government. |

## Process for the Preparation of an Executive Council Memorandum

This section outlines the sources, process, and timelines for originating an ECM by the Initiating Ministry (IM) from the policy design stage to the preparation of a draft ECM. It then details how the CAO should review the ECM prior to submission to the FEC.

An ECM is prepared if there are issues of significant public interest that require FEC decision. FEC approval is required whenever a decision about a policy, programme or project exceeds the authority of an individual minister. The ECM must reflect the government’s priorities as indicated in the governing party manifesto, the Administration's Agenda, the budget, economic, and financial policy statements, or as directed by the President.

ECM for the FEC can emanate from all MDAs. However, by convention, only a minister can present an ECM for FEC consideration and decision. Extra-ministerial departments and agencies forward their memoranda through their supervisory ministries. An ECM is prepared by a ministry, initialled by the Minister, placed at the back cover of the subject file and forwarded by the PS of the IM to the PS, CAO for presentation to the FEC. The CAO reviews compliance with the guidelines relating to the drafting and distribution of the ECM. If the required standards are not met, ECM is returned to the IM.

During the development of an ECM, the IM is required to consult extensively with all stakeholders (MDAs, state governments, non-governmental organisations (NGOs), community-based organisations (CBOs), professional associations, regulatory bodies, etc.). The IM must understand the different positions and, where possible, seek to address them, resolve any stakeholder concerns, and prepare the grounds for a smooth implementation of the initiative. The synthesis of all the research, studies, stakeholder analysis, impact assessments, negotiations, etc. is transferred into the ECM. Senior officials in the IM should review an ECM in detail to ensure that it is accurate, clear, concise, and complete before submission to the CAO.

If the ECM complies with the guidelines at **2.4.1.2**, the SGF discusses the proposal with the President at the FEC agenda review meeting. The President, acting on the advice of the SGF, may refer the ECM to a FEC Committee for consideration before presentation at the FEC meeting.

After due consideration of the ECM, the FEC committee will forward it to the FEC meeting for a decision. Documents sent to FEC standing committees must be returned to the FEC via the CAO within 10 working days. The FEC may send the ECM back to the Standing Committee if the information provided is deemed inadequate. Similarly, the FEC may send an ECM to a Special Committee if the issue needs further study and analysis.

If the FEC approves the ECM, the CAO prepares an Extract to convey the approval to the relevant ministry for implementation. If draft legislation accompanies an approved ECM, the FMJ refers the draft bill to the National Assembly.

The following chart outlines the routing and possible iterations of the ECM before it becomes finalised as policy for implementation.

**1.4.1 Executive Council Memorandum Process Chart**

Ministry develops Cabinet Memorandum

(Minister signs)

Proposal submitted to OSGF (Cabinet Affairs Office)

Proposal returned if standard requirement not met

Cabinet Affairs Office reviews per manual guidelines and standards and places on FEC’s agenda

**FEC CONSIDERS PROPOSAL**

FEC refers proposal to a special committee for further work if need be

Approved

Not approved

Cabinet Affairs Office informs ministry of outcome in writing

If required, ministry prepares draft legislation for FEC approval as per ECM decision

FMJ forwards to National Assembly

Ministry implements approved decision

FEC Standing Committee reviews proposal and makes recommendations to FEC

OSGF/Cabinet Affairs Office tracks implementation of decision and reports to FEC

FEC sends proposal back to Standing Committee if inadequate

## Timelines

The ECM must be submitted to the CAO at least 21 working days before the FEC meeting at which it will be considered. This will give the CAO sufficient time to review the submission and for ministers to study the proposal ahead of the FEC deliberations.

If a minister wishes to submit an urgent ECM for consideration, the minister should inform the SGF with proof of urgency.

The CAO will distribute FEC materials to all FEC members, five working days prior to a FEC meeting.

## Collaboration between MDAs

There should be effective collaboration between MDAs in the preparation and review of an ECM to ensure that various perspectives to issues have been accommodated and buy-in of relevant stakeholders secured before submission to the CAO for processing.

This should be reflected in the stakeholder analysis.

The relevant MDAs and their roles are as follows:

**1.6.1 Initiating Ministry**

In the preparation of an ECM, thePS and relevant staff, departments, units, and agencies of the IM should work together in order to provide a comprehensive analysis and accurate briefing to the minister on the subject matt**er.**

**1.6.2 The Federal Ministry of Finance**

The Federal Ministry of Finance (FMF) sets the fiscal framework for the government and oversees broad socio-economic domestic and international policies related to government programmes and activities. FMF staff should review the ECM for these financial linkages, implications, and changes. The FMF can return an ECM if the fiscal impact assessment is found inadequate. It is therefore useful that the IM consults the FMF.

### 1.6.3 The Ministry of Justice and the Attorney-General of the Federation

The Attorney-General of the Federation and the Minister of Justice should review original copies of contractual or international agreements and draft legislation from MDAs (with copies attached to the ECM for FEC consideration and approval). The IM will issue drafting instructions to the FMJ if it is likely that legislation will need to be drafted as a result of the approval of the policy initiative.

## Clearance by the Cabinet Affairs Office (CAO)

The CAO reviews the ECM and prepares briefings for the President and the Chairmen of the Standing FEC Committees. In its review, the CAO checks to ensure that the ECM adequately complies with the standards and requirements outlined in the Manual and that the proposal is consistent with key policies, programmes, projects and priorities of Government. The emphasis in this review is specifically placed on:

1. Content - to ensure proper analytical rigour, data accuracy, policy consistency,

programme continuity, and coordination to provide best options for sustainable development. (Use of empirical evidence for analysis is required.)

1. Process - to ensure necessary consultations, and linkages are made with other relevant MDAs and stakeholders;
2. Format – to ensure it meets CAO standards and style for presentation to the FEC; and
3. Consistency- with other ministries positions and policies.

The CAO will reject any ECM for failure to meet its guidelines and return same to the IM for appropriate action and re-submission.

## Submission of the Draft Executive Cabinet Memorandum to the CAO

### 1.8.1 Hard copy Process

1. The ECM should be initialled by the minister or (in the case of a joint ECM, ministers) of the IM to ensure authenticity;
2. The ECM, with all the annexes and relevant documents, should be forwarded in the policy file under a covering letter signed by the PS of the IM to the PS of the CAO. The policy file provides the background of the ECM, as well as information on the procedures and processes leading to the development of the ECM;
3. Agreements (contractual, bilateral or multilateral), draft legislation, policies, and all issues with legal implications should be submitted to the Attorney-General of the Federation and Minister of Justice for a legal opinion, prior to submission to CAO from the IM; and
4. One copy of the ECM along with 163 copies of all annexes and the electronic copy of the ECM should be submitted to the CAO at least 21 working days ahead of the anticipated date of consideration of the ECM by FEC. Failure to comply may lead to rejection of the draft ECM by the CAO.

### 1.8.2 The Electronic Document Management System (EDMS)

1. The ECM should be initialled by the minister or (in the case of a joint ECM, ministers) to ensure authenticity;
2. The IM should scan and upload the ECM with all its annexes into the EDMS platform and send to the CAO at least 21 working days ahead of the anticipated date of consideration of the ECM by FEC;
3. Agreements (contractual, bilateral or multilateral), draft legislation, policies, and all issues with legal implications should be scanned and uploaded by the IM into the EDMS platform and sent to the Attorney-General of the Federation and Minister of Justice for a legal opinion, prior to submission to CAO.

## 1.9 Summary of Routing, Review and Approval Process of an ECM

1. Ministries prepare ECM based on annual policy priorities as determined by the President;
2. The IM sends the ECM to the appropriate stakeholders' ministries for necessary input and buy-in. (A stakeholder consultation report should be attached.);
3. Ministry forwards the signed ECM to the CAO;
4. The CAO reviews the ECM for:
5. Content - to ensure proper analytical rigour and that best options are proposed and are in sync with the government agenda;
6. Process - to ensure necessary consultations and linkages are made with others;
7. Format – to ensure it meets with presentation and style requirements; and
8. Consistency- with other ministries’ positions and policies.
9. If an ECM submitted by the ministry fails to meet the requirements, the PS CAO sends it back to the Ministry with written guidance for re-submission;
10. For memoranda that meet the requirements, the CAO forwards the reviewed summaries and recommendations to the SGF for a discussion with the President at a FEC agenda review meeting;
11. At the FEC agenda review meeting, the President, acting on the recommendations of the SGF, may direct that Memoranda be scheduled for FEC discussion or be referred to a FEC Standing Committee for consideration;
12. Standing committees return ECM to the FEC via the CAO within 10 working days;
13. FEC considers the ECM and may send it:
14. to a Special committee if the issue needs further study and analysis; or
15. to the FEC Standing Committee if the information provided is deemed inadequate;
16. If the FEC approves the ECM, the approval is communicated to the relevant ministry for implementation;
17. If draft legislation accompanies an approved ECM, the FMJ submits the draft Bill to the National Assembly.

**2.0 TYPES, STRUCTURE AND CONTENTS OF COUNCIL DOCUMENTS**

This section sets out the different types, structure and content of documents that may be submitted to Council. It sets out three detailed guidelines regarding a sufficient analysis (evidence-based), executive summary, and communications plan.

## 2.1 The Types of Council Documents and their Characteristics

It is important that everyone contributing to or assessing Council documents shares a common understanding of their types and characteristics. The following are the types of Council documents:

### 2.1.1 Executive Council Memorandum

The ECM is a written document or an account prepared by a ministry or a government agency through its parent ministry to the President-in-Council, seeking approval for a proposed course of action. Documents accompanying the ECM may include: policy discussion papers, international agreements, draft legislation, and loans/financial agreements. Types of ECM are as follows:

i. Policy Memoranda: These are memoranda seeking the approval of Council on policy matters.

ii. Contract Memoranda: These are memoranda seeking the approval of Council for procurement contracts.

iii. Financial Memoranda: These are memoranda seeking approval of Council for annual

appropriation (public revenues and expenditures), including borrowing.

iv. Legislative Memoranda: These are memoranda seeking approval of Council for new legislation or proposed amendments to existing ones, international treaties/protocols/ agreements.

All these must follow the format prescribed.

### 2.1.2 Executive Council Note

An Executive Council Note (ECN) is a briefing document presented to the FEC for information purposes only. In most cases it does not seek FEC approval, but it could be converted to an ECM if a decision is subsequently required on the issue.

### 2.1.3 Executive Council Conclusions

### Executive Council Conclusions are a summary of deliberations and decisions of the FEC as recorded by the CAO.

### 2.1.4 Executive Council Extracts

These are sections of Council Conclusions sent to Permanent Secretaries of the appropriate ministries for further necessary action on the subject.

### 2.1.5 Executive Council Agenda

A Council Agenda is a list of the business to be decided at a Council meeting.

The SGF develops the Council agenda in consultation with the President well in advance of FEC meetings. The CAO provides ministries with deadlines for submitting their documents. Periodically, an urgent policy issue arises which demands immediate FEC attention. In such instances, the responsible ministry will work with the CAO to have this item scheduled on the Council agenda on short notice.

## 2.2 Who prepares an Executive Council Memorandum and When?

While the Ministry develops the ECM, it is important that it makes early contact with the CAO to ensure that the appropriate approvals proceed, as well as timing and routing for the policy issue, are established as soon as possible.

## 2.3 Format and Structure of ECM

The ECM consists of nine sections:

* 1. Purpose
  2. Background
  3. Justification and Analysis of Proposal
  4. Evidence of Consultation
  5. Implementation Plan
  6. Communication Plan
  7. Funding Sources and Fiscal Impact Assessment
  8. Legislative/Regulatory Plan (if applicable)
  9. Prayer/Conclusion

See Memorandum Template in Annex 7(II).

### 2.4 GUIDELINES FOR THE ECM, ANALYSIS DOCUMENT AND THE COMMUNICATION PLAN

The following part sets out in detail how each section should be addressed. Formatting is important to ensure consistency and ease of reading. Content is the most significant factor determining the quality of an ECM. However, this content should be presented in a readable, consistent, and concise form. A standard format ensures uniformity, consistency, and the effective use of Council's decision-making time.

**Formatting Requirements of the ECM are as follows**:

1. White A4 paper (not a ministry letterhead);
2. 12 point Times New Roman font for text;
3. Section titles should be in bold, 14 point size font, upper case;

iv. Margin sizes are 1” on the top, bottom and sides;

v. Spacing should be double line-spaced;

vi. Header on each page: ‘SECRET’; and

vii. The footer should indicate current page number out of total pages: e.g., page 2 of 4.

### 2.4.1 Guidelines for Format and Structure of the ECM

The ECM provides FEC members with the key information they need for decision-making in a concise and clear format. It is important that it is written and presented in a way that makes it easy for cabinet ministers to understand. This section sets out the necessary level of detail required in the submission of an ECM to FEC. It focuses on the sections of the ECM set out in 2.3 above.

**2.4.1.1 Guidelines for the Format of an ECM (Executive Summary)**

**This portion contains the first 9 inscriptions that give identity to the ECM.**

1. The statement, (**THIS DOCUMENT IS THE PROPERTY OF THE FEDERAL EXECUTIVE COUNCIL** or the **COUNCIL OF STATE etc)**, is usually indicated on top of the Council Document. It identifies ownership of the document.
2. Security Classification: All Council Documents are marked **SECRET**  . The word “SECRET” identifies the absolute confidentiality ascribed to the Documents. It is positioned at the left, below the ‘Ownership inscription’ of each document.
3. Document Number: This is a numbering pattern that identifies a particular document for reference purpose e.g.

a. [ECM(2014)10] means, {the 10th Executive Council Memorandum for the year, 2014}

b. [ECN(2012)05] means, {the 5th Executive Council Note for the year, 2012};

c. [CSN(2013)04] means, {the 4th Council of State Note for the year, 2013}.

d. [PCN(2008)02] means, {the 2nd Police Council Note for the year, 2008};

e. [ECC(2014)17th Meeting] means the 17th Executive Council Conclusion for the year 2014.

f. [CSC(2013)2nd Meeting] means the 2nd Council of State Conclusions for the year, 2013; and

g. [PCC(2011)3rd Meeting] means the 3rd Police Council Conclusions for the year, 2011.

The documents Numbers, where applicable, are placed below “SECRET”

1. Dates on the Documents: The date placed immediately under a Document’s Number identifies when the document was processed at the CAO while that placed below the Minister’s initials indicates the date he/she signed the document. .
2. Copy Number: This shows a council member’s Identification No.) Placed at the right side of the Date of the Document e.g. **COPY NO. 500**
3. Heading: **(FEDERAL EXECUTIVE COUNCIL/COUNCIL OF STATE etc.)**. The heading identifies the particular Council that is meeting and is placed at the centre, below the Date and the Copy Number.
4. Title of the Document: This is the subject matter/topic of the Document being presented to the FEC or other advisory Councils e.g.

**APPROVAL OF THE NATIONAL WATER RESOURCES MASTER PLAN 2013**

All inscriptions from the ownership down to the title of the document must, appear in the UPPER CASE, on BOLD FONTS, and UNDERLINED.

viii. Title/identity of the Initiating Minister: This inscription identifies the Minister presenting the Memo/Note/Report and is placed at the centre, below the title of the ECM e.g.

“Memorandum by the Minister of Power”

ix. Previous Reference: This must be stated if the ECM had previously been presented to FEC for reference purposes.

See Memorandum Template in Annex 7(I).

### 2.4.1.2 Guidelines for the Structure of an ECM

The ECM should not exceed five pages and may comprise some or all of the following sections that are often referred to as the BODY:

Section 1: Purpose: Is an introductory statement of the anticipated action of the FEC.

Section 2: Background:

(a) Statement and history of the problems/issues

(b) Previous references/FEC decisions (where applicable)

(c) Scope (what the proposal covers and project description)

Section 3: Justification and Analysis of the Proposal

(a) Objectives of the proposal

(b) Reason for FEC's approval

(c) Reason for timing

(d) Conformity with Government agenda, policy direction, and strategy

(e) Analysis of options and impacts considered

(f) Compliance with due process (BPP and ICPC) certificates as applicable)

(g) Other reasons

Section 4: Evidence of Consultation

(a) Inter-ministerial consultations

(b) Other government and non-government stakeholders

(c) Others

Section 5: Implementation Plan

(a) Strategies

(b) Activities/Deliverables

(c) Timelines

(d) Outputs/Outcomes/Impacts

(e) Monitoring and Evaluation plan

Section 6 Communication Plan

Section 7: Funding Sources and Fiscal Impact Assessment

Section 8: Legislative/Regulatory Plan (if applicable)

Section 9: Prayer/Conclusion

See Memorandum Template in Annex 7(II)

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### 2.4.1.3 Content of the ECM

The content and format specifications below are to be strictly adhered to:

1. Purpose

Insert a one-sentence summary of the primary approval being sought from FEC.

1. Background

Briefly describe the background to the issue; i.e., its origin, who and what were involved, and the previous resolutions attempted.

The key goal is to provide critical background information necessary for FEC members to make an informed decision. It is important to link the issue to the government’s priorities or agenda and to explain its significance.

FEC members need to know of any previous commitments made or positions taken by members of the government. These include strategic, financial, pre-election, post-election, or stakeholder commitments, etc.

Note that the Analysis Document will contain full background information relating to the issue under consideration. For the ECM, only those events and causes which have led to the present situation and which are critical to understanding the options should be identified.

1. Justification and Analysis of Proposal

Describe the rationale for government attention/intervention and why the issue is coming before the FEC. Provide a balanced and distinct summary of the substantive alternatives for FEC to consider along with the recommended option, including a ‘do nothing’ option.

The reason why the FEC is required to make a decision at this time could simply be a commitment to address the issue. It could also be an issue of urgency involving national or regional security, financial or legal deadlines, linkages with another issue’s deadline, compliance with a previous FEC direction to report-back by a specific date, or a social or welfare issue, etc.

This section also enables ministers to review the options and impacts that were considered. Critical descriptive or contextual information should be provided for each option, preferably with a one or two sentence commentary. The commentary should include the major impacts, including the advantages and disadvantages. Only major or contentious impacts should be identified. Detailed discussions of each option and impacts should be in the Analysis Document.

Indicate the recommended option by typing ‘recommended option’ beside the appropriate option in boldface type for emphasis. Provide a summary of the reasons why the recommended option has been chosen over the alternatives and how it meets the government’s strategic priorities.

1. Evidence of Consultation

Identify any major issues, particularly if unresolved, arising from inter-ministerial, stakeholder or other consultations, and risks that need to be managed.

List all the ministries that have been consulted and have agreed with the proposal. Highlight the ministries for which this proposal will have a major impact or those which have substantive unresolved concerns. Indicate whether the CAO was consulted and if any concerns were raised. Include similar information with respect to any consultations with external stakeholders.

1. Implementation Plan

Describe how the proposal will be implemented including strategies, steps and timelines.

State how the outcomes of the proposed initiative can be measured. Details should be contained in the Analysis Document.

Briefly describe the plans that have been considered for achieving the objectives of the proposed initiative. This should clearly detail and delineate the roles and responsibilities and the accountability mechanisms to ensure the desired results.

If other MDAs or relevant stakeholders are involved in delivering the programme, there should be evidence of consent and commitment from such partners.

Deadlines and milestones in the implementation over the short- and medium-term should be clearly indicated.

Describe measures to evaluate the effectiveness of the proposal and the recommended indicators of success. The timeframe for conducting the evaluation and reporting back should also be included.

1. Communication Plan

Describe how this initiative will be communicated to the public and associated issues managed.

Start by describing how this initiative fits into the Government’s priorities, the budget or other government commitments.

1. Communication of Goal and Key Messages – Communication of goals should be stated in one or two short sentences. The key messages should reinforce the link between this specific initiative and current government priorities and be taken from the Communication Plan.
2. Expected Impacts – Briefly summarise the impact this initiative may have on the public, stakeholders, the economic climate, gender, regional considerations, etc. The summary draws upon the analysis contained in the Analysis Document. It should clearly convey who will or will not benefit from this initiative and in what ways.
3. Issues Management Strategies – Describe the anticipated reaction from interested parties and the media. Summarise the proposed government response.
4. Communication Activities – Outline the recommended communications approach and major rollout activities. A summary of this information should be drawn from the Communication Plan. Indicate the longer-term communications activities required to sustain the message and if there are significant costs associated with the communications approach.

**7. Legislative/Regulatory Plan**

Describe legislative or regulatory changes arising from implementation of the proposal and the desired progress.

Provide information on the legislative and/or regulatory requirements of the initiative. This includes any new or amended legislation or regulations, any effects on another ministry’s legislation, the complexity of the legislation, as well as legislative timing issues.

Remember that the ECM should only highlight the identified legal and/or constitutional issues. The Analysis Document should provide a full analysis and assessment of any legal issues involved.

**8. Funding Sources and Fiscal Impact Assessment**

Provide a snapshot of the financial impact and considerations.

The proposal and recommended course of action must identify any financial and resource impacts. For example, does the ministry need new staff to implement the new policy or programme? Are there procurements or infrastructure? Will it generate revenue for government? Does the ministry have the funds in its budgetary allocation? Any discussions or commitments from the FMF should be included.

More detailed financial impacts should be included in the Analysis Document.

**9. Prayer/Conclusion**

This is the last paragraph in an ECM. It begins with the phrase, “Council is, accordingly, invited to:” and is followed by, a number of clear and concise statements which summarise the key points/issues contained in the memorandum for particular attention of Council, leading to the prayer and approval.

The concluding statement, which prays for Council’s approval, takes the last Roman numeral in the series and begins with “approve”.

It should be a more complete restatement of the one sentence request made in 2.4.1.2 [section (1.)] above.

## 2.4.2 Guidelines for the Analysis Document (See Template, Annex 7(III)

The Analysis Document provides the due diligence supporting the ECM. It provides a thorough analysis of the facts, necessary background information, an analysis of the major options with their impacts, the rationale for the recommended course of action, and critical implementation issues. Use of empirical evidence (using an evidence-based approach) is required. Any gaps in evidence or areas where further research and data-gathering would help strengthen advice on recommended policy options should be highlighted, so that the FEC or ministers are clearly advised on all relevant factors and can decide, if deemed appropriate, to commission further policy analysis activity.

This document is the substance of the ECM. It is the source whence all information contained in the ECM is drawn. The Analysis document should not exceed 15 pages.

### 2.4.2.1 Content and format of the Analysis Document

The length of the Analysis Document will be determined by the nature and complexity of the issue. The maximum expected length is 15 pages, although, depending on the technical nature of the issue, this may be exceeded. It is important to keep the document as clear and concise as possible, while still providing sufficient detail for users so that they can fully understand the impacts of the proposal.

### 2.4.2.2 Structure of the Analysis Document

There are four main sections in the Analysis Document; their content requirements are as follows:

1. Context
2. Options and Impacts
3. Recommended Course of Action
4. Implementation Plan

A separate Communication Plan is required.

These content and format specifications below are to be strictly adhered to.

i. Context

|  |
| --- |
| Describe why the issue is coming to FEC at this time and provide the critical background information. Identify the factors that should be addressed when considering the issue. |

The Context section begins with a one-sentence restatement of the title of the ECM in boldface type.

The remainder of this section sets the stage for the detailed description of options and proposed course of action.

In selecting the critical background information, emphasis should be placed on aspects that contribute to an understanding of the options and recommendations before decision-makers.

Decision-makers are particularly interested to know how other governments have handled similar or related issues. Where appropriate, ministries should provide an analysis and description of other jurisdictions’ experiences.

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| --- |
| **The Context section could typically include the following information:**   1. problem statement, including why government action is required now, ways in which existing policies or programmes are failing to address the problem, and what government will achieve by resolving the issue; 2. past and current government decisions and policies that deal with the issu[[1]](#footnote-1)e, including past promises, commitments, and understandings which exist; 3. i events and their causes that led to the present situation, including changes which have altered the context or situation from the past; 4. recent developments in the policy area; 5. reports, task forces, committees that have dealt with this issue; 6. analysis of the ways that other governments have tackled similar issues and with what results; 7. external consultations that were undertaken; and 8. key factors or areas of impact relevant to the issue, including the economy, taxpayers, the business community, geographic areas, special groups, the environment, and legal constraints |

ii. Options and Impact

|  |
| --- |
| Outline a range of distinct options, their impacts (including significant financial information for each), and their advantages and disadvantages. |

This section should begin with a brief summary of the range of options; usually three options are adequate. In developing the options and identifying the anticipated impacts, it is important to use an evidence-based approach wherever possible. This may involve careful review of existing studies and data or the initiation of a new study to ensure that decision-makers have the best possible information and evidence on which to base their decisions.

**a. Options**

This section is the heart of the Analysis Document as it indicates the range of options open to the Government. The section should outline the major options considered, associated impacts, and their advantages and disadvantages. In some cases, additional options may be identified and included as a result of consultation with the CAO. In all cases, emphasis must be placed on providing a full range of available options and not limiting FEC's choices by unnecessarily narrowing the range beforehand.

When choosing options, variations on a theme should be avoided, as these generally do not reflect true options but rather operational considerations about how to implement the same option with varying levels of support or with different timing.

Distinct options that provide the FEC with a real choice among alternatives are required. Cases where there is only one obvious course of action are extremely rare. In these instances, the consequences of continuing with the status quo can be explored.

Key financial considerations of the options are also to be included.

Before outlining the options in detail, it is useful to identify the criteria that will be used to assess the options. This provides a framework for analysis of the options and the recommended course of action. A summary chart of the options in relation to the criteria is a useful means to outline advantages and disadvantages of the options for decision-makers.

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| **Criteria to assess an option could include**:   1. consistency with government’s priorities; 2. effectiveness of the option in addressing the issue; 3. economic cost/benefit; 4. severity of impacts; 5. contentiousness of the proposal; 6. complexity and timing of implementation; 7. public perception; and 8. constraints raised by legal, trade, or jurisdictional issues. |

In describing the options, the goal is to strike a balance between the need to provide

a thorough review of the range of choices and the need to keep the material brief and manageable.

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| **When describing an option, consider:**   1. What specific policy change is proposed? 2. How does each option specifically address the stated issue? Will it fully address the issue or are future pressures anticipated? 3. How and over what timeframe will the policy change be implemented? 4. What are the associated costs or savings? Are there labour force impacts? Are there any significant revenue impacts? 5. Will the option establish any policy, funding, or legal precedents? Is legislation or regulations required? |

b. Impacts

|  |
| --- |
| Outline the anticipated impact of each option |

Decision-makers need to know the impacts of the options in terms of their effects on various groups or regions. Will there be obvious winners and losers and at what cost? Do these impacts change over the short-, medium-, and long-term? Are there any constraints on a proposed course of action (e.g., jurisdictional, legal, or trade obligations)?

Judgement should be applied when deciding which groups or issues are likely to be affected by an option. Emphasis should be placed on significant or contentious impacts. Several common areas of impact that ministries should consider when developing policy proposals are included in the section that follows. This list is not exhaustive and is provided to help ministries identify potential areas of impact.

A thorough assessment of a particular area of impact will require consultation with another ministry or ministries. Intra- and inter-ministerial consultations should occur early in the policy development process. Whenever a major impact or unresolved issue exists, this should be indicated along with a description of the nature and timing of the steps taken to resolve the issue (e.g., meetings between the PS and Minister’s staff, involvement of the CAO). Any issue(s) with no clear direction should be brought to the attention of the CAO.

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| --- |
| **When assessing impacts of different options, consider the:**   1. economic; 2. financial; 3. community; 4. social; 5. gender equity; 6. environmental; 7. international and regional; 8. loan/trade agreement; 9. Constitutional and legal; 10. institutional; 11. regulatory; 12. security; and 13. political impacts |

Detailed information on these areas of impact follows.

**i. Economic Impacts**

The ECM should set out the policy basis of the options in the context of the government’s

overall economic policy agenda. The nature of the impact of the proposed policy or

programme option on the economy should be indicated. The following provides an

illustrative list of economic factors that could be considered:

1. How will the option affect citizens and taxpayers?
2. Does the option affect investment and job creation by the private sector? Will the option impose increased costs on the private sector?
3. Does the option disproportionately affect business enterprises? How and in what ways?
4. Will the option lead to more or fewer regulations on businesses or institutions[[2]](#footnote-2)?
5. Does the option have disproportionate effects on different industries (e.g., manufacturing, mining)? If so, what is the nature of these impacts (e.g., effects on competitiveness or exports)?
6. Will the option affect the functioning of markets (e.g., labour, financial markets)? Include a description of any major groups that would be advantaged or disadvantaged by the proposed option.
7. Will consumers be affected by the option?

Ministries should consult with the FMF on the economic aspects of ECMs as they are developed. This includes commentary on the nature of the proposed options, where there might be significantly different impacts on the economy, and how the economic impact of various options should be quantified, including any impacts on the private sector.

**ii. Financial Impacts**

The financial impact of policy proposals is a critical factor that cannot be considered in isolation from the policy aspects. Policy decisions with financial impacts, involving revenue and expenditure, normally require extensive consultations with the FMF early in the policy development process.

The financial analysis should, at a minimum, include:

1. anticipated costs or savings;
2. any reinvestment costs;
3. possible offsets;
4. any anticipated net revenue generation (e.g., tax or non-tax revenues);
5. financial contributions from other sources (e.g., development partners and the private sector);
6. impacts on other stakeholders, including the MDAs and other tiers of government – i.e., do the options contribute to reducing overlap and duplication of programmes and services among the levels of government? If so, will the proposal result in fiscal savings?

Considering the fact that almost any initiative requiring additional funds represents a cost to the public in some way, it is useful to indicate where the impact will be (e.g., as a taxpayer, fee payer, transfer recipient, etc.). The ECM does not need to include the amount of detail that will be in the budget documentation but should include sufficient information to understand the financial impacts of the recommended option.

**iii. Community Impacts**

Some initiatives will have disproportionate effects (either positive or negative) on different zones and communities across the country. For example, a proposal might add to or transfer economic activity between the various zones and communities. The Analysis Document should address the extent to which the options are consistent with the government’s decentralisation and equity commitments. Issues that could be addressed include:

1. Do the options support Nigeria’s constitutional obligations with respect to the federal character policy?
2. Do the options uphold the rights of hitherto marginalised communities?

Ministries should contact the office responsible for the federal character policy, as well as the CAO, to determine if an initiative is consistent with approaches taken in relation to the federal character policy.

**iv. Social Impacts**

Some initiatives will have different impacts on the people of Nigeria. The analysis should identify significant impacts on specific social groups (e.g., poor people, the aged, working men and women, persons with disabilities, parents, children, families, youth, unemployed women, religious and linguistic minorities, taxpayers, etc). The appropriate ministry or office should be consulted with respect to these impacts, recognising that social impacts on broader groups (e.g., families) may involve several ministries. Social impacts can also include broad impacts (e.g., public safety or literacy considerations) that extend beyond a particular group. Social impacts can also relate not just to social groups, but also to key sectors, such as education and health, and crosscutting programmes such as poverty reduction.

**v. Gender Equity Impacts**

Every Analysis Document must include a gender equity assessment. The assessment should report clearly what the intended and possible unintended impacts of the policy are for women, men, boys, and girls. It is also important to consider how various gender groups may be affected differently, based on geographical location, socio-economic group, disability, religion, and so forth. It should, however, be explicitly stated where a policy has no gender implication. Gender equity assessment should take place throughout the policy development process. An outline of ‘key questions’ may be useful for this purpose. (See Annex 5)

A gender equity assessment could include all or some of the following:

1. A statement about the government’s international and domestic legal obligation to women, men, boys, and girls;
2. Statements clarifying what the desired outcomes are for women and men;
3. A statement about how the proposed policy will affect men, women, boys, and girls, directly or indirectly; and
4. A statement about how men and women will know of the policy change and if a different approach needs to be taken to ensure effective communication to either men or women.

Ministries should consult with the Federal Ministry of Women Affairs and Social Development.

**vi. Environmental Impacts**

The Analysis Document should consider whether the options have an impact on the environment and how those impacts will be accommodated within the overall environmental strategy of the Government. Ministries should indicate whether the proposal would require registration under existing laws on environment and technology*.* Ministries should contact the relevant agencies or the Federal Ministry of Environment on these issues.

**vii. International and Regional Impacts**

Within the new regional integration and NEPAD agenda, which the government is a party to, policy initiatives might have impacts on the West Africa sub-region or the African continent as a whole. The analysis should identify if there are significant impacts on other countries in the sub-region or the African continent. Are there opportunities for harmonisation of policies/programmes with other jurisdictions?

Does the proposal have any potentially significant impact on Nigeria’s foreign policy commitments? Will the proposal be supported or opposed by any other countries or international organisations?

Ministries should consult with the Federal Ministry of Foreign Affairs in this regard.

**viii. International Protocols, Loan/Trade Agreement Impacts**

Nigeria’s Protocol and loans/trade agreements have major obligations and impacts for government policy. Policy-makers should be aware of these responsibilities and the potential consequences of their actions resulting from loans and trade obligations.

The IM should consult with the Federal Ministries of Finance, Justice, Trade & Investment, and any other relevant ministry to determine if a loan or a trade agreement or protocol applies to a proposal, and how to avoid potential contraventions of such agreements.

**ix. Legal and Constitutional Impacts**

All legislation and government regulations should be in conformity with the provisions of the Constitution. The FMJ has the responsibility for identifying legal issues including those relating to conformity with the Constitution.

The ECM should outline any legal issues, provide an analysis and assessment of legal risks, and summarise any legal opinions. Where the IM has established that the proposal raises no legal or constitutional issues, this should be explicitly stated.

There should be a description of any legislative/regulatory changes arising from the implementation of the policy proposal. For example:

1. Is this a new or an amended legislation/regulation?
2. What is the anticipated or existing name of the Act to be created or amended?
3. What is the expected timing of completion of drafting?
4. What is the nature/complexity/scope of changes being sought?
5. Is another MDA's legislation affected by the proposal?
6. What is the progress desired (e.g., timing for transmission to the National Assembly or to reach second reading and proceed to standing committee, or when regulations will take effect)?
7. What are the consequences of not achieving this progress or not proceeding?
8. Can changes be made effective retroactively, or only with the approval of the National Assembly?

The Ministry proposing the legislative/regulatory changes should consult the FMJ before finalising its submission.

**x. Institutional Impacts**

The Analysis Document should set out the impact of each option on public institutions (e.g., health care services, hospitals, universities, schools, social service organisations). Such an analysis might include effects on the mandate, policies, financing, programmes, workload, demand for services, and clients of these institutions. This requires consultations with affected ministries or, in many cases, a broader range of public sector organisations. If labour relations issues are involved (e.g., collective bargaining agreements), the Federal Ministry of Labour and Productivity should be contacted.

**xi. Regulatory Impacts**

Regulatory impacts are essential part of assessing the impact in terms of risks, costs and benefits of any proposed legislation or regulation. A Regulatory Impact Assessment must accompany any proposed new legislation. A template is included in Annex 6.

**xii. Security Impacts**

Does the proposal affect Nigeria’s national or domestic security? If yes, describe whether these potential impacts would be positive or negative and how any negative impacts could be mitigated.

**xiii. Political Impacts**

Every policy proposal should show alignment with the government’s strategic priorities. If the policy proposal does not so align, clearly identify a persuasive argument for why it should proceed (for example, response to an international incident, International Court, etc.). Policy proposals must also be assessed against the likely public response.

Political impacts address the following questions:

1. Is the proposal consistent with or promote strategic goals and objectives?
2. Is the proposal likely to raise public objections?

Ministries should contact the OSGF on this issue.

**iii. Recommended Course of Action**

|  |
| --- |
| Describe the proposed course of action and why it was chosen over the other options. |

This section outlines which option is recommended and why. It represents the summary case for the proposed course of action. To justify the recommended course of action, it is helpful to refer to the criteria used to assess the options. The option that best meets the criteria should be the recommended course of action within the context of the government’s strategic priorities.

For complex initiatives, there will be a number of key elements or individual recommendations. Short descriptions of these elements, along with advantages and disadvantages of alternatives considered, may be included.

**iv. Implementation Plan**

|  |
| --- |
| Outline a strategy that details how the proposed course of action will be implemented. |

MDAs should provide an implementation plan for the recommended course of action. The implementation strategy should consider the following:

1. Implementation plan developed in sequence with the related policy product;
2. Timelines identified;
3. Further approvals required (e.g., fiscal impacts);
4. Consultation/outreach strategy;
5. Resource requirements: staffing, vehicles, information technology impacts, etc.;
6. Contingency plans;
7. Programme and operational involvement emphasised;
8. Stakeholder management plan; and
9. Monitoring and evaluation plans.

**2.4.3 Guidelines for the Communication Plan**

The Communication Plan is a description or outline of how government’s decisions and the short-, medium- and long-term impacts are communicated to different stakeholders and the general public. It is a plan of action or strategy that maps out the issues, stakeholders, roles, responsibilities, and the types of communication mechanisms to be used for maximum effect, including appropriate approaches and tactics for communicating with the public and various target audiences on the overall objectives of government decisions. The plan should also assign roles and responsibilities for communicating government decisions.

### 2.4.3.1 Content and Format of the Communication Plan

The Communication Plan should conform to the following specifications:

1. **Length:** Not more than eight pages.
2. **Subject:** One line descriptive title
3. **MDAs and other stakeholders affected:** List of MDAs and other stakeholders that will be impacted by the decision
4. **Analysis:**

**a.** Background to the issue;

**b.** Current public perceptions and sensitivities on the issue; and

**c.** Any contentious issue(s) and suggestions on their remedies.

v **Audiences:**

a. Identify the target audience and major stakeholder groups inside and outside the government; and

b. Assess desirability of consulting with external stakeholder groups before and/or after the announcement.

vi **Positioning (Where does it fit?):**

* Briefly identify the links to the Government’s agenda and priorities.

### 2. 4.3.2 Communications Goals and Objectives:

Make a statement of what the Communication Plan seeks to achieve. For example to:

1. inform the public:
2. achieve widespread understanding and buy-in of relevant stakeholders;
3. stimulate public discussion;
4. facilitate policy or programme implementation; and/or
5. respond to public criticism, apathy, etc.

### 2.4.3.3 Expected Impacts and Issues Management

1. Drawing on the information contained in the Analysis Document, identify and convey the expected impact of the initiative on the country or on a specific stakeholder.
2. Briefly summarise the impact this initiative may have on the public, stakeholders, the economic climate, gender, regional considerations, etc. This summary draws upon the information contained in the Analysis Document. It should clearly convey who will or will not benefit from this initiative and in what way.
3. The proposed Government response should include any advance work that has been or will be undertaken to lay the groundwork for the proposal and to anticipate stakeholder reactions. The response should indicate how the Government would address concerns or reinforce support for the recommended .

**2.4.3.4 The Announcement:**

Determine the method, platforms, timing, actors and target audience of the announcement of the initiative.

### 2.4.3.5 Budget

Identify the financial, material, and human resources required to carry out the communication plan.

### 2.4. Monitoring and Evaluation:

Identify the monitoring and evaluation methods to be used, such as media monitoring, polling, analysis, and a feedback mechanism to track the issue over the short-, medium- and long-term.

3.0 ENACTMENT OF BILLS AND LEGISLATION

Legislative drafting is the production of clear, legally enforceable legislation. Drafting is not just a matter of writing up the policy decision; it involves thinking through the issue from the legal perspective. Despite the fact that the product is text, drafting is more of a thinking-through than a writing-down process and is much more than putting the policy into ‘legalese’. The drafting stage is the culmination of the policy development process rather than a straightforward conversion of finished ideas into legal form. It requires detailed and logical analysis.

Before any legislation (be it a bill or another legislative instrument) goes to the National Assembly, several activities precede it, which involve the Legislative Drafting Division of the Federal Ministry of Justice.

**3.1 Preparing a policy requiring legislation**

The legislative process for an Act of the National Assembly starts with the formulation of policies to enact a law or address a specific issue. The policy is set out in the form of proposals and is often initiated by a ministry. The policy can be triggered by research by the ministry concerned, as a result of a request or complaint to government, by activities of a pressure group, or in order to correct a defect in an existing law (e.g., as a result of a court ruling).

Bills are documents of the Executive, which, when passed by the National Assembly and assented to by the President, become Acts of the National Assembly.

The various ministries have responsibility for specific subject areas assigned to them. For the purpose of initiating legislation, the MDA with responsibility for the legislation’s subject area prepares an ECM for approval of the legislation underpinning the policy. This sets out the essential provisions intended to form the contents of the legislation. The ECM is submitted to the FEC for approval as the first step in the legislative process.

**3.2. Review and approval of Policy Memorandum requiring legislation**

The Minister, on behalf of the ministry concerned, must seek FEC approval of a policy requiring legislation. The request should be in the form of ECM. Guidelines for content, form, and routing of the ECM are as specified in this Manual.

Upon FEC approval of a policy memorandum requiring legislation, the CAO issues an ‘Extract’ conveying the decision of FEC to the Attorney-General of the Federation and Minister of Justice (AGF/MJ) to prepare the legislation for submission to the National Assembly.

Upon finalisation of the draft bill by the Ministry of Justice:

1. The draft bill is sent to the IM with an Explanatory Memorandum attached;
2. The IM makes consultations with stakeholders and revisions, if any, and reverts it to the Ministry of Justice;
3. The draft bill, with the unsigned Explanatory Memorandum, is then submitted by the IM to FEC for approval;
4. FEC approval will be communicated by the CAO to the AGF/MJ for submission to the National Assembly;
5. On completion of the process, the draft bill is submitted to the National Assembly by the FMJ;
6. The draft bill is considered and passed by the National Assembly and comes into force when it is assented to by the President and published in the gazette

***.***

**3.3 Drafting the Bill**

The Legislative Drafting Division of the FMJ prepares the draft bill in close collaboration with the sponsoring ministry through the schedule officer. After consultation between the Legislative Drafting Division and the sponsoring ministry, the bill is finalised.

**3.4 Drafting Instructions Checklist/Contents of the Draft Bill**

Drafters should clearly specify the following detailed instructions to serve as a guide to the drafting of the bill:

1. Requirements for the proposal;
2. Recent official reports;
3. Academic opinion, if any;
4. Useful legal precedents;
5. Penalties and sanctions;
6. Provisions for amendment;
7. Consequential repeals;
8. Transitional/savings provisions;
9. Examples from other jurisdictions;
10. Extra-territorial operation;
11. Commencement; and
12. Regulatory power.

**3.4.1 Style of the Draft Bill**

The drafting style must be:

1. Clear, narrative form;
2. Simple non-technical language;
3. Presented in memo/tabular form;
4. Have a logical sequence;
5. Devoid of administrative matters;
6. Devoid of purely informative matters;
7. Not in draft law format; and
8. Signed by the PS, with a clearly stated name, telephone number of schedule officer, and time frame for completion.

## 3.5 Procedure for the Enactment of Subsidiary Legislation

Most subsidiary legislation, orders, rules, and regulations are procedural in nature and often do not require prior FEC approval before the policy proposals are submitted for drafting to the FMJ. However, instruments that have financial impacts for the State or, by nature of their contents, are likely to indicate a policy shift or significant change in an existing situation would require FEC approval and must therefore be submitted for FEC approval before drafting begins.

After the proposals for subsidiary legislation have been received from the sponsors by the FMJ:

1. The draft order, rule, or regulation will be prepared by the Legislative Drafting Division in collaboration with the sponsoring ministry through the schedule officer;
2. The procedure for the amendment of subsidiary legislation is the same as the drafting of new subsidiary legislation; and
3. There is no specific time frame for the completion of making or amending subsidiary legislation apart from the statutory requirements.

## 3.6 Submission of Policy Papers and Credit Agreements to the National Assembly

The mandate of effective linkages between the Executive and the Legislature falls within the purview of the SGF. All ministries are required to route policy papers, credit agreements, legislative proposals, and other matters intended for the National Assembly’s deliberations after they have been considered by FEC through the SGF.

ANNEXES

Annex 1: Security of Cabinet Documents

1. Introduction

The Cabinet Affairs Office (CAO) in the Office of the Secretary to the Government of the Federation is the office ultimately responsible for the integrity of Cabinet documents, necessary for the smooth operation of the Federal Executive Council and other high-level meetings involving the President. The CAO ensures the confidentiality of Cabinet documents and all other records.

The maintenance of confidentiality of official records including Cabinet documents is spelt out in the Public Service Rules (2008 Edition). Most important of which is:

1. **030421** - (i) Except in pursuance of his/her official duties, no officer shall, without the express permission of his/her PS/Head of Extra-Ministerial Office, whether on duty or on leave of absence:

allow himself/herself to be interviewed or express any opinion for publication on any question of a political or administrative nature or on matters affecting the administration, public policy, defence, or military resources of the Federation or any other country.

b) **030422** - No officer shall, without express permission of the Government, whether on duty or leave of absence:

indicate publicly his support of or opposition to any party, candidate, or policy;

Cabinet Documents

1. The efficient operation of the FEC and the necessary confidentiality of ministerial discussions depend, in part, on the proper handling of Cabinet documents (CDs) Cabinet members should ensure that Cabinet documents are always in the custody of an authorised and security-cleared official.
2. When a Cabinet item has been dealt with, the associated Cabinet documents must be returned to the CAO. Ministers must assign members of their staff with specific responsibility for controlling the flow and storage of Cabinet documents.
3. FEC documents that are clearly marked ‘For Minister’s Eyes Only’ cannot be seen by persons other than the intended ministers.
4. FEC documents must remain in the CAO Archive.

Distribution of Documents

Cabinet documents are strictly controlled and distributed only to authorised recipients by the CAO. MDAs should submit the final draft of the ECM to the CAO, where it will be checked to ensure that it meets the process, content, and format requirements and then distributed as appropriate. Only the CAO can distribute FEC documents.

MDAs Desk Officers for Cabinet Affairs

Permanent Secretaries should designate desk officers not below GL 10 within the MDAs (with one back-up) and forward the names to the CAO as a one-window focal point for the receiving and forwarding of Cabinet documents. Documents will not be distributed to persons other than the designated staff. Any changes in desk officers should be promptly brought to the notice of the CAO.

Handling of Cabinet Documents by MDAs

1. The word **‘Secret’** should appear on documents as appropriate (including on computer memory devices) and on envelopes used to transport/transmit them at all times.
2. All versions of draft Cabinet Documents should be dated and marked *‘SECRET AND DRAFT’* at the top of each page when being developed.
3. Control should be exercised on the number of copies of confidential documents produced.
4. Copies of CDs should be distributed only to those who ‘need to know’.
5. Authorised officers using computer terminals containing, or having access to CDs should log off

while away from their desks and at night, and close confidential files to prevent unauthorised

access to data.

1. Discs, USB pen drives, and other devices containing CDs should be locked up in a safe place.
2. Reproduction of Cabinet Documents is absolutely prohibited except by the approval of the Permanent Secretary CAO upon formal request.

Physical Security of Cabinet Documents in MDAs

1. MDAs should maintain a ‘clean desk’ policy. There should be no unattended paper left on the desks of officers who handle CDs at all times, especially overnight.
2. CDs should be kept securely at all times especially overnight, with access by designated officer on a ‘need to know’ basis.
3. Desktops should be cleared of CDs, and drawers and filing cabinets containing CDs should be locked.
4. Visitor access should be controlled in areas where CDs are being worked on or stored.
5. CDs should not be taken off-site without authorisation. Where this is unavoidable, extreme care should be exercised to safeguard the confidentiality of the documents.

Transmission/Forwarding of Cabinet Documents

1. The required sealed envelope procedure should be used to forward signed ECM to the Cabinet Affairs Office. The word **‘Secret’** should be boldly marked on the envelopes.
2. Only the desk officer should forward ECM.
3. ECM should be delivered directly to the Office of the PS (CAO).
4. Telephone enquiries relating to information on ECM should be handled with particular discretion. Secretaries should be trained to avoid divulging information inadvertently.
5. Fax machines should be used only in exceptional circumstances for transmitting CDs. A phone call should be made both before and after transmission to determine the safe arrival of the faxed documents to the intended recipient.
6. FEC decisions (Extracts) should be conveyed to MDAs by the CAO.
7. Documents must be shredded before placing them in trashcans.

**Security and Confidentiality of Council Documents**

MDAs should create and reinforce a culture of personal responsibility and accountability in officers for the security and confidentiality of FEC documents.

Electronic Records/ Electronic Mail

Electronic Cabinet documents should be treated with the same caution as hard copies of same materials.

Annex 2: Checklist for Writing and Submitting an Executive Cabinet Memorandum

This checklist is a guide for MDAs in developing an ECM and in reviewing it before the final submission to the CAO.

**Stage 1: Preliminary Considerations**

* Does the issue require FEC consideration?
* Is the issue in conformity with Government policy direction/agenda
* Is the issue a Government priority?
* Has a work plan been approved?
* Is there need for intra/inter-ministerial consultation and collaboration?

**Stage 2: Writing the Cabinet Memorandum**

* Have all consultations been completed?
* Is it written in concise, clear, and simple language?
* Is the information accurate?
* Is the format being followed?
* Is the content complete?

Cabinet Memorandum

* Maximum 5 pages
* Does it reflect the major issues in the Analysis Document and Communications Plan?
* Is the prayer for FEC approval clearly defined?

Analysis Document

* Maximum 15 pages
* Are key issues addressed?
* Are options and impacts analysed?
* Is the recommended option well supported with clear justifications?
* Is the implementation plan developed in consultation with relevant MDAs?

Communication Plan

* Maximum 8 pages
* Is the subject matter described?
* Has the target audience been identified?
* Are the communication goals and objectives defined?
* Are the communication strategies and announcements planned?
* Are the appropriate budget and funding plans included?

**Stage 3: Final Draft**

Cabinet Memorandum

* Does the ECM contain the Minister’s initials?
* Is the factual information taken from the Analysis Document?
* Do the communications strategies reflect highlights from the Communications Plan?

**Stage 4: Submission to Cabinet Affairs Office**

* Is the ECM dated and initialled by the Minister?
* Is the ECM submitted 21 working days in advance of FEC's consideration?
* Is the ECM stapled as one document consisting of:
* Executive Cabinet Memorandum;
* Analysis Document; and
* Communication Plan
* Are all pages numbered consecutively and correctly?
* Have the page rules been followed? i.e.,
* Executive Cabinet Memorandum – maximum 5 pages;
* Analysis Document– maximum 15 pages; and
* Communications Plan – maximum 8 pages.
* Has the format been followed?
* Is the content complete?
* Is the ECM submitted in one hard copy and one soft copy?
* Are 163 copies of each of the Annexes submitted?
* Are the contact details of the Desk Officer enclosed?
* Is the ECM enclosed at the back cover of the policy file?

Annex 3: Policy Development Questionnaire

The development of policy products is a dynamic, not-always-sequential, process that achieves success through a repetitive feedback loop. While there is a need to be flexible and accommodate changes, it is necessary to have a clear idea of what products are required and to have a focused plan to develop them.

|  |  |
| --- | --- |
| **Questions** | **Action/Product Required** |
| 1. What kind of policy direction is being sought? | * Policy * International agreements * Draft legislation * Loans/financial agreements |
| 1. What are the most commonly required products?   Are templates available? | * Executive Cabinet Memorandum * Executive Cabinet Notes * Legislation * Subsidiary Legislation (Orders, Rules, Regulations) * Policy Discussion Paper * Background Research * Consultation results |
| 1. What supplementary products and materials are needed to develop the primary product? | * Data * Correspondence * Briefing Notes * Impacts Assessment * Fiscal/financial analysis * Executive Summary * Analysis Document * Communications Plan * Implementation Plan * Presentation Materials |
| 1. What internal resources are needed to produce the product? | * Staff * Office space & equipment * Information technology * Creation of intra/inter-ministry project teams * Cabinet Affairs Office Desk Officers * Communications support * Minister’s Office * Department/agency participation |
| 1. What should be done when an issue impacts a number of divisions within a Ministry? | * Establish an intra-ministry team to develop and implement the work plan * Ensure that divisional responsibilities and resources are clear and that there is support and consensus for the work * Ensure that the Executive (Minister and PS) supports the work and is regularly briefed * Anticipate and plan for conflicts * Develop an approval process that meets the needs of the Ministry * Communicate and consult with Minister's Office, Cabinet Affairs Office, OHCSF, and other relevant MDAs |
| 1. What is the timeline for development of the policy product? | * Assess resources * Assign responsibilities * Seek advice from relevant MDAs * Share/vet the critical path with the PS/Director * Map the formal sign-off process (who, sequence, when) * Identify milestones for each sub-activity * Establish timeline to FEC submissions |
| 1. What internal Ministry direction is required before and during development of the product? | Approvals and direction:   * Director * PS * Minister |
| 1. What are the external resources needed to produce the product? | * External expertise/research/data * Stakeholder consultations * Focus groups/interviews/public meetings |
| 1. If additional decisions or resources are required, when and how will they be decided and available? | * Internal Ministry approvals * Within ministry budget * Within government budget – secure approvals * New funding outside budget – private, donor, taxes, fees, etc. |
| 1. For whom, when, and how often are briefings needed? | * Minister * PS * Director * Others * Materials required * Coordinate briefing materials (intra/inter-ministry) * Schedule early |
| 1. Have intra/inter-ministerial linkages, other levels of government, external stakeholders, and public been incorporated into product development?   What products are required to develop and maintain linkages during and after policy product development? | * Consultation strategy (Identify consultation and information-sharing mechanisms, e.g., sharing draft research and analysis documents) * Consultation with relevant MDAs * Newsletters, etc. |
| 1. What are the requirements for communication planning and approvals? | * Research - focus groups, public meetings, stakeholder meetings * Key messages * Media relations * Media relations training for spokespersons * Launch strategy * Announcements and roll-outs * Consultation/coordination with relevant MDAs * Minister’s Office, CS, Federal Ministry of Information, approval of the relevant agencies and Office of the President. |
| 1. What is the process for developing the implementation plan? | * Identify timelines * Develop alongside the product * Include departments/external agencies/organisations * Further approvals required (e.g., fiscal impacts – Federal Ministry of Finance) * Consultation/stakeholder strategy with beneficiaries * Identify resources, e.g., HR * Contingency plan |
| 14. How will the policy issue be evaluated? | * Ministry evaluation vs. other relevant MDAs evaluation; * Data collection mechanism * Baseline data available * Identify and develop measurement indicators * Monitoring, evaluation and reporting requirements (timing, frequency, etc.) * Use monitoring results for corrective action |

Annex 4: Policy Impact Assessment Guides

Policy impacts are intended or unintended; every policy change will address or redress a specific problem or issue, but it may also have impacts in other areas which may be unintended and in some cases, undesirable. Impact analysis allows decision-makers to be assured that they are making informed decisions and are aware of the potential undesirable consequences of policy decisions. By embarking on a thorough impact assessment, policy designers can determine the desired directions, effects, and overall usefulness of the policy before it becomes law or before implementation.

1. Conducting Impact Assessments

Impact assessments consist of identifying the areas or issues that need to be assessed and then asking questions about how a proposed policy might affect the areas or issues. Doing this requires some level of understanding about the areas or issues that may be impacted.

Some issues are listed below. This list is dynamic as government priorities change, new trends emerge, and new information or understanding becomes available with time.

1. Economic impacts
2. Financial impacts
3. Community impacts
4. Social impacts
5. Gender equity impacts
6. Environmental impacts
7. International and regional impacts
8. Loan/trade agreement impacts
9. Constitutional and legal impacts
10. Institutional impacts
11. Regulatory impacts
12. Security impacts
13. Political impacts

Impact assessments involve asking questions about how a proposed policy or initiative may affect people, institutions and geographic regions. In some cases, an analyst will have sufficient knowledge or understanding to answer the questions, but any time an issue or impact affects another ministry’s mandate, the analyst must consult with the ministry to confirm the assessment.

Sources of information

Data and evidence on the potential effects of an initiative can be gathered through many sources, including research reports, statistical surveys, stakeholder submissions, interviews, focus groups, advocacy sources, civil society, etc.

Questions that should be considered include (but are not limited to):

* 1. Is a given group or issue affected, and if so, how? Is the impact positive or negative? (There may be policy solutions that are positive for some groups and issues, while negative for others.) This requires that the analysts have some understanding of the key features of each group or issue. They should only examine those groups or issues that they believe are affected.

1. Measure the problem or the risk, and identify the likelihood of a potential outcome occurring. For example, how many people are affected and how likely is it that a negative impact will result if the policy solution is adopted?
2. Will other MDAs involved with the affected groups of people or issues support the proposed solution?

Economic Impacts

This is the analysis of the policy issue in the context of the government’s overall economic policy agenda. The nature of the economic impact of the proposed policy or programme option on the economy should be indicated. (Economic impact is different from the fiscal or financial impacts, as it focuses on analysis of the production, distribution, and consumption of goods and services.) The following are questions relating to economic factors that could be considered:

1. What is the impact on micro-business or self-employed persons?
2. Does the option promote investment and job creation?
3. Are certain industries, such as petroleum or cocoa, more affected than others?

Financial Impacts

Fiscal/financial impact analysis involves asking questions relating to the costs or financial benefits of a particular policy or initiative, e.g., what will be the cost or saving to the government from the proposed policy?

Fiscal/financial impact assessments should reveal critical information on the affordability of the proposal within the context of the government’s overall fiscal plan. This requires that the proposal has already been evaluated in terms of cost and includes estimates for resources, capital, amortisation and other expenses. Offsetting revenues, if any, should also be realistically estimated. Fiscal impact assessments are forward-looking as well and identify potential drivers for increasing costs in the future. Fiscal impacts should be confirmed by the FMF, which is responsible for the Government’s budget and financial administration.

A fiscal impact assessment should be provided for all routine and major initiatives for Government decision and should address the following questions:

1. How does the proposal support the Government’s fiscal plan and overall fiscal strategy?
2. How much does the policy proposal cost and are there new costs?
3. Is the ministry identifying any new costs for next year’s budget?
4. Does the proposal cause spending increases or decreases in other MDAs?
5. Does the proposal anticipate cost savings? If so, how?
6. Does the proposal anticipate new or increased revenues? Are revenues expected to decrease?
7. Does the proposal involve partnership with other MDAs or the private sector?
8. Have personnel requirements been identified? Will new employees be required or will existing employees cope with the work?

Community Impacts

Some initiatives will have disproportionate effects (either positive or negative) on different communities and regions within the country, as well as impacts on other jurisdictions outside Nigeria. For example, a proposal might add or transfer economic activity between the various regions and communities. The analysis should identify significant impacts on communities or regions within Nigeria. Questions to be considered here could include:

1. Is the proposal community or region-based? Will one region benefit disproportionately or at the expense of another?
2. Will the proposal reduce duplication or overlapping services and thus result in government cost savings?
3. Does the proposal decentralise responsibilities to sub-national governments?

Social Impacts

Social impacts include socio-economic characteristics that influence how policies and programmes are experienced by different groups of people. Government has identified some impacts as having greater significance and warranting separate analysis, such as gender analysis. While other social impacts may not have the same degree of significance, they are also equally important to identify in advance of the decision-making process to ensure that the decision-makers take informed decisions. Impacts on the following groups should be considered:

1. Age groups (impacts on children, older people or youth)
2. Persons with disabilities
3. Poor people
4. Employment (impacts on workers or certain groups of workers)

The following questions should be addressed:

1. How are each of the identified groups impacted? Are there other groups not listed which are differently impacted?
2. Does the proposal intentionally have different outcomes for different groups?
3. Does the proposal have unintentional impacts on one social group more than others?
4. Are there measures that can mitigate disproportionate impacts?
5. Does the proposal impact employment opportunities for any specific groups?

Gender Equity Impacts

Policy proposals often have different impact on men and women. Sometimes the impact may be intentional. For example, a proposal to achieve gender equity amongst government workers may mean that men have less access to higher-paying jobs than women during a transition period. At other times, the impact might be unintended and must be anticipated and addressed. Some proposals will also have different unintended impacts on women or men, and because of the often more precarious situations of women, these impacts must be clearly identified, understood, and affirmative measures identified to redress the imbalances before a policy proposal is submitted to FEC for decision. Questions to ask include:

1. Does the proposal impact the lives of women and men differently in terms of peculiar needs of men and women?
2. Is the proposal specifically aimed at addressing issues of gender inequity?
3. Does the proposal unintentionally impact one gender more than another?
4. Are mitigation measures desirable and have they been identified?

Environmental Impacts

Some policy proposals may have intended or unintended impacts on the environment. For example, increased industrial development may result in increased pollution with consequent impacts on weather, population, health, etc. The task here is to discern possible Impacts for the environment and how these will be accommodated within the overall environmental strategy of the government. Questions to address include:

1. Have stakeholders, such as rural dwellers, sub-national and regional governments been provided opportunities to identify issues and provide input?
2. Have technical studies of the relevant environmental, social, economic, heritage and/or health effects of the proposed policy been identified and assessed?
3. Are mitigation measures possible, desirable, and identified?
4. Will the proposal or the proposed mitigation measures result in additional costs in any area, and are there any proposals to offset costs (for example, increased fees)?

International and Regional Impacts

It is important to establish the international and regional impact (if any) of the policy proposal. Care is also required to ensure that international commitments are not compromised and that Nigeria reaps the greatest possible benefit in terms of trade and international cooperation. Questions to address include:

1. Does the proposal have any potentially significant impact on Nigeria’s foreign policy commitments?
2. Will the proposal be supported or opposed by any other countries or international organisations?

Loan/Trade Agreement

Where policy proposals have an impact on existing or proposed loan and trade agreements, these ramifications should be clearly identified and analysed and their impact assessed. Questions to address include:

1. Does the proposal have an impact on existing or proposed loan and trade agreements?
2. Does the proposal enhance the attainment of the best possible outcomes for Nigeria in relation to existing and proposed loan and trade agreements?

Constitutional and Legal Impacts

All policy initiatives, as government actions, should be legal and constitutional. Every policy proposal should clearly identify its legal basis, including, if necessary, legislative or regulatory changes that are required to achieve the objective. This section of the impact analysis is intended to identify any legal or regulatory barriers to the proposal. Questions to ask include:

1. Does the proposal fall within the requirements of the Constitution of the Federal Republic of Nigeria?
2. Is the proposed policy within the mandate of the government?
3. Are there legal barriers that can be addressed through legislative or regulatory changes?
4. Have necessary legislative amendments been described?

Institutional Impacts

Institutional impact analysis should set out the impacts of the proposed action for public institutions (e.g., health care services, hospitals, universities, schools, social service organisations). Questions to ask include:

1. Does the proposal involve labour relations issues, such as collective agreements?
2. Does the proposal affect the mandate and roles of institutions such as schools, hospitals, universities, health care, and medical services or others?

Regulatory Impacts

Some changes cause unnecessary increases in regulation, which can have a negative impact on compliance as well as additional costs on businesses, taxpayers, and government. Every proposal which increases the regulatory burden should clearly identify that there is no other alternative and also identify mitigating measures which reduce the burden as much as possible or which offset the burden in other areas. Questions to address include:

1. Does the proposed initiative increase or decrease regulatory requirements?
2. If regulatory requirements are increased, is the increase the minimum required and what strategies might offset the increase (for example, a decrease in other requirements)?

Security

It is essential to establish the security implications, if any, of every policy proposal. The key questions here include:

1. Does the proposed initiative increase or decrease the security risk in the affected areas?
2. If security risks are increased, what are the strategies for mitigating them?

Political Impacts

Every policy proposal should show alignment with overall Government strategic goals and objectives, or clearly identify a persuasive argument for why it should proceed when it does not align (for example, response to an international incident, international court, and so forth). Policy proposals must also be assessed against the likely public response.

Political impacts address the following questions:

1. Does the proposal promote Government's strategic goals and objectives?
2. Is the proposal likely to raise public objections?

Annex 5: Gender Assessment Tool

The ‘Gender Assessment Tool’ ensures that policy developers consider the relevance of gender throughout each stage of the process. Analysing from a gender perspective will enable the policy developer to think about the gender impact of a particular policy and be better equipped to undertake the analysis.

Stage 1: Priority Setting and Policy Development

1. Identifying the Issue
2. Have women’s and men’s different perspectives, needs, experiences, and priorities been considered?
3. If relevant, have boys’ and girls’ different perspectives, needs, experiences, and priorities been considered?
4. Has the relevance of seeking the perspectives of diverse groups been considered?
5. Has the Gender Desk Officer (GDO) of the IM or of other relevant MDAs or sector been consulted?
6. What do the Federal Ministry of Women Affairs and Social Development, Women’s Organisations and gender responsive researchers say about this issue?
7. Defining Goal and Outcomes
8. How does the policy fit within the Nigeria’s domestic and international commitments on gender equity?
9. Who does the policy target?
10. Whose needs are met?
11. Whose priorities are addressed?
12. Who is excluded and why?
13. Who will be affected?
14. Are the desired/anticipated outcomes different for women and men, boys, and girls?
15. Is diversity a relevant consideration in determining outcomes?
16. If the policy is gender-specific, does this impact on the other gender?
17. Gathering Information
18. Are men and women involved in developing the research plans and instruments, such as interviews and surveys?
19. How will information be sought from key groups of women and men?
20. Are gender biases evident in existing research?
21. Are tools that will require the collection of gender-disaggregated baseline data/information developed?
22. Developing and Analysing Options
23. Who is involved in the development and analysis of policy options?
24. Are the intended or unintended impacts different for each of the options? If so, what is the difference? Is it acceptable?
25. What steps can be taken to reduce or eliminate any negative impacts on women, men, boys, or girls?
26. To what extent has the policy option addressed gender equity?

Stage 2: Policy Approval

1. Has a gender impact assessment been developed?
2. Based on the analysis in stage 1: whose labour, time, effort will be required?
3. Who has access and control of resources?
4. Who will be involved in making key decisions?
5. Who stands to benefit?

Stage 3: Policy Implementation

1. Planning
2. Who is involved in developing the implementation strategy?
3. Have the interests of men and women been considered?
4. Will the staffing and human resource impacts of the policy affect women and men or diverse groups differently?
5. Do the criteria for allocation of resources take into account the different roles and interests of women and men? Does the resource allocation promote gender equity?
6. Does the performance measurement framework include gender equity indicators?
7. Communication
8. Does the communication strategy use gender-balanced language?
9. Does the communication strategy outline requirements for gender and culturally balanced language and images in communication materials?
10. Does the communication strategy target all relevant stakeholders?
11. Does information need to be communicated differently to women, men, or diverse groups to ensure accessibility?

Stage 4: Monitoring and Evaluation

1. Has the formal review process included consultation with a diversity of women and men?
2. Who is affected by the policy and how are they affected? Men, women, girls, boys, diverse groups?
3. Have gender equity indicators been included and are they linked with previously designed performance measures?
4. To what extent does the policy impact positively on gender equity and human rights?
5. Are there any unexpected impacts with negative effect on gender equity and human rights?

Annex 6: Regulatory Impact Assessment Template

* + - 1. The Title of proposed policy /decision/regulation
      2. The purpose and intended effect of proposed policy

1. The objective

State clearly what the proposal or proposed regulation intends to achieve and for whom.

1. The background

Give a brief résumé of the policy problem, root causes, weakness of the current policy/legislative/regulatory framework, and why it needs to change.

1. Risk assessment

What risk is the proposed policy/decision/regulation addressing? Can it be quantified, e.g., how many people will be affected and how?

Options scenarios

Option 1: Do nothing, i.e. maintain the status quo

Option 2: *(*Example: Get the industry to impose a voluntary code of practice/self-regulation)

Option 3: …

Flag up any potential risksassociated with the options, describing the likelihood of them occurring, and their effect if they were to occur.

* + - 1. Benefits

Option 1:

Option 2:

Option 3:

The benefits should be considered broadly (to society, economy, businesses, environment, etc.) and the in-house economist should be involved when quantifying them. As far as possible, benefits should be calculated on a per annum basis. Ballpark figures and ranges should be used where there is uncertainty about the impacts. Any potential differential impact of the proposed policy/decision/regulation on various groups e.g. gender, age, religion, education, class, etc. should be highlighted along with the effects of changes in the assumptions.

* + - 1. Costs

1. Costs of a typical business

Identify a typical business (or several typical businesses if the proposal covers a wide range of firms). Explain the type of activities that will have to be undertaken by such firms, quantify those activities, and cost them.

1. Other costs

What effects will the proposed policy/decision/regulation have on non-business organisations such as NGOs, etc.? What costs will be imposed on society or on the environment? Highlight any differential impacts of the policy.

1. Compliance costs

Option 1:

Option 2:

Option 3:

What will businesses and/or individuals need to do to comply?

1. Will they have to buy new equipment or train staff?
2. Will they need to spend more time filling in new forms or undertaking checks?

Will all the costs fall in the first year or will they be incurred every year? (As far as possible, costs should be calculated on a per annum basis including spreading any one-off costs over time). Use ballpark (approximate) figures and ranges where there is uncertainty. The analysis needs to reflect the policy formulation and implementation costs, as well as any unintended consequences.

* + - 1. Stakeholders affected

Think widely about who might be affected both directly and indirectly:

1. Business sectors affected
2. Which sectors will be affected by the policy proposal?
3. How many, what types, and what sizes of businesses will be affected?
4. Other stakeholders
5. 55Issues of equity/fairness

Will the policy proposal correct a current inequity, introduce an inequity that might be justif**i**ed, or will be neutral in effect? Will some be more affected than others? Will a different group from those that bear the costs gain the benefits?

1. The small business impact test

Engage formally and informally with small businesses (including the informal sector) and their organisations about the likely impact of the proposal on their businesses.

1. Enforcement and sanctions
2. How will the policy proposal be enforced?
3. Who will enforce any legislation? If your proposal or regulations will impose costs on another organisation, are they willing to accept this? Will the legislation impose criminal sanctions for non-compliance? If so, on what scale? Is the Attorney General’s Office content (it is its job to prosecute criminal actions)? Is the Chief Justice’s Office content (it is its job to manage the courts)?
4. Monitoring and Evaluation/Review

How is the effectiveness of the proposal to be measured and when?

1. Consultation
2. Within government

List MDAs consulted.

1. Public consultation

State how stakeholders and the general public have been consulted and over what period. Give a brief analysis of the number and nature of the responses.

1. Summary and recommendations

This may be presented as a matrix reflecting something to this effect:

Option 1: Total cost per annum/ Total benefit per annum

Option 2: Total cost per annum/ Total benefit per annum

Option 3: Total cost per annum/ Total benefit per annum

Option 4: Total cost per annum/ Total benefit per annum

Explain in a paragraph or two which option is recommended and why.

Note:

1. The proposal should be designed to offer the best balance, e.g*.* an option that gives 90% of the benefits at 50% of the cost will often be preferable to one that gives 100% of the benefits but is much more expensive.
2. This summary should not introduce any new thoughts that have not been explained elsewhere in the document.
3. Ministerial Declaration

‘I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.’

Signed ……………………………..

[Minister’s name, and title]

**Date *……………………………………..***

**Contact point**

Insert name, address, and phone number of an official who can answer any queries on the assessment or proposedpolicy measure/decision/regulation.

Annex 7: Cabinet Memorandum Templates

All Cabinet Documents must adhere to the following templates

. **Annex 7(I) – ECM EXECUTIVE SUMMARY FORMAT**

**THIS IS THE PROPERTY OF THE FEDERAL EXECUTIVE COUNCIL**

**SECRET**

**ECM(2011)457**

**28th JUNE, 2011 COPY NO. 500**

**FEDERAL EXECUTIVE COUNCIL**

**SUBJECT,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,**

**Memorandum by (Author)………………………………………………**

**Previous Reference: ECC(1920)…. Meeting, Conclusion… (if applicable)**

CONTENT

Paragraph 1: Purpose of the Memorandum

Paragraph 2: Background Information

Paragraph 3: Justification and Analysis of the Proposal Option open to Council

Paragraph 4: Evidence of Consultation

Paragraph 5: Implementation Plan

Paragraph 6: Communication plan

Paragraph 7: Funding sources and Fiscal Impact Assessment

Paragraph 8: Legislative/Regulatory Plan (If applicable)

Paragraph 9: Prayer(s)/Conclusion

10: **(Initialed) D.A.I.**

11: Ministry of --------------

12. **ABUJA**

13. **23rd JULY, 2014**

Annex 7(II) - ECM (Executive Summary) Template (maximum 5 pages)

1. Purpose
2. Background
3. Statement and history of problem
4. Previous reference, if applicable
5. Scope (what the proposal covers, project description)
6. Justification and Analysis of Proposal

Objectives/Why the Ministry is proposing this

1. Why this needs to go to FEC
2. Why this is required now
3. Rationale for government action
4. Expected Output, Outcome, and Impact
5. Other reasons
6. Evidence of Consultation
7. Intra/Inter-Ministerial consultation(s) (List relevant MDAs and stakeholders)
8. Non-governmental stakeholders (beneficiaries, academics, town hall meetings, etc.)
9. Procurement process/BPP Certificate of No Objection, if applicable
10. Others
11. Implementation Plan
12. Strategies
13. Activities/Deliverables
14. Timelines
15. Outputs
16. Expected outcomes
17. Expected impact
18. Monitoring & Evaluation plan
19. Reporting
20. Communication Plan
21. Funding Sources and Fiscal impact Assessment
22. Budgetary Provision
23. Private Sector Participation
24. Loan facility
25. Legislative/Regulatory Plan (if applicable)
26. Prayer(s)/Conclusion
27. Signature of Minister
28. Date

7(III) Analysis Document Template (15 pages maximum)

1. Context

The FEC is invited to……………………

1. Background
2. Consultations

(Describe the consultations carried out with stakeholders)

1. Options And Impacts

A. Option 1………………………………………

1. Description:
2. Impact Assessment:
3. Advantages and Disadvantages

B. Option 2……………………………..

1. Description
2. Impact Assessment
3. Advantages and Disadvantages

C. Option 3…………………………….

1. Description
2. Impact Assessment
3. Advantages and Disadvantages
4. Comparative analysis of resource requirements for all Options
5. Recommended Course Of Action

Describe the option recommended and reasons

1. Implementation Plan

Describe implementation plan and various components of the recommended option

1. Programme/Project Components
2. Risk Assessment
3. Institutional arrangements
4. Consultation/Outreach
5. Resource requirements
6. Monitoring and Evaluation
7. Work plan

7(IV) Communication Plan Template (8 pages maximum)

For: Honourable Minister of……………………….

1. Subject:…………………………………………………
2. Major Ministries affected
3. Analysis:
4. Target Audience:
5. Positioning (Key priority):
6. Communication Goals and Objectives:
7. Expected Impacts and Issues Management:
8. The Announcement:

Outline how the announcement is to be made and the medium

1. Budget:
2. Monitoring and Evaluation:

Annex 8. Fundamental Objectives and Directive Principles of State Policy

**(Extract from Chapter II, Constitution of the Federal Republic of Nigeria)**

**13.** It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution.

**14.** (1) The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice.

(2) It is hereby, accordingly, declared that:

(a) Sovereignty belongs to the people of Nigeria from whom government, through this Constitution, derives all its powers and authority;

(b) the security and welfare of the people shall be the primary purpose of Government: and

(c) the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.

(3) The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government or in any of its agencies.

(4) The composition of the Government of a State, a local government council, or any of the agencies of such Government or council, and the conduct of the affairs of the Government or council or such agencies shall be carried out in such manner as to recognise the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the people of the Federation.

**15.** (1) The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress.

(2) Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.

(3) For the purpose of promoting national integration, it shall be the duty of the State to:

(a) provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation.

(b) secure full residence rights for every citizen in all parts of the Federation.

(c) encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and

(d) promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers.

(4) The State shall foster a feeling of belonging and of involvement among the various people of the Federation, to the end that loyalty to the nation shall override sectional loyalties.

(5) The State shall abolish all corrupt practices and abuse of power.

**16.** (1) The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution.

(a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy;

(b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;

(c) without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy;

(d) without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.

(2) The State shall direct its policy towards ensuring:

(a) the promotion of a planned and balanced economic development;

(b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good;

(c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and

(d) that suitable and adequate shelter, suitable and adequate food, reasonable

national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.

(3) A body shall be set up by an Act of the National Assembly which shall have power;

(a) to review, from time to time, the ownership and control of business

enterprises operating in Nigeria and make recommendations to the President on same; and

(b) to administer any law for the regulation of the ownership and control of such enterprises.

(4) For the purposes of subsection (1) of this section -

(a) the reference to the "major sectors of the economy" shall be construed as a reference to such economic activities as may, from time to time, be declared by a resolution of each House of the National Assembly to be managed and operated exclusively by the Government of the Federation, and until a resolution to the contrary is made by the National Assembly, economic activities being operated exclusively by the Government of the Federation on the date immediately preceding the day when this section comes into force, whether directly or through the agencies of a statutory or other corporation or company, shall be deemed to be major sectors of the economy;

(b) "economic activities" includes activities directly concerned with the production, distribution and exchange of weather or of goods and services; and

(c) "participate" includes the rendering of services and supplying of goods.

**17.** (1) The State social order is founded on ideals of Freedom, Equality and Justice.

(2) In furtherance of the social order-

(a) every citizen shall have equality of rights, obligations and opportunities before the law;

(b) the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced;

(c) governmental actions shall be humane;

(d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented; and

(e) the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained.

(3) The State shall direct its policy towards ensuring that-

(a) all citizens, without discrimination on any group whatsoever, have the

opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;

(b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;

(c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;

(d) there are adequate medical and health facilities for all persons:

(e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;

(f) children, young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect;

(g) provision is made for public assistance in deserving cases or other conditions of need; and

(h) the evolution and promotion of family life is encouraged.

**18.** (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

(2) Government shall promote science and technology

(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide

(a) free, compulsory and universal primary education;

(b) free secondary education;

(c) free university education; and

(d) free adult literacy programme.

**19.** The foreign policy objectives shall be -

(a) promotion and protection of the national interest;

(b) promotion of African integration and support for African unity;

(c) promotion of international co-operation for the consolidation of universal

peace and mutual respect among all nations and elimination of discrimination

in all its manifestations;

(d) respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication; and

(e) promotion of a just world economic order.

**20.** The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.

**21.** The State shall -

(a) protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives as provided in this Chapter; and

(b) encourage development of technological and scientific studies which enhance cultural values.

**22.** The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people.

**23.** The national ethics shall be Discipline, Integrity, Dignity of Labour, Social, Justice, Religious Tolerance, Self-reliance and Patriotism.

Annex 9: Membership of proposed FEC Standing Committees

|  |  |  |  |
| --- | --- | --- | --- |
| Social and Infrastructural Services | Economic and Financial Services | Governance and Security | Special Committees |
| * Ministry of Works * Ministry of Health * Ministry of Education * Ministry of Youth Development * Ministry of Women Affairs & Social Development * Ministry of Aviation * Ministry of Lands, Housing & Urban Development * Ministry of Information * Ministry of Transport * Ministry of Tourism, Culture & National Orientation * Ministry of Power * Ministry of Communication * Ministry of Water Resources * Ministry of Sports | * Ministry of Finance * Ministry of Water Resources * Ministry of Environment * Ministry of Science & Technology * Ministry of Agriculture & Rural Development * Ministry of, Industry, Trade & Investment * Ministry of Petroleum Resources * Ministry of Mines & Steel Development | * Office of the Secretary to the Government of the Federation * Office of the Head of the Civil Service of the Federation * National Planning Commission * Federal Capital Territory Administration * Ministry of Foreign Affairs * Ministry of Defence * Ministry of Interior * Ministry of Police Affairs * Ministry of Labour & Productivity * Ministry of Justice * Ministry of Special Duties and Inter-Governmental Affairs * Ministry of Niger Delta Affairs | * Established as when the President deems necessary |

1. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)