

PARTNERS WEST AFRICA NIGERIA (PWAN) MOMERANDUM ON THE NGO REGULATORY BILL

11TH DECEMBER 2017

The recent ongoing attempt by the National assembly to regulate, control and undermine the activities of Civil Society Organizations and NGOs in Nigeria has drawn the attention of Rule of Law and Empowerment Initiative also known as Partners West Africa Nigeria as a non-governmental organization and also a member of the Civil Society. We are concerned with some clauses specified in the bill.

The bill in its severity proposes the creation of an NGO Regulatory Commission, which will be headed by an Executive Secretary and a 17 member governing board who will govern for a period of five years. The governing board will be led by a chairman who will be appointed by the president. The bill further provides that the board members are conferred with the power to license NGOs; without which no NGO can operate in Nigeria even if it has been registered with the corporate affairs commission. Additionally, it requires all NGOs to submit a summary of the final donor project narrative and financial report; that is to say, we must submit all proposals and financial budget to the board for permission before we can send to donors; and in the event that an NGO receives grants, it must secure the permission of the board to execute the project without which it becomes a violation of the law as prescribed in the Bill which has a prison sentence of up to 18 months. Moreover, it requires all NGOs to comply not merely with all laws but, with all national and international policies. These clauses and many other flaws in the bill concern us.

Looking at the above, it is imperative to note that Civil Society groups and NGOs have continuously filled the gap where the government has not been able to. They have been an integral part of bringing back democracy and have made sacrifices in confronting military rule for years, while continuously denouncing the excesses of bad and corrupt governance. The United Nations also recognizes Civil Societies and NGOs as an integral part of every government. Therefore, the Bill will stifle the constitutional rights of freedom of speech, restrict freedom of assembly and expression; and also dishonor the tremendous sacrifices that ordinary Nigerians have made to sustain their civic rights over the years. It will also undermine the Open Government partnership that was signed by the President, Mohammadu Buhari in 2016.

It is to our dismay that this Bill is coming at a time Nigeria is facing so many difficulties with negative economic growth, insecurities, unemployment, poor health care and also an endangered democracy. We believe that in the face of all these problems, the NGO Bill is a distraction to the main issues of national interest.

In light of this, PWAN is of the view that there is no need for the establishment of an NGO Regulatory Commission as most of the roles that are ascribed in the proposed Bill fall within the purview and mandate of the already existing government institutions, such as the Corporate Affairs Commission and other agencies referred to in the Bill. Furthermore, the bill undermines the August 2017 directives of the Central Bank of Nigeria; where the Bank issued a circular requesting all designated Non-financial businesses and professions to register with the Economic and Financial Crimes Commission Department of Special Control Unit against Money Laundering. Not to forget other agencies like the Ministry of Budget and National Planning, Independent Corrupt Practices and Other Related Offences Commission, etc.

The Niger Delta Development Commission Act, 2000 empowers the Commission to assess and report *“on any project funded or carried out in the region by oil and gas companies and any other company, including non-governmental organizations, as well as ensuring that funds released for such projects are properly utilized.”* Recently in the same vein, the Nigerian President signed into law the North East Development Commission Act, which mandates the Commission to *“coordinate projects...” “interface with Non-governmental Organizations...”* in the development of the Northeast region. The National Action Plan on Countering Violent Extremism adopted August 2017 provides that the Office of the National Security Adviser *“will work with Civil Society to conduct research, monitor progress.....”* to prevent and counter violent extremism.

From the above, it goes without saying that laws regulating Non-governmental organizations’ activities already exist.

We thereby call on the National Assembly to stop the process of enactment of this Bill and instead strengthen existing regulatory agencies to foster more accountable and transparent institutions.