



8 December 2017

FROM: Achieng Akena
Executive Director
The Pan African Citizens Network (PACIN)

TO: House of Representatives
Committee on Civil Society Organisations & Development Partners

RE: A Bill for an Act to Provide for the Establishment of the Non-Governmental Organisations Regulatory Commission for the Supervision, Co-ordination and Monitoring of Non-Governmental Organisation, Civil Society Organisation etc. in Nigeria and for Related Matters (HB 585)

With reference to the above, I, Achieng Akena, representing a continental civil society organisation, do submit as follows:

- 1) I write on behalf of the Pan African Citizens Network (PACIN), as its Executive Director. PACIN (formerly CCPAU) has established itself as a critical Pan-Africanist initiative since its formation in 2007, and facilitates a deeper engagement of African civil society organisations and citizens with regional and continental policies and programmes. PACIN's mandate is to ensure that the continent has its people at its centre and not governments, and that decision-making is driven by, and accountable and accessible to African citizens. PACIN is a network of national, regional and continental African civil society organisations and citizens. We utilise invited and claimed spaces to foster substantive and procedural changes within regional and continental mechanisms, and to amplify African citizen voices. Our theory of change recognises citizen-led accountability as the bedrock of democratic governance and development on the continent. Citizens are the legitimate rights holders and need to be more involved in claiming the promise of a "peaceful, prosperous and integrated Africa".

We have heard through our partners about the proposed NGO Bill under consideration in Nigeria. We are submitting this memo to raise our serious concerns about the grave implications of this Bill on Nigerian civil society and civic space, if it is passed into law. We are extremely concerned that this bill will disrupt the activities of non-governmental organisations and the millions of people that they support, and disable their operating environment.

- 2) We cannot, in this day and age, be seeking or permitting the exclusion of African citizens and their formations in democratic settings. Many African Union documents, decisions and policies recognise the pivotal role of African Citizens on this continent. It has become well accepted that Africa cannot develop, and cannot grow without its people, whether at national, regional or continental levels. As a matter of fact, the quality of laws, institutions, mechanisms or results that we have on this continent, is directly proportional to the quantity and quality of African citizens' engagement with them. This is why the African Union has a strong normative basis for civic participation through a number of key legal instruments, and policy and institutional frameworks, and has undertaken to design, promote and implement programmes to strengthen the involvement and participation of civil society. The premier AU policy and strategy document, Agenda 2063, outlines its 6th aspiration as "An Africa whose development is people-driven, relying on the potential of African people".

How do we tap into this potential if the default reaction is towards exclusion of Africans from spaces, refusing to engage with us and disrupting our ways of organising towards our mutual goals for the development of our countries? The continental rhetoric is about meeting the aspirations of African people, but the practice is based on perceiving the African as something to be feared and controlled. We see repeated reprisals against citizens and human rights defenders, and the increased closure of civic space across the Continent.

- 3) It is in this regard that we are appealing to the House not pass this Bill and instead, sit with stakeholders to agree how best to ensure mutual working towards improving the lives of Nigerians within the framework of already existing legal instruments. The Nigerian government should celebrate, facilitate, protect and encourage the engagement of citizens and civil society organisations at national, regional and continental levels, in line with its commitments under the various AU instruments. The right of Africans to participate and to organise is firmly entrenched in several African treaties and policies, including in the Constitutive Act of the African Union; the African Charter on Human and Peoples' Rights and its Protocols; the Declaration on Democracy, Political, Economic and Corporate Governance, and the follow-up Memorandum of Understanding, which, together, establish the African Peer Review Mechanism (APRM); and the African Charter on Democracy, Elections and Governance. Nigeria should reinforce this right rather than seek to hamper the participation and access of their citizens, and should recognise that civil society organisations have been a rich knowledge, financial and technical resource for their governments. Rejecting this Bill will encourage the continued and increased support of the 112 million people in Nigeria that are poor and vulnerable.

I thank you for your kind consideration.



Achieng Maureen Akena
Executive Director