



SPACES FOR CHANGE | S4C

Citizenship, Civic Spaces and Civil Society in Nigeria

Report of Public Forum Proceedings

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CONTEXT

Spaces for group action, citizen engagement and organization are crucial, and central to democracy, including civil society operations. Thanks to the advancement in technology, online and offline spaces are increasingly, not only transforming into centers of democratic expression, but also have become catalysts for social and political change. In corresponding pace, governments have initiated steps to either regulate or restrict these spaces, with implications on human rights and freedoms, particularly the freedom of expression, public assembly, conscience and thought. The civil society plays an important role in democracy promotion and the realization of human rights. Restrictive regulation of the spaces for human and civic interaction significantly limits the ability of the civil society to effectively undertake these roles.

In May 2016, the Nigerian civil society successfully pushed back the *Bill Prohibiting Frivolous Petitions*, popularly known as the Social Media Bill, designed to regulate communications and use of the social media. Barely two months after the Bill was rested, another bill – *A bill to provide for the Establishment of Non-Governmental Organizations Regulatory Commission* – designed to restrict civil society operations in Nigeria has passed second reading in the Nigerian parliament. If passed into law, the bill, popularly known as the NGO Bill, will empower the Nigerian government, through various bodies to regulate, monitor and interfere with the funding and operation of non-governmental organizations (NGOs) and civil society groups (CSOs). At the state level, the Deputy Speaker of Imo State legislature also initiated a bill designed to gag media freedom in the state. The bill which set out to define the standard of operations for media houses in the state passed the second reading before intense resistance from civil society stakeholders led to its withdrawal.

One single thread running through the plethora of restrictive regulations is the cyclic premise on *national security* or the *national interest*. The lead paper in support of the NGO Bill emphasizes the need “to regulate CSOs on matters relating to their funding, foreign affiliation and *national security*, and ... to check any likelihood of CSOs being *illegally sponsored against the interest of Nigeria*.” In simple parlance, these arguments reecho increasingly popular sentiments suggesting that NGOs are “vulnerable to terrorist abuse” or are “enablers for funding terrorist groups.” Prior to its revision in 2016, these sentiments find support in Recommendation 8 of the Financial Action Task Force, the global standard-setter for anti-money laundering and countering financing of terrorism. Perception is growing that domestic efforts to comply with these international standards may have opened the door for human rights abuses, providing the government with further grounds to crush dissent and impose restrictions on civil society.

Under the auspices of the organization's research project on *Confronting Closing Spaces for Civil Society Operations in Nigeria*, supported by the Open Society Initiative for West Africa (OSIWA), SPACES FOR CHANGE has been conducting an advanced legal research in order to critically appraise government's arguments for proposing restrictions on CSO activities in the name of “national interest and security”. The ongoing research project seeks to establish whether the existing spaces for civic engagement, including civil society operations, are expanding or contracting under the current democratic dispensation. The February 28, 2017 public forum forms part of a broader strategy for gathering information from a wide spectrum of stakeholders in order to gauge public responses to the multiplication of oversight regimes regulating the civil society and non-profit organizations (NPOs) in Nigeria. This report sums up the proceedings at the forum.

CONFRONTING CLOSING SPACES FOR CIVIL SOCIETY IN NIGERIA



SPACES FOR CHANGE convened a one-day public forum on *Citizenship, Civic Spaces and Civil Society in Nigeria*, on February 28, 2017, in Abuja, Federal Capital Territory of Nigeria. The forum brought together a unique diversity of participants primarily drawn from social movements and civil society organizations recently affected by the overbroad application of official measures or policies enforced in furtherance of national interest and security. Along this line, an assemblage of the most popular voices of political dissent and group agitations—such as the Indigenous People of Biafra (IPOB), the Shi'ites (Islamic Movement in Nigeria (IMN)), the Movement against Fulani Occupation, the indigenous people of Agatu and Southern Kaduna, the Christian Association of Nigeria, Jama'atu Nasril Islam, including activists and citizen advocates incarcerated and prosecuted for their social advocacy activities in Nigeria—came together under one roof to have a constructive dialogue on the state of civil society in the country. Not left out of the

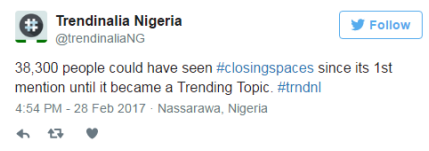
dialogue are representatives of the National Human Rights Commission (NHRC), the media, local and international non-governmental organizations.

In a keynote address, Dr. Tony Ojukwu of the National Human Rights Commission underscored the importance of civic space and the civil society in Nigeria, highlighting some of their influential interventions that helped restore democratic rule in 1999. Civil societies facilitate different voices by enlarging rights and empowering citizens, thereby scaling up participation which is both an individual and collective right. The civic spaces are extension of community spaces where people interact with one another and with their government. The spaces for civil society engagement shrink when state actors attempt to use legislation or other measures to restrict citizen expression and participation in democratic governance. The Anti-Social Media Bill, the NGO Bill, *the* National Code of Corporate Governance are some of the classic examples of restrictive legislations and regulatory codes that have been introduced by the Nigerian government to control spaces for civic interaction.

Ojukwu observed that the restriction of civic spaces is often triggered by a number of international regulations and treaties that Nigeria has either ratified or submitted to its implementation. An interesting example is the Financial Action Taskforce (FATF), Standards. In the light of the heightened global efforts spearheaded by the FATF toward combating money laundering and financing of terrorism, Nigeria has faced increased scrutiny and legal constraints. In a bid to comply with FATF's standards, Nigeria has rolled out several laws, regulations and guidelines applicable to corporate persons which have had the effect of imposing greater obligations on such corporate persons including incorporated non-profits. The Money Laundering (Prohibition) Act, the Terrorism (Prevention) Act, the Special Control Unit against Money Laundering (“**SCUML**”) Regulations, and the Central Bank of Nigeria AML/CFT Guidelines are among major legislation enacted in compliance with FATF requirements. Acknowledging that threats to national interest or security are indeed real, but however, blanket restrictions must be avoided to ensure democracy promotion is not threatened and the very communities they seek to help are not alienated.



After the keynote, follow-on discussions empaneled into four sessions addressed four broad themes affecting the media community (*Contracting Media Spaces*), the indigenous communities (*Indigenous Communities under Threat?*), the religious community (*Between Religious Freedoms and the Right to Self Defence*) and the civil society community of actors (*Beyond FATF: Perspectives from the Local and International Non-Governmental Organizations*). Simultaneously tweeting and sharing the forum conversations on social media enlarged participation from wider audiences, both online and offline. As the meeting progressed, the forum's hashtag, #ClosingSpaces, trended on Twitter. According to Trendinalia Nigeria, 127 users and 250 tweets (147 RTs) in 23 hours made #closingspaces a Trending Topic in Nigeria, reaching over 38,300 people since its 1st mention.



Session One: Contracting or Expanding Media Spaces?

Chairing the session, Inibehe Effiong of the Coalition of Human Right Defenders (CHDR) stated that freedom of expression is not a gift from government; rather it is a constitutionally-protected human right. According to him, Nigeria is presently drifting towards a culture of intolerance. Beginning from 2015, arbitrary arrests, detentions and human right violations of bloggers and journalists have become commonplace. There are various instances to boot. In August 2016, Abubakar Usman, a blogger, was arrested and detained by the Economic and Financial Crimes Commission (EFCC) for making comments on social media alleged to have contradicted sections of the Cyber Crime Act. His alleged crime was christened, 'cyberstalking'. The Nigeria Army declared Ahmed Salkida, a journalist, wanted in September 2016 for alleged links to Boko Haram. Musa Babale Azare was arrested for criticizing Bauchi State Governor in August 2016. In September 2016, Jamil Mabai was detained for 22 days for criticizing Katsina State Governor Aminu Masari's purchase of metal coffins. In April 2016, Jacob Dickson was arrested for writing a report critical of Nasir El-Rufai, Governor of Kaduna State.

Furthermore, in September and December 2016, Emeka Iroegbu and Aku Obidinma were arrested by state security operatives in Abia and Imo State for criticizing government policies. In September 2015, Emmanuel Ojo was arrested on the orders of the Ogun State governor because of his Facebook posts that was critical of the governor's wife, Olufunke Amosun. The said post accused the Governor's wife of being quizzed in London for money laundering. These and many more related incidents are among the latest attempts to stifle the freedom of expression and information by government authorities and agents in the name of national or state security. Confronting the culture of intolerance and executive arrogance using every available platform has now become imperative. The human rights community must do something strategic to end the erosion of civic spaces, Inibehe urged.



Aku Obidinma of Imo Bilie Initiative shared the story of his arrest and detention on the orders of Imo State government. He was arrested and detained because of his bold questions regarding public procurement, contract executions and unpaid workers' salaries in Imo State. He was arrested on the November 24, 2016 by four armed operatives of the Department of State Security (DSS) after a radio show. They whisked him away in a Sports Utility van. At the DSS office, Obidinma was tagged a 'social media terrorist', while his

Facebook page and comments were painstakingly screened. Four days after his arrest, he was taken to a Magistrate Court, where he was slammed with a two-count charge: criminal defamation and breach of public peace. He spent 57 days in prison custody, and was initially prevented from having access to his lawyer and family. While in incarceration, what he particularly found shocking was the reaction from the media and civil

society spaces in Imo state. According to him, these spaces were largely silent. When approached, they stated that *'they don't want trouble'*.

Another member of the panel, Femi Adeyeye, a student of the University of Lagos (UNILAG) who was rusticated in August 2016 also shared his own experiences. In a critique of the anti-student policies in UNILAG contained in a Facebook post, he condemned the university authorities for their insensitivity to the deteriorating conditions in which students study. On a particular occasion, he posted a picture depicting the deplorable living conditions of students of Obafemi Awolowo University on his Facebook page, captioned, *"see where the leaders of tomorrow are living."* The photos went viral on the internet which led to his name being blacklisted on a national security report that he was inciting students against the government.

As with the Southern part of the country, media freedoms are contracting even further in the northern part of the country. Gloria Ballason of the House of Justice and MIVE LEGALS chronicled the state of civic engagement in Kaduna State. Anarchy looms when citizens live in a state where it is either the governor's way or the highway. Shutting down civic spaces and voices that do not sound like that of the Governor not very good options especially when the seat of the Governor is a democratic chair and not a throne, she said.

Gloria Ballason is a human rights activist and anchor of a radio programme, *'House of Justice'* in Kaduna State. Her radio programme was forcefully taken away from her and reassigned to another person because the state authorities found her comments 'troubling' and 'upsetting'. At a fact-finding mission organized by the Nigerian Bar Association (NBA) in the state, the State Governor, Nasir El-Rufai, reportedly announced that he would 'arrest and prosecute' Ballason for the 'dossier of her work which the government is compiling, including her article titled *'When the Government Kills'*" published in the Blueprint Newspaper of 28th November, 2016. Ms. Ballason has filed a 'fundamental rights enforcement' lawsuit against Governor El-Rufai of Kaduna State.



The testimonies of Aku Obidinma, Femi Adeyeye and Gloria Ballason give deep insights into how the mantra of state and national security has been broadly applied in violation of the freedoms of expression, association, and religion or belief. It has also provided justification for surveillance of vocal critics and advocacy organizations working to hold leaders accountable. Consequently, citizens and media organizations, gripped with fear, are now holding back from speaking up or reporting certain issues that may have a sensitive content. When people don't feel able to speak, the implication is that information needed to hold the government accountable is withheld.

The three panelists had divergent views regarding the factors responsible for weak media response(s) to growing state repression. Adeyeye argues that there is hardly any media outfit in Nigeria that is not owned, sponsored or affiliated to a politician. Therefore, the infiltration of the media space by politicians is the biggest threat to the civic space in Nigeria. Ballason contends that the people who benefited from the social media are now working against the social media. Aku Obidinma opined that media silence in the face of repression is even more injurious to the society because it emboldens the oppressor. However, they all agree that the media and civil society spaces have an important role to play in challenging state repression and shrinking spaces. As such civil society stakeholders and organizations must stand up and work together to confront the closure of civic spaces.

Session Two: Indigenous Communities under Threat?



Are indigenous communities under threat? Answering this question is imperative considering the scale and pattern of attacks carried out by rampaging herdsmen and armed bandits in indigenous communities across the Middle-belt and South-Eastern parts of the country. Attacks in Agatu, Nimbo, Ode-Magaji, Ekiti and Southern Kaduna are particular reference points. More tellingly, the pattern of governmental responses to them largely fails to resolve them. Instead, governmental action has, as the panel discussions will demonstrate, led to considerable contraction of the spaces for cohesive interaction among communities, leading to the proliferation of group agitations for secession, for regional autonomy and for true federalism.

The question of threats to human life and social security faced by indigenous communities was the focus of the second panel session chaired by Henri Paul Etiokpah of Centre for Leadership, Strategy and Development, Abuja. Discussants on this panel were Comrade James Idu, Agatu indigene and Desk Officer of National Emergency Management Authority (NEMA) in Agatu Local Government, Benue state; Barr. Solomon Musa, President of the Southern Kaduna's People Union; Rev Dave Ogbole of the Movement against Fulani Occupation, and Charles Ogbu who delivered a commentary on the Indigenous People of Biafra (IPOB).

Speaking on behalf of the Agatu community in Benue state, James Idu said that the Agatu people from Benue State are hospitable and peace-loving people. Strangers and visitors to their community have unduly exploited the hospitality that Agatu people is known for, to the detriment of indigenous populations. Today, Agatu community is riddled with crisis over land for farming, grazing and for occupation. About 27 communities have been wiped away by the recurrent violent crises between indigenes and the predominantly-herdsmen settlers.

Idu claims that the crisis in Agatu is an insurgency, and not just a farmer–herdsmen conflict. The conflict which took on a new dimension in February 2013, has witnessed large scale destruction of lives and properties. Armed-to-the-teeth herdsmen invade communities so routinely, unleashing mayhem for hours, massacring women, children and the aged in their numbers with limited security restraints. The government has deployed security to major roads or highways, but this has yielded little results as the herdsmen now utilize the alternative unpoliced bush-paths across the Nassarawa–Benue boundary to launch their attacks on natives.

As human rights violations persist and the bloodshed continues, *Spaces for Change* is the only organization that has given the Agatu people a platform to tell their story, Idu remarked. Glaring differentials in the handling of similar conflicts across regions fuel accusations of discrimination and neglect. For instance, the Federal Government introduced a plethora of initiatives designed to reconstruct villages and rehabilitate residents of communities in North-Eastern Nigeria ravaged by the Boko Haram crisis. He wants the Federal Government to extend the same gesture of reconstruction and rehabilitation to Agatu people.

Communities that have been destroyed and sacked in Southern Kaduna have now been taken over by cattle-rearers ~ Musa

Dave Ogbole of the Movement against Fulani Occupation (MAFO) agrees with Idu. Economic and religious considerations underlie the cattle trade in Nigeria. Ogbole is the spokesperson of a non-violent pan ethnic group that seeks to protect the indigenous communities across the middle belt against invidious and unwarranted occupation of their ancestral homelands. Acknowledging a century-long relationship between the people of Benue state and Fulani herdsmen, Dave Ogbole posited that the relationship between them has now assumed a bloody dimension where they (the Fulanis) have preferred that *the grasses of the places they graze be watered by the blood of the people who own the land and the grasses be manured by the carcasses of the people who own that land.*



Ogbole’s presentation also harped on the strikingly different manner state authorities handle security issues affecting farmers and herdsmen, which ostensibly favors the latter. In a situation whereby a joint military taskforce would be deployed to prevent and checkmate cattle-rustling affecting herdsmen, yet that joint military taskforce would neither be constituted nor deployed to Agatu community to protect lives during crisis periods speaks volumes about where the government’s sympathy lies. In other words, emphasis has been placed on the protection of cows than on human lives.

In harmony with the views expressed above, Solomon Musa, President of the Southern Kaduna People’s Union (SOKAPU), decried the intensification of revisionism in Kaduna State especially since April–May 2016. He attributes the revisionist trends to the culture of political correctness wherein critical security issues demanding serious action are avoided or sugar-coated to avoid disputation. As attacks on Southern Kaduna became fiercer during these periods, Southern Kaduna communities were shocked by glaring state inaction. To make matters worse, communities that have been destroyed and sacked in Southern Kaduna have now been taken over by cattle-rearers.

Cattle theft is a major security challenge facing most northern states, said Solomon Musa. In early 2016, a joint military taskforce launched by the Kaduna government in conjunction with the governments of Kebbi, Zamfara, Sokoto, Katsina and Niger States to end cattle rustling in Kamuku Forest Reserve (which borders the five states) successfully ended the menace in those states. Likewise in July 2016, a military taskforce codenamed “*Operation Harbin Kunama*” was set up in Zamfara State to root out the menace of cattle–rustling and armed banditry. Why is the same military firepower used to quell cattle-rustling not being deployed to end the killings in Southern Kaduna? When attackers invade Southern Kaduna communities, they operate for hours without any form of restraint by security operatives. There is special protection for cattle, but none for

human beings in Southern Kaduna. For the SOKAPU Leader, the search for answers to these confounding questions must not to be wished away.



Delivering a commentary on the IPOB, panelist Charles Ogbu informed that IPOB is fighting for the self-determination rights of the people of the old Eastern region, which make up the present South-Eastern States of Nigeria. Questioning Nigeria's democratic foundations and credentials, he highlighted some of the findings of a recent Amnesty International report regarding the massacre of IPOB protesters in Onitsha and Aba in the South-Eastern region of the country. According to a November 2016 Amnesty report, Nigerian security forces committed gross human rights violations and killed about 150 peaceful protesters on Biafra Independence Day in Onitsha on May 30,

2016. Similar mass killings, mostly affecting Christian minorities and members of the El-Zakyzaky-led Shi-ite movement continue unabated in Southern Kaduna. Ogbu argues that democracy loses its taste when human freedoms are denied arbitrarily, when state actors act lawlessly without consequences and when taxpaying citizens are killed unjustly in exercise of their constitutionally-guaranteed freedoms of expression, association and assembly and their bodies sprayed with chemical substances by the same security forces that are trained and equipped to protect human lives and property. Put in another way, security operatives in the South Eastern part of the country seem to be saying – *'we can kill and get away with it'*. Not only that, we have a government that seems to be saying – *'the lives of citizens don't matter'*.

FATF and GIABA's October 2016 Report on Terrorist Financing in West and Central Africa finds that the scale and nature of terrorist groups within the region have changed and this has had an impact on financing strategies as well. Threats and vulnerabilities that are specific to the region, and the possible funding sources identified particularly in relation to Boko Haram and groups linked to Al-Qaeda, include the prevalence and profitability of cattle-rustling as a key feature of rural and cross-border criminality. As the panel discussions accentuate, the measures adopted by the Nigerian government to end cattle-rustling may primarily be aimed at combatting terrorist financing in the region. However, also noteworthy is how these measures have been applied discriminately in a way that further stokes violent conflicts between communities, overwhelmingly targeting and violating the rights of indigenous communities. The same can be said of government security initiatives, such as *Operation Python Dance*, designed to crush surging local discontent and secession campaigns in South-East Nigeria.

Session Three: Between Religious Freedoms and the Right to Self-Defence



Just as security threats to indigenous communities have escalated, so also has religious tension between adherents of different faiths soared, forcing some religious movements to react in self-defence. The third panel, chaired by Dr A.N Ekpunobi, featured an array of religious leaders comprising Abdulrahman Abubakar Salihu, Chairman of the #FreeZakzaky Campaign Committee of the Islamic Movement in Nigeria (IMN), Imam Shamwilu Nasir of the Jama'atu Nasril Islam, and Reverend Dave Ogbole who stood for Reverend Sunday Ibrahim, Secretary of the Christian Association of Nigeria (CAN), Kaduna Chapter.

Freedom of religion is considered by many people and most of the nations to be a fundamental human right. The right of self-defence (also called, when it applies to the defense of another, alter ego defense, defense of others, defense of a third person) is the right for persons to use reasonable force or defensive force, for the purpose of defending one's own life or the lives of others, including, in certain circumstances, the use of deadly force. International law provides for these two rights in the international bill of rights. The freedom of thought, conscience and religion can be found in Article 18 of the Universal Declaration on Human Rights, 18 of International Covenant on Civil and Political Rights (ICCPR), 9 of European Convention on Human Rights, 8 of African Charter on Human and Peoples' Rights and Article 30 of Arab Charter on Human Rights. The right to self-defence can be found in Article 51 of the UN Charter and in consequence, the principle finds practical application e.g. in international humanitarian law, where a civilian may exercise personal self-defence against atrocities without being considered a direct participant in hostilities. In human rights law, personal self-defence (and defense of others) against an imminent threat to life constitutes the only justification for law enforcement agents to use deliberately lethal force. It should be noted here that while freedom of thought conscience and religion is a natural right accruing to every human irrespective of the circumstance, the right to self-defence only exists as a responsive right, in that, it is only activated in response to an armed attack or an imminent threat to life and properties.

Where religious freedom clashes with the right to self-defence, which one should take preeminence? When and where does self-defence apply? To what extent should the force of self-defence go? These were questions that were at the front burner during the panel discussions on religious freedoms and right to self defence. Should blocking roads lead to human massacres? Is death a proportionate consequence of road blocking? These were 'unanswered' questions posed by Abdulrahman Abubakar Salihu, Chairman of the #FreeZakzaky Campaign Committee in reference to the December 2015 mass killings and burial of 347 Shi'a members of the Islamic Movement in Nigeria by members of the Nigerian Army. The massacred adherents of the Shi'a were alleged to have blocked the road during a religious procession which prevented military officials from accessing the road. The result was deadly use of force. Military forces sprayed bullets on them, leading to the death of hundreds of worshippers.

Following the attack, their properties, especially learning centers were equally destroyed by the Kaduna State government. Over 200 members of the IMN are still in prison in Kaduna state. The head of the Islamic Movement of Nigeria, Sheik Ibrahim Zakzaky and his wife, Malama Zeenatudeen were released by a court order in December 2016, but have still remained in 'protective custody' of the Nigerian government. These are issues that were raised by Abdulrahman Salihu on behalf of the Islamic Movement in Nigeria.

The second panelist, Imam Shamwilu Nasir of the Jama'atu Nasril Islam argued that while the 1999 Nigerian Constitution guarantees religious freedoms, there are limitations to the exercise of that especially in matters relating to public peace. Accordingly, religious freedoms should be exercised within the ambit of the law.

Session Four: Beyond FATF: Perspectives from the Local and International Non-Governmental Organizations (NGOs)

Is the growing restriction of fundamental freedom and shrinking of civic spaces triggered by international regulations and standard-setting frameworks that Nigeria has either ratified or submitted to its implementation? How does the implementation of these standards affect civil society operations in Nigeria? These were the issues discussed in the last session chaired by civil rights activist, Natasha Akpoti.

This panel kicked off with the presentation of SPACES FOR CHANGE's advanced legal research examining the (in)adequacy of Nigeria's legal framework for countering terrorism-financing and money laundering in order to determine whether a proper evidential link exists between the enforcement of FATF standards and the broadening state endeavours to close the spaces for civil society work in the country. The research proceeds upon the premise that the growing restrictions on the fundamental rights and freedoms and civil society interaction are consistent with the physiognomies of state repression. SPACES FOR CHANGE's researcher, Lotanna Nwodo, observed that ever since FATF's Recommendation 8 was issued in 2012, requiring countries to review the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism, various legislations seeking to regulate non-profit organizations (NPOs) sprouted in several jurisdictions including Nigeria. Instances of these bills in Nigeria include the bills for an Act to Establish the Non-Governmental Organizations Regulatory Commission which are (Non-Governmental Regulatory Commission (Establishment) Bill, 2016; Civil Society Regulatory Commission (Establishment) Bill, 2016 and Civil Society Commission of Nigeria Bill, 2016). Others include the Frivolous Petitions Bill (Anti-social media bill); the Bill to Regulate the Acceptance and Utilization of Financial/Material Contributions of Donor Agencies to Voluntary Organizations; the Code of Corporate Governance for NGOs and the Cybercrime Act, 2015.



Regarding the proliferation of laws designed to regulate NPO's and NGO's, Nwodo argued that NGOs are already well regulated through various federal financial regulations that could protect them from being used as conduit pipes for illicit purposes or for money laundering. These include Company and Allied Matters Act (CAMA), the Money Laundering Act, the Special Control Unit on Money Laundering (SCUML) and the Nigerian Financial Intelligence Unit (NFIU). NPOs are also regulated through the regulation of other corporate organisations such as banks and other financial institutions. Additional measures adopted to regulate improper use of charitable resources are contained in the provisions of federal policies and legislations with respect to registration and identity of the members of NPOs, regulations of bank transfers and inflows into the country, reports filing, and scrutinizing the use of donations. There is currently no evidence upon which to base the clamor for specific regulation of NPOs because there is no specific vulnerability or threat NPOs face that any other corporate entity is not similarly exposed to.

Nwodo observed that there exist no express linkages between these FATF and the legislative attempts to regulate the civic space. However, the plethora of legislative efforts to restrict the civic space flows from poor understanding of FATF standards and overzealous implementation. Not only that, while the FATF has not been expressly mentioned in any of the bills proposed or being proposed for the regulation of NPOs, the

FATF's Recommendations the current movement (NPO's) in Nigeria.

Continuing from where Researcher, Fisayo Ajala, research methodology for repression in Nigeria. process that began in populated daily with occurrences around the of fundamental rights and interest or security. To the increase in exercise of extensive field studies have North West, North-Nigeria. Across the five sealed civic space with varying degrees of closure, resulting in a civic space that has been severely terrorized by state forces in Nigeria.

The media space is facing grave threats. Online and mainstream media spaces have severely come under serious scrutiny and harassment by government authorities... What is now needed to counter these threats to the civic space is a continuously active and ever vigilant civic community that is always ready to ask questions, and demand for answers and hold the government accountable at all times.

may have provided an impetus for against nonprofit organizations

Lotanna stopped, S4C's discussed the organization's developing the database of civic Through a digital crowdsourcing November 2015, the database is records of the incidents and country involving arbitrary denial freedoms in the name of national gather more data demonstrating overbearing governmental power, been carried out in the South East, Central and South West zones of regions examined, S4C found a

The research grouped the spaces for civic interaction into four categories: media, community, religious and civil society. In each of the profiled categories, S4C's research found a closed space and increasing hostility for citizen expression in Nigeria. One sordid example is the case of Chinakwe Fortemose Joachim, who was arrested, detained and imprisoned for naming his dog 'Buhari' purportedly after President Muhammadu Buhari. In another instance, Rukayyatu Usman, a state counsel with the Nassarawa state judiciary was sacked in February 2016 for criticizing the Nassarawa state government's response to Lassa fever in a Facebook post.

Public assemblies which are at the heart of an active civil society and a functioning democracy are not respected. In the South East, S4C finds a "growing evidence of brutal aggression". The spaces for civic engagement in the South-East have been shut down completely. In Benue state, Rev Dave of MAFO noted that *"every time we made a move to take a civil action, it has always been resisted. We have always been intimidated and coerced to cancel all of our civil actions."* With regard to religious freedoms, the Islamic Movement in Nigeria is a sorry example that remains unresolved, even as the leader of the movement remains in 'protective custody' of the government, despite a court order of December 2016 that ordered his release. Already, the movement has been banned and declared an insurgent group in Kaduna State.

Furthermore, the media space is facing grave threats. Online and mainstream media spaces have severely come under serious scrutiny and harassment by government authorities. Freedom of expression and information is no longer guaranteed. In the community spaces, the situation in Southern Kaduna and Benue reveal deep-rooted tensions over the invasion and territorial occupation of land by Fulani herdsmen. Incessant violent attacks and recurrent cycles of violence in these localities have created a negative atmosphere of peace and undermined civic engagement in the two states. In conclusion, the rate of clampdowns and violations of fundamental freedoms from 2015 to date is hugely alarming. What is now needed to counter these threats to the civic space is a continuously active and ever vigilant civic community that is always ready to ask questions, and demand for answers and hold the government accountable at all times.

How does the domestic implementation of FATF standards affect international non-governmental organizations (INGOs)? Chitra Nagarajan of Civilians in Conflict (CIVIC) stated that closing spaces for civil society in Nigeria have had a significant impact on INGO operations, particularly in the conflict zones of the northeast. Cumbersome accreditation and registration processes slow down the pace of work. INGO's working in the northeastern part of Nigeria usually get a 6-month registration status that is renewed periodically. For instance, in December 2016, the Borno State government announced that all NGOs in the state must be accredited by the state government. These processes involved filing a lengthy form and providing sixty-seven supporting documents divulging all kinds of confidential information about NGO

operations. These procedures duplicate the registration processes that have taken place with the CAC and the Ministry of National Planning.

The shrinking spaces of civic engagement in Nigeria have also made it difficult for INGOs to carry out their activities. They are sometimes denied access to the Internal Displaced Camps where they work. INGO staff are scrutinized and thoroughly screened before entry. In a particular instance, an INGO staff had her passport with a valid two-year visa to Nigeria, issued in New York, reduced to one-month visa upon arrival. In another instance, the passports of six staff of an INGO were confiscated by Nigerian authorities. INGOs also go through rigorous procedures at check points before being allowed to bring in healthcare and relief items for displaced persons in the northeast. Some healthcare-focused NGOs have had to wait up to four months in extreme cases. To the hundreds of advocates and millions of people that benefit from non-profit activities, strategic collective action is needed to mobilize a shift in the perceptions and narratives that aim to criminalize and delegitimize charitable activities, consequently, exposing them to recurrent restrictive policies and regulations that undermine the impact and reach of their work.



Adding to the discussions from the national NGO perspective, Victoria Ohaeri, Executive Director of SPACES FOR CHANGE noted that not many non-profits know about Recommendation 8 developed by FATF. Prior to 2016, the Recommendation 8 under the FATF Standards stated that “NPOs possess characteristics that make them particularly attractive to terrorists or vulnerable to misuse for terrorist financing.” Currently, FATF has revised that Recommendation, and now requires a risk-based approach to combating terrorist financing and proof of effective targeted and proportional measures.

Victoria agrees with Chitra’s submissions regarding the need to upturn the narratives suggesting that non-profits are used as conduit pipes for money laundering and terrorism financing. The government fears that terrorist organizations may pose as legitimate entities, or exploit legitimate entities as conduits for terrorism financing and escape asset freezing measures. However, there is no evidence yet linking non-profits working in Nigeria to money laundering and terrorism financing. Despite several references to national security and national interest in the NGO bill, the draft legislation does not state clearly how NPO work threatens national security. With the evidence still in doubt, measures often adopted by the government continue to discourage legitimate charitable activities and disrupt the spaces for democratic engagement.



In the light of the FAFT Recommendation 8 revisions, state responses to terrorism financing must be respectful of international human right laws. Accordingly, partnerships between civil society organizations (CSOs) and the involvement of civil society organizations in country-level FATF evaluations are necessary. Outreach and sustained engagement with national and regional-style FATF bodies like Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), Nigerian Financial Intelligence Unit (NFIU) and other national agencies responsible for implementing FATF locally should be integrated into the broader campaigns to reject laws, policies and regulate measures

that shrink the civic space. Aligning with this conclusion, Mausi Segun of Human Rights Watch noted that countries are learning and copying restrictive policies from each other. Civil society has been able to push back, especially when they act early and collectively. Civil society groups should learn how to come together, form a network and work against every attempt at closing down the civil space in Nigeria. Early action and vigilance is key.

Spaces for Youth Development and Social Change



SPACES FOR CHANGE (S4C)

Established in May 2011, Spaces for Change (S4C) is a Lagos-based research and advocacy organization working to infuse human rights into social and economic decision-making processes in Nigeria. Known for leveraging digital technology to crowdsource research data and execute high-profile policy campaigns around findings, S4C continues to create spaces for inclusion, debate and reflection. In the process, the organization facilitates public participation in the promotion, evaluation and setting of strategic policy directions on specific social and economic priorities in Nigeria.

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