

From informal networks and collaboration to the Action Group for Free Civic Space

In 2018 Spaces for Change (S4C) – a Nigerian CSO working to infuse human rights into social and economic processes – initiated the idea of a learning-and-sharing hub on closing civic space. This was intended to be a solidarity-building platform for practitioners engaging in issues affecting civil society in Nigeria. The idea built on the foundations of previous informal CSO collaboration, undertaken in response to proposed restrictions to cyber freedoms, NGO operations, and the use of anti-money laundering measures.

The seven initial participants in this hub began to share information and collaborate regularly around specific campaigns touching on civic space; what began as an informal network designed to deepen cooperation and solidarity eventually transformed into the Action Group on Free Civic Spaces in Nigeria, a coalition of 61 organisations working to co-create a unified sector position and voice to defend civic space against security-induced restrictions. Members work on diverse thematic issues, however they are all committed to ensuring that government regulations (framed around national security) do not shrink civic space. The group has emerged as a collective, sector wide voice at a time when Nigeria is scheduled for the second round of a Mutual Evaluation, with visits by the Financial Action Task Force and Intergovernmental Action Group Against Money Laundering.

S4C serves as the coordinating mechanism for the Action Group. At the initial stage, the coordination is undertaken together with Amnesty International Nigeria and the Open Society Initiative for West Africa (OSIWA). The Action Group itself is still young, and this case study addresses the initial informal collaboration as it developed in response to surging restrictions, some of the coalition's initial activities and immediate outcomes, and the early days of the now formalised Action Group.

Timeline of restrictive triggers and collaborative responses:

- **2015** – Anti-Social Media Bill is proposed by the government; an informal network of CSOs respond collectively – **the Bill is defeated**
- **2016** – NGO Bill is tabled by the government; an informal network collaborates again via research and advocacy; **the Bill is defeated**
- **2016/17/18** - Anti-money laundering measures are used to target activists and CSOs; direct engagement is required with regulators, and collaboration begins to crystallise around this work
- **2019** - The scheduling of a national evaluation on AML/CFT measures triggers the need for a sector-wide response from civil society, and the Action Group formalises to carry out this work.

What launched the coalition?

(i) The Anti-Social Media Bill

In late 2015, the Nigerian government proposed new legislation in the form of the 'Bill Prohibiting Frivolous Petitions', more commonly known as the Anti-Social Media Bill. This proposal

The Anti-Social Media Bill of 2015

If enacted, this new legislation would require citizens to depose affidavits in the courts before posting anything on social media platforms that referenced government activity or officials. Failure to do so would attract a prison sentence of up to 2 years.

came at a time of intense public outcry in Nigeria around corruption in the public sector. Demands were being made for greater accountability, and the bill was designed ostensibly to curtail people from making such demands of the state. The Bill was clearly an attack on freedom of speech, an attack on democratic engagement, and a subversion of the rule of law. Groups from across civil society made use of the constitutionally required public hearing on any new legislation in order to campaign and push back against the Bill. S4C produced in-depth legal analysis of the proposed legislation, which other organisations used to craft messages and campaigns. Bloggers and activists amplified the messages online by humanising the threats to civic spaces, and through this organic, informal joint action the Bill was successfully defeated.



(ii) The NGO Bill

Attempts to narrow civic space did not end there, and a Bill to Establish Non-

Governmental Organisation Regulatory Commission (the NGO Bill) came next in 2016. Framed around the vague objective of 'national security and national interest', the NGO Bill would require all NGOs to register in order to operate, and the list of proposed provisions was extensive and troubling. The Bill was designed **"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"**. Provisions included re-registration every 2 years; a Commission with broad powers to refuse or cancel registration; and a requirement for CSOs to seek prior approval for projects and to share extensive financial information. Violation of the provisions would attract steep fines or criminal penalties.

Figure 9: Tweet from Amnesty International Nigeria



There were fears that accountability and campaigning groups would bear the brunt of these new measures, and concerns that these regulations would make it harder to operate. Rather than protecting or improving national security as claimed, the measures would only narrow civic space.

Drawing on experiences from their fight to defeat the Anti-Social Media Bill, civil society groups collaborated once again. S4C provided detailed policy analysis of the legislative proposals and analysed the provisions, and then spread their analysis to different organisations that could produce messaging and distribute the campaign across different networks. CSOs (like the Policy and Legal Advocacy Center, the Nigerian Civil Society Situation Room, and

the Justice Development and Peace Commission) convened meetings at which S4C provided resources and expert facilitation, providing the information needed and building capacity to understand the critical issues surrounding national security. They shared a series of arguments that other groups could use in their own engagements with different actors pushing for the Bill. Once again, the proposed legislation was defeated.

(iii) Counter-Terrorism and Anti-Money Laundering Measures

Beginning in 2016, S4C started to monitor and document how counter-terrorism and anti-money laundering (ALM) measures were being used to clamp down on activists, bloggers and civil society groups; accusations were made that activists were threatening national security and CSOs were conduits for money-laundering or the financing of terrorism. As a result, many activists were arrested. Documentation of these arrests and detentions on a digital database (www.closingspaces.org) revealed that many of the individuals targeted had no connection to money-laundering or terrorism; rather, the measures were being used to cover up the targeting of those who were vocal in their criticism of the government.

BLOGGERS had been instrumental to the success of previous civil society campaigns. Thanks to their strong online presence and following they are able to command the traffic needed to disseminate information to broad audiences, and can help in communicating and sensationalising complex messages. As the use of AML measures to target activists grew, S4C convened bloggers and activists to form a network, making the managing and sharing of information with them more straightforward. This became the **Open Spaces Hub**, thanks to which activists can find the information they need and seek protection from the threats they face, and CSOs have a way to reach wider audiences.

Pushing back on this would require more than documentation though; civil society needed to engage directly with the institutions and regulators behind these measures (e.g. the Special Control Unit against Money Laundering and Terrorism Financing (SCUML)), to point out the implications of their legislation and to push for legal reform. Through this work, like-minded organisations began to work together more regularly, and a more formal coalition was formed.

The Financial Action Task Force (FATF)

FATF is an inter-governmental body which sets standards and promotes effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. Mandatory compliance with FATF standards has led to a tightening of control over the funds that CSOs can receive. One of the FATF recommendations (Rec. 8) singles out the not-for profit sector as being vulnerable to abuse for financing terrorism (despite a lack of evidence for this position), and recommends that governments take steps to prevent this. Some governments have therefore used this standard to introduce restrictive laws curtailing the legitimate activities of NPOs in the name of national security.

It was the scheduling of a 'Mutual Evaluation' by GIABA (the Inter-Governmental Action Group Against Money Laundering in West Africa) and FATF (the Financial Action Task Force) that ultimately triggered the need for a strong, formalised sector-wide position and response with regards to the regulation of money laundering and financing of terrorism risks in the non-profit sector. The informal connections amongst Nigerian civil society groups were therefore finally cemented into the **Action Group on Free Civic Spaces**.

Who are the members?

The Action Group comprises 61 organisations working across all regions of Nigeria, and across gender, youth, education, healthcare, environmental justice, human rights and other sectors. The common entry point is that all members are committed to confronting any crackdown or restriction on civic space, especially in relation to national security. Many of these members had been working collaboratively as and when required, sharing statements, signing on to one another's campaigns, and showing one another solidarity in the face of attacks. Each group had played a different role according to their

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Mutual Evaluations: The completion of an assessment and the publication of the mutual evaluation report is a starting point for a country to continue strengthening its measures to tackle money laundering and terrorist financing. The country subsequently reports back to FATF on a regular basis on the progress it has made. **These evaluations represent an important opportunity for CSOs to provide input on national legislation and the regulation of the non-profit sector.**

areas of strength, naturally allowing for a complementarity of skills; for example whilst one group conducted research, others took that research and transformed it into public outreach work, empowering their constituencies and networks. This loose network of like-minded organisations agreed to forge a common front for the purpose of advancing the shared concerns of civil society, and signed up to the Action Group.

How does it work?

• Structure and Governance

- S4C, Amnesty International Nigeria and OSIWA have taken on the 'back end work', in terms of coordinating group action, drafting and sharing resources, and conducting outreach with potential members. The coalition is developing around the principle of '**common ownership**', however, and when meetings are held, the hosting role is rotated amongst members.
- In-person meetings and communications are currently issue-driven, with regularity and volume depending on the urgency of the matter in question. Issues are debated online via mailing lists or messaging platforms, and the coordinating team synthesises those

opinions shared into a central position, upon which decisions are then based.

- o Acting as the coordinating mechanism, S4C is administering the funding received to support the organisation of meetings and the participation of members from remote regions. Each CSO involved in the coordinating team has its own civic space project, and so staff and resources from these projects are used to support the coordination of the Action Group.
- **Creating a unified position** - The group developed and fine-tuned its sector position, locating common ground across the different sectors represented, and identifying the common threats that all CSOs are facing as a result of the security measures being introduced. During the fight around the NGO Bill, the government tried its best to introduce counter-arguments particular to each sector; the group has therefore learnt the importance of building a strong, common argument so that everyone involved can hold a unified position, no matter the constituency they are working with.
- **Scenario-planning** - The group is conducting scenario-planning around potential, upcoming risks, to ensure that there is the capacity to respond when necessary. For example, it is thought that the withdrawn NGO Bill may soon be revisited, and so the Action Group is developing strategies to make sure they can once again defeat that Bill.
- **Political Engagement** - At the time of writing, the Action Group was preparing its first NPO-sector unified response for a meeting with FATF representatives. They had identified 7 key CSO leaders from amongst their members to speak on behalf of the entire sector. This team of 7 is as representative as possible, covering different geographical regions and thematic sectors; most critical sectors are represented within the team and the leaders have influence, clout and expertise.
- **International Engagement** - The Action Group has drawn on lessons and experiences from the Global NPO Coalition on FATF. An expert from the global coalition joined them at stakeholder dialogues co-hosted by S4C and SCUML in June 2019 to share information about other countries that have gone through national risk assessments and mutual evaluations with FATF, to support the Action Group in developing an effective strategy for their own evaluation.

Outcomes

- When operating as an informal network of like-minded organisations, Nigerian CSOs **defeated two successive, restrictive bills**. Whilst some CSOs have stronger ties with decision-makers, others have a stronger presence on social media, and others have the capacity to engage harder-to-reach groups and communities; working together, inhabiting these different roles according to their different capacities and expertise, groups have been able to defend and reclaim civic space.
- As a formalised coalition, the group is **engaging with international institutions** to ensure that the non-profit sector in Nigeria is properly

represented during evaluations and assessments of the country's anti-money laundering and counter-terrorism measures. They have managed to develop relationships with global coalitions, and gain access to important meetings with regulators.

Challenges

- National security questions are sensitive, and so as groups started to convene and collaborate around this, **it took time to build trust** and overcome the sensitivities in the room.
- It is important to try and ensure that group actions are inclusive, so that certain sector voices are not left out; however when dealing with something like a Mutual Evaluation process, high level evidence based analysis is required, and so **inclusion must be balanced with the capacity and skill set needed** for that level of discussion.
- **Getting buy-in can be challenging**; people can be suspicious when approached to join a coalition. It's vital to find the central themes that connect constituencies and connect to the spirit of different organisations' missions.

Lessons Learned

- Nigerian civil society organisations have developed coalitions in the past, but they have proved difficult to sustain. In this instance, the Action Group has worked hard to ensure there is a sense of **'Common Ownership'**; rather than the coalition being led by one group, it belongs to everyone, which has created a sense of buy-in that ensures the work is relevant and sustainable.
- **Non-financial support can be just as helpful as funding**; many groups have contributed meeting spaces, covered their own transport costs, or shared resources in place of contributing funds, and this has helped to keep conversations going and to strengthen the coalition.

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