

**Nigeria Civil Society Situation Room**  
**(A platform of Good Governance Civil Society Organisations)**  
**c/o Policy and Legal Advocacy Centre (PLAC)**  
**Guzape, Abuja.**  
**Tel: 08091899999 E-mail: situationroom@placng.org**

**MEMORANDUM SUBMITTED TO THE HOUSE OF REPRESENTATIVES COMMITTEE ON CIVIL SOCIETY ORGANISATIONS AND DONOR AGENCIES ON THE FOREIGN CONTRIBUTIONS (REGULATION) BILL SPONSORED BY HON. EDDIE MBADIWE**

The Nigeria Civil Society Situation Room rejects the Foreign Contributions (Regulation) Bill being sponsored by **Hon. Eddie Mbadiwe**. The bill proceeds from an exceedingly faulty basis and should actually have been titled: Foreign Contributions (Prohibition) Bill.

The Bill is in violation of the constitutionally guaranteed rights to freedom of association as guaranteed under the Constitution of Nigeria, 1999, and the provisions of articles 10(1) and 11 of the African Charter on Human and Peoples' Rights and additionally contradicts Nigeria's several international treaty and protocol obligations.

The Bill lacks an understanding of the meaning: voluntary organisations, which it defines as an association of individuals whether incorporated or not, and includes any other organisation by whatever name called.

Failing, in its definition, to understand the essence of the spirit behind people volunteering and sacrificing their time and resources for the public good. Apparently, not understanding volunteerism, the sponsor of the bill assumes that voluntary organisations which number in the millions, were created simply to receive foreign contributions and must therefore be policed and profiled as suspects who must be constantly under the watch and investigation of the national security apparatus and institutions of the state.

The definition of the term voluntary organisations is open to such wide interpretation as to be certain to adversely affect the work of human rights defenders and organisations in the area of good governance and democracy.

The Bill regulating voluntary organisations will require years of hard documentation, research and verification to adequately capture the millions of entities or group of individuals that will be so affected as to enable any

government institution or Commission to approach understanding of the gamut of activities that it should cover.

Thus, market associations, primary school clubs, student associations, pensioners, cobblers, tailors, age grade groups and indeed just about any group of more than one person whether called by a name or not, will be caught in Hon. Eddie Mbadiwe's definition and subject to being targeted for receiving foreign contribution for its activities without authorisation of the ICPC.

With the myriad of corruption cases that abound in Nigeria at this time, perhaps unprecedented in its history, there is no doubt that the ICPC may require an entire city to constitute its office and hire millions of employees to enable it respond to the responsibilities that the Bill seeks to create for it.

Added to these of course, is the new bureaucracy and layer of corruption that the Bill seeks to entrench in the ICPC - counter-productive to its original establishing mandate.

The Bill to regulate the acceptance and utilisation of financial/material contribution of Donor agencies to voluntary organisations and for matters connected thereto seeks to vest the power of regulating voluntary organisations in the Independent Corrupt Practices and Other Related Offences Commission (ICPC).

The Bill has mandatory provisions that require all voluntary organisations to register with the ICPC and to seek approval from it within a period of sixty days before seeking and accepting funds from donors with the duty of disclosure of the amount of such monies received, the source, purpose and the manner in which such contribution will be utilized by the organisation.

The Bill further seeks to punish with imprisonment for a term of two years, anybody who accepts or assists any person, voluntary organisation in accepting any foreign financial contribution in violation of any of its provisions while, those in charge of the conduct of the business of such organisation at the time of the violation are deemed to be guilty of the offence and liable to be prosecuted and punished.

The mandate of the ICPC as defined by the Corrupt Practices and Other Related Offences Act, 2000 is to investigate and prosecute corruption in the practices, systems and procedures of public bodies (S.2b of the Act). The Act was not created to handle the activities involving voluntary organisations and the term voluntary organisation is not defined in the said Act.

The major obligations of Non Governmental Organisations under Nigerian law include mandatory registration with the Corporate Affairs Commission (CAC) pursuant to the provisions of CAMA, submission of annual returns each year to the CAC within forty-two days after the annual general meeting for the year in the case of companies limited by guarantee, and filing of annual return by NGOs with incorporated trustees not earlier than 30<sup>th</sup> June or later than 31<sup>st</sup> December each year showing among other things the name of the organization, the names, addresses and occupations of the trustees, and members of the council or governing body, particulars of any land held by the corporate body during the year, and any changes which have taken place in the constitution of the association. Penalty for failure to comply in the case of incorporated trustees is N5 for each day during which the default continues.

The Bill seeks to impose an Imperium over the entire third sector comprising hundreds of thousands of NGOs, CSOs, CBOs, and Faith based organizations and other self-regulating independent cultural groups across Nigeria that form part of the Donor driven value chain.

By seeking to empower the ICPC to regulate these financial arrangements, there is the implicit assumption of guilt among the practitioners and corruption in the processes of disbursement. Under the rule of law it is assumed that you are innocent until proven guilty. While the weak and embattled ICPC already has more than enough on its plate, there is already an EFCC regime in the SCUML Money Laundering (Prohibition) Act, 2011 that adequately covers any concern about corruption or money laundering in this sector. In addition is the impracticality of expecting the ICPC to be able to manage the funding apparatus of thousands of groups that are part of the Donor value chain. This wrong headed bill if passed is sure to immediately negatively impact on Nigeria's MDG ratings, and hamper if not entirely scuttle important health initiatives like the Roll Back Malaria and HIV initiatives that keep millions of Nigerians alive. This bill if passed will only create another roadblock to progress and development by establishing yet another industry of rent seeking opportunists who will from experience use the ICPC to settle scores and as well, extort bribes for authorization.

This bill will necessarily mean the revocation of long standing Bi-lateral and multilateral agreements with global community (some predating Independence) that undersign the presence and operations of Donors in that it now wants to subject them to the regulation of an agency of the FGN when it already has Inter governmental agreements supported by the weight of the constitution through the agency of the FGN.

For all of the reasons cited above the Nigeria Civil Society Situation Room calls on the House of Representatives Committee on Civil Society Organisations and Donor Agencies to reject the Act to Regulate the Acceptance And Utilization of Financial/Material Contribution of Donor Agencies to Voluntary Organisations and For Matters Connected Thereto.

**This Memorandum is submitted by the following underlisted organisations who are part of the Nigeria Civil Society Situation Room – a platform of several Civil Society Organisations working on good governance and democracy issues:**

This Memorandum is submitted by the following underlisted organisations who are part of the Nigeria Civil Society Situation Room - a platform of several civil society organisations working on good governance and democracy issues:

NAME	ORGANISATION	SIGNATURE
ANYAKWEE N. S. IRIMOVU	INSTITUTE OF HUMAN RIGHTS & H. Policy and Legal Advocacy Centre	
Clement Nwankwo	Policy and Legal Advocacy Centre	
Hussaini Abdu	Afribund Nigeria	
Dudu Manuqa	RECHDI, Combe	
Mimido Achalepa	WOMENS Right to Education prog.	
Kolawole Barwo	Civil Society Legislative Advocacy Centre (CISLAC)	
George Mungai	Majesty Community Rural Dev. Foundation	
FRANKLIN EPONE	JAPC ISEBUN ODE	
Isaiah M. Zulu	Transition Monitoring Group (TMG)	
<del>Isaiah M. Zulu</del> Resource Centre	CTRICEO, Kano	
Chukwunonso Siru	IRI / Abuya	
Dyebuniji Olumide	Stakeholder Democracy Network	
Yusuf Shamsudeen	Centre for Democracy & Development	
James Ugochukwu	ACEEDEN	
HECILLURU PRUCE C.	INITIATIVE FOR TOTAL DEV & EMPOWERMENT	
Vincent Danig	Community Life Project	
Ambassador Onoja	Next Generation Youth Initiative International	
Thaddeus Ugoch	Advocates for Human Rights	
Emeka Ononamadu	Centre for Integrated Dev & Social Rights	
ABIBAKAR FADIA / BRADA	BOCODEP	

