

# Policies to Strengthen Civil Society at the Sub-national Level.



Establishing a civil society organisation (CSOs)<sup>[1]</sup> as a founder or manager, involves choosing between being an incorporated entity registering with the Corporate Affairs Commission (CAC) or unincorporated under the Freedom of Association, as guaranteed by the Constitution. But recent years have seen new difficulties for CSOs, in the form of challenges to registration at the state level. Organisations working with women, children and youths, interested in working with government at the sub-national level are required to register with relevant Ministries.

Other emerging challenges are those around the legitimacy of civil society sector itself. Organisations within the sector are said to ignore their vision and mission, abuse their nonprofit status and have had their accountability and transparency questioned, hence, the need for more regulations. For individuals working in the civil society sector and interested in bringing development to the doorsteps of the common man, these allegations are extremely concerning.



Given its commitment to strengthening civil society regulations across the country, the Nigeria Network of NGOs, and the European Union Agent's for Citizen-Driven Transformation Programme (EU-ACT) project have given a high priority to understanding civil society regulations at the sub-national level and offer policy alternatives to enabling the operations of CSOs at the sub-national level.

1 - Civil society organisations (CSOs) are an organisational representation of civil society and include all not-for-profit, non-state, non-partisan, non-violent, and self-governing organisations outside of the family in which people come together to pursue shared needs, ideas, interests, values, faith and beliefs, including formal, legally registered organisations as well as informal associations without legal status but with a structure and activities.-  
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# The Challenge



Civil society's relevance to our nation is too important, and its potential contributions to national development, too valuable to allow it to be relegated to the background. The relevance of CSOs in a democracy, particularly while promoting good governance for development is not without challenges, as weak regulatory framework constitutes a major source of challenge to achieving the vision and mission of CSOs in Nigeria.

Driving the current regulatory landscape at the sub-national level is the passage or domestication of the Child Rights Act and the Violence Against Persons Prohibition Act. Unlike the national level where regulatory conversations have advanced, sub-national realities around sectoral regulations have meant that state-level discussions are not rife.



Organisations have reported several challenges associated with civil society regulations at the state level, from lack of coordination amongst Ministries, Departments and Agencies (MDAs) of Government to multiple registrations and weak incentives to register. Another, related, challenge is the lack of understanding of the operations of civil society organisations by regulators.

A major topic of concentration in the current discourse has been the misconception that all civil society organisations have access to grant dollars hence they are treated with that lens. This belief has been confused and hampered by the absence of a robust reporting mechanism for organisations registering with MDAs at the sub-national level where submissions by organisations can be analysed to determine their size and scope of operations.



An online survey conducted in July 2020 among state Networks/Coalitions on sub-national regulatory frameworks by the European Union Agents for Citizen-Driven Transformation Programme (EU-ACT) and the Nigeria Network of NGOs (NNGO) was done to map emerging regulatory trends/demands/legislations at the state level that directly or indirectly influence the activities of CSOs.

A total of 42 responses were derived from 31 states excluding Imo, Oyo, Gombe, Adamawa, Borno and the Federal Capital Territory – Abuja. In October 2021, another survey was conducted amongst EU-ACT focal states viz. Lagos, Edo, Rivers, Enugu, Plateau, Adamawa, Sokoto, Kano, Borno and the Federal Capital Territory – Abuja. Results reflected issues of over-regulation such as demands for multiple registration due to poor understanding of cross thematic working nature of CSOs, which also leads to multiple payments, not traceable to any authentic or publicly available law or policy.





There are also issues on submission of data relating to work in multiple agencies leading to duplication of data and waste of resources. The survey further showed that some states also have issues with multiple laws/ requirements to function as CSOs, which impedes prompt delivery of much needed social services.

One frequent lament by CSOs is the difficulty of accessing relevant information on administrative procedures relating regulations at the sub-national level. Organisations do not – and, more importantly, should not – have to be experts in the operations of government to complete necessary administrative tasks such as registering a nonprofit.



One important conclusion is that separate government agencies having regulatory functions for CSOs need to work together to ensure that administrative procedures are established in a way that best serves users (i.e., civil society organisations), which may not necessarily be the way in which governments internally operate.

Guiding the formation, operation and dissolution of civil society organisations are the Companies and Allied Matters Act, 2020, Companies Income Tax Act and the Money Laundering Prohibition Act among others. The sheer complex nature of civil society regulations, the need to respect and balance fundamental principles around association, assembly and expression, the use of relative degrees of regulatory enforcements, various consequences and costs of civil society regulation are an important conversation at the sub-national level.



## Proposed Solution



Civil society activities take place in communities across local governments and states, generating both employment and tax income for government at all levels while also bringing hope and delivering services to people. Regulation should enable the good that these organisations do. Regulations can have benefits, but business, communities and families will pay for the price of poor regulation, hence the need for better regulation and not more regulation.



Policy makers at the sub-national level must seek practical solutions, balancing risk with the need for regulatory frameworks that support a stronger, more productive, and diverse civil society sector where innovation, investment and jobs are created.

### To achieve this, sub-nationals will:



Ensure existing regulations and policy directives requiring civil society organisations to register at the sub-national level are found in law.



Establish a one-stop-shop as a way of government providing better services to civil society organisations and improve regulatory delivery. One-stop shops can be a very effective way to communicate regulatory requirements more clearly.



Adopt a multi-stakeholder approach to civil society regulation through sector-wide consultations to deepen understanding of the operations of nonprofits in the state in order to avoid cumulative or overlapping regulatory burdens. CSOs are an important source of information about what may or may not work and may also offer solutions to identified problems.

## Disclaimer

This document was produced with the financial support of the **European Union -Agent for Citizen Transformation (EU-ACT)** project. Its contents are the sole responsibility of the **Nigeria Network of NGOs** and do not necessarily reflect the views of the **European Union, British Council or the European Union-Agent for Citizen Transformation (EU-ACT)** project.

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