



In Special Consultative Status with the United Nations ECOSOC

7th December, 2017

Rt. Hon. Yakubu Dogara
The Honourable Speaker of the House of Representatives,
Federal Republic of Nigeria

Dear Sir,

**Memorandum Submission to the Committee on Civil Society
Organizations and Development Partners of the House of
Representatives of the National Assembly of the Federal Republic of
Nigeria, in line with the Scheduled Public Hearing on A Bill for an
Act to Provide for the Establishment of the Non-Governmental
Organizations Regulatory Commission for the Supervision, Co-
ordination and Monitoring of Non-Governmental Organizations,
Civil Society Organizations, etc, in Nigeria and for Related Matters
(HB 585)**

It is with a great sense of responsibility and patriotism that I write this Memorandum. I trust this meets you and your family well, and I must start by saluting the House of Representatives, under your highly esteemed leadership, for this important Call for Memoranda and Invitation to the Public Hearing on A Bill for an Act to Provide for the Establishment of the Non-Governmental Organizations Regulatory Commission for the Supervision, Co-ordination and Monitoring of Non-Governmental Organizations, Civil Society Organizations, etc, in Nigeria and for Related Matters (HB 585), hereafter, simply referred to as ‘the NGO Bill.’

While the NGO Bill ultimately seeks to achieve an importantly lofty aim of regulation and coordination, especially in a very widely varied sector of development (education, agriculture, socio-economic empowerment, health, youth development, citizens engagement, government accountability, disease/outbreak prevention, improved technology markets/access, poverty reduction, etc), it is important for us, as a people, not to lose sight of the important roles which NGOs and the civil society play in our collective existence and ambition for greater wellbeing and



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progress for ourselves, as well as future generations of Nigerians, yet unborn. Specifically, the following aspects of the NGO Bill need to be revised and redrafted, for improvement.

First, the NGO Bill's definitions of an NGO and a CSO are inadequate, excluding faith-based entities/groups, philanthropies, and labour/trade unions. Further, because NGOs and CSOs are already registered under Part C of the Companies and Allied Matters Act (CAMA), the requirement of renewable registration, every 2 years, under the new (about-to-be-established) Non-Governmental Organizations Regulatory Commission of Nigeria (hereinafter referred to as 'the Commission') poses operational risks to especially multi-year projects and programs, not least because, in the event of the cancellation or suspension of registration, the NGO Bill makes no provision for a possible appeal of such a decision, directly to the Commission.

Second, on the issue of approval of NGO/CSO projects, by the relevant Ministry (eg, Health; Agriculture and Rural Development; Women Affairs and Social Development; etc), as made under Clause 26(1) of the NGO Bill, this needs to be corrected, as it portends the potential for manipulation and other bureaucratic delays. NGOs, CSOs and their donors already have regulatory mechanisms within the National Planning Commission (NPC), and the positively impactful collaborations between line Ministries and NGOs/CSOS are very well documented and accepted by all tiers of government, all over Nigeria, for the past several decades. Even worse, the powers in the Clause 26(2) of the NGO Bill might be over-reaching in the sense that the Commission can group NGOs, CSOs and other development partners in collectives that might not necessarily represent functional, appropriate or ideological synergies. As a matter of fact, such groupings of entities that do not exactly share purposeful objectives might be counterproductive, at best.

Third, another Bill before the House of Representatives titled 'Improved Aid Effectiveness, Accountability and Co-operation for Donor, Recipient Bill,' which proposes to harmonize and align all aid delivery to Nigeria provides for the strengthening of the NPC to make guidelines and procedures to ensure a measurable and continuous improvement in aid



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delivery. Strengthening the NPC will improve its efficiency and, in turn, their service delivery to NGOs/CSOs; hence there would be no need for another regulatory commission.

While I, on behalf of The Wellbeing Foundation Africa (WBFA), look forward to attending the public hearing over the next few days, please, be assured of my highest regards.

Sincerely,

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