

AGENTS FOR CITIZEN-DRIVEN TRANSFORMATION

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Our work focuses on strengthening the system of CSOs, networks and coalitions to improve their internal, external, and programmatic capabilities. We work with CSOs in 10 states selected across the six geo-political zones in the country: Adamawa, Borno, Edo, Enugu, the federal capital territory (FCT), Kano, Lagos, Plateau, Rivers and Sokoto.

We also focus on providing a platform for multi-stakeholder dialogue for an improved, effective, and inclusive regulatory environment for the operation of CSOs in Nigeria. This work is implemented nationwide across all 36 states and the FCT.

The four-year programme (2019-23) is funded by the European Union and implemented by the British Council.

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STRENGTHENING THE REGULATORY FRAMEWORK AND ENABLING ENVIRONMENT FOR CSOs



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WHY THIS CASE STUDY?

This case study illustrates the greater impact that CSOs can have when they join together as a coalition to coordinate and effectively engage in policymaking. The change brought about by this work resulted in a more open policy that is responsive to the needs of civil society.

Funded by the
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INTRODUCTION

Regulatory framework for civil society

The breadth, scope and vitality of CSOs depend on a conducive regulatory framework where CSOs are defined, the activities they engage in, and ultimately, how they operate and whether they can do so effectively.

The regulatory framework for CSOs in Nigeria is based on a series of laws that cover the registration, supervision and regulation of CSO activities. The Agents for Citizen-driven Transformation (ACT) programme is strengthening the level of influence CSOs have in policy processes that affect them and the subsequent impact these policies have on them. The programme is working with CSOs to engage with government to update current legislation to support the effectiveness of CSOs and work with CSOs to improve compliance.

CSO registration

Nigeria has a broad and vibrant civil society. There are over 100,000 registered CSOs. While CSOs in Nigeria are not required to register with the federal government, they

must be registered or incorporated under the Companies and Allied Matters Act (CAMA Act) – popularly known as CAMA 2020 – to benefit from a legal status and tax advantages. The CAMA Act also regulates for-profit organisations and is enforced by the Corporate Affairs Commission (CAC).

Engaging the CAC for regulatory change: CAMA 2020

In its efforts to improve the ease of doing business in Nigeria, the government amended the existing Companies Law to make it more business friendly. In November 2020, the CAC published a draft of the new Companies Regulations 2021 to guide the implementation of the CAMA Act. The CAC invited the public to submit comments on the content of the regulations.

Section 839 of the CAMA 2020 was contentious for CSOs, particularly religious bodies, because it enabled the CAC to appoint someone who may be of a different religion as interim manager to manage the affairs of another religious body, in case of disputes within the organisation. This was one of the reasons why there were oppositions to the CAMA 2020.

APPROACH

Coordinating civil society to participate in the policy process

The Nigerian government invited CSOs to submit recommendations to the new law. In response, the programme collaborated with the Nigerian Network of Non-Governmental Organisations (NNNGO) and the Open Society Initiative for West Africa (OSIWA) to engage CSOs across the country to review the regulations and submit comments and proposed amendments.

A consortium of 42 civil society networks and coalitions contributed to the consultations and a working group of 10 CSOs was formed to lead this effort. CSOs focused on formal written communications and advocacy via media outlets to voice their opinion and positively impact the policy process and options.



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RESULTS

Responsive policy amendments

The inputs were not only heard and acknowledged by the CAC, but accepted and written into the updated version of the regulation, which was enacted in January 2021.

As a result of civil society's efforts with support from ACT, the Companies Regulations 2021 now includes clauses 30 (1 h) and 30 (2) to ensure persons appointed by the CAC as interim managers are from the same religion/culture, in the case of religious or cultural associations.



An interim manager appointed by the Commission under section 839 of the Act shall be a person with knowledge and skill in the operations of the association; and in the case of a religious or cultural associations, be a person of that religion or culture if only one interim manager is appointed.

Where more than one interim manager is appointed, in the case of a religious or cultural association, the majority of the interim managers shall be persons of that religion or culture. ”

The revised legislation seeks to improve the operating environment for CSOs and promote effectiveness and accountability. The successful legislation is a demonstration of how ACT played a key role in coordinating CSOs' response to constructively engage with government agencies. CSOs successfully pushed back and the law was substantially improved. The suggested changes to the new legislation were generated from discussions and outcomes from workshops with regulators and sector-wide consultations.



This win is quite encouraging. We will keep pushing for the desired changes for the good of civil society,” said Harry Udoh, Chairman, Akwa Ibom State, Civil Society Organisation Forum ”

Promoting the understanding of regulatory requirements

Once the CAMA 2020 was passed into law, a key challenge was that many CSOs were not familiar with its provisions. To promote understanding of the new regulatory requirements and to improve compliance, ACT, in collaboration with the CAC, organised a Q&A session for CSOs. The forum enabled CSOs and the CAC to engage and discuss the principles and provisions of the new law, in particular the NGO regulations under which CSOs are categorised.

The interactive event was conducted via Zoom with a total of 299 participants including representatives from CSOs, government, academia, the donor community, and the media. The forum provided insights into the relevant aspects of the CAMA 2020 for CSOs, such as how to change the name of incorporated trustees; how to remove and appoint trustees; the new clauses added to the CAMA; and compliance requirements. Senior officials from the CAC addressed questions from CSOs—ranging from the penalty of long-term defaulters to validating registered organisations on the CAC's portal.

ACT will collaborate further with the CAC to develop guidance notes for CSOs that will include detailed responses on a range of matters related to the CAMA 2020.

Strengthened government-civil society relations

Through this experience, CSOs gained the confidence to speak out and have a strong advocacy role in the policy process. It demonstrated that they are increasingly committed to working with policymakers and regulators to explore how steps can be taken to improve the operating environment, and to convene coalitions and working groups to establish principles for effective engagement in policymaking.

There are benefits when CSOs – and international organisations – come together, speak out and support effective engagement with government. ACT served as a ‘neutral broker’ with government and civil society to establish dialogue forums on the new regulations. The programme also played a role in coordinating and engaging with the wider development community to support CSO efforts.

LESSONS LEARNED

Unity of purpose can strengthen CSO efforts

This experience shows that outreach to policymakers can be effective when CSOs coalesce around a common objective and develop a coherent strategy, including the identification of champions within legislative bodies who can carry their message forward. The unity of purpose among the CSO community served to advance collaborative efforts even where challenges exist within civil society. CSOs developed common platforms and coordinated messaging, public education, and lobbying for the changes in the CAMA 2020.



We are grateful for our collective efforts in this policy process,” said Solomon Eniola, Nasarawa NGOs Network ”

Mobilising legal expertise can legitimise policy inputs

The capacity of civil society to mobilise expertise for the analysis of legal texts and policies, the formulation of responses, and the preparation of their own draft policies and legislation is critical to the success of such activities. ACT provided access to legal experts to guide the CSOs in their policy inputs and facilitated the support for local coalitions' engagement with legislators and policymakers.

A vibrant civil society can impact change

This experience shows that where civil society is vibrant, CSOs stand a chance of positively influencing government policy. The legitimacy of the leading CSOs played a critical role in engaging with policymakers and influencing change. Civil society partners are strong and influential at the national level. In this case, civil society drew on support from sub-national networks to mobilise against the new and restrictive measures. ACT engaged CSOs at the community level in all states across Nigeria to participate in the feedback process, voice their opinions and advocate for change. The feedback mechanism used a bottom-up approach that was coordinated by the national and state CSO coalitions and ensured that all voices were represented. This shaped both the policy and the campaigning elements of the work.

Political will is required to effectively engage with civil society

This experience demonstrates an openness and a willingness from government to genuinely engage with civil society and work collaboratively on legislative change. Reducing the gap between policymakers and civil society was achieved through constructive dialogue and coordination. There is evidence of learning and support - among both government and civil society - that has emerged through this process of consultation and collaboration. This collaborative approach resulted in a more open policy that is responsive to the needs of civil society.

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CSOs play the role of non-partisanship. They also complement the role of government to cushion the effect of challenges in society. As a government agency, we appreciate their efforts.” Head, Federal Inland Revenue Service

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Find out more

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