Civil Society and Governance in Nigeria’s Evolving Democracy 1999-2018

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PREAMBLE

This is the second in the series of Professorial Lectures delivered annually at the instance of the Oba (Dr. Sikiru Kayode Adetona Professorial Chair. The Lecture Series inaugurated last year by this scholar’s delivery of ‘Governance and the Media in an Emergent Democracy’ is slated as an annual academic exercise in justification of what is perhaps the largest scholarly endowment in this country and beyond. As the Professorial Chair matures, it will come to be seen as one of the important legacies of His Imperial Majesty, Oba Sir Dr Sikiru Adetona, the originator and driving spirit of the endowment. It is important to recall in the same connection, the sound management and time-tested procedures instituted by the Board of Trustees of the Chair under the moving spirit of Kabiyesi and, Mr Tunji Ayanlaja SAN and the professionals of pedigree who constitute the Board.

Considering that this is an academic chair, it is pertinent to mention the supportive role of the Administration of Olabisi Onabanjo University under the able leadership of Professor Ganiyu Olatunji, who is working in the footsteps of his predecessor, Professor Saburi Adesanya, not to mention the complimentary roles of Professor Ebun Oduwole, Deputy Vice Chancellor and other members of the administration. There is also active support for the Chair from the Dean, Faculty of the Social Sciences, Prof. I. A Ademiluyi, the Head of Political Science Department, Dr. A. T. Salami, as well as their cognate opposite numbers in the Faculty of Administration and Management Sciences, and Department of Public Administration respectively, Professor R. Somoye and Dr. T. Ariyo.

Being a Chair of Governance, I have chosen to situate this year’s lecture, as I did last year, under the rubric of Governance in the context of Civil Society and its role and impact in Nigeria’s emergent democracy. I became drawn to governance and democratisation in the mid 1990s when I participated in the Obafemi Awolowo University/University of Florida, Gainsville International Project on Governance and Democratisation funded by USAID and the Carnegie Endowment. An International Seminar held in Arusha Tanzania in 1996 enabled intense scholarly interaction around the concept of governance in Africa. Under the stimulus of Professors Goran Hyden of the University of Florida, the late Kenyan scholar, Professor Okoth Ogendo, Professor SS Mushi of the University of Daar es Salam, as well as Nigeria’s Professors Akin Mabogunje and Dele Olowu, we wrestled with the concept of governance and its application to African politics (Olukotun, 1996, 2000b; Olukotun and Omole, 1999). I have reasons to believe that the resultant book publication African Perspectives on
Governance (Trenton New Jersey, 2000) constitutes an interesting document, which spoke to the complexities and various dimensions of the project. Shaping my perspective in the same direction was the University of Sussex/Ford Foundation Governance Network Project in which I participated as a researcher to immense benefit in clarifying my evolving thoughts on Governance and Democratisation (Olukotun, 1999).

Subsequently, my academic research and role as Public Intellectual have focused insistently on Governance Reforms with respect to deepening democracy, creating pro-people regimes that major on accountability, rule of law, human rights and other indices of good governance. As Joseph (2016) informs, governance as distinct from government or politics focuses on not just public institutions, but civil society as well as actors and institutions that are non-state. Civil society is crucial to the establishment of good governance to the extent that it invokes state society relations, issues of legitimacy of the public realm, how policies are framed and implemented, as well as how consensus and consent are brought about. My reason for focusing on civil society in this lecture is that, despite the fact, it mirror states decay, it often provides a counter-narrative to the failure of the Nigerian state to operate a minimal social contract between it and the people. Our civil society is considered magnificent by many observers, although obviously less so than its heroic exertions in reining military autocracy in 1980’s and 1990’s. Civil society is also important to tracking the prospects of democratic consolidation in evolving democracies like Nigeria.

AN OVERVIEW OF THE ISSUES

Civil society is a concept about which there have been endless disputes among social scientists as to what it actually represents. I will take up this dispute in the next section of the paper. But broadly conceived as the non-governmental sector or the space between the family and the state, there is no doubt that it has played a landmark role in Nigerian political history. Of course, even before the concept gained popularity in the late 1980s, which coincided with what Professor Samuel Huttington described as Democracy’s ‘Third Wave’, Nigeria has witnessed social movements, anti-colonial revolts, workers’ strikes, rebellious students’ agitations, such as the ‘Alli Must Go’ demonstrations of 1978 among others, all of which foreshadow the role which Nigerian civil society played seminally in the struggle against military dictatorship in the 1980s and 1990s. The earliest NGOs, under military rule in the 1980s such as Civil Liberties Organisation, Committee for Defence of Human Rights, Constitutional Rights Project came into prominence by serving as an informal people’s parliament
and oversight of state autocracy. Although mainly donor funded, they emerged as mouth-pieces of a people reeling under the whiplash of structural adjustment, human rights violations and the postponement and later annulment of the rights of Nigerians to elect their leaders (Olukoshi, 1997; Cooper, 2002). In those years, one of the most auspicious encounters between state and society was the formation of the National Democratic Coalition based partly outside Nigeria and within the country, which went so far as to invent rebellious communication outlets, including a pirate radio (Radio Kudirat), to tackle the military government of General Sani Abacha. Included in the same category are the momentous demonstrations and civil uprisings against the annulment by General Ibrahim Babangida, of the June 12, 1993 elections. In the same season of our national life, there were protests by professional associations such as the Academic Staff Union of Universities, which contributed in no small way to delegitimizing the military regime. Considering this picturesque background, one of the questions frequently asked in the wake of Nigeria’s transition to democracy is whether civil society has gone to sleep or has lost its brio and patriotic fervor demonstrated under the military. The question assumes salience with respect to the incorporation of many civil society activists into functioning parties or governmental sinecures in some cases to shut their mouths or buy-off their activism. Of course, there were some civil society activists such as Abdul Oroh of the Civil Liberties Organisation, Ms Ayo Obe, Dr. Kayode Fayemi of the Centre for Democracy and Development, Professor Julius Ihonvehere, who was a presenter on Radio Kudirat, Professor Chidi Odinkalu, to mention a few who either contested elections and won or were given political appointments.

Apart from that there are also some NGOs that double as the political arm of parties and governmental organisations. Aspects of this phenomenon began under the military, in what Obadare (2004) has called the manufacturing of civil society. Obadare was referring to the mushrooming of several government-funded, ostensible civil society actors who were working in tandem with the state apparatus under the Abacha dictatorship in particular. In this respect, Daniel Kanu’s Youth Earnestly Ask for Abacha and the infamous Association for Better Nigeria under the Babangida dictatorship readily come to mind. What is interesting is the persistence of the syndrome into the current democratic dispensation, as well as the weakening of civil society, either through seductive government appointments or the winning of elections by former star civil society activists. We must not exaggerate the point, for, in a democracy or semi democracy, as ours is frequently called, the existence of representative institutions, such as the legislature, as well as the activities of political
parties tend to take the shine off civil activism, which is now usually reserved for extreme circumstances. That said, it must be factored that democracy has not brought change to Nigeria, governance remains shallow, disconnected from the people, reprobate, cynically self-interested and is symptomised by sham elections in which people are voting without choosing. Indeed, Okotoni (2017) has spoken of a governance crisis characterized by dysfunctional government, widespread insecurity of lives and property, collapsing infrastructure and public services, dysfunctional educational system and almost-fictional medical and healthcare facilities, among other indices of state failure. We can update Okotoni’s list by referring to recent revelations of the outrageous salaries and emoluments paid to members of the National Assembly, not minding that the country is barely out of recession. There is also the challenge to sovereignty posed by the Boko Haram insurgency, whose defeat appears to be no more than a rhetorical claim; and the recent upsurge of atrocity killings by bandits believed to Fulani Herdsmen in several parts of Nigeria (Amuwo, 2015).

So, if there was a time when civil society should come into its own to ameliorate the crisis of governance, it must be now. To be sure, we have had civil society protests, such as those organised by the Save Nigeria Group in 2009, leading to the so-called Doctrine of Necessity under which the then Vice President, Dr Goodluck Jonathan was confirmed in the position of acting President, the Occupy Nigeria Movement of 2012, which forced a downward review of a wanton hike in the price of petroleum products, and the weakly-organised “Our Mumu Don Do” led by entertainer and social activist, Charles Oputa (a.k.a Charlie Boy). Less dramatically, there was a sustained campaign for the Freedom of Information Act over a twelve year period spearheaded by the Media Rights Agenda, leading to the passage of the Freedom of Information Bill in 2011. On balance however, it is true to say that we are not witnessing thus far the kind civil society activism that can countervail state impunity or that can genuinely restrain predatory behaviour on the part of state officials. In other words, while some civil society organisations such as the Electoral Reform Network, Budgit, the CLEEN Foundation, the Socio Economic Rights and Accountability have been able to bring about marginal advances in policy reforms or in budget monitoring, much of these activities are limited and confined to a few NGOs.

Overall, most NGOs are limited in capacity, funding and resource profile and are in many cases one-man or one-family organisations which spring to life when a new tranche of donor-funding have been received. Hence, the real locus of civil society activism have been with spontaneous protest
movements led by charismatic leaders, such as Tunde Bakare, Femi Falana, Wole Soyinka, Joe Oke-Odumakin, some of whom are also active in the political arena.

To end this section, it is important not to glamourise civil society, considering the fact that it is all too often as factionalised as the political public sphere. Ethnic and religious conflicts, partisanship, corruption, cooptation by state actors and the locational concentration of civil society activities in the south west are all factors that come into play. Indeed, the visibility of ethnic associations, such as Afenifere, Ohaneze Ndigbo and Arewa Consultative Forum suggest that a divided nation has merely reproduced a divided civil society. For example, it is doubtful if the endorsement of President Muhammadu Buhari’s second term bid by the Coalition of Civil Society Organisations for Good Governance and Democracy is representative enough of the opinion of civil society organisations across the country (Leadership, March 4, 2018).

Additionally, civil society, despite its promise and appeal is caught in several contradictions, which include poor governance structures, the presence of phantom boards, careerism as well as unethical conduct (Ogbuzor, 2010).

In the next session of the paper, I provide some conceptual moorings for the concept of civil society, governance and democracy.
THEORETICAL CONTEXT

Civil society is a fairly recent concept in political science, although the features it connotes have been with us since antiquity. It belongs to what in the language of social scientists are described as “essentially contested concepts”. Gallie (1956) who first used the term reserved it for concepts, which hold a wide variety of meanings with each meaning only providing a partial approach to the concept. Hence, such concepts involve interminable disputes about their real meaning and proper uses. Unsurprisingly, therefore, there has been a bewildering variety of definitions of civil society. For example, Schmitter (1997:240), following what may be called a liberal western approach on the subject defines it as

A set or system of self-organised intermediary groups that: one, are relatively independent of both public authorities and private units of production and reproduction. Two, are capable of deliberating about and taking collective actions in defence or promotion of their interests or passions. Three, do not seek to replace either state agents or private reproducers or to accept responsibility for governing the polity as a whole; Four, agree to act to act within pre-established rules of a “civil” nature.

The definition throws up, among others, issues of boundaries of civil society and political society, for instance, whether political parties, especially, opposition political parties in some contexts can be regarded as civil society, a possibility that the definition appears to rule out. It also broaches the issue of the civility of civil society, a point that became increasingly relevant in the light of discourses about the rise of uncivil society (Okome, 2013; Ikelegbe, 2001).

Interesting too is the definition of Diamond (1994:6), which maintains that civil society involves “citizens acting collectively in a public sphere to express their interests, passion, preferences, ideas to exchange information to achieve collective goals, to make demands on the state, to improve the structure and functioning of the state and to hold state officials accountable”. The reference by Diamond to a public sphere is interesting to the extent that the term is often used interchangeably these days with civil society. The theory of the public sphere, of course, is located in the seminal postulations of the German social theorist, Jugen Habermas and has broadly the same connotation as civil society, except that the public sphere tends to refer to activities and conveys agency in more immediate and direct sense, while civil society as a concept is usually reserved for formal and
informal non-state institutions. We can dispense in a forum like this with the heavy overlay of theory, 
genealogy and philosophic evolution of the concept in western theory, dating back to Aristotle and 
updated by Friedrich Hegel, Antonio Gramsci, Adam Ferguson, Alexis de Tocqueviille, Tom Paine, 
among others. This is more so because as Alagoa (1999) argues, the African context in the era of 
transition offers an altogether different milieu of understanding. Indeed in the African example, it has 
been suggested by Alagoa (1999) and others that it will be useful to talk about traditional civil 
society, colonial civil society and modern civil society. It is often suggested that the concept should 
be flexibly extended to capture new and emerging realities, such as for instance, the role of religious 
organisations, ethnic associations, which are more prevalent in the Nigerian and African settings. 
Indeed, Rooy (1998) has argued that the vagueness and the catch-all nature of the concept probably 
makes it more useful.

Of interest too, is the concept of governance, which according to Hyden (2000:6) refers to “how 
power is being exercised and with what result” and as “as the conscious management of regime 
structures with a view to enhancing the legitimacy of the public realm”. In other words, it goes 
beyond narrow preoccupation with state institutions to understand state-society relations, and the 
ways and manners in which power is attained, retained or exercised, as well as how legitimacy is 
enhanced or diminished by the exercise of power. In the vast literature on the subject, and as 
(Adeyeye, 2017) pointed out governance can be conceived as structure, referring to the architecture 
of formal and informal institutions, as process, dealing with the ebbs and flows of the policy making 
process, as a mechanism uncovering decision-making procedures and as strategy, dealing with the 
efforts of actors to widen or shape choices and preferences through institutional designs (Adeyeye, 
2017: 1).

A related point is the increasing use of the words good governance to denote an ensemble of 
interventions to enhance accountability, transparency, rule of law, human rights, as well as poverty 
alleviation. Of course, there has been a long argument about the ideological orientation and 
intellectual origins of both the concepts of civil society and governance, with radical scholars 
insisting that they partly represent the agenda of western donor countries and market-led economic 
activists intent on globalising neo-liberal economics. We do not need to be detained by these 
objections here, especially if we draw a distinction between the economic and political dimensions of 
the usage of the two concepts. What is important is that they both emphasise non-state actors and
their relationship to the state, which is deemed crucial for effective and efficient state structures, and that for our purpose civil society is considered flexibly to include not just formal NGOs but also social movements, ethnic associations, religious groups, and community based associations.

Finally, democracy is understood not merely in its procedural and liberal contexts of holding periodic elections, but also in its social contexts of employing legitimate and widely accepted policy instruments to improve the lives of the majority of citizens. This is closer to social democracy prevalent in the Scandinavian countries and which was also practiced in traditional African societies where everyone was expected to be his or her neighbor’s keeper. This conception is fairly distinguishable from the neoliberal version of democracy, which tends to emphasise the promotion of the market and market-related activities at the expense of rights and obligations of citizenship.

We now go on in the next section of this paper to delineate the changing profile of civil society in Nigeria.
CIVIL SOCIETY, HISTORY AND CHANGING PROFILE

As mentioned in the preceding section, the social and political features currently identified as civil society or civic associations, long predated their efflorescence in the period of the military dictatorships of Generals Ibrahim Babangida and General Sani Abacha. For example, in traditional African Yoruba society, several institutions and organisations existed which were used to voice societal grievances against the establishment. These include traditional festivals, itinerant musicians or bands of musicians, poets and association of drummers (Olukotun, 2002b). In the colonial period, there were several revolts, sometimes spontaneous, sometimes organised against the colonial rulers; some of these include the Aba Women Tax Riots of 1929, the Civil Protests championed by Funmilayo Ransome Kuti in the 1940’s as well as the General Strike of 1945. There were also the activities of the West African Students Union, which later in the Nigerian social formation became the National Association of the Nigerian Students. Similarly, in the early years of post-colonial rule, student unions, the Nigerian Labour Congress and other Professional Associations became the vanguard of the extension of democratic rights and the curbing of the impunity of the politicians. The Agbekoya riot, a peasant uprising in the Western Region, is a case in point.

In its contemporary incarnation, however, civil society groups beginning with human rights associations began to flourish in the 1980s and 1990s. The earliest such organisations include Civil Liberties Organisation, The Committee for Defence of Human Rights, The Constitutional Rights Project, the National Association of Democratic Lawyers and the Universal Defenders of Democracy. Most prominent in this by no means exhaustive list was the Civil Liberties Organisation, whose founding officers are Clement Nwankwo and Olisa Agbakoba, both of them lawyers. Other names in the burgeoning human rights organisations of those years included Dr Beko Ransome Kuti, Femi Aborisade, Mike Ozekhome and Chima Ubani (Momoh and Enemo, 1996). Typically, their agenda revolved around the defence of the rights of citizens to form associations and for free expression, campaign against decrees which violate human rights, as well as constant calls for the return of the country to civilian rule. Some of them, assisted by donor funding, published journals and research output on the abysmal conditions that prevailed in Nigeria’s prisons. Subsequently, they were supplemented by other NGOs, such as Women in Nigeria and importantly, by a motley of organisations insisting on the restructuring of Nigeria, as well as the advocacy for a national conference. One of the most prominent of this latter genre is the Movement for National
Reformation, spear-headed by Chief Anthony Enahoro, a former federal minister, as well as Dr Olu Onagoruwa, a journalist and human rights lawyer as well as Mokuogo Okoye. Significantly and foreshadowing later debates about restructuring; the Movement for National Reformation had among its agenda, the creation of a truly federal structure, as well as a fundamental review of the structure of revenue allocation to make it more equitable; and the convoking of a National Conference.

The advocacy of those years culminated in what has been called the June Twelve Movement, a motley of civil society associations, labour, religious groups, students and other informal groups that arose to protest the annulment of the June 12 election by Ibrahim Babangida in 1993. Under General Sani Abacha, some of the human rights groups and others that emerged continued to push the agenda for the restoration of democracy, the abrogation of draconian decrees and the defence of civil liberties. Necessarily, because of the high tide of repression, several of these groups, including a section of the media, had to operate underground, devising hit and run tactics to evade censorship. This, of course, was truer of what has become known as the Guerilla Media than formal civil society institutions (Olukotun, 2002b, 2004 and 2007). The period of civilian rule, beginning in 1999 witnessed a mini explosion of civil society organisations, covering virtually every department of social and economic life, NGOs mushroomed in the health and budgetary sectors, in the area of opposition to the trafficking of human persons, in security and police reform, in the strengthening media institutions, in the campaign for the provision of portable and safe water, in constitutional and electoral reform, as well as in good governance. Typically, several of these NGOs are little known to the public, mostly located in the south western part of the country, have weak governance structures and heavily dependent on foreign funding.
See Table 1: Selected Prominent NGOs in Nigeria

<table>
<thead>
<tr>
<th>S/N</th>
<th>Civil Society Organisation</th>
<th>Year Founded</th>
<th>Founder</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Civil Liberties Organisation</td>
<td>1987</td>
<td>Olisa Agbakoba and Clem Nwankwo</td>
</tr>
<tr>
<td>3.</td>
<td>Campaign for Democracy</td>
<td>1992</td>
<td>Dr Beko Ransome-Kuti</td>
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<tr>
<td>4.</td>
<td>Transition Monitoring Group</td>
<td>1998</td>
<td>Coalition of NGOs</td>
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<tr>
<td>5.</td>
<td>Centre for Democracy and Development</td>
<td>1997</td>
<td>Dr Kayode Fayemi</td>
</tr>
<tr>
<td>6.</td>
<td>Policy and Legal Advocacy Centre</td>
<td>1999</td>
<td>Clement Nwankwo</td>
</tr>
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<td>7.</td>
<td>Media Rights Agenda</td>
<td>1993</td>
<td>Edaetan Ojo</td>
</tr>
<tr>
<td>8.</td>
<td>Enough is Enough</td>
<td>2015</td>
<td>Chude Jideonwo and Debola Williams</td>
</tr>
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<td>9.</td>
<td>Socio-Economic Rights And Accountability Project</td>
<td>2004</td>
<td>Adetokunbo Mumini</td>
</tr>
<tr>
<td>10.</td>
<td>Constitutional Rights Project</td>
<td>1990</td>
<td>Clement Nwankwo</td>
</tr>
<tr>
<td>12.</td>
<td>Afenifere</td>
<td>1998</td>
<td>Abraham Adesanya and others</td>
</tr>
<tr>
<td>13.</td>
<td>Ohaneze Ndigbo</td>
<td>1979</td>
<td>Igbo leaders</td>
</tr>
<tr>
<td>15.</td>
<td>ActionAid</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Budgit</td>
<td>2011</td>
<td>Seun Onigbinde</td>
</tr>
<tr>
<td>17.</td>
<td>CLEEN Foundation</td>
<td>2008</td>
<td>Innocent Chukwuma</td>
</tr>
<tr>
<td>18.</td>
<td>International Press Centre</td>
<td>1999</td>
<td>Lanre Arogundade</td>
</tr>
<tr>
<td>19.</td>
<td>Centre for Social Justice</td>
<td>2009</td>
<td>Eze Onyekpere</td>
</tr>
<tr>
<td>20.</td>
<td>Women Arise</td>
<td>2003</td>
<td>Dr Joe Oke Odumakin</td>
</tr>
</tbody>
</table>

Source: Research Notes

Some of these also operated under coalitions or umbrellas organisations in order to advocate policies and make input in the policy formulation process. For example, at the early stages of the implementation of the Extractive Industries Transparency Initiative, many civil society organisations functioning under Publish What You Pay took extensive steps to sensitize the Nigerian public on the nature of the EITI and what benefits could be derived from its implementation (Nigerian Extractive Transparency Initiative Publication, 2012). In the same connection, other civil society coalitions, such as the Coalition for Change participated actively in the process of agenda-setting, social
mobilisation and policy formulation. Indeed, civil society groups were assigned representative roles in the membership of the National Stakeholders Working Group of the Governing Board of NEITI.

**Table 2: Some NGOs in the Nigeria Extractive Industries Transparency Initiative Policy Process**

<table>
<thead>
<tr>
<th>S/N</th>
<th>Name</th>
<th>Thematic Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Public and Private Development Centre</td>
<td>Public Finance/Governance</td>
</tr>
<tr>
<td>2.</td>
<td>Foundation for Environment, Human Rights and Good Leadership</td>
<td>Environment/Transparency</td>
</tr>
<tr>
<td>3.</td>
<td>Civil Liberty Organisation</td>
<td>Human Rights and Governance</td>
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<tr>
<td>4.</td>
<td>Grassroots Development and Empowerment Foundation</td>
<td>Community Development</td>
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<tr>
<td>5.</td>
<td>Initiative for Sustainable Development for Rural Development</td>
<td>Community Development</td>
</tr>
<tr>
<td>6.</td>
<td>African Centre for Rural Development</td>
<td>Community Development</td>
</tr>
<tr>
<td>7.</td>
<td>Centre for Advancement of Democracy and Rule of Law</td>
<td>Governance</td>
</tr>
<tr>
<td>8.</td>
<td>Civil Resource Development and Documentation Centre</td>
<td>Governance/Human Rights</td>
</tr>
<tr>
<td>9.</td>
<td>Niger Delta Budget Monitoring Group</td>
<td>Budget Monitoring/Transparency</td>
</tr>
<tr>
<td>10.</td>
<td>Centre for Development Constitutionalism and Peace Advocacy</td>
<td>Community Development and Governance</td>
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<tr>
<td>11.</td>
<td>Centre for Integrated Development and Social Rights</td>
<td>Community Development</td>
</tr>
<tr>
<td>12.</td>
<td>Civil Society Legislative Advocacy</td>
<td>Legislative Advocacy/Transparency/Public Policy</td>
</tr>
<tr>
<td>13.</td>
<td>Centre for Policy Advocacy and Leadership Development</td>
<td>Public Advocacy</td>
</tr>
<tr>
<td>14.</td>
<td>Zero Corruption Coalition</td>
<td>Anticorruption/Governance</td>
</tr>
<tr>
<td>15.</td>
<td>Publish What You Pay</td>
<td>Extractive Resource Transparency/Governance</td>
</tr>
<tr>
<td>16.</td>
<td>Community Action for Popular Participation</td>
<td>Community Development/Governance</td>
</tr>
<tr>
<td>17.</td>
<td>Centre for Leadership Strategy and</td>
<td>Leadership Training/Governance</td>
</tr>
<tr>
<td>No.</td>
<td>Organization Name</td>
<td>Sector/Category</td>
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<td>-----</td>
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<td>------------------------------------------------------</td>
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<tr>
<td>18.</td>
<td>Initiative for Transparency and Good Governance</td>
<td>Transparency/Good Governance</td>
</tr>
<tr>
<td>19.</td>
<td>Community Centre for Development</td>
<td>Community Development</td>
</tr>
<tr>
<td>20.</td>
<td>Millennium Development Centre</td>
<td>Health and Education</td>
</tr>
<tr>
<td>21.</td>
<td>Coalition for Accountability and Transparency in Extractive Industries, Forestry and Fisheries in Nigeria</td>
<td>Transparency and Accountability</td>
</tr>
<tr>
<td>22.</td>
<td>Centre for Research and Documentation</td>
<td>Governance/Accountability</td>
</tr>
<tr>
<td>23.</td>
<td>Centre for Constructive Engagement</td>
<td>Governance</td>
</tr>
<tr>
<td>24.</td>
<td>Justice Development and Peace Initiative</td>
<td>Community Development</td>
</tr>
<tr>
<td>25.</td>
<td>Centre for Public Awareness and Development</td>
<td>Human Rights</td>
</tr>
<tr>
<td>27.</td>
<td>Social Economic Rights Accountability Project</td>
<td>Transparency/Accountability</td>
</tr>
<tr>
<td>28.</td>
<td>Ijebu-ode Development Board on Poverty Reduction</td>
<td>Community Development</td>
</tr>
<tr>
<td>29.</td>
<td>Community for Democracy and Rights of the People</td>
<td>Human Rights</td>
</tr>
<tr>
<td>30.</td>
<td>Living Earth Nigerian Foundation</td>
<td>Environment</td>
</tr>
</tbody>
</table>

*Source: Nigerian Extractive Transparency Initiative Publication 2012, p. 20-26*
Interestingly, 60 NGOs participated in that initiative. Some of the prominent ones include Social Economic Rights Accountability Projects, Zero Corruption Coalition, Civil Society Legislative Advocacy Centre, Centre for Research and Documentation, Women Advocates, Research and Documentation Centre and the Ijebu Ode-based Development Board on Poverty Reduction. Still in the area of policy advocacy and reform, the CLEEN Foundation which easily doubles as a think-thank in view of its prolific intellectual output, headed most recently by Innocent Chukwuma, now of the Ford Foundation, played an interesting role in seeking to influence security institutions, notably the police. On a broader note, when the Federal Government in 2012 set up a committee on reforming the police, civil society groups organised a panel entitled Civil Society Panel on Police Reform in Nigeria. It was chaired by Ms. Ayo Obe and included members such as Innocent Chukwuma, as well as Ms Josephine Effah Chukwuma. It is unclear to what extent the recommendations of the CSO panel were adopted by the Police as there has been no significant uplift in policing since 2012. A few NGOs, such as Action Aid Nigeria, linked to international organisations are well resourced and are able to undertake research on social and economic issues as a form of evidence-based policy advocacy, but these are not in the majority.

In recent years, Social Economic and Accountability Project founded in 2004 has been quite visible in public advocacy especially in the area of anti-corruption. It succeeded in securing court judgment in respect of the stoppage of public officials earning double pay in the form of pensions, as well as being currently on the payroll. This has led to the senate President, Dr. Bukola Saraki, for example, forfeiting his pension from the Kwara State Government, where he was a governor. Similarly, the NGO successfully obtained a court judgment in July 2017, compelling government to publish the names of alleged looters, as well as the amount recovered from them, a ruling to which government adhered eventually in late in March, 2018, although in haphazard and politically slanted manner. One area in which civil society organisations have had some impact is that of election monitoring which they carry out in successive elections under the auspices of the Transition Monitoring Group, an umbrella organisation, consisting of over 170 NGOs. The Independent National Electoral Commission, now partners with CSOs, national and international, in the bid to ensure fair and transparent elections. In this respect, the civil society has emerged as an informal monitor and umpire of sorts of electoral rectitude, becoming a valued partner in the policy implementation process.
The next session of this paper looks closely at two examples of successful advocacies by civil society groups in Nigeria, namely the role of Media Rights Agenda in the passing of the Freedom of Information Act, as well as the role of a coalition of NGOs operating under the rubric of One Voice Nigeria and the United Action for Democracy, which in 2017 carried out successful protests. The section will also discuss the contradictions and drawbacks to viability and effectiveness of civil society. A concluding section will adumbrate a roadmap to reform and reinvention of civil society in Nigeria.

CIVIL SOCIETY: IMPACT AND DRAWBACKS

In this section, I draw attention to the impact, as well as drawbacks of civil society activities in the period since 1999. A case study approach is employed by zeroing in on two crucial examples of civil activism. The first is the advocacy for the passage of the FOI Act, necessarily long-drawn, and the second were the protests organised by a coalition of civil society groups under the aegis of United Action for Democracy, ONE Voice Nigeria and I Stand with Nigeria Group. Their grouses included the harsh economic crisis in Nigeria, the escalating cost of essential items including food, as well as the tardiness of government in carrying the anti-corruption fights to its own very gate by removing the former Secretary to the Government of the Federation, Babachir Lawal.

To begin with the first one, the struggle for the passage of the Freedom of Information Act, which was signed into law by former President Goodluck Jonathan on May 28, 2011 was a twelve-year struggle with various ebbs and flows. The struggle was carried out by various civil society groups, namely: Media Rights Agenda, Civil Liberties Organisation and the Nigerian Union of Journalists, which prosecuted it through the fourth, fifth and sixth National Assemblies, before victory was finally secured. Undoubtedly, Media Rights Agenda it was that came to personify the advocacy and other strategies linked with the struggle.

As Edaetan Ojo, Executive Director of Media Rights Agenda recalled it, the strategies deployed included advocacy training workshops, seminars and sensitization workshops targeted at journalists, editors, civil society organisations, including community-based organisations, calculated to enlighten them on the bill, as well as rally support for its eventual passage. Not only that, the civil society organisation constituted a Freedom of Information Coalition with a website, which organised the writing of hundreds of letters to organisations and individuals, which included political appointees,
members of the National Assembly, opinion leaders as well as political parties. Hence, through the twist and turns of the struggle to pass the bill, the FOI Coalition continued to maintain visibility and advocacy efforts to get the bill passed. Apart from that, the civil society organisation assembled a list containing the mobile numbers of members of the National Assembly to whom text messages were sent at crucial stages in the tortuous journey of the Bill in the National Assembly. They also employed the www.foicoalition.org to spread information concerning the progress of the bill, as well its setbacks during the protracted struggle. One of the most interesting moments in the struggle concerned the attempt to give fresh momentum to the advocacy in 2007 by organising hundreds of signatures from Nigerians across the globe, emphasising to the National Assembly the need to get the bill passed. It is remarkable in tracking what became a crusade, that the fourth National Assembly came close to passing the bill, until political intrigues came into play and the earlier tempo was stalled and the bill could not be passed until the dissolution of the National Assembly in 2003. In the fifth National Assembly, diligent efforts were made by the Freedom of Information Coalition in conjunction with the Nigerian Guild of Editors to organise lobbies of prominent members of the Senate; the efforts yielded fruits, leading to the unanimous passage of the bill by the Senate in 2006. Following the harmonisation of two versions of the bill passed by both the House of Representatives and Senate, the civil society organisations escalated the campaign to get the bill passed before the expiry of the tenure of the Obasanjo administration. Unfortunately, however, the former President Olusegun Obasanjo objected to certain areas of the bill and refused to grant assent to it before his term expired. As Ojo (2018:13) expressed it,

This tacitly became a dead end for the bill, as the fifth Assembly was at that time winding up for another new set of elected legislators to come in. Though Obasanjo’s action was widely condemned and criticised that did not change the reality that the bill was once again stalled for another set of legislative process to begin all over again with the new set of incoming legislators of the National Assembly.

The positive side of the narrative, however, was that the frustrations encountered in passing the bill and the realisation that only the President’s refusal to grant assent prevented the passing of the Bill into law had by now mobilised, not just civil society groups, but the entire spectrum of the public sphere including sympathetic members of the political elite. Nonetheless, however, advocacy strategies had to begin all over in the sixth National Assembly. Deploying the auspices of former
journalists such as Hon. Abike Dabiri-Erewa, who had been re-elected into the House of Representatives, as well as the former editor of National Champion at the time Minister of State of State for Information and Communication, Labaran Maku, a lobby without and within government for the passage of the bill was launched. At one point, the Newspaper Proprietors Association of Nigeria, led by the respected Chief Ajibola Ogunshola, a former Chairman of Punch Newspapers, paid a visit to the then Senate President, David Mark, to frontally advocate the passage of the bill. As a consequence of the sustained advocacy, the bill was eventually passed by both Houses of Assembly and signed into law after some initial reservations by President Goodluck Jonathan on May 28, 2011. This ended a historic advocacy by civil society groups led by Media Rights Agenda for the extension of Nigerians democratic rights and deepening of democracy in Nigeria.

The second case study of civil society activism as earlier indicated is drawn from the February 2017 protest rallies mainly in Lagos and Abuja, implemented by some civil rights under groups the umbrella of One Voice Nigeria and United Action for Democracy. Interestingly, the protests were carried off in the face of police persecution and the backing out of one of the leading lights, the musician, Innocent Idibia. Notwithstanding the blocking of access by police to Gani Fawehinmi Freedom Park Ojota, where the protesters expected to converge, the undaunted activists according to a report in the Daily Trust (February 12, 2017) marched through Ikorodu road, carrying placards such as: “Buhari, is this the change you promised?”, “Nigeria, change has become chain”, Bag of rice now N17,000”, Smallest bread now N100”, “Where is hope for the common man?”. Another segment of the protest was successfully carried out despite police presence by the I stand with Nigeria Group which marched from Unity Fountain to Aso Rock Villa Gate; their demands were read by Professor Chid Odinkalu, a former Chairman of the National Human Rights Commission. These included transparency in government, improving security, reduction in the cost of governance, as well as the sacking of Babachir Lawal, former Secretary to the Government of the Federal Government, who they derogatorily referred to as the “grass-cutter”. Interestingly, a counter protest, apparently organised by government also marched around Abuja under the auspices of “I stand with Buhari” and “We Believe in President Muhammadu Buhari making Nigeria great again”. The pro-government protest, a manifestation of Obadare’s manufactured civil society was given police protection and at some point addressed by state officials, including Babachir Lawal (See Ayo Olukotun, A Tale of Two Protests, The Punch, 17th February, 2017). It is interesting to note that the civil society protests attracted editorials, for example, in the Abuja-based Daily Trust, which published “Protests as Wake-
up Call” (Daily Trust, February 12, 2017). It also contributed to the groundswell of opinion canvassing the sacking of Babachir Lawal, which was eventually reluctantly carried out by government in October, 2017. In short, our case studies show up examples of successful civil society advocacies for improved governance reform and democratic consolidation. They were both implemented in the face of political opposition by the state, including state security, and one of them became productive only after twelve years of sustained advocacy. These demonstrate that change will only come about in Nigeria not on a platter of gold, but with better organisation, resources and commitment to long term change. It also points in the direction of civil society acting as a vanguard for deepening democracy.

Let us now consider the question of drawbacks to civil society activism and organisation in Nigeria. Some of these have been alluded to in earlier sections, but it is pertinent to underline them. It should be mentioned that civil society groups are not free of the contradictions and impunity that is prevalent in the state arena. For example, factionalisation and corruption reared its head very early in the advent of civil society in contemporary Nigeria. Apart from frequent complaints on the misuse of donor funding and the prevalent perception that some non-government organisations are awash with foreign funds that are sometimes misused, with the lifestyle of civil society leaders cited as examples, it is clear that internal conflicts have often ravaged civil society organisations. As Momoh and Enemo (1996:81) expressed it,

*The indiscriminate multiplication of non-governmental organisations has proved counter-productive in a number of ways. In the first place, it has laid them open to charges of being instruments of accumulation for their leaders and thereby detracting from their legitimacy. Secondly, a situation whereby crises in these groups frequently resulted in aggrieved factions breaking away to form new groups due to lack of internal democracy raises doubts as to whether they could serve as organisational models for democratic conduct. In this sense, existence of many civil rights organisations no doubt creates problems of co-ordination and working out a common front among them.*

In the same manner the Nigerian Labour Congress, which this year celebrates its 30th year anniversary is seriously factionalised to the extent that there are now two apex bodies, namely: The Trade Union Congress and the United Labour Congress of Nigeria, claiming to be the highest representative union of workers. Before this development, the union has been wracked by a two-year
old supremacy battle, featuring two factional presidents of the Nigerian Labour Congress. This subversive fracturing took its toll in 2015 when organised labour failed to mobilise Nigerians for a nation-wide strike against the withdrawal of petrol subsidy by the Federal Government. While one faction collaborated with the government, another faction endorsed a nation-wide strike, which predictably failed to get off the ground. Various other civil society groups and professional associations have had their share of debilitating internal conflicts and lack of cohesion. As mentioned earlier, the national question often rears its head among civil society organisations, considering that the most active belts is for historical and geographical reasons located in the Lagos/Ibadan axis areas, with consequences for attempts by civil society to project a national appearance. It does become easy to ethnicize or regionalise civil society struggles by virtue of their preponderant location in south west Nigeria.

In the next section of this paper, I canvass an agenda for reform and reinvention of civil society.
CONCLUSION: ROADMAP FOR REFORM AND REINVENTION

A debate broke out recently in the wake of a published article by a Nigerian journalist; Godwin Oyeacholem entitled the “Death of Nigeria’s Civil Society”. The article looked back nostalgically at the glorious days of anti-dictatorship struggles of civil society groups and concluded that

*Although there are genuine civil society organisations out there, one can hardly see the wood for the trees anymore. It was therefore not a surprise that Professor Itse Sagay, Chair of the Presidential Advisory Committee Against Corruption, recently publicly lamented the death of civil society in Nigeria – a painful fact long acknowledged by honest observers of unfolding events in the country (TheCable, January 1, 2017).*

This paper has shown that that position may have been overstated. Indeed, Ayo Obe, a human rights lawyer and former President, Civil Liberties Organisation, assisted in putting a perspective on the issues in her reply to the journalist. Argued Obe:

*Life cannot be a perpetual Arab Spring. But if a journalist only wants to cover Arab Spring type events, then obviously, he will think that Nigerian civil society is dead. He won’t see those doing the hard, unglamorous work of dealing with the nuts and bolts of democracy. (Posted on USA Africa Dialogue)*

True enough and as this paper has shown, there are several civil society organisations quietly extending the frontiers of democracy away from sizzling headlines. There are also others, as our case studies demonstrate, which are still very much in the trenches on the behalf of governance reforms in the country. However, it will be idle to wave aside the perception that civil society is dead. What is often meant by this is that we are not seeing the kind of seminal encounters and confrontations that were so much a feature of state-society relations in the 1980s and 1990s. This does not however mean that civil society, as we have come to know it in Nigeria, is not out there canvassing changes and reforms and as a distinct feature of the period since 1999 increasingly involved in transparency initiatives at the policy-making and policy implementation levels. What I gather that the critics and those lamenting the death of civil society will like to see is a rejuvenation of the energy, and if need be, combativeness that once characterised civil society political engagements. For, obviously, as I flashed in the introductory section of this paper, Nigeria’s governance crisis has gotten from bad to worse with the Buhari Government promising change, but ending up being swallowed up by the
enormity of the problems. To paraphrase the former Minister, Dr Okonjo Iweala, the challenge remains how to reform the unreformable.

In order to reinvent civil society for the onerous task of pulling Nigeria away from the brink of catastrophe, it must assert itself more daringly than ever before in the public sphere with a view to pushing more the frontiers of the struggle against impunity and democratic consolidation. Undoubtedly, civil society can no longer be the informal parliament or opposition which it was under the military, given that many civil society activists are now members of political parties and obviously reflect partisan rather than society-wide perspectives. Nonetheless, issues of public interest demanding urgent attention cannot be allowed to pass by without the intervention of civil society.

For example, it is a matter for great surprise that each Nigerian Senator takes home N13 million monthly as overheads as recently revealed by Senator Shehu Sani. Is this not an issue for civil society attention irrespective of political parties? Indeed by now, civil society organisations ought to have developed facilities for entering the public space to contest such issues and to mobilise opinion without of course resorting to violence. Civil society, as indeed any organisation cannot be cherished if it fails to speak to the anguish and woes of a blighted citizenry in a country where the political class has gone gaga with stupendous cornering of the nation’s resources. Similarly, reinventing civil society must include campaigns to get the people to own democracy. For as long as the people are viewed as bystanders or objects of policy making to be wooed only at election seasons, so much so, will Nigerian democracy remain shallow and unconsolidated. As Joseph (2016:9) informs, “claiming democracy recognises that democracy is never fully won, the first prerequisite of democracy is the determination to build and to defend it and to steadily expand the demos to include formerly marginalised and disempowered communities”.

Obviously, civil society, as had been widely canvassed, must come up with enforceable codes of conduct to regulate the conduct and ethical profile of organisations that speak in its name. While the effort of the Nigerian legislature to regulate civil society may be considered reprehensible and subversive of human rights, the alternative is for civil society itself to regulate itself from within. It is instructive that the long-down efforts of such organisations as the Nigerian Guild of Editors and the Nigeria Union of Journalists to hold journalists down to a code of conduct have so far met with failure, to the extent that many journalists do not know that such codes exist. If normalising the abnormal has become the mindset of state actors, civil society organisations cannot afford to wallow
in the same muck that has held the nation at bay thus far. It is not just that, building bridges, facilitating consensus and consociational remedies must be the watchwords of a civil society that is keen on registering its presence on the national stage. Of course, I am aware that small is beautiful and that some civil society organisations, especially community-based organisations will necessarily confine themselves to local communities where their work can readily show. Furthermore, many civil societies lack the resources and capacity to impact at the national level. However, nothing stops civil society organisations spread over the diverse terrain of Nigeria to come together more frequently in coalitions in order to make national impact. The work of the Transition Monitoring Group in election monitoring over the years indicates what a coalition or network that remains cohesive and diligent can accomplish. Limited impact has been made too by such umbrella bodies as The Coalition for Press Freedom and Whistleblower Protection as well as the Electoral Reform Network with over 100 civil society organisations. The way to go, therefore, is to increasingly find ways of transcending the familiar divisiveness and centrifugal conflicts that bedevil the Nigeria polity. Finally, is it not strange that the funding of civil society come overwhelmingly outside the country, given that several groups are eager to show their donor linkages as evidence of global ranking or prestige. While there is nothing wrong with donor funding, civil society organisations should redouble efforts with respect to domestic funding, considering that their work is located within the country and targeted at solving domestic problems with their specifications and uniqueness. Donor agencies are naturally eager to showcase how much work they are doing globally. However, the balance may have swung too far in the direction of donor funding without bearing in mind that the agenda are not set domestically, but set by the funders. Is civil society dead? I don’t think so, but it is obviously in a state of stupor, and requires reawakening.

I thank you for listening.
References


