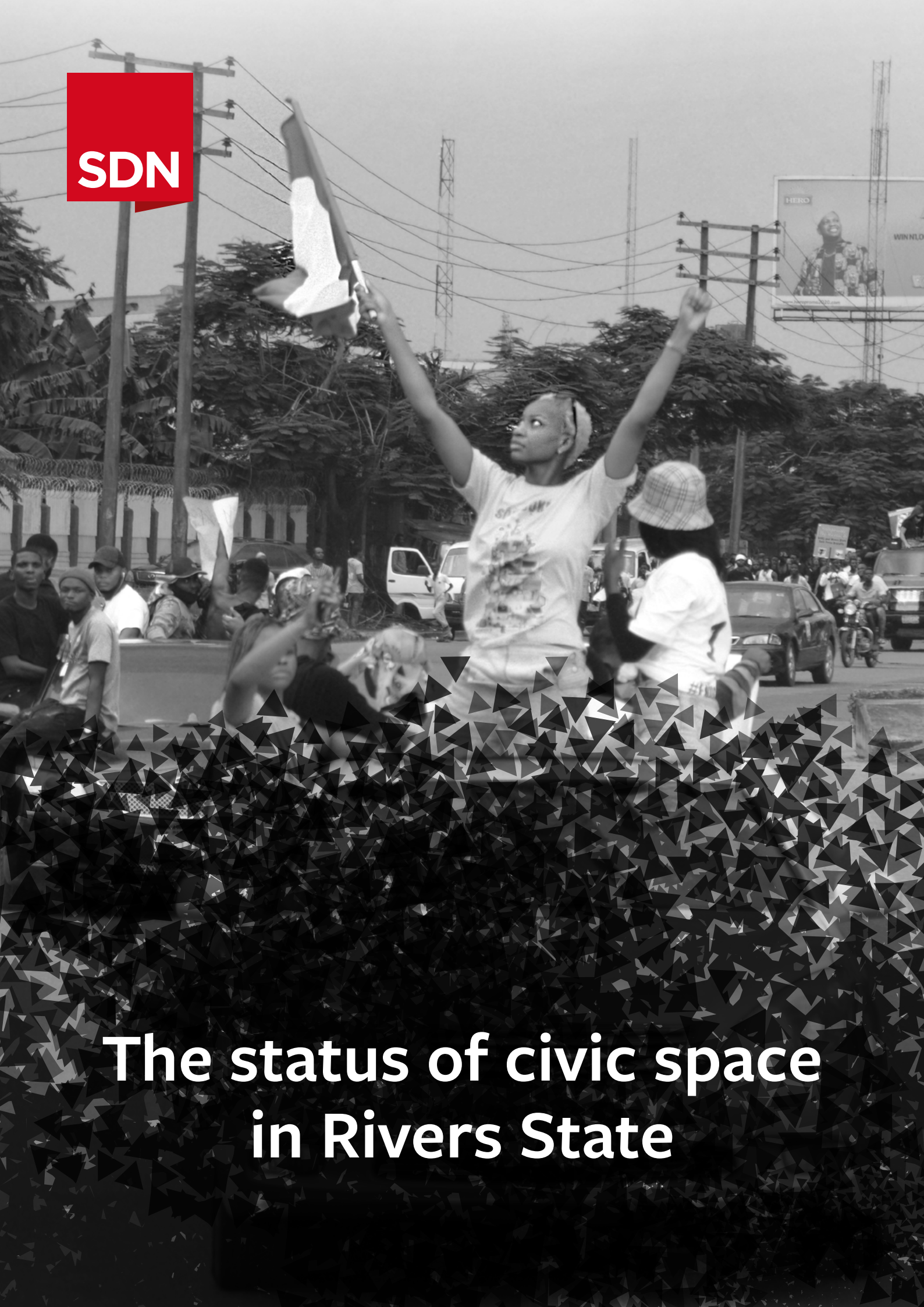

SDN

The status of civic space in Rivers State

Published 2021

SDN supports those affected by the extractives industry and weak governance. We work with communities and engage with governments, companies and other stakeholders to ensure the promotion and protection of human rights, including the right to a healthy environment. Our work currently focuses on the Niger Delta.

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Executive summary

Introduction

This report is based on research in Rivers State, Nigeria, on the status of civic space, and the implications for individuals and organisations seeking to defend and expand civil and political rights. This research was undertaken as part of a wider project to increase collaboration between different civil society groups to work together to defend civic space in Rivers State.

An open civic space enables the ideas, problem-solving, and informed participation of the public in economic, social, and political decisions within society. This is necessary for making peace and development sustainable, and building democratic societies. Without freedoms in society to influence decisions and hold government to account, governance is left to the whim of unrestrained autocrats.

Two key incidents were unfolding during the research period—the response to the global Covid19 pandemic, and various incidents of police brutality that triggered nationwide #EndSARS protests. These feature as case studies throughout the report, to illustrate the important role of civic space during difficult times, and highlight the corresponding efforts of state and non-state actors to constrain civic space when they feel under pressure.

Methodology

This research aimed to capture the current key civic space challenges in Rivers State, as a baseline to compare future assessments against. To facilitate analysis, the Oxfam (2019) Civic Space Monitoring Tool was used to structure research tools and analysis. This recognises that civic space is multi-dimensional, and can change in complex ways, rather than simply becoming more 'open' or 'closed.

Between October and November 2020, SDN conducted 2 workshops, 6 interviews, and 44 surveys with a range of civil society members. To our knowledge, this is the first time the Civic Space Monitoring Tool has been used in the Niger Delta, and possibly at the sub-national level in Nigeria.

Key findings of Rivers State civic space assessment

The results illustrate that civil society believes that civic space in Rivers State is squeezed in all dimensions, and generally on a negative trend towards further closure. It is substantially worse for journalists, and groups representing LGBTQI and women's issues are reportedly particular targets.

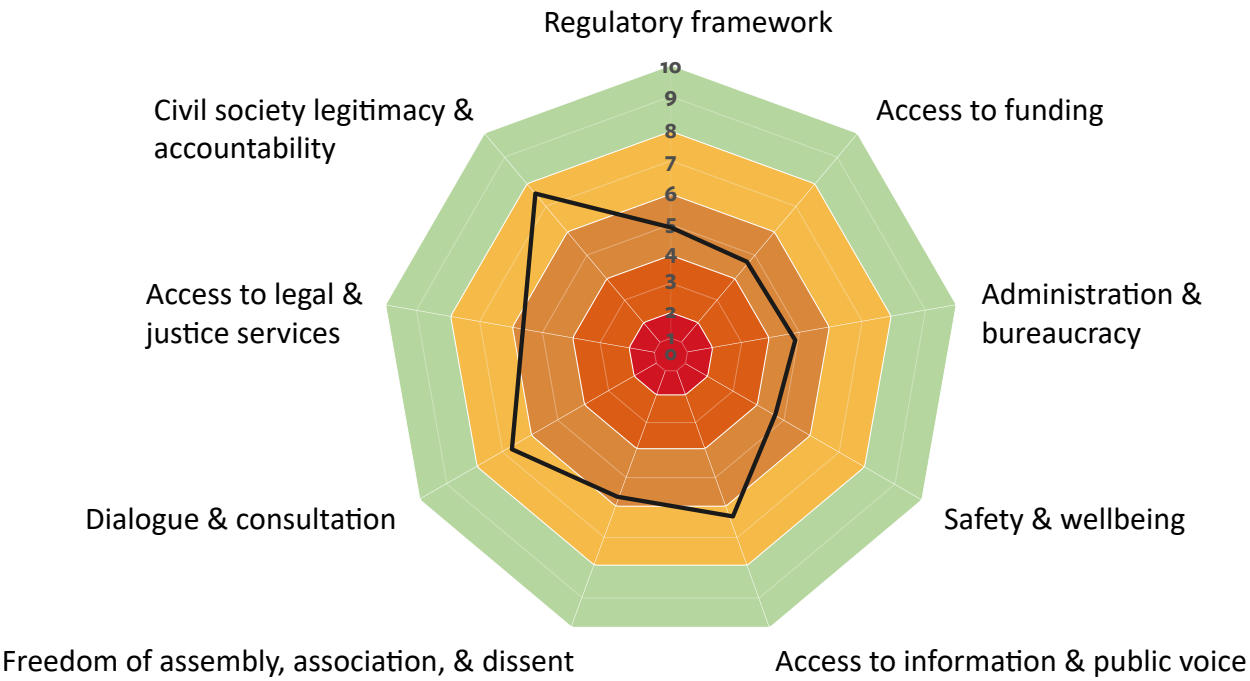
However, the overall average rating of 'obstructed' is relatively positive, when compared to the national rating of 'repressed' awarded by CIVICUS in a separate study in 2019. However, this may be down to different methodologies, as it is generally held that the situation is worse in Rivers State, where arms proliferation is high, and there is a record of political elites sponsoring violence against dissenting voices.

Overall, the most closed dimensions of civic space were access to funding, administration and bureaucracy, and safety and wellbeing. This was influenced by the extremely negative rating awarded to these categories by journalists, academics, and lawyers; while members of non-governmental organisations and faith-based organisations reported a fairly positive view of these areas. This highlights

that challenges differ across the civic space spectrum, with journalists in particular reportedly risking their safety and wellbeing, and facing financial and administrative difficulties to remain engaged.

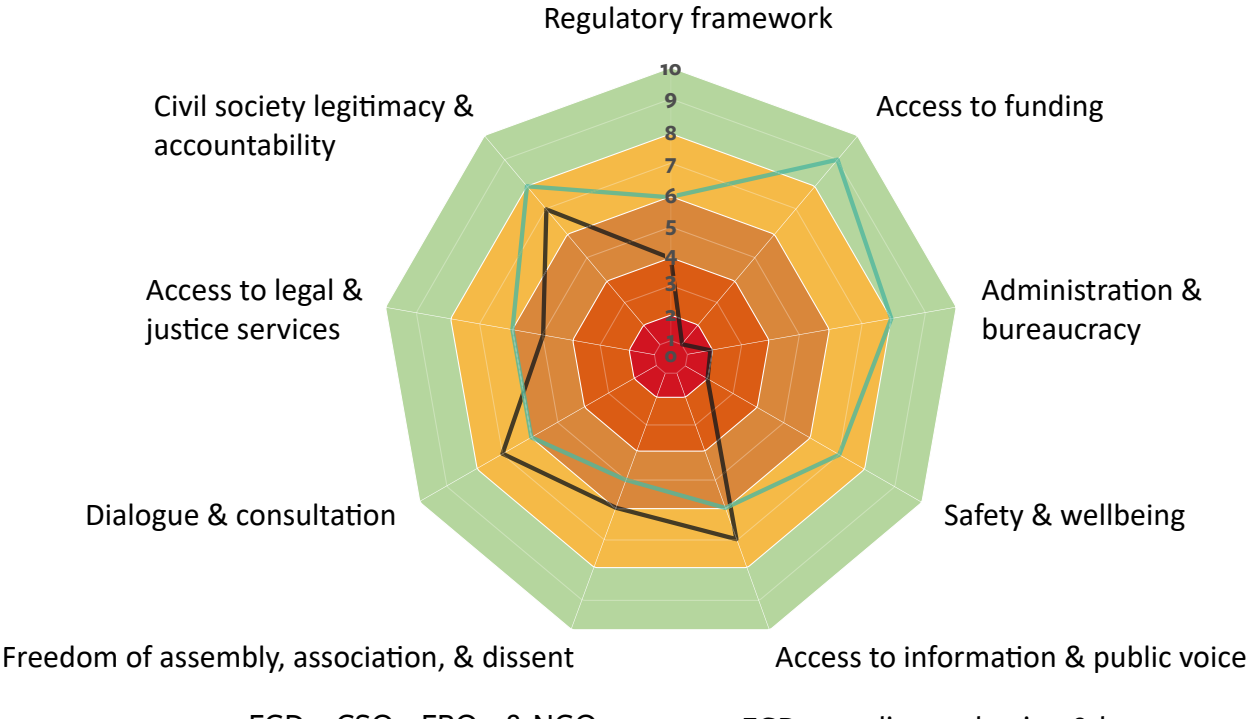
Almost all dimensions are reportedly on negative trajectories, which is a worrying forecast for Rivers State. The one positive trend is in civic space legitimacy and accountability, providing hope that a better organised and more credible civil society can continue fighting to protect and expand the civic space in other dimensions.

Overall average ranking of civic space dimensions



Open	Narrowed	Obstructed	Repressed	Closed
10-8	8-6	6-4	4-2	2-0

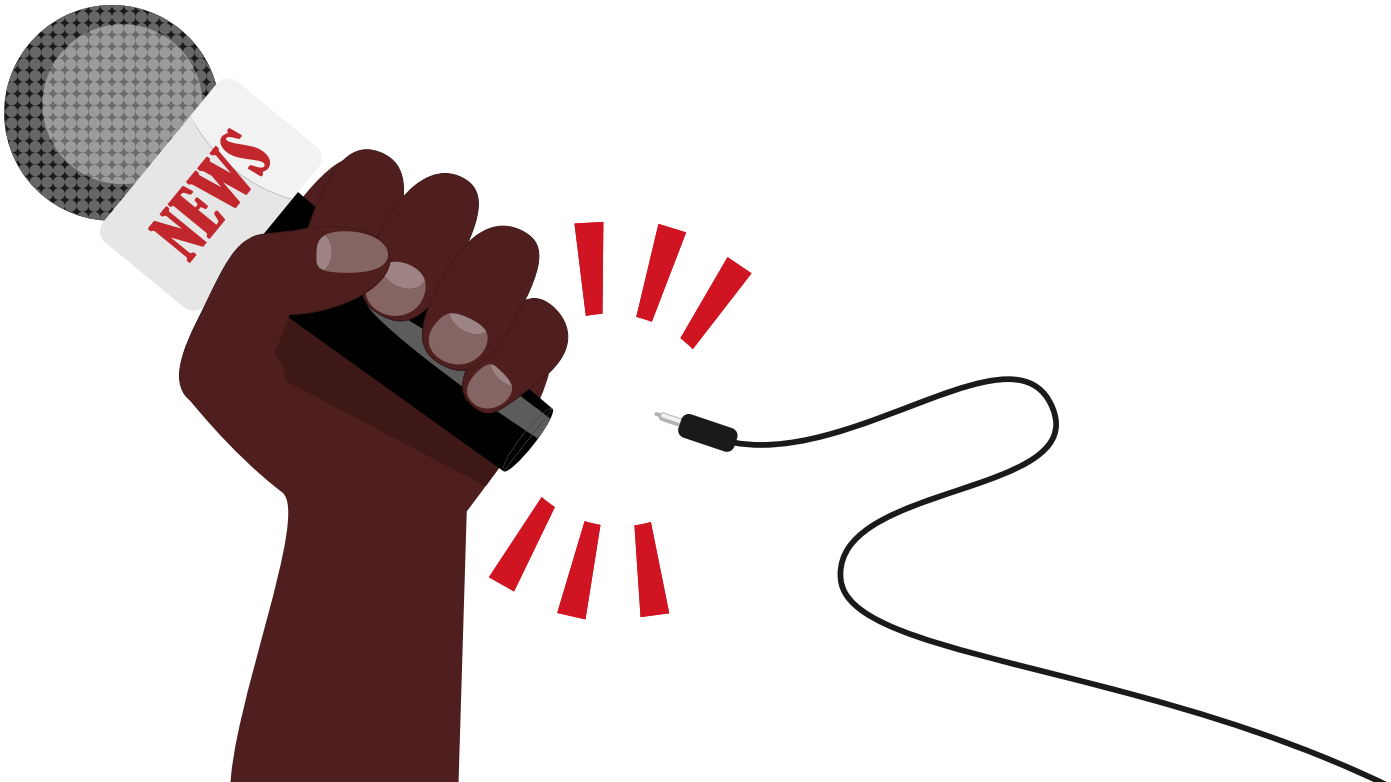
Disaggregated ranking of civic space dimensions between two categories



Conclusion

Civic space and civil society actors are under immense pressure in Rivers State, and Nigeria at large, from predominantly state actors. This trend has worsened over the past five years, and as captured by this report, observers feel that it will continue to worsen in Rivers State. This calls for a broad approach to strengthening the civic space, as it is under threat from many angles. Of particular concern is the plight of journalists—who were consistently reported to be the most at risk under safety and personal wellbeing.

These difficulties compound the challenges of living and working in an unforgiving environment, where safety and wellbeing is constantly under threat. A healthy civic space would contribute to turning this situation around, by driving development and stabilisation forward in society. However, autocratic authorities appear determined to maintain the status quo, and greater attention needs to be put on their role in preventing Rivers state, and Nigeria, from moving forward.



"If leaders do not listen to their people, they will hear from them—in the streets, the squares, or, as we see far too often, on the battlefield. There is a better way. More participation. More democracy. More engagement and openness. That means maximum space for civil society."

UN Secretary-General Ban Ki-moon's remarks at the High-level event on supporting Civil Society, 23 September 2013 (UN, 2013).

Contents

Introduction

This report summarises the findings of research in Rivers state, Nigeria, on the status of civic space, and the implications for individuals and organisations seeking to defend and expand civil and political rights. This research was undertaken as part of a wider project to increase collaboration between different civil society groups to work together to defend civic space in Rivers State.

Civic space in Nigeria was tested throughout 2020, highlighting lines of weakness, along which fundamental rights and freedoms were abused. According to the results of this analysis, civic space in Rivers State is on a negative trajectory towards becoming more closed. This mirrors a wider negative trend observed across the Niger Delta and Nigeria at large, and to some extent, worldwide, where many countries 'slid backwards' in 2020 (CIVICUS 2020a).

It is of great concern that the Nigerian government at the national and sub-national levels has made deliberate attempts to stifle civic space over the past five years. This matters because more open civic space enables ideas, problem-solving, and informed participation in economic, social, and political decisions within society. This is a prerequisite for making peace and development sustainable, and building democratic societies (UNOCHR, 2014). Without freedoms to challenge and influence decisions and structures in society, governance is left to the caprices of unrestrained autocrats.

To understand the current situation of civic space in Rivers State, and how to improve it, the research aimed to capture the current key civic space challenges in the Niger Delta, specifically in Rivers State, as a baseline to compare future assessments against. It also sought to explore the causes of the current situation for changing civic space, and the effects on democracy, development, stabilisation, and society. To facilitate the analysis, the Oxfam (2019) Civic Space Monitoring Tool was used to structure workshops, interviews, and surveys with civil society. To our knowledge, this is the first time the tool has been used in the Niger Delta, and possibly at the sub-national level in Nigeria.

Two key incidents were unfolding during the research period (October–November 2020)—the controversial handling of the global Covid19 pandemic response by national and sub-national authorities, and various incidents of police brutality that triggered nationwide protests (known as the #EndSARS protests). These feature as case studies throughout the report, to illustrate the important role of civic space during difficult times, and highlight the corresponding efforts of state and non-state actors to constrain civic space when they feel under pressure.

The report starts by establishing the definition of civic space, and trends at the national and international level, before moving on to present results of the research under the nine dimensions of civic space outlined by Oxfam (2019). It concludes with an analysis of the situation in Rivers State, the trajectory of civic space, and options generated by civil society to reverse that trajectory.

Civic space definitions and key components

Definition

'Civic space' refers to the set of conditions that determine the extent to which all members of society can exercise their fundamental freedoms of association, assembly, and expression (CIVICUS, 2020a; Malena, 2015). Civic space is a place to share ideas, form new ones, join with others, solve problems, defend rights, and improve wellbeing (Oxfam, 2020; UNOHCHR, 2014). It therefore enables individuals and organisations to actively participate in civic duty; make informed decisions about their social, economic, and political development; influence the structures around them; advance shared interests, and; build democratic societies (CIVICUS, 2020b; UNOHCHR, 2014).

'Civil society' and 'civic space' are defined in similar ways, and are therefore often used interchangeably, including throughout this report. 'Civil society organisations' (CSOs) are the actors that are active in these areas, outside the family, the state, and the market (CIVICUS, 2020a). This includes a wide range of individuals and groups, including non-governmental organisations (NGOs), faith-based organisations (FBOs), trade unions, people's movements, not-for-profit media, and journalists.

Importance

According to the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) (2014), "An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable". A review of the literature (Hossain et al, 2018) explored this link, concluding that the openness of a country's civic space is unlikely to adversely affect short-term growth, but that "economic crises are more likely in settings where civic space is closed, and it is highly improbable that development has any chance of producing equitable, sustainable, or inclusive outcomes under conditions where civic space is restricted or closing".

Based on the significance to many aspects of socio-economic development, these rights are upheld in progressive democratic societies, and protected under country constitutions and international human rights treaties, such as the UN Declaration on Human Rights Defenders.[1] There are actors, allies, and coalitions worldwide that actively seek to strengthen, and stand against the oppression of civic space, including a range of organised and organic civil society groups, from non-governmental organisations (NGOs), faith-based groups (FBOs), grassroots organisations, and community groups, to social movements, trade unions, lawyers, and journalists[2] (Oxfam, 2020).

1 As commonly referred to. Technical name: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, (General Assembly Resolution 53/144). Coordinated by the UN Office of the High Commissioner for Human Rights (OHCHR).

2 Individual or unions of journalists, not media houses (TV stations, newspapers, etc.), as the majority are owned or funded by the government or powerful politically exposed persons (Oxfam, 2020).

Dimensions

While the three fundamental freedoms (association, assembly, and expression) broadly define the dimensions of civic space, there are many other influential factors within this. Oxfam (2019) expanded this to nine different dimensions, which are:

1. Regulatory framework
2. Access to funding
3. Administration and bureaucracy
4. Safety and wellbeing of people
5. Access to information and public voice
6. Freedom of assembly, association and dissent
7. Dialogue and consultation
8. Access to justice and legal services
9. Civil society legitimacy and accountability

This helps to highlight that there are multiple, inter-related factors that define civic space, which a simple rating of 'open' or 'closed' may hide. For example, overall, a country may be seen as becoming increasingly 'open', but this progress is unlikely to be uniform across all nine dimensions. Civic space may improve in some areas but worsen in other areas, sometimes in ways that contradict progress made elsewhere. For example, the progress of legislation passed by government allowing peaceful protests (dimension 6 above) could be contradicted if individuals who protest were then the target of attacks by that government (dimension 4 above). Civic space is therefore closely connected to the social and political dynamics of a society, and can open or close within different dimensions over time. It is therefore more useful to describe civic space as 'changing' rather than 'shrinking' or 'growing' (Hossain et al, 2018), which tools such as Oxfam's (2019) model seek to measure.

Worldwide civic space

> *"Around the world, civil society organisations are calling attention to the ways their space for action is being limited by a number of government measures. Restrictive laws and policies coupled with funding restrictions, administrative hurdles, general hostility towards civil society organisations, fuelled by populist rhetoric, media reports, legal prosecution and physical attacks on individuals and political interference in the work of NGOs are just some of the factors that limit civil society action in many countries."*

(Oram and Doane, 2017, in Oxfam, 2019).

The above statement highlights a global trend in civic space, which is 'backsliding across the world', with only 13% of people living in countries with the most progressive - open or narrow - civic space rating, a decline from 18% who did so in 2019 (CIVICUS, 2019; CIVICUS, 2020a). The global Covid-19 pandemic has demanded implementation of extraordinary measures, which create a pretext for repression, such as bans on movement or assembly (CIVICUS, 2020b).

In West Africa there is a particularly worrying downwards spiral—in 2018, Senegal's rating dropped from narrowed to obstructed and, in 2019, Nigeria's civic space rating was downgraded from obstructed to repressed. Due to a range of issues, including unconstitutional third term attempts and regressive constitutional changes, four other countries slid from obstructed to repressed in 2020: Côte d'Ivoire, Guinea, Niger, and Togo (CIVICUS 2020c).

A global trend influencing these ratings is the expansion of civic space online, through the evolution of digital technology. Advancements have advantages, as they create opportunities for communication, exposure, diversity, participation, organisation, and engagement, including with the government on improving civic space. But the trend also has disadvantages, because it creates opportunities for other actors, especially those against the desired change, to infiltrate and control these spaces (Oxfam, 2020). Contests in this new frontier are well publicised, such as threats to activists online, and dissemination of fake news during elections. Facing greater levels of scrutiny, repressive governments are oppressing voices to mitigate dissent, and then react harshly when things go wrong to deter a repeat.

Nigeria civic space

Since independence in the 1960s, civic space in Nigeria has been hotly contested. Oxfam (2020) summarised that, despite the end of military rule in 1999, "restrictive practices and attacks on freedom of information expression, freedom of assembly and to some extent, freedom of association continue to run rife in the Nigerian civic space."

Since 2015, civic space across Nigeria has become increasingly under threat, especially from state actors, and in 2019, this was reflected in the CIVICUS rating for the country, which was downgraded from obstructive to repressed (Cordaid & HIVOS, 2020; CIVICUS, 2019). From 2015 to date, Spaces for Change recorded a total 252 incidents of government crackdown on civic space in Nigeria at the national-level, with 43 in the south-south region (that overlaps with the Niger Delta) (Spaces for change, 2020a). There are indications that this trend will continue, for example, as forecast in an analysis of incidents between 2014–2020 (Duke University, 2020).

Despite decades of repressive governance from autocratic leaders, and in no small part because of this, civil society in Nigeria is booming. The country is home to a wide variety of civil society organisations (CSOs), vibrant social movements, student and labour unions, academics, and journalists. These civil society actors have always been a visible part of national life and public debate, even during the long decades of military rule (Cordaid & Hivos, 2020). By extension, there are constantly contests to expand and restrict different dimensions of civic space. Many international observers of Nigeria have supported calls for change, and there are a lot of donors working in this area to protect and improve civic space, including the Ford Foundation, the Open Society Initiative for West Africa (OSIWA), and the MacArthur Foundation.

As outlined earlier, civic space changes rather than shrinks or expands in any uniform sense, and the overall situation depends on the configuration of different dimensions that are constantly shifting, shrinking, or expanding. In Nigeria this can also be defined by the issues and interests involved (Oxfam, 2020). For example, a progressive gender Bill was passed, but it seems to be just lip service, as sexual violence goes unaddressed. Yet the current analyses of the Nigerian context do not unpack these nuances, nor do they look at differences in sub-national civic space changes, which we seek to address.

Rivers State context

Rivers State is at the centre of the Niger Delta where Nigeria's oil and gas is extracted, and has been one of the highest producing states over the last 60 years. This has generated vast revenues, both as profits for the private sector, and as royalties and other payments to the state government. However, as is well publicised, benefits have not been shared equitably with citizens, nor invested into socioeconomic development. On the contrary, the oil and gas industry has heavily polluted the environment, damaged health, increased economic inequality, and fuelled contests, often violent, between actors vying to control the resources. It is a similar scenario in other states in the Niger Delta, where governments remain highly dependent on the revenues and take little action to hold oil and gas companies accountable—nor to address the consequences, such as pollution or insecurity.

As a result, Rivers State has declined into one of the most destabilised states in the country. It is a hotspot for issues, including gang violence, kidnapping for ransom, illicit trades such as arms and drugs smuggling, and electoral fraud. Civil society has a history of highlighting these issues, and calling for action and accountability of office holders, most famously in the early 1990s when Ken Saro-Wiwa and eight Ogoni activists were executed after they led calls for Shell and the Federal Government to stop oil production and remediate the environment. The outrage at this state-sanctioned murder, and many other oppressive actions, together with severely limited recourse to justice, motivated civil society to take a more adversarial stance towards those in positions of power. It also radicalised civic voices, and led to a parallel armed militancy fighting for the same causes as civil society organisations, through sabotage and violent attacks on the oil and gas industry.

Civic space in Rivers State today is therefore highly animated and dynamic, with many contests playing out between civil society and political elites, as the latter seeks to control the former, and maintain their position of power. The following does not document this history, but provides a current snapshot that highlights the long-lasting consequences of this dynamic for civic space.

Summary of research methodology

The study utilised the Oxfam civic space monitoring tool, in its original format (in workshops), and in adapted versions (interviews and questionnaires). Early desk research involved the review of existing literature relating to civic space issues in Nigeria, as no resources were found on the Niger Delta. Two workshops were organised, with civil society grouped roughly along the lines of organisations and individuals, which enables some comparison within civil society. These two groupings could also be considered human rights defenders and information providers, with the exception of lawyers who do both, but participated in the second workshop group.

Workshop group	Participants	Civil society groups represented	Rough grouping
1	12	NGOs, CSOs, FBOs, ethnic groups, and activists.	Organisations
2	13	Journalists, media outlets, academics, and lawyers.	Individuals

Seven key informant interviews (KIIs) followed, with semi-structured questions seeking to explore experiences of civic space issues in more detail. Finally, a digital survey was completed by 44 respondents, to provide a wider sample of perceptions. Throughout, efforts were made to ensure a 50:50 gender balance was maintained (for further details on the methodology, see Annex 1).

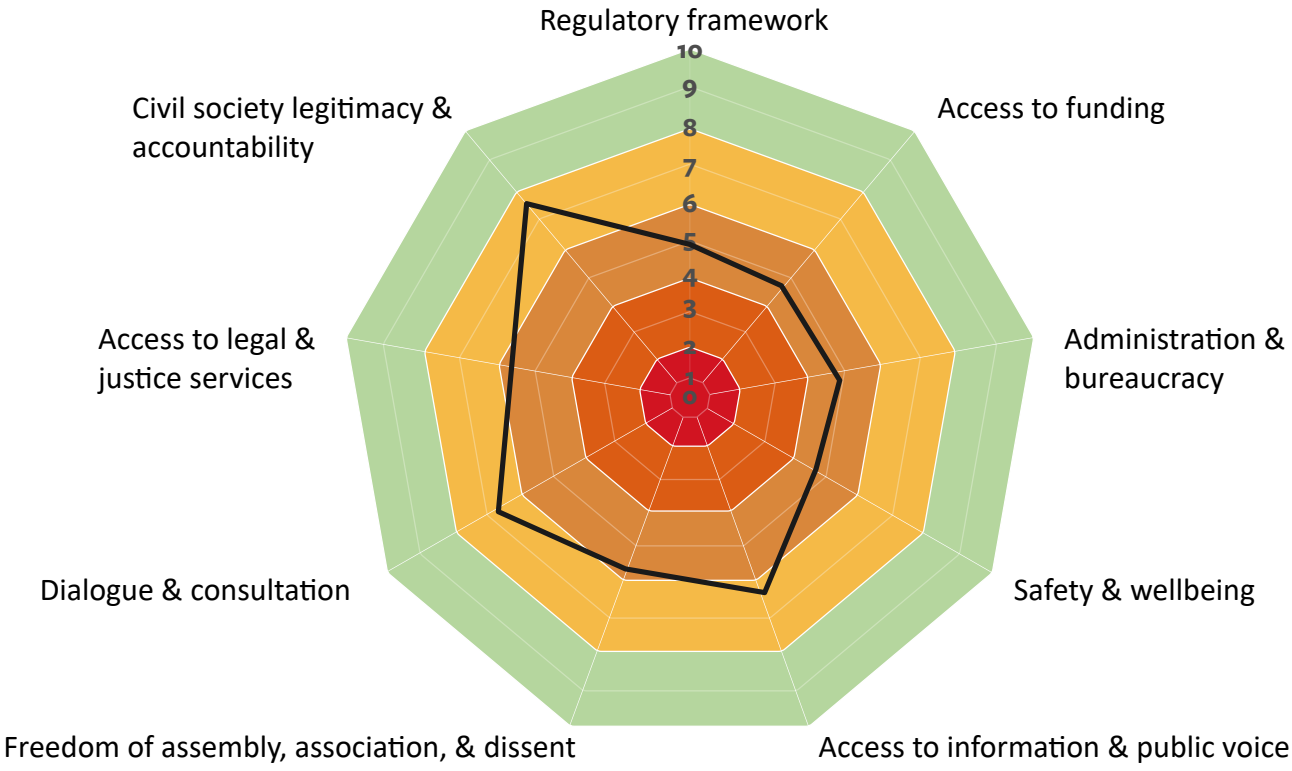
Results of the Rivers State civic space assessment

The results of the ranking exercise illustrate that civic space in Rivers State is squeezed in all dimensions, and generally on a negative trend towards further closure. It is substantially worse for journalists, and groups representing LGBTQI and women's issues. However, the overall average rating of 'obstructed' for Rivers State is relatively positive, when compared to the national rating of 'repressed' awarded by CIVICUS in a separate study in 2019 (CIVICUS, 2020c).

Between dimensions

The average rating for six out of nine dimensions is within the 'obstructed' band. This illustrates that civil society perceives itself to be in a precarious position, where on the one hand they can express and act out their freedoms, but expect to be constantly obstructed, or penalised, by authorities and security agencies. Three dimensions scored better, with a rating of 'narrowed'. These are: civil society legitimacy and accountability, dialogue and consultation, and access to information and public voice.[3]

Overall average ranking of civic space dimensions



Open	Narrowed	Obstructed	Repressed	Closed
10-8	8-6	6-4	4-2	2-0

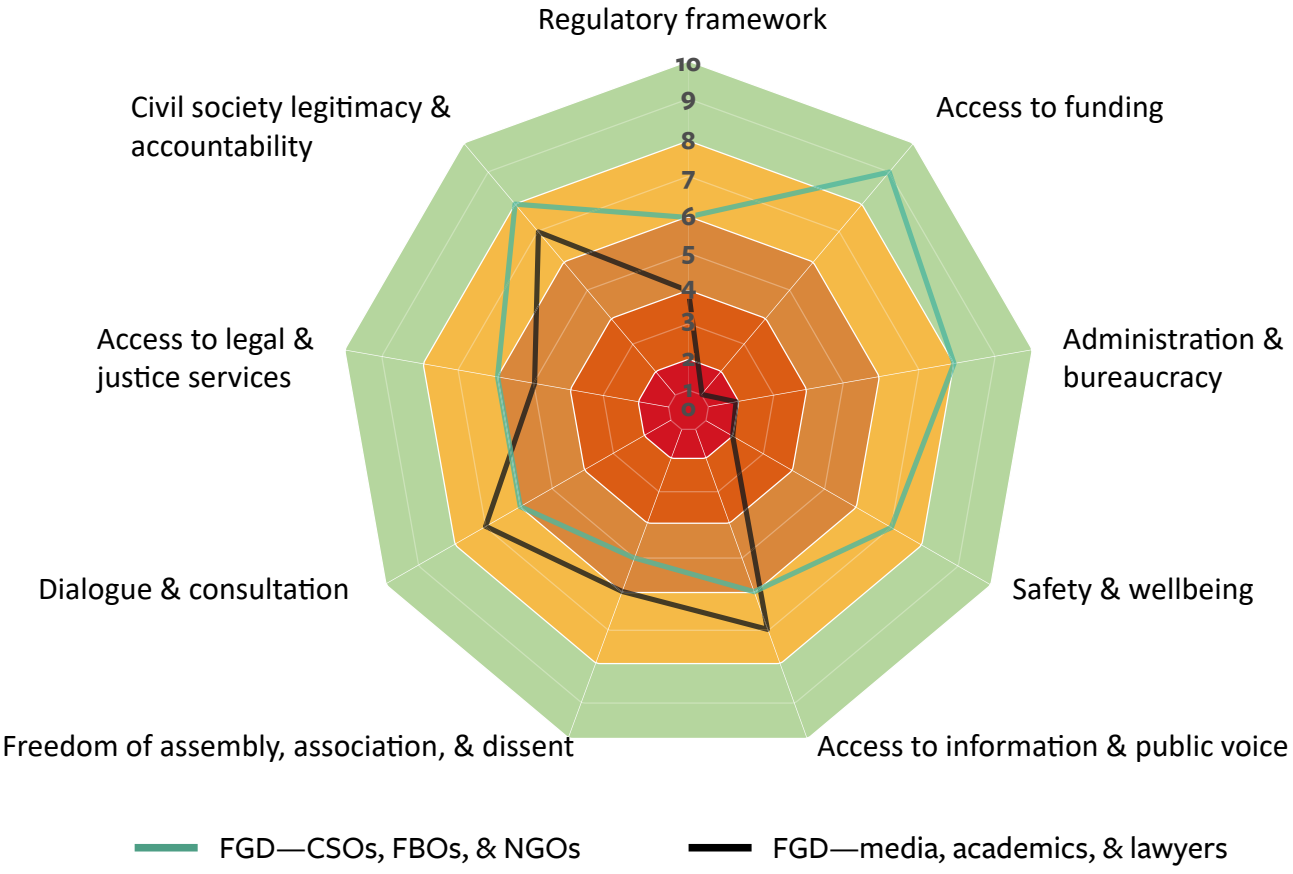
3 Although, as this analysis was led by civil society, there is a degree of biased self-assessment.

The most closed rating is for safety and wellbeing, which has an average score of 4.5. This highlights the personal risk that civil society actors feel they expose themselves and their families to on a daily basis. The most open rating is for civil society legitimacy and accountability, which signals hope for improving the other areas.

Between different groups of respondents

The average rating masks stark differences between two groupings of respondents. The first is NGOs, FBOs, and activists. The second is journalists, lawyers, and academics. The rating of dimensions by the two groupings were within one or two points for the majority of dimensions, but significantly diverged in three dimensions. The first group were far more positive when reporting their freedoms in access to finance, administration, and bureaucracy, and safety and wellbeing.

Disaggregated ranking of civic space dimensions between two groupings



For the second grouping of journalists, activists, and lawyers, the experience in these three dimensions is the complete opposite. This could show that those who investigate and make information public, in a way that calls authorities to account, are targeted in these dimensions. There are more administrative and bureaucratic restrictions on operations, and a severe dearth of funding opportunities. A historic perspective implies these restrictions became embedded over time in the procedures politicians take in dealing with journalists and media houses. It also shows that authorities are not afraid to threaten the safety and wellbeing of civil society, especially journalists.

Between state and national ratings

The results from Rivers State record a more optimistic rating than the national level analysis by CIVICUS, which downgraded Nigeria from obstructed to repressed in 2019. However, the CIVICUS ratings under each dimension are not publicly available, and they employed a different methodology, which means a detailed comparison between national and sub-national levels is not possible. The researchers in this report believe that civic space is more closed in the Niger Delta region, including Rivers State, and that this would be reflected in the rating if the same methodology was used at both national and sub-national levels.

Between different groups and issues

The results show that specific groups or issues are subject to more oppression, namely those with a connection to defending LGBTQI, women, or human rights. The same groups and issues have been highlighted as targets at the national level by others. Surprisingly, confronting politicians and oil and gas companies was not highlighted as a particular target of oppression in this study.

Trajectory

Almost all dimensions are reportedly on negative trajectories, which is a concerning forecast for Rivers State. The one positive trend is under dimension 9, civic space legitimacy and accountability, providing hope that a better organised and more credible civil society can continue fighting to protect and expand the civic space in other dimensions.

FGD	Group 1: organisations		Group 2: Individuals		Average	
Dimension	Rating	Trend	Rating	Trend	Rating	Trend
1) Regulatory framework	Narrowed/ obstructed	↘	Obstructed/ repressed	↘	Obstructed	↘
2) Access to funding	Open	↗	Closed	↘	Obstructed	–
3) Admin & bureaucracy	Open	–	Repressed/ closed	↘	Obstructed	↘
4) Safety & wellbeing	Narrowed	↘	Repressed/ closed	↘	Obstructed/ repressed	↘
5) Access to info & public voice	Obstructed/ narrowed	↘	Obstructed	↘	Narrowed	↘
6) Freedom of assembly, association, & dissent	Obstructed	↘	Obstructed/ narrowed	↘	Obstructed	↘
7) Dialogue & consultation	Obstructed/ narrowed	↘	Narrowed	↘	Narrowed	↘
8) Access to justice & legal services	Obstructed/ narrowed	↘	Obstructed	↘	Obstructed	↘
9) Civil society legitimacy & accountability	Open/ narrowed	↗	Narrowed	↗	Narrowed	↗

Breakdown of results under the nine dimensions of civic space

In an effort to capture how the dimensions of civic space are changing in Rivers State, the following section is structured under the nine dimensions of civic space outlined by Oxfam (2019). A reminder of the rating and trend for each dimension is noted next to each title, as well as the disaggregation between the two workshop groups—organisations and individuals.

1. Regulatory framework

Overall rating: **Obstructed** ↘

Organisations: Narrowed/obstructed ↘
Individuals: Obstructed/repressed ↘

The regulatory framework refers to the set of laws and regulations that defines the size and nature of civic space (Oxfam 2019). In Nigeria there are many laws governing different aspects of civic space[4], and this has worsened over the last five years, as a wave of more repressive legislation was introduced to the House of Assembly, and endorsed by the Executive. Civil society in Rivers State expressed deep concerns over the potential for this legislation to restrict civic space and prevent constitutionally-protected freedoms, ranking this dimension as obstructed, and on a negative trend towards repression.

Responses during research highlighted the constraints of the many laws regulating civic space. These laws create arduous requirements for registration, and unnecessary prohibitions or requirements for certain organisations or activities, like being registered in the Niger Delta. Regulation is reportedly not visible to, or understood by, CSOs, who fear it provides authorities with vaguely worded discretionary powers, allowing broad interpretation. There are also often harsh penalties for non-compliance. One example raised in Rivers State was Nigeria Info FM in Port Harcourt, a radio station regularly accused of violations by the national regulator, the National Broadcasting Commission (NBC), reportedly for airing criticism of the federal government. The radio station is penalised with fines and threats to their registration status. The reported impacts of this to civic space include restricted freedom of speech, fear of reporting and penalties, and reduced registration and participation in activities.

Plans for new or amended legislation for regulations that would further undermine the openness of civic space include:

- the *Digital Rights and Online Freedom Bill* (2017)—also known as the 'Hate Speech Bill' (2017).
- the *Protection From Internet Falsehoods, Manipulations and Other Related Matters Bill* (2019)—also known as the 'Social Media Bill'.[5]
- a *Bill for an Act to Establish the Civil Society Regulatory Commission and for Connected Purposes* (2019)— also known as the 'NGO Bill'.[6]
- the *Control of Infectious Diseases Act* (CIDA) (2020)—part of the covid-19 response.

4 See Annex 2 for non-exhaustive list.

5 Sponsored by Sen. Mohammed Sani Musa (APC, Niger East). It is a reworked version of a similar 2016 version, Bill for an Act to Prohibit Frivolous Petitions (2016), sponsored by Sen. Bala Ibn N'Alla.

6 Sponsored by Sen. Abass Tajudeen.

Analysis by Spaces for Change (2020b-f) highlights similar features within this wave of repressive legislation. The Bills often replicate existing rules, regulations, and law enforcement mechanisms that already exist, instead of seeking to improve implementation, resourcing, and coordination. There are signs they were hastily put together, including contradictory provisions, and large sections copied and pasted content from earlier versions, or even legislation in other countries (e.g. large swathes of the CIDA 2020 Bill mirrored a Singapore law from the 1970s). The Bills also contain numerous provisions that run contrary to constitutional guarantees. For example, the Social Media Bill (2019) undermines free speech and fair comment.

Similar to previous Bills, and perhaps even more advanced, is the wording on justification for action, which is vaguely framed around protecting 'national security', 'public safety', 'public morals', and 'bilateral relations with other countries'. The state is vested with overarching discretionary or 'incidental' powers that can be applied for general purposes, such as to obtain warrants to search and arrest, usurping other formal judicial and criminal investigation processes (e.g. EFCC and courts). Coupled with definitions of offences that are vague and broad, it provides authorities with powers to criminalise honest civic conduct. For example, there is no definition of what constitutes hate speech in the Hate Speech Bill (2017), so anything unfavourable could be penalised. Powers of prosecution are typically punitive and excessive, and can sanction the seizure of property, assets, bank accounts, and control of boards.

The negative trend is seen as representative of the wider attitude of the current administration towards civil society and civic freedoms. The Bills listed above have rapidly pushed through first and second readings in the National Assembly, and received quick assent from the Speaker and President, reflecting the attention and importance accorded by legislators to controlling civic space. Passage has stalled due to push-back from civil society and the wider public, but this seems to have emboldened authorities to further restrict civic space in other areas. As past attempts to pass similar Bills have shown, it is highly likely the rejected Bills will re-emerge with another name in future.

2. Access to funding

Overall rating: **Obstructed**

Organisations: Open ↗

Individuals: Closed ↘

This refers to the theoretical ability of civil society to make use of different sources of funding, and the actual ways this is open or controlled (Oxfam, 2019). This issue is not covered in detail in the literature, but our findings suggest this differs depending on the type of civil society actors seeking funding, and for what purpose. In workshops, the organisations group reported this dimension is very open and on a positive trajectory, while the second group of individuals reported the opposite—that it is very closed, and on a negative trajectory.

The organisations reported their access is generally unrestricted and improving—and although it is slightly more challenging to access international funds, they are generally free to do so. Access to international funds may deteriorate in the near future though, as governments are cutting aid spending

globally to fund Covid-19 domestic recoveries. International donor funds allocated to the Niger Delta have also decreased dramatically over the last decade, with attention increasingly on the crisis in the North East of Nigeria, where the activities of terrorists and insecurity are intensifying ingrained socio-economic challenges.

In addition, by looking closely at the legislation outlined under the regulatory framework dimension, there are attempts to increase restrictions on access to, and management of, funding, for NGOs and their cohorts. For example, the 'NGO Bill' proposes a regulatory commission that must be informed of all funding and expenditure, with discretionary powers to seize bank accounts, and replace board members. The unaccountability of government actors increases the risk these powers will be misused to penalise dissenting civil society. Civil society agrees that their own accountability is important, but feel they already fulfil financial reporting requirements for various bodies, which the proposed NGO Bill's regulatory commission would duplicate. The result is increasing burdens without any additional benefits (e.g. tax relief). Therefore, existing frameworks should be redrafted and strengthened, rather than duplicated.

In stark contrast, access to funding is reportedly closed and worsening for media outlets, journalists, academics, and lawyers. These groups are the primary actors generating, disseminating, and contesting information, which is essential for active participation in civic activities. Sources of funding are reportedly low to non-existent in Rivers State for media houses, which tend to rely on wealthy politically exposed owners, and revenue for advertising placed by government or the political class. Media houses therefore struggle to pay salaries to their journalists, who in turn become dependent on "stories for cash", or the hand-outs they can get in press conferences.[7] These funding sources are insecure, as government actors regularly blacklist journalists from government press conferences or for advertising, typically following critical coverage. The situation is reportedly only improved through small grants and resources from NGOs, especially those with international connections.

Case study: EndSARS protestors targeted by the Central Bank of Nigeria

A number of activists emerged at the forefront of the nationwide protest. Understandably none wanted to be singled out as a leader, but many came together under the 'Feminist Coven' to organise information sharing, provision of legal aid to arrested protestors, and collection and dissemination of donations. Weeks after the protests peaked on the 20th October, 20 activists had their personal bank accounts frozen. This was under order of the Central Bank of Nigeria, who claimed they were suspected to be involved in money laundering. Throughout the 90-day freeze, no evidence or criminal case was raised, and so it came to an end in February.[8] This was clearly an attempt to undermine the ability of protestors to distribute funds, and an underhand tactic to weaken the movement.

7 See SDN (2021). Freedom of the Press in the Niger Delta. Online at: www.stakeholderdemocracy.org/freedom-of-the-press-in-the-niger-delta-brief/

8 Adesomoju, A. (2021). Court orders CBN to unfreeze 20 #EndSARS protesters bank accounts. Premium Times, 11th February. Online at: www.premiumtimesng.com/news/headlines/441864-updated-court-orders-cbn-to-unfreeze-20-endsars-protesters-bank-accounts.html

3. Administration and bureaucracy

Overall rating: **Obstructed**

Organisations: Open

Individuals: Repressed/closed

This refers to the ways in which the operation of civil society is enabled, constrained, or suspended, by administration practices (Oxfam, 2019). Restraints delay or inhibit civil society actors and organisations from carrying out activities, and prevent effective participation in accountability, policy, or decision making (UN OHCHR 2014). The situation in Rivers State was again distinctly different between the organisations and individuals workshop groups—with the first reporting a narrowed but fairly open situation, while the second reported an extremely closed reality.

The research recorded that government authorities arbitrarily apply provisions in legislation (regulatory framework dimension) on anyone in society when they are under pressure, including one another, under the guise of legality and legitimacy. Common types of administrative constraints applying to civil society include slow bureaucratic procedures and opaque, expensive decision-making processes—with multiple permissions and registrations required, often from overlapping authorities. These authorities act with a high intensity of control and punishment. Penalties include restrictions on registration, limits on the types of activities that can be done, threats and actual de-registration of organisations or registered professionals, forced office searches, closures and seizure of property, bans on travel, and removing citizenship status.

Research results suggest the effects of administration practices are significantly more closed for the 'individuals' group, especially journalists and media houses, and that this group face these restraints more regularly, and with more severe impacts. This is perhaps part of broader battles over controlling messaging and dissent in media. Another factor favouring the NGOs/FBOs could be their organisation and experience fulfilling requirements on donor funds, and the skills learned to navigate multiple conflicting administrative requirements. But within this broad category, there are differences between groups working on different topics.

For all civil society, this amounts to overly burdensome procedures that effectively limit what type of activities can be done, sanction unregistered activities, prohibit representation and participation, and have no positive benefits (e.g. tax reduction). The main consequence highlighted in the survey results was low morale, which is devastating for progress in civic space, because it relies so much on the energy and spirit for improving society. The legislation proposed above will worsen this by enshrining further powers for the state to increase administrative requirements, and justify invasive scrutiny of management and internal governance.

Example: Use of administrative practices to constrain media in Rivers State

Even the most prominent journalists working for well-established mainstream national media outlets are not immune from harassment. The experience of a radio host based in Port Harcourt is a typical example. The host regularly dissected difficult topics during their 'Hard Facts' show, which maintained popularity among listeners and callers. One day, the host was harassed and restrained by government security services, without explanation. This started when the police 'intelligence' department came to the office and took him into custody without charge, or any explanation why he was being arrested. As recounted by the host:

> *"One day we were in the office, then my boss calls me to come downstairs, I go to his office and see some men who we later discovered were DSS operatives. They said they had a petition (warrant) against me so we went [with them], and bottom-line is I was interrogated, detained for hours by DSS and treated like a hardened criminal, they asked for recordings of our presentations. We kept asking, I wrote in my statement that I don't know what I have done or why I am here. They said it is a petition, okay let me see the petition, no! So I just wrote in my statement, "I don't know why I am here". Then they asked for presentations of some clips, so asked that if they know the day and the time I made the statement, it should be in the petition, so why don't you just ask for the specific one? Which means they were just looking for anything to pin [on me], they didn't find anything, and I think even they themselves were not interested. They just let it go."*

Although the security services failed to extract a confession from the radio host, there were clearly higher powers who wanted to clamp down on their reporting. The host was taken in by the immigration service, and an array of administrative issues were raised against their right to live and work in the country. The host does not have Nigerian citizenship, but was born in the country and holds all papers required. Yet their travel documents were seized:

> *"Then the Nigerian Immigration Service now came for my passport. They invited me, seized my passport, residence permit, work permit, [because] I was born in Nigeria. They seized it and blatantly refused to give it to me, the National Assembly wrote a petition, they directed the Comptroller General to release my passport to me. The Comptroller in Port Harcourt, I don't know if they were bankrolling him, blatantly refused to give it to me. So I left it with them till date. I have not been able to make international travels."*

Till date, the passport has not been returned, which has prevented attendance at overseas scholarships and events they were invited for. This case highlights the extraordinary lengths individuals can take to clamp down on dissenting voices. The host cannot highlight any particular report or statement that triggered the clamp down, but it is clear that somebody in a powerful position was offended or embarrassed, and was able to employ a variety of state powers to harass and attack the host into silence.

The arbitrariness makes it all the more insecure for civic space, as coverage can randomly be attacked, no matter how well researched and presented. This creates a tense environment for journalists to operate in, and many choose the 'easy' route, avoiding any news that borders on criticism. This stifles fair comment and freedom of speech in the media.

4. Safety and wellbeing of people

Overall rating: **Obstructed/repressed** ↘

Organisations: Narrowed ↘
Individuals: Repressed/closed ↘

Safety and wellbeing of people includes the use of legal and illegal mechanisms to protect or threaten certain organisations or individuals. This can refer to various forms of abuse, including verbal and physical, by state and non-state actors (Oxfam, 2019). Actors across civil society in Rivers State expressed fears for personal security as a consequence of their work, including being arrested, kidnapped, raped, or killed. In line with targeting journalists, the individuals group reported a more negative rating of closed for this dimension, while the organisations reported a narrowed rating.

The US State Department (2019) reports that it is common across Nigeria for civil society members openly criticising the government to be consistently at risk of all of the above. In Rivers State, actors are especially vulnerable to increased surveillance and threats, from state and non-state actors, who are known to target individuals and their immediate connections, such as family members, employees, or even wider communities. This is within a regional Niger Delta context where there are constant threats to all citizens in the form of armed robbery, kidnapping, and other crimes.

The government approach is seen to be rooted in a reliance on repressive tactics to tackle security threats, including through the use of indiscriminate violence, extrajudicial harassment, arrest, detainment, torture, killing, and other abuses (Oxfam, 2020).[9] As civil society is often seen as a threat, the same tactics used against criminals and enemies of the state are applied by authorities. The research highlighted two specific groups that were targeted—women-led groups, and journalists. Similar to certain other countries, women-led groups are:

> *"targeted for or exposed to gender-specific threats and gender-specific violence*[...] *hostility by the general population and authorities*[...] *stigmatization and ostracism by community leaders, faith-based groups, families and communities who consider them to be threatening religion, honour or culture through their work."* (UN OHCHR, 2014).

For journalists, it appears threats and attacks from government officials have become the norm. Unsurprisingly, safety and wellbeing was the main concern to journalists themselves, and their precarious position is recognised across civil society, as highlighted by almost all respondents in the survey (92%). Common threats include physical attacks ranging from beatings by members of security agencies, escorts, or wider entourages, and orchestrated arrest, detainment, kidnapping or disappearance, often in collusion with the authorities.

State authorities do not take threats seriously, investigate, or take appropriate action—so there is a high level of impunity for perpetrators of crimes against civil society. Authorities may go as far as establishing committees or task forces, but do not ensure cases are fully investigated. The security agencies are more brazen, with numerous reports of them actually assaulting, arresting, and illegally detaining victims, then

9 This can be linked even further back to the colonial approach of rule by force, which lives on in the structures of security agencies

extorting money for bail or release. This is in-line with the worst cases documented nationwide by the US State Department (2019). The consequences for CSOs included reduced well-being, integrity, and personal security. Respondents talked about dehumanisation by authorities for opposing their authority, and voicing any mild form of criticism. This often leads to being tagged as "enemies of government", meaning they always live in fear, which is unhealthy for their long-term mental health.

Examples in Rivers State: attacks on media

In Rivers State, journalists and other media actors are exposed to grave danger in the course of investigating and reporting. Attacks have reportedly been masterminded by compromised state security agents and non-state actors to intimidate and discourage the media from feeding the public with information on the actions or inactions of government. As narrated by one of the victims;

> *"As a journalist, I intercepted a scene where a Nigerian teenager was being brutalized by policemen who I later discovered were SARS (Special Anti-Robbery Squad) officials and decided to use my position to document what was happening. In the middle of that process, they saw me and turned on me. They beat me, injuring my left knee which still hurts, this is almost 2 years...[since it happened]. And of course when I went to SARS detention (arrested and detained at the SARS facility), some of them discovered I was the one (popular radio host often critical of SARS), they now increased the beating and then decided that even if I bring money for bail, they won't collect it. So that is my rights being trampled on as an actor in the civic space."*

Beyond physical attacks, many receive threats via phone calls and text messages for simply speaking truth to power. A common example was shared by another journalist;

> *"I do a lot of media engagements and most times when you go out to media organisations and speak; when you spit out facts and you try to stabilize a kind of narrative that has been ongoing and do not want to be partisan or do not want to display some form of political affiliation, they call you on the phone and threaten you. I have been called [by government media aides] and they will say, "you were on air why would you talk about the government in this direction; you people should be careful, you should drop that narrative."*

Undoubtedly, these acts have created an atmosphere of fear and insecurity for media actors in Rivers State, thereby impacting negatively on the quality and quantity of information released for public consumption. The implication is that citizens are starved of the information needed to effectively scrutinise governance and development, and hold the government to account.

Case Study: EndSARS in Rivers State, a brutal response

The shooting of protestors at Lekki toll on 20th October 2020 triggered violence in protests nationwide, including in Rivers State. In Oyigbo local government area, protests escalated, and a group raided two police stations, burned them down, took away arms, and released prisoners. Two police inspectors and two sergeants died in the events. It is unclear whether any protestors or prisoners died.

The Rivers State government and Nigerian army reacted by using blanket powers, claiming that the perpetrators were members of the Indigenous Peoples of Biafra (IPOB), a secessionist group fighting for Igbo independence. On the 23rd October, residents of Oyibo were put under a 24-hour curfew up until November 3rd, with nobody allowed to move within, or pass out or into the area, including media and healthcare professionals.

Multiple eyewitnesses recounted that troops fired bullets indiscriminately in public places, and unverified photographs of multiple dead bodies in public places were circulated online. This approach was allegedly to instil fear in the community and 'flush out' the IPOB members. The army claims that only seven people died during the saga, but subsequent reports claim the numbers are much higher.[10] One CSO claims more than 200 people were unaccounted for after the protest, feared dead or incarcerated.[11] Some have slowly been released, including 53 women, who the CSO claims were taken to Abuja, detained, and systematically raped by the soldiers.[12]

One witness said, "what happened in Oyigbo was total suspension of people's rights, like a declaration of martial law." The governor of Rivers State maintained the actions of the army were justified, dismissed reports of mass killings as 'fake news', and maintained that he and the army made the right decision.

For more on the legal response, see Dimension 8: Access to Justice and Legal Services.

10 Adebayo, T. (2020). Investigation: Inside the horrific bloodshed and massive extrajudicial killings in Nigeria's Oyigbo community. Premium Times. November 23. Online at: https://www.premiumtimesng.com/news/headlines/427469-investigation-inside-the-horrific-bloodshed-and-massive-extrajudicial-killings-in-nigerias-oyigbo-community.html

11 Sundiata Post. (2020). 30 Obigbo residents abducted Army released after 3 months. Intersociety condemns Wike's role. January 16th. Online at: https://sundiatapost.com/30-obigbo-residents-abducted-army-released-after-3-months-intersociety-condemns-wikes-role/

12 Sahara Reporters (2021). EXCLUSIVE: How Nigerian Soldiers Routinely Raped, Tortured Us In Abuja Barracks—Women Arrested In Obigbo, Rivers. February 16. Online at: http://saharareporters.com/2021/02/16/exclusive-how-nigerian-soldiers-routinely-raped-tortured-us-abuja-barracks-women

5. Access to information and public voice

Overall rating:	**Narrowed** ↘
Organisations:	Obstructed/narrowed ↘
Individuals:	Obstructed ↘

This refers to access to objective and reliable information, and freedom of expression, through different forms of media and other advocacy actors, whose function it is to spread information and sensitise the public (Oxfam, 2019). In Rivers State, actors across civil society face a mixed relationship with the government—sometimes cordial, with productive information exchange and collaboration, and other times, with opacity and limited options for dialogue. Across civil society, respondents ranked this dimension on the boundary between narrowed and obstructed, with a negative trend towards the latter.

Freedom of information is enshrined in federal law, but has not been drawn down in Rivers State. Respondents relayed their difficulties in getting information from the government. This is despite pursuing all conventional channels, including encouraging voluntary transparency, attending press conferences and meetings, and requesting information through letters, petitions, and freedom of information requests. Office holders tend to pay lip service to requests, promising collaboration and transparency, but ultimately censoring, frustrating, and denying access to information. This lack of access to information limits the public knowledge of the authorities' activities and reduces the public's ability to hold authorities accountable. For example, CSOs have found it difficult to access information on the clean-up of oil spills in Ogoniland from the Ministry of Environment and the Hydrocarbon Pollution Remediation Initiative (Cordaid & HIVOS, 2020). The clean-up is accused of being poorly implemented and troubled by corruption.

Civil society organisations are generally free to meet, deliberate, and disseminate statements (or communiques) on sensitive topics. It is also common to follow up with letters to policy-makers. However, these efforts are all too often ignored by office holders. What is more, asking too many questions can be judged suspicious, and enquirers can be subjected to harassment, intimidation, and reprisals, as is typical in other oppressive countries. This harassment can include threatening phone messages, surveillance, physical or sexual assaults, destruction of property, deprivation of employment or loss of income, smear campaigns labelling civil society actors as 'enemies of the state'; 'traitors'; or as working for 'foreign interests'. Harassment can progress to disappearances, torture, and killings (UN OHCHR, 2014). The survey responses highlight the existence of intelligence units within security agencies dedicated to monitoring communications and activities, including regular infiltration of meetings, interception of calls, monitoring of electronic information, and hacking of computers. The most common targets are allegedly journalists reporting, or organisations working, on certain issues, particularly the Niger Delta, human rights, LGBTQI, youth, or critiquing authorities.

Public statements by government or state-owned media actors negatively affect the public view of independent media and CSOs. The majority of civil society surveyed report they face defamation and de-legitimisation if they confront authorities. For example, journalists at Rivers State-owned media outlets such as Rhythm FM are advised not to criticise government policies, and such programming can

be interrupted. Critics are labelled as working for the opposition, and quickly blacklisted from press conferences and other activities. A growing tactic is to dismiss critical reports as 'fake news', and critical groups as anti-government. For example, members of the *Bring Back Our Girls* campaign were labelled 'socio-advocacy terrorists' by a support group of President Buhari (This Day, 2017). Groups like the IPOB were officially proscribed as outright terrorist groups leading to massacres by the military, emboldened by this political impunity, at their rallies.13 In addition, actors affiliated with the government are thought to regularly circulate fake news stories that perpetuate insecurity—for example, by stoking ethnic rivalries.

Focus on journalism

As with other dimensions, journalists, bloggers, and other voices, face major restrictions on their freedom of speech and right to publish their work. 80% of survey respondents feel this is common in Rivers State, where journalists report regular restrictions in response to coverage, including denial of access to press conferences, litigation, sanctions, deregistration, closure of offices, and detainment without charge. This affects the growth and development of journalism, creates room for the spread of fake news and misinformation, and constrains public opinion and voice. It also gives authorities leverage over journalists, by making them dependent on their information and finance. For example, since 1999, Rivers State has had a Chief Press Secretary,14 which over time has been allocated larger budgets and portfolios, to incentivise positive voices, and disincentivise negative voices. Only 25% of attacks against journalists led to an arrest (nationally), and courts fail to expedite prosecutions so:

> *"Media organisations and journalists literally cannot afford to protect themselves against these attacks and cannot defend themselves when these attacks do happen. This leads to a far more dangerous form of media repression and self-censorship. It is the kind that cannot be tracked and it is difficult to deal with using usual tools of advocacy, legislation etc."* (*Premium Times Centre for Investigative Journalism, 2020*).

The majority of journalists are freelance, are not protected by media institutions, and pay their own legal fees. Media houses are a little more insulated, since they are typically backed by wealthy politically exposed patrons, but have also faced an increase in threats from authorities recently. These approaches create a 'chilling effect', preventing the majority of civic space defenders from speaking up or reporting and many activists self-censor. These effects result in declining participation and engagement, ushering in a 'new dawn of silence' because of restrictions, harassment, and fear of repercussions (S4C 2017; Oxfam, 2020).

Closing civic space to progressive champions of social change enables government actors and elite groups to pursue their interests—acting with effective impunity and without scrutiny—to the detriment of good governance. Even the highest office holders "*go to extra lengths to create and drive the narrative to delegitimise organisations 'speaking truth to power'*" (Oxfam, 2020). This raises concerns due to the role it plays in accelerating insecurity, including rural and electoral violence (US State Dept, 2019).

13 Amnesty International. (2016). NIGERIA: 'BULLETS WERE RAINING EVERYWHERE': DEADLY REPRESSION OF PRO-BIAFRA ACTIVISTS. Online at: https://www.amnesty.org/en/documents/afr44/5211/2016/en/

14 Now supported by a team of others with names like Special Advisor on Media to the Governor

Attacks on journalists in Nigeria

There is a healthy and vibrant tradition of journalism in Nigeria, despite a historic national problem of clamp-downs. As Aloba (2020) states, "*twenty years of uninterrupted democratic governance and yet attacks against journalists and media organisations have continued unabated, rivalling military regimes where journalists were locked up and media houses attacked with impunity*". Amnesty International's (2019) report elaborated on this, showing how journalists are regularly indiscriminately abducted for questioning by security services, face illegal arrests and detention, are intimidated into recalling or retracting stories, or forced to offer apologies to state actors.15 As Human Rights Watch recently expressed, there is a growing concern over threats to freedom of expression, with recent events a 'sign of growing intolerance' of dissent (HRW, 2019; US State Dept., 2019).

In doing so, Nigeria is flouting many international treaties to which it is signatory. The current ranking on the Press Freedom Index is 115 out of 180 countries (Reporters without borders, 2020). This is well within the red zone, but an improvement on the 2019 ranking. This is surprising, given the threats to journalists and media houses in Nigeria throughout 2020. While there is a consensus among observers that the majority of violations against journalists go unreported (especially in non-urban regions) (PTCIJ, 2020), the statistics provide insight. Thirty-two attacks on journalists in the South-South (geopolitical zone encapsulating the Niger Delta) were registered with Press Attack Tracker between 2018–2020 (PTCIJ, 2020b). This ranks the zone third in the country, after the South-West, and the North-Central (these zones contain Lagos and Abuja, which account for the majority of reported attacks). In the South-South, 16% of total attacks were in Rivers State, 37% in Akwa Ibom State, and 47% in Bayelsa State.

Overall, 47% of incidents included physical attack, and the PTCIJ reports journalists are "*roughly handled, beaten, shot and experience other forms of torture,* [*as*] *the preferred approach to silencing journalists in the country.*" Police rank number one out of reported perpetrators of attacks (25%), followed by hired thugs (17%), political figures (16%), and civilians (15%). 75% of reported victims were men, 21% were media institutions, and only 4% women. But this gender imbalance could be distorted by the fact that women tend to be overlooked for risky topics by Nigerian media houses, and are often assigned to the 'softer beats'.

15 "Numerous journalists were detained, abducted, or arrested during the year and were still deprived of their liberty.... Including Abubakar Idris, Stephen Kefas, Jones Abiri, Agba Jalingo, and others. Activist IG Wala was sentenced to seven years in prison, reportedly in retaliation for making 'unsubstantiated allegations' against government officials." (US State Dept., 2019).

6. Freedom of assembly, association and dissent

Overall rating: **Obstructed** ↘

Organisations: Obstructed ↘
Individuals: Obstructed/narrowed ↘

This refers to whether individuals and groups can gather and organise themselves freely, have freedom to protest, or publicly express disagreement (Oxfam, 2019). Actors across civil society report this dimension is obstructed, and on a negative trajectory towards repressed.

Lawful assembly or protests are frequently prohibited, and at times blanket bans have been placed on all forms of protests in Rivers State—which "*highlights the nature of restrictions the state continues to impose on civic freedoms—in many cases with the connivance of security agencies who are deployed to harass, arrest, and intimidate CSOs* [*and community members*]" (Cordaid & Hivos, 2020). The majority of survey respondents reported that the disproportionate use of violence, repression, and policing are limiting their freedom of assembly.

The survey highlighted that lesbian, gay, bisexual, transgender and intersex (LGBTI) persons have disproportionate difficulties accessing information, and establishing platforms for public speech, while youth groups face difficulties gathering and organising. The US State Dept. (2019) reports interference nationwide, with a high rate of "*crimes involving violence targeting LGBTI persons;* [*and*] *criminalization of same-sex sexual conduct between adults*" (US State Dept. 2019). Other targets of excessive government coercive power have been found to be:

- vocal critics of the government, political opponents, leaders of religious and indigenous movements, and private actors using social media to expose corruption or challenge gaps in governance (S4C, 2017).
- groups working on issues including gender (such as feminist movements for the rights of women and girls), elections, accountability, good governance, LGBTQI, and farming (Oxfam, 2020).
- those investigating issues of non-lethal violence, forex reserves, natural disasters, leadership change, and political threats (Duke University, 2020).

While political campaign events are free to proliferate every four years, parties in opposition to state governors often face restrictions on their campaigns.

Case study on EndSARS protests in Rivers State

Successive government administrations in Rivers State have stifled civic space via unconstitutional bans on protests and public gatherings. In October 2020, the nation-wide #EndSARS protests took root in Rivers State, and was met with this same reaction. The Governor ordered that all protests be banned. This followed an announcement by the Inspector General of Police (IGP), Mohammed Adamu, that the SARS unit had been disbanded with immediate effect. The Governor's justification was that since this was one of the main demands of the protesters, the protests were no longer valid. However, SARS has been banned and reformed many times over the years, continuing to operate as usual, which undermined public confidence that this new pronouncement will be any different.

It is unjust for a politician to rule out freedom of association but, despite public outcry, the Governor upheld the ban, and security services were stationed across the state to suppress any form of protest. In a key informant interview, the chairman of Rivers State Civil Society Organisations lamented:

> *"It has been the tradition of the Rivers State government especially during the tenure of Nyesom Wike (Governor 2015 - date), each time they see a protest that seems to challenge power, that seems to give citizens more space to express themselves, you see the governor issuing out a public statement using the mass media to threaten people [own emphasis]. The police too are fond of this, especially in the area of insecurity. Anytime citizens want to express themselves that there is a high level of insecurity, you see the police equally saying that they have banned protests."*

This position was reinforced by a human rights activist:

> *"The present situation of EndSARS as it is, we strongly believe that there is a state attempt to clamp down on our rights to freedom of expression. You see people are afraid now to protest, meanwhile it is actually their civic rights. Some of the organizers of the protest, those who have promoted the protest, we have it on good authority that their accounts have been frozen which actually sends a chill, a threat to the other protesters. Yesterday we had a press conference and the turn up was very low; people are scared. Which means that the tactics of the government to close up the space is working but the question is, is it good for our democracy?"*

Another account by one of the civic actors in the state paints a dismal picture of the government, via its security institutions, doing everything possible to block the #EndSARS protesters from venting their grievances. According to her:

> *"...we have had to advocate for justice, for things to be done and this goes alongside with peaceful demonstration or road walk as it were. But before we even got to the venue of the protest or demonstration...you will just see the police siege, everywhere has been sealed off with the police, you know with canisters, teargas, they are trying to tell you no go area and we will move down to the CFC area along Aba Road but they kept on following us to ensure that we could not gather. So we had to restrategise to just do a press release."*

7. Dialogue and consultation

Overall rating: **Narrowed** ↘

Organisations: Obstructed/narrowed ↘
Individuals: Narrowed ↘

This refers to how governments engage with citizens in the development of policy, and the extent to which civil society can shape government decision-making (Oxfam, 2019). Across the spectrum, civil society reported they are not meaningfully involved in decision-making, or approached for consultation on policies by government, and thus have very little impact on decisions. This was rated on the boundary between narrowed and obstructed, and on a slow and steady negative trajectory.

Half of respondents felt that civil society was fairly or fully involved, typically through appointments to committees, panels, or invitations to forums. But more than half (57%) say the quality of engagement is fairly or fully ineffective. It is characterised as episodic, tokenistic, at the discretion of government, involving a limited number of CSOs, and does not foster inclusive platforms for participation. Respondents reported high levels of exclusion and discrimination for typically marginalised groups representing youth, women, and people living with disabilities.

Despite problematic laws, civil society has been able to critically engage with the government on legislation, consultation, advocacy, or even as participants in their programmes. In principle, CSOs enjoy freedoms to convene workshops and conferences (except on LGBTI issues). Government representatives regularly attend events, and participate in lively debate with civil society actors. Typically, government representatives come across as engaged at these events, and promise to continue working on issues raised. Yet, all too often, once representatives return to their offices, they neglect to follow up on everything they agreed to implement.

Case study: COVID-19 response and CSOs involvement in Rivers State

There are mixed messages from the Rivers State government on the level of CSO involvement allowed in the COVID-19 response. The Risk Communication and Community Engagement pillar of the state's Ministry of Health, are reportedly accessible and collaborated with CSOs and the media to amplify public health messages relating to the response. Yet there are no formal roles for CSOs to support or monitor the disbursement of palliatives among the public, which is important to ensure accountability for resources. For example, the Niger Delta Development Commission (NDDC) was accused of diverting N6.2 billion earmarked for palliatives, and later subverting a Senate investigation into the issue.[16]

8. Access to justice and legal services

Overall rating: **Obstructed** ↘

Organisations: Obstructed/narrowed ↘
Individuals: Obstructed ↘

This refers to the ability of those affected by restrictions on civic space to seek redress and access justice (Oxfam, 2019). Access to justice is widely perceived to be a national crisis—so, unsurprisingly, this aspect was ranked negatively across civil society, as obstructed and on a negative trajectory. This could explain why, in the survey, respondents unanimously highlighted that all groups face the same barriers, which differs from other dimensions where the groups differed in their experiences.

16 Jimoh, A. & Akunbo, J. (2021). Senate panel wants NDDC management arrested over N6.2b palliatives. February 23rd. The Guardian. https://guardian.ng/news/senate-panel-wants-nddc-management-arrested-over-n6-2b-covid-19-palliatives/

Respondents highlighted common challenges accessing legal support, including the high cost of legal services, lack of fairness of trials, independence of judiciary, duration of detainment before trial, political or private pressure or manipulation, and disproportionate application of penalties. As a result, civil society has little faith in the judicial system and avoids pursuing legitimate issues in court. While all groups reportedly face the same challenges, respondents felt that LGBTI and human rights groups face discrimination that reduces their access to justice even further compared with other rights defenders.

Government actors are seen to hold influence over the justice and legal system. Civic space actors are constantly called to defend themselves against frivolous warrants instigated by government and powerful actors, who often use their position or pay to instigate charges without evidence. This is symptomatic of a wider lack of independence in the judiciary that holds true up to highest court in the land, where underhand methods can undermine official safeguards against political influence:

> *"In April 2019, Supreme Court Chief Justice Walter Onnoghen was convicted of falsely declaring his assets for failing to reveal money held in five foreign bank accounts. He was banned from holding public office for 10 years and ordered to forfeit the money in the five accounts. President Buhari did not receive support for Onnoghen's removal from two-thirds of the Senate or from the National Judicial Council as the law requires. The timing and process of Onnoghen's suspension led many opposition candidates, lawyers, and civil society leaders to accuse President Buhari of meddling with the independence of the judiciary."* (*US State Dept. 2019*)

Mechanisms exist to protect civil society seeking justice, such as the National Human Rights Commission (NHRC) and National Union of Journalists (NUJ). But both of these are reportedly not independent, regularly signal a pro-government stance, and are rarely proactive in fulfilling their mandates.

Case study on COVID-19 response in Rivers State

In the months leading up to this report, an array of measures have been put in place by the Rivers State government in an attempt to contain the transmission of the coronavirus virus. These measures include: closure of open markets, imposition of lock down, provision of emergency ambulances, demolition of private buildings used in violating COVID-19 response protocols, and distribution of economic palliatives.

A *Quarantine Act* and Rivers State *Government Executive Order* were quickly passed to provide the state government with powers to enforce these measures. This included mobile courts to prosecute those violating lockdown, stationed at strategic locations across Rivers State such as on the roadside under a canopy. The speed of trials mean defendants cannot source legal representation. The sentencing is also often disproportionate, including punishments such as imprisonment, forceful quarantine, fines, and impounding of vehicles and goods.

These powers were quickly abused by the agencies responsible, with extortion reportedly widespread. In a bizarre incident, six goats were even arrested for violating lockdown and not wearing a mask, likely so money can be extorted from the owners for their release.[17] In one of the most prominent examples, the state Governor Nyesome Wike, personally oversaw the demolition of a hotel accused of violating the measures. The owner claims this was based on false reports, while observers argued the actions are unconstitutional and undemocratic, as such punishment cannot be administered without the judiciary. The governor continued to uphold this tough stance throughout the pandemic and lockdown.

17 Closing Spaces (2020) 6 Goats arrested in Port Harcourt. April 27th. Online at: https://closingspaces.org/incident/6-goats-arrested-in-port-harcourt/

Case study - EndSARS protests and the inquiry into police abuse

Following national protests against police brutality, the federal government ordered every state to establish judicial panels of enquiry to hear testimonies of cases of police brutality and extrajudicial killings in their state, to feed into a nationwide process determined to improve the conduct of police.

As at November 25 2020, according to The Guardian Newspaper, a total of 171 cases were filed by interested parties cutting across victims and relatives of torture, murder, and violation of their human rights by police operatives in Rivers State.18 This is a clear indication that there has been a significant number of human right violations by security operatives in the Rivers State, particularly the now disbanded SARS unit. At the time of writing, no convictions or sentences have been delivered by the judicial panel as a result of the filed cases.

Simultaneously, at the insistence of the Nigerian Bar Association (NBA) President, Olumide Apata, a public hearing committee was set up in Oyigbo Community to specifically look into the incidents that occurred during the #EndSARS protests (see Case Study, Dimension 4). However, when SDN attended the public hearing, the organisers did not show up, and witnesses were left stranded. It later transpired that the public hearing was called off by the state government, citing security concerns. Apata requested that written complaints be forwarded to the state secretariat and that cases will be merged and handled by the Rivers State Judicial Commission of Inquiry.

Unfortunately, all cases relating to Oyibo were subsequently struck out, as it was deemed to be outside the Rivers State Judicial Commission of Inquiry's jurisdiction to sit on those matters.19 The nine-member panel was drawn from the NBA, International Federation of Women Lawyers (FIDA), youth, civil society, women, and religious groups, and was tasked to submit its report 60 days from the date of its first sitting. This has been concluded and the report submitted to the governor. However, from meetings held and the perception of members of the NBA, it can be deduced that nothing will come of the investigations. The report has not been made with the public either.

9. Civil society legitimacy and accountability

Overall rating: **Narrowed**

Organisations: Open/narrowed 

Individuals: Narrowed 

This refers to the way civil society is organised, who is included and excluded, and CSO legitimacy and accountability to its constituents (Oxfam, 2019). Respondents were in consensus that this dimension is narrowed, but—exceptionally for this assessment—all respondents rated the dimension as being on a positive trend, highlighting that civil society is improving, in spite of the challenges.

18 Godwin, A. (2020) Rivers judicial panel receives 171 petitions. November 25th. The Guardian. Online at: https://guardian.ng/news/rivers-judicial-panel-receives-171-petitions/

19 Godwin, O. (2020). Rivers Panel Dismisses Petition By Oyigbo Lawyers Seeking End To IPOB Activities. The Tribune. December 17th. Online at: https://tribuneonlineng.com/rivers-panel-dismisses-petition-by-oyigbo-lawyers-seeking-end-to-ipob-activities/

There are a large number of civil society organisations in Rivers State, varying from single person or issue vehicles, to formal organisations, and broad umbrellas of associated groups. Motivations vary from legitimate causes to self-advancement. Almost all survey respondents (93%) say that civil society is very or fairly open, transparent, accountable, and engaged. But with deeper reflection during FGDs, respondents revealed that they may be transparent and accountable with donors, but not to the same degree with the communities and constituents they work with. They also highlighted a problem with individuals establishing NGOs with insincere motivations to make money or advance in politics. In general, employees of NGOs in Nigeria tend to see it as a normal job (Cordaid & Hivos, 2020). But a prominent perception among employees is that the easiest way to get into politics is through civil society—by building up networks and political standing, before making the switch to run for political office.

Meanwhile, the public see civil society as only for formal, organised groups—like NGOs, that are registered, engaged, providing services, and conducting advocacy for laws and policies etc. (Oxfam, 2020). Constituents tend to view organisations in a transactional way—what they directly and materially benefit from being part of a programme or campaign, often in terms of basic items like food or transport funds.

The main challenges reported in the survey for civil society to gain public support, recognition, and acceptance were poor funding, government interference, and exclusion in governance processes. Differences within civil society communities also create a barrier to potentially strong coalitions and fruitful cooperation between CSOs with different political backgrounds (Cordaid & Hivos, 2020). Furthermore, a recent survey revealed that a "*general lack of understanding of the concept of civic space by CSOs themselves is impeding civic action*", which implies infringements on rights and freedoms are unlikely to be challenged (Ibid).

The widespread "*deliberate use of negative rhetoric often stigmatises activists, and smears sections of civil society. The consequence is the declining public trust and confidence in that person so labelled, and by implication, the civil society as a whole*" (S4C,2017). Alongside this tactic, politicians or their supporters constantly set up or sponsor their own CSOs, which more often than not, end up doing counter protests to support a move its patron made, reject a critical report or statement by a civil society actor, or just publicly show support for its patron. These imposters massively undermine the credibility of civil society, as legitimate groups can be dismissed by politicians, labelled as fake groups set up by opponents, like the ones they have sponsored themselves. A long-time leader of civil society organisations in Rivers State explains:

> *"Government sees the civil society as the enemy, so most of them as soon as they enter government, they form their own NGOs and it is the NGOs they invite to Civil society meetings. The government need to know that NGOs are just partners in development with them. And being nearest to the people, we can easily tell them how the people feel and what they need."*

Conclusion

Civic space and civil society actors are under immense pressure in Rivers State, and Nigeria at large, from predominantly state actors. This trend has worsened over the past five years, and, as captured by this report, observers feel that it will continue to worsen.

By using the civic space monitoring tool, we have revealed the way that the civic space is changing across multiple dimensions. The overall assessment indicates that almost all dimensions are perceived to be at the negative end of the spectrum, and on a negative trajectory. This calls for a broad approach to strengthening the civic space, as it is under threat from a number of angles.

Of particular concern is the plight of journalists, who were consistently reported to be the most at risk under safety and personal wellbeing. This perception is supported with national reports that journalists are targeted for carrying out their normal jobs. In the absence of free press, dissent is minimised, and the capacity of civil society to hold the authorities to account is reduced. This facilitates the autocratic nature of the authorities in Nigeria to continue uninterrupted.

These difficulties compound the challenges of living and working in an insecure environment, where safety and wellbeing is constantly under threat. Civic space has a key role in turning this situation around, by driving development and stabilisation forward in society. However, the Nigerian authorities appear determined to further constrain civic space so greater attention needs to be put on their role in preventing Rivers State, and Nigeria, from moving forward.

Recommendations

Key recommendations generated by participants in the research for civil society, government, the judiciary, and security agencies, are as follows. Further discussions are planned to refine these ideas.

For civil society:

1. CSOs and the NBA should educate citizens on their civic rights, so that they are better informed and can hold the government accountable.
2. CSOs should also build the capacity of young people in activism, advocacy, and for designing specific demands/reforms that will improve democratic governance.
3. Journalists and CSOs should campaign for press freedom against unconstitutional regulations and sanctions from the government, so that the press can openly critique public service and policies, and increase the positive impact on the lives of citizens.

For the government:

4. The National Assembly and Presidency should ensure full operationalisation of the Police Reform Act (2020),to decentralise security provision, enable local policing structures, form strong partnerships with vigilante groups, community leaders, and other groups to help promote community security.
5. The government at all levels should increase political representation of marginalised groups – especially women, youth, and people living with disability - into decision-making and governance structures to improve service delivery.

6. The Rivers State House of Assembly should adopt the freedom of information law, and the state government should build the capacity of institutions to respond to requests, to improve government transparency, accountability, and trust with citizens.

For the judiciary:

7. The judiciary should implement the Administration of Criminal Justice Act (2015)- which promotes efficient management of criminal justice institutions, speedy trials and dispensation of justice, and protection of rights of citizens and victims. Implementing this will improve citizen's trust in the judiciary and access to justice for victims of the security agencies.
8. The judiciary should also support victims to enforce judgements so that government institutions and security agencies pay the compensation awarded to victims and their families.

For security agencies:

9. The Security agencies – including the police, army, and civil defence corps - should embrace CSOs and citizens to improve relations, collaboration, and reduce tensions, through regular town hall engagements or meetings.

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Annex 1

Summary of research methodology

Literature review

A literature review at the start of the assignment analysed a limited number of existing publications, to explore existing contributions on the topic. This included research publications by academics and NGOs, interviews with civil rights activists in national and international media, reviews of draft legislation that threatens civic space, data collated by CIVICUS on incidents concerning civic space, and previous primary research and analysis conducted by SDN. A full list of the resources reviewed can be found in the bibliography.

The literature covers the extreme pressure that civic space in Nigeria is under, but there is an absence of sub-national analysis, at both the level of region (Niger Delta or South-South geopolitical zone), and state (Rivers State). Thematically, there were gaps in 'access to funding' (dimension two), 'dialogue and consultation' (dimension seven), and 'access to justice and legal services' (dimension eight). The research aims to provide the first state-level analysis for Rivers State, and also to address the gaps highlighted.

Sampling approach

A wide list of contacts within groups critical to civic space in the region was compiled, forming the target groups, including: Non-governmental organisations (NGOs); Faith-based organisations (FBOs); ethnic bodies and community groups; journalists and media (print, radio, TV, and digital); academics and writers; and human rights lawyers and activists.

For focus group discussions, a sample to represent a balanced range of these groups was selected. Representatives (with attention paid to demographics like age and gender) were drawn from these groups to participate in workshops to explore the research questions. Individuals among these groups with detailed accounts of priority issues were selected for key informant interviews, based on the information raised during the workshop. The survey was sent to the long list of civic space actors, with all responses included in the results.

Data collection tools

1. Workshops

Workshops deployed the Civic Space Monitoring Tool, developed by Oxfam (2019), as a tool to analyse the different dimensions of civic space at the local and national levels. The framework facilitates discussion that unpacks the context, trends, and priority areas that need addressing. The tool does not attempt to quantify the performance of civic space, but does attempt to bring some structure to the collection of qualitative and perception-based assessments. Two workshops were organised—the first with 12 participants (7 males, 5 females) selected from NGOs, CSOs, FBOs, ethnic groups, lawyers, and activists, and the second with 13 participants (7 males, 6 females) selected from journalism, media, and academia.

2. Semi-structured key informant interviews (KIIs)

The workshops explored a number of examples that fall under the nine dimensions. Individual examples raised that reflected the rating, trend, causes and impacts, were selected for the KIIs, so that they could be explored and documented in more depth in a one-on-one interview. Seven KIIs were conducted for 3 female and 4 male respondents; and questions followed on from those designed for the workshops, and focused on particular areas in more depth. These KIIs feed into the overall analysis, and the information is presented in 'case study' boxes within the final report.

3. Questionnaire

The civic space monitoring tool (Oxfam, 2019) was replicated in an online survey format, and shared with our list of civic space contacts. There was a total of 44 responses from 17 females and 27 males, which provides a wider sample illustrating perceptions for the region.

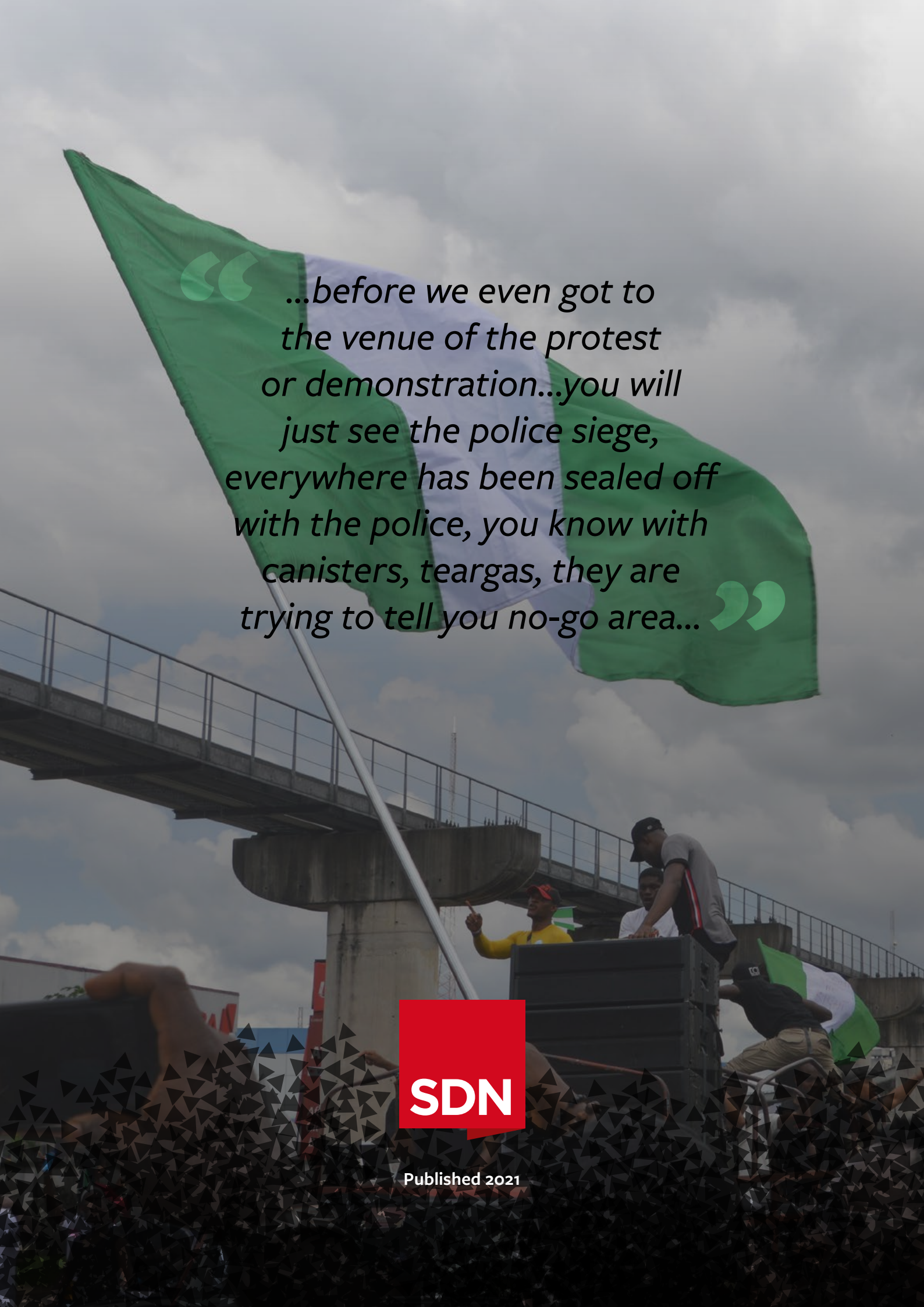
Gender:

The research can be considered gender-transformative—i.e. gender is considered throughout the design of the methodology and conduct of research, with the intent to catalyse long-term changes to structural power relations and norms. For example, the research explored relevant gender issues along the nine dimensions outlined—including how the rating (i.e. obstructed, repressed etc.) results in gendered impacts to welfare, and also how gender influences participation in the civic space. To encourage this, workshops and KIIs attempted to achieve equal representation between genders, data from surveys is disaggregated by gender, and gender is considered in the composition of the research team that facilitated, analysed, and reviewed the research.

Annex 2

Non-exhaustive list of existing laws that govern civic space

- Criminal Code Act (1990)—covering sedition and undesirable publication.
- Penal Code (1960)—covering sedition by words, spoken or written publications.
- Official Secrets Act (1962) - covering protection of official information (i.e. state).
- The National Broadcasting Commission Laws of the Federation (2004) – covering regulation of broadcasting operators, including radio, television, and other mediums.
- Cybercrimes (Prohibition, Prevention, etc) Act 2015—covering obscene publications in a broad range of communications, expressions, and publishing online.
- Money Laundering (Prohibition) Act 2011)—part of the Central Bank of Nigeria's Anti-Money Laundering and Countering Financing of Terrorism Guidelines.
- Companies and Allied Matters (CAMA) (2019)—aimed at strengthening corporate governance processes, including the non-profit sector.



...before we even got to the venue of the protest or demonstration...you will just see the police siege, everywhere has been sealed off with the police, you know with canisters, teargas, they are trying to tell you no-go area...

SDN

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