

Joint Open Letter to H.E Muhammadu Buhari- Africa Union 2018 Theme Champion, President of the Federal Republic of Nigeria: Civil Society Common Position on the Shrinking Civic Space in Africa- Citizens Voice at the Centre of Winning the Fight Against Corruption.

29 June 2018

Dear President Buhari,

We the undersigned commend the African Union for declaring 2018 as the year of **“Winning the Fight Against Corruption”** and recognizing that this is indeed **“A Sustainable Path to Africa’s Transformation.”** We believe that this is a clear indication of the commitment towards realization of the Africa We Want - An Africa whose development is people-driven and an Africa where good governance, democracy, respect for human rights, justice and the rule of law thrives.

We believe that the fight against corruption will not be won without the voice of the people. The creation of an enabling environment for civil society to advocate for the protection and promotion of their rights will enable and empower people to fulfil their accountability role, reducing corruption and mismanagement of public resources. Data suggests that laws and practices in place which enable civic space provides a valuable accountability check on states to reduce corruption and the cost of doing business. The International Monetary Fund (IMF) puts the annual cost of bribery alone at around US\$1.5 to US\$2 trillion, nearly 2% of global GDP.

The fight against corruption and supporting embattled civil society is intrinsically linked. As the right to be heard is pivotal to fighting corruption, we are concerned that the space for the people of Africa to speak truth to power, organize and take action against corruption and its accompanying injustices is shrinking alarmingly across the continent.

CIVICUS rated that, while states on all continents are violating civic space, the most brutal conditions for civil society are found in 20 closed countries, 9 of which are on the African continent. Africa is also home to the lion's share of countries in the repressed category (15 countries). In 18 African countries space is obstructed. Worryingly, these ratings of closed, repressed and obstructed space are correlated with negative scores on the Human Development Index, lack of democracy, and an increased gap in income

inequality between populations.¹ The situation is more worrying in countries experiencing crisis.

We are deeply concerned about the growing shrinking civic space in Africa which is reflected in mechanisms, policies, and practices that exclude citizens from decision making processes, limit their operating environment and restrict their fundamental rights to assembly, association and free speech. Policies and actions of many governments in Africa are fundamentally opposed to the existence and growth of bold anti-corruption crusaders, a free and independent media, and a vibrant and vigilant civil society which has the ability to check corruption and the endemic impunity surrounding it. This is necessary to hold those in power to account.

While the African Union and national governments recognizes the pivotal role of citizens, civil society and the media in fighting corruption, their actions are not in line with this theory. Violation and victimisation of human rights defenders and more particularly women human rights defenders continues to rise at a distressing levels.

Since 2012, more than 29 restrictive laws have been introduced on the continent, and this trend appears to be getting worse, with a number of laws currently tabled in parliaments. During this period, the continent has witnessed increased harassment, intimidation and detention of activists, censorship of the media and journalists and use of excessive force against peaceful protestors. Such government actions are weakening our ability as people to organize and fight corruption, and limits our capacity to fulfil our accountability role as citizens to small circles and in discussions in low tones. Restrictions on funding, public attacks and disproportionate and unpredictable administrative requirements imposed by governments limit civil society and citizens' ability to take action against corruption. These efforts are misdirected from fighting institutional corruption to battling civil society. It has an add on impact in that civil society is unable to fulfil its various other mandates to protect and promote the rights of vulnerable populations.

The African Union, whose mission is to build "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena", needs to demonstrate leadership for member states by increasing inclusivity and consultation with civil society in its respective mechanisms. The July 2015 decision excluding civil society from subsequent AU Summits is an approach contradictory to its vision of a people driven Africa. As African governments meet from today to deliberate on key actions that will impact on African peoples' lives, the people themselves have been denied the opportunity to be part of these discussions.

We would like to remind our leaders that shrinking civic space remains a threat to "a people driven development". Winning the fight against corruption and achieving the aspirations of Agenda 2063, a strategic

¹ http://www.civicus.org/images/People_Power_Under_Attack_Findings_from_the_CIVICUS_Monitor.pdf

framework for the socio-economic transformation of Africa for the past 50 years, requires all stakeholders including governments, the private sector, civil society and most importantly the citizens themselves to protect, nurture and amplify citizens' voices in decision making processes.

We therefore call upon the African Union and respective national governments gathered here in Nouakchott, Mauritania to;

1. Through the African Union Council of Ministers to adopt a strong decision to protect civic space and citizens' participation in all AU Member States and in AU organs and policy processes. This includes reversing the July 2015 decision excluding civil society from AU Summits, ensuring full participation of civil society moving forward and leading by example for all member states.
2. Appoint a Working Group on Civic Space and Citizens' Participation that gives recommendations to the AUC Chairperson to address the issue of shrinking civic space on the continent.
3. Through the Pan African Parliament, as a continental legislature, develop a model law on CSO regulation at continental, regional, and national levels to provide a clear framework for strengthening and protecting CSO space in Africa.
4. Promote and make use of the regional [Guidelines on Freedom of Association and Assembly in Africa](#), drafted by the African Commission on Human and Peoples' Rights (ACHPR) and adopted at its 60th session in Niamey, Niger and formally launched during the 61st Session in Banjul, The Gambia on November 3, 2017. They are a tool for States and civil society alike to interpret how these rights should be protected across the continent.
5. Member states to review national laws that regulate the right to assembly, associate and freedom of speech and ensure they are in line with AU and international standards and further establish national procedures and platforms to facilitate meaningful consultation and participation of citizens in all policy development and implementation processes. Any repressive laws or policy regulating civic space should be urgently scrutinised, amended or repealed.
6. Member states and the commission must strengthen and expand gender sensitive anti-corruption frameworks beyond economic and financial crimes and to include exploitation of women and girls as a form of corruption.
7. Governments must uphold and ensure protection of human rights defenders with specific attention to women human rights defenders as they face more pronounced violation and victimization.

8. Ratify, domesticate and fully implement the African Charter on Democracy, Elections, and Governance (ACDEG) and African Charter on Human and Peoples' Rights including developing and submitting the required reports to the African Union on progress on implementation.
9. Ensure the representation of civil society on the African Union Advisory Board on Corruption as a full member.
10. Institutionalise alternative peoples' voices report on the state of corruption in the continent to be admitted and used in reporting to the member states during the AU summits.

Yours sincerely,

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Citizens Voice at the Centre of Winning the Fight Against Corruption

