

SERAP, Editors threaten legal action over unlawful Foreign Aid Bill

call it blatant assault on civic space, media freedom

The Socio-Economic Rights and Accountability Project (SERAP) and the Nigerian Guild of Editors (NGE) have urged the Senate President, Senator Godswill Akpabio, and the Speaker of the House of Representatives, Tajudeen Abbas, to “immediately reject and withdraw the Foreign Aids (Regulation, Transparency and Disclosure) Bill, 2026 (SB.1034), as the Bill is unnecessary, unlawful, unconstitutional and threatens civic space, media freedom and democratic participation in Nigeria.” The organizations said: “If enacted, the Bill would establish an extensive framework for governmental control over civil society organizations, independent media, religious organizations and other organizations and private entities receiving foreign assistance.” The Bill, sponsored by Senator Ibrahim Dankwambo (PDP, Gombe North), proposes mandatory registration and disclosure requirements and provides for sanctions, including a minimum fine of N20 million for civil society organizations and private entities, as well as possible suspension or revocation of operating licenses. In a joint open letter dated 29 August 2026 and signed by Kolawole Oluwadare, Deputy Director, SERAP, and Mr Onuoha Ukeh, General Secretary, NGE, the organizations said: “Although the Bill is presented in the guise of promoting transparency, it would establish an extensive framework for governmental control over civil society organizations and private entities receiving foreign assistance.” The organizations urged “the National Assembly to immediately withdraw and reject the Bill and publicly commit not to reintroduce any legislation that unjustifiably restricts civic space, media freedom or the legitimate activities of civil society organizations and private entities.” The organizations said: “Should the Bill be passed into law despite the serious

constitutional and human rights concerns raised, SERAP and NGE will consider taking all appropriate legal action in the public interest to challenge it and protect freedom of association, media freedom and civic participation.” The joint open letter reads in part: “The Bill could have serious consequences for independent journalism and civil society organizations, given the reliance of many organizations on foreign grants to support investigative journalism, fact-checking, journalist safety, media development and other public-interest activities.

“The Bill is unnecessary, duplicative and would impose the additional cost of another regulator on public resources. “Nigeria already has a comprehensive legal and institutional framework for corporate registration, financial reporting, taxation, anti-money laundering and anti-corruption enforcement through the Corporate Affairs Commission, the Economic and Financial Crimes Commission, the Special Control Unit against Money Laundering (SCUML), the Nigerian Financial Intelligence Unit, the Federal Inland Revenue Service and other competent authorities. “Nothing in the Bill demonstrates that these institutions are unable to perform their statutory responsibilities or that any regulatory gap justifies creating another regulator with overlapping and potentially intrusive powers. “The Bill also employs vague concepts such as ‘foreign aid’, ‘national priorities’ and ‘public interest’ without defining them or establishing objective legal standards to govern their application. As such, the Bill fails to satisfy the constitutional and international human rights requirements of legality, necessity and proportionality. “The



Bill would establish the proposed Foreign Aid Regulatory Commission (FARC) and confer broad powers to register NGOs, CSOs and private entities receiving foreign assistance; compel disclosures; inspect records; investigate activities; monitor the utilization of foreign assistance; issue directives; suspend approvals; revoke registrations; and impose administrative sanctions. “These sweeping powers go far beyond ordinary financial regulation and would expose legitimate organizations, including independent media organizations, civil society groups and other civic actors and private entities, to intrusive governmental supervision and interference. “Subjecting independent media and other civil society organizations and private entities to an additional executive-controlled regulatory regime would increase governmental leverage over their operations, place pressure on independence and create conditions conducive to self-censorship. “Religious organizations, humanitarian organizations, charitable bodies and other legitimate entities receiving foreign assistance could also be subjected to the proposed regulatory and disclosure requirements. “By applying to organizations and private entities receiving foreign assistance, the Bill would extend its regulatory reach to independent media organizations, labour unions, professional associations, universities, research institutes, religious and humanitarian organizations, technology hubs and other entities lawfully receiving foreign grants, donations, technical assistance or development funding. “The proposed penalties make the Bill even more dangerous. CSOs and private entities could face fines of at least N20 million, suspension or revocation of their operating licenses, while individuals could face hefty fines and imprisonment for non-compliance.

“As Nigeria prepares for the 2027 general elections amid an increasingly shrinking civic space, the Bill further threatens fundamental rights, democratic participation and media freedom. “The suppression of the press in recent times takes various forms ranging from extrajudicial and unlawful detentions, disappearances, malicious prosecutions and wrongful use of both legislation and law enforcement. “Part II of the Bill establishes the proposed Foreign Aid Regulatory Commission (FARC) and gives it powers to register NGOs, CSOs and private entities receiving foreign assistance; maintain databases; compel information; conduct audits and inspections; monitor the utilization of foreign assistance; issue regulations and guidelines; and impose administrative sanctions. “These sweeping powers create significant opportunities for arbitrary or selective enforcement, exposing a broad range of legitimate organizations and private entities to intrusive governmental supervision and undermining their operational independence. “The Bill also requires recipients to disclose detailed information about foreign assistance, including sources, amounts, conditions and implementing partners, with such information to be placed on a public National Foreign Aid Register. “The Bill regulates how foreign assistance must be used, subjects recipients to annual audits and requires foreign-funded projects to align with government-defined national development priorities. The combination of these requirements with criminal sanctions, substantial fines and possible suspension or revocation of operating licenses creates a disproportionate regulatory burden on legitimate organizations. “The Bill is incompatible with sections 39 and 40 of the Nigerian Constitution 199 (as amended) which guarantee the rights to freedom of expression and freedom of association. “It is also inconsistent with the African Charter on Human and Peoples' Rights, the International Covenant on Civil and

Political Rights, Article 13 of the United Nations Declaration on Human Rights Defenders, and relevant international human rights standards protecting civic space, freedom of association and media freedom. “Any restriction on the rights to freedom of expression, association and media freedom must be prescribed by law, pursue a legitimate public purpose, and be necessary and proportionate in a democratic society. “The right to freedom of association protects not only the right to form an association but also the right of an association to freely carry out its lawful activities without undue government interference. “Enabling and protecting freedom of association is essential to addressing Nigeria's challenges and to the realization of civil, political, economic, social and cultural rights.

“Associations provide essential avenues for individuals and communities to organize, express their concerns, promote and defend their rights and participate in public affairs. Undue and excessive restrictions on associations affect the operations of organizations and have a direct and detrimental impact on the communities they serve. “By imposing extensive regulatory controls and potentially severe sanctions on organizations and private entities receiving foreign assistance, the Bill risks weakening important channels of public participation, service delivery and accountability. “The proposed regulatory framework, particularly its mandatory registration, intrusive inspection powers, broad disclosure requirements and severe sanctions, goes beyond what can reasonably be considered necessary and proportionate in a democratic society. “United Nations human rights experts have consistently warned that separate regulatory regimes targeting organizations receiving foreign funding can discriminate against legitimate civil society actors, produce a chilling effect on freedom of expression and association, and facilitate arbitrary governmental interference. “The Bill should also be viewed alongside recent efforts to narrow civic space in Nigeria, including the increasing use of criminal defamation and cybercrime laws against journalists and activists, strategic lawsuits against public participation (SLAPPs), arbitrary arrests for peaceful expression, and repeated attempts to expand governmental control over civic actors. “Experience across multiple jurisdictions demonstrates that foreign funding laws can be used not to improve transparency but to stigmatize, intimidate and restrict independent civil society organizations and the media. Nigeria should not follow that path.”

SERAP and NGE therefore urged the National Assembly to: Immediately withdraw and reject the Foreign Aids (Regulation, Transparency and Disclosure) Bill, 2026 (SB.1034), and publicly commit not to reintroduce legislation that unjustifiably restricts civic space, media freedom or legitimate activities of civil society organizations and private entities. 2. Prioritize legislation that strengthens transparency, accountability, media freedom, civic participation and an enabling environment for private entities, independent civil society, religious, humanitarian and media organizations. Refrain from introducing further legislative proposals that undermine democracy, the rule of law, human rights and fundamental freedoms, including in the period leading to the 2027 general elections. Uphold the National Assembly's constitutional responsibility to protect and promote democracy, the rule of law, human rights and fundamental freedoms, and ensure that legislative power is not used to narrow legitimate democratic participation or silence critical voices.