



**NGO POLICY AND LEGISLATION
SOUTHERN AFRICAN
REGIONAL WORKSHOP
HELD FROM 16 TO 19 JUNE, 1997
AT MULANGENI HOLIDAY RESORT**

*Organised by
Council for Non-Governmental Organisations in Malawi
(CONGOMA) and
National Democratic Institute for International
Affairs (NDI), Malawi Office*



NGO Policy and Legislation Workshop - June 16-20 1997

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NGO POLICY AND LEGISLATION WORKSHOP

VENUE: MULANGENI HOLIDAY RESORT, MANGOCHI

16 - 20 JUNE, 1997

CO-ORGANISED BY THE COUNCIL FOR NON-GOVERNMENTAL
ORGANISATIONS IN MALAWI (CONGOMA) AND THE NATIONAL
DEMOCRATIC INSTITUTE (NDI)

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"The publication of Southern African Regional NGO Policy and Legislation Workshop Report was sponsored by the National Democratic Institute for International Affairs (NDI) under a grant from United States Agency for International Development (USAID)."

Section 1

Summary of workshop and recommendations

1.1. Background

The Regional NGO Policy and Legislation Workshop in Malawi was a follow-up to the workshop on "Creating an Enabling Environment for NGOs and Civil society in Southern Africa" which was hosted by the Development Resource Centre in Johannesburg 1996.

The Malawi Workshop was organised by the Council for Non-Governmental Organisations in Malawi (CONGOMA) and the National Democratic Institute for International Affairs (NDI), Malawi Office.

The sponsors of the workshop were the United Nations Development Programme (UNDP), Malawi Office and the National Democratic Institute (NDI), Malawi Office.

1.2. Participants

Participants to the workshop were drawn from the Southern Africa Region:- Namibia, Lesotho, Swaziland, Mozambique, South Africa, Zimbabwe and host Malawi. The workshop which took place from 16th

to 19th June also drew participants from Malawi's three major political parties that are represented in the Malawi Parliament and these were the ruling party United Democratic Front (UDF), the main opposition, Malawi Congress (MCP) and the other opposition party, the Alliance for Democracy (AFORD).

1.3. Opening Remarks

The workshop was officially opened by the Chairperson of CONGOMA, Mrs. Mary Nyandovi-Kerr, who outlined the background to the workshop and the need to develop a new regional approach to addressing the problems of the region. She observed that the Malawi workshop sought to draw from the rich regional resource of talents and experience to resolve Malawi's specific problems in the areas of policy and legislation. She encouraged the rest of the SADC member states to adopt a similar strategy because it appeared to be much more effective.

The Executive Secretary of the Council for Non Governmental Organisations in Malawi (CONGOMA), Mr. David Faiiti welcomed all the participants to the workshop and wished them an extremely fruitful time at Mulangeni. He informed the workshop that CONGOMA, the Government of Malawi and indeed the donors in Malawi were appreciative of the regional gathering as they viewed them as important resources in helping to contribute to the finalisation of the policy and legislative debate in Malawi which has been on-going since 1993.



*Participants of the NGO Policy and Legislation Workshop-June 16-20, 1997
Front row (seated L to R): G. Kavei (Namibia), Thandi Nhlengethwa (Swaziland),
Mary Nyandovi-Kerr Chair of CONGOMA, Hon. Lewis Chimango (M.P., MCP) and
Constance Sumelance (Swaziland)*

1. 4. Objectives

The objectives of the workshop were outlined by Mr. Adrian Muunga, NDI Programme Officer as follows:

- (a) To solicit regional recommendations into the NGO Policy and Legislative process in Malawi,
- (b) To criticise and improve the existing Malawi NGO policy and draft NGO Law in the light and experience of the Southern Africa Region,
- (c) To raise the awareness of NGOs, governments and donors and private sectors on the status and importance of the NGO policy and legislation in the region.

1. 5. Recommendations

The regional event produced the following recommendations:

1.5.1. Capacity Building

Capacity of NGOs and other institutions of civil society was acknowledged as a critical element to ensure their effective functioning and delivery of goods and services. Hence, the Mulangeni workshop underscored the need in the region to:-

- strengthen the technical capacity in budgeting, financial and management reporting;
- advance lobbying and advocacy skills through beneficiary participation and use of traditional structures;
- access resources through government, donors and private sector support;
- implement high levels of democracy through good governance there by ensuring the integrity and independence

of NGOs;

enhance NGO ability to sharpen their vision and operate within functional mission statements.

The workshop also underscored the second dimension of capacity building at a political level where NGOs and institutions of civil society should make creative and organic linkages on a daily basis within the political structures that exist. This was seen to be crucial in easing up the actual and potential conflict that exists between NGOs and their governments as well as NGOs and the public. This implies broadening the interface between NGOs and governments.

1. 5. 2. Fiscal Reform

The acquisition of skills and competence in fund-raising and negotiating for fiscal benefits to NGOs was stressed as being vital to NGO operations. Also the need for the ammendment of tax laws to allow for a local donor base to emerge was stressed as a matter of urgency.

1.5. 3. Autonomy

In line with the new/newly found freedoms and in conformity with the democratic dispensations sweeping the region, it was strongly recommended that the Coordinating Body for NGOs should be designated by registered NGOs themselves and not by government.

With regard to the Malawi NGO law, the workshop strongly recommended that for the NGO Board to function independently, the NGO Coordinating Body will have to contribute funds of the operation board. This, the workshop observed, will ensure independent authority in decision making processes.

1. 5. 4. Interface between Government/NGOs/ Private Sector/Donors

Need for regular consultations among government, NGOs/donors and the private sector on issues of

partnership as a necessary requirement for development was emphasised.

1. 5. 5. Self Regulation

The need was stressed for NGO Coordinating bodies to acquire adequate capacity to develop, implement and monitor Codes of Conduct for NGOs, and to review them from time to time in order to keep themselves up with current realities and incorporate experiences from, within and outside their countries.

1. 5. 6. Networking

Networking and information sharing and exchange visits between and among NGOs and civil society institutions in the region is a critical element for the development of the region. Donors and governments were called upon to support this aspect technically and financially.

1. 5. 7. Operationalising Regional Consultations

Regional workshops/consultations should be an effective instrument for resolving country specific problems.

1. 5. 8. Government Consultation

Governments in the region were called upon to consult on policy and legislative debate in order to foster meaningful and effective partnerships with NGOs and institutions of Civil Society.

1. 5. 9. Regional Data Base

Need was expressed to develop a database of legislation and policy debates for the region. This information should be stored and accessed by all those seeking to further Legal Policy this debate.

MALAWI SPECIFIC

Specific recommendations were made to the Malawi NGO Policy and Legislative process. These included:-

1. 5. 10. Time Frame

A deadline for finalising the policy and legislative debate in Malawi needs to be established.

1. 5. 11. Self- Governance

Registered NGOs should be mandated by the Act to designate the NGO Coordinating Body.

1. 5. 12. NGO Registration

The NGO Liaison Board should have clear registration criteria for NGOs. Also the Act should allow automatic registration status for an NGO which has not received any response from the NGO Liaison Board within 90 days of its application.

1. 5. 13. Appeals

The Law should provide an appeals mechanism for the Board's decisions.

1. 5. 14. Fund-raising

The Act should allow registered NGOs to fund-raise outside the Republic of Malawi as well.

SECTION 2.0

PLANNING AND ORGANISATION

2.1. Team Work

The Mulangeni workshop was planned jointly by staff of Council for NGOs in Malawi and the National Democratic Institute for International Affairs, Malawi Office.

The theme of the workshop was decided by a number of players, notably:-

Mwelewaniko wa NGOs (MWENGO), OXFAM UK and IRELAND (Malawi office), UNDP (Malawi Office) and colleagues from the NGO community in the Southern Africa region. Delegates to the workshop were invited from NGO umbrella bodies, Regional bodies such as MWENGO, NGOs, Government of Malawi, Donors and Members of Parliament from Malawi.

The workshop was hosted jointly by CONGOMA and NDI, with the support of the Horizon Tours, a local travel agency based in Blantyre.

The workshop benefited from a Steering Committee made up of the following who also drafted the Mulangeni Declaration:-

Mr. Kevin Quinlan, OXFAM UK and I (Malawi Office)

Ms. Hitomi Komatsu, UNDP (Malawi Office)

Mr. Adrian Muunga, NDI (Malawi Office)

Mr. David Fati, CONGOMA

Mr. Patrick Chimutu, Christian Service Committee (CSC)

Mr. Gurvy Kavei, Namibian NGO Forum (NANGOF)

Mr. Peter Mkolesia, World Vision International (Malawi Office).

Secretariat service was provided by CONGOMA Secretariat.

The workshop Report was jointly produced by NDI and CONGOMA.

2. 2. Selection Criteria for the Workshop Participants

The participants to the workshop were:-

- people who were familiar with the previous workshop on Creating an Enabling Environment for NGOs and Civil Society held in Johannesburg in September, 1996.
- Senior managers of NGO Coordinating Bodies.
- Senior representatives from Malawi Government (notably from Ministry of Women, Youth and Social Development - an NGO Parent Ministry, Office of the President and Cabinet and Ministry of Justice).
- Senior members of Parliament from the three political parties represented in the Malawi Parliament (Malawi Congress Party, the United Democratic Front and the Alliance for Democracy.)
- Representatives from Human Rights NGOs.

2. 3. Resource Persons

These were individuals from the Sub-region with immense experience at regional and country level on matters of policy and legislation. Their expertise included but was not limited to, Law, NGO and other development related issues, democracy and governance.

These were:-

Dr. G. B. Mtindi, Malawi

Mr. Kevin Quinlan, Malawi

Mr. Gurvy Kavei, Namibia

Mr. Zane Dangor, South Africa

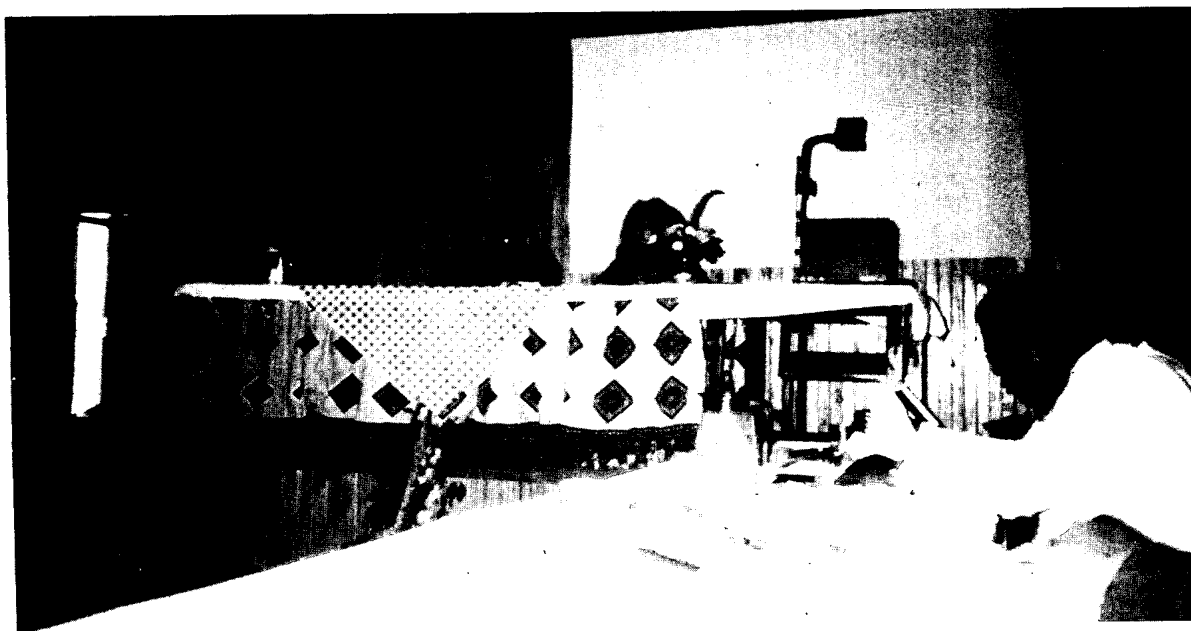
Ms. Thandi Nhlengethwa, Swaziland

Mr. Paul Jones, South Africa

Ms. Hitomi Komatsu, Malawi

Mr. Adrian Muunga, Malawi

Mr. David Fauti, Malawi



Participants at work(top and below)

SECTION 3

PLENARY HIGHLIGHTS

OPENING ADDRESS SUMMARY

The Chairperson welcomed all the participants to Malawi and the lake district of Mangochi in particular. She informed the delegates that this workshop was a follow - up to the Regional Conference that was held in Johannesburg in September, 1996 to discuss ways of promoting a "Better Legal and Fiscal Enabling Environment for Civil Society in Southern and Eastern Africa". She however, pointed out that the current regional workshop would be different from the previous one in that it would take a country specific approach. She observed that the country specific approach would be much more relevant in addressing country specific issues by utilizing the huge amount of human and technical resource in the Southern Africa region.

Mrs. Kerr further hoped that as countries in the region undergo similar policy, fiscal and legislative processes and indeed any other processes that affect the well being of the NGO and civil society sector, they would similarly tap on this rich regional resource base.

Mrs. Kerr reminded the participants that the policy and legislative debate in Malawi has been on-going since September, 1993 with all key stakeholders involved, namely, Government, Donors and NGOs.

In spite of this long history, the debate has not yet been finalised because a few areas of contention still remain viz :

- the type of fiscal benefits to NGOs and the manner in which these can be monitored to avoid abuse.



*Congoma Chairperson
Mary Nyandovi-Kerr*

- the nature of self-regulation which would enable civil society to develop while maintaining government, donor and private sector confidence.
- whether the underlying values and principles enshrined in the draft legislation adequately reflect the current democratisation process underway in Malawi.

She then urged the participants to help Malawi by contributing ideas to this process with the view to create an enabling environment for NGOs in the country. She also said that they would certainly go back to their countries with tangible products to continue with the struggle for a better policy and legal framework for NGOs operations.

Mrs. Kerr then wished all the participants an enjoyable and productive workshop at the lake resort.

3.2 Regional Overview of the Policy and Legislative Process (by Tawanda Mutasa Zimbabwe Council of Churches)

Mr. Tawanda Mutasa's paper was on a Regional Overview of issues around Policy and Legislation for and on Non-Governmental Organisations. The paper basically drew different country scenarios and it idealised the issues around the nature and evolution of civil society, its relation with other stakeholders, its capacity and mandate and the environment within which it operates.

The paper highlighted the history and relations with the state and looked at the colonial and then independence period where most NGOs enjoyed a honeymoon with the state. In this phase, NGOs did not critically examine the conduct and process of government.

The paper then indicated that the final phase is where a realisation has been made that government has failed to deliver and hence the civil society sees the need to engage politically, define its space, articulate an alternative development paradigm and demand accountability from the state. This is the current state of affairs.

The paper touched on the self-governance of NGOs and how important it is for NGOs to put self-governing mechanisms for their operations. Following self-governance the paper discussed public accountability versus public information. The paper observed that the region had a problem of access to information and explained that the challenge that faces the region is to initiate urgent negotiations for freedom of information and opening up of public information resource outlets accessible to the public and the NGOs themselves.

The paper further tackled the question of capacity building for the region and explained that capacity

building in the regional scenario emerges in two packages, namely:

(a) Technical Capacity

That will be accompanied by new policy and legislation. In this area, NGOs were called upon to be strengthened in areas of organisational values, and attitudes, visioning and mission, effective systems and structures and staff development, among others.

(b) Political Capacity for NGOs

The second package of capacity building was the political capacity for NGOs. This was seen as crucial if NGOs were to understand the political developments taking place in their various countries and engage the state to be responsive to local needs.

In conclusion, the paper drew a summary of suggestions for furthering the regional process and outlined broader follow-up issues and strategies as follows:-

3. 2. (i) Information

It was observed that there is and will be a substantial load of information that needs to be gathered and collated.

A suggestion of the establishment of a database was favoured and proposed that the database could be in two catalogues:-

(a) Legislative

This will contain Acts of Parliament, Judicial Precedents and Legal Academic Commentary, among others.

(b) Policy Catalogue

This would contain official Government Pronouncements, Media Reports, Academic

Analysis, Developments Discourse, etc.

3. 2 (ii) Capacity Building

A strong need was identified to strengthen the capacities of NGOs in the region in protective legal intervention including Advocacy and Lobbying with respect to Parliaments as strategic institutions.

3. 2 (iii) Interfacing Engagement for Government, Civil Society and Donors

A suggestion was also made that governments, civil societies and donors need to be pooled together to conference around the question of enabling policy and legislation with civil society.

3.2 (iv) Academic processing of the efforts towards an Enabling Framework.

It was noted that it would be important to develop a comprehensive legal text on the Law governing NGOs in the region and its policy under-pinnings. This proposal followed the realisation that there is no jurisprudence and policy thinking around the issue of Enabling Environment at the moment.

For countries where tripartite policies are underway, caution of mock-participatory policy formulation was emphasized. NGOs in contexts like Malawi, were asked to know very clearly what they want, negotiate in good faith and make specific demands for follow ups and put safeguards in place.

The paper went on to suggest that a Law being made

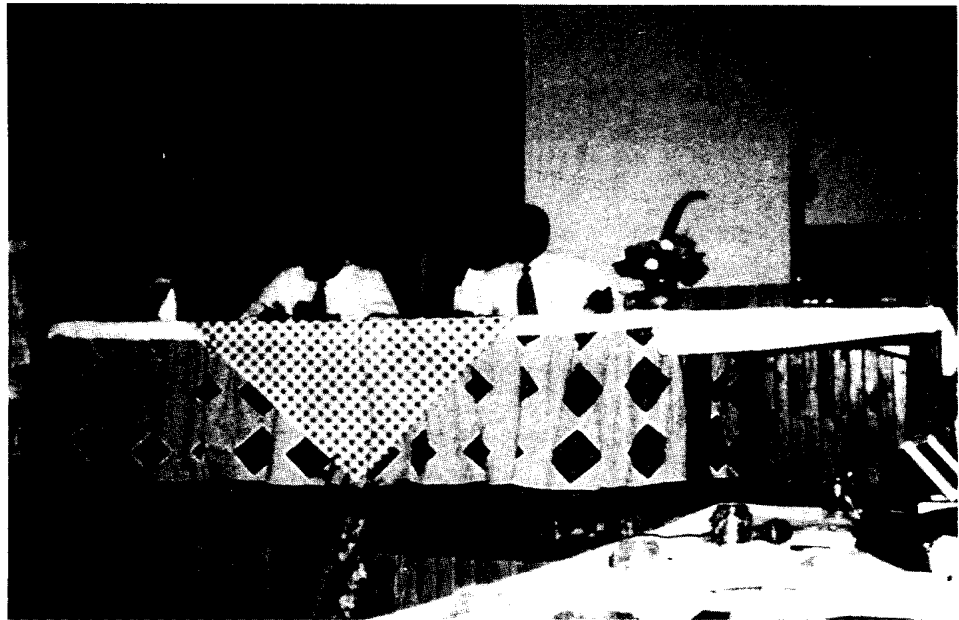
together with NGOs should also be amended together with NGOs when that need arose.

3.2. (v) Coordinating Bodies

The paper stressed also the role of coordinating bodies in terms of negotiating capacity, mobilisation of popular opinion on policy issues, self-regulation including development of Codes of Conduct, and strengthening of membership base.

3.2.(vi) Transission of Experience

The paper indicated that the workshop should come up with the scope and means in which Malawian NGO



A point of order! Hon. Chimango as he chaired T. Mutasa's presentation

experience can be transmitted to those in similar/comparable contexts within the region.

For countries where there is a longer way to go in terms of policy and legislation for NGOs, like Zimbabwe, the paper called for an evolution of a mechanism for support, capacity building and capability enhancement for NGOs from the region.

3. 3. Donor Perspective (by Hitomi Komatsu, UNDP - Malawi)

Miss Hitomi Komatsu's paper was on the *Donor Perspective on NGO Legislation and Policy* especially addressing the question of what is in it for donors.

The paper mentioned that during the last 20 years, official donors have increased their aid to NGOs due to growing recognition of the role that NGOs play as important partners in development process especially in the areas of economic and social equity, democracy, human rights and good governance and environmental sustainability.

The presentation was in three categories:-

3. 3 (i) Why has there been an increase in the collaboration between the official Donors and NGOs.?

In addressing this question, the paper highlighted three reasons:-

(a) **Humanitarian Reasons.** To support the people who live in extreme poverty who lack necessities of life.

(b) Enlightened Self-Interest

This was on the understanding that development of developing countries would benefit those in developed countries e.g. expansion of markets for goods and services.

(c) Solidarity

This is a quest to unite all the people as one to address global problems and issues that have no borders.

The paper highlighted another aspect for increased collaboration of donors and NGOs as being a way to avoid the bureaucracies' red-tape leading to slow delivery of services when funds and other resources were

channelled through central governments.

3. 3. (ii) What are NGO Legislation and Policy for?

The presentation quoted the Commonwealth Foundation Guideline for Good Policy and Practice for governments to create appropriate legislation and official procedures for the registration and public accountability of NGOs so as to create an enabling environment for NGOs.

It was noted that in the absence of enabling and legal framework for the growth and operations of NGOs, the potential role that NGOs play will be hindered and the wealth of resources, knowledge and opportunities that NGOs possess would not be tapped.

Donors were also urged to continue to underscore the importance of an enabling legislation and policy environment for NGOs to enable them play an effective role in development including registration and removal of obstacles, that hinder their receiving external financial support.

3. 3. (iii) What is in it for Donors?

The presentation outlined five reasons as to why donors advocate for an enabling legislative and policy environment for NGOs.

(a) The need for a more transparent and unified approach based on objective criteria by governments in the registration of NGOs and public accountability.

(b) Growing pressure for donors to ensure that their funds are being effectively utilised. This means that donors wish to see a legal system that incorporates issues of transparency, responsibility and accountability of publicly donated funds.



Hitomi Komatsu (R) says tripartite partnership among governments, NGOs and donors must be enhanced

- (c) The governments need to create an enabling environment where registered NGOs that comply with expected conduct, should benefit from fiscal incentives through e.g. tax exemptions and tax relief for donations made to NGOs.
- (d) Promotion of an enabling environment that will strengthen the capacities of NGOs to have an effective monitoring and evaluating system for their activities.
- (e) Lastly, an enhancement of tripartite partnership among governments, NGOs and donors. This was said to incorporate the understanding of the role NGOs play in development.

3. 3. (iv) Challenges to the NGO Community.

In its final analysis, the presentation made the following observations:-

- (a) NGOs need to come together and have a shared understanding of what institutional development is, who it should serve and how it can be achieved as a distinct contribution to development.
- (b) NGOs should effectively address issues of integrity, credibility and transparency, and the adoption of the Code of Conduct in Malawi was regarded as a positive development in this direction.
- (c) And finally, NGOs were called upon to work out a strategy when engaging in policy dialogue or participating in decision making for national and international levels.

3. 4. Challenges and Motivating Factors in Developing and NGO Policy and Legislation (by Adrian Muunga and David Faiti)

Mr. Adrian Muunga and David Faiti co-presented a paper on *Challenges and motivating factors for developing an NGO policy and legislation*. The main highlights of this paper were the processes and issues that have influenced the development of NGO policy and legislation in Malawi. The motivating factors that the paper highlighted were:-

3. 4. 1 (i) a need to define a clear identity of the NGO Sector in the face of the multiplicity of civil society institutions.

3. 4. 1. (ii) the need to uphold the image and credibility of NGOs through the promotion of, and adherence to, values and principles of transparency, accountability and good governance.

3. 4. 1. (iii) the need to enhance cooperation, collaborating and networking between and among the NGOs on one hand and NGOs, government, donors and private sector on the other.

3. 4. 1. (iv) the need to establish a mechanism for supporting the fiscal needs of the NGO Sector especially the local and emergent NGOs to enhance their sustainability and their effective operations and delivery of services.

3. 4. 1. (v) the need to address the inadequacy and ambiguities inherent in existing laws applicable to the NGOs and affirm the freedom of association inherent in the Republic Constitution of Malawi.

The paper then looked at the two broad issues of incentives and NGO autonomy.

3. 4. 2. (i) Fiscal Incentives

The paper indicated that for NGOs and civil society organisations to function effectively, the government needs to create a conducive legislative framework through the establishment of an appropriate tax regime.

It was hoped that through a favourable tax regime, local and international donors would be encouraged to support NGO activities and a local funding source largely supported by the private sector would emerge.

The fiscal scenario where international NGOs enjoy more privileges than the local NGOs was seen to create instability when international NGOs leave a country. It is believed that a stronger local NGO dominated sector would stabilise the situation and protect the long term interests of any country.

The paper observed further that granting tax and duty exemptions to NGOs would have a minimal negative impact on government revenue base in Malawi considering the fact that larger proportions of expenditure within the NGO sector is incurred by international NGOs who are already exempted from such taxes.

3. 4. 2(ii) NGO Autonomy

The paper called on NGOs to design and implement programmes independent of political or governmental interference.

It emphasized on the fine line that separates autonomy and self-regulation and contended that the two are inseparable therefore one should not be subjected to the other.

3. 4. 2 (iii) Limitations

It was noted that while the draft NGO Act stipulates that the Liaison Board shall be an independent body, the Board expected to comply with the Public Service Act of 1994. This, it was observed, meant that the Board would become a governmental entity and the Registrar of the Board being a government employee would control the Board. This would ensure government control of NGO activities.

It was further observed that members to the Board would be appointed by the Minister. This, in essence, meant that the Board Members would owe their appointment more to the government than to the civil society hence bringing the Board under government control.

Another point that the paper observed as a limiting factor, in the current bill was section 23 (2) which clearly indicated that an NGO Coordinating Body can only exist with the endorsement of the NGO Liaison Board. This was seen to contradict the right of NGOs to freely affiliate to a Coordinating Body of their choice and this was also seen to perpetuate government control of NGO activities and civil society as a whole.

3. 4. 2. (iv) Code of Conduct

Finally, the paper tackled the concept of a Code of Conduct as an instrument that seeks to set a standard by which NGOs are expected to function while on the other hand, spelling out several penalties (ranging from fines to de-registration) for mis-conducting NGOs by the Coordinating the Body.

3.5. The Case for Self-Regulation (by Mr. Kevin Quinlan, Oxfam UK and Ireland, Malawi Office)

Mr. Quinlan presented a paper on NGO Self-Regulation in Malawi which was on the justifications for granting NGOs the rights to self-regulation rooted in the Malawi Constitutional guarantees of the rights to free association and freedom of expression.

3. 5. 1 Role of Civil Society in Defending Freedom of Association and Freedom of Expression

The presentation acknowledged the crucial role

Mention was made that although it is generally agreed that a forum of self-regulation in the name of the Code is desired, it appeared that NGOs are not allowed to control themselves since the NGO Draft Act states that the Code of Conduct needs to be gazetted. This was observed to be contrary to other Codes of Conduct by other institutions/professions that do not go through this gazettement requirement.

The paper pointed out that in addition to the proposed NGO Act, NGOs are also bound by the Laws of the Land and any imposition of a number of regulations on them may burden them and stifle their growth and creativity.

CONCLUSION

In its conclusion, the paper stated that an NGO Law that will contribute to development in Malawi must reconcile the rights of NGOs to contribute to poverty alleviation while respecting their obligations of transparency and effective service delivery. Therefore, government was called upon to create a conducive policy and legal environment to foster the development efforts of NGOs in Malawi.

exercised by the Malawi civil society in the struggle for change from colonial to post-colonial time and the current democratic phase and stressed the need to preserve civil society on this basis. The paper argued that NGO powers of self-regulation would be a critical contribution to further strengthen the civil society.

3. 5. (ii) Political Ideology and NGOs Rights and Responsibilities

The presentation observed that a liberal ideology

remains silent trusting the other elements of society to promote the good and check the bad.

NGOs were seen to be partners with government, churches trade unions and others in people-centred development and as partners in national development each had a right to constructively criticise the other.

3. 5. 3 Regulation of NGO Rights and Responsibilities- Whose Role?

It was pointed out that the exercise of rights, and fulfilment of responsibilities, is most effectively done by the involvement of the actors themselves.

The presentation noted that the effectiveness of self-regulation of NGO rights and responsibilities can only be achieved with the existence of an enhanced commitment and a set of values acceptable to the NGOs themselves.

3. 5. 4 Government and NGO Regulation

Government was requested to entrust NGOs with the responsibility of regulations for the following reasons:-

- (a) to preserve the diversity and vitality of civil society that played a key role in restoring freedoms of expression and association.
- (b) to supplement human and financial resources to government where government's human and financial resources are constrained by so many pressures.

The paper noted that both governments and NGOs are ultimately accountable to the people they support and serve.

3. 5. 5 NGO Regulation by Civil Society

The presentation observed that NGO regulation may most effectively be done by a combination of the

external checks of civil society and internal regulation of the local umbrella body.

3. 5. 6 External Checks

The following were discussed as constituting external checks:-

- all existing laws of Malawi for scrutiny by free and independent media.
- donor contracts;
- monitoring and screening;
- reporting requirements of the Act;
- scrutiny of civil service;
- District Development Committees, and Members of Parliament
- powerful information checks.

All the checks act to ensure that NGOs act in the public interest and should be complemented by a protective process of internal controls.

3. 5. 7 Internal Checks

CONGOMA, a mother body for all NGOs in Malawi was said to have led the process of self-regulation of NGOs through the carrot and stick approach, where the carrot is the Capacity Building and advice for weak NGOs and the stick is the mandatory Code of Conduct that ensures that good practice is being observed.

It was mentioned that empowering CONGOMA with self-regulation would be a powerful motivation for it and all NGOs will strive to maintain their image and good name in Malawi internationally.

In conclusion the presentation supported an evolution and natural self-selection process of self-regulation which would contribute ultimately to a stronger NGO movement in the long term.

3.6. Country Reports

Policy and Legislative Status - Case of Swaziland (by Thandi Nhlengethwa)

The paper presented by Ms. Nhlengethwa was a policy document that was prepared by Swaziland to be a National Policy for NGOS.

The document touched on a number of topical issues, some of which were:-

- Formulation of NGO Policies in Swaziland;
- Political development in revival of the constitution that was abolished in 1973
- The political parties and the link between NGOs and their parent Ministry, Ministry of Home Affairs.

The presentation noted that the government of Swaziland recognises the role and existence of NGOs in the promotion of the socio-economic development of Swaziland.

A hope was underlined that an umbrella body acceptable to both NGOs and government was necessary to articulate and attend to individual aspirations of NGOs while at the same time interpret government policies and expectations on various issues. The hope came in because, although there is an umbrella body (CANGO), the Swazi government prefers to deal with individual NGOs because most of the NGOs affiliate to different ministries due to the nature of their work. The presentation underlined an expectation of a better symbiotic relationship as each party becomes more and more aware of the other's strengths and weaknesses.

A. Objective of Swaziland National Policy on NGOs (SWNAPONGO)

The paper outlined the following as objectives of the Swaziland National Policy on Non-Governmental Organisations.

1. to promote healthy and constructive relations among NGOs.
2. to encourage symbiotic relationship between Swazi Government and NGOs.
3. to create and facilitate unity of purpose in the development of operations of the Government and those of the NGOs
4. to set up mechanisms which would engender a spirit of trust between NGOS and government so that government may find it advantageous to entrust its resources into NGOs.
5. to establish standards to be met by organisations who apply to be recognised as NGOs.
6. to ensure that an up -to-date register of NGOs is kept and that appropriate developmental statistics are made available for planning and operational purposes.
7. to establish standards to be met by organisations who apply to be NGOs.
8. to facilitate protection of NGOs through enactment of appropriate legislation and relevant administrative structures.
9. to facilitate sharing of resources and expertise between government and NGOs on one hand, and between NGOs on the other.

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The paper also tackled the question of NGO administration as a necessary machinery that should allay the fears of both the government and the NGOs. Such administrative structure included the following:-

(a) NGO Assembly

The NGO Assembly consists of all the NGOs and the general meeting of the assembly shall be the supreme decision making authority.

(b) Executive Committee

Executive Committee consists of not more than 10 members and officers in charge of the department responsible for NGOs in an ex-official capacity and members to this committee are elected not only from the NGO sector.

The paper outlined the role of the Executive Committee and those of the Central Government which included:-

- consideration of application for NGO

Membership;

- reflection of those applications;
- adherence to the NGO Code of Conduct, and
- to act as a vehicle in distributing government assistance to NGOs

CONCLUSION

The paper concluded by emphasizing that Swazi NGOs at the moment do not have problems with the government and observed that there is adequate NGO representation in the national development strategies of the Swazi Government.

It was also indicated that due to the cordial relations that exist between NGOs and government, CANGO an umbrella body for NGOs has been empowered to vet out cumbersome and non-compliant NGOs.

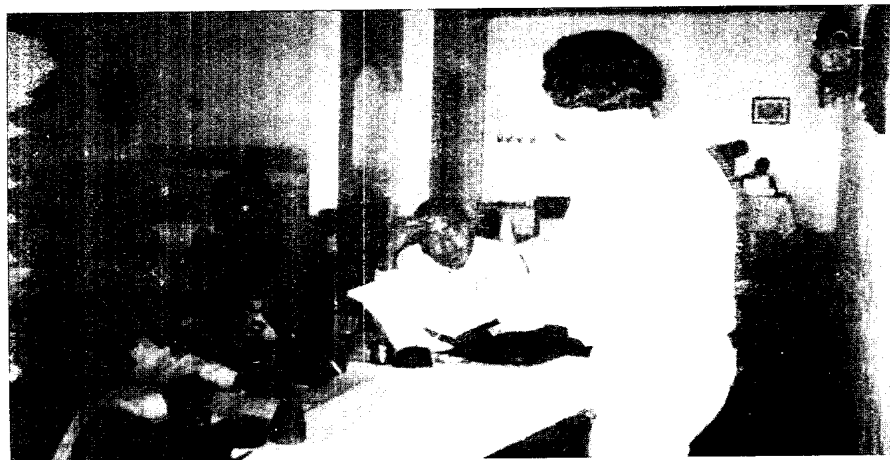
3. 6.2. South African Legislation Experience (by Zane Dangor, Development Resources Centre, South Africa)

Mr. Zane Dangor presented a paper on Legislation addressing the Not for Profit Sector. The proposals made provide a basis for writing new legislation for the sector to replace the Fund-raising Act in South Africa.

The policy document and indeed the presentation argued that there was a fundamental shift from the Fund-raising Act which emphasized government control and intervention to a climate of freedom and voluntary association with the emphasis on good

governance and minimum standards.

The proposals are hoped to signal government support for Non-profit Organisation (NPOs) and promote



Zane Dangor (Standing R.) emphasises a point to colleagues

confidence in the sector by encouraging certain basic governance standards.

The presentation underscored the need for voluntary submission of certain basic documents and meeting of financial and narrative reporting to promote accountability and good governance. These were said to institute donor confidence and official support, as well as provide tax relief on government contracts.

The proposal in the policy document offered a simple form of incorporation that would give NGOs legal persona and associated privileges.

Government interface and discretion by officials will be kept to a minimum rather than controlled.

All these proposals, the paper argued, were to create an enabling environment for NGOs that require government intervention on a number of fronts e. g. Taxation, National Development Agency.

Constitutional Implications

The presentation observed that the proposed policy and legislation in South Africa will bring legislation in line with the constitutional guarantee of free association and the principle of encouraging a vibrant and accountable civil society.

Comments

The presentation stressed the need for public accountability through registration with a national office and argued that this shows that an organisation has agreed to minimum standards of accountability and the organisation will be seen as credible and trustworthy. It was observed also that the document presented to government in South Africa called for compulsory registration of NGOs so that all registered NGOs may acquire tax and other benefits from the government.

3.6.3. Policy and Legislation- The Namibian Experience (by Guryv Kavei - Namibian Forum for NGOs - NANGOF)

Mr. Kavei presented a paper on policy and legislation and contended that there are three main pillars to the understanding of the policy debate in Namibia.

(i) Willingness of government to recognise, appreciate, manage and respond to people centred development.

(ii) The pre-perceived role of civil society in government-led development and the understanding as to how the NGOs role has to relate to that of government.

(iii) The international order that governs the immediate political and economic realisation in which both governments and NGOs operate.

The presentation illustrated how central the Government has been, starting from the colonial apartheid era up to independence period and mentioned that the reality

remains the same, i.e. that of government being centralised and its development plans being centralised too.

An indication of the current challenge was to transform the powerful government centred developments to one in which civil society movements have a highest share of planning and implementation.

The paper identified several factors affecting Namibia NGOs that included:

- weaknesses and lack of capacity;
- poor development vision;
- too much friendliness;
- lack of vigilance;
- excuse of prematurity of government;
- political space being wide enough.

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The paper also made a number of comments such as:-

- (a) NGOs to be part of the design of economic policy process as well as implementers of the programme
- (b) Need for self-reliance for NGOs to be profit making, so that NGOs strengthen their activities.
- (c) Government to improve the complement role played by NGOs in nation building through state funding on a practical commitment.
- (d) While foreign NGOs are tax exempted, local NGOs need to be considered as well.

A. Challenges for NGOs Working a Strategy Towards Enabling Political Environment.

The paper presented a number of challenges for NGOs that are working towards an enabling environment:-

- (i) In the absence of an appropriate legal framework, NGOs should consider opportunities of drafting and submitting a private bill to cabinet.
- (ii) NGOs considered to be less important should advocate and lobby others to broaden their advocacy base and achieve effective and popular support.
- (iii) Lobbying efforts should be directed to those key and influential politicians regarded to have an NGO - friendly outlook.
- (iv) NGOs should not be complacent with a mere policy considered to be enabling but to change the terms of

debate from people's participation in state sponsored national development to government participation in people centred development.

- (v) Need for a new redefinition of networking among NGOs if they are to be effective and influential agents of development.

Later the presentation cautioned that while multinationals could be used by NGOs to pressurise governments, NGOs need to guard against their agenda of national development from being turned into a donor driven one.

On the commentary to the presentation, the question of accountability arose and emphasis for accountability was made. It was added that accountability may also be expressed by the quality of services delivered apart from written financial statements.



Participants discussing strategy towards enabling political environment

3.6.4. Fiscal Reform a Necessary Requirement for the Growth of NGOs and Civil Society (by Paul Jones, South African Consultant)

Mr. Paul Jones presented a paper on Fiscal Reform as a Necessary Requirement for the Growth of NGOs and Civil Society.

The presentation started by defining the term "Reform" as a process of mimicking or becoming better by removal of faults and errors, correct, convert, reorganised and rebuilt.

Later, the presentation outlined principles that underlie self-regulation and cited the following:-

- Independence/interdependence;
- Professionalism;
- Transparency
- Integrity;
- Leadership, and
- Competence.

A. Key Factors to Fiscal Reform

The presentation the outlined five key issues to Fiscal Reform as follows:-

(i) Accepting Responsibility:

NGOs were called upon to understand that they are responsible to perform a number of tasks, therefore NGOs have a responsibility to uphold the principles that build faith and trust in the use of public funds.

(ii) Deep Personal Integrity:

The presenter called upon NGOs to demonstrate high levels of integrity, one that is above reproach.

(iii) Don't Manage - Lead:

The paper proposed a paradigm shift away from "rigid" organising in vertical rigid hierarchies around decision making to organising in horizontal flexible networks around work flows.

Secondly, the presentation proposed a move from

asking managers to be overseers of



Paul Jones shares a joke with Bernadette Crawford, CONGOMA Regional Manager (North)

uncooperative subordination to leading involved and committed people.

(iv) Set Goals for Fiscal Reform

It was observed that goals need to be set to ensure the following:-

- Ethical fund-raising;
- Annual financial reporting;
- Accountability;
- Budgeting, and
- Accurate Communication

(v) Self-Regulation:

The paper noted that Self-regulation was essential to the existence of a well ordered NGO sector, and the presentation quoted the following

which form part of the self-regulation process:

- Programmes - Vision Mission Statements, goals, objectives
- Governance - Managing Board Statement of responsibility
- Organisation Integrity - applicable laws and regulation
- Management Practices and Human Resources policies for employees and volunteers.
- Finance - openness honesty and accuracy
- Communications - honesty and accuracy
- Fund-raising - plan of action and written policies

B Financial Policies

The paper outlined guidelines for fiscal reform in the area of finance as follows:-

- (i) Not - for - profit/NGO need to conduct all financial activities in an open, honest and accurate manner.
- (ii) Organisations need to purchase goods and services at the lowest reasonable prices and make programmes and services as inexpensive and efficient as possible.
- (iii) NGOs need to keep/retain well qualified financial professionals as employees consultants/volunteers
- (iv) NGOs were advised to maintain detailed and accurate books and records of its finances and should provide regular reports to the government, the public and its donors.

C. Reporting and Fiscal Fundamentals

The presentation noted that an annual report should be available on

request and should include the following:-

- (i) An explicit narrative description of the organisation's major activities, covering the same fiscal period as the audited financial statement.
- (ii) A list of board members
- (iii) The presentation emphasized that an organisation should supply on request complete financial statements.

In conclusion, the presentation expressed the need for an informal arrangement with NGOs, donors, government and civil society where genuine views may be expressed.

Self-Regulation:

- **Programmes - Vision Mission Statements, goals, objectives**
- **Governance - Managing Board Statement of responsibility**
- **Organisation Integrity - applicable laws and regulation**
- **Management Practices and Human Resources policies for employees and volunteers.**
- **Finance - openness honesty and accuracy**
- **Communications - honesty and accuracy**
- **Fund-raising - plan of action and written policies**

3.6.5 Fiscal Reform (by Dr. Mthindi, Assistant Professor, University of Malawi)

Dr. Mthindi's presentation was on Fiscal Reform. The background of this presentation was to assess the fiscal environment in which NGOs are operating and proposals that may be incorporated in NGO Policy and Legislation.

The paper further reviewed the macro-economic development of Malawi focusing on:-

- (a) External Balance;
- (b) Investment Gap and
- (c) Budget deficit.

The presentation then defined the three aspects as follows:-

- External Balance shows difference between exports and imports
- Investment Gap is the difference between savings and investments
- Budget deficit is the difference between tax revenue and government expenditure
- Tax discussion was centred on government taxation i.e. Tax Revenue.

A. Tax Exemption

The presentation argued that tax incentives to NGOs were a justifiable cause largely because NGOs do provide public goods due to government and market failure to provide the same.

The following areas of tax exemptions were noted and recommended:-

- (i) Duty on imported goods intended for use by NGOs, exemptions on personal goods by expatriate staff who work in NGOs

- (ii) Tax deduction for individuals and companies donating funds to NGOs
- (iii) Exemptions on foreign currency donations to NGOs delivering public goods.

In its conclusion the presentation observed that there is lack of definition as to which is a legitimate NGO. This was looked at as a factor that would prevent government from making a blanket approval for all NGOs to be tax exempted, as some illegitimate NGOs could benefit the same.

The presentation expressed the hope however that through a coordinating body, like CONGOMA that has a Code of Conduct for NGOs, recommendations can be made to government for tax exemptions for those NGOs believed to be legitimate.

SECTION 4.0

GROUP DISCUSSIONS

The workshop was split into four groups that discussed issues of Capacity Building; Fund-raising and Fiscal Incentives; Interface between Government and Civil Society; and Code of Conduct and Self-Governance.

Group A. Capacity Building

The Capacity of NGOs and Civil Society institutions was seen as critical element in the effective functioning and delivery of goods and services so the need to strengthen the capacities of NGOs technically and politically was underscored.

RECOMMENDATIONS

Having looked at the issues, the group recommended the following under Capacity Building:-

- (a) Mass Mobilisation/Participation of the beneficiaries. In this regard traditional campaigns, use of appropriate media as well as empowering of local communities emerged as strategies.
- (b) Equipping NGOs with necessary skills. As part of the Capacity Building, the group recommended that NGOs need to be equipped with cost and budgetary skills, information systems and technology.
- (c) Resources
Opportunities for accessing better training through government, donors or other NGOs was recommended so that resources to enable NGOs train their manpower are made available.
- (d) Gender Skills

NGOs have to acquire knowledge and skills relating to Gender.

- (e) NGOs need to improve their skills, knowledge and capacity in macro-economic issues.
- (f) NGOs need to have skills for self-regulation and self-monitoring
- (g) NGOs need to incorporate principles and instruments of democracy in their work
- (h) NGOs need to enhance information sharing and networking amongst themselves.
- (i) NGOs to formulate their visions and mission and work towards achieving that.

SPECIAL RECOMMENDATION ON DRAFT LAW.

Group A made separate recommendations on the draft Law of Malawi NGOs as follows:-

- (a) Closer examinations on the principles and protection of autonomy and independence of NGOs.
- (b) Need for proportional representation preponderance of civil society.
- (c) The Boards powers/designated body to be determined by the NGO Community.

4. 2. Group B: Fund-raising/Fiscal Incentives

Group B was assigned to discuss on Fund-raising/Fiscal Incentives and was to look at the following:- Development for the provision for fund-raising, Private Sector and Self-financing by NGOs, Non-profit Making and tax exemptions.

RECOMMENDATIONS

The group recommended the following strategies under Fund-raising and Fiscal Incentives:-

- (a) **Corporate Givings/ Individual Giving**
This meant better donations and better tax policies that would create better incentives.
- (b) **Raising Funds from Trust**
through increased donor confidence, Good Practice through self-regulation, transparency and accountability.

- (c) **Non-Profit-for how long?**
NGOs to start putting up special events to develop a culture of philanthropy.
- (d) **Tax Exemptions to favour local NGOs**
- (e) **Tendering Procedures to be more accessible by NGOs.**
- (f) **Fiscal Debts: NGOs to negotiate for a percentage in all bilateral agreements to be earmarked for their service.**

NON-PROFIT DEFINITION

The group also discussed the definition of NGOs. However, NGOs can and should make profits, it was observed. It was further noted that NGOs do not distribute profits to shareholders instead they plough back into enhancing the quality and sustainability of services.



Serious business: Participants share ideas in their group discussion

Group C: Interface Between Government and Civil Society.

The group was assigned to discuss the question of interface between government and civil society along the following guidelines:-

- Guidelines for electing Board Members of NGO Liaison Board;
- Interface between government and NGOs in policy formulation and decision making.
- Contracts, frameworks for donor assistance not to be carbon copies of each other;
- NGOs to proactively influence overseas development aid agenda;
- Linkage between NGOs and parent ministries;
- Meaningful partnerships among government, NGOs, donors and private sector;
- Representation at both international and national levels;
- Need for effective coordination among donors, NGOs versus control of government through the Act; Community based organisations (CBOs)/NGO relationship;
- Application of legislation on this and development of a vision and identity that is not donor driven.

Group C: came up with the following recommendations, regarding interface between government and civil society.

(a) Policy and Legislation Process

- On the composition of the Board, the group recommended that four members to be selected by the designated NGO Coordinating Body and not appointed.
- The NGO Liaison Board to be independent, self-motivated and be clear

on its purpose.

(b) Composition of the Board

It was recommended that a clause be inserted that shall indicate that if members of the Board cease to serve the interests of NGOs/ government, the Coordinating Body/ government shall withdraw their membership respectively.

(c) Funding of the Board

On funding of the Board, the group recommended that the costs shall be borne by the NGO Coordinating Body.

(d) Designation of Coordinating Body

The group recommended to replace "the designated NGO Coordinating Body shall be CONGOMA until the Board may otherwise determine" with "until the registered NGOs may otherwise determine".

(e) Community Based Organisations

The group recommended to leave all community based organisation out of the Law.

General Issues

After the group had discussed the assigned areas, it also discussed other issues and came up with the following recommendations:-

- (a)** NGOs to send competent representatives to interact with policy makers.
- (b)** To encourage informal and formal networking among NGOs, government, donors and private sector.
- (c)** NGOs to have their vision and purpose clearly defined and spelt

out in their constitutions

- (d) Donors to avoid duplication and to be more flexible
- (e) Donors and NGOs to have regular meetings
- (f) NGOs to provide information on donor policies and programmes e.g. CONGOMA directory.
- (g) NGOs to provide information to donors and government on NGO activities e.g. CONGOMA Handbook on NGOs in the Northern of Malawi.
- (h) On NGO/Donor relation the group came up with two schools of thoughts regarding cover of administration costs in project implementation. It was viewed that donors need to

cover administration costs for partnership otherwise NGOs become reduced to mere contractors.

It was also recommended that for sustainability purposes of NGOs, donors need to cover administration costs because they would promote a sense of ownership of NGOs in the projects they fund.

Group D: Code of Conduct and Self-Governance.

Group D was assigned to discuss Code of Conduct and Self-Governance. These included mechanisms to

be put in place for the following:-

Ownership of legislation, collective bargaining, self-regulation, jurisdiction vis-a-vis protection of interests of the ultimate beneficiaries.

Firstly, the group observed that CONGOMA Code of Conduct affects all NGOs including non-members. In that vein, the group recommended that all NGOs to be members of CONGOMA or preferably have external representatives on CONGOMA Standards Committee. A strong need to orient member NGO and non-members was also underlined.

The group observed that the Code of Conduct requires mechanism to be put in place and monitor the challenges that it may meet with and a need to review the Code from time to time to be abreast with current realities incorporating experiences from within and outside the country.

It was further observed that Codes of Conduct have



Tawanda Mutasa (facing camera) chairs discussion on Code of Conduct and Self-Government

to embed the interests of the beneficiaries while they uphold the stick part to regulate the Conduct of misconducting NGOs.

The group emphasized that the role of NGOs to regulate themselves should be entrusted with the NGOs themselves and the governments have to entrust their responsibilities to the NGOs.

The group supported the evolution of self-regulation through policy and legislation supported by the existence of Codes of Conduct.

CONCLUSION

In conclusion, the workshop raised a number of considerations as a way forward for the Sub-region and for Malawi.

The considerations emphasized:-

- Building the technical and political capacities of NGOs and civil society institutions, to enhance their effectiveness in service delivery and intervention in policy formulation and dialogue at national, regional and global levels.
- Upholding the autonomy and self-regulation of NGOs in their operations whilst enjoying the confidence of their governments, donors and the general public.
- The need to develop clear and well defined follow-up strategies and action plans for national and regional workshops/seminars to ensure that workshops do not become an end in themselves. This would ensure effective networking and information sharing between and among NGOs and civil society institutions in the region.
- Clear registration criteria for NGOs which would also encourage automatic registration of NGOs whose applications have not been responded to within 90 days of submission of their application.
- Mandating registered NGOs to designate the NGO coordinating body and to ensure that a mechanism is in place to allow for appeals on seemingly unfair decisions by the NGO Liaison Board.
- Allowing NGOs to fundraise outside the confines of their national boundaries.
- the need to put in place a deadline for the conclusion of the policy and legislative debate.



Ms. Nhlengethwa (R.) and Beatrice Banda of CONGOMA Secretariat enjoy a cool evening breeze after a busy day

ACKNOWLEDGEMENT

The organisers would like to express their gratitude to the international and local participants who made this workshop a reality. In particular the organisers are indebted to UNDP and NDI for funding the workshop and to the Steering Committee for working very hard to identify and put the issues into perspective. Management and staff of CONGOMA and NDI deserve a special thanks for their tireless job in preparation for the workshop and during the workshop.

We would also like to thank management and staff of

Mulangeni Holiday Resort for making our lives easier



Thank You: Adrian Muunga (NDI) and David Faiti (CONGOMA)

and the workshop a success. We know you would all want us to talk of Istanbul but we will not.

NGO POLICY AND LEGISLATION WORKSHOP
CO-ORGANISED BY CONGOMA AND NDI

APPENDICES

***MULANGENI
DECLARATION***

JUNE, 1997

MULANGENI DECLARATION

We the delegates at the NGO Policy and Legislation Workshop at Mulangeni Holiday Resort in Mangochi, being drawn from the Civil Sectors of Malawi, South Africa, Swaziland, Mozambique, Lesotho, Zimbabwe and Namibia, and also from Government of Malawi (GOM) donors and from the three political parties represented in Parliament of Malawi being committed to improving the lives of the needy in the region, recognising the constraints in achieving our objectives and seeing the need and centrality of an enabling policy and legislative framework, have convened:

- a). To solicit regional recommendations into the NGO Policy and Legislative process in Malawi.
- b). To critique and improve the existing Malawi NGO Policy and Legislation in the region.

Do hereby declare:

1. That the capacity of NGO and civil society institutions is a critical element in the effective functioning and delivery of goods and services. Hence need for strengthening technical capacity in budgeting, financial and management reporting, advancing, lobbying and advocacy skills through beneficiary participation, use of traditional structures, access to resources through government, donors, and private sector, implementing levels of democracy through good governance thereby ensuring integrity and independence of NGOs through visioning and functional mission statements.
2. The need for NGOs to acquire skills and competency in lobbying for mobilising fundraising and lobbying for mobilising fiscal incentives. This will be developed and diversified. Tax laws should be amended to

allow for a local donor base to emerge.

3. That registered NGOs will designate the coordinating NGO body.

Funding and functioning of the NGO Board will be independent that is the NGO Coordinating bodies will contribute funding to the Board to ensure authority in decision making processes.

Members of the Board should be competent and independent. Hence the need to have clear criteria for Board member selection.

In order to ensure the regular functioning of the Board registration of an aspiring NGO should be automatic if the Board does not respond after 90 days.

4. That NGOs will have a strategy for lobbying and advocacy at policy level. Capacity will be built for this purpose.

NGOs will continually reflect on their mission and purpose. Regular consultation among Government, NGOs, donors and private sector on issues of partnership is a necessary requirement for development.

5. That, noting that CONGOMA needs adequate capacity to implement and monitor the Code of Conduct and cognisant of the challenges it poses, there is need to review the Code of Conduct from time to time to tally with current realities, incorporating experiences from within and outside the country.

•Networking and information sharing and exchange visits between and among NGO civil society

NGO Policy and Legislation Workshop - June 16-20, 1997

institutions in the region is a critical element for the development of the region.

NGO Councils, donors and other partners in development should support exchange programmes in the region.

Regional workshops should not be an end in themselves but should be an effective

instrument for resolving country specific problems.

Governments in the region should be encouraged to consult on policy and legislation issues in order to foster meaningful and effective partnerships.

We, therefore, affirm and accept this Mulangeni Declaration.

NGO POLICY AND LEGISLATION WORKSHOP

VENUE: MULANGENI HOLIDAY RESORT, MANGOCHI

**Co-Organized by the Council for Non-Governmental Organisations in
Malawi (CONGOMA) and the National Democratic Institute (NDI)**

16-20 June, 1997

PROGRAMME

Monday -16 June, 1997

Arrival of participants at the Workshop Venue.

18.00-20.00 Hrs. Registration in the Secretariat Room at Mulangeni

Tuesday- 17 June, 1997

8.30-8.40 Welcome Remarks by CONGOMA Executive
Secretary, David Faiti

8.40-9.30 Participants' Introductions

9.30-10.00 Opening Speech by the CONGOMA
Chairperson, Mary Nyandovi-Kerr

10.00-10.30 Group Photograph and Tea-Break

10.30-10.45 Participants' Expectations from the Workshop by
Adrian Muunga

PART A: REGIONAL FOCUS

10.45-12.00 Regional overview on policy and legislation by
Tawanda Mutasa of the Zimbabwe Council of Churches

12.00-14.00 Lunch break

14.00-14.30 Donor perception on policy and legislation by Hitomi
Komatsu of UNDP-Malawi Office

14.30-15.00 Challenges and motivating factors for developing an
NGO policy and Legislation by David Faiti and
Adrian Muunga

15.00-15.30 Coffee/Tea Break

NGO Policy and Legislation Workshop - June 16-20, 1997

15.30-16.00 The case for self-regulation by Kevin Quinlan, Oxfam
UK and Ireland, Malawi Office

16.00-17.00 Plenary Discussions

Wednesday-18 June, 1997

PART B: COUNTRY REPORTS

9.00-9.30 Policy and Legislative Status-Case of Swaziland by
Thandi Nhlengetwa

9.30-10.00 South African Legislation Experience by Zane Dangor,
Development Resources Centre, South African
Consultant

10.00-10.30 Coffee/Tea break

10.30-11.00 Policy and Legislation- The Namibian Experience by
Gurvy Kavei, Namibian Forum for NGOs-NANGOF
Fiscal Reform a Necessary Requirement for the growth
of NGOS and civil society, by Paul Jones, South
African Consultant.

12.00-14.00 Lunch break

14.00-14.30 Reform of the fiscal regime *sin qua non* for the
development of the civil society, by Dr. Mthindi, Ass.
Prof., University of Malawi

14.30-15.00 Steering Committee presents issues as questions for
group discussion and answers

15.00-17.00 Group discussion

16.30-17.30 Tea/Coffee break

17.00-17.30 Preparation of Group Report Back

Thursday-19 June, 1997

8.00-10.00 Report back from groups

10.00-10.30 Coffee/Tea break

10.30-12.00 Plenary

12.00-14.00 Lunch break

14.00-16.00 The Mulangeni Declaration

16.00-17.00 Farewell Cocktail and Closure of the Workshop by the
Chairperson of CONGOMA

Friday-20 June, 1997 Departure of participants from Mangochi

NGO Policy and Legislation Co-organised by Council for Non-Governmental Organisations in Malawi and the National Democratic Institute (NDI) 16 - 19 June, 1997 at Mulangeni Holiday Resort, Mangochi, Malawi

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