

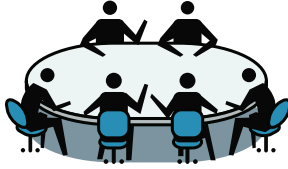
# The Non-Governmental Organisations' Act No. 16 of 2009

Need to regulate but not curtail non-governmental organisations' unique role to supplement Government services

The Non-Governmental Organisations' Act No. 16 of 2009 was enacted by the Zambian Parliament on the 26<sup>th</sup> of August, 2009. The major objectives of this Act are to:



i) Provide for the **coordination and regulation of NGO's**



ii) Establish the Non-Governmental Organisations' **Registration Board** and the Zambia Congress of Non-Governmental Organisations



iii) Enhance **transparency, accountability and performance** of Non-Governmental Organisations

The Act has the potential to promote accountability and transparency among NGO's and to better align NGO and State activities for the accelerated development of Zambia. However, the Act also contains provisions that make it susceptible to abuse and constrain the freedom of NGO's. Key points requiring review in the legislation are; the definition of NGOs to make it more specific, excessive Ministerial authority, severity of penalties, imbalanced representation on the NGO Board and absence of an appeals process.

POSITIVE

- Policy guidelines for harmonization of NGO activities with Zambia's national development plans
- NGO Mapping through registration of national and international NGOs in Zambia
- Promotion of NGO transparency and accountability
- Disclosure of NGO Annual and financial reports
- Self-regulation through Zambia Congress of NGOs and Council

X

NEGATIVE

- Excessive Ministerial Authority to:
  - a. Extend application of Act to other parties outside stated definition and to exempt other parties
  - b. Reject nominations to the Board without justification
  - c. Demand additional information for registration than indicated in the Act
- Definition of NGO's is too broad
- Biased representation of NGO's on NGO Registration Board
- Absence of time limit for acceptance or rejection of registration application
- Harsh sanctions for failure to follow formal procedure
- Inadequate mention of promotion of NGO activities for country development
- Limited focus on promotion of downward accountability to beneficiaries

## What does it mean for Zambia if implemented in its current form?



Enhanced **accountability**



The possibility of deregistered NGO's **could reduce service delivery** to existing beneficiaries



**Transparency** of NGO's



**Suppression** of NGO freedoms



**Harmonisation** of NGO activities with national development plans



**Tension and mistrust** between Government and NGO's



Efficient and effective **targeting of resources**



Criminal sanctions for NGO's that **infringe on provisions**

## RECOMMENDATIONS

1



Refining the definition of NGO's

2



Removal of excessive Ministerial authority

3



Equitable Board representation of NGO's and Government