

Detailed additional Analysis of NGO Bill in Zambia by Mandeep Tiwana in [The Guardian](#)

Despite existing international best practices that the decision to register should be the prerogative of an individual NGO, the bill requires all NGOs to subject themselves to compulsory registration within 30 days of their formation or adoption of a constitution. No time limit is prescribed for the processing of a registration application, which could keep some NGOs in a prolonged state of uncertainty regarding their legal status. NGOs can be denied registration in the "public interest", a term not defined by the bill. This allows decision-makers to make an assessment of an NGO's merit at their discretion. The bill also ignores the principle of perpetual succession for legal entities, by requiring NGOs to re-register every three years, creating additional bureaucratic hurdles and an opportunity to harass organisations that are critical of official policies.

Furthermore, the bill vests the government-dominated NGO registration board with far-reaching powers that could have serious negative implications for the independence of the NGO sector. Three functions of the NGO board are particularly problematic:

- 1) The power to approve the area of work of NGOs, which allows the government to determine their thematic and geographic areas of functioning and exercise control over their affairs;
- 2) The power to provide policy guidelines to harmonise the activities of NGOs with the national development plan, which coopts NGOs into assisting in the fulfilment of the political priorities of the government reflected in the plan;
- 3) The power to advise on strategies for efficient planning and coordination of activities of NGOs, which treats NGOs as government subsidiaries as opposed to independent entities free to formulate and execute their action plans in line with identified priorities.

Government domination of NGOs is further reinforced through provisions that empower the office of the registrar to demand information from NGOs about their accounts and office-bearers at will and within an unspecified time frame. Registration of an NGO can be suspended or even cancelled for a minor infraction of the bill's provisions, with no distinction made between first-time and repeat offenders.

The bill also imposes forced regulation and peer monitoring on NGOs by forcing them to draw up a code of conduct requiring approval by the government-dominated NGO board, and monitored by a 12-member NGO council. Although members of the council are to be elected by NGOs themselves, its overreaching mandate could have serious repercussions on the autonomy and independence of individual NGOs, who may not subscribe to the majoritarian position adopted by the council. The council is legally obligated to influence the activities of its peers by playing a monitoring and coordinating role over the NGO sector.