

## Concept Paper (Draft One)

### Comparative Research on Civil Society Law

PhD Dissertation (for a Ph D in Law at the University of KwaZulu-Natal)

by

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**Overview and methodology.** Mr. Muzondo's project will consist of comparative research in the legal frameworks for civil society (civil society law or CSL) in Malawi, South Africa, and Zimbabwe. The methodology will consist of the following:

1. desk review of the existing legislation
2. interviews with key persons who developed and currently administer the existing legislation
3. field research involving the preparation and delivery of a questionnaire about the existing legal frameworks
4. analysis of the questionnaire results
5. preparation of a paper on the development of existing legislation and the ways in which it has or has not had a positive impact on the ability of civil society organizations to perform their missions
6. proposals for reform (if necessary)

**Need for the research.** The field of CSL studies is underdeveloped in Southern Africa. There is a strong need for good research into the ways in which the post-colonial/post-apartheid legislation has developed in the region. Further, by selecting three countries in which changes in the CSL frameworks have developed (or not, as in the case of the recently proposed NGO Bill in Zimbabwe), the project will permit an overview of what sort of legislation can truly empower civil society and which does not. The three countries present differing aspects of the use of legislation to regulate, and they also show ways in which self-regulation (codes of conduct, etc.) can interplay with legislative regulation.

This will not be duplicative of David Husy's work for Umshlaba Consultants (on the SA legislative framework) because it will use a different methodology; it will be conducted by a lawyer; and it will be comparative).

**Location of the work and the supervisors.** Mr. Muzondo is to be admitted to the Centre for Civil Society Studies and the Faculty of Law at the University of

KwaZulu-Natal. He will be principally resident at the Centre for Civil Society Studies, but he will also work at the Law School. The principal resident supervisors of the project will be Prof. Patrick Bond, Director of the Centre for Civil Society Studies, and Prof. David McQuoid-Mason of the Law School. Non-resident supervisors will be Prof. Karla Simon of the Catholic University of America School of Law and Visiting Prof. Leon Irish of the Central European University. (Profs. Simon and Irish are co-authors with Robert Kushen of the Open Society Institute of the only existing legal text on CSL Law - OSI's GUIDELINES FOR LAWS AFFECTING CIVIC ORGANIZATIONS, 2<sup>nd</sup> Ed 2004). They are the co-founders of the International Center for Civil Society Law (ICCSL) and Prof. Simon is Editor-in-Chief of the International Journal of Civil Society Law (IJCSL) and the IJCSL-Newsletter. (IJCSL is available at [www.law.cua.edu/students/orgs/IJCSL/](http://www.law.cua.edu/students/orgs/IJCSL/) and a copy of the Newsletter is attached).