

NON-GOVERNMENTAL ORGANIZATIONS (COORDINATION) REGULATIONS, 2022

FIRST DRAFT

GOVERNMENT NOTICE NO.

NON-GOVERNMENTAL ORGANIZATIONS ACT (Cap. 5:05)

NON-GOVERNMENTAL ORGANIZATIONS (COORDINATION) REGULATIONS, 2022

IN EXERCISE of the powers conferred by section 35 (1)(a)(iii) of the Non-Governmental Organizations Act, I, PATRICIA ANNIE KALIATI, Minister of Gender, Community Development and Social Welfare, in consultation with the NGO Authority of Malawi, make the following Regulations—

NON-GOVERNMENTAL ORGANIZATIONS (COORDINATION) REGULATIONS, 2022

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PART I
PRELIMINARY

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| Citation | 1. These Regulations may be cited as the Non-Governmental Organizations (Coordination) Regulations, 2022. |
| Interpretation | 2. In these regulations, unless the context otherwise requires, —

“coordinator” means the designated NGO Coordinating body under the Act; |
| Compliance with Regulations | 3. Every NGO established or operating in Malawi, defined under section 2 of the Act, shall comply with these Regulations. |

PART II
COORDINATION

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| Objective of coordination | 4— In discharging the obligation to provide coordination of NGOs, the coordinator shall aim to—

(a) represent the collective interests and concerns NGOs in Malawi;

(b) facilitate mutual support, harmony, sharing of knowledge and working together of NGOs;

(c) raise the profile and visibility of NGOs in Malawi;

(d) reduce duplication and promote spread of NGO work across the country. |
| Principles to guide coordination | 5— In undertaking the role of a coordinator under these Regulations, the NGO Coordinating body shall be guided by the principles of—

(a) accountability and transparency in the execution of duties;

(b) patriotism;

(c) national unity;

(d) objectivity,

(e) fairness;

(f) natural justice and

(g) respect for the rule of law. |

Mandate of
coordinator

6.—(1) The coordinator as designated by the Minister under the Act shall—

- (a) represent the collective interests and concerns of all NGOs, international NGOs and exempt organizations established or operating in Malawi;
 - (b) ensure unity of action for the realization of a common public purposes among NGOs; and
 - (c) Hold Annual General Meeting, sector meeting, regional meeting or any other meeting.
- (2) the coordinator shall receive any complaint by any NGO against the Regulator or Government or any authority; for remediation of the complaint.

Functions
and powers
of
coordinator

7.—(1) The functions of the coordinator shall include the following—

- (a) promote information sharing and joint activities at various levels in Malawi;
- (b) promote the attainment of an enabling environment for the growth and development of every NGO, international NGO or exempt organization operating or intending to operate in Malawi;
- (c) promote accountability and transparency in the utilization of resources and attainment of results;
- (d) promote the registration of every NGO or exempt organization by the Authority;
- (e) ensure that every NGO or exempt organization to comply with the Act and operates under the guidance of the Authority;
- (f) establish and publicize coordination mechanisms and structures for every NGO or exempt organization in Malawi;
- (g) Where applicable and of good and valid reasons recommend findings to the Authority;
- (h) promote and coordinate capacity building of every NGO or exempt organization; and
- (i) report to the Authority on the implementation of these Regulations in a prescribed manner.

Power to
monitor
compliance

8.—The coordinators shall monitor compliance of NGOs Code of conduct.

- Non-attendance without good cause
- 9.** Where it is not practical to conduct a scheduled meeting under regulation 6(c), because a party fails without good cause to attend within the time appointed for the commencement of the session, the coordinator may—
- (1) resolve the issues with the NGO internally. Where internal resolutions have failed, the coordinator may: -
- (a) report the non-complying party to the Authority; or
- (b) make any other recommendation to the Authority that is deemed just.
- Confidentiality
- 10.—** (1) All documents, records, reports, settlement agreements and any other documents required or used in the course of undertaking a coordination role under these Regulation shall be confidential.
- (2) The coordinator shall not disclose information given in the course of undertaking its role under these Regulations to any person who is not a party to any matter arising in the discharging of that role.
- Powers under other written laws
- 11—** Nothing in this Part shall preclude any person or authority from exercising the rights, powers, functions or duties conferred on such person or authority by or under any written law in respect of any matter otherwise provided under these Regulations.
- Offences
- 12.—**Any person who interferes or fails to cooperate with, or otherwise obstructs, the coordinator or any person in the service of the coordinator in the discharge of his functions and powers commits an offence and shall, on conviction, be liable to a fine not exceeding K1,000,000.

PATRICIA ANNIE KALIATI
Ministry of Gender, Community Development and Social Welfare

(File No.)