



GOVERNMENT OF THE REPUBLIC OF MALAWI

***THE NATIONAL NON-GOVERNMENTAL
ORGANIZATION POLICY***

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Foreword

The Government of Malawi recognizes the significant role and contribution of Non-Governmental Organizations (NGOs) in the social economic and political development of the country hence are considers as important partners contributing to democracy, accountability and development. This is demonstrated by the establishment of Non-Governmental Organization (NGO) Board in 2001 whose mandate is to register and regulate the operations of NGOs in Malawi. However, the NGO Sector in Malawi has remained unregulated to a larger extent owing to the absence of the policy. Coupled with this the Government identified a number of gaps which include: limited oversight capacity of NGO operations, weak legal framework, unavailability of a policy and inadequate transparency and accountability within the NGO Sector.

In view of the foregoing, the Government through a rigorous and consultative process has developed the National NGO Policy, which aims at providing an overall framework and direction within the NGO Sector. The Policy also provides a foundation for strengthening NGO's partnerships towards its contributions in the underlying national development strategies.

Government is confident that through this Policy, activities carried out by the NGOs in the country will contribute positively towards a transformed and self-reliant Malawi. Further, NGO activities shall be aligned to national development agenda and international instruments. The Policy will also enhance effective and inclusive partnerships among local and international NGOs, with a much stronger impact on national development.

The successful development of the Policy was a result of the full participation and cooperation of all stakeholders in the sector. I am confident that the same commitment, cooperation and support that contributed to the preparation of the policy will continue during implementation. I therefore call upon all stakeholders to support the implementation of the National NGO Policy for the benefit of the citizenry of Malawi.



Hon. Cecilia Chazama, M.P

MINISTER OF GENDER, CHILDREN, DISABILITY AND SOCIAL WELFARE

Preface

The National NGO Policy presents an opportunity for effective partnership, collaboration, regulation and coordination of NGOs, in the country. It provides an overall framework and direction of engagement of NGOs as partners in the national development process. The successful implementation of this policy requires a comprehensive institutional and legal framework, political commitment, and adequate resources as well as the commitment of all stakeholders.

The Policy has been developed to guide the NGO Sector in Malawi, their engagement with various stakeholders including the state, donors, and the citizenry. It provides policy directions, priority areas, strategies, implementation plan, and Monitoring and Evaluation framework that would help in achieving the long term goal of having a vibrant, transparent, accountable, coordinated, and a well-regulated NGO Sector in Malawi. The policy is aligned to a number of legal and institutional frameworks including the Constitution of the Republic of Malawi, the Malawi NGO Act 2001, the Malawi Growth and Development Strategy, and the Sustainable Development Goals.

The formulation of this policy evolved through a rigorous and elaborate participatory consultative process. The consultations involved various stakeholders among them are: government Ministries Departments and Agencies (MDAs), the NGO Board, the CONGOMA, local and international NGOs, the academia, United Nations agencies, Development Partners, Civil Society Organizations, local leaders, communities and individuals. UN Women and United Nations Development Programmes contributed to the financial support for the development of this policy.

It is my sincere hope that the commitment that all stakeholders had shown in developing this Policy will continue during its implementation.



Erica Maganga

SECRETARY FOR GENDER, CHILDREN, DISABILITY AND SOCIAL WELFARE

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List of acronyms

CBOs	Community Based Organizations
CONGOMA	Council for Non-Governmental Organizations in Malawi
CSOs	Civil Society Organizations
DDPs	District Development Plans
DEC	District Executive Committee
INGO	International Non-Governmental Organization
LNGO	Local Non-Governmental Organization
MDAs	Ministries, Departments and Agencies
MoGCDSW	Ministry of Gender, Children, Disability and Social Welfare
MGDS	Malawi Growth and Development Strategy
MoU	Memorandum of Understanding
NAP	National Action Platform
NGOs	Non-Governmental Organizations
SDGs	Sustainable Development Goals
SWG	Sector Working Group
TWG	Technical Working Group
VAPs	Village Action Plans
UN	United Nations

Glossary of Terms

For the purposes of this policy the following terminologies will be defined as follows:

Community Based Organizations (CBOs): These are groups of community members resident and working together at a local level as an independent not for profit organization registered wholly owned and registered at the Local Council through the Social Welfare Office. Their jurisdiction covers a particular identified locality within the council (that is their scope is limited to a Village and do not have permanent staff

Governance Structures: These are structures that have oversight and management role of an NGO including board and executive management.

Founders Syndrome: This is a condition where an organization face difficulties due to founder's resistance to change and when few individuals who were involved in the initial stages of an organization hold disproportionate power and influence.

National/Local organizations: These are NGOs that are controlled by Malawians and registered in accordance with the NGO law exclusively within Malawi.

NGO Coordinating Bodies: These constitute bodies or associations formed to represent collective interests and concerns of those NGOs under their jurisdiction.

NGO Regulatory Body: This is an institution that registers and regulates operations of NGOs in Malawi. In the current situation, the in NGO Regulatory Body refers to the NGO Board of Malawi.

NGO Sector: This is a grouping of stakeholders that have an interest in the work of NGOs in Malawi and they include: MDAs, Development Partners, NGOs and CSOs

Non-Governmental Organization (NGO): A legally constituted, not for profit making, autonomous and non-partisan entity whose primary activities include service provision, development initiatives, humanitarian response, awareness raising and advocacy, provided under framework of human development and good democratic governance;

1.0 INTRODUCTION

The National Non-Governmental Organization (NGO) Policy provides an overall framework and direction under which the government will continue engaging with NGOs as partners in the development process. The Policy is not aimed at stifling civil space of NGOs in Malawi but rather to enhance vertical and horizontal NGOs accountability and provide a foundation for strengthening NGO's partnerships towards its contributions in the underlying national development strategies. The aim of the National NGO Policy is to set out a framework that strengthens the relationship between the NGO Sector and Government, and to enhance capacities, accountability and effectiveness in the areas of service delivery, advocacy, empowerment and national development. In order to entrench the role that the NGO Board undertakes in promoting accountability in the NGO Sector, the Policy seeks to transform the NGO Board into a Regulatory Authority.

1.1 Background

1.1.1 Historical Context

The history of NGOs in Malawi dates back to colonial days prior to independence. They generally existed as native, welfare and cultural associations and independent church organizations. Their key function had been to promote the socio, economic, cultural, political and religious wellbeing of Malawians against the exploitative nature of colonialism, foreign trade and human trafficking.

In trying to create an environment conducive for working relationship between Government and NGOs, a Government-Working committee was established in 1981. In 1982, NGOs resolved to have one office that would deal with Government-NGO coordination, relations. Eventually, this led to the establishment of Council for Social Welfare Services in Malawi in 1985 to strengthen the delivery of social welfare services by social welfare organizations.

However, when Malawi adopted the multi-party democracy in 1993 the country witnessed the mushrooming of NGOs working in different sectors including human rights, democracy and good governance. By 1994, the number of NGOs registered in the country was 87. This sudden increase in the number of NGOs and the need to address the legal recourse for NGOs necessitated the drafting and passing of the NGO Bill into Law in 2001 to enhance NGOs' contribution to the economy and regulate their operations. Under this Act, the NGO Board of Malawi was formed to register and regulate the activities of the NGOs. Further, the NGO Act (2001) gave Council for Non-Governmental Organizations in Malawi (CONGOMA), which was established in 1992, the role to coordinate NGOs in the country. Since enactment of the law, NGOs have been operating in Malawi without a policy thereby resulting into weak coordination and regulation of the NGO

Sector.

1.1.2 Current Status

The absence of the NGO Policy in the country to guide the operations of NGOs has led to inefficient and ineffective regulation of the NGO Sector. Currently the registration procedure requires that for an NGO to register with the NGO Board, it should provide proof that the NGO is a member of CONGOMA and hence the registration discrepancies between CONGOMA and NGO Board since some NGOs operate without registering with the Board because they feel registering with CONGOMA gives them the right to start operating. For instance in 2017, 629 NGOs had registered with the NGO Board while 3,000 were registered with CONGOMA. In addition, some NGOs execute projects without prior consultations with local councils and respective government Ministries, Departments and Agencies (MDAs). Furthermore, most NGOs do not submit reports on their operations to the appropriate authorities such as local councils, and NGO Board which raises questions on their transparency and accountability. These practices lead to inefficient allocation and utilization of scarce resources and pose a great challenge in checking fraudulent practices and violation of rules of non-profit operations.

There has also been an undercurrent rivalry and competition spirit within the NGO Sector. For instance, NGOs scramble for the same donor resources which create acrimony amongst themselves thereby affecting networking and partnerships. Further, there is duplication of interventions which result into neglecting critical development issues.

In 2003, noting the foregoing challenges that the NGO Sector was facing, there was an attempt to develop a Non-State Actor Policy which aimed at enhancing accountability, transparency and coordination of NGOs in Malawi. However, the draft Non-State Actor Policy did not go through necessary approval stages hence it remained in draft form and hence the development of this policy.

1.1.3 Linkages with other relevant Policies, Development strategies and Legislation

The NGO Policy is linked to a number of policies and development strategies. The Policy is aligned to the Malawi Growth and Development Strategy III, African Union Agenda 2063 and Sustainable Development Goals (SDGs). The policy is also linked to various national and international legal instruments as follows:

1.1.3.1. The Constitution

The Constitution of Malawi upholds freedom of association which includes freedom to form Associations. It also provides that no entity shall be compelled to join an Association. The constitution is therefore linked to the NGO policy on areas of NGO Coordination through associations.

1.1.3.2. Malawi Growth and Development Strategy (MGDS) III

MGDS III, the overarching development strategy of the country, aims at reducing poverty through efforts from various stakeholders including Government, NGOs, Development Partners, and the citizenry. Under section 7.3, the Strategy has strengthening legal and policy frameworks for effective regulation of NGOs as a key intervention that will spur development in the country through the NGOs.

1.1.3.3. National Decentralization Policy

The National Decentralization Policy recognizes the key role that NGOs play at grassroots. This is manifested in the establishment of Civil Society Network whose members are represented at District Sector Working Groups. The policy also provide some guidelines to be followed when introducing any new projects at district level

1.1.3.4. Social Welfare Policy

The Social Welfare Policy identified partnerships among churches, NGOs and local structures as a key component to enhancing social protection for vulnerable groups. The policy recognizes that the provision of social welfare services in Malawi owes its foundation to working with Non-Governmental Organisations (NGOs) and other civil society groups. The policy therefore promotes partnerships with Civil Society Organisations such as Faith and Community-Based Organisations that are implementing programmes for the vulnerable children, families and communities.

1.1.3.5. Community Development Policy

The Community Development Policy offers State and Non-State actors the opportunity to engage with communities in a more coordinated way to meet local needs, address intractable problems, build capacity and support local development efforts. The Policy therefore aims at contributing towards effective and sustainable socio-economic development through a clearly defined, consistent and collaborative people-centered approach.

1.1.3.6. NGO Act (2001)

NGO Act (2001) is aimed at providing a regulatory framework for NGO operations in Malawi. Specifically the Act addresses issues relating to registration and other legal requirements for the

NGOs to operate in Malawi.

1.1.3.7 Access to Information Act (2017)

The Access to Information Act (2017) promote transparency and accountability of public authorities as well as private bodies. The Act is in line with the NGO Act and this policy as both promote transparency and accountability. NGOs are required to submit annual reports as a way of promoting transparency and accountability while the Board as a public authority is required to provide any public information to the public upon request as stipulated in by the Section 5 of the Act.

1.1.3.8. Local Government Act

The Act stipulates that any assistance to the Assembly (Local Council) from NGO shall be approved by the Minister responsible for Local Government in consultation with the Assembly.

1.1.3.9 Linkages with International Protocols and Convention

The Agenda 2030, with its notion of leaving no one behind, has major NGO Group which facilitates participation of NGOs in the implementation of the SDGs. It also recognizes voices of the Civil Society to bring diversity into implementation, monitoring and evaluation. Specifically, SDG 16 promotes strong non state actors that give governments checks and balances.

Malawi ratified various international protocols and conventions including: the Universal Declaration on Human Rights; International Convention on Civil and Political Rights; the, African Charter on Human and Peoples' Rights (1981); First Optional Protocol to the International Covenant on Civil and Political Rights (1996); Convention on the Elimination of all forms of Discrimination Against Women (CEDAW,1979); Convention on the Elimination of All Forms of Racial Discrimination (1996); and Rome Statute of the International Criminal Court (1998). Theses treaties and conventions guides the Policy on issues of human rights in the NGO Sector

1.2 Problem Statement

The absence of a policy to regulate the NGO sector has resulted into many challenges including: inadequacies in the existing legal and regulatory framework for the operations of NGOs; inadequate capacity in Government and amongst NGO actors to propel sustainable NGO sector development; inadequate integrity, transparency and accountability by NGO actors for the public

resources received; double mandatory registration of NGOs with CONGOMA and Board; and lack of adequate and reliable data and information on the NGO sector.

The double mandatory registration of NGOs led to the registration discrepancies between CONGOMA and NGO Board since some NGOs operate without registering with the Board as the current law requires an NGO to first register with CONGOMA before registering with the Board. As a result of this, in 2017, 660 NGOs had registered with the Board while 1,100 were registered with CONGOMA.

Some NGOs lack accountability to local regulatory organizations particularly the NGO Board especially on audit requirements and annual returns. Those that are audited in foreign countries do not systematically share the audit reports for in-country programs. Furthermore, most NGOs do not meet the reporting criteria as required by the law as well as other relevant stakeholders like Local Councils and MDAs.

Furthermore, there are inconsistencies between the NGO Act (2001) and the Constitution. Section 20, subsection 3 of NGO Act (2001) requires that for a Non-Governmental Organization to register, it should provide proof that it is a member of CONGOMA which is an association of NGOs in Malawi. Section 32 subsection 1 and 2 of the Constitution of the Republic of Malawi, on the other hand, promotes the right to freedom of association and that no person or organization should be compelled to belong to an association.

Weak collaboration and partnership is also one of the critical issues affecting the NGO Sector in Malawi. Despite efforts to encourage NGOs to work through NGO networks at Local Council level, they still work in silos which result into duplication of efforts and lack of information sharing amongst key stakeholders in the sector. This leads to a situation where NGOs are concentrated in a particular district or region thereby leaving other vulnerable population in other areas subserviced. In addition, the NGOs registered to operate in specific sector are found implementing activities in a different sector.

Some NGOs within the sector have limited technical and organizational capacity to effectively deliver their roles and responsibilities. This situation is worse in Local NGOs than International NGOs operating in the country. International NGOs are expected to build capacity of LNGOs, however, in Malawi capacity building of LNGO is not treated as a priority. The problem is compounded by weak collaboration within the NGO Sector. Further, the NGO Regulatory Body has institutional capacity constraints which makes it difficult to regulate and monitor NGO operations in the country.

In addition to above mentioned challenges, some NGOs execute projects without prior

consultations with local councils and respective government Ministries, Departments and Agencies (MDAs) coupled by the failure on the part of most NGOs to submit annual reports and audited financial reports on their operations to the appropriate authorities such as local councils and NGO Board which raises questions on their integrity, transparency and accountability. These practices lead to inefficient allocation and utilization of scarce resources and pose a great challenge in checking fraudulent practices and violation of rules of non-profit operations.

There has also been an undercurrent rivalry and competition spirit within the NGO sector. For instance, NGOs scramble for the same donor resources which create animosity amongst themselves thereby affecting networking and partnerships. Further, there has been duplication of interventions which result into neglecting critical development issues.

Finally, poor documentation on the interventions being implemented under the NGO Sector stifled replication of best practices brought in by the Sector into the country.

1.3 Purpose of the Policy

The purpose of the Policy is to enhance the contribution of NGOs towards the attainment of social and economic development in the country.

2.0 Broad Policy Directions

2.1 Policy Goal

The goal of the National NGO Policy is to fortify the relationship between the NGO Sector and Government, and enhance capacities and effectiveness in the areas of regulation, coordination, service delivery, advocacy and community empowerment.

2.2 Policy Outcomes

The National NGO Policy outcomes are as follows:

- 2.2.1 Enhanced integrity, accountability, transparency and responsiveness amongst NGO sector players; and
- 2.2.2 Improved coordination and availability of a strong and efficient mechanism for effective monitoring and assessing the impact of the NGO sector to development.

2.3 Policy Objectives

The Policy seeks to achieve its outcomes through the following objectives:

- 2.3.1 To create an enabling legal and institutional framework for protection and participation of stakeholders in the NGO Sector;
- 2.3.2 To strengthen mechanisms for collaborative relationship between NGOs, the government, funding agencies and other stakeholders;
- 2.3.3 To improve transparency and accountability of NGOs within the NGO Sector; and
- 2.3.4 To strengthen the capacity of relevant stakeholders in the NGO Sector

2.4 Guiding Principles

Operationalization of the NGO Policy is guided by the following key principles and values;

- i. Respect for fundamental human rights and freedoms with regard to social, cultural and religious beliefs and practices, which rights will be exercised responsibly;
- ii. Freedom of association and independence of individuals and NGOs within the overall framework of the law;
- iii. Gender equity and equality, inclusion, voluntarism, and respect for diversity within the NGO Sector in accordance with the laws of Malawi;
- iv. The right of the NGOs to autonomy, self-governance and regulation consistent with the applicable laws of Malawi;
- v. Dignity, mutual respect and trust underpinned by open dialogue, transparency and

accountability;

vi. Informed public participation in development and alignment of activities to the National Development Agenda; and

vii. Fostering sustainability of interventions through capacity building, networking and partnerships;

3.0 POLICY PRIORITY AREAS

There are numerous issues that need to be addressed in the NGO Sector. However the, implementation of this policy by the government and its partners will focus on five priority areas namely: (i) Regulation of NGOs; (ii) Coordination, Networking and Partnerships; (iii) Accountability and Transparency; (iv) Governance, Ownership and Capacity in NGOs; and (v) Sustainability and responsiveness of NGO Programmes.

3.1 Regulation of NGOs

The NGOs play a crucial role in the development of the country if their operations are well regulated. Regulation implies rules and systems including policies, laws and regulations that are put in place to ensure that the NGOs are operating within their mandates, jurisdictions and that the public resources they get in the name of Malawians are used for the intended purpose. However, in Malawi there is weak NGO law enforcement and weak regulatory framework within the NGO Sector. This priority area aims at achieving a well-regulated NGO Sector with clearly defined standards and guidelines.

Policy Statements

The policy will ensure that there is effective regulation of NGOs and enhanced enforcement of the law within the NGO Sector.

Strategies:

- i. Reviewing the NGO Act (2001);
- ii. Developing regulations and guidelines for operation of NGOs;
- iii. Facilitating enforcement and dissemination of the Act, regulations and guidelines;
- iv. Facilitating the development and enforcement of by-laws on NGOs at Local Council level;
- v. Enhancing the capacity of NGO Regulatory Body to effectively regulate all NGOs in Malawi.

3.2 Coordination, Partnerships and Networking

Coordination is the act of making different NGOs that are registered with the Board to work together for a common goal through Partnership that ensures that the NGOs cooperate to advance their mutual interest which is achieved through networking that fosters the exchange of information and ideas among NGOs for the benefit of the general public. Coordination, partnership and networking are crucial to the improvement of the NGOs' operations because they provide for

collaboration and sharing of information which results into efficient delivery of services.

Weak coordination, partnerships and networks lead to conflicting strategies at community level and inequitable distribution of resources. This derails achievement of intended development results and limits the knowledge and understanding of good practices within the sector.

Policy Statements

The policy will ensure that there is strong coordination, partnerships and networks among NGOs and harmonised strategies for implementation and resourcing of programmes at community level.

Strategies:

- i. Developing and enforcing regulations on partnership between LNGOs and INGOs;
- ii. Establishing and strengthening Civil Society Networks at all levels;
- iii. Facilitating the establishment and implementation of MOUs between Local councils and NGOs when registering at district levels;
- iv. Designing and implementing strategies for NGOs to be fairly distributed throughout the country;
- v. Developing and enforcing measures that shall ensure equitable spatial distribution of NGOs in the country;
- vi. Conducting and disseminating the findings of geo mapping exercises that show spatial distribution of NGOs in the country
- vii. Developing and enforcing measures that shall ensure that NGOs confine themselves to goals that were set in their constitution
- viii. Developing and implementing harmonized incentive guidelines that will not jeopardize other development initiatives

3.3. Accountability and Transparency

Integrity, Accountability and Transparency promote prudent management and efficient channeling of resources to interventions that would benefit the citizenry. In addition, it builds confidence among stakeholders and encourages citizen participation in development programs. However, there has been a challenge for other NGOs to submit technical and audited financial reports and

lack of full disclosure of information regarding programs resulting into inefficient allocation and utilization of limited development resources.

Policy statements

The policy will ensure that NGOs are transparent and accountable in their operations.

Strategies:

- i. Amending the NGO Act 2001 to transform the NGO Board into the NGO Regulatory Authority;
- ii. Enhancing integrity through awareness creation on transparency and accountability in the NGO Sector in accordance with the NGO Act;
- iii. Strengthening mechanisms for reporting progress and finances at all levels as provided for in the NGO Law;
- iv. Developing and implementing integrity check guidelines for the smooth operations of NGOs;
- v. Enhancing the mandate of the NGO Regulatory Body to prosecute cases involving non-compliant NGOs;
- vi. Promoting citizen participation to enable beneficiaries hold duty bearers including NGOs accountable at all levels; and
- vii. Enhancing collaboration among relevant institutions to check fraudulent activities within the NGO sector.

3.4 Governance and Ownership in NGOs

Governance which entails proper and effective management of the NGOs in Malawi is key to ensuring that internal operations and legitimacy of the NGOs are strengthened with a view to sustain the gains registered through the operations of the NGOs.

In Malawi, however, some NGOs were established by people who tend to hold un-proportionate power in the day today running of the NGOs. This *founders' syndrome* coupled with weak governance structures compromise service delivery within the Sector.

Policy Statements

The policy will ensure that the NGOs' governance structures are strengthened in order to reduce challenges associated with governance and ownership

Strategies:

- i. Developing and implementing standards for governance structures of NGOs;
- ii. Sensitizing NGOs on the importance of recruiting qualified personnel to hold key positions;
- iii. Promoting adherence to Gender Equality Act on recruitment, appointment and promotion of office bearers in NGOs' management structures; and
- iv. Providing security services to all NGO employees.

3.5 Sustainability of NGO Programmes

Sustainability is an act of being able to continue operating or enjoying the benefits accrued through the NGOs over a period of time. Effective governance structures are therefore essential to NGO operations as they provide checks and balances and the sustainability of NGOs' programmes promotes attainment of development goals and efficient allocation of resources.

Inadequate consultations and involvement of local structures and communities, inadequate capacity of Local Councils, failure to hand over NGO projects and limited capacity by NGOs, compromise the sustainability of the NGO programmes.

Policy Statement

The policy shall ensure that mechanisms that promote sustainability of NGO programmes are developed and implemented.

Strategies:

- i. Increasing the participation of communities in local structures;
- ii. Building the capacity of local councils including local structures to manage NGOs at local level;
- iii. Developing and implementing guidelines on proper handover of NGO programmes and assets
- iv. Developing a framework for agreements between local councils and NGOs to govern development work at grassroots;
- v. Promoting sharing of information and funding opportunities in the NGO Sector.

4.0 INSTITUTIONAL ARRANGEMENT

The implementation of the NGO Policy will be the responsibility of all stakeholders involved in NGO work using different structures set by the government. Steering Committees and Technical Committees will be set up to check the implementation of the NGO Policy. Different stakeholders will assist in the implementation of the policy to compliment efforts that will be initiated by the NGO Regulatory Body.

Effective implementation of the National NGO Policy requires collaboration of different actors. The policy identifies and spells out roles and responsibilities of different stakeholders, both State and Non-State actors as summarized below:

4.1 Ministry responsible for Social Welfare

Will be responsible for:

- a) Coordinating and promoting the implementation of the National NGO Policy;
- b) Supporting the NGO Regulatory Body to build institutional capacity to carry out its mandate;
- c) Assisting the NGO Regulatory Body to lobby for resources for implementation of the Policy;
- d) Supporting the research agenda of the NGO Regulatory Body;
- e) Supporting the development and enhancement of the integrated information management and reporting capacity;
- f) Designating the NGO focal person to streamline engagement between the Ministry and NGOs; and
- g) Encouraging stakeholder involvement in the implementation of the Policy

4.2 The NGO Regulatory Body

Will be responsible for:

- a) Playing the regulatory role for the NGO Sector;
- b) Facilitating technical and steering review meetings that reports on implementation progress;
- c) Registering of new and existing NGOs in the country;

- d) Monitoring the programs of different NGOs to track progress;
- e) Deregistration of NGOs that do not meet legitimate requirements using processes stipulated in the act;
- f) Ensuring local and international NGOs create viable partnerships when possible;
- g) Ensuring NGOs build institutional capacity to carry out their mandates; and
- h) Mobilizing resources that will ensure full independence of the Board.
- i) Prosecuting cases involving non-compliant NGOs

4.3 Ministries, Departments and Agencies (MDAs)

Will be responsible for integration and documentation of NGOs' contribution in various programs.

4.4 NGO Coordinating Bodies

Will be responsible for:

- a) Coordinating all NGOs under their jurisdiction in Malawi that represents the collective interests and concerns of those NGOs;
- b) Popularizing the National NGO Policy amongst their members;
- c) Representing their constituency during Policy Reviews; and
- d) Ensuring that their members are operating within the perimeters of the policy and NGO Law.

4.5 Development Partners

Will be expected to comply with the objectives and principles of the NGO Policy and relevant legislations and support NGO Sector partnership coordination mechanisms by:

- a) Providing technical, financial and logistical support for the implementation of NGO programs; and
- b) Supporting the development of a vibrant NGO Sector by complying with the objectives and principles of the National NGO Policy and relevant legislation.

4.6 The Media

Will be responsible for:

- a) Disseminating and popularizing the NGO Policy amongst different stakeholders; and
- b) Provision of wide publicity of success stories in the NGO Sector.

4.7 The Ministries Responsible for Local Government and Rural Development

Will be responsible for

- a) Coordinating, monitoring and evaluating activities of NGOs at local councils through various Technical Working Groups (TWGs) and other district level institutional arrangements;
- b) Facilitating the formulation of by-laws to guide in the monitoring of NGOs at Council level;
- c) Ensuring that NGO's programs are aligned to the Urban\District Development Plans (DDPs); and
- d) Mobilizing NGOs that are carrying out similar programs within the district to reduce duplication and to widen the impact areas.

4.8. Ministry Responsible for Community Development

In collaboration with community leaders, mobilize citizens to actively engage with NGO's in various community development interventions that are aimed at uplifting the welfare of people in their respective communities;

4.9 Non-Governmental Organisations

Will be responsible for:

- a) Internalizing and complying with the principles and provisions of this Policy and its accompanying legal instruments and institutional arrangements;
- b) Reporting on operational and financial progress to the NGO Regulatory Body at stipulated timelines;
- c) Attending review meetings and other activities incepted by the board;
- d) Assisting the board to improve on its performance; and
- e) Conducting programs in a responsible and accountable manner.

4.10 Community leaders

Will be responsible for:

- a) Mobilizing citizens to actively engage with NGO's in various community development interventions that are aimed at uplifting the welfare of people in their respective communities;

- b) Presenting Village Action Plans (VAPs) to NGOs in their respective areas and participate in grassroots level;
- c) Auditing of the contribution of the NGO's to community development;
- d) Utilizing financial, technical and human resources in an accountable manner; and
- e) Reporting to the local councils the ills or lack of compliance by community level NGOs.

4.11 Local Community

Will be responsible for supporting the legitimate activities of NGO's based on clear communication and satisfaction of the alignment of the NGO's interventions, objectives, and methods of work, with development problems prevalent in those communities.

4.12 Ministry responsible for Justice

The Ministry shall ensure that there are no inconsistencies between the Constitution and others legal instruments pertaining to NGO operations in the Country. It shall also ensure that rights of all stakeholders are protected by legal systems.

4.13 Ministry responsible for Finance, Economic Planning and Development

The Ministry shall ensure that adequate resources are channeled towards implementation of the NGO Policy and all NGO programmes are aligned with national development frameworks including the Malawi Growth and Development Strategy III.

4.14 The Private Sector

The Private Sector is expected to support the objectives and principles of the NGO Policy and develop productive linkages with international, national and local NGOs.

4.15 Research and Academic Institutions

Research and Academic Institutions are expected to undertake operational research in NGO Sector policy management and developmental impact, and widely disseminating the findings.

4.16 Anti-Corruption Bureau

The Bureau will sensitize NGOs on the evils of corruption and measures on how address the vice in the NGO Sector

5.0. IMPLIMENTATION ARRANGEMENT

5.1 Implementation Plan

The effective implementation of the NGO policy will be streamlined through a five year plan provided in annex 1. The implementation plan will be subjected to review after five years of implementation. The NGO Regulatory Body will coordinate the implementation of the policy and its success will highly depend of commitment from various stakeholders and availability of resources.

5.2 Monitoring and Evaluation

Monitoring and evaluation plan has been developed to improve collection, storage and dissemination of data on NGO Operations and measure progress as highlighted in the annex 1. A Monitoring and Evaluation System will be developed to enhance coordination of monitoring and evaluation of the Policy. Government will lead all monitoring and evaluation activities and ensure that stakeholders have the capacity to undertake monitoring and evaluation activities. The Policy will be evaluated twice. Midterm evaluation will be conducted after three years whilst post-implementation evaluation will be carried out after implementation period of the Policy. The detailed monitoring and evaluation plan has been highlighted in annex 2 of the document.

ANNEX 1: IMPLEMENTATION PLAN

IMPLEMENTATION PLAN FOR THE NON GOVERNMENTAL ORGANIZATION POLICY

INTRODUCTION

The National NGO Policy will be implemented in a period of five years from 2019 to 2023. Implementation of the NGO Policy will be the main responsibility of the NGO Regulatory Body. The efforts will be complemented by various stakeholder outlined in the detailed implementation plan. The success of the plan largely depends on commitment by responsible parties and availability of financial and technical resources.

Policy Priority Area 1: Regulation of NGOs

Policy Statement

The policy will ensure that there is effective regulation of NGOs and enhanced enforcement of the law within the NGO sector

Strategy 1: Reviewing the NGO Act (2001)

Strategy 2: Developing regulations and guidelines for operation of NGOs

Strategy 3: Facilitating enforcement and dissemination of the Act, regulations and guidelines

Strategy 4: Facilitating the development and enforcement of by-laws on NGOs at Local Council level

Strategy 5: Enhancing the capacity of NGO regulatory body to regulate all NGOs in Malawi

Policy Priority Area 2: Coordination, Partnerships and Networking

Policy Statement

The policy will ensure that there is strong coordination, partnerships and networks among NGOs and harmonised strategies for implementation and resourcing of programmes at community level

Strategy 1: Developing and enforcing regulations on partnership between LNGOs and INGOs

Strategy 2: Establishing and strengthening Civil Society Networks at district level

Strategy 3: Facilitating the establishment and implementation of MOUs between Local councils and NGOs when registering at district levels

Strategy 4: Designing and implementing strategies for NGOs to be fairly distributed throughout the country

Strategy 5: Developing and enforcing measures that shall ensure equitable spatial distribution of NGOs in the country;

Strategy 6: Conducting and disseminating the findings of geo mapping exercises that show spatial distribution of NGOs in the country

Strategy 7: Developing and enforcing measures that shall ensure that NGOs confine themselves to goals that were set in their constitution

Strategy 8: Developing and implementing harmonized incentive guidelines that will not jeopardize other development initiatives

Policy Priority Area 3: Accountability and Transparency

Policy Statement

The policy will ensure that NGOs are transparent and accountable in their operations

Strategy 1: Amending the NGO Act 2001 to transform the NGO Board into the NGO Regulatory Authority

Strategy 2: Enhancing integrity through awareness creation on transparency and accountability in the NGO sector in accordance with the NGO Act

Strategy 3: Strengthening mechanisms for reporting progress and finances as provided for in the NGO Law

Strategy 4: Developing and implementing integrity check guidelines for the smooth operations of NGOs

Strategy 5: Promoting citizen participation to enable beneficiaries hold duty bearers including NGOs accountable

Strategy 6: Enhancing collaboration among relevant institutions to check fraudulent activities within the NGO sector

Strategy 7: Enhancing the mandate of the NGO Regulatory Body to prosecute cases involving non-compliant NGOs.

Policy Priority Area 4: Governance and Ownership in NGOs

Policy Statement

The policy will ensure that the sector engages qualified personnel whilst ensuring that NGOs' governance structures are strengthened in order to reduce challenges associated with governance and ownership

Strategy 1: Developing and implementing standards for governance structures of NGOs;

Strategy 2: Sensitizing NGOs on the importance of recruiting qualified personnel to hold key positions;

Strategy 3: Promoting adherence to Gender Equality Act on recruitment, appointment and promotion of office bearers in NGOs' management structures

Strategy 4: Providing security services to all NGO employees.

Policy Priority Area 5: Sustainability of NGO Programmes

Policy statement

The policy shall ensure that mechanisms that promote sustainability of NGO programmes are developed and implemented

Strategy 1: Increasing the participation of communities in local structures

Strategy 2: Building the capacity of local councils including local structures to manage NGOs at local level

Strategy 3: Developing and implementing guidelines on proper handover of NGO programmes and assets

Strategy 4: Developing a framework for agreements between local councils and NGOs to govern development work at grassroots

Strategy 5: Promoting sharing of information and funding opportunities in the NGO sector

Annex 1: NGO POLICY IMPLEMENTATION PLAN**Priority Area 1: Regulation of NGOs**

The policy will ensure that there is effective regulation of NGOs and enhanced enforcement of the law within the NGO sector

Objective	Strategy	Stakeholders	Time Frame
To create an enabling legal and institutional framework for protection and participation of stakeholders in the NGO sector	Reviewing the NGO Act (2001)	NGO Regulatory Body/ Malawi Law Commission/ Ministry of Justice	2019-2020
	Developing regulations and guidelines for operation of NGOs	NGO Regulatory Body/ District Councils	2019-2020
	Facilitating enforcement and dissemination of the Act, regulations and guidelines	NGO Regulatory Body	2020-2023
	Facilitating the development and enforcement of by-laws on NGOs at Local Council level	NGO Regulatory Body/ District Councils/ NGO's Networks	2019-2019
	Enhancing the capacity of NGO regulatory body to regulate all NGOs in Malawi	MoGCDSW/ NGO Regulatory Body	2019-2023

Priority Area 2 : Coordination, Partnerships and Networking			
The policy will ensure that there is strong coordination, partnerships and networks among NGOs and harmonised strategies for implementation and resourcing of programmes at community level			
Objective	Strategy	Stakeholders	Time Frame
To strengthen mechanisms for collaborative relationship between NGOs, the government, funding agencies and other stakeholders	Developing and enforcing regulations on partnership between LNGOs and INGOs;	NGO Regulatory Authority / NGO's Networks	2019-2023
	Establishing and strengthening Civil Society Networks at district level;	NGO Regulatory Body/ NGO's Networks	2020-2021
	Facilitating the establishment and implementation of MOUs between Local councils and NGOs when registering at district levels;	NGO Regulatory Body/ District Councils/ NGO's	2020-2023
	Designing and implementing strategies for NGOs to be fairly distributed throughout the country;	MoGCDSW/ MoLGRD/ NGO Regulatory Body	2019-2021
	Ensuring equitable spatial distribution of NGOs in the country	MoGCDSW/ MoLGRD/ NGO Regulatory Body	2019-2023

Priority Area 3: Accountability and Transparency			
The policy will ensure that NGOs are transparent and accountable in their operations			
Objective	Strategy	Stakeholders	Time Frame
To improve transparency and accountability of NGOs within the NGO sector	Amending the NGO Act 2001 to transform the NGO Board into the NGO Regulatory Authority	Ministry of Justice and Constitutional Affairs	2019
	Enhancing integrity through awareness creation on transparency and accountability in the NGO sector in accordance with the NGO Act;	NGO Regulatory Body/ District Councils/ NGO Networks	2019-2023
	Strengthening mechanisms for reporting progress and finances as provided for in the NGO Law;	NGO Regulatory Body/ District Councils	2019-2021
	Developing and implementing integrity check guidelines for the smooth operations of NGOs;	NGO's Networks/ District Councils	2019-2021
	Promoting citizen participation to enable beneficiaries hold duty bearers including NGOs accountable.	NGO Regulatory Body/ District Councils	2019-2023
	Enhancing the mandate of the NGO Regulatory Body to prosecute cases involving non-compliant NGOs;	Ministry of Justice and Constitutional Affairs	2020-2021

Priority Area 4: Governance and Ownership in NGOs			
The policy will ensure that the sector engages qualified personnel whilst ensuring that NGOs' governance structures are strengthened in order to reduce challenges associated with governance and ownership			
Objective	Strategy	Stakeholders	Time Frame
To ensure that the NGOs' governance structures are strengthened in order to reduce challenges associated with governance and ownership	Developing and implementing standards for governance structures of NGOs;	NGO Regulatory Body/ NGO Networks	2019-2023
	Ensuring recruitment of qualified personnel to hold key positions;	NGO Regulatory Body	2019-2023
	Promoting adherence to Gender Equality Act on recruitment, appointment and promotion of office bearers in NGOs' management structures	NGO Regulatory Body/ NGO Networks/ Development Partners	2019-2023
Priority Area 5: Sustainability of NGO Programmes			
The policy shall ensure that mechanisms that promote sustainability of NGO programmes are developed and implemented			
Objective	Strategy	Stakeholders	Time Frame
To strengthen the capacity of relevant stakeholders in the NGO sector	Increasing the participation of communities in local structures;	District Councils/ NGO Regulatory Body/ NGOs	2019-2023
	Building the capacity of local councils including local structures to manage NGOs at local level;	District Councils/ NGO Regulatory Body/ NGOs	2019-2023
	Developing and implementing guidelines on proper handover of NGO programmes and assets	NGO Regulatory Body/ NGOs/ District Councils	2019-2020
	Developing a framework for agreements between local councils and NGOs to govern development work at grassroots;	NGO Regulatory Body/ NGOs/ District Councils	2019-2020
	Promoting sharing of information and funding	NGOs	2019-2020

	opportunities in the NGO sector	
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ANNEX II: MONITORING AND EVALUATION PLAN

NGO POLICY MONITORING AND EVALUATION FRAMEWORK

The monitoring will be done periodically based on the indicators and targets as set in Annex 2. The monitoring process will include several activities including review meetings, review of financial records, field monitoring and mapping of NGOs among others. Evaluation of the policy will be conducted at mid-term and at the end of the five year policy implantation period. Monitoring will be facilitated by the NGO Regulatory Body Research and Monitoring team. Academic and Research institutions will also be accommodated to ensure that information is enriched. Output based indicators are outlined in the table below.

Annex 2:

The goal of the National NGO Policy is to fortify the relationship between the NGO Sector and Government, and enhance capacities and effectiveness in the areas of regulation, coordination, service delivery, advocacy and community empowerment

Outcome: 2.2.1 Enhanced integrity, accountability, transparency and responsiveness amongst NGO sector players

Objective	Output	Indicator	Baseline	Target	Means of Verification	Risk/Assumptions
To improve transparency and accountability of NGOs within the NGO sector	NGO Board transformed into the NGO Regulatory Authority	Number of NGO Regulatory Authority	0	1	NGO Amendment Bill	Resistance from the NGOs
	Awareness on transparency and accountability in the NGO sector created	Number of NGOs registered with the NGO Regulatory Body of Malawi	680	1,000	NGO Database	Non-compliance of NGOs to NGO Act
		Proportion of NGOs submitting reports to District Executive Committee	TBD	50%	NGO Mapping Report	Weak NGO Coordination at district level
	Mechanisms for reporting finances and progress strengthened	Proportion of registered NGOs submitting Audited Financial Reports to NGO Regulatory Body	25%	60%	NGO Database	NGOs commitment to submit reports

		Proportion of registered NGOs submitting Technical Reports to the NGO Regulatory Body	25%	60%	NGO Database	NGOs commitment to submit reports
		Proportion of registered NGOs submitting Annual Return to the NGO Regulatory Body	25%	60%	NGO Database	NGOs commitment to submit reports
	Integrity check guidelines for the smooth operations of NGOs developed	Integrity check guidelines for the smooth operations of NGOs in Place	0	1	Guideline document	
	Awareness on citizen participation created	Number of Area Development Committees trained on citizen's participation in Development	0	158	Activity Reports	Availability of financial resources
To strengthen the capacity of relevant stakeholders in the	Standards for governance structures of NGOs developed	Standards for governance structures of NGOs in place	0	1	Guidelines document	Availability of financial resources

		Proportion of registered NGOs adhering to Standards for governance structures	0%	30%	NGO Governance Survey	Availability of financial resources
NGO sector	Recruitment of qualified personnel to hold key positions enhanced	Proportion of registered NGOs with qualified personnel in decision making positions	TBD	60%	NGO Governance Survey	Availability of financial resources
	Adherence to Gender Equality Act on recruitment, appointment and promotion of office bearers in NGOs' management structures promoted	Proportion of NGOs with at least 40% Women	TBD	25%	NGO Governance Survey	Availability of financial resources

Objective	Output	Indicator	Baseline	Target	Means of Verification	Risk/Assumptions
Outcome: 2.2.2 Improved coordination within the NGO and availability of a strong and efficient mechanism for effective monitoring and assessing the impact of the NGO sector to development.						
To create an enabling legal and institutional framework for protection and participation of stakeholders in the NGO sector	NGO Act (2001) reviewed	Reviewed NGO Act in place	0	1	NGO Act	Ministry of Justice, the parliament and all stakeholders are commitment to reviewing the NGO Act
	Regulations and guidelines for operations developed	Regulations for the NGO Act in place	0	1	Regulations for the NGO Act	Availability of the NGO Act
		Guidelines for NGO Operations in place	0	1	Guidelines for NGO Operations	Availability of the NGO Act

	Capacity of NGO regulatory body enhanced	Vacancy Rate in NGO Regulatory Body	65%	20%	Staff Return	Availability of resources
		Number of Operational Management System in place (Financial, M&E, Human Resource, NGO Database)	1 (Financial)	3	Verification	Availability of resources
To strengthen mechanisms for collaborative relationship between NGOs, the government, funding agencies and other stakeholders	Regulations on partnerships between LNGOs and INGOs developed	Proportion of INGOs partnering with LNGOs	TBD	30%	NGO Mapping Report	Availability of resources

	Establishment and implementation of MOUs between Local councils and NGOs when registering at district levels facilitated	Proportion of Local Authorities signed MOUs with Civil Society Networks	26%	100%	Copies of MoUs	Local Government commitment
	Strategies for fair distribution of NGOs across the country designed	Number of District where Mapping exercise were conducted within two years.	4	28	Mapping Reports	Availability of resources
	Guidelines developed	Guidelines on proper handover of NGO programmes in place	0	1	Guideline on proper handover of NGO programmes	Commitment from stakeholders