

Category	Annual income for previous year	annual fees	
		K	t
C	Above K500,000,000 but below K2,000,000,000,000	1,000,000.	00
D	Above K2,000,000,000,000	2,000,000.	00
E	Surcharge	5% of fees due for each month or part thereof during which the fees remain unpaid	

THIRD SCHEDULE (reg 9(3))

EMPLOYMENT PERMIT RECOMMENDATION LETTER

Employment Permit recommendation letter USD 300.00

Made this 3rd day of December, 2024

J. M. SENDEZA
Minister of Gender, Community
Development and Social Welfare

(FILE NO: ADM/MoU/7)

GOVERNMENT NOTICE NO. 70

NON-GOVERNMENTAL ORGANIZATIONS ACT	
(CAP. 5:05)	
NON-GOVERNMENTAL ORGANIZATIONS (OPERATIONS OF	
INTERNATIONAL NGOS) REGULATIONS, 2024	
ARRANGEMENT OF REGULATIONS	
REGULATION	
PART I—PRELIMINARY	
1. Citation	
2. Interpretation	
3. Role of the Authority	
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5. Implementation by international NGOs	
6. Partnership agreement	
7. Scope of partnership	
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REGULATION

PART III—CLOSING INGO OPERATIONS

- 10. Closure of partnership agreement
- 11. Closure of an INGO
- 11. Offences and penalties

IN EXERCISE of the powers conferred by section 35 (1)(a) of the Non-Governmental Organizations Act, I, JEAN MUONAOUZA SENDEZA, Minister of Gender, Community Development and Social Welfare, make the following Regulations—

PART I—PRELIMINARY

- 1. These Regulations may be cited as the Non-Governmental Organizations (Operations of International NGOs) Regulations, 2024. Citation
- 2. In these Regulations, unless the context otherwise requires— Interpretation
 - “partnership” means a collaborative agreement between local and international NGOs in project implementation; and
 - “service agreement” means a legal contract between Government of Malaŵi Ministries and an NGO for the delivery of a particular service.
- 3. The Authority shall— Role of the Authority
 - (a) enforce compliance of parties to the partnership agreement;
 - (b) conciliate or mediate partnership disputes in accordance with prescribed Regulations;
 - (c) where necessary, investigate partnership disputes;
 - (d) keep a record of partnership agreements; and
 - (e) do all such things as are necessary or incidental or conducive, in an independent and impartial manner, to support the effective implementation of the partnership agreement.

PART II—PARTNERSHIP

- 4.—(1) The partnership shall be guided by the principles of— Principles of partnership
 - (a) equality;
 - (b) complementarity;
 - (c) aid effectiveness;
 - (d) transparency and accountability;
 - (e) results oriented approach;
 - (f) localization; and
 - (g) diversity.
- (2) The partnership agreement shall be guided by the principles of objectivity, fairness and natural justice, and shall give consideration to, among other things—

	<div>(a) the rights and obligations of the parties; and</div> <div>(b) the circumstances surrounding the partnership, including any previous operational practices between the parties.</div>
Implementa- tion by international NGOs	<div>5. An international NGO operating in Malaŵi shall implement its projects in partnership with a local NGO except for where—</div> <div>(a) the international NGO is working in specialized areas that require specialized skill that is not available in the local NGOs;</div> <div>(b) the international NGO has a service agreement with Government of Malaŵi; and</div> <div>(c) a partnership agreement relates to partnership with Community Based Organization or the private sector.</div>
Partnership agreement	<div>6.—(1) An international NGO compliant with the Act shall enter into a partnership agreement with local NGO compliant with the NGO Act.</div> <div>(2) A partnership made under these Regulations shall be governed by the partnership agreement.</div> <div>(3) The partnership agreement shall include—</div> <div>(a) the name of the parties in the agreement;</div> <div>(b) the duration of the partnership agreement;</div> <div>(c) the name of the partnership project;</div> <div>(d) the key deliverables of the partnership agreement; and</div> <div>(e) the project resources.</div> <div>(4) The partnership agreement shall be filed with the Authority within thirty days of being signed.</div> <div>(5) The partnership shall report to the Authority in accordance with the reporting regulation.</div> <div>(6) The partnership agreement shall be project based or at organizational level.</div>
Scope of partnership	<div>7.—(1) The partnership agreement shall include—</div> <div>(a) details of how the project will deliver public benefit;</div> <div>(b) details of how either party will deliver capacity strengthening including—</div> <div>(i) human resource;</div> <div>(ii) assets; and</div> <div>(iii) systems and structures; and</div> <div>(c) a commitment to make available a minimum of thirty per cent of project resources towards project implementation.</div>
Confidentiality	<div>8.—(1) All documents, records, reports, agreements and any other documents required or used in the course of implementing an operation under a partnership shall be confidential.</div>

- (2) The partners shall not disclose information given in the course of implementing a partnership to a person who is not a party to the partnership agreement without the consent of all parties.

(3) Not withstanding subregulation (2) the partners shall disclose information within and regarding the partnership to the Authority when necessary.

9. Nothing in these Regulations 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.
- Powers under other written laws

PART III—CLOSING IN NGO OPERATIONS

10. In closing a partnership agreement, the parties shall—

 - (a) produce and submit a detailed project report;
 - (b) inform the Authority within thirty days;
 - (c) ensure all liabilities have been settled, in the course of which partners, follow the partnership agreement in the disposal of assets; and
 - (d) where, in the case of an international NGO in a service agreement, handover assets to government.

11. An international NGO shall—

 - (a) inform the Authority 3 months before closing the NGO;
 - (b) submit in writing to the Authority a letter explaining their intention to close operations;
 - (c) file a resolution of the board to cease operations;
 - (d) file a report with the Authority under the reporting regulations including details of assets and distribution; and
 - (e) ensure all liabilities have been settled.

12. A person who contravenes the provisions of these Regulations, commits an offence and shall, upon conviction, be liable to a fine of K1,000,000.
- Closure of partnership agreement
- Closure of an INGO
- Offences and penalties

Made this 3rd day of December, 2024

(FILE NO: ADM/MoU/7)

J. M. SENDEZA

Minister of Gender, Community Development and Social Welfare