



Factsheet

NGO Accountability and Self-regulation Project

Formation of Civil Society: Review and Way forward

Starting Point

Programme objectives

In line with its programme objectives, the Good Governance Programme has been cooperating with a consortium of civil society organisations (CSO) called the INSAKA. The aim of the support has been to assist CSOs in Zambia to develop a common Code of Conduct and a self-regulatory mechanism. The NGO Accountability and Self-regulation Project has been conceived in three stages. Stage one saw a structured dialogue among the INSAKA members and an accountability baseline survey. In stage two a draft code of conduct and self-regulatory mechanism that went through a number of feedback loops was developed. Stage three which is not yet finalised anticipates public endorsement and subscription of the code of conduct. The INSAKA initiative complies with the present cooperation approach of the Good Governance Programme. The Cooperation between the Programme and the INSAKA commenced in May 2009.

Development of the INSAKA

The INSAKA group in its initiative has encouraged each member of the consortium to freely express their point of view. This has nurtured a spirit of volunteerism among members. Hence, based on their competencies, members have volunteered to join various task force teams. For instance, Wildaf has provided legal guidance and analysis whenever it has been needed, while the umbrella bodies such as ZCSD, NGOCC, and CSPR have assisted the group in relaying information and collecting views from their provincial teams.

Methodology of the Review

For the purpose of the INSAKA, cooperation among its members was perceived as core condition for success in proposing a Code of Conduct (CoC) and a draft regulatory framework for CSOs. This review exercise briefly analyses the consortium, which is so far a loose alliance in its formative stage and drawn together according to need. The need in this respect reflects thematic priorities

and governance issues in particular that either affect individual CSOs or challenge them for some degree of collective engagement. The review exercise compares progress of the INSAKA vis-à-vis the agreed concept, uses write-ups and minutes from meetings and from talks with INSAKA members.

Results and Achievements of the INSAKA

Responding to the NGO Bill and Act

In May 2009, the INSAKA kicked off its three-phased initiative with a stakeholder meeting which reviewed previous efforts in developing a self-regulatory mechanism for CSOs and applied lessons learned to conceive the NGO Accountability project. The project drew a code of conduct roadmap which was guided by an accountability baseline survey. While this process was ongoing the NGO Bill was tabled in parliament in June 2009. The Bill aimed at regulating civil society organisations and non-governmental organisations in particular. The frame was restrictive and contrary to the constructive engagement of CSOs from 2007 when the first NGO Bill was tabled to mid 2009 where the aim was the creation of an enabling environment. Instead the Bill was drafted towards a restrictive, and in fact, threatening context.

Responding to the threat that the NGO Bill would pose on the institutionalised civil society and community based organisations, the INSAKA took a multi-tier approach: The group continued with its accountability project while simultaneously lobbying the state through submissions to the Parliamentary Sub-Committee and engaging in initiatives to withdraw the bill as well as conducting mass mobilisation campaigns throughout the country.

This approach inspired the formation of provincial and district NGO fora namely in Mongu and Kaoma in Western Province, Chipata and Petauke in Eastern Province, Monze and Choma in Southern Province. These fora or consortia were being used to popularise the NGO accountability project and raise awareness on the NGO Bill. To be able to encourage engagement at sub-



INSAKA guidelines

The objectives of the INSAKA are to:

- Share and debate common concerns in regard to national and international policy issues
- Update the INSAKA members on relevant and important emerging issues in Zambia
- Discuss possible joint strategies to address common concerns
- Present joint positions on key common concerns
- Develop a culture of mutual support and cooperation

Operational framework of the INSAKA

The INSAKA has no legal or registered status, since the emphasis is on flexibility, volunteerism and autonomy. The INSAKA is a platform for sharing experiences, discussion and strategising, which respects the independence and individuality of each participating CSO. Therefore, the INSAKA has no own separate constitution but simply a set of basic guiding principles as outlined.

Composition of the INSAKA

As a start, the INSAKA proposed to have only the major and national umbrella, network and sector CSOs, who have a presence in the provinces and who have demonstrably participated in policy debate at a national level.

The members approached for the initial start-up phase were;

- 1 Disability NGO (yet to identify)
- 1 Youth NGO (yet to be identified)
- CARITAS
- Children in Need (CHIN)
- Church Health Association of Zambia (CHAZ)
- Civil Society for Poverty Reduction (CSPR)
- Farmers' Organisation Support Programme (FOSUP)
- Foundation for Democratic Process (FODEP)
- Jesuit Centre for Theological Reflection (JCTR)
- Non-Governmental Coordinating Council (NGOCC)
- Programme Against Malnutrition (PAM)
- Southern African Centre for the Constructive Resolution of Disputes (SACCORD)
- Transparency International- Zambia Chapter (TI)
- Zambia Council for Social Development (ZCSD)
- Zambia Land Alliance (ZLA)
- Zambia National AIDS Network (ZNAN)
- Zambia National Education Coalition (ZANEC)
- Zambia Social Forum (ZSF)

The above list is by no means exhaustive but stipulated a maximum of 18 CSOs participating to ensure that the INSAKA remains effective, responsive and workable, and to ensure that the INSAKA remains relatively cost free for its kick off stage. If certain sector specific issues demand a particular expertise not covered by the members of the INSAKA, organisations with the relevant expertise could be invited.

INSAKA meetings

The INSAKA will be chaired on a rotational basis.

national level and to absorb the many contributions from decentralised CSO network organisations the INSAKA had to meet on a regular basis and sometimes at short notice for updating its members and its membership on the progress of the NGO Bill and the accountability project.

The baseline survey, which was investigating the state of affairs and standards in particular on accountability and transparency in CSOs across the country was finalised in steps during the second half of 2009. The survey drew from international experience and made extensive use of knowledge available with Transparency International and the U4 Anti-Corruption Resource Centre. The survey concluded that the existing accountability mechanisms of CSOs were altogether rather weak and lacked standardised and uniform approaches. The findings contrasted to some extent the statements of CSOs and their perception of their own governance. The findings confirmed the assessment of the Good Governance Programme during its stakeholder learning and dialogue exercise of February and March 2009. The baseline survey provided recommendations for developing a generic code of conduct for CSOs.

In August 2009, the NGO Bill was passed into law despite the initiatives undertaken by the INSAKA and independent national and international CSOs and cooperating partners. The accountability project was conceived as a medium term initiative and hence stands to some extent independent from the NGO Bill and Act. However, the speed with which the Bill was passed confirmed a few well known facts: i) Civil society organisations are rather weak and fragmented and lack concerted action; ii) Civil society organisations require quite some effort and energy to form coalitions that withstand one-shot issues such as a restrictive NGO Bill; iii) Once action is taken and engagement moves forward as demonstrated in a number of initiatives against corrupt state officials in 2009 and the drive against the mid-term gratuity of members of Parliament the strength of civil society becomes obvious; iv) The state perceives governance advocacy by civil society as threat and reacts accordingly through restrictive action such as the NGO Act of August 2009. Against this background it becomes even more important that the institutionalised civil society establishes and practices its own code of conduct and regulatory regime.

Developing the code of conduct

Despite the NGO Act, the INSAKA has in its second phase developed a CSO code of conduct which has proposed a set of values, management and financial principles and systems that will govern the work of CSOs. It has the same time proposed governance systems, structures that will implement and monitor adherence to the code as well as be the referee in settling disputes.

Currently, the CoC is being reviewed and will be publicly adopted by the INSAKA in readiness for the third and final phase of the project where mass popularisation activities will be conducted at national and sub-national level through interactions with NGO forums, community radio stations and print media. It is on this basis that the INSAKA will engage the state to look at the best way in proceeding with civil society regulation.

Where does the INSAKA stand today?

Internal stakeholder map

What is the common interest of the stakeholders involved?

Most of the members felt the need to form a united approach when dialoguing with government about matters of common concern. Its potential is also seen in providing a platform that could be used to share information and plans, to avoid duplication of initiatives. The immediate occupation of the INSAKA since its inception in 2007 has been:

- NGO legislation and through this also the
- Advocacy against the 2007 proposal to have the NGOs funded through Ministry of Finance and National Planning (MoFNP) and Advocacy to get the MoFNP to approve the European Commission to fund CSOs

Key internal stakeholders

What are some of the conflicting interests and how can they be addressed?

The respondents voiced networks (CSPR, NGOCC and ZCSD) have overlapping membership and there are potential conflicts in terms of interests and approaches towards advocacy. Respondents felt that conflicting interests are evident. Some members of the INSAKA were perceived too small to be regarded as valid members while others are perceived as too prominent to be persuaded. Another source of worry that was widely acknowledged by the respondents was that some members of the INSAKA are regarded as too close to government and not taking a clear stand on the interests of civil society organisations.

Since there is no umbrella body for all NGOs in Zambia with a consented mandate to addressing common interests and issues of conflict and concern, cooperation in the INSAKA relies on mutual trust. This calls for frank and open discussions of common as well as conflicting interests. It further calls for the ability to group and implement action in a coherent manner and at the same time representing the consent of the members.

Forms of cooperation and roles

What is the role of the individual members?

The respondents said that the role of each member in the INSAKA was not defined but was fluid and determined by the themes under focus, i.e. the NGO Act or the constitution-making process. The administrative or secretarial responsibilities have been assumed by the ZCSD.

Network development and analysis

What key issues arise in network management?

The INSAKA is an informal structure or even ad hoc and spontaneous gathering of individuals that represent civil society organisations. Within their own mandate and interests they bring common themes and concerns under 'one roof'. The aim is to generate and share new thinking and ideas that concern CSOs. Core interest are government policy and action that have a bearing on national development and that are perceived negative or address the national reform agenda which call for broader civil society engagement. Examples are corruption scandals and the recent NGO Act, the latter being perceived as threat by most Zambian CSOs. The INSAKA should also be a base for CSO formation.

In terms of negotiating cooperation and steering it was acknowledged that due to the ad hoc nature there was limited opportunity for strategic engagement and action. Members felt that the INSAKA should have some general guidelines on membership, e.g. through a memorandum of understanding. At the same time the INSAKA should not be a 'closed shop' but open to other organisations willing to be part of the group.

Confidence building

Where does the cooperation stand today and in which direction should it be moving?

Respondents felt that cooperation has improved over time and the momentum gained especially in the wake of the NGO Bill and Act needs to be sustained. They felt that the cooperation should not be event driven rather needs to be self-motivated and should have a longer-

term perspective. Other respondents strongly felt that the INSAKA needed to have a strategic plan so that members have a common understanding about the mandate and objectives. They also felt that it would be necessary to have a memorandum of understanding for the members with a definition of rules and regulations. This would not only contribute to the building of trust among members but also enable the group to act collectively and be acknowledged by the public and government.

Are the stages of development identified conducive?

The NGO Accountability and Self-regulation Project was conceived in three stages. As stated above, these were stage 1: structured dialogue and accountability baseline survey; stage 2: development of a code of conduct and self-regulatory mechanism; stage 3: public endorsement and subscription of the code of conduct.

Members of the INSAKA felt that the development stages identified in the original concept were conducive. However, some members viewed the initiative as being spearheaded by GTZ and not as one driven by themselves, hence, in their view there is a lack of ownership. GTZ, however, was responding to the concept and proposal for support forwarded in May 2009 by ZCSD on behalf of the INSAKA in terms of consulting on the concept and entering into a funding agreement with the Council.

Backstage and learning behaviour

As the INSAKA is not a formal entity, what unwritten rules, problem-solving methods and learning patterns define the cooperation system?

There are still unclear views and perceptions and even some degree of suspicion amongst the members on the motive of other members. An example could be the conduct of either individuals or a CSO itself which is in dispute with other members. However, in such cases it seems that only few members are felt to be in a position to point out critical issues, which are e.g. internal governance problems that have rocked some CSOs or relations with government. Hence, the problem-solving methods of the INSAKA are not well developed and there is need to define simple and yet effective rules for cooperation and conduct within the INSAKA. The extent of learning from among peers is still not very well developed as the focus is on securing short-term results. Not enough attention has been given to learning from success and failure.

External cooperation

Which actors outside the established cooperation system possess resources that could help the INSAKA achieve its objectives?

The INSAKA has established links with international and regional umbrella CSOs such as CIVICUS and Southern African Development Council for NGOs (SADCNGO), the latter being in the process of doing a mapping on NGO regulation in SADC countries. Through these links, the group has articulated need for solidarity for their submissions to parliament on the then NGO Bill in July 2009. The consortium through its secretariat (ZCSD) has gone further to make efforts to establish links with trade unions at national and regional level. It is also appreciated by most members on the need to establish healthy relationships with the government and legislators.

The members confirmed that the consortium has a healthy rapport with Transparency International Zambia and the Centre for Trade Policy Dialogue which are not yet part of the INSAKA but always add value to the consortium. TIZ in particular has been instrumental in guiding the approach towards a common Code of Conduct. TIZ became a dominant voice of the INSAKA in developing a strong position towards the NGO Act and in rejecting the approach of the UK Charity Commission to assist the government in implementing the Act.

Some members felt that there could be need for CSOs to collaborate with the private sector. However, this partnership may be hard to establish as the Zambian private sector is very hesitant to work with organisations engaged in governance and advocacy work.

Needs analysis

In what areas is there scope for complementary cooperation and with which potential partners is there room for further cooperation?

As the INSAKA is a group that gathers ad hoc and that consists of changing members, it is vital to have core common agenda items which are of value to all members. For the group to be effective in its advocacy there is need to have themes agreed upon which reflect member's priorities. Common action only materialises when each member brings in its particular capacity. Attracting other CSOs calls for offering incentives such as skills and partnership.

Comparative advantages

What comparative advantages make the INSAKA an attractive consortium to belong to?

The members of the group come from a wide variety of spheres, i.e. umbrella bodies, faith based organisations, sector focused CSOs, small regional organisations and even community based organisations. They have different interests and capacities. They vary in nature. This composition allows the sharing of ideas from different perspectives and encourages mutual learning among the members. At the same time, organisations that are not predominantly engaged in governance themes and that are not Lusaka based require quite some support in terms of information, counselling and overall integration. Since the consortium uses its prime comparative advantage which is diversity and effectiveness it has good capacity in influencing the national and regional governance agenda and contributing to government policy.

Shaping partnership

How can the INSAKA initiate partnership with other alliances and how can this be managed?

The INSAKA has good potential to enhance cooperation with similar structures at sub-national level such as pro-

vincial and district NGO fora. These structures could serve as conduits for community mobilisation and at the same time, the sub-national level could use the INSAKA for advocacy.

Negotiation

How can negotiations be steered in a way that they take into account different interests, ways of working and expectations?

The INSAKA members would have to share knowledge on themes and ideas in such way that they exploit the comparative advantage of each member for greater impact of their initiatives and to make the cooperation more pragmatic and responsive to their needs.

Way forward

The INSAKA needs to finalise the Code of Conduct and the base regulatory framework. Once ready, both need to be circulated within the group and to the network members of the larger umbrella CSOs. Following the original concept, the Code of Conduct and the base regulatory framework need to be launched officially. This would be the occasion for network CSOs and individual CSOs to subscribe to the code in public. Following this event, the base regulatory framework need to be further detailed, piloted and then commonly accepted by CSOs at national and sub-national level.

To maintain the momentum of the INSAKA which is a loose alliance it is recommended to establish basic rules of engagement through a memorandum of understanding so that the participating members know what is expected of them and from others, for example contributing in a constructive manner, being non-partisan, equal treatment for all.

Some practical recommendations are as follows:

- The INSAKA can consider holding meetings on a rotational basis so as to promote ownership and reduce opportunities for suspicion.
- The INSAKA should continue strengthening the communication and dialogue with the provincial and district NGO forums, and use these structures for any initiatives requiring mass mobilisation.
- Regarding the advocacy and lobby work at the international level, the INSAKA needs to enhance communication with its regional and international organisations so as to harness the opportunities available for learning and knowledge sharing.
- The consortium needs to cultivate a healthy dialogue platform with the government and the legislature if their current and future initiatives are to have any positive outcomes.

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Factsheet 9

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