

**SUBMISSION TO THE PARLIAMENTARY COMMITTEE ON HEALTH, COMMUNITY
DEVELOPMENT AND SOCIAL SERVICES ON THE
THE NON-GOVERNMENTAL BILL, NAB NO.6 OF 2025**

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Table of Contents

1.0 Background	3
1.1 About ActionAid	3
1.2 Vision	3
1.3 Mission	3
2.0 Introduction.....	4
3.0 Analysis	5
3.1 Scope and Ministerial Discretion (Articles 2(1) and 2(2)).....	5
3.2 Departmentalisation of the Registrar (Article 5)	5
3.3 Inspectorial Powers (Articles 8 and 9).....	5
3.4 Prohibition of Unregistered Activity (Article 10)	6
3.5 National Office Bearer Requirement for INGOs (Article 12(3))	6
3.6 Mandatory Corporate Status (Article 14).....	6
3.7 Licensing in Addition to Registration (Articles 18, 20, and 21)	6
3.8 Powers to Suspend or Cancel Licenses (Article 23).....	7
3.9 Financial Disclosure Requirements (Articles 31(3) and 32(2))	7
3.10 Mandatory Congress Membership (Articles 34 and 36).....	7
3.11 Routine Information Requests (Article 45).....	7
3.12 Administrative and Criminal Penalties (Article 47 and Others)	7
4.0 Conclusion	8

1.0 Background

1.1 About ActionAid

ActionAid Zambia (AAZ) is a part of the ActionAid Global (AAG) Federation, sharing common values and aims to drive social change towards a just, equitable and sustainable world. The ActionAid Federation builds the active agency of people living in poverty, their organisations, and movements, to address the structural causes of social injustice, gender inequality and poverty. This is in line with the United Nation's Sustainable Development Goals (SDGs) which have identified the importance of addressing poverty and inequality.

1.2 Vision

Our vision is to have a just equitable and sustainable Zambia in which every person enjoys freedom from poverty and oppression for enjoyment of their right to a life of dignity.

1.3 Mission

Our mission is to promote social justice, gender equality & poverty eradication for the people living in poverty, exclusion and marginalised in society by working with the people living in poverty their communities, organisations, activists & social movements for a just sustainable Zambia.

2.0 Introduction

We, the undersigned civil society organisations and stakeholders, respectfully submit this memorandum to express our collective objection to the proposed NGO Bill. While we acknowledge the necessity of a regulatory framework to promote transparency and accountability within the NGO sector, we believe that the Bill in its current form oversteps this objective. Instead of empowering civil society, the Bill introduces provisions that constrain civic space, threaten organisational independence, and potentially undermine the very foundations of participatory governance.

Our overarching concern is that the Bill: Seeks to control Civil Society Organisations (CSOs) rather than support their development, undermines the autonomy of CSOs, reducing them to instruments of the state, enables intrusive oversight mechanisms that facilitate state surveillance and control and provides no reciprocal benefits, such as access to state funding or institutional support, for the extensive compliance demands it imposes.

This memorandum outlines our specific concerns with key provisions of the Bill and proposes alternative approaches that uphold constitutional freedoms, promote genuine partnership between government and civil society, and align with international best practices.

3.0 Analysis

3.1 Scope and Ministerial Discretion (Articles 2(1) and 2(2))

The Bill's selective application, excluding religious organisations, political parties, trade unions, and others, introduces inconsistencies and potential discrimination. Even more concerning is the discretionary power conferred upon the Minister to unilaterally extend the scope of the Act.

We recommend that all organisations operating in similar civic spaces be treated equitably. Further, any extension of the Act's application should require approval through a transparent and consultative parliamentary process.

3.2 Departmentalisation of the Registrar (Article 5)

The proposed transformation of the Office of the Registrar into a Department under the Ministry of Community Development centralizes excessive regulatory authority and expands its functions beyond reasonable bounds ranging from registration and licensing to strategic guidance, terrorism monitoring, and oversight of resource mobilisation. These risks undermining civil society autonomy and enabling political interference in NGO operations.

We do welcome the harmonisation of offices, however, recommend the maintenance of the of the current functions of the office where civil society and the state to collaborate to oversee regulation, ensuring impartiality, professionalism, and protection of civic space, while limiting the Ministry's role to policy coordination and administrative support.

3.3 Inspectorial Powers (Articles 8 and 9)

Articles 8 and 9 grant inspectors' excessive powers to enter NGO premises without notice, conduct searches, and seize documents based on vague suspicions. These provisions risk abuse, disrupt NGO operations, and create an environment of fear that may suppress civic engagement and advocacy.

We recommend the introduction of stronger safeguards, including prior notice for non-emergency inspections, judicial oversight, and an independent appeals mechanism to prevent abuse and protect NGO independence.

3.4 Prohibition of Unregistered Activity (Article 10)

By criminalising the operations of unregistered organisations, the Bill threatens grassroots activism and community mobilisation.

We advocate for a tiered system of registration that accommodates informal, community-based, or short-term initiatives without penalising their existence.

3.5 National Office Bearer Requirement for INGOs (Article 12(3))

The requirement that all International NGOs (INGOs) have a Zambian citizen as an office bearer may unnecessarily restrict cross-border partnerships and undermine operational flexibility.

We recommend providing alternatives such as collaboration with local partner organisations to fulfil local engagement objectives.

3.6 Mandatory Corporate Status (Article 14)

Forcing all NGOs to incorporate under the Act imposes burdensome legal and financial obligations on smaller or community-driven groups.

We suggest the law provide for a variety of legal forms, with proportional obligations tailored to an organisation's size and scope.

3.7 Licensing in Addition to Registration (Articles 18, 20, and 21)

Introducing a second layer of approval through licensing, with five-year renewal terms, is excessive and subject to arbitrary enforcement.

We urge the removal of this requirement, or if retained, the creation of an independent appeals mechanism with clearly defined and limited grounds for refusal.

3.8 Powers to Suspend or Cancel Licenses (Article 23)

The Registrar's unilateral authority to suspend or cancel licenses risks arbitrary use.

We recommend this authority be subject to an independent tribunal and limited to serious, clearly defined violations.

3.9 Financial Disclosure Requirements (Articles 31(3) and 32(2))

The obligation to disclose funding sources and submit records at any time without cause is invasive and threatens donor confidentiality.

We propose limiting these powers to formal audits triggered by reasonable suspicion, with explicit protections for sensitive financial information.

3.10 Mandatory Congress Membership (Articles 34 and 36)

The Bill mandates all registered NGOs to be members of a single Congress, creating a monopolistic governance structure.

We recommend making Congress membership voluntary and permitting the establishment of alternative coordination and advocacy platforms.

3.11 Routine Information Requests (Article 45)

The authority to demand any information from NGOs without limitation lacks safeguards. The article has no timeline and leaves the demand and response feedback within the demands of the state.

We propose introducing criteria for such requests, ensuring they are proportionate and justified by specific regulatory concerns. Further, indicate clear timelines in which such issues are expected to be handled.

3.12 Administrative and Criminal Penalties (Article 47 and Others)

The Bill imposes multiple administrative and criminal penalties, even for minor infractions, reflecting a punitive orientation. Further, the penalties privileges have been given to the minister with no specified procedure or parameters of penalties.

We advocate for the decriminalisation of non-compliance issues and the prioritisation of technical support, dialogue, and corrective mechanisms over punishment. Further, provide clear guidelines for the penalties which the minister shall use as basis of the penalties.

4.0 Conclusion

In summary, while we support the goal of creating a transparent and accountable NGO sector, the current NGO Bill is deeply flawed in both substance and spirit. Further, while the Bill acknowledges self-regulation, it is contradicted by other provisions that enforce strict state control.

We urge the National Assembly to reject the Bill in its current form and to initiate an inclusive, participatory review process with full involvement from civil society stakeholders. Only through genuine partnership and mutual respect can we craft a legal framework that fosters civic engagement, promotes development, and upholds democratic freedoms.

We remain open to further dialogue and collaboration to ensure a regulatory environment that reflects the values of our Constitution and international obligations.