



Situation Report

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Tightening the noose: Narrowing the democratic space for NGOs in Zimbabwe*

Introduction

The Zimbabwean government will shortly promulgate new legislation intended to monitor and regulate the operations of non-governmental organisations in that country. Some analysts see the proposed legislation as a tactic to further marginalise, and eventually purge altogether, NGOs and civic organisations that are likely to threaten the political hegemony of the ruling party, particularly before the crucial 2005 parliamentary election. It is anticipated that this Bill will primarily target civic movements involved in the field of democracy, good governance and human rights. Should the legislation be passed, it will certainly threaten the survival of NGOs and place independent human rights activists at risk.

While draconian legislation already in effect, such as the Public Order and Security Act (POSA) and Access to Information and Protection of Privacy Act (AIPPA), already restrict the effective functioning of civil society organisations, the proposed NGO Bill will provide the government with broad powers, which will allow it to, in certain circumstances, halt the operations of NGOs altogether. This will be achieved in a number of ways, including burdensome registration procedures and tight control on access to foreign funds, as well as contacts with international organisations.

While the Bill purports to “provide an enabling environment for the operations, monitoring, and regulation of all non-governmental organizations,” it will in effect place NGOs under effective government control, undermining their independence. President Mugabe, in his opening address to Parliament, gave some indication of the reasons behind the proposed Bill by saying that NGOs needed to be controlled because they interfered in politics, and that ‘we cannot allow them (NGOs) to be conduits or instruments of foreign interference in our national affairs.’¹

Zimbabwe Lawyers for Human Rights argues that this new law is motivated by a number of factors, including a desire by government to restrict democratic space, reduce scrutiny of its human rights record and further limit enjoyment of universally recognised rights and fundamental freedoms by the people of Zimbabwe. In addition, the organization considers that the proposed bill will in effect create a ‘*black out*’ of regional and international news on Zimbabwe reinforcing an uneven playing field in matters of political governance and thereby maintain the *status quo*.²

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Introduction

This section will examine, in some detail, the provisions of the existing legislation, the Private Voluntary Organisations Act (PVO Act), as it will provide background on the changes the proposed Bill intends to bring about. As pointed out by the International Bar Association,

*...the PVO Act is almost identical to the Bill, save for certain glaring additions. Thus, while the provisions of the Bill appear to be draconian in form and in keeping with the modus operandi of what is generally perceived to be an oppressive regime in Zimbabwe, it is important to bear in mind that the PVO Act, in almost identical terms, has been on the Zimbabwe statute book since 1967...The questions arising are why the Mugabe regime would re-enact a draconian law drafted during the Smith regime to clamp down on opposition and why it has followed the route of virtual re-enactment rather than merely amending the PVO Act.*³

The history of legislation governing the operations of NGOs in Zimbabwe can be traced as far back as 1967, when the current PVO Act came into effect. It had a very specific purpose, summed up in the introductory paragraph as, “to provide for the registration of private voluntary organisations, the control of the collection of contributions for the objects of such organisations and of certain institutions and for matters incidental thereto.”⁴

It is clear from this introduction that the intention of the Act was to enable the government to access information on the activities and sources of funding for organisations that were increasingly assuming the provision of social services to the black population, which the colonial government was deliberately marginalising. In addition, it became necessary for the Smith regime to exercise some form of control over such organisations as they posed a potential threat to the colonial government and its policies.

Definition of private voluntary organisations

The PVO Act described a private voluntary organisation as follows:

...Private voluntary organisation means any body or association of persons, corporate or unincorporated, or any institution the objects of which include or are one or more of the following:

- (a) the provision of all or any of the material, mental, physical or social needs of persons or families in distress;*
- (b) the rendering of charity to persons or families in distress;*
- (c) the prevention of social distress or destitution of persons or families;*
- (d) the provision of assistance in, or promotion of, activities aimed at uplifting the standard of living of persons or families;*
- (e) the provision of funds for legal aid;*
- (f) the prevention of cruelty to, or the promotion of the welfare of animals such other objects as may be prescribed; and*
- (g) the collection of contributions for the foregoing.”*⁵

Its scope of application seemed to be limited to bodies/associations whose primary concern was with the provision of services of a social and/or charitable nature, but clause (d) and (e) extended the activities beyond the category addressed by the rest of that section. The Act specifically excluded religious organisations confined to activities of a purely religious nature, political organisations and trusts; the latter requiring registration in the High Court. Yet, a broad interpretation of clause (d) could include church organizations, which, though providing for the social needs of the black communities, were also mentoring black nationalists fighting against the Rhodesian colonial regime. This

provision was used by a number of non-governmental organisations established after independence to circumvent the need for registration under the PVO Act, thereby avoiding government scrutiny.

Administration of the PVO Act

The administration of the Act is carried out at two levels: by a Board (constituted in terms of section 3 of the Act and accountable to the Minister of Public Service, Labour and Social Welfare); and a Registrar (the Director of Social Services). The role of the latter is hardly significant as it is mainly to provide administrative services to the Board, including keeping the register up to date and presenting those applying for registration before the Board for a decision.⁶

Moreover, as a consequence of its wide and largely discretionary powers (including deciding on applications for registration), the Board can effectively curtail the operations of organisations. Furthermore, although it includes as members a number of private voluntary organisations (in addition to government officials), it reports to the Minister and the Minister, an interested party by virtue of the fact that the Act fell within his jurisdiction, has the final word on any issues brought to him. As there is no provision for relief through the conventional courts of law, the right to appeal against the decision of the Board is rendered useless. What is perhaps more important is that it derogates from the constitutional rights of the aggrieved organisation to seek redress from the ordinary courts of law. There certainly can be no justice to speak of under circumstances where the adjudicator is partial. It is small wonder that there are hardly any recorded cases of organisations resorting to those provisions for relief.

Inspection and examination of books of accounts

Oversight of the accounts of an organisation constitute the most effective way of controlling its operations – again, this role is vested in the Minister, as opposed to the Board. In fact, the Minister can appoint any official from the Public Service to inspect the activities of any private voluntary organisation, their books of accounts and any other related documents. The process for conducting this has been largely *impromptu*, as the only form of notification can be a letter delivered by hand to the organisation by the official intending to carry out the inspection. The easiest way around this is for organisations to register as a trust, and this is what several non-governmental organisations established after independence did.

Penalties

Generally what is contained in the penalties provisions is a good way of judging the seriousness of the issue intended to be addressed by any specific legislation; the more serious the issue, the more punitive the penalties. In the case of the PVO Act, the penalties were surprisingly lenient. The highest penalty provided for by the Act was a fine not exceeding four hundred dollars or a term of imprisonment for a period not exceeding six months should the organisation be found to be operating outside its mandate as indicated in the registration certificate or is involved in illegal activities.⁷

In matters involving registration, be it conducting activities without registration or conducting activities outside the registered name and anything related to books of accounts, the prescribed penalty was only a hundred dollars or two months imprisonment.

These penalties may have been severe during the sixties and seventies when the Act came into effect, but they fail to make sense in today's context, as they would not be a deterrent at all. Another explanation could be that stiffer penalties may not have been necessary when one takes into account the screening process for registration (tightly controlled by the government) as well as the scrutiny of books and other confidential information at the discretion of the Minister.

Notwithstanding these restrictions, non-governmental organisations still had room to organise and conduct their activities fairly effectively. Indeed the period immediately after independence was characterised by an increase in the number of private voluntary organisations with a much broader mandate, including development, democracy, human rights and governance issues, and which were largely foreign funded.

Introduction

At a glance, the draft bill bears close resemblance to the current Act, but this is with respect to the structures and general administrative provisions. In fact, as highlighted by the International Bar Association, ‘the NGO Bill essentially maintains the most repressive features of the PVO Act but goes further by introducing new provisions that expand the range of organisations required to register under the law, while at the same time proscribing a broader range of NGO activity’.⁸

What deserves particular attention is the broadening of the definition of non-governmental organisations, which though retaining in its entirety that of the PVO Act, has gone a step further to distinguish between “foreign non-governmental organisations” and “local non-governmental organisation”. The former is intended to cover foreigners who are members of associations in Zimbabwe falling within the ambit of the bill. The latter caters for associations “consisting exclusively of permanent residents or citizens of Zimbabwe domiciled in Zimbabwe.” This is a new and worrisome feature clearly targeting a particular section of the NGO community perceived to be a ‘Trojan horse’ of foreign donors opposed to the ZANU-PF regime.

Of particular concern, is the specific reference to NGOs working on issues of governance and human rights, as well as those promoting the protection of environmental rights and interests and sustainable development.⁹ The intention and the target are clear: those organisations which are largely regarded as being responsible for the sustained international spotlight on Mugabe’s regime. In this regard, the International Bar Association considers that,

...not only is the range of the non-governmental institutions expanded in the Bill, the range of objectives and services performed by such NGOs has been significantly expanded to draw almost any and all local or foreign NGOs within the reach of the Bill..¹⁰

This broadening of the range of activities which NGOs can legitimately engage in is likely to have far reaching consequences particularly on rural communities who derive benefit from organisations engaged in development work at the grassroots level and those providing social services such as sanitation, clean and safe water as well as environmental protection programmes.

A number of other significant changes can be observed in the size and constitution of the former Board under the PVO Act, now the Non-governmental Organisations Council. The notable feature is the increase in the number of high-ranking officials from various Ministries, the intention being to concentrate authority with the state’s representatives. The Office of the Registrar still vests in the office of the Director of Social Welfare, although with increased powers.

The Bill also introduces a code of conduct to be adopted by NGOs. While at first glance this would seem to augur well for democratic principles, as such organisations must abide and maintain standards of integrity, transparency and accountability, the procedure for developing the code, which excludes NGOs (the very objects of the Bill), weakens the case for such optimism. In fact, the task of developing the code of conduct will be vested in the Council – as the Legal Resources Foundation pointed out, this is where the problem lies because this

body is made up of predominantly government officials who have interests to protect.¹¹

It is our view that the proposed Bill is largely a response to real and imagined threats to the hegemony of the ruling party, at a time when Zimbabwe is under international scrutiny and about to embark on parliamentary elections. The government has come under extreme pressure from the international community with regards to many of its policies and some of the organisations targeted by the proposed laws have played a significant role in highlighting pertinent issues such as systematic violation of human rights in the country. Yet, should it be passed into law, this Bill will have implications that will go beyond constitutional issues around freedom of expression, association and assembly. As will be discussed below, its impact will undoubtedly be felt by the a significant proportion of Zimbabwe's population who benefit from the humanitarian and development assistance activities of these organisations.

Purpose of the Bill

The memorandum gives the purpose of the Bill as being to provide for an enabling environment for the operations, monitoring and regulation of all non-governmental organisations. While this will naturally include screening of those wishing to commence operations, of particular concern is the intention to screen those already legitimately conducting business in the country. The real intention of the Bill becomes clear with the reading of the rest of the document: the new definition of NGOs, the concentration of authority in the new NGO Council and the Minister, the registration process and restrictions on sources of funding all construct a very restrictive environment, which is contrary to the legislation's stated spirit and purpose.

Even though the Bill purports to ensure democratic space for non-governmental organisations, this will be vitiated by the remainder of the provisions, which are so draconian that there is virtually no room for such bodies to organise and legitimately conduct their activities in Zimbabwe. In this regard, it surpasses the provisions of the PVO Act, which exercised a measure of control by way of registration and accessing confidential information, including funding. It is true that notwithstanding the restrictions of the PVO Act, non-governmental organisations were still able to organise and legally conduct their activities and this explains the presence of a vibrant civil society until the latter part of the nineties, a strong indication that the provisions the PVO Act did not inhibit the operations of the organisations that are now the target of the Bill. It is true to say that the environment was not the most conducive, but it certainly did allow for participation and robust debate from civil society.

It is also true that with increasing international acknowledgement of the crucial role of non-governmental organisations in contributing to the general good of citizens in their respective country of operations, there is a definite need for measures to ensure transparency and accountability to their constituencies. In this regard, Tundu Lissu considers that "there is real need for NGOs to disclose internal financial information, as it is in the interests of the public to know the sources of funds of their organisations and how these are utilized" adding that "financial reports of these organisations should be made public so that people can see who is financing which organisations and on what basis".¹² In this sense, if this was the primary concern, the proposed Bill would not go as far as prohibiting local NGOs from receiving foreign funding or donation should its activities include or involve issues of governance.¹³

Definitions: The promotion and protection of human rights and good governance?

While the definition of NGOs incorporates what was provided in the PVO Act, what is significant is that it adds a new dimension, which is so broad that it

includes virtually every non-governmental organisation within Zimbabwe. The exception provided in the PVO Act for “trusts established directly by any enactment or registered with the High Court” has all but disappeared from the new definition.¹⁴ This is a crucial amendment as it constituted an important alternative for organisations to legally circumvent the restrictions of the PVO Act – clearly the government was unhappy with this loophole and has effectively closed it. In addition, an interesting dimension is explored in the analysis provided by the International Bar Association: that of the likely implications of the bill on family and business trusts. In effect they will be required to register and invariably also submit to the control of the NGO Council.¹⁵

Educational trusts remain excluded from the definition of NGOs, but the latest utterances from the Minister of Education about the funding of private schools, which receive considerable contributions from donors outside the country, leaves them also in a precarious position.¹⁶ These statements should not be trivialised, as they constitute a threat to the existence of such important institutions.

What is perhaps inauspicious is the inclusion of the following clause to the existing definition: NGO “...means any foreign or local body or association of person, corporate or unincorporated, or any institution, the objects of which includes or are one or more of the following: (g) the promotion of and protection of human rights and good governance.”¹⁷ What is also worth noting is the specific inclusion of “foreign non-governmental organisations”, which was not the case in the PVO Act.

Consequently, the proposed Bill stipulates that organisations wishing to register do so only on the condition that they conduct business that does not include governance and human rights issues.¹⁸ Introducing a new dimension to the definition of NGOs, the Bill explicitly includes NGOs working on the protection of human rights and good governance. As pointed out by the International Bar Association, this will mean that foreign NGOs that are not governed by the Privileges and Immunities Act and are involved in human rights and/or governance work will have to close down.¹⁹

This is one of the most crippling provisions of the proposed Bill, as governance is a very broad issue, which can include issues such as HIV/AIDS, poverty alleviation, and access to healthcare, environmental protection and food security. The provision may well spell the end of operations in Zimbabwe for some well-established and credible international organisations involved in humanitarian work. What is likely to aggravate the situation is that whereas such organisations could have relied on local partners to continue activities, the bill effectively closes this option by prohibiting local NGOs from receiving foreign funding to conduct activities involving issues of governance.²⁰ Furthermore, whereas in the past organisations with such mandates could hide under the guise of trusts, or could claim that they were registered outside the country, this is no longer an option as the draft provisions are very specific. The Bill takes care of this possible loophole in two ways; firstly by explicitly stating that the Act will apply to every organisation whether or not its legal status is subject to any agreement with the State and whether or not its constituent deed or instrument is registered with the High Court (which would be the case for trusts) or the Deeds Office; and secondly by requiring every organisation to have a registered address in Zimbabwe.

Institutional structures

There are significant changes to the constitution and powers of the former Board under the PVO Act, which will now be known as the Non-governmental Organisations Council. It confers on the Council very extensive powers, which include making decisions on the registration or deregistration of a particular NGO. Although NGOs are represented on the Council, real power vests in the government, as its representatives outnumber those of NGOs by almost 75 per cent. In the words of President Mugabe, the “thrust (of the Council) will be to ensure rationalisation of

macro-management of all NGOs.”²¹ He puts it neatly, as the relevant provisions give the Council the mandate to micro-manage in the true sense of the term. As in the PVO Act, overall administration of the law remains the domain of the Minister of Labour, Public Service and Social Welfare, who will retain the powers exercised under the PVO Act.

Powers of the Minister

The Minister of Labour, Public Service and Social Welfare will keep his role as adjudicator over appeals. NGOs wishing to challenge decisions will continue to be at the mercy of public servants, as the Minister who oversees the Act can hardly be seen to be impartial since he is not accountable to any other institution nor are his decisions subject to review by conventional courts of law. The Minister will retain the authority to appoint government officials to conduct random inspections of books of accounts and other confidential information, thus allowing him to keep a watchful eye on NGOs.

The Non-governmental Organisation Council

It is necessary to examine the nature of representation of the NGOs and government officials on the Council closely, as this provides a good indication of the extent of the powers of both parties to affect the decisions emanating from the Council. As in the PVO Act, the NGOs are represented by five officials “which the Minister considers are representative of non-governmental organisations.”²² The representatives of the government have been increased from seven to ten, the intention being to strengthen the decisive role of the government in Council decisions. It also seeks to ensure this tight reign on authority by appointing senior officials from the Ministries concerned. As the Legal Resources Foundation correctly points out, the officials occupy relatively influential positions (the level of Under Secretary and above), which gives them effective control of the Council.²³ In contrast, the PVO Act simply required representation of an official from the relevant ministries, but did not stipulate rank. In addition to the Ministries of Health and Child Welfare, Justice, Finance, Cooperatives and Foreign Affairs provided in the PVO Act, the Bill has incorporated a few more Ministries, which include the Ministry of Information and Publicity, Local Government, Youth and Gender and the President’s Office and Cabinet. The rationale for the inclusion of these Ministries is not apparent from the Bill: whereas some of the Ministries could have been added merely to strengthen the government’s position in terms of numbers, others, such as Information and the President’s Office, are quite strategic. It is reasonable to conclude that their presence constitutes a scarcely veiled threat to the NGO representatives on the Council and an effective way for the President directly to influence decisions of the Council.

Powers and functions of the Council

The powers and functions of the Council have increased significantly in comparison to the PVO Act.²⁴ They include the following:

- (a) *Make decisions on registration and deregistration of NGOs;*
- (b) *Conduct investigations into the maladministration and activities of NGOs;*
- (c) *Promote and encourage the coordination of the activities of registered NGOs;*
- (d) *Formulate a code of conduct for NGOs; and*
- (e) *Formulate rules for registration and deregistration of NGOs.*

Although a number of them have been listed, only the more controversial powers and functions will be addressed in detail.

Registration, cancellation or suspension of NGOs

The registration and deregistration process remains substantially the same as that provided for in the PVO Act, the point of departure being the restrictions on

certain types of NGOs as well as the constitution of the decision-making body, both issues having been described in the pages above. For the government this will provide an effective screening mechanism, as the process will apply to organisations that have been operating in terms of the PVO Act and to new applicants, though it is unlikely that there will be many in the latter category. The fact that senior government officials dominate it means that this group will largely influence the decision-making process and therefore that the probable outcome will be the registration of organisations that are perceived not to constitute a threat to the government. The excesses of these powers are reflected in the fact that in its decision-making process the Council is only answerable to the scrutiny of a single government official, the Minister of Public Service, Labour and Social Welfare, as explained above.

In effect, the decisions of the Council will mean the difference between continuing operations and raising funds for some NGOs already operating (or closing down) or commencing operations for the new ones. Furthermore, registration is not synonymous with long-term security for NGOs, as there is always the potential threat of deregistration by the Council.

The conduct of investigations

The conduct of investigations is another function vested in the Council, giving it very broad powers to interfere in the activities of NGOs. This potentially constitutes a permanent threat to the existence of NGOs, the certificate of registration notwithstanding. In fact, the Bill sets aside Section 23 for the purposes of Council investigations of cases of “maladministration”. Maladministration includes theft or misappropriation of funds, improper conduct on the part of officers or employees of any particular NGO, which interfere with activities and would justify cancellation of a certificate of registration and finally any contravention of any of the provisions of the code of conduct.²⁵ In terms of general legal principle, this provision is problematic as it gives to one single body the role of investigator and adjudicator. In this sense, by authorising the Council to preside over matters that require, and should ordinarily be dealt with by, the ordinary courts of law, the proposed Bill creates the space for gross injustices as the process is hardly impartial.²⁶

Rules for registration, deregistration and codes of conduct for NGOs

Although there is certainly a need for the development of standards to govern the crucial process of registration and cancellation of certificates where this is deemed necessary, as well as the need for NGOs to adhere to a code of conduct, the Bill is silent on how this process will be conducted. Except for stating that the responsibility vests in the Council, the Bill fails to address the issue of how this will be achieved. In respect of the code, one would have thought that such a process would invariably include wide consultations and the active participation of the group that will have to adhere to the code of conduct. It is true that the NGOs are represented in the Council, but as already indicated they are outnumbered by government representatives and would therefore not be in a position to exert significant influence on the outcome. This is relevant, as contravention of any provision of the code of conduct amounts to maladministration, which could lead to cancellation or suspension of a registration certificate.

The conditions for registration are more rigorous than those required by the PVO Act – NGOs are now expected to submit detailed and confidential information, such as the names and nationality of its sponsors, sources of funding, the constitution (which should include information on its objects and projected activities for three years), powers of the organisation, procedures for convening meetings, procedures for resolving disputes and disclosure provisions for all foreign donations to the organisations. This concern with even the most basic administration of the organisation makes it easy for the Council to access all the

information it requires to ensure effective comprehensive micro-management of NGOs. It would perhaps be justified were the information confined to what is required to arrive at a decision on registration or otherwise, but to include information on the day to day running of an organisation constitutes a violation of the right to privacy.

With regards to procedure, the Bill does not specify the waiting period from the time the application is lodged up until the time a decision is made – an important omission in particular with regards to organisations that are already in operation, but that may be asked to halt operations until approval of registration. Because the Bill is not clear on this, concerned NGOs may be left *in limbo*, resulting in prejudice in terms of activities.

Speaking in the Mauritian resort of Grand Baie, at the closing session of the 2004 Summit of the Southern African Development Community (SADC), Mozambican President Joaquim Chissano pointed out that the fundamental premise for the construction and consolidation of democracy is the participation of citizens in the life of the nation. Chissano stressed that a vigorous civil society, a pluralist media and committed public institutions all contribute to the strengthening of democracy. President Chissano highlighted the fact that democracy was more than just the holding of elections by saying:

...Elections are undoubtedly an important component of the democratic process...However, democratic development happens where the participation of citizens is constantly encouraged.²⁷

The growing numbers of legal provisions, proposed or fully in effect, targeted at restricting the operations of civil society organisations in Zimbabwe, should be of great concern to those who see this as a form of recidivism that will inevitably hamper the consolidation of inclusive and indeed democratic systems of governance. The proposed NGO Bill poses a direct threat to the continued existence of civil society organisations particularly those involved in the promotion of democracy, human rights and good governance as well as those who depend on foreign funding for their operations. The likely closure of a number of organisations that fall into these categories will deny citizens access to competing views on governance and will entrench the dominance of the *de facto* one party state.

NGOs perform a vital public service, ranging from humanitarian assistance, to community development, to civic education and human rights monitoring. In fact, during Africa's colonial past they acted as the champions of equality and liberty. More importantly they have also provided a voice for those who for what ever reason find themselves on the margins of society, the most vulnerable. Zimbabwe's NGO bill, which is expected to be tabled in October 2004, seeks to register and vet NGOs, while outlawing foreign-funded organisations involved in governance and human rights issues.

While rights groups have argued that, if passed, the law would further restrict civil liberties, the authorities have countered that the draft bill is simply meant to regulate the operations of NGOs for national security reasons. However, the proposed Bill is evidence of a deep and growing suspicion of NGOs, in this case derived from the fact that these organisations obtain most of their funding from foreign sources. The fact that the ZANU-PF government is passing legislation through parliament without entering into a consultative process with the objects of that very legislation, raises the question of whether it is intended, as many believe, to target and undermine NGOs involved in governance and human rights issues before the crucial 2005 parliamentary elections. Yet, the enactment of the bill could backfire, potentially leading to increased tension in Zimbabwe's already volatile body politic.

There are currently over two hundred NGO's directly involved in work related to advocacy, monitoring of human rights, good governance and democracy in Zimbabwe. In many cases these organizations have multiple mandates, working simultaneously on humanitarian assistance, grass roots' development and capacity-building, etc. It is anticipated that due to the restrictions which the NGO bill will impose on organizations receiving foreign funding, that operations in these sectors will be adversely affected. This situation will have disastrous consequences at local level, if we consider that most NGOs and Community-Based Organisations (CBOs) receive all or part of their funding from foreign donors.

In a country that experiences unemployment rates of around 70%, with 70–80% of the population surviving below the poverty datum line and with an annual inflation rate of over 550%, Zimbabwe's most vulnerable (particularly in the rural areas) have increasingly come to rely on the assistance of NGO's and CBO's. In fact, the United Nations Office for the Coordination of Humanitarian Assistance (OCHA) calculates that up 65% of Zimbabwe's population will require humanitarian assistance in the period of 2004–2005. As of April 2004, OCHA calculated the figure required for humanitarian assistance up to the end of 2004 at US\$ 95.4 million (including US\$ 31.1 million targeted at local and international NGOs). The latest figures provided by the Grain Marketing Board point to only 298,000 tonnes of grain stored as opposed to the much publicized government figure of 2.8 million tonnes²⁸, a disparity that serves only to confirm a gloomy picture of the likely consequences of the bill not only for the rural population but also for the urban population.

As was stated by the National Association of Non-governmental Organisations of Zimbabwe (NANGO), government and policy makers need to revisit the draft Bill to come up with enabling legislation that provides for the necessary regulation the government requires but at the same time supporting and acknowledging the crucial role of NGOs in their various sectors of involvement.²⁹

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- 4 Preamble to the PVO Act
- 5 Section 2 of the PVO Act.
- 6 Sections 3 and 5 of the PVO Act.
- 7 Section 25 of the Act.
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- 9 International Bar Association, *An Analysis of the Zimbabwean Non-Governmental Organisations Bill, 2004*, 24 August , p. 3.
- 10 International Bar Association, *An Analysis of the Zimbabwean Non-Governmental Organisations Bill, 2004*, 24 August 2004, p.3.
- 11 Non-governmental Organisations Bill, 2004, <http://www.Kubatana.net/html/archive/hr/040727lrf>
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- 14 Section 2 (h) (iii).
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- 16 Out Cry over NGO Law- all Africa.com/stories 00407290737.html
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- 18 Section 9 (4) of the Act.
- 19 International Bar Association, *An Analysis of the Zimbabwean Non-Governmental Organisations Bill, 2004*, 24. August p.4.
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- 23 Non-Governmental Organisations Bill, 2004, <http://www.Kubatana.net.html>
- 24 Section 4 of the draft bill.
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