

NGO Legislation Advocacy Strategy Report

Commissioned by the Caribbean Policy Development Centre (CPDC)

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EXECUTIVE SUMMARY

“Support to Facilitate Participation of CARIFORUM Civil Society in the Regional Development and Integration Process” is a project being implemented from January 2016 – October 2019, as a joint three-year grant partnership between the Caribbean Policy Development Centre (CPDC) and the European Commission. The project addresses consensus amongst development partners, that meaningful civil society engagement and participation in governance, as independent development actors, is critical for efforts to achieve sustainable development. The project seeks to build the capacity of Non-Governmental Organisations (NGOs) to engage the policy making process in an effective manner and to institutionalize mechanisms to facilitate dialogue and partnerships between civil society and CARIFORUM governments. This aspect of the project provides NGOs with an advocacy strategy guide for engaging their respective policy makers to enact enabling NGO legislation and facilitate the creation of an environment conducive to the operations and contributions of the NGO sector.

The growth and importance of NGOs, coinciding with the post-independence era of the Caribbean, has been codified in the meaning given to “Social Partners” in Article 1 of the Charter of Civil Society for the Caribbean, 1997. This recognition was given legislative force in Belize in 2000 and in St. Kitts and Nevis in 2008/2009. St. Vincent and the Grenadines, 2004, and St. Lucia, 2006, also sought to give legislative power to the place of NGOs in national and regional governance but the Bills have not yet become law in these countries. Civil society in The Bahamas has submitted a draft NGO Bill to the Office of the Attorney General. Thus there are at least three countries in CARIFORUM, among others, where the process for enacting enabling NGO legislation could be assisted.

Civil society from these countries, among many others, have participated in an extended process of review to determine whether there is any value in pursuing such an objective. The process to date consisted of:

- assessment of the extent to which an enabling external environment exists for NGO operations;
- internal evaluation of the extent to which NGOs practice good governance;
- appraisal of commitment to an NGO Code of Conduct and Ethics for the sector;
- review of the provisions, benefits and use of existing NGO legislation in CARICOM and beyond;
- National consultations to decide the extent to which the NGO sector wishes to pursue legislation.

Civil Society Organisations/NGO representatives at the consultations agreed to defer the final decision on the desirability of NGO legislation to the most vulnerable groups who could be the least beneficiaries of any law which does not really enable the NGO sector. There was clear agreement on the need to delineate and precisely define civil society, notwithstanding the UN definition in use. Further, NGO legislation is predicated on rebuilding the capacity and sustainability of the sector. These considerations drove assessment of the current status of the NGO sector as the starting point of consultation. Ultimately, NGOs in two countries embraced the Non-Governmental Organisations Act Chap. 20:59 of St. Christopher and Nevis as a model; in a third country NGOs were moved to reenergize their national network and work towards drafting of an NGO Act; in the fourth country representatives agreed to reform an existing law rather than draft a new one, whereas another country was very focused on formulating the right policy to guide the drafting of any legislation. Other consultations focused on the provisions that should be contained in an enabling NGO Act; enforcement of the NGO Code of Good Conduct and Ethics; and the benefits that accrue from enabling NGO legislation.

As a result of enacting enabling NGO legislation the nations of CARIFORUM will be able to:

- ✓ Expand the sources and quantum of national development funding annually drawn down by both governments and NGOs due to increased international donor confidence in an enhanced good governance environment for social and economic growth;
- ✓ Improve the completion rate of national projects and service delivery through public, private and civil society partnerships in which the skills of NGOs are procured in areas where they have proven comparative advantage;
- ✓ Maximize the possibility of achieving SDG #17 through the creation of a transparent multi-partite framework for collaboration among government, private sector, trade unions and other non-state actors
- ✓ Generate more structured and measurable private sector philanthropy due to provisions that foster accountability and transparency of NGO sector recipients;
- ✓ Increase accessibility to comprehensive and current data on the NGO sector inclusive of: the levels at which organisations function, staff expertise, operational systems, target groups, programmes, resources, rates of success and longevity.
- ✓ Quantify the annual national contribution of the NGO sector in economic, environmental, social and cultural terms;
- ✓ Heighten the confidence of vulnerable groups and the general public in the capacity of NGOs to deliver quality services in tandem with national programmes;

On the above basis CPDC will provide support to NGOs at national level to mount a campaign of advocacy and lobbying to engage a wide array of stakeholders and policy makers towards the enactment of enabling NGO legislation. The advocacy and lobbying strategy is aimed at achieving the following:

Specific Objectives

1. To sensitize all segments of the society to the role and contribution of NGOs
2. To achieve national consensus within civil society towards enactment of enabling NGO legislation
3. To encourage NGOs to take advantage of the enabling NGO legislation

The first objective envisions implementation of ten sets of activities to achieve the outcome of public knowledge, understanding and appreciation of the contributions of NGOs to national development. The second objective proposes eight groups of activities to achieve the outcome of a broad-based coalition of advocating for enabling NGO legislation. Successful conclusion implies that a number of governments would be pleased to enact such legislation. Anticipating such an outcome the third objective encourages NGOs to take advantage of the legislation with a view to maximizing the use and benefits to be derived.

The NGO sector has always taken the initiative to engage governments at local, national, regional and international levels on issues of public policy, citizen's participation and good governance. It is able to deploy its considerable experience and expertise to a cause about which it is passionate. The sector will draw upon national, regional and international best practices to engender the groundswell required to bring the desired quality of enabling NGO legislation into reality. Mindful that no law can adequately foresee future developments in society, provisions will be built into the legislation in anticipation of its ultimate improvement.

The CPDC will oversee a monitoring and evaluation procedure throughout the process however support for the campaign will be on a contractual basis secured through an official Call for Expressions of Interest (EOI). Thus, national entities will determine the nature of the activities which they have comparative advantage to undertake and concede to a selection process in which the most feasible proposal will be approved.

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1. OVERVIEW

The purpose of this report is to provide CPDC members and affiliates with an advocacy strategy guide for engaging their respective policy makers to enact enabling NGO legislation and facilitate the creation of an environment conducive to the operations and contributions of the NGO sector. This report is presented in three sections that fulfill the following:

Specific Objectives

1. To document and summarize the importance of an enabling legislative environment for NGOs in the Caribbean (inclusive of reference to consultations and reports completed within this project).
2. To identify, explain and recommend advocacy and lobbying strategies for engagement of policy makers by NGOs at the national level on the issue.
3. To draft Terms of Reference for CPDC to undertake a Call for Expressions of Interest (EOI) for NGOs to receive support to undertake small-scale advocacy action. The ToRs should include:
 - A summary background which provides context for the Call for EOIs
 - Qualifications/Experience criteria for NGOs that qualify to undertake advocacy actions
 - A general identification of the parameters for advocacy activities to be implemented by NGOs
 - Duration parameters for advocacy activities
 - A template for NGOs to submit their EOIs

1.1 Defining Non-Governmental Organisations (NGOs)

Non-Governmental Organisations (NGOs) are formal self-governing organisations that work towards improving the quality of life for marginalized people through practical socio-cultural interventions as well as economic projects, research and analysis, public education, advocacy and lobbying¹. NGOs are separate

¹ Peggy Antrobus. 1992. Challenges in Caribbean Development: Interventions of NGOs at the CARICOM Regional Economic Conference February 1991. Barbados: Caribbean Policy Development Centre p.2

from government; they are voluntary, independent, not-for-profit and not self-serving to members². Article 71 of the United Nations Charter endorses the role and operations of NGOs³.

The United Nations definition of an NGO reads: “A non-governmental organization (NGO) is a not-for-profit, voluntary citizens' group, which is organized on a local, national or international level to address issues in support of the public good. Task-oriented and made up of people with common interests, NGOs perform a variety of services and humanitarian functions, bring citizens' concerns to governments, monitor policy and programme implementation, and encourage participation of civil society stakeholders at the community level. They provide analysis and expertise, serve as early warning mechanisms, and help monitor and implement international agreements. Some are organized around specific issues, such as human rights, the environment or health”.

1.2 NGOs in the Context of the Caribbean Community

The NGO sector in the Caribbean is rooted in the democratic tradition of social movements that have arisen throughout the history of the region to challenge injustice and articulate a vision of a better life for the majority of its people. Caribbean NGOs represent continuity of the ethos of care, labour exchange and pooling of savings and other resources among extended families and neighbours. These customs translated into church-based groups and volunteer organisations that undertake initiatives to address practical needs in their communities. These precursors birthed a new form of organisation in the post-independence period; the NGOs that operate alongside charities, cultural and sports clubs, professional associations, farmers' cooperatives, credit unions and trade unions. CARICOM⁴ codified the growth and importance of NGOs in the development landscape of Caribbean States by incorporating the sector into the meaning of the term “Social Partners”.

The Charter of Civil Society for the Caribbean Community was adopted Feb 19, 1997 in St. Johns, Antigua and Barbuda, “as an important element of the Community's structure of unity”. Its principles are intended to serve as a guide for the continuance of the democratic tradition of the region. The Charter enjoins States to recognize “that integral to the concept of good governance are the complementary roles of government, the social partners and the citizenry [and to] ensure that the rights and responsibilities of all are clearly

² Collin Ball and Leith Dunn. 1995. Non Governmental Organisations Guidelines for Good Policy and Practice. London: Commonwealth Foundation [19]

³ David Lewis, 2007. The Management of Non-Governmental Development Organizations. Routledge Taylor & Francis Group: London and New York. Second edition p.50

⁴ CARICOM. 1997. Charter of Civil Society for the Caribbean Community. CARICOM Secretariat: Georgetown. Article 1, Use of Terms (a) page 9.

established and that the appropriate environment for their exercise and discharge, as the case may be, is fostered”⁵.

1.3 NGO Legislation in CARICOM

To date, the CARICOM Member States of Belize, and St. Kitts and Nevis, have established the national legal foundation for implementing the good governance aspirations voiced in the Charter, in respect of NGOs. Belize’s Non-Governmental Organisations Act, 2000 is moored to the constitutional references of the Charter thereby fully incorporating NGOs into the national governance apparatus as “Social Partners”. The Non-Governmental Organisations Act Chap. 20.59 of St. Christopher and Nevis, revised Dec. 2009, seeks to “regulate the operation” of NGOs. In Haiti, legislative recognition of the defining identity and personality of NGOs predates and is unrelated to the Charter of Civil Society for the Caribbean Community.

St. Vincent and the Grenadines and St. Lucia have attempted to follow the lead of the NGO Act of Belize but in both Member States the process was truncated. The Civil Society Organisations Act, 2004 of St. Vincent and the Grenadines has the explicit purpose of recognizing NGOs as “**social partners**”, in line with the CARICOM Charter of Civil Society. St. Lucia’s Non-Governmental Organisations Act, 2006 “is to promote and protect the recognition of Non-Governmental Organisations”, among other purposes. Unfortunately, the Bill in St. Vincent and the Grenadines never completed the number of Parliamentary readings required for its adoption. The St. Lucia Act has not been proclaimed and brought into force.

These good practice attempts are not yet evident in other CARICOM Member States, thus NGOs are not distinctly visible within their legal frameworks. The ideals of the Charter have been actualized mainly in the form of increased consultation with civil society groupings and their inclusion in official advisory committees on sectoral themes where they have proven expertise. The ad hoc and unstructured nature of this arrangement at national level has prompted Caribbean NGOs to seek legal standing locally, instead of having selective visibility on the fringes of the CARICOM Conference of Heads of Government.

⁵ CARICOM Charter Article XVIII Good Governance (3)

1.4 Modeling Good Practice

The Caribbean Policy Development Centre (CPDC) began promoting Belize's Non-Governmental Organizations Act, 2000 as a model for CARICOM since the start of the new millennium. Perhaps to some extent, the NGO Acts of St. Vincent and the Grenadines, St. Lucia, and St. Kitts and Nevis are attributable, to CPDC's direct lobbying of Attorneys General, Prime Ministers and civil society in those countries, as well as 7 other CARICOM Member States during the year 2001. CPDC sustained its advocacy on this issue during the July 2002 "Forward Together" CARICOM Civil Society Encounter.

Disappointingly, the conference produced the *Liliendaal Statement of Principles* promoting the idea of more regular engagements between Civil Society and Heads of Government. These principles were already contained in the good governance article of the Charter of Civil Society for the Caribbean Community and needed to be legislated to give substance to the development dialogue that was starting to occur at national level between governments and NGOs. CPDC advocated for NGO legislation as the preeminent method of formalizing the partnership envisioned by the Charter and imprinted in the 2000 Millennium Development Goals, now Sustainable Development Goals (SDGs).

CPDC facilitated a series of consultations with civil society on the CSME in 2010 on behalf of CARICOM. Enactment of NGO legislation emerged as a recommendation from among approximately 400 civil society representatives who were engaged throughout the 15 CARICOM Member States and Montserrat. Senior government officials and at least one Minister attended each national consultation. In acknowledging the important but transient advances had been made in government/NGO relations since the Charter of Civil Society, participants cited widespread breach of Articles XXV and XXVI which require states to report annually on implementation at national level. Civil society representatives were of the view that NGO legislation is a more predictable foundation for their greater participation in the CSME.

CPDC again initiated dialogue with civil society organisations, during 2016 – 2017⁶, on the desirability of legislation that distinguishes the NGO sector among social actors. No consultation was unequivocal about NGO legislation. A definitive "yes" to NGO legislation did not emerge from the consultations, appraisals and dialogues. Ambivalence among many representatives hovered between caution lest any such law be used to control and restrict NGOs and lack of faith that their functioning could be enabled by governments. Two consultations thoroughly reviewed the St. Kitts and Nevis NGO law, a third consultation listed all of

⁶ "Support to Facilitate Participation of CARIFORUM Civil Society in the Regional Development and Integration Process", a grant partnership between CPDC and the European Commission which focuses on strengthening the enabling environment within which NGOs presently function and building their institutional capacity.

the provisions that should be included in a law for that country, a fourth consultation outlined the content of an NGO policy to guide legislation, and a fifth consultation compared their local situation with that which obtains in the Dominican Republic where an NGO law benefits the sector. Almost every consultation sought to define and delineate the category of NGO. Representatives committed to taking the process of dialogue forward but only one of the consultations clearly identified their lead agency. This responsibility may be understood as being that of the convener of the consultation. Ambivalence prevailed.

1.5 Rationale for national NGO legislation

The use of law as an instrument to define, regulate and validate institutional relationships is accepted by all segments of Caribbean society. Law invokes compliance, prohibits transgression, and is respected as having long-term power that transcends changes in political administration. Thus, enabling legislation that provides specifically for the operations and ethos of the NGO sector is seen as an appropriate means of formally incorporating NGOs into the governance structure of CARICOM Member States.

Compared to the other social partners NGOs do not have a distinct legal persona at national level in most CARICOM Member States. Citizens are validated by the constitution. Governments, companies and trade unions are validated by specific laws. Largely, a legislative framework specific to NGOs is non-existent. NGOs have been resorting to the laws pertaining to Charities, Friendly Societies and Non-Profits, for legal coverage. None of these fully encapsulate the identity of NGOs or provides for their types of operations. Enabling NGO Legislation is required to enshrine fully the nature, role and functions of NGOs in national development.

Currently NGOs see value in enabling NGO legislation in so far as it could possibly breathe new life into and inspire the sector. Thus, participants at the CPDC consultations reiterated, affirmatively, that all levels of civil society need to come to consensus on the value of NGO legislation. Representatives set out a number of key provisions that NGO legislation should contain. They include, but are not limited to, the following:

- ❖ provide an internationally accepted definition of NGOs;
- ❖ designate NGOs a social partner, confer the right to input into policy, improve standing of NGOs;
- ❖ have a registration process that is low cost, simple, and voluntary;
- ❖ shorten the timeframe for obtaining bank accounts;
- ❖ grant special tax concessions and access to government technical support;
- ❖ guarantee official endorsement of NGOs to enable them to receive overseas funding;
- ❖ facilitate access to government funding through procurement of NGO services and other channels;

- ❖ allow NGOs to engage in social enterprise for their financial viability and sustainability; and,
- ❖ provide a framework for advancing structured NGO involvement and participation in national development programmes.

NGO legislation should be forward looking; able to encompass change: technological, economic, political, social and environmental. Enabling legislation should facilitate the NGO sector's adaptation to new ways of doing business. Since CARICOM's adoption of the Charter of Civil society in 1997 Caribbean societies have become even more vulnerable and the entire social fabric has been weakened. The demand for NGO services and interventions has intensified. Available financing needed for development languishes for lack of the legal framework through which to deploy human capabilities that exist at different levels of society, as cohesive resourceful productive units. NGOs are willing to bolster the faltering engine with the unique expertise provided and assist in surmounting the many complicated social, political and economic challenges to the region. There are many reasons why enactment of enabling NGO legislation is prudent for CARIFORUM States.

As a result of enacting enabling NGO legislation the nations of CARIFORUM will be able to:

- ✓ Expand the sources and quantum of national development funding annually drawn down by both governments and NGOs due to increased international donor confidence in an enhanced good governance environment for social and economic growth;
- ✓ Improve the completion rate of national projects and service delivery through public, private and civil society partnerships in which the skills of NGOs are procured in areas where they have proven comparative advantage;
- ✓ Maximize the possibility of achieving SDG #17 through the creation of a transparent multi-partite framework for collaboration among government, private sector, trade unions and other non-state actors
- ✓ Generate more structured and measurable private sector philanthropy due to provisions that foster accountability and transparency of NGO sector recipients;
- ✓ Increase accessibility to comprehensive and current data on the NGO sector inclusive of: the levels at which organisations function, staff expertise, operational systems, target groups, programmes, resources, rates of success and longevity.
- ✓ Quantify the annual national contribution of the NGO sector in economic, environmental, social and cultural terms;
- ✓ Heighten the confidence of vulnerable groups and the general public in the capacity of NGOs to deliver quality services in tandem with national programmes;

2. SUMMARY OF CONSULTATIONS ON NGO LEGISLATION

CPDC solicited the views of civil society on NGO legislation through several phases of national level discussion over a two-year period. Members and affiliates in Barbados, Dominica, Grenada, Jamaica, St. Lucia, St. Vincent and the Grenadines, and Suriname proceeded through a careful and extensive process that involved:

- assessment of the extent to which an enabling external environment exists for NGO operations,
- internal evaluation of the extent to which NGOs practice good governance,
- appraisal of commitment to an NGO Code of Conduct and Ethics for the sector, and,
- review of the provisions, benefits and use of existing NGO legislation in CARICOM and beyond.

In the final analysis NGOs were neither enthusiastic nor dismissive of NGO legislation. Many were jaded from past disappointments. They were cautious, but not opposed to the idea. Representatives agreed that it is imperative for advocacy on NGO legislation to be driven from the “grassroots”, the “vulnerable groups” and the “very bowels of civil society”. Another imperative is careful consideration of the potential of any legislation to contribute to rebuilding the capacity and sustainability of the sector by ameliorating the many challenges that hinder the work of NGOs in the national development space. Enabling legislation should bring clarity of definition and regulations that distinguish NGOs from other organisations within the broad category called civil society.

These considerations drove assessment of the current status of the NGO sector as the starting point of each consultation. Emphasis differed in each country on variables such: as defining an NGO; review of existing NGO legislation; elements of the policy that should guide drafting of NGO legislation; preparatory work to be completed at national level; and the meaning, objectives and results that NGO legislation should deliver.

Barbados highlighted the need to reach consensus throughout the sector on the desire for NGO legislation; for clarity about what each NGO requires from the legislation; and for local champions to drive advocacy. Representatives identified aspects of the policy which should guide drafting of NGO legislation and the ground level preparatory work that needs to be done. A lead agency was identified.

Grenada’s representative organisations deliberated extensively and deeply on requirements for the creation of an enabling NGO environment; reviewed the Dec. 2009 revised Non-Governmental Organisations Act Chap. 20:59 of St. Christopher and Nevis; and stressed the importance of continuing engagement with the

local NGO sector at a community and parish level on the role of NGO legislation. A representative group to lead the process was recommended but not constituted at that meeting, neither was a timeframe decided.

Jamaica concentrated on the existing options for legal registration being used by NGOs; need for definition of NGOs within the broad category of civil society; internal and external challenges faced by the NGO sector; legislation as the best enforcer of compliance with the NGO Code of Conduct and Ethics; and the content of the national NGO policy that should guide drafting of legislation. After outlining the main elements for an NGO Registration Act the representatives opted for reform of the existing Charities Act in preference to drafting an NGO Act. A delegate was selected to meet with the Minister of Finance who is responsible for the Charities Act. A timeframe and lead agency were not decided upon to take the process forward.

St. Lucia's meeting produced the elements to be encapsulated in the definition of an NGO; affirmed the fundamental importance of a coalition of civil society organisations as a precursor to NGO legislation; and its value as the framework for good governance. No actual commitment was made to pursue these goals; hence no leadership or timeframe was identified.

St. Vincent and the Grenadines endorsed the need for a national NGO policy and definition of NGOs as prerequisites towards the passage of enabling legislation. Participants conducted a review of the Non-Governmental Organisations Act Chap. 20:59 of St. Christopher and Nevis, revised Dec. 2009. Agreement was reached to use it as the model and recommendations were proposed for improvement. Representatives committed to ground level preparations such as obtaining legal expertise and forming a national civil society network to guide the process of finalizing the draft NGO Bill to be tabled. The lead organisation and timeframe for achieving these commitments were not explicit.

Suriname's consultation shared some of the same aspects as others throughout the region. This event had the advantage of receiving the report of a field visit to the Dominican Republic which was made to observe the effects of Law 122 – 05⁷ on the functioning of NGOs. This served for comparison with their national situation. The meeting agreed that work should be done, through local and national level dialogue, towards clarifying what NGO legislation should achieve in Suriname. No lead agency or timeframe was decided.

Dominica, Jamaica, St. Lucia and St. Vincent and the Grenadines had had meetings about the Code of Conduct and Ethics for Caribbean NGOs. These forums on the ethical values and procedures by which NGOs should function sought a mechanism that would best ensure compliance. Dominica's unique input into the Code was that it should include a clause relating to interactions with adolescent boys and girls.

⁷ passed in 2005 and revised 2013

Participants undertook to discuss the Code with their Board and have it signed. Jamaica asked for an anti-bribery clause. In St. Lucia the discussions highlighted the responsibility of the NGO sector. A minister of government reminded the consultation that NGOs had responded to the outcry for new leadership and social change during the 1970s. He emphasized that in this dispensation NGOs are being challenged to resume their rightful role of service to and empowerment of the people of the Caribbean. The St. Vincent consultation registered the urgency for NGOs to lift their image and capacity to deliver to disadvantaged groups, and to become constructive partners and representatives for communities.

In conclusion, this two-year engagement confirmed CPDC's awareness of the sector's disillusionment with the system of governance that had undermined rather than advanced the potential for partnership, stymied zeal and marred NGOs' capacity. The consultations were pervaded by uneasiness that the NGO legislation might be detrimental. Yet collectively, NGOs were energized momentarily by the possibility of regrouping as a cohesive force for the ultimate good of marginalized people in the Caribbean. CPDC will continue to facilitate the dialogue which must continue and the actions to be taken to realize this goal.

The hesitation to commit fully to NGO legislation is true to the experience in Belize where the Association of National Development Agencies (ANDA)⁸ engaged within its membership in a four-year process of sensitization, mobilization, consultation, advocacy, lobbying, drafting and redrafting. Public education and coalition building brought the ideals of legislation for NGOs into reality. The Belize Non-Governmental Organizations Act, 2000, has been used strategically by a small core of agencies that were involved in the process. Nation-wide lack of awareness due to personnel changes within civil society, government and administration has allowed the effectiveness of the NGO Act to wane and be used as a defense mechanism whenever a problem surfaces rather than an enabling instrument among social partners. The lesson which emerged for ANDA was the need to continue to publicize the Act, demonstrate its utility and evaluate its benefits over a selected timeframe.

2.1 Situation Analysis – Issues Related to NGO Legislation

The NGO sector has been in decline since the changed geopolitics at the end of the Cold War resulted in donor flight, funding competitiveness, shifting programming requirements and demise of many networks. CPDC's successive situational analyses show the NGO sector to be constantly adjusting and downsizing. Surviving NGOs are operating below their optimum level. Table 1 below shows some of the hurdles that NGOs in the region confront and which influence their ambivalence to NGO legislation.

⁸ A founding member of the CPDC and lead in CPDC's advocacy for NGO legislation

Table 1: ISSUES, CONCERNS, RECOMMENDATIONS RELATED TO NGO LEGISLATION

Issues	Concerns	Recommendations
NGO LEGISLATION		
<ul style="list-style-type: none"> • Registering as a Charity is difficult and costly • Revised Charities Act has increased institutional requirements • High registration fees • Some NGOs do not have the capability to register under the current laws • Why has draft NGO legislation not been enacted? 	<ul style="list-style-type: none"> • None of the different types of registration, with different requirements, really fit NGOs • Lack of motivation to register unless it is a criterion to access donor funding • Registration system does not cater for different group structures • NGOs need to be distinguished from CBOs, Foundations, other civil society groups 	<ul style="list-style-type: none"> • Acknowledge NGOs in the Constitution • Set up an authority responsible for the NGO sector in each CARICOM state • Make registration and incorporation inexpensive • Provide varying levels of NGO registration that cater for different group structures • Establish an NGO legislative framework as one fundamental aspect of the national democratic process.
PARTNERSHIPS		
<ul style="list-style-type: none"> • Lack of respect for CSOs from the government or state officials • CSOs are not approached to take part in policy discussions • Lack of government support • No NGO/public/private sector partnerships 	<ul style="list-style-type: none"> • Lack of recognition of civil society's contribution • Limits on free expression • Hostile political environment sees NGOs as threats • NGOs should avoid being compromised by the private sector 	<ul style="list-style-type: none"> • Quantify the NGO sector's work • More dialogue that fosters a strong relationship between civil society & government without compromising civil society's independence • Seek MoUs with relevant ministries and agencies of government • Establish a networking relationship with the private sector
FUNDING/FINANCIAL		
<ul style="list-style-type: none"> • Civil society lack resources and have great dependency on declining donor funds, which are for projects only • Very few donors offer financing for CSOs' overheads • Increasing CSO reliance on government funding • NGOs have to compete with private sector for funds; 	<ul style="list-style-type: none"> • Programme support would enhance the role of CSOs in poverty reduction • Flexible financial support to CSOs allows for innovation and strategic thinking • CSOs have to pay taxes (only Charities have tax exemptions) • Funding for NGOs isn't so much shrinking as shifting 	<ul style="list-style-type: none"> • Establish social enterprises and foreign exchange accounts • Invest in business ventures to cover organizations' overheads • Initiate NGO self-financing • Seek NGO tax exemptions • Generate revenue as an imperative for growth and continuity

<ul style="list-style-type: none"> • EU requiring cost sharing in the form of cash 	<p>to large blocks of regional funding to be managed by one more developed NGO or Network</p> <ul style="list-style-type: none"> • NGOs are at risk of being left out of opportunities 	<ul style="list-style-type: none"> • Clarify the rules regarding cash cost sharing with EU: this should only apply in “Co-financing” arrangements
<p>TECHNICAL CAPACITY</p>		
<ul style="list-style-type: none"> • CSOs may lack proper skills in policy making, negotiation and leadership • Small organisations with little to no staff, poor structure and management skills • NGO have unequal levels of development and capacity to access and manage resources • NGO community paralyzed; lack motivation or capacity 	<ul style="list-style-type: none"> • Dearth of young leadership in NGOs • NGOs are challenged to manage institutional advancement to the point of owning property • NGOs are not consistent in their activities and seem not to be serious about development • Resources have not be used sufficiently for actual institutional strengthening of the sector 	<ul style="list-style-type: none"> • Target larger numbers of youth and demonstrate how they stand to benefit from participation in policy and decision-making spaces • Invest in career development as an incentive for active and intelligent people to remain in civil society and make a contribution • Build capacity that will empower CSOs to carry out their expected roles • Facilitate the emergence of networks that can enable NGOs to develop and deliver their services
<p>GOVERNANCE</p>		
<ul style="list-style-type: none"> • Lack of trust, collective effort and partnership among CSOs • Selfish agenda, infighting on the board • Conflict of interest; some NGOs have damaged the sector’s reputation • Lack of communication and clarity of what NGOs represent and their objectives • Limited participation and engagement in policy dialogue • Insufficient use of media, including Government Information Service • Many CSOs are co-opted by political parties 	<ul style="list-style-type: none"> • This compromises NGOs’ standing with government bodies • Sharing of each other’s mandates, success stories and challenges can lead to better understanding • Voluntary self-regulation under the Code of Conduct should be better but it has limitations regarding enforcement • NGOs have contributed towards the development of their countries • NGOs have built up a lot of expertise and should be allowed to give input • In the Caribbean region we may have more work to do than we think • Involvement in party political activities create major problems of credibility for NGOs 	<ul style="list-style-type: none"> • Form alliances; encourage the formation of networks • Create institutional frameworks for better group dynamics and organizational behaviour • Set standards and regulations to combat mismanagement and ensure delivery of results • Design communication strategies for social change • Establish sector specific institutions to facilitate collaborations with government • Increase the use of social media technologies and information management • Mitigate political interference through regulations • NGOs should not give/receive political party funds

The table above highlights issues, concerns and recommendations that were commonly repeated at the many consultations. Some issues are matters of capacity that need to be resolved in order to strengthen the sector to make the best use of enabling NGO legislation. Other issues relate to the implication for NGO functioning should legislation be enacted. Some concerns focus on whether the legislation is actually needed and the potential of this instrument to marginalize groups that are less viable.

Issues of organizational growth are confronted: managing the sector's necessary progression from its roots in the independence period's preoccupation with basic needs and rural development to the present globally integrated technological era in which modes of operations are constantly changing. Programme evaluation has long moved from implementation of objective to results and outcomes. Accountability, transparency and good governance are now the watch words of institutional legitimacy. Yet, instant impoverishment of large swathes of the population due to extreme natural disasters and the vagaries of global economics force the attention of NGOs to delivery of basic needs in communities that appreciate the value of participation but for whom it is not currently a priority. The NGOs' proximity and responsiveness to people in need demands that is fit for purpose. The sector has to acquire the competences, expertise, innovative thought and practice to reduce the incidence of single issue NGO enclaves tethered to closely guarded turf. Fifty years of experience dictates creation of nimble multi-platform networking organisations that address the complexity of human needs in a holistic manner.

Enabling NGO legislation can reawaken the sector to its original motivations and purpose. Prohibited as the conditionality of funding from taking any initiatives towards self-sufficiency, the feared consequences of relying solely on external donor funds are now evident. NGOs are incredulous that the same donors now promote adoption of the business model for the non-profit sector. In order to avoid obsolescence NGOs must innovate self-funding mechanisms and reinvent the sector.

Civil society representatives tried to answer their questions and grappled with whether enabling NGO legislation is a path conducive to a stronger fitter sector or whether the sector needs to be strengthened first in order to benefit from the purposes that could be served by this framework. Participants recognized that this tension can only be resolved through patient dialogue and some risk-taking. Participants agreed to engage the broadest range of civil society organisations and the traditional social partners for their insights.

A wide-ranging and long-term advocacy strategy, each molded to national circumstances, was deemed necessary. The expected outputs are: stakeholder consensus on the benefits and utility of NGO legislation; inputs for the NGO policy that would guide legislative drafting and regulations for implementation. Broad-based coalitions of interest and support are also required to lobby, research, disseminate information, and articulate the vision of enabling NGO legislation that serves the national good and leaves no one behind.

2.2 Elements of the NGO Policy

Enactment of enabling NGO legislation would have to follow the normal procedures whereby drafting is informed and guided by a policy; in this case, an NGO Policy. The national consultations deliberated a non- exhaustive list of elements that should as follows:

Purpose

The Policy promotes creation of an enabling environment for the operation of NGOs and affirms their status as social partners as defined in the CARICOM Charter of Civil Society 1997. Such an enabling environment may be achieved best through legislation which validates the characteristics of NGOs and distinguishes the sector as a subset within civil society.

Definition of NGOs

NGOs are distinguished from other civil society organisations, including foundations. The definitions provided below should remove tensions in the designation of NGO which is a subset of the civil society sector;

Government commitments

Operational/infrastructural, technical and financial support, procurement, endorsement for donor funds; special concessions under the tax regime; not necessarily total tax exemptions, but should not have to apply to a minister each time an exemption is needed; raising the level of annual funding and other support to NGOs

Terms of Engagement

Social contract with NGOs that sets out a framework for participation, settling of disputes,
Designating and officer to meet regularly with the sector to discuss issues of concern;
Making technical, tax and other information available to the sector;
Allowing NGOs reasonable access to state media to increase public understanding of the sector;

NGO Good governance

The NGO Code of Conduct and Ethics; accountability, self-regulation, transparency;
Requirements for directors and NGO membership; implementation of Bi-laws; maintaining public interest and benefit; promote standards to combat mismanagement and ensure the delivery of NGO mandates;

NGO Regulatory Body

Among other duties the NGO Authority (Commission, Council or Ministry) facilitates ongoing liaison, regular communication, amicable relations and collaborations between NGOs and other social partners. The body will be composed of X representatives of each social partner and will be the main institution that through which resources will be channeled to build the capacity of the sector.

Effects of the NGO Legislation

Preserves the institutional autonomy, freedom of expression and best interest of the NGO Sector;
Promotes collaboration among NGOs, contribute to the effectiveness, continuity and sustainability of NGOs.

NGO Legislation

Resolves and addresses any conflicts with existing laws within which NGOs have had to function.
Formalizes engagement with NGOs and improves the environment for partnership. It requires the regular input into public policy, legislation and development programmes and upholds the right and obligation of NGOs to be at the table of national decision making.

Ensures that registration/incorporation is inexpensive, fair and non-burdensome,

Details clear procedures for NGO registration;

States clear and specific reasons why an organization may be denied registration as a NGO;

Supports legitimate revenue generation and self-financing enterprises by NGOs;

Cautions NGOs against aligning with, giving funds to or receiving monies from political parties;

Fixes NGO reporting requirements and time periods for responses from government to NGOs;

Fees to be paid to the NGO Commission to facilitate its effective operations;

Contains a clause which provides for amendment of the legislation if compelling reasons arise;

NOTE

The above list captures the matters actually raised in the various consultations. Notably, NGOs were not of one voice on the following two issues:

- Compulsory registration;
- Legislative enforcement of the NGO Code of Conduct and Ethics

3. ADVOCACY AND LOBBYING STRATEGIES

The CPDC has long recognized the need, and advocated, for an enabling legislative framework that formalizes the place of NGOs among the social partners and brings predictability and regularity to this relationship. The CPDC-EU project, “*Support to Facilitate Participation of CARIFORUM Civil Society in the Regional Development and Integration Process*” addresses the lack of legislation to facilitate dialogue between civil society and CARIFORUM governments by supporting the enhancement of the skills and capacity of NGOs to network, develop partnerships and to engage policy makers for an enabling legislative environment that supports standards for NGOs to function and legitimizes their role as social partners.

NGOs can give vitality to two Bills that already exist in the form of the Civil Society Organisations Act, 2004 of St. Vincent and the Grenadines and the Non-Governmental Organisations Act, 2006 of St. Lucia. Governments have seen the merits of relating to NGOs through enabling legal frameworks by drawing up these Bills and by the enactment of the Non-Governmental Organizations Act, 2000 in Belize, and the Non-Governmental Organisations Act Chap. 20:59 of St. Christopher and Nevis.

Worldwide, enactment of enabling NGO legislation was secured by engaging, from the very start, officials, agencies and departments of government as well as Parliaments. This has helped early achievement of a common goal and made possible compromise and negotiation. The involvement of government officials has provided accurate information on the functioning of the public sector and enabled NGO/stakeholder coalitions to be realistic and ingenious in their positions. That is, the NGO sector has always required direct involvement of a wide range of stakeholders.

Several best practices and lessons have been learnt concerning effective advocacy and lobbying for enabling NGO legislation. These may be summarized briefly as follows:

- ❖ Build legitimacy, local ownership and the broadest participation of all stakeholders into the process
- ❖ Engage all the branches of government to achieve constructive dialogue and engender trust
- ❖ Practice a sound technical approach, strategically enlisting and contracting required expertise
- ❖ Partner with experienced overseas entities that have some local credibility

A national network of NGOs should coordinate and lead advocacy for enabling NGO legislation. Where a network does not exist the role is assumed by a credible lead NGO that will encourage other NGOs to

accept different levels of responsibility in the process. The first order of business may be to coalesce the NGO sector then mobilize civil society stakeholders; alliance building and technical effort follows. When the goal of enabling NGO legislation is achieved commendation of stakeholder partners, dissemination of information to the public, assistance to NGOs to take advantage of the legislation and activating channels of communication between government and the sector are as important as the pre-enactment advocacy.

Coalition building could be a dynamic or incremental process depending on the pre-existing organizational infrastructure and relationships. The national consultations often highlighted the absence of robust national networks and the presence of under-resourced NGOs with little intra or inter sectoral collaboration. Coalition building will call for persistence and application and clearly articulating the benefits that each stakeholder will derive from enabling NGO legislation. The coalition is likely to grow with one sector at a time coming on board and the broadest coalition emerging at the latter stages of the process.

Many sector representatives may never have considered the matter of enabling NGO legislation previously or be knowledgeable of global trends. Widespread NGO participation may impress other stakeholders only after evidence of the involvement of international experts and support confirms the validity of the demand and broadens local perspectives. Prominent individuals will need to see seriousness of purpose before aligning with the cause, yet it is such action which may persuade officials to give the matter their fullest consideration. At every stage NGOs will be well served to publicize their progress and provide reliable information. By the time a truly multi-sectoral Technical Working Group including government is constituted the kernel of a broad coalition is firmly in place and consolidation should follow. The process then enters the intensely technical stage. The media as a stakeholder must be wooed. Its partnership can shape messages to engage the interest of onlookers and invigorate the broad coalition.

An advocacy and lobbying strategy should have clearly defined objectives although timeframes may be affected by variables in the local situations. Tables 2 - 4 below present an advocacy and lobbying strategy as a guide to NGO for engaging national stakeholders and policy makers to enact enabling NGO legislation in CARIFORUM. The strategy may be modified as necessary in each territory. The objectives of the advocacy and lobbying strategy for enactment of enabling NGO legislation is as follows:

Specific Objectives

4. To sensitize all segments of the society to the role and contribution of NGOs
5. To achieve national consensus within civil society and enactment of enabling NGO legislation
6. To encourage NGOs to take advantage of the enabling NGO legislation

Table 2: Public Education on the NGO Sector

OBJECTIVE # 1: To sensitize all segments of society to the role and contribution of NGOs				
STRATEGY: Provide information in all forms of media targeting specific audience & publics				
OUTCOME: Public knowledge, understanding and appreciation of the contribution of NGOs to national development				
No.	Activities	Outputs	Indicators	Responsibility
1	<ul style="list-style-type: none"> Sensitization campaign highlighting the role of NGOs and the special achievements of different NGOs, using all forms of media 	<ul style="list-style-type: none"> Information compiled on the NGO sector 	Number and forms of presentations	Lead NGO
2	<ul style="list-style-type: none"> Open Days at NGOs and displays at special events to bring people to visit organisations 	<ul style="list-style-type: none"> Multi- media documentation 	Number of/ and visitor feedback	All NGOs
3	<ul style="list-style-type: none"> Quantify and publicize the contributions of the NGO sector in different national spheres 	<ul style="list-style-type: none"> Record of NGO contribution 	National sectors measured	Consultant NGO
4	<ul style="list-style-type: none"> Lobby to have the NGO contribution included in government reporting – CEDAW, UPR, etc 	<ul style="list-style-type: none"> Sector report submitted to Government 	Number of NGO providing data	Lobbying Committee
5	<ul style="list-style-type: none"> Establish an NGO volunteer recruitment portal on social media and manage placements 	<ul style="list-style-type: none"> Database of new volunteers placed 	Perception of volunteers	Volunteer Manager
6	<ul style="list-style-type: none"> Collaborate with at least one NGOs or CSOs in a twelve-month period 	<ul style="list-style-type: none"> Record of collaboration 	Perceptions of collaborators	All NGOs
7	<ul style="list-style-type: none"> Initiate and manage an NGO blog for 1 year 	<ul style="list-style-type: none"> Articles on NGO issues 	Public feedback	Volunteer
8	<ul style="list-style-type: none"> Encourage the formation of a national network of NGOs where none exists and revitalize those that do, if necessary 	<ul style="list-style-type: none"> Representative organ of NGOs 	Diversity of membership	Lead NGO
9	<ul style="list-style-type: none"> Promote the establishment of an authority responsible for official liaison with the NGO sector in each CARICOM state 	<ul style="list-style-type: none"> NGO Council, Unit or Commission 	Government appointed	All NGOs
10	<ul style="list-style-type: none"> Publicize the CARICOM Charter of Civil Society 	<ul style="list-style-type: none"> Social Partner designation of NGOs 	Relevant Article of the Charter	Lead NGO

Table 3: Building a Broad-Based Coalition and Formulating Proposals

OBJECTIVE # 2: to achieve national consensus within civil society towards enactment enabling NGO legislation.				
STRATEGY: sustained process of sensitization of the various segments of civil society on this good practice.				
OUTCOME: a broad-based national coalition of civil society organisations advocating for NGO legislation.				
No.	Activities	Outputs	Indicators	Responsibility
1	<p>Research:</p> <ul style="list-style-type: none"> Clarify the true legal status of existing NGOs (Non-profit, Charity, Foundations, etc) Clarify the legal difference, if any, between registration and incorporation Map the usage of NGO laws in Belize and in St. Kitts & Nevis and the extent to which these have been enabling 	<ul style="list-style-type: none"> Database of NGOs and the law under which they are registered or incorporated Knowledge of provisions in existing frameworks for an NGO to acquire legal status Status report of viewpoints from NGOs and other stakeholder 	<ul style="list-style-type: none"> Benefits of legislation to NGOs Legal provisions Recommendations for improvement 	Working Group (constituted by NGO Network or Lead)
2	<p>Consultations, Dialogues, Roundtables</p> <ul style="list-style-type: none"> Explore and debate the pros and cons of legislation among NGOs and CSOs in different rural and urban zones/areas nationally Use NGO Acts in CARICOM and internationally as reference Incrementally expand coverage of stakeholders that are integrated into the dialogues Involve international experts where useful 	<ul style="list-style-type: none"> Report of all the arguments for/ against NGO legislation Account of capacity and interest to develop enabling NGO legislation List of priority areas for the NGO Policy which informs legislation Broadsheet of perspectives and experiences Value added of NGO Act 	<ul style="list-style-type: none"> Diversity of views Resources and opportunities identified Coverage of issues/concerns Models of good practice 	<p>Network or Lead NGO</p> <p>Working Group or Sub-Committee</p> <p>Working Group or Sub-Committee</p>
3	<p>Sensitization of Social Partners</p> <p>Make separate presentations to:</p> <ul style="list-style-type: none"> Government Private sector Trade unions Tertiary institutions Churches Media Other 	<ul style="list-style-type: none"> Memorandum of Agreement or Participation with the national organisation of each sector 	Number of MoAs	Different NGOs

OBJECTIVE # 2: to achieve national consensus within civil society towards enactment enabling NGO legislation.				
STRATEGY: sustained process of sensitization of the various segments of civil society on this good practice.				
OUTCOME: a broad-based national coalition of civil society organisations advocating for NGO legislation.				
No.	Activities	Outputs	Indicators	Responsibility
4	<p>Champions</p> <ul style="list-style-type: none"> Secure the vocal support of local persons of influence e.g.; in the private sector and tertiary institution Secure the diplomatic support of persons of influence from some jurisdictions that have NGO legislation eg. Ambassador, senator, NGO leader, etc 	<ul style="list-style-type: none"> One or more local Champion One or more Champion per country with NGO legislation 	<p>Personality speaks on NGO advocacy platform/ lobbies policy makers</p> <p>Panel of visible Champions</p>	<p>Network or Lead NGO</p> <p>NGO Liaison assigned to the Champions</p>
5	<p>Technical Expertise</p> <ul style="list-style-type: none"> Seek legal advice of persons in public and private practice Secure the expertise of international/ regional NGOs Constitute a broad-based Technical Working Group on national NGO legislation 	<ul style="list-style-type: none"> Summary of legal provisions Experienced committed external partners Multi-sectoral representation 	<p>Legal options and perspectives</p> <p>Two regional and two international partners</p>	Working Group
6	<p>Collaboration with Parliament</p> <ul style="list-style-type: none"> Lobby government to appoint 2 senior officers to the Technical Working Group: one each from Parliament and the Attorney General's Office Drafting and revising of legislation 	<ul style="list-style-type: none"> Multi-sectoral representation Drafts for broad stakeholder comment and public discourse 	<p>Government has representatives on Technical Working Group</p> <p>Timely revision of Drafts</p>	<p>Working Group</p> <p>Multi-sectoral Technical Working Group</p>
7	<p>Alliances Building</p> <ul style="list-style-type: none"> Circulate drafts to all sectors and stakeholders including Parliament Post drafts and updates on 	<ul style="list-style-type: none"> Drafts received by wide range of stakeholders Drafts (also accessible to nationals overseas and other 	<p>Degree of public feedback; media uptake</p> <p>Number of media</p>	Network or Lead NGO

OBJECTIVE # 2: to achieve national consensus within civil society towards enactment enabling NGO legislation.				
STRATEGY: sustained process of sensitization of the various segments of civil society on this good practice.				
OUTCOME: a broad-based national coalition of civil society organisations advocating for NGO legislation.				
No.	Activities	Outputs	Indicators	Responsibility
	<ul style="list-style-type: none"> selected online media Repeated broad-based national consultations Launch a petition seeking public support for the final draft Lobby MPs to engage in Social Partners/ CSOs/Government Dialogues 	<ul style="list-style-type: none"> external stakeholders) Consensus on drafts Broad Coalition visible 	<ul style="list-style-type: none"> drafts are posted Number of areas for revision Number of signatures; number of MPs receiving petition 	Network or Lead NGO
8	Submit Draft NGO Legislation <ul style="list-style-type: none"> Lobby all MP for enactment Update public/stakeholders fully 	<ul style="list-style-type: none"> Multi-sectoral coalition that includes international support 	<ul style="list-style-type: none"> Number of sectors vocally supporting petitions/lobbying 	<ul style="list-style-type: none"> Technical Working Group Network or Lead NGO

The normal process of drafting and enacting legislation is typically an extended undertaking as experienced in countries that have enacted NGO legislation. The NGO sector should expect to expend energy and resources to achieve its goal. Key to success is the organization of the sector as a cohesive unit and its capacity to imbibe new knowledge, deploy a multiplicity of tactics, build and expand alliances as it seeks the support of other sectors in advocating and lobbying for enabling NGO legislation. The route and pace of achieving results are influenced by local factors, paramount of which is the receptivity or initiative of the government. NGOs have to exercise patience, recognizing and valuing each step toward achieving the goal.

NGOs will need to solve legal and practical problems, engage governmental structures in a conciliatory manner and have direct interface with policy makers and ministers to respond to their concerns and receive their inputs. Reliable analyses will strengthen the confidence of government representatives that NGOs are negotiating from informed positions. In the main, successful advocacy and lobbying is an exercise in diplomacy where the band of passion is muted and expertise is synchronized to respect the power broker. The sector would do well to engage government at a very early stage as a demonstration of trust.

Table 4: Post Enactment Public Sensitization and Facilitation of NGOs

OBJECTIVE # 3: To encourage NGOs to take advantage of the enabling legislation				
STRATEGY: Provide technical support to NGOs to facilitate their registration/incorporation under the Act				
OUTCOME: Maximum NGO use and benefit from the enabling intent of the legislation				
No	Activities	Outputs	Indicators	Responsibility
1	<p>Sensitization</p> <ul style="list-style-type: none"> • Raise public awareness of the enactment of enabling NGO legislation; • Media blast on the provisions of the legislation and requirements for NGOs to access benefits • Commendation of Champions, Coalition, Parliamentarians, Social Partners, Experts, other stakeholders whose efforts contributed to enabling legislation 	<ul style="list-style-type: none"> • Seminars in rural and urban locations • Factsheets online • Paid advertisements in electronic and print media 	<p>Number of attendees</p> <p>Number of media used</p> <p>Number of commendations</p>	Network or Lead NGO
2	<p>Support to NGOs</p> <ul style="list-style-type: none"> • Contact and assist NGOs in database to use the legislation • Establish mechanism to address setbacks NGOs may encounter 	<ul style="list-style-type: none"> • Record of NGOs assisted • Legal Hot-line and Clinic in operation 	<p>Number of issues resolved</p> <p>Effectiveness of mechanisms</p>	Working Group
3	<p>Documentation</p> <ul style="list-style-type: none"> • Expand initial database to include NGO registration/incorporation under the Act • Survey to capture: <ul style="list-style-type: none"> - Benefits accruing the NGO sector - Impact on the functioning of NGOs - Influences on behaviour of the sector - Effects on other CSOs - Opinions/observations of the public - Feedback from government agencies regarding operation of the Act - Functioning of complaints mechanism 	<ul style="list-style-type: none"> • Updated Data-base of NGOs using the Act • Survey Report completed in a timely manner 	<p>Information is obtained</p> <p>Survey Report circulated</p>	Working Group

4. GENERAL CONCLUSIONS

The NGO sector has always taken the initiative to engage governments at local, national, regional and international levels on issues of public policy, citizen's participation and good governance. CPDC's interventions at the CARICOM Regional Economic Conference 1991 illuminated the West Indian Commission towards the proposal that CARICOM later adopted as the Charter of Civil Society. ANDA's perseverance in carrying the touch until passage of the NGO Act legitimized the sector as social partners in Belize. NGO legislation enacted in St. Kitts and Nevis inspires the faith that the Bills in St. Vincent and the Grenadines and in St. Lucia await the enthusiasm of NGOs in order to be brought into law. The draft law already submitted by civil society in The Bahamas to the Office of the Attorney General sustains the tradition of NGOs being catalysts for the enactment of enabling legislation.

Enabling NGO legislation can expand the possibilities for the sector to work as a collaborative unit on multiple issues pertaining to national development and bring its comparative advantage to the benefit of all sectors of society. Having regard to the extensive process of environmental scanning, self-assessment, internal governance, study of country experiences with NGO laws, and cogent outputs of the consultations undertaken the activities of the advocacy and lobbying strategy are well within the capability of lead agencies and national networks to implement. It is foreseeable that NGOs can mobilize to engage policy makers on the creation of an appropriate legislative environment. Some CARIFORUM countries could seriously consider enactment of enabling NGO legislation during the life of the current CPDC-EU project.

Every aspect of society will be touched by enabling NGO legislation. That is, stakeholders extend beyond the NGO sector to other interests and institutions. NGOs have considerable experience caucusing with the wider civil society, private and public sectors on issues germane to the entire nation. NGO legislation will constitute the first occasion on which the NGO sector will be soliciting partnerships directly in its interest. NGOs can draw on their comparative advantage in public sensitization to convene expert forums with the tripartite social partners to apprise each of these stakeholders of the many sectoral benefits that they can derive from enactment of enabling NGO legislation. This is an important basis for their review of drafts and positions that will be presented to them as the process unfolds.

As repeated opportunities are provided for all stakeholders to comment on NGO proposals, serious efforts made to incorporate their insights will garner the involvement of citizens seemingly far removed from the work of NGOs. The many face to face meetings at various levels of the NGO and civil society sector to be held in both rural and urban locations may be reinforced by direct telephone requests and online petitions. General public education in the form of accurate information shared in a range of media will allow for truly

ventilating and resolving thorny issues in a transparent manner that collectively develops the best kinds of recommendations. These best practices engender the groundswell required to bring the desired quality of enabling NGO legislation into reality.

NGOs would do well to heed legal advice on many structural, procedural and substantive issues; taxation, for example. Comparative study visits to gain insight into different approaches, tactful and wise diplomatic interventions, expert reviews highlighting best practices, debates and public hearings are some of the many activities to be undertaken to generate consensus and build a broad coalition of support. The financial and technical input of more experienced international partners sometimes shifts the balance from hesitancy to decision making. Consistent honest evaluation and timely adjustment eventually lead to the best outcome.

Existing NGO laws are characterized by strong enabling provisions on the one hand and some deficiency on the other. For example, CPDC's 2010 scan of the use made of the Non-Governmental Organisations Act, 2000, of Belize had indicated discomfort with appeal to the Supreme Court as the first option for resolution of a registration dispute. An amendment clause built into any legislation or regulation may suffice to open the door for revisiting areas which could not be resolved at the time of drafting or which arise from new circumstances. An overarching NGO policy framework and the existence of a government/civil society liaison body can address peculiar situations without interfering with the legislation. However, in the normal advancement of society, at some juncture, law has to be revisited to cater for the best interests of national life. Enabling NGO law can anticipate this improvement.