



# **Scenario Mapping and Strategic Planning Report for the Private Voluntary Organisation (PVO) Amendment Bill**

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Enabling Environment for Civil Society Organisations in Zimbabwe.  
National Association of Non-Governmental Organisations (NANGO)  
2 McGowan Rd, Milton Park  
Harare  
Zimbabwe

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Designed By: Chris Katsaura

## Introduction

The Private Voluntary Organisation Amendment Bill (hereinafter the “Amendment Bill”) was gazetted on 5 November 2021. Its memorandum stipulates three objectives of the Amendment Bill. Firstly, the Amendment Bill seeks to ensure Zimbabwe's compliance with the Financial Action Task Force (FATF) Recommendation 8 regarding money laundering and terrorism financing. Secondly, the Amendment Bill aims to streamline administrative procedures for Private Voluntary Organisations (PVOs) to allow for efficient regulation and registration. Thirdly, the Amendment Bill aims to ensure that PVOs do not undertake political lobbying. Further to the initial Amendment Bill, on the 7<sup>th</sup> of June 2022, the Minister of Public Service, Labour and Social Welfare submitted significant amendments to the gazetted 2021 Amendment Bill on the National Assembly Order Paper. A cursory analysis of the amendments reveal that when passed into law, this piece of legislation will present grim operational restrictions and challenges to all Civil Society Organisations (CSOs) in Zimbabwe working in different sectors. However, these challenges will differ depending on the current form of registration of the organisation, i.e., PVO, Trust or Common Law Universitas and depending on the focus of the work being carried out by the organisation. Consequently, CSOs are vulnerable and at risk of being deregistered and closed when the Amendment Bill is assented into law. Against this backdrop, this report also examines both amendments (those published on 5 November 2021 and amendments submitted on 7 June 2022) for purposes of ascertaining the likely implications of the amendments on different types of CSOs (i.e., Trusts, PVOs or Universitas). The report also recognises the operational challenges that will affect CSOs and therefore maps scenario and present recommendations for planning purposes.

## Contextual Analysis

Currently in Zimbabwe, there are three types of legal entities recognised to fall within the category of CSOs and are engaged in non-governmental activities such as charity work, policy advocacy, community education and provision of social and legal services among others. These entities are, Trusts, PVOs and common law Universitas. The legal framework creates different requirements for such entities to acquire legal personality. For Trusts, they can be registered by the High Court or Registrar of Deeds Registries in terms of the Deeds Registries Act [Chapter 20:05], through filing a Trust Deed detailing objective of the Trust, name of trustees, beneficiaries, etc. As for PVOs, they acquire legal status by registering in terms of the Private Voluntary Organisation Act [Chapter 17:05]. A person intending to register a PVO must file an application in terms of section 9 of the PVO Act with the required documentation such as a Constitution of the organisation. The other option of creating a CSO is by forming a common law Universitas organisation, which is legal but is not registered or regulated by any legislation statute. A group of individuals who agree to achieve a common objective, establish the Universitas organisations. However, the organisation must have a Constitution to guide the institute in pursuit of its objectives. The gazetting of the PVO Amendment Bill, is a clear indication that the legislature intends to overhaul how CSOs acquire legal personality, operate and are regulated in Zimbabwe. Currently, the PVO Act does not apply to Trusts or common law Universitas. Nonetheless, this will not be the case when the Amendment Bill is assented.

### ENDNOTES

1. [GN 3107 of 2021], and provides for amendments to several provisions of the Private Voluntary Organisations Act [Chapter 17:05] (hereinafter the “PVO Act”) currently in force. Available at: <https://www.veritaszim.net/node/5325>
2. This is to comply with FATF recommendations under technical compliance raised in Zimbabwe's Mutual Evaluation Report. In its 2016 review, the Eastern and Southern Africa Anti-Money Laundering Group (ESAAM) found Zimbabwe to be in non-compliance with Recommendation 8, regarding non-profit organisations. As a result, Zimbabwe was placed under a monitoring programme in October 2018
3. The amendments extensively revise the Bill, introducing new provisions that were not there when the Bill was taken for public hearings, undermining the set right for members of the public to participate in law making, in terms of section 141 of the Constitution. See; <http://www.veritaszim.net/node/5706>

This is explicit from its definitional clause, which removes the exemptions for common law Universitas organisations and Trusts registered before the High Court or the Deeds Registries Act. Similarly, subsection 3 of the definitional clause gives the Minister power to designate legal entities, bodies that may include Trusts to be registered as PVOs. By implication, this means the Trust will cease to operate as such but acquire a new legal personality through re-registration as PVOs. This presents direct operational restrictions as most CSOs in Zimbabwe operate as universitas organisations or Trusts. However, before delving into the operational challenges that the Bill presentation is important to note that the National Association of Non-Governmental Organisations (NANGO) has several members who are either registered as PVOs, Trusts or universitas. The Table below depicts NANGO's membership across Zimbabwe.

**Table 1: NANGO membership distribution by registration and geographic location**

Region	PVOs	Trusts	Common Law Universitas	Total
Northern	145	210	4	359
Western	24	103	-	127
Midlands	25	40	-	65
Eastern	18	141	-	159
Southern	7	42	-	49
<b>TOTALS</b>	<b>219 (29%)</b>	<b>536 (70.6%)</b>	<b>4 (0.4%)</b>	<b>759</b>

**Non-functional members = 505. Total number recorded in the NANGO Database = 1264**

The Amendment Bill is problematic in many respects. Others have commented and mooted that some of the aspects of the Amendment Bill could be unconstitutional and arbitrary, making it impossible for many organisations to get formally registered and operate. It also directly creates administrative processes and platforms for the government and its apparatus to silence any form of critique or dissent, which are fundamentals for good governance and democracy. To determine what CSOs need to do in preparation for life after the Amendment Bill is assented, the succeeding analyses provisions of the Bill and how they are likely to impact different categories of CSOs (i.e. Trusts, PVOs or common law Universitas).

## ENDNOTE

4. Veritas 'Bill Watch 74-2021 - [Analysis of the PVO Amendment Bill]' Available at: <https://www.veritaszim.net/node/5352>

## Implications of the Amendment Bill on Trusts

When assented into law in its current form, the Amendment Bill will present operational restrictions for CSOs registered as Trusts by either the High Court or Deeds Registries Act. The following are the key immediate implications for Trusts.

- ✓ All entities registered as Trusts in Zimbabwe that undertake non-governmental work will automatically **lose their legal personality**, and this means that all Trusts (except Family Trusts) will become unlawful entities until and only if they are registered as PVOs. Thus, **re-registration is required** for Trusts to retain their legal personality in order to resume operations. Failure to apply for registration will attract criminal prosecution for the trustees.
- ✓ Clause 2 of the Amendment Bill extend the application of the PVO Act to cover Trusts, which the Minister declares in Regulations to be vulnerable to misuse by terrorist organisations, or at high risk of being misused by terrorist organisations. The Trusts covered by a Ministerial declaration **will have to register as PVOs** under the Act and will be subject to both the requirements and obligations of the PVO Act as well as any additional requirements the Minister may specify in Regulations. It is difficult to speculate what the Minister may prescribe in the Regulations, but it is apparent that the Minister has power to use the Regulations to **interfere in the operations** of the Trust. Best practices from other jurisdictions does not oblige non-profit organisations to register with government for them to operate. Instead non-profit organisations are compelled to register if they want to benefit from tax relief.
- ✓ Trusts registered with the High Court and have not registered as PVO's **will not be allowed to fundraise or collect any financial contributions from internal and/or external** players. Contravening this will be a criminal offence and Trustees will be liable to prosecution and a fine not exceeding level five or imprisonment not exceeding six months or both penalties could be imposed. Consequently, this means that Registrar of PVOs will also have power to *monitor or audit books of accounts of Trusts* to find out if they are not fundraising in contravention of the sworn declaration.
- ✓ If a Trust wants to **fundraise for charitable purposes, it must register under the PVO Act**. This is in terms of the new amendments which were introduced in June 2022 by the Minister of Public Service, Labour and Social Welfare.
- ✓ If the Registrar suspects that a Trust undertaking civil society work is collecting funds from any source, either from within or from outside the country or from the public to achieve its objectives, the Registrar will categorise such Trusts as sanctionable and write a notice to the trustees directing them to register it as a PVO within 30 days. Essentially this means that a **Trust cannot receive funds from any source outside the country (such as donor agencies) or from donors operating locally without changing their status to a PVO**. Failure to comply with a notice from the Register will be a criminal offence and will attract a fine not exceeding level ten or imprisonment if found guilty. Prohibiting Trusts from accessing funding is inconsistency with international standards and principles. International norms on the right to the freedom of association has made it clear that access to resources, including funding, is a key component of the right.

### ENDNOTE

5. UN Declaration on Human Rights Defenders, 1998, Available at: <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders-different-languages>

6. Access to Resources, UN Special Rapporteur on the Right to the Freedom of Peaceful Assembly and Association; <http://freeassembly.net/foaa-online/access-to-resources/>

7. <https://globalfreedomofexpression.columbia.edu/cases/ramazanova-v-azerbaijan/>

8. Clause 5 of the Bill. For the scale of fines. See Statutory Instrument 209 of 2021. [Chapter 9:23] Criminal Law (Codification and Reform) (Standard Scale of Fines) Notice, 2021, Available at;

[http://www.veritaszim.net/sites/veritas\\_d/files/SI%202021-209%20of%20Criminal%20Law%20and%20Reform%29%20of%20Standard%20Scale%20of%20Fines%29%20Notice%2C%202021.pdf](http://www.veritaszim.net/sites/veritas_d/files/SI%202021-209%20of%20Criminal%20Law%20and%20Reform%29%20of%20Standard%20Scale%20of%20Fines%29%20Notice%2C%202021.pdf)

Article 13 of the 1998 UN Declaration on Human Rights Defenders states that everyone has the right “individually and in association with others to solicit receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms. The UN Human Rights Committee has also held that the freedom of association includes “accessing foreign funding and that limitations to it may constitute violations of the right to freedom of association. Similarly, the European Court of Human Rights came to a similar conclusion in the case of *Ramazanov and Others v. Azerbaijan*.

✓ Given that, Trusts will now be required to re-register as PVOs this means that the same implications for PVOs (as shall be discussed) will befall them. For instance, PVOs will be prohibited from undertaking political activities. If a Trust which has been transformed into a PVO conducts political activities, its registration will be cancelled, and its Trustees will be criminally prosecuted with a possibility of being fined level twelve fine or to imprisonment for a period not exceeding one year, or both. Similarly, **Trusts that changed their registration into PVOs will be affected by provisions which allow the Minister to suspend the Executive committee** of the organisation and appoint a provisional trustee to run the affairs of the Trust. Effectively, when the executive committee or trustees of the Trusts are suspended, it means persons appointed by the Minister **can interfere with programming decisions**. This affects independence of the Trust and can affect the Trust's relationship with donor agencies.

✓ If a Trust makes any amendment(s) to its Trust Deed, which is material, the same implications on PVO applies (to be discussed under PVO).

## Implications of the Bill on PVOs

The Amendment Bill will have various implications on the operations and independence of PVOs. The immediate calamitous effects for organisations registered as PVOs are;

- ✓ PVOs will not be able to **engage in political activities**. Albeit political activities is not defined in clause 5, but the intention shows that PVOs should not;
  - a) Support or oppose a political party or candidate in an election
  - b) Contravene section 7 of the Political Parties (Finance) Act, which prohibits foreigners domiciled outside Zimbabwe from soliciting donations from the public within Zimbabwe on behalf of a political party or candidate.

If a PVO engages in political activities or contravenes section 7 of the Political Parties (Finance) Act, there are two implications. The first is **cancellation of registration** of the PVO and secondly the **directors of the PVOs can be prosecuted** and if found guilty, the court may impose a level twelve fine or to imprisonment for a period not exceeding one year, or both.

### ENDNOTE

9. United Nations General Assembly, Report of the Special Rapporteur on the rights of peaceful assembly and of association, A/68/299 (2013), Section B

It must be emphasised that prohibiting CSOs to engage in political or electoral processes is inconsistent with international best practices. According to the *United Nations General Assembly, Report of the Special Rapporteur on the rights of peaceful assembly and of association*, CSOs have a right to freely participate in activities related to the electoral process. The work that CSOs are permitted to do include, advocating for electoral and broader policy reforms, discussing issues of public concern and contributing to public debate, monitoring and observing electoral processes, initiating polls and surveys during the voting process, and engaging in voter education, among other activities. Other jurisdictions with the best laws include South African. The South African Non-Profit Organisations Act 1997 (NPO Act) does not provide prohibitions relating to any sectors. This means that their NGOs are free to programme on politics or electoral related activities. In European jurisdictions, countries like Germany, Netherlands, Finland, provide best practices in terms of allowing CSOs to freely engage in political activities. Further, the checklist of CSO legislation developed by the International Centre for Not-For Profit Law, CSOs are key participants in framing and debating issues of public policy and should have the right to speak freely **about all matters of public significance**, including debate about and criticism of existing or proposed state policies and actions.

- ✓ The amendments introduced by the Minister in June also have implications on PVO in that PVOs will be prohibited from conducting themselves in a politically partisan manner whether in the use of their resources or in selecting members.
- ✓ All PVOs can expect to be **subjected to a 'risk or vulnerability assessment'** at least once in five years. The assessment will be conducted to monitor operations of the PVOs and ascertain if they are not at risk or vulnerable to being misused by terrorist organisations. The Minister in collaboration with the Financial Intelligence Unit will conduct the assessment. Being subjected to risk or vulnerability assessments means;
  - i. The Minister will have power to **monitor and audit books of accounts for PVO, including other documents that could be protected by confidentiality** such as Memorandum of Understandings with partner organisations or Grant Agreements
  - ii. Once risk or vulnerability assessments have been conducted and reveal that a PVO is at risk of being abused to fund terrorism, in terms of clause 8, the Minister will issue measures to mitigate the identified risk or vulnerability within a specified time. By implication, the Minister will have wide discretion on the measures that he or she may put in place to control or monitor a PVO.
  - iii. Measures to minimise or mitigate the risk may effectively **affect the autonomy and independence of the PVO** as it will be under supervision and influence from the Minister.
  - iv. Donor requirements for funding expects PVOs to operate independently without external influence and therefore this could mean that **PVOs designated, as 'high risk' would also lose their funding from partners.**

## **ENDNOTE**

10. Ibid

11. CIVICUS and the Irish Council for Civil Liberties, (2018) *A Comparative Analysis Of Regulation Of Civil Society Organisations' 'Political Activity' And International Funding – Ireland, Netherlands, Germany, Finland*, Available at;

<https://www.civicus.org/documents/RegulatingPoliticalActivityOfCivilSociety.pdf>

12. International Center for Not-for-Profit Law, *Checklist for CSO Laws*, See, [https://www.icnl.org/wp-content/uploads/Transnational\\_checklisten.pdf](https://www.icnl.org/wp-content/uploads/Transnational_checklisten.pdf)

- v. There is no provision in the Amendment Bill for PVOs to challenge the risk assessment or have any say in the assessment. This means that PVO will be subjected to assessments **whether they consent to it or not**. This is not in line with international best standards. In terms of FATF, states are required to work with NGOs to develop measures to address terrorist financing risks and vulnerabilities. Other countries such as Australia, Malaysia, Kosovo and Kyrgyzstan have undertaken risks assessments to comply with FATF and have worked with NGOs to solicit their views. However, the Amendment Bill does not provide for the Minister to engage PVOs in the risk assessment process, which contravenes FATF's recommendation.
- ✓ If there is any **material change** to the PVO in terms of the governing Constitution, or change of ownership or control or variation of its capacity to operate, the Secretary of the PVO must make an **application to the Registrar for re-registration or amendment of the registration**. The application for re-registration or amendment must be submitted within one month from the date the material change occurred. Failure to make the application will result in civil penalties. Where an application for re-registration or amendment is made the following are the possible implications;
  - i. The Registrar can *decline the application if a PVO works on sensitive issues* such as human rights, rule of law, and constitutionalism among others.
  - ii. *New registration requirements could be imposed* to restrict what a PVO does.
  - iii. The Registrar may order the reversal of a material change

PVOs should not be required to register more than once. This is precisely because requiring a PVO to re-register upon a material change is not consistent with international best practices as it interferes with the freedom of association because it provides the Registrar with an opportunity to delay or take away the legal status of organizations that work on sensitive or controversial issues.

- ✓ In terms of the new amendments proposed in June 2022, **unregistered PVOs will be prohibited from receiving funds from the State**. This means that all PVOs that require funds from the public or government must be registered before seeking for financial support from the public or government.
- ✓ In terms of clause 7, PVOs have a risk of their **Executive committee (equivalent to a Board) being suspended by the Minister**. However, the suspension is not an immediate consequence, but can only be effected if any of the following four instances have occurred;
  - i. When a PVO ceases to operate in furtherance of the objectives specified in its constitution;
  - ii. Where there is mal-administration of the PVO to the effect that it is affecting activities of the organisation
  - iii. If a PVO is involved in any illegal activities;

#### **ENDNOTE**

13. See FATF, Terrorist Financing Risk Assessment Guidance (July 2019), paras. 68 (noting that in conducting a risk assessment, jurisdictions should consider inputs from civil society representatives, including sector or organizational self-risk assessments

14. Ibid, paras 72, paras 73

15. ACHPR Guidelines on FOAA, para. 17.

- iv. If it is necessary in the public interest; [what is public interest in this case is not clear and is left to the Minister to make that determination]. This means that executive committee members/Board can be suspended even if they have not been guilty of mal-administration and have not been involved in illegal activities.
- v. International donors that fund PVOs expect them to operate independently without external influence. **By bringing in provisional trustees, PVO will be deemed 'not independent' and run the risk of losing funding** from their partners.
- vi. If a provisional trustee thinks or believes that an employee of a PVO is obstructing him or her from exercising powers to run the organisation, **such an employee can be arrested and prosecuted** and fined a level seven fine or imprisonment for a period not exceeding one year
- vii. Government can easily **disrupt or infiltrate PVOs that the state dislikes through appointing provisional trustees who are undercover state security agency and gain access to sensitive or confidential information**. By the time the court makes its decision whether or not to appoint a trustee, an illegitimate purpose of appointing the person would have been achieved

Appointment of provisional trustees by the Minister is not in line with international best practice. Best practices require public authorities not to interfere with organisations' choices of managing officers unless law of general application bars such persons from holding the positions in question on a basis of legitimate grounds. Legitimate grounds could include persons who have committed fraud and have been convicted, or have been convicted of a financial offence or have been declared insolvent or mentally ill.

- ✓ Members of a PVO (either the directors or officers) **who fail to comply with the Act in conducting operations of the organisation will be subject to civil penalties or criminal prosecution**. As previously highlighted and as in accordance with clauses 9 and 11, the Registrar may impose civil penalties where a PVO fails to apply for the amendment of its registration after there has been a material change in its original particulars of registration or where a PVO transfers its certificate of registration to another PVO without permission from the Registrar. In the event of such a contravention, the Registrar will be entitled to serve a civil penalty order on the offending PVO and any or all of its office-bearers, will be jointly and severally liable to pay a civil penalty of up to (currently, this is at \$10 000 Zimbabwean dollars). Failure to pay a civil penalty within 90 days of its issuance will be a criminal offence for which the PVO concerned and “every one of its officers” will be liable to a fine of level six. Currently this fine is pegged at (\$30 000 Zimbabwean dollars) or one year's imprisonment or both. This means, **all employees of the organisation named in a civil penalty order could find themselves in prison or paying huge fines**.
- ✓ In terms of the new amendments introduced by the Minister, the Registrar may also impose civil penalties on PVOs if there is well-founded information indicating **that PVOs received any donation from an illegitimate or immoral source** or where a **PVO did not use formal channels for transmission of funds at every point from source to destination**. What constitutes illegitimate or immoral source is not clear, but this could mean proceeds of crime or terrorist organisation. Furthermore, PVOs will need to ensure that they use registered banks to receive funds or any

#### ENDNOTE

16.ACHPR Guidelines on FOAA, para.36(c).

donations because unrecognised channels might raise suspicion of the Registrar. It is unclear whether this extends all the way down to reimbursements to local community members.

- ✓ In terms of the new amendments, the President may enter into agreements for information sharing with other governments that may have retrospective effect and therefore may unfairly punish past actions which were not at the time punishable.

## Implications of the Bill on Common Law Universitas

As stated already, the Common law universitas organisations are not regulated by any statute. The PVO Bill does not make mention of universitas. Nonetheless, clause 1 widens the definition of private voluntary organisations to include any **legal person, legal arrangement**. Furthermore, clause 1(3) inserts a new provision to the effect that the minister may, designate **by name, type, class, or characteristics, require any legal person, legal arrangement, body or association of persons, or institution**, which the Minister deems to be at high risk of or vulnerable to misuse for purposes of funding terrorism. The designation is effected through Regulations in a statutory instrument, in which the Minister will direct such legal persons, arrangements, body or association to be **registered as a private voluntary organisation**. Given that CSOs that currently operate as a common law Universitas are another special class or type of a legal person, the Minister can also designate such CSOs to be registered as PVOs. Essentially, this implies that Minister can regulate affairs of a universitas through directing that it should be registered as a PVO.

Furthermore, the Minister may prescribe additional or special requirements, obligations or measures' to mitigate against such risk or vulnerability. Here the implication is that the Minister will have overriding powers to control operations of CSOs under the guise of 'mitigating risks or vulnerability'. Broadly, the effects of the Amendment Bill on Universitas are:

- ✓ The Bill will apply to CSOs operating as Universitas **only if the Minister has made Regulations specifying either their names, types or classes or characteristics**. Once the regulations are passed, the likely effect is the CSOs that currently operate as universitas will **immediately be required to apply for registration as PVOs for them to continue to operate**. If the Minister has gazetted the Regulations to the effect that certain types or classes of CSOs are at risk of being used for funding terrorism or money laundering, such CSOs will be expected to file applications for registration as PVOs and comply with any addition requirements that may be specified in the Regulations.
- ✓ Clause 2(b) of the Amendment Bill that was introduced by the Minister of Public Service will have implications on Universitas as it empowers the Minister to designate associations, legal persons of **[any nature]**. The use of 'any nature' is broad to include any type of a legal entity which does civil society work. This could even extend to community-based organisations that are registered as societies, associations, partnerships, clubs etc.
- ✓ Once CSOs operating as universitas have been registered as PVOs, effectively they will be expected to comply with all the requirements of the Act such as not participating in or supporting political activities, being subjected to risk or vulnerability assessments, ministerial control over its directors or executive committee among others.

From an analysis of the PVO Bill, impacts on the Bill on universitas will be the same as for PVOs. However, there could be more implications emanating from the regulations that the Minister will publish.

## Recommendations

### for CSOs to continue operating after the PVO Bill is passed

The following recommendations are proffered for all CSOs/NGOs to consider as they prepare for life after the Bill is passed.

The recommendations are pertinent for all categories of CSOs.

- ✓ All NGOs that are currently registered as Trusts and engaging in civil society work should prepare to apply for registration as PVOs. If they fail to apply and continue to operate, it will be a criminal offence and trustees will be jointly liable. Directors of the Trust would also be liable for continuing to operate without applying for registration as a PVO.
- ✓ Where a person makes an application for registration of an entity as a PVO, they should provide the Registrar with particulars of any beneficial ownership and of the persons who control the organisation. Therefore to register as a PVOs, CSOs should follow the following steps;
  1. Lodge an application with the Registrar through the District Social Service Office in the area where their headquarters is located. The application should be in the prescribed form and accompanied by the following key documents
    - A Constitution of the organisation – with the name of the organisation, objectives etc. For Trusts, they can easily transform their Deed into a Constitution
    - Names of Executive Council/Board members between two (2) to twenty (20)
    - Curricula Vitae (CVs) of Board members
    - Particulars of Directors and Secretary (this includes their names, nationalities, residential addresses, occupations)
    - Name and address of the auditor (if none, the Registrar allocates one after approval of the application)
    - Address & post office box address of the organisation
    - Police clearance (Interpol clearance is for when the foundation is foreign and as such the clearance will be from the respective country)
    - Principal place of business (refers to the proposed area of geographic coverage)
    - Proof of public notice in national papers (notice must include proposed PVO name, its purpose, aims and mandate and it should be placed in a newspaper circulating in the area concerned). The purpose of this notice to call persons with objections to lodge them with the Registrar of PVOs within the prescribed time limit
    - Proof of notification to local authorities of intent to register (for local organisations).
  2. The prospective organisation to be registered can also request for a checklist form to ensure that it submits all the required information and to avoid delays.
  3. Publish a notice of intention to be registered as a PVO in a newspaper circulating in the area concerned.
  4. The District Social Services officer will do the initial assessment of applications before forwarding to the Head Office through the Provincial Social Services Officer for consideration previously by the PVO Board, now by the Registrar.
  5. After consideration by the Registrar (or designated officer), office of the Registrar may grant the application and issue to the organisation concerned a certificate of registration subject to any conditions.

- ✓ All Trusts that will transform and register as PVOs should take note of the need to submit books of audited accounts annually (by a registered public auditor) as well as an Annual Report of the organisation's activities. Failure to submit these books can result in de-registration.
- ✓ If a CSO is programming on politics and electoral issues, it must ensure that its programming is not partisan in nature. As a long-term objective, CSOs need to advocate for a definition of 'political lobbying' so that it is clear in terms of activities that are prohibited and those that are exempted.
- ✓ All PVOs must quickly make an application to the Registrar for amending their registration or re-registration within 30 days if there is any material change within the organisation. Failure to do this within the 30 days period will attract civil penalties and possibly deregistration.
- ✓ All CSOs should ensure that their books of accounts are audited and clean. Risk or vulnerability assessments can be done anytime without giving sufficient time to prepare.
- ✓ CSOs should consider employing internal auditors who can assist with conducting monthly audits of the financial books.
- ✓ All CSOs must ensure that they have internal policies on operating procedures such as procurement policies, and financial policies for handling funds. This is important as the government can request that information at any time.
- ✓ Employees of the NGOs should also be capacitated to ensure that they comply with internal organisational policies such as conducting timely acquittals.

**Ends///...**





Any comments, queries, contributions can be directed to the  
NANGO Secretariat at the following address

2 McGowan Road, Milton Park, Harare. Zimbabwe

Tel: +263 242 708761 / 242 703 599 / 242 749973

Fax: +263 242 749973

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