



Council for Non Governmental
Organizations in Malawi

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Press Release

APPOINTMENT OF NGO BOARD MEMBERS 2020

PREAMBLE

The Council for NGOs in Malawi (CONGOMA);

- as an umbrella body of all NGOs in Malawi with the mandate to coordinate and represent the collective interests and concerns of NGOs;
- Has been informed by the Ministry of Gender on the appointment of NGO Board Members
- would like to inform the member NGOs of this development and its attendant due processes that were followed, as follows:

1. PROVISIONS IN THE NGO ACT 2000 ON APPOINTMENT OF NGO BOARD MEMBERS

(A) What the Act actually says

In section 7 of the NGO Act 2000 under '**Composition of the Board**' it is stipulated that

"The Board shall consist of ten members who shall be citizens of Malawi and appointed as follows –

- (a) seven members, at least three of whom shall be women, appointed by the Minister in consultation with CONGOMA; and*
- (b) the following members ex officio –*
 - (i) the Secretary for Gender, Youth and Community Services;*
 - (ii) the Secretary for Justice; and*
 - (iii) the Secretary to the Treasury."*

It has to be noted from above, that it is only the Minister who has the authority to make the appointment. This is, however, done in consultation with CONGOMA.

(B) What the Act does not say

The Act does not say:

- (i) How the consultations should take place between CONGOMA and the Minister
- (ii) What methods or tools CONGOMA should use to satisfy itself that it has been consulted
- (iii) CONGOMA should hold Annual General Meeting (AGM) if it is to nominate or propose names for appointment
- (iv) All or some nominees if CONGOMA nominates should be from member NGOs nor from without.

With the foregoing, it is correct to suggest that the framers of the Act could have put reason, context, practice, flexibility, innovation, inclusivity and many other factors to reign in the appointment process inclusively or exclusively.

2. USE OF AGM TO NOMINATE

The use of the CONGOMA AGM to elect nominees for consideration for appointment in the NGO Board was but just one of the convenient ways of dealing with the issue. As can be seen from above, holding of AGM to nominate members of the NGO Board is not sanctioned by the NGO Act or any other Act. Neither does holding of AGM to nominate NGO Board members, violate the Act. At the same time, CONGOMA Constitution which is subsidiary to the NGO Act does not stipulate that nominations for NGO Board members should be an AGM business. But, again, bringing the issues of NGO Board nominations to the AGM does not violate CONGOMA Constitution either.

It should also be noted that other modalities, other than AGM have been used in the past for the same purpose of consulting CONGOMA on appointment of NGO Board members. So, the practices and traditions have been wide, varied and evolving along the way and still evolving. Besides, holding an AGM has its own challenges including lack of quorum that leads to postponements and delays and this time with Covid-19 restrictions, holding an AGM is even more challenging.

3. CONSULTATION PROCESS IN THE APPOINTMENT OF 2020 MEMBERS OF THE NGO BOARD

The process for recently appointed NGO Board Members has been as follows:

- (a) Decision by the Board to include an Agenda on 2018 AGM to nominate NGO Board members was taken by Governing Council after noting that the term of office for the then Board was about to expire or had expired.

(b) The AGM of 13 December 2018 nominated the following in order of preference:

NAME OF NOMINEE	GENDER	NAME OF NGO
1. Mrs. Emma Kaliya	Female	NGO Gender Coordination Network
2. Mr. Timothy Mtambo	Male	Centre for Human Rights and Rehabilitation
3. Mr. Benedicto Kondowe	Male	Civil Society Education Coalition
4. Arthur Chingoka	Male	Counterpart International
5. Hopeson Khondiwa	Male	Children of the Nations
6. Rev. Spencer Ngongonda	Male	Evangelical Lutheran Development Service
7. Ms. Aisha Katita	Female	Muslim Female Teachers Organization
8. Ms. Prisca Masepuka	Female	Baylor College of Medicine-Children's Foundation
9. Mrs. June Kambalametole	Female	Malawi Economic Justice Network
10. Mr. Nixon Sinyiza	Male	Water Missions
11. Mr. Solomon Chipingo	Male	Access Health Africa

(c) The names above were sent to Ministry of Gender in January 2019 for appointment and CONGOMA had been following up with the Ministry on their appointment. It was not until 22 July 2020 that the Ministry of Gender wrote CONGOMA to have the Board appointed by 12 August 2020 with inclusivity criteria of broadening the base of NGO Board members to include other professional bodies that support NGO work but also focus on non-serving registered NGO employees or Board members.

(d) In the consultation process that ensued between CONGOMA Governing Council and the Ministry of Gender, CONGOMA considered the following:

- (i) The time (1.5 years) since the last AGM names were submitted to Government and that many of the nominated people have had their status changed
- (ii) Need for utmost independence of the Board that rids itself of unwarranted conflicts of interest
- (iii) The short period of time for CONGOMA to provide names of new nominees

(e) In consideration of (d) above, CONGOMA Governing Council took a decision to proceed as proposed by the Ministry of Gender. However, CONGOMA suggested removing one professional body from being a nominating body and lobbied to increase the number of appointed members from CONGOMA list from two (2) to three (3). The Ministry of Gender obliged.

(f) After the decision in (e) above, Governing Council randomly brought names up and discussed each one of those names until agreement to include or leave out was

reached. From the list that was nominated by CONGOMA, the Minister has appointed the following:

#	Name	Gender	Professional Background	Current Occupation	Previous position in NGO sector
1.	Mr. Sangster Nk.handwe	Male	Rural Development Expert	Farming	Former Regional Chair for North and long time former Governing Council member
2.	Mrs. Nina Ghambi	Female	Development Administration	Private sector business	Program Manager, Plan Malawi
3.	Mr. Arthur Chingoka	Male	Capacity Development	Farmer	Former NGO Employee (Counterpart Int)

The other four (4) were appointed from each of the newly included appointing bodies: Institute of Chartered Accountants of Malawi (ICAM); Economics Association of Malawi (ECAMA); Malawi Law Society (MLS) and a representative of the Academia. These seven (7) will join the three (3) ex-officio members above to make a Board of ten (10) members.

4. CONCLUSION

From the foregoing, it is valid and in order to conclude that:

4.1 CONGOMA was consulted in the process of appointing the 2020 NGO Board members

4.2 The NGO Board 2020 appointment process followed the stipulations of the NGO Act 2000 and that the appointment is valid and efficient

4.3 Nobody was arbitrarily victimised or imposed to be appointed or to be left out but everything was done according to agreed criteria by the Ministry during the consultation process.

4.4 Governing Council did all it could within the shortest period of time and within the law and Constitution of CONGOMA to provide the names of nominees.

It is the view of CONGOMA that NGOs should embrace the recently appointed NGO Board. CONGOMA envisages that the appointees will be able to perform according to expectations. In this regard, CONGOMA wishes the new Board all the best as they are entering the Board at a difficult juncture in the landscape of NGO work.. Consequently, CONGOMA will be collaborating with the Ministry of Gender to start a process of developing a Performance Evaluation framework for NGO Board members.

Lastly but not least, CONGOMA is grateful to all the candidates that accepted to be nominated by CONGOMA for this noble task despite not being appointed at the end of the day. You have shown that you have the NGO sector at heart much as you are no longer working in the sector.

CONGOMA also appreciates the interest the NGO Board appointments have sparked which clearly indicates the desire for its effective performance.

Signed

A handwritten signature in black ink, appearing to read 'KH', with a long horizontal flourish extending to the right.

Mrs. Kate Harawa
ACTING CHAIRPERSON, Governing Council

7th October 2020