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## **NGO CODE OF CONDUCT FOR MALAWI**

Ratified by the General Assembly of NGOs in Malawi – 25 April 1997

*Accomplished with financial support from: UNDP and Commonwealth Foundation (UK)*

# **NON-GOVERNMENTAL ORGANISATIONS (NGOs) CODE OF CONDUCT FOR MALAWI**

## **A. PREAMBLE**

The NGO community in Malawi is conscious that it has a major role to play in social-economic development of the Malawi society. In playing this crucial role the cardinal values that underpin the NGO Code of Conduct shall be observed by all NGOs as follows:

## **B. CARDINAL VALUES ENSHRINED IN THE CODE OF CONDUCT**

### **1. RESPECT FOR LAW AND HUMAN RIGHTS**

NGOs shall operate within the Laws of Malawi;  
NGOs shall respect and promote human rights;  
NGOs shall comply with their constitutions and by-laws;  
NGOs shall promote the overriding values and rights of humanity.

### **2. POLITICAL NON-PARTISANSHIP**

NGOs shall observe the principal of non-partisanship in their operations.

### **3. PROFESSIONAL MANAGEMENT STRUCTURES**

NGOs shall observe values of credibility, transparency and accountability in their operations.

NGOs shall observe sound and professional standards.

NGOs shall ensure that adequate capacity exists for program selection and implementation.

### **4. CHARACTER**

NGOs shall promote the spirit of self-help towards self-reliance in their activities;

NGOs shall develop and sustain internal democratic structures.

## **5. COLLABORATION**

5.1 NGOs shall promote the value of cooperation and networking with all partners in development.

## **C. ENFORCEMENT**

### **1. STANDARDS COMMITTEE**

In order to ensure that the Code of Conduct is enforceable there shall be a Standards Committee that shall be charged with the responsibility of enforcing the Code.

- 1.1.1 The Executive Director of CONGOMA shall be an ex-officio member and Secretary to the Committee. S/He shall not have the right to vote.
- 1.1.2 Six members elected by Annual General Assembly of CONGOMA.
- 1.1.3 The elected members, at their first meeting shall elect their Chairperson and Vice Chairperson.
- 1.1.4 Members of the committee shall serve for two years and can be re-elected for further period of one year.
- 1.1.5 During the absence, for any reason, of their Chairperson, the Vice Chairperson or the Secretary, the Committee shall elect Chairperson or Secretary as the case may be.

### **2. ELECTIONS OF THE STANDARDS COMMITTEE**

- 2.1 A member of CONGOMA can nominate a senior member of its staff for election to the Standards Committee.
- 2.2 A nomination for the election to the Standards Committee shall be on a nomination form and shall,

after endorsements by the proposer and seconder, be delivered to CONGOMA Head Office 15 days before the Annual General Meeting.

### **3. MEETINGS AND PROCEDURES OF THE STANDARDS COMMITTEE**

- 3.1 The Standards Committee shall seat as a Committee of either four or six members. In the event of taking a vote, the Chairperson who presides at the meeting of the Committee, shall have a casting vote.
- 3.2 The Chairperson shall preside, and in her/his absence, the Vice Chairperson shall preside, at the meetings at which they are present.
- 3.3 Any member of the Committee who has or may have an interest in any matter brought before the Committee shall declare such interest to the Secretary prior to deliberations on the matter and shall not participate in such deliberations in any manner.
- 3.4 Any member of the committee who is absent from the meetings of the Committee for three consecutive meetings without the permission of the Chairperson shall automatically lose his/her seat in the committee.

### **4. FUNCTIONS OF THE STANDARDS COMMITTEE**

The Standards Committee shall:

- 4.1 Consider and determine any application, complaint or matter brought to it under this code. Under this function the Standards Committee is expected to consider and verify all the facts relating to any application of complaint brought before it so that necessary grounds for the application are established before the Committee makes any action.

- 4.2 Review the Code from time to time and propose any necessary amendments to the General Assembly. Under this the Standards Committee is empowered to ensure that the Code is revised as often as necessary and that it remains a versatile regulatory document even in times of change.
- 4.3 Carry out such functions as are authorized by this Code or by any other written Law. Under this function the Standards Committee has been mandated to carry out all its duties within the parameters as provided for in the whole Code but also in compliance with the Laws of Malawi.
- 4.4 Carry out additional functions as the Governing Council may, from time to time, direct. Alongside with this function the importance of the General Assembly as the highest body in the NGO community is stressed. It, therefore, becomes necessary that the Standards Committee liaises with the Governing Council on all matters that affect the NGO community.

## **D. PENALTIES**

In promoting compliance to the Code of Conduct, the following penalties and incentives shall be adhered to:

### **1. THE PENALTIES PRESCRIBED SHALL BE:**

#### **1.1 Cautionary letter**

This cautionary letter will carry the alleged crime to the concerned NGO and cautionary statements such that repetition of the same act may warrant a punishment in future.

#### **1.2 Written Warning / Admonition**

This is a formal letter that warns an NGO following a wrongful act that has been conducted and will usually spell out the time span when the warning will stand valid within which such an NGO will be under spotlight to ensure that such a wrongful act is not repeated.

**1.3 Loss of representation in the Governing Council or any other committee of CONGOMA.**

This punishment comes in the event where a wrongful act has been conducted by an NGO which is represented in the Governing Council.

**1.4 Fine**

The Standards Committee shall prescribe kinds of fines in relation to different misconducts committed which mis-conducting NGOs will be required to pay.

**1.5 Suspension**

Owing to the gravity of a misconduct committed the Standards Committee may recommend suspension from CONGOMA for a specific period of time within which an NGO's conduct shall be reviewed.

**1.6 Expulsion from CONGOMA**

Serious offenses committed may warrant an expulsion from CONGOMA. This means that a mis-conducting NGO shall automatically lapse its membership with CONGOMA.

**1.7 Recommendation for de-registration**

De-registration is considered the most serious punishment that can be meted for a serious misconduct. This means that an NGO that has mis-conducted itself in a manner considered to have

brought to disrepute the entire NGO community will lose its registration status as an NGO with the Government of Malawi.

## **2. INCENTIVES**

The incentives prescribed shall include:

- 2.1 Eligibility for election to the Governing Council or any of the committees of CONGOMA Governance. This is a recognition for NGOs that conduct themselves to the Code of Conduct as provided for this Code.
- 2.2 ***Yearly Awards:*** These awards shall be available for NGOs operating above the average as regards to their compliance to the Code. The mode of assessment for such awards shall be prescribed by the Standards Committee.

## **E. APPEALS PROCEDURE**

This Code provides for appeals where a punishment meted out under this Code is considered unfair. The aggrieved party in the interest of justice and fairness shall apply to the Governing Council which shall consider the appeal as well as the previous punishment. Where it is felt that the previous punishment was in order such an appeal will be rejected and where the previous punishment is considered not to have been in order, a new decision shall be meted out.

## **F. TRANSITION OF PROVISIONS**

This Code shall remain in force until the non-governmental organization act is promulgated and becomes a Law. The Code shall thereafter be amended to reflect the provision of the Law wherever necessary.