SUMMARY REPORT
Comprehensive Study
of the Maldivian Civil Society

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1. Background

The summary report presents the findings and recommendations of a comprehensive study of the civil society sector[1] conducted during April – July 2011. The study was intended to describe the nature of the civil society sector in the Maldives, identify cross-cutting issues faced by Non-Governmental Organizations (NGOs) in the Maldives and to highlight gaps and areas of concern in the present Associations Act.

The purpose of the study is for the Government of the Maldives – represented by Ministry of Home Affairs and the United Nations Development Programme (UNDP) to deepen current understanding of the operating civil sector society in the Maldives, and following that, to establish meaningful regulation of the sector, enable the strengthening and development of the civil society sector, and to harness the potential of the civil society sector to contribute to the country's development and promote the wellbeing of its population. In more concrete terms, the findings of the study are intended to be utilised in the reform of the Associations Act, the development of a Directory of NGOs and the formulation of a Code of Conduct for the civil society sector as initial steps towards achieving the broader goals.

The objectives of this study are:

- to provide an overview of the civil society sector in the Maldives;

- to deepen understanding of the role, operations and principles of CSOs in the Maldives;

- to develop a criteria of categorisation of CSOs in the Maldives with a view to strengthening the legislation and creating an enabling environment;

- to illuminate the challenges of administration, regulation and governance in the sector;

- to make recommendations for the strengthening and future direction of the sector.

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1   FJS (2011) Comprehensive Study of the Maldivian Civil Society. Maldives: Ministry of Home Affairs & UNDP.

2. Methodology

The findings of this study are based on the content analysis of a total of 587 registration documents and the quantitative and qualitative analyses of a total of 117 in-depth interviews with CSOs, stakeholders and key figures (i.e. 80 CSO interviews and 37 stakeholder and key figure interviews). To provide a comprehensive overview of the civil society sector, the study also reviewed a number of key legislative and policy documents relevant to the sector. The main components of the study are described below.

2.1   Review of Key Documents and Relevant Literature

The national policy, legislative and constitutional documents consulted in the course of this study include the:

- Constitution of the Maldives 2008

- Associations Act 2003

- Decentralisation Act 2010

- National Strategic Action Plan 2008 to 2013

- Employment Act 2008 and the

- Business Profit Tax Act 2011

In addition, the study collected and reviewed documents relevant to the civil society sector in the Maldives and elsewhere.

2.2   Content Analysis and In-depth Interviews

Table 2.1: Registered CSOs and sample size selected for the study

CSO Location	Population of CSOs registered at MOHA as at Feb 2011	Sample size for content analysis	Sample size for in-depth interviews
Malé-based	449	449	18
Other island-based	672	138	52
Total	1,121	587	70

Content analysis of documentations filed with MOHA: The criteria for sample selection were designed to ensure representation of different geographical locations and the diverse types of civil society organisations in the Maldives. Four atolls were selected from the northern, central and southern locations of the country, i.e. Haa Alif, Faafu, Kaafu, and Gaafu Dhaal. The selections were checked to ensure a well-balanced demographic, economic and socio-political representation. The registration documents of all CSOs in these four atolls were reviewed and subjected to a preliminary content analysis, in the second component. Total number of CSOs registered in the selected locations were 587 (representing 52.4% of all CSOs registered in Maldives).

CSOs for in-depth interviews: The selection was based on the categories that emerged from the preliminary analysis, with the exception of one category (i.e. CSOs working on bilateral and regional relations). The number of CSOs included in the study was 70 (i.e. 6.2% of the population). See Table 2.1 for further details.

The initial plan was to interview two individuals per CSO in order to obtain the most comprehensive possible understanding of the organisation. The two individuals would be a member of the Board of Governance or of the Executive Committee (i.e. providing strategic leadership and possessing authority) and a project officer (i.e. having experience of organisational operations and activities and of delivery of activities). However, the majority of organisations did not

have this level of division of operations and provided a single expanded interview which covered all necessary topics

Table 2.2: Breakdown of interviewees by gender and age group

	TOTAL	Haa Alif	Faafu	Gaaf Dhaal	Kaafu	Male'
Female	13	-	2	1	-	10
Male	67	10	9	24	11	13
20-29 yrs	36	4	3	15	6	8
30-39 yrs	27	3	6	6	3	11
40-49 yrs	6	2	1	1	1	1
50-59 yrs	2	1	-	1	-	-
60-69 yrs	1	-	-	1	-	-
N.S*	8	-	1	1	1	5

* Not specified

The details indicate that the majority of respondents were young men, especially in the islands. The very low number of women respondents from the islands in this survey suggests that women might face particular challenges and constraints in participating in the sector. This finding requires further research.

Apart from members of CSOs, stakeholders from Male' and key figures from each of the selected atolls were also interviewed. Stakeholders were selected for the study from relevant governmental departments, development donor agencies and independent commissions. An interview was also conducted with the MOHA NGO Registration and Monitoring Unit in order to better understand the administrative and procedural concerns of those who currently administrate and regulate the sector. Interviews were also conducted with members from the main political parties. Figures from the atolls included island council members, the former island chief, a police official, and two selected members of the public. These were selected from the most prominent and populous island in each of the four atolls. These interviews were also used to triangulate data collected through interviews with CSOs.

Table 2.3: No of stakeholder and key figure interviews

No: of stakeholders interviewed	17 interviews
No: of key figures interviewed	20 interviews
Total number of interviews	37 interviews

2.3   Topics of Study

The interviews were structured into primarily open-ended questions with 39 major questions, with 120 parts. The topics covered included:

- National administrative procedures, their implementation and challenges

- Perceptions of CSO's role and contribution to society, and experience of working with CSOs

- The organisational structure, internal governance and management of CSOs

- Programmatic aspects covering current activities, monitoring and evaluation, and relationship to service users

- Principles of organisations, and challenges to their credibility and public confidence

- Income and funding sources: financial limitations

- Collaborations and partnerships, relationships with government and public bodies and relationships with private sector and the general public

- Access to technical resources, trained and qualified staff and further training and other capacity requirements

2.4   Treatment of Data

The interviews were written up and submitted for review. Further clarifications were made, where necessary. The data was then entered into a worksheet and subjected to quantitative analyses for comparative statistics regarding category, function, income, membership size, source of funding, and other measures. The data was also qualitatively analysed through profiling and classification, and the construction of relevant case studies.

3.   Constitutional, Legal, and Policy Framework for the Civil Society Sector

3.1   Constitution of the Maldives

The review of the Constitution of the Republic of Maldives indicated that Articles 30b, 27, 29, and 23 provide the overall rights and freedoms underpinning the existence, purpose and operations of the civil society sector: the right to form associations; the freedom of thought and of communicating opinions and expressions; the freedom of acquiring and imparting knowledge; and the right to undertake measures to achieve economic and social rights. Articles 35 and 67 place responsibilities and obligations on the civil society sector, on their conduct and purpose: the community is obliged to meet the entitlement of children, the young, the elderly, and the disadvantaged to special protection and special assistance along with the State and the family; and all citizens have the responsibility and the duty, amongst others, to contribute to the well-being and advancement of the community, and to respect and protect the rights and freedoms of others, to foster tolerance, mutual respect and friendship among all people and groups.

Two constitutional limitations are placed on the sector: prohibiting political activity for the civil society sector as well as activities contradictory to Islam. Articles 42 and 43 provide protections to the civil society sector guaranteeing a fair hearing, fair administrative action and the right of appeal in determining whether a CSO has acted unconstitutionally or illegally. The review shows that the Constitution provides a sufficient framework for the civil society sector.

3.2   The Associations Act

The review of the Associations Act of 2003 showed clear place for improvement. Firstly, although clearly stated in Article 13a, the legal status of associations appears to be widely misunderstood. Whilst Article 21 states that CSOs may run businesses or business activities, there are no further explanations on the powers and limits of powers for such businesses or business transactions. This vagueness has caused uneven treatment of CSOs on the part of government authorities, banks or other business companies.

The definition of associations, societies and non-profit organizations appear to be circular in the Act; i.e. those who are registered are defined as such. A clearer definition of associations is needed to enable clearer categorisation and classification. Literature suggests that the law regarding the formation and operation of CSOs should be clear, simple, straightforward, and widely disseminated. Countries which have allowed the possibility of registration under different kinds of acts have seen the field fragment, poor coordination, and high demands on administrators to keep track of the situation and implement the regulations.

Thirdly, Article 3 specifies that government authorities have a duty to aid, encourage and assist CSOs, yet this is poorly specified and provided for in the Act in terms of governance, state administration or budgetary considerations. There is no national budgetary allocation, although the National Strategic Action Plan and the Decentralisation Act specifies the obligations and responsibilities of national and local government towards CSOs. Lastly, the powers, responsibilities and limits of power of the Registrar are inadequately specified in the Act. There are no conditionals on the eligibility of the post.

3.3   The Decentralisation Act

The review indicates that the Decentralisation Act is explicit in its description of the responsibilities and powers of the local government with regard to the civil society actors. It also clearly depicts the role of civil society in local governance and mentions CSOs alongside companies and other development agencies as an equal partner of the state. Article 2 states that local government bodies are required to enable citizens to decide how best to address their priorities, challenges and issues in accordance with democratic and accountability principles and to empower them by making space for their participation in improving their economic, social and cultural standards of living. Article 3e states that island councils are answerable to their citizens as much as to the atoll councils. Article 23v requires councils to work for development and for peace and security within and between these communities.

Articles 8b, 23b, and 41b require local government bodies to invite and involve citizens in consultations and discussions on issues of development, planning, policy decisions and make it mandatory to seek their opinion on these matters. Articles 73 and 74 conditions councils to include and partner with private companies, associations and co-operatives in delivering services and implementing development projects. Article 110 requires councils to conduct an annual meeting at which the annual report, budget and audit report of the previous year are shared with citizens and Article 118 requires decisions made by the council to be publicly announced. These measures support accountability to the public and make the functioning of these bodies transparent. Article 141 states that the principle of non-discrimination in either resource distribution or service provision must be upheld.

3.4   The Employment Act

The Employment Act review revealed two gaps in the Act's applicability to the civil society sector. The Employment Act governs the relation of employment between the state and employee, and between the private sector and employee. It does not mention the civil society sector – though employment by 'amilla faraiythah' i.e. a reference to 'private entities', could be taken to include this sector as well. The Act also does not make any reference to volunteers and interns who may be formally contracted in any of the three sectors.

3.5   National Strategic Action Plan

The review of the National Strategic Action Plan 2009-2013 showed that the NSAP provides clear support for the development and engagement of the civil society sector in local and national development efforts in the Maldives and in the promotion of the wellbeing of the citizens of the country. The outlined vision identifies that an equitable, secure, sustainable and peaceful foundation for democracy requires a flourishing and responsible civil society, an accountable government, a mature culture of politics, and a socially-responsible and innovative private sector. That civil society is envisioned as a real partner in national development and governance is evident from the document. The Plan highlights how the civil society sector can contribute to the wellbeing of its citizens and to national development, how it can hold to account public and private sectors and how it can ensure that government and political parties adhere to constitutional responsibilities and democratic principles. It also notes the importance of equipping citizens with the capacities to play this role effectively and productively, and that organized collective citizen efforts would be useful means by which to hold government accountable and participate in development efforts.

3.6   Recommendations

- In drafting the Associations Act the following should be considered:

  - Retain a singular focus on the sector with all associations registered under one Act, yet requiring them to act in line with other relevant laws and regulations, such as those to do with taxation and import duties, with healthcare, social assistance and education, with land registration, local government, and with finance and audit related laws.

  - Clarify the legal status of CSOs by specifying their powers, responsibilities and limits with regard to their

businesses and business transactions, and make these provisions widely known to other companies, government agencies and the public in the Maldives.

- Strengthen the definition of CSOs by focusing on what they do with their profits, their independence from the state, and their purpose and function.

- Specify the legal provisions for financial assistance for and state interaction with CSOs and include a national budgetary allocation for the sector.

- Include articles prohibiting political funding of CSOs, or the appointment of key political figures into executive positions of CSOs or as board members.

- Introduce clear procedures on processes of fair administrative action, investigation and appeal to administrative decisions on penalizing CSOs on illicit or unconstitutional grounds.

- Ensure that any allegations against CSOs of unconstitutional or illicit activities by any agency of the state require evidence and are not based on arbitrary state decisions. Moreover, the process should follow those of a fair hearing. The Act should specify the protections for CSOs from exercise of arbitrary state power.

- Specify clearly the powers, responsibilities and the limits of power of the Registrar of Associations, and ensure the post is not politically appointed.

- Introduce clear procedures specified for the state's investigation of alleged or suspected cases of illicit or unconstitutional activity and for the de-registration of a CSO.

■ The implementation of the requirements and provisions of the Associations Act, even in its current form, should be strengthened.

■ In relation to the Decentralisation Act, it is recommended that CSOs need to be made aware of their role not only as partners of local government but also of their watchdog functions in ensuring that the government is held accountable for the governance of their administrative areas.

■ The Employment Act could be strengthened by ensuring that volunteerism is encouraged or at the very least that volunteers and interns are entitled to some protection and recognition, and acknowledging the legal validity of contracts between volunteers and organisations.

4.   Categorization of Civil Society Organizations

This chapter presents four different sets of classifications of the CSOs and examines their frequencies in the selected sample of study. This examination was conducted on the registration documents submitted by CSOs in four atolls to the Ministry of Home Affairs (MOHA) (N=587). The sector was examined in terms of four categories: terminology used by CSOs to name themselves, areas of work (i.e. the focus of work), target groups, and functions of the civil society sector in the Maldives.

4.1   Terminology

The diversity of organisational forms was reflected in the different terms that organisations used to name themselves; for example, as (non-governmental) organisations, associations, networks, councils, federations, alliances, councils, forums, trade unions, professional associations, industrial associations, chambers, societies, clubs, centres, and co-operatives.

A closer examination of the different terms used showed that the use of these terms did not correlate in any consistent form with the structure, operations, functions or purposes of the organisation as were described in the registration documents or the interviews. For example some 'sports clubs' worked on issues ranging from human rights to disability and governance apart from a focus on sports, whilst other 'sports clubs' lacked any focus on sports.

A lot of work would have to be done in order to re-align the civil society sector in line with this type of terminology, and it is likely to prove unpopular. Firstly, organisations would need to be persuaded to change not only their names, but also to understand the distinctions in terms of their structures and functions for any scheme of classification based on such terminology. Secondly, if any classificatory term carried more weight (in terms of prestige, authority or power), was subject to less regulatory terms or was, otherwise, seen as a more 'attractive or desirable' form of organisation, this would easily distort the sector as more organisations designed themselves along these lines rather than based on suitability for purpose.

4.2   Areas of Work

There were 25 main areas of work evident amongst the objectives supplied by the organisations in the registration documents. Most organisations worked in more than one area, showing high-levels of multi-sector engagement amongst CSOs. Organisations were unlikely to have worked in all the areas that they had included in their objectives since the objectives often set out in the statement at the onset were more visionary, and actual implementation depended on the resource availability and capacity of the organisations.

The analysis shows 'areas of work' is a useful means of categorising CSOs. It is useful for effectively targeting CSOs for the purposes of capacity building, coordination and addressing structural under-funding issues.

4.2.1   Generalist and specialist CSOs

The multi-sectorality of many of these organisations raises the issue of generalist versus specialist organisations. There seems to be a fairly even split in the proportion of generalist and specialist civil society organisations in the Maldives (50% each).

Generalist organisations are taken to mean those that intend to be involved in a number of different areas and be bound to an island or to a particular community. They were often keen to promote its overall development and advancement. Their wider range of objective meant these organisations were well-placed to utilise a wider range of strategies, apply to a larger pot of available funding and resources, and to respond to a community's changing set of needs. The generalist trend particularly reflects the broad range of development needs in communities outside of Male'. It could also be attributed to the relative lack of access to professional and technical resources at island level, making it in fact difficult

to develop a specialist outlook on a particular topic.

Specialist organisations, because of their focus on a fewer range of areas of work tend to develop a specialised and deeper knowledge of the area that they engage with. A greater proportion of specialist organisations are based in Male'. These organisations tended to be much more constrained in their ability to be responsive to a community's broader and changing set of needs. They would also have comparatively limited access to available funding as their specialist focus would render them ineligible. On the other hand, they were much more likely to have professional and technical resources at their disposal and possess in-depth knowledge of a subject matter. Perhaps for this reason, they appeared to be much more motivated to lead on those issues, to design and deliver services and campaigns, and to shape public policy and stimulate public discourse. In this sense, specialist organisations are more likely to seek to set the agenda on a particular issue than generalist ones.

4.2.2 'Areas of Work'

Table 4.1: 'Areas of Work' – number of organisations, percentage representation and key attributes

No	Area of Work	Total N=587	%	Key Attributes
1	Sports, Music, Arts, Leisure	317	54.0	Sports were most common amongst these, and were purported to be a healthy and enjoyable way of occupying the time of young people. The field of sports has a well-developed structure and systems both within the Maldives and globally.
2	Social Development, Volunteerism, Service, and Peacebuilding	265	45.1	Objectives purported to achieve a social aim. The distinctions between social development ('ij'thimaaee tharaggee'), social activities ('ij'thimaaee harakaai') or social services ('ij'thimaaee hidhmayy') were not always clear.
3	Economic and Business development; Employment and Income Generation	151	25.7	Objectives had a distinct economic aspect to them. Key elements included were income generation, improving employment and self-sufficiency, promoting industries and attracting investments.
4	Education, Training and Learning Improvement	132	22.5	Focus was on improving educational, training and learning opportunities for all groups, provision of special needs education, and meeting the needs of migrant school-children.
5	(Sustainable) Development	127	21.6	Objectives directed towards developing a specific geographic territorial area, whether the island, ward, atoll or nation. The term 'development' ('tharaggee', 'kuri'eruvun') seemed to broadly include those aspects of economic, social and infrastructure development presented elsewhere.
6	Empowerment of Vulnerable Groups	127	21.6	Objective to empower specific groups which were identified as lacking the necessary skills, resources and opportunities to participate equally in society and to contribute equally to the development of the island or country.
7	Environment Protection, Climate Change Response, and Wildlife Protection	114	19.4	Objectives were protecting the environment to combat climate change and human impacts, and protecting wildlife and endangered species.
8	Healthcare and Healthy Lifestyle Promotion	114	19.4	Concerned with developing healthcare and health services, increasing the health of people and promoting healthy lifestyles. Most organisations appeared to be primarily concerned with issues of public health and promoting recommended hygiene and healthy practices.
9	Profession, Sector and Industry promotion	109	18.6	Most commonly found in Male'. The objectives were to do with improving professional conduct and the competencies of its members, and ensuring adherence to the standards of service within that particular profession.

10	Building People's Skills, Character, Capacity and Conduct	92	15.7	There was considerable attention given to building people's skills and capacities, especially those of young people, and to shaping their character and conduct.
				It was not always clear what interventions were being carried out in order to achieve these objectives.
11	Religiosity and Religion	87	14.8	Objectives included promoting love for the Islamic religion, promoting habits and rituals in keeping with the Islamic faith, increasing religious knowledge, and promoting and protecting the religion.
12	Maldivian Culture, Heritage and History	77	13.1	Objectives pertaining to the promotion and protection of Maldivian culture, heritage and history
13	Civic Engagement and Participation	63	10.7	Areas which would help citizens to participate fully in the political life of the country, namely by raising political awareness and increasing policy participation and by promoting the rule of law, raising awareness of legal matters and ensuring access to legal aid
14	Prevention of Drug Use and Drug Trade	52	8.9	Surprisingly low proportion of organisations focused on this topic explicitly, given its popular significance.
				Objectives were to help their communities, families and the young people to stay away from drugs and work against drug use.
15	Welfare to Deprived Groups or Individuals	47	8.0	Consisted of identifying particular groups and individuals (such as the poor, those who are struggling to make ends meet, or those in particularly difficult situations) and aiming to provide the necessary assistance and welfare to meet their needs
16	Human Rights	41	7.0	Objectives included the promotion and protection of human rights.
17	Equity, Social Justice and Inclusion	35	6.0	Objectives included gender equity, socio-economic and linguistic equity, and notions of a fairer nation where island communities had equitable access to basic services.
18	Good Governance and Democracy	34	5.8	Only a relatively small proportion of organisations aim to work on issues of governance, accountability, transparency and promoting the rule of law amongst state and other entities, and to promote democracy within the country.
19	Safe and Protective Environment	31	5.3	These included addressing issues of abuse, cruelty and crime and working to promote an environment free from such incidences.
20	Infrastructure Development	30	5.1	Focusing on issues such as the provision of safe water and sanitation systems, establishing required levels of street-lighting, provision of appropriate mechanisms of garbage disposal, provision of electricity and ensuring a clean environment
21	Disaster and Emergencies Response	16	2.7	Objective of service and assistance during and after disasters and emergencies.
22	Media and Journalism	9	1.5	Objective of protecting and promoting media and journalism in the country
23	Bilateral and Regional relations	8	1.4	Objectives were to improve bilateral relations between Maldives and another country of choice (for example, Japan, India, France or China) or to improve relations within the South Asian region
24	Science and Technology	7	1.2	Objective of improving scientific and technological knowledge
25	Wellbeing and Quality of Life Improvement	6	1.0	Work on happiness, wellbeing and quality of life improvement was notably the smallest, although it could be argued that this could be subsumed under the more general heading of social development.

4.3   Target Groups

The data from the registration documents was also examined in terms of the target groups that were explicitly specified in the organisational objectives. Most organisations had more than one target group, not surprising given the wide range of work areas to which they subscribed. Many others had not specified a particular target group and in this case these organisations were not included in the analysis.

Categorisation of CSOs by target group can help to understand the civil society sector in terms of its strengths and gaps, as indicated. It can also help CSOs identify others who are working on similar issues and link up to them in order to strengthen their approach through debate, discussion and reflection.

At the same time, a strong focus on the identified target groups can have its downsides. In some cases, the targeting of a group may be done in such a way that it separates them from their natural social context and relations, as has been sometimes criticised in work with children elsewhere.

These are potential risks of relying singly on target groups as a dimension of categorising work of CSOs (or any work for that matter). It is essential that working with particular groups of people is done in a manner in which they are not isolated from the social context in which the group and sub-group are embedded, but rather that work is done whilst taking into account the specific dynamics of their overall context.

Table 4.2 below gives a detailed breakdown of the target groups specified by organisations.

Table 4.2: Target group frequency table

		TOTAL (N=587)	%
1	Potentially skilled sportspersons*	199	33.9
2	Youth	141	24.0
3	Citizens of a specific island or atoll	118	20.1
4	All citizens/ General population	96	16.3
5	People in difficult circumstances; Poor people; Widows and orphans; Marginalised people; Unemployed	60	10.2
6	Relevant offices/authorities; Policymakers and decision-makers	45	7.7
7	Women	44	7.5
8	Children; Schoolchildren	39	6.6
9	Members of organisation	27	4.6
10	People with a long-term or chronic illness	22	3.7
11	Workers and Employees	19	3.2
12	Adults and children with a disability and their families	19	3.2
13	Elderly	18	3.1
14	Adult and child survivors of violence	18	3.1
15	Parents	18	3.1
16	Musicians and Artists	16	2.7
17	Journalists	9	1.5
18	Other organisations	9	1.5
19	Former drug users and recovering addicts	7	1.2
20	Teachers and educators	3	0.5
21	Prisoners, former prisoners and detainees	2	0.3
22	Not specified	198	33.7

* people who show talents at sports or games

4.4 Functions

A third way to analyse the categories of the civil society sector was by examining the various activities that the organisation expected themselves to undertake in order to achieve their objectives. The functions were determined through an analysis of the combined stated purpose of the activity, the activities they intended to employ and the broad group towards whom these were deployed. These formed the basis for the eight main functions identified below.

Table 4.3: Categorisation by Functions

	Function	TOTAL (N=587)	%	Key attributes
1	Development and Advancement	344	58.6	This category is an umbrella term with many CSOs utilising the functions specified in the following sections in order to advance or develop the focus areas of their work.
2	Community-level Advocacy and Awareness-raising	236	40.2	Aimed at influencing and changing the attitudes, values and actions of the general community and its individual members. Strategies utilised include advising (e.g. 'lafaa'dhinun' or 'naseyhaidhinun'), informing (i.e. 'angai' dhinun') and instructing ('irushaadhu' dhinun').
3	Recreational Activities	125	21.3	Aimed at providing an enjoyable, stimulating and productive environment and to organise activities along these lines for or by the members. Strategies utilised included to play in sports events and competitions or playing for enjoyment ('mubaaraithakugai baiverivun', 'mubaaraathugai vaadhakurun', 'kulhivaru kulhun')
4	Knowledge Generation and Capacity Building	125	21.3	Aimed at generating knowledge about a certain issue or building capacities and competencies amongst selected groups. Strategies utilised were research and the collation of information and statistics ('dhiraasaakurun' 'mauloomaath eh'kkoh belehettun', 'thafaas hisaabkurumaai belun') and the production, translation and distribution of resource materials ('fothaai leafletaai majallaa shaai'u kurun', 'kamaa behey foiytha tharjamaakurun', 'kamaa behey audioalbum video thayyaarukurun').
5	Service Provision and Resource Distribution	115	19.6	Aimed at closer engagement and interaction with selected individuals or groups, and purported to meet their needs, ease suffering and promote wellbeing. Strategies utilised was the provision of treatment to people with illnesses or health problems ('faruvaadhinun') and attempts to reduce the adverse effects of illness on individuals and their families ('baleege nurangalhu asaruthah madhukurun')
6	Policy-level Advocacy and Activism	50	8.5	Aimed at influencing and pressuring policy- and decision-makers, government authorities, and legislators to take action on a particular issue. Strategies utilised included providing opinion and expressing voice and sentiment ('hiyaaluhushahelhun', 'adu thakaai shu'ooruthah ivvaai'dhinun') and by bringing issues to their attention ('samaalukamah gena'un').
7	Structural change efforts	40	6.8	Aimed at effecting structural change with regard to a certain issue or relating to development or the empowerment of a certain place or group.
8	Coalition-Building and Networking	19	3.2	Aimed at having strong alliances and effective coordination amongst the sector organisations to address a particular issue. Many organisations were willing to work with others on delivering and assisting in the delivery of services or in the organisation and implementation of events, few noted their work to be that of building alliances, networking and coalition-building (i.e. 'e'hen jamaaathaai gulhi, eh'baarulun').

The most popular was the very broadly termed 'development and advancement' function. It is likely that organisations which posed this as their main function also undertook many activities from the other categories, although they did not state this explicitly in their objectives.

4.5   Recommendations for categorisation of CSOs

■ The analysis of the data and a review of international literature indicated that terminology relating to the name of the organization was not a meaningful way of categorizing CSOs.

■ This study recommends against having strict demarcations and categories into which CSOs are forced to fit themselves. CSOs must be allowed to choose themselves the different categories to which they belong and that best represent their work and objectives, whether they want to belong to multiple areas of work, functions or target a number of groups. This will encourage the sector to grow and to shape as needed by the changing context and priorities.

■ The following dimensions of categorisation are recommended:

- a) area of work, b) target group, and c) function. In addition, a fourth dimension of d) geographical coverage and location should be included in classifying the sector.

■ In addition, we recommend that:

- the 25 main areas of work identified in this study are used by CSOs to indicate those which are part of their own objectives, since they were identified from concepts and terms used in the sector.

- CSOs familiarize themselves with the sub-areas of work: and with any national or local laws and regulations that pertain to their particular area of work.

- the 23 target groups are used by CSOs to indicate towards whom their work is directed.

- CSOs familiarize themselves with any national or local laws and regulations that pertain to their particular target groups (such as children, or people with drug abuse problems).

- the 8 function categories are used for categorization purposes (and expanded along the lines suggested in the following chapter).

■ Categorisation of the civil society sector should be made for the purposes of helping to identify organisations and the work they do, to better direct resources and capacity building efforts, and to improve coordination and networking efforts, rather than for the purpose of regulating the sector. Hence,

- it is recommended that an electronic database be maintained by the MOHA to direct its capacity building efforts,

- the suggested electronic key-tags are: a) area of work; b) target group; c) function, and d) geographical location or coverage.

- these four dimensions (along with their explanations) could be made available via the web. The application form should include the pre-determined lists so that CSOs can indicate all relevant items that apply to them.

- the database could be updated every six months for public use and consumption.

■ This recommended approach has the following advantages and uses:

- It will help promote networking and debate amongst different CSOs, as well as help direct capacity building efforts.

- An analysis of the information in the database would help MOHA to identify under-active or emerging areas of work in the Maldives, and direct the necessary support and funding to these.

- Members of the public or donors who are interested in knowing CSOs in their particular geographical location who specialize in a particular area of work or who focus on a particular target group or provide a particular function could use the database to locate these CSOs.

- This system would also help with formulating and ensuring adherence to specifications of conduct and competence. For instance, if an organisation works with vulnerable groups, they might be subject to particular codes of ethics to ensure protection and safety of these groups. Similarly those who engage in service provision and resource distribution might be required to show that they adhere to certain principles such as refraining from discrimination or conditionality of aid.

- These standards of conduct and competence in relation to various functions could be made available to the public so that they know what to expect from organisations and could raise issues or complaints when they see organisations fall short or fail to deliver on these standards.

5. Operations of CSOs in the Maldives

This chapter presents the operations of CSOs in the Maldives, and aims to provide a succinct picture of how they are formed, how they function, the general constraints they experience and their sources of funding. The data is drawn primarily from the in-depth interviews of the 70 organisations selected from the four atolls.

5.1 Organizational Structure

Table 5.1: Overview of the Organizational Structure

Structure	Features
An Apex Executive Committee	Typically for CSOs to have an apex Executive Committee (i.e. '*hingaa committee*'), generally comprised of 8-15 members.
	Responsible for the direction, management, representation, planning, organising, coordinating and conducting of all activities related to the CSO.
	Headed by a President ('*raees*'), with one or two Vice Presidents ('*naib raees*') or Deputies, and a number of Directors or Officers, each of whom were assigned one area of work.
	Often Committee Members did not reside in the island (i.e. they were based in Male' which eased the access of resources and services.)
	Generally elected through a voting process by the general members of the organisation or by the other members of the committee at the Annual General Meeting.
	CSOs currently busy with on-going activities met once a week or fortnight to work out the progress of their activities; others had met at least once a month.
General membership	Size of membership ranged was from 6 to 600
	The procedure for membership is fairly straightforward with most CSOs indicating that they had a simple registration form to be filled out.
	A little more than a quarter charged an annual fee for membership.
	A few CSOs had various categories of membership; e.g. Gold members, Silver members. Often charged different fees for different membership categories.
Membership Criteria:	Openness and inclusivity - Some stated that all Maldivians above the age of 18 years could apply for membership. Depending on their mandate and preference, a few organisations (i.e. not more than 12%) had further stipulations; namely that members should not have had records of a criminal offence.

Formation	**Young like-minded people with a mission:** Most organizations were initiated by a group of young people keen to develop and advance their island or to engage other young people in exciting and productive activities. The reasons given were the lack of development in their community, reducing potential adverse impacts of unoccupied and 'loitering' youth such as an increase in drug use and criminal activities and providing space and opportunities to allow the talents and skills of young people to flourish, especially in relation to sports.
	Responding to perceived gaps in the sector: second most common was organisations that had formed in response to the perceived gaps in this sector, such as increase in drug abuse or human rights violations. These CSOs felt that they had something concrete to offer the community and the sector in relation to the perceived gap.
	Formed by external figures: few CSO respondents noted that their organization had been formed by an external figure, and then handed over to them. However, there had been some difficulties in attracting funds for such CSOs and therefore they were relatively inactive.

Key issues in relation to organisational management:

- **Some of their key Executive Committee members were involved in more than one organisation** at a time. This often had led to their organisation being less active than possible, and also that these members directed resources to their favoured organisation. This meant that they were often overstretched and could not give the necessary support to all the organisations.

- **Difficulty in reaching quorum in executive committee meetings** due to members residing in Male' for work, study, or business; and so missed meetings. However, it was felt that having members in Male' was vital for obtaining resources and information for the CSOs hence, this management issue remains unresolved.

- **Lack of Governing Boards for oversight** meant that the Executive Committee was generally only answerable to themselves on a regular basis – and that there was no oversight of the management of the organisation.

5.2   Areas of Work, Target Groups and Functions

Areas of Work - 24 of the 25 'areas of work' identified in the initial content analysis was represented in the 70 CSOs finally included in the study. The 25th was the one category that had been excluded at the start of the study, i.e. on bilateral and regional relations. Hence, it can be safely concluded that the noted 'areas of work' are indeed sufficient for the purposes of categorisations, and do not require any revision.

Target Groups - The target groups covered in the previous chapter were all noted in the analysis of the 70 CSOs as well. Further, two new target groups were specified; i.e. volunteers and persons from a particular sector or industry.

Functions - In the in-depth analysis of the 70 CSOs, enabled expansion of the functions. The functions of knowledge production and capacity building and service provision and resource distribution were broken up, leading to a total of 10 functions.

5.3   Designing and Implementing Activities

5.3.1   Needs Assessment, Strategy Development and Intervention Design

CSOs mostly engaged in informal needs assessment methods, assessing the need for a particular activity through means such as observations, community perceptions or in response to community support. Further, most CSOs lacked access to information, data and research on the issues and they possessed insufficient subject knowledge in relation to the problem they are seeking to address. This critically affected proper intervention design. Therefore, there is a real danger that intervention and activities designed may do little or not enough to address the identified needs or issues.

5.3.2   Management and Planning
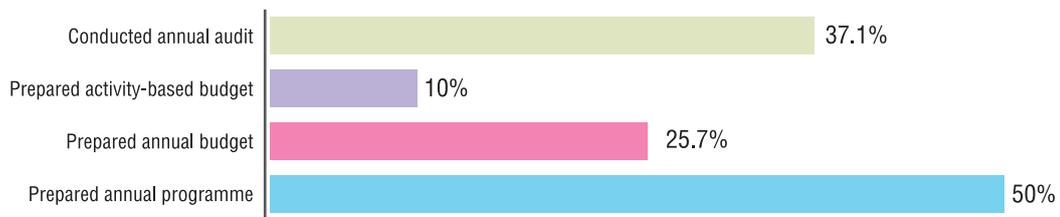
Graph 5.1: Percentage of CSOs preparing annual programmes, budgets and conducting annual audits

Planning and monitoring is a function that is lacking in the sector. Survey results indicated that many CSOs do not engage in developing annual programmes and annual or activity based budgets. Furthermore, less than 40 percent of CSOs undertook annual audits, and even those who did, often did them internally, creating potential issues of independence and transparency.

5.3.3   Activity Implementation and Delivery

CSOs seemed very well-organised when it came to actually delivering the activities which they had decided to undertake. Successfully organising the sports and music events required organisations to supply or acquire all necessary items, to identify people who would participate in these activities, support their training and preparation if necessary, to seek the services of a referee and judges for the event, and to manage the administrative responsibilities related to the coordination and organisation of these events.

5.4   Human Resources and Competence

5.4.1   Volunteers, Employees and Members

The civil society sector is driven by a high level of volunteerism. As can be seen from Table 5.2 only 0.7% of those involved in the sector through the CSOs involved in this study were paid for their services. The remainder of those who provided their time and efforts did so on a voluntary basis, either because they were an executive member, founder or general member, or because they volunteered their services anyway. Some of them, especially in Male', were employed elsewhere and worked for the CSO on their free time in the afternoons, evenings and weekends. Others devoted time to the CSO activities when they could and based on their interest. Not all general members were active, according to the respondents. Usually only 10-15 people were active on a regular basis in organising and coordinating activities.

Table 5.2: Volunteerism, employment and membership of CSOs

Type of Member	Haa Alif (N=10 CSOs)	Faafu (N=10 CSOs)	Gaaf Dhaal (N=21 CSOs)	Kaafu (N=11 CSOs)	Male' (N=18 CSOs)	TOTAL (N=70 CSOs)	%
Executive Members/ Founders	133	104	173	85	126	621	10.5
Members TOTAL	931	490	1945	429	1345	5140	87.0
Fee paying	256	430	120	108	43		
Non fee paying	675	60	1825	321	1302*		
External Volunteers TOTAL	23	6	-	-	76	105	1.8
Employees TOTAL	7	-	3	-	34	44	0.7
Full time	4		1		6		
Part time	3		2		28		
TOTAL number of persons stated to be in sector through the surveyed CSOs	1,094	600	2,121	514	1,581	5,910	100%

* one CSO reported 600 members (many members had signed up because it was associated with seriously ill children)

5.4.2   Capacities and Competencies of Human Resources

Survey results indicated that the educational level of people working in the sector is generally of O'Level passes or lower. Additionally, given that most CSOs in the islands started out as a group of young people with a shared mission, it is unlikely that they would have yet had the chance to obtain much work experience. As a result, CSOs members are unlikely to have capacities of institutional development and management or understanding issues of institutional governance.

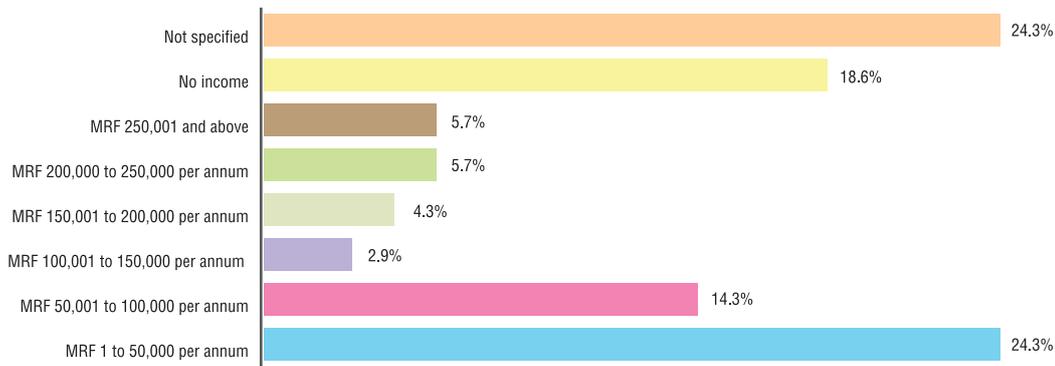## 5.4.3   Access to Training

More than two-thirds of CSOs interviewed stated that they had had access to some form of training in the last year. Institution-related training focusing primarily on NGO and project management were organised by bodies such as MOHA and the Ministry of Youth. However, subject related training were offered by other CSOs or by donor agencies as a means to better implement projects of other CSOs or donor agencies, rather than enable CSOs to fulfil their objectives effectively.

5.4.4   Required Training

CSOs identified NGO management training and fund-raising training as the most required at the present time. Subject related and strategy related followed closely behind. Subject related refers to different subjects of interests and strategy related training refers to those trainings which help CSOs employ a particular strategy better to achieve their purposes.

5.5   Income and Sources of Funding and Material Support

CSOs differed widely in their income levels for the past year, with some not having any income at all, and others raising funds over MRF 300,000.00. Most CSOs received less than MRF 50,000.00 in the past year. The most common modes of fund-raising for CSOs were through membership fees and own fund-raising activities; generally these raised funds of MRF 10,000.00 to MRF 25,000.00 (the full range was from MRF 2,500.00 to MRF 25,000.00). These amounts were often sufficient for organising two or more annual events (sports competitions/activities, Eid festivities, etc.), or for a capacity building programme such as organising a teacher to prepare students for national level examinations. Graph 14 and Graph 15 shows level of earning by CSOs and main sources of funding.

Not specified	24.3%
No income	18.6%
MRF 250,001 and above	5.7%
MRF 200,000 to 250,000 per annum	5.7%
MRF 150,001 to 200,000 per annum	4.3%
MRF 100,001 to 150,000 per annum	2.9%
MRF 50,001 to 100,000 per annum	14.3%
MRF 1 to 50,000 per annum	24.3%

Graph 5.2: Level of earnings by CSOs.

Own fund-raising efforts	35.7%
Sponsors	34.3%
Individual donations	25.7%
Not specified	24.3%
Business donors	24.3%
Membership Fees	22.9%
No income	18.6%
Occasional membership donations	18.6%
External funds	14.3%
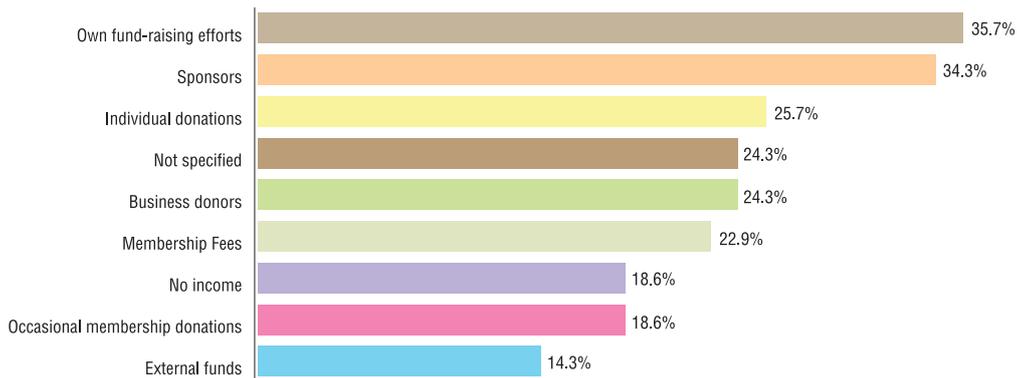
Graph 5.3: Main sources of income for CSOs and percentage of reliance

5.6   Recommendations relating to CSO Operations

■ To improve oversight of the management of the CSO, it is recommended that;

- CSOs separate the functions of governance and management; i.e., have a separate (non-paid independent) board of governance or trustees, whose functions are to 'set policy, exercise oversight, and provide strategic direction in the areas of mission, values, resources and outreach'.

- Categorisation groups be expanded, by adding 'volunteers' and 'persons from a particular sector or industry' to the list of target groups identified earlier, and by separating the categories of service provision and resource distribution, and knowledge production and capacity building.

■ Activity design and implementation can be improved in a number of ways. These include:

- Building capacity in needs assessment, strategy development and intervention design.

- Supporting CSOs to plan and manage in areas of annual programming, budgeting and auditing.

- Ensuring availability of and access to empirical information and national statistics to improve effective design of CSO activities.

- Conducting more research and discussion on the efficacy of activities.

- Making available reports (or summary of reports) in Dhivehi.

■ There are key areas of improvement in relation to the human resources and competence in the sector. It is recommended that,

- The positive aspect of volunteerism in the sector be retained; yet this should be coupled with building human capacities and the professional standards for competence and conduct in the sector.

- Accompaniment (longer-term capacity building exercises) of new and small CSOs be one means of ensuring institutional development and management capacities. Equally appointing skilled and retired persons onto the board of governance would help bring regular specialist input to CSOs.

- Building capacities in institutional governance, institutional development, NGO and project management, and financial management be key to sustaining and developing the sector. Equally, attention should be given to building capacities of subject knowledge.

- Setting up development studies courses (both class-based and distance learning programmes) at the newly established national university be considered. These courses could include both academic and practical components, and should be in line with recognized international standards. These include offering development studies programmes, project management courses, human rights and governance courses, mental health and psychosocial support service courses, or those focusing on women, youth or children's studies.

- Handbooks and other resource materials for CSOs be developed and made widely available.

■ The efforts of CSOs to raise their own funds through membership fees and other efforts should be commended. Their low level of dependency on external funds increases their capacity for independence from external influences; and makes their efforts more self-reliant and responsive to the community. At the same time, it places a constraint on their scale of activities. It is recommended that:

- Extra funding for the sector or helping CSOs improve their own capacities for fund-raising be increased in order to scale up the amount of work that is currently being done by CSOs.

- Helping CSOs to find and establish the physical space in which to operate is also a key component.

- At the same time, improving the capacity to access additional external funding (in a transparent and well-regulated manner) would also be useful.

6.   Ethics, Credibility and Public Confidence in the Sector

This chapter presents a brief discussion of issues pertaining to the principles, ethics and values of CSOs.

6.1   Ethical Framework of CSOs

Almost all organisations revealed something of their guiding principles in the formulation of their objectives, as could be seen from the registration documents. The various declarations indicated that CSOs in the Maldives were indeed very aware of their ethical responsibilities and obligations to society and its citizens; and that they strove – at least in the formulation of their objectives – to articulate these as much as possible.

1. For CSOs, the main guiding principles, as expressed through filed documentation and interviews, are to be:

2. Law abiding

3. Beneficial to the public or the nation.

4. Subscribing to international standards
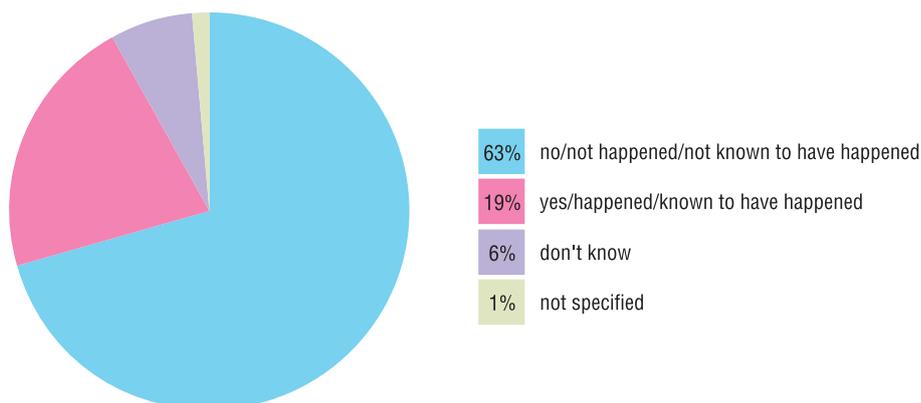
5. Non-discriminatory and inclusive

6. Non-conditional

7. Transparent

8. Compassion-driven

9. Sustainability

10. Inclusive decision making

11. Prioritise interests of target group or membership before institutional or self-interest

12. Functioning within the organisational mandate

All those interviewed were of the opinion that a shared code of conduct for the sector would be a necessary and helpful one for CSOs and indicated that monitoring the conduct of CSOs is an important aspect for the sector. Most were of the opinion that CSOs should take it upon themselves to review whether their activities were being conducted in a manner that complied with their principles, and that they should frequently consult with their members, target groups and other members of the public as necessary in order to ascertain and confirm this.
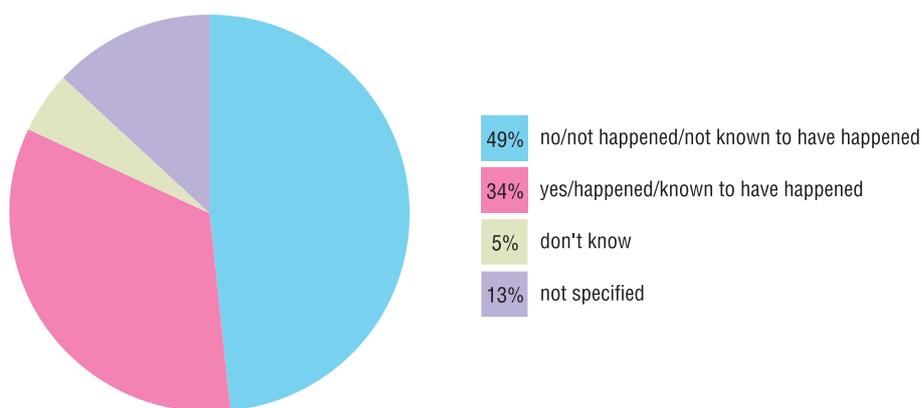
6.2 Maintaining Independence

All respondents stated that maintaining independence and autonomy was important for the credibility and public confidence in the sector.

Independence from Donors and Sponsors - It was often difficult to maintain independence and to minimize external influence if CSOs were receiving funds or sponsorships – however it was always possible to negotiate with donors and sponsors or compromise with them in a way that did not deviate from the stated objectives of the CSO nor violate its principles. It was stated that the best protection was to have explicit organisational policies and clear mechanisms and procedures relating to this issue, so that it was possible to have upfront negotiations and discussions with the donors and sponsors. The percentage of CSOs stating that their perceived or experienced levels of exerted influence by donors and sponsors is noted below:

63%	no/not happened/not known to have happened
19%	yes/happened/known to have happened
6%	don't know
1%	not specified

Graph 6.1: Level of perceived or experienced influence from Donors and Sponsors

Independence from Political Groups and Parties - There was higher reported incidence and perceived levels of political influence on CSO objectives and activities than from donors. All respondents noted that it was important to maintain independence and refrain from allowing political groups and parties from influencing one's organization.

49%	no/not happened/not known to have happened
34%	yes/happened/known to have happened
5%	don't know
13%	not specified

Graph 6.2: Level of perceived or experienced influence from Political Parties

6.3   Managing Conflicts and Disagreements

Another area highlighted in this study was of how to manage conflicts and disagreement both within the sector and also between the sector and the state or the government.
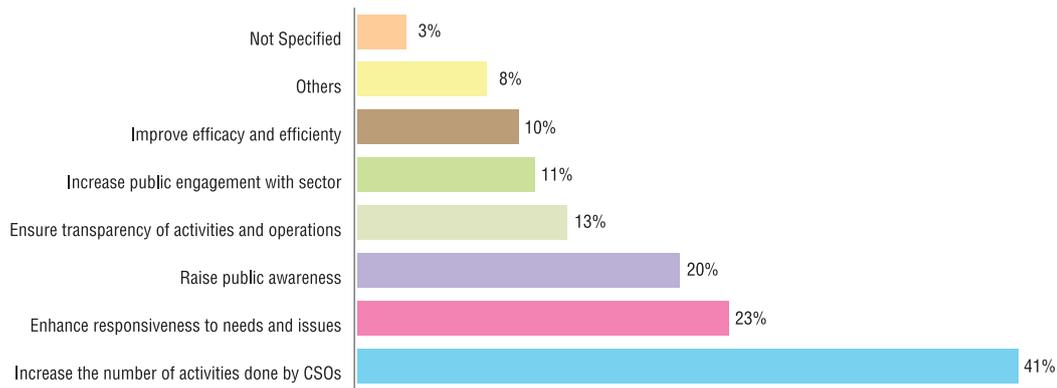
While CSOs agreed that there had been some instances where they had disagreed with the approaches or activities of other CSOs, they showed more concern with conflicts and disagreements were likely to arise between the government, various state bodies and CSOs.

Given the current transitional state of the country, it is no surprise that conflict with the state remains a key concern of CSOs. The main opinion was that it would be important for the CSOs to have the necessary space in which to carry out their activities as long as these were within the law and constitution of the Maldives. Any allegations against CSOs of unconstitutional or illicit activities by any agency of the state should require evidence and not be based on arbitrary decisions by state powers. Moreover, the process should follow those of a fair hearing. Respondents were in favour of regulation with regard to conflicts between CSOs and the state but not so much in relation to conflicts between CSOs.

6.4   Ensuring Credibility and Public Confidence

Almost all respondents noted that the communities with whom they worked with saw them in a positive manner. On the whole, respondents noted that their family and friends supported what they did, and that the general community viewed their activities in a supportive manner. Nonetheless, most respondents felt that it was important to improve the way that the general public saw CSOs, and that there was a need to do so. Respondents noted that the responsibility for their public image was primarily with CSOs themselves, followed by the government and media.

What was particularly strong was the perception of lack of public accountability within the civil society sector. Some CSOs who participated in the survey explained that recent corrupt and compromising incidents in their communities (e.g. of one CSO member running away with the donated funds, another CSO was accused of using NGO resources to campaign politically and another one was said to have used the NGO resources for personal use) had led to growing suspicion and derision towards all CSOs in those islands. This had halted community support for CSOs and CSO activities.

Category	Percentage
Not Specified	3%
Others	8%
Improve efficacy and efficiency	10%
Increase public engagement with sector	11%
Ensure transparency of activities and operations	13%
Raise public awareness	20%
Enhance responsiveness to needs and issues	23%
Increase the number of activities done by CSOs	41%

Graph 6.3: Ways to improve credibility and public confidence in the sector

The Graph 13 shows the ways suggested by CSOs to improve the credibility of the sector. Generally the most important element, according to the majority of respondents, was to increase the number of activities carried out by CSOs. The second was to ensure that these activities corresponded to actual on-going public concerns and the real needs of certain groups – in other words, improving responsiveness of CSOs yet without compromising the credibility of CSOs by engaging in politics. This point also corresponds to the issues raised earlier of maintaining independence from external agendas.

6.4.1   Ensuring Accountability and Transparency

Ensuring accountability and transparency of the sector is important because the powers available to the civil society sector can also be misused by its actors. Therefore, regulations of the civil society sector can reasonably include requisite criteria for registration and deregistration, basic structures of internal governance, the regular auditing and publication of accounts, demonstration of independence of action, and measures to limit exercise of undue influence or the abuse of powers.

6.5   Recommendations

- CSOs should encourage stated list of guiding principles be adopted into the sector code of conduct

- CSOs should adopt the following methods to ensure that they are abiding with the code:

  - appointing a member of Executive Committee to implement such reviews;

  - making project officers and coordinators aware of and reminded of the importance to adhering to these principles in their work;

  - involving members and target groups in assessing the work of the CSO;

  - seeking the advice of professional and technical persons; and

  - appointing a Board of Governance.

- Increase independence from donors through:

  - Having a donor/sponsor agreement which limited their decision-making capacities and influence with regard to activity implementation.

  - Building CSO capacities to better negotiate with donors and sponsors and reach an acceptable compromise on relevant issues.

- Building CSO capacities to generate own funding as much as possible to reduce dependency on external funding.

■ Increase professionalism through:

- Strictly adhering to organizational objectives, procedures, policies and principles in all interactions and decision-making within the organization.

- Increasing familiarity of those responsible for the organization and the activity with the relevant protocol and to report back and consult with the committee and the Board (of governance) on matters that compromise independence of CSOs

■ Establish independence from political influence through:

- Refusing funds from political parties or political figures.

- Refraining from engaging in direct political activities: however CSOs could comment on, agree with or challenge the merit of government policies or proposed political party policies and manifestos that fall into their areas of work and preferably on the basis of empirical evidence or clearly articulated reasoning rathen than simply endorsing a party line.

- Assigning the responsibility of overseeing the CSO's independence from political influences to a member of the Executive Committee and to the Board of Governance.

- Building capacities to refute political influence (by being able to generate own funding or to negotiate with politically influential figures).

■ Widely publicise work of CSOs through:

- Engaging the media and working with the government in showing the work of CSOs and how they contribute to national and community development and protection.

- Publishing/publicising annual reports of strategy, activities, expenditures and sources of income. Even if organisations were unable to professionally publish their annual reports and accounts, they could do so by preparing a poster of these aspects and having them posted in a public space, either at a social community centre or at the island office, etc.

- Giving members and communities regular updates of activities

- Ensure transparency and accountability of CSOs through:

- Improving the capacity of members in financial management and in promoting transparency. Training activities in simple book-keeping, internal controls and accounts management would be very useful.

- Having a transparent non-discriminatory process for selecting beneficiaries for resource distribution and service provision.

- Developing policies preventing personal use of resources by members of CSOs.

- Making decision-making of Executive Committee transparent.

- Having relevant documents and data (accounts, reports, etc.). Poor record-keeping and documentation seriously undermines the ability of CSOs to be accountable and transparent.

- Having a thorough monitoring and evaluation process.

- Reporting back to funders, sponsors, and donors on activities carried out.

Following are recommendations for ensuring separation of state, corporate and civil society sectors:

- Not appointing actively political figures (i.e. persons who are in leadership positions in political parties or persons who are political appointees or elected officials in the current government) onto the Executive Committee or any future board of governance. Current members should resign if they take up such a political position or would need to resign from the political positions to continue being in a governance or management position in the CSO.

- CSOs to ensure activities are designed and implemented in a manner free from explicit political influences – for example ensuring that selection of beneficiaries is not based on political affiliation.

- Having separate regulations for political parties and foundations/associations set up by political parties and figures, so that these are seen to be separate from the civil society sector.

- Raising public awareness about the role of the civil society sector in a democracy and its contribution to society

7. Regulation and Decentralization of the Civil Society Sector

This chapter explores practical questions regarding the regulation and decentralisation of the sector. Specifically it looks at perception of legal and regulatory requirements for CSOs, the current procedures and challenges around the Associations Regulations and decentralization elements of regulation and administration.

7.1 Associations' Regulations: Current Procedures and Challenges

This section draws primarily from an examination of the regulatory documents and interviews with the MOHA staff. The Regulations covers various components, including the registration process, the broad assessment criteria for approving aspects of CSOs, appointment of the executive committee, the annual reporting process, amongst others. In particular, the regulations extend and detail the provisions made in the Act, and give some insight into the administrative elements involved in regulating CSOs.

CSOs did not always seem clear of when and which kinds of approvals were necessary in order to be in compliance with the legal requirements.

7.1.1 Major Challenges Faced in Implementing Governing Regulations of CSOs

1. **CSO Governing Regulations appear in two separate documents:** These 25 items are assessed by the MOHA prior to approving a CSO's governing regulations. However, at present the fact that these items are separated in two documents may sometimes be confusing to CSOs.

2. **There are discrepancies between Act and Regulations for Associations:** There are a number of gaps which require revision in the regulations. For example, the Associations Act and the Constitution of the Maldives state that anybody could start an association, however the regulations ask specifically for the Maldivian National ID card in order to submit an application, which consequently restricts application to only Maldivians, although some foreign nationals have also wanted to start CSOs.

3. **There are periods when there is no discernible legal authority for the CSO:** because of the way the Associations Regulations are worded, there are some periods of time when there is no discernible authority.

7.1.2 Registering CSOs

A MOHA perspective on causes of delays in registration: The registration process generally took around 15 days – this was because there were commonly errors and omissions in the submitted documents.

A CSO perspective on the registration process: The majority of respondents found the process relatively easy, especially if they had a representative in Male'. Of those who noted the process was difficult; the following issues were mentioned. Travelling to and staying in Male' was costly. When they did go to Male', it was more likely to be only for a day or two in order to get the registration done; however when the process took longer than that, the registration process became costly because of issues of finding accommodation, meeting daily expenses and other such aspects.

7.1.3 The Executive Committee

One of the key concerns of the MOHA based on their observations of and interactions with CSOs at the time of registering the members for the Executive Committee was the seeming lack of knowledge regarding the specific responsibilities, roles and purpose of executive committee members.

7.1.4 Annual General Meetings

One of the issues noted was that organisations that registered towards or after March generally need to have two AGMs in that year, as they would have to have one to approve the Committee and the Governing Regulations and later on to approve the annual report. The Ministry noted that this was one reason why organisations failed to send in their reports on time – as it was difficult for CSOs to gather the members of the Executive Committee (often based in Male' or elsewhere) for AGMs in time to approve the reports.

### 7.1.5 The Annual Reporting Process

The responses from CSOs suggest that about a third of CSOs did not know the regulations relating to annual reporting process. Many registered CSOs did not submit the required reports[2], and those that, did not always cover the stated topics or meet the given requirements.

In general, the annual reporting process was said to be easy by almost half of respondents of those who did send them in, although some noted that the quorum for members at the AGM was commonly not reached. Clear standards for annual reports and timely (positive and negative) feedback would help improve the quality of reporting.

7.1.6 Access to the MOHA for Information

Majority of the respondents access information from MOHA through the website and internet, although the information content available was not always clear and easy to use. A large proportion of respondents called the MOHA directly either for first-time information or further clarification. Visiting in person was seen either as very difficult if based in another atoll or as very easy if there was a proxy member already in Male'.

Public information on available funding, whether from the state, by international agencies or under bilateral agreements, was scarce. Organisations believed strongly that a better mechanism for ensuring equitable distribution of information on available funding should be made available – whether through a web-portal, regular announcements or distribution through island and atoll councils.
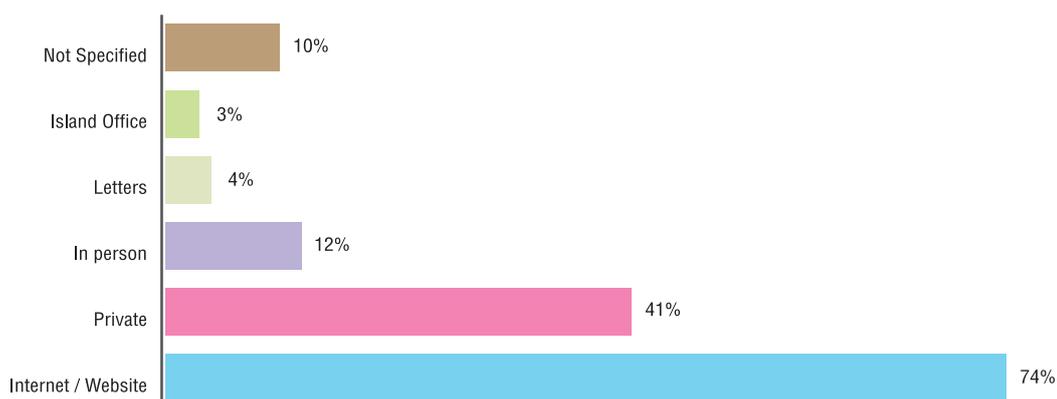
Graph 7.1: Modes of accessing information from MOHA

7.1.7 Approving Foreign Financial Assistance

The process of approving foreign financial assistance was not always clear to the CSOs. In some cases, the delays of approving the foreign assistance meant that the organisation chose to re-direct their finances. A disclosure requirement for the source of funding is important to gauge the amount of funds that come into the country. Moreover, a more transparent and faster process for vetting these is required. In this way, organisations themselves could supply some of the information regarding the criteria about the sources of funding making it easier for the Ministry to investigate them.

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2   MOHA, personal communication, June 2011

Building capacities within the Ministry to carry out these functions would again be of great importance.

7.2   Decentralising Elements of Regulation and Administration

There was a strong lobby for having the regulatory powers and processes moved closer to home for the CSOs. The MOHA too noted that such a process would not only be fairer but also more practical for the purposes of the administration and regulation of the sector. A considerable proportion of those respondents who answered this question were of the opinion that the administrative and regulatory elements should operate at island or atoll levels.

The criteria driving the opinion on decentralizing were following dimensions:

- **Access** - the need to have more equitable access to the administrative and regulatory processes of the sector.

- **Knowledge of context and CSOs** – the lack of knowledge about the context and the CSOs contributes to difficulties monitoring whether CSOs are active, defunct and their compliance with legal requirements.

- **Efficiency** – the various delays on the part of CSOs and on that of MOHA are likely to be reduced, and the efficiency with which the sector is administrated is likely to increase were these processes brought closer to the islands.

- **Competence** – administrating and regulating the sector requires competence, not only in matters of registration and creating a database but also in understanding the place of CSOs in a democracy, the potential of the sector, and other technical aspects such as evaluating proposals, overseeing financial management and advising on specific areas of work. At present, the central government is largely in possession of the human resources that could deliver these services.

- **Potential for influence, partiality and corruption** – this relates to the effect of small communities on issues of administration, regulation and monitoring. Many respondents noted that the smaller the community, and the further away from the oversight of the central government, the greater potential there was for partial treatment based on a number of factors from political affiliation to family relationships.

- **Consistency in laws and regulations for civil society sector** – consistency in the laws and regulations for the sector across the country is important as inconsistency or having legal disparities or regulatory differences could undermine the democratic setting.

Each of these needs underpin a particular aspect of increased democratisation of the country – ensuring equitable access to all citizens and bringing them closer to the decision-making process (regardless of their geographical location) is one of the fundamental drivers of the decentralisation process. On the other hand, eliminating undue state interference and minimising political influence in how the civil society sector functions is a key aspect of strengthening democratic space and upholding the rule of law (over that of politics or state domination) in the country.

The following table shows the responses received on decentralisation of different aspects of regulation and monitoring of CSO.

Table 7.1: Decentralization of different function of administration and regulation

Functions	Island	%	Atoll	%	Central	%	Not specified	%
Registering CSOs*	**37**	**52.9**	**3**	**4.3**	**18**	**25.7**	**12**	**17.1**
Provision of information and advice to CSOs Atoll	38	54.3	0	-	20	28.6	12	17.1
Obtaining permits, approvals and other legal documents	23	32.9	0	-	35	50.0	12	17.1
Establishing the regulatory framework and the association regulations	20	28.6	0	-	38	54.3	12	17.1
Management of complaints and grievances	38	54.3	1	1.4	19	27.1	12	17.1
Monitoring organisational adherence to regula-tions	32	45.7	1	1.4	25	35.7	12	17.1
Investigation of suspected cases of fraud or cor-ruption	17	24.3	0	-	41	58.6	12	17.1
Liaising with other agencies and institutions	46	65.7	2	2.9	10	14.3	12	17.1

* De-registering to be retained at central government authority level

De-Registration: The opinion was clearly on the having the registration process available at the island-level. Closely linked to this issue is also that of de-registration of an organisation. Respondents to this study generally were of the opinion that it would be important to de-register or at least suspend the registration of those organisations who were defunct or inactive. Because of the considerable power this process bestows, it is suggested that de-registration powers are retained at central level, with the Ministry evaluating those organisations who have not adhered to their legal requirements.

7.3   Recommendations

■ Recommended revisions to the Associations Regulations and recommendations for improving the implementation of regulations:

- Specify that founders retain legal authority and responsibility for the CSO in case of any time when there is no formally appointed board of governance or executive committee.

- Remove the specification that only Maldivian ID cards are acceptable as registration documents. Some form of identification for individuals (ID cards, passport numbers) and companies/associations (registration number which specify they have a legal status) should suffice for the purposes of registry. This would also enable the registration of umbrella organisations or organisations-based networks.

- Produce and distribute a Handbook by MOHA that details a) the processes for approval, b) the full list of 25 items in the governing regulations of CSOs, c) the full reporting process and its related conditions and guidelines d) NPO institutional models and viable systems of governance and e) sample institutional policies. Upgrade the MOHA website to include a website-based email inquiry option so that CSOs can make online queries on matters that confuse them. The website should also include: information on available funding; different resource materials and websites for further information on NPO governance and institutional development; and links to other websites which have relevant laws and regulations for the civil society sector.

- Review auditing requirements in line with availability of government-approved auditors.

- Make the process of approving foreign financial assistance more transparent. The criteria being used to assess foreign assistance, and details about what information could be provided by the organisation in order to speed up the process, could be shared.

- Make a database of approved sources of foreign assistance available.

- Require CSOs to disclose sources of funding.

- Introduce graded penalties for different forms of non-compliance with legal, regulatory and constitutional requirements, together with fair processes of appeal for administrative decisions. Severity of the non-compliance issue would also need to be taken into account.

■ There were strong opinions on whether or not to decentralise the sector. The study took the approach of breaking down the various functions of administration. Recommendations are provided below:

- Make registration of CSOs available at island-level, although the procedure and requirements should be decided at central level. Capacity building is necessary so that officials who undertake this duty would be able to review and comment on the registration documents to ensure they are in order and to make constructive and enabling choices with regard to the CSOs.

- Retain de-registration powers central level because of the considerable power this bestows. It is suggested that the Ministry evaluates those organisations not adhering to legal requirements. A fair-minded policy and procedure for this process needs to be formulated.

■ The table below shows the recommendations for decentralising function of regulation and monitoring of CSOs.

Table 7.2: Summary of Recommendations for Decentralization of functions of Regulation and Monitoring of CSOs

Functions	Island Level	Central Level
Registering CSOs	✓	
Deregistering CSOs		✓
Provision of information and advice to CSOs Atoll	✓	
Obtaining permits, approvals and other legal documents		✓
Establishing the regulatory framework and the association regulations		✓
Management of complaints and grievances	✓	
Monitoring organisational adherence to regulations	✓	
Investigation of suspected cases of fraud or corruption		✓
Liaising with other agencies and institutions	✓	

- Place a trained focal point at island or atoll council level for provision of information.

- Upgrade the website of MOHA, including an email query system and frequently asked questions.

- Retain the issuance of permits and approvals at central level, apart from the registration and reporting process. Following decentralization though, some permits and approvals which had previously been granted by central authorities could be processed at island or atoll council level.

- Retain regulatory framework powers at central level with the MOHA, with changes to be done in consultation with CSOs and councils from across the country.

- Manage the mediation of complaints and grievances at island level in line with national laws and regulations. Mediation skills should be further developed at the local councils.

- Give CSOs the option of submitting the annual reports and audited accounts to island councils as well as submitting them directly to the Ministry. CSOs are advised to maintain copies of these.

- Monitor CSOs' adherence to regulations at island level. The reports should be assessed in terms of their compliance with the relevant guidelines and then passed on to the Ministry. Monitoring should not be an evaluation of the effectiveness of the CSO's activities or on its programming and approaches, as this is a technical matter. The emphasis here should be on compliance and not content.

- Encourage CSOs to make their annual reports and a brief summary of their accounts publicly available. This would allow inter-organisational learning and would also increase compliance and accountability amongst CSOs.

- Investigate alleged or suspected cases of fraud or corruption at central level. The Anti-Corruption Commission (ACC) was mentioned by some as the main body who should oversee and guide the process of such an investigation. Additionally, it was pointed out that independent auditors and the selected representatives of the police might also need to be involved.

- Allow island councils to help CSOs access information from central government agencies (Ministries, Police, Courts, etc.) or independent commissions (HRCM, ACC) on aspects such as national and international policy, national and other statistics, or other matters.

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