



2011 AGNA Regional Meeting of Asia

Montreal, 7-8 September 2011

Meeting Report

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Reflections on AGNA Asia Regional Meeting 7-8 September 2011, Montreal Canada

The AGNA Asia Regional Group held its Second regional meeting for 2011 at the Delta Hotel Montreal, Canada, from September 7 to 8. Participants were Mr. Mohammad Alam from Afghan NGO Coordination Bureau, Afghanistan; Mr. Dala Rawal from NGO-Federation, Nepal; Mr. Harsh Jaitli from VANI, India; Mr. Sixto Donato C. Macasaet from the CODE-NGO, the Philippines; and Mr. Yoshiharu Shiraishi from JACO, Japan. We also invited Mr. David Robinson and Mr. David Henderson from ANGOA, New Zealand; Mr. Oli Henman from NCVO, UK as an observer and a presenter.

The aim of the meeting was to exchange and discuss about the importance of forming network with partners across the world, the necessity of strengthening LTA and governance and membership system of national umbrella organizations. On September 8, Mr. Oli Henman from NCVO made a 30 minute presentation on membership system and all the participants felt that the idea and concept of NCVO regarding membership system was quite interesting and useful for national umbrella organizations.

In 2011, Mr. Dala Rawal from NGO Federation of Nepal assumed the one-year presidency of Asia regional meeting, and Mr. Mohammad Alam from Afghan NGO Coordination Bureau was elected to be a chair of next 3rd regional meeting of Asia at the 2nd regional meeting. On September 8 and 9, 2012, the Asia regional group is planning to hold a 3rd regional meeting in Toronto, Canada. Main themes of this meeting will be as follows.

1. Advocacy campaign by national umbrella organizations
2. Fundraising done by national umbrella organizations
3. A role of national umbrella organizations

For more information on the Asia regional group, please get in touch with Yoshiharu Shiraishi on shiraishi@kohokyo.or.jp.

This time, we prepared a meeting report to share information what presentation we made at the 2nd regional meeting held in Montreal last year. I appreciate very much the support from AGNA members and AGNA itself.

Yoshiharu Shiraishi

Research associate of the Japan Association of Charitable Organizations
Secretariat of AGNA Asia regional group

Programme of Activities for 2011 AGNA Regional Meeting of Asia

7-8 September 2011: Montreal, Canada

Day 1: Tuesday 6 September (Montreal)

Place: Delta Hotel Montreal (475 Avenue du Président Kennedy, Montreal)

- 10:00-10:05 Opening, agenda, logistical announcement (Mr. Yoshiharu Shiraishi, JACO)
- 10:05-10:10 Welcome speech (Mr. Dala Rawal, a chair of 2nd AGNA regional meeting of Asia)
- 10:10-11:00 About Open Regional Meeting of Asia operated by CIVICUS
- 11:10-12:00 Session 1: Forming network with partners across the world
- 11:10-11:20 P1 Mr. Harsh Jaitli (India)
 - 11:20-11:30 P2 Mr. Yoshiharu Shiraishi (Japan)
 - 11:30-11:40 P3 Mr. Dala Rawal (Nepal)
 - 11:40-11:50 P4 Mr. Sixto Donato C Macasaet (Philippines)
 - 11:50-12:00 P5 Mr. Mohammad Alam (Afghanistan)
- 12:00-13:30 Lunch
- 13:30-15:15 Session 1: Forming network with partners across the world (Continue)
- 13:30-14:30 Q&A from presentations
 - 14:30-14:40 Using CSO database portal as a tool to make regional network active
 - 14:40-15:30 Strategies of AGNA-Asia network
- 15:30-15:45 Coffee Break
- 15:45-17:25 Session 1: Forming network with partners across the world (Continue)
- 15:45-17:25 Discussion
 - 17:25-17:30 Logistical announcement (Mr. Yoshiharu Shiraishi, JACO)



Delegates are presenting on their membership system
(Delta Hotel Montreal)

Day 2: Thursday 8 September (Montreal)**Place: Meeting room at Delta Hotel**

- 10:00-10:10 Minutes of yesterday's meeting by Mr. Dala
- 10:10-11:00 Asia Regional Group General Meeting
- 10:10-10:40 3rd Asia Regional Meeting
 - 10:40-11:10 Open Regional Group – Themes of Small Group Working
- 11:10-11:20 Coffee Break
- 11:20-12:30 Session 2: The situation of CSO legal environment in Asia
- 11:20-11:30 Orientation of joint meeting (Mr. David Robinson)
 - 11:30-11:40 P1 Mr. Harsh Jaitli (India)
 - 11:40-11:50 P2 Mr. Yoshiharu Shiraishi (Japan)
 - 11:50-12:00 P3 Mr. Dala Rawal (Nepal)
 - 12:00-12:10 P4 Mr. Sixto Donato C Macasaet (Philippines)
 - 12:10-12:20 P5 Mr. Mohammad Nasib (Afghanistan)
 - 12:20-13:00 Legal environment in other Asian countries (Mr. David Robinson)
- 13:00-14:30 Lunch
- 14:30-15:30 Session 2: Current situation of CSO legal environment in Asia (Continue)
- 14:30-15:20 Discussion
 - 15:20-15:30 Concluding
- 15:30-15:40 Coffee Break
- 15:40-17:55 Session 3: Membership system
- 15:40-15:50 P1 Mr. Harsh Jaitli (India)
 - 15:50-16:00 P2 Mr. Yoshiharu Shiraishi (Japan)
 - 16:00-16:10 P3 Mr. Dala Rawal (Nepal)
 - 16:10-16:20 P4 Mr. Sixto Donato C Macasaet (Philippines)
 - 16:20-16:30 P5 Mr. Mohammad Nasib (Afghanistan)
 - 16:30-17:00 NCVO membership system (Mr. Oli Henman, NCVO)
 - 17:00-17:20 Q&A
- 17:20-17:25 Closing (Mr. Dala Rawal, a chair of 2nd AGNA regional meeting of Asia)
- 17:25-17:30 Logistical announcement (Mr. Yoshiharu Shiraishi, JACO)

2nd Asia Regional Meeting Participants

Participants from Asia Regional Group

1. Afghanistan Afghan NGO Coordination Bureau
Mr. Mohammad Alam <mohdalam2@yahoo.com>
2. India Voluntary Action Network India
Mr. Harsh Jaitli <harsh@vaniindia.org>
3. Japan The Japan Association of Charitable Organisations
Mr. Yoshiharu Shiraishi <shiraishi@kohokyo.or.jp>
4. Nepal NGO Federation of Nepal
Mr. Dala Rawal <dalarawal@gmail.com>
5. Philippines Caucus of Development NGO Networks
Mr. Sixto Donato C Macasaet <scmacasaet@code-ngo.org>

Guest Speaker & Observer

6. New Zealand ANGOA - the Association of NGOs of Aotearoa
Mr. Dave Henderson <dave.henderson@angoa.org.nz>
7. New Zealand International Center for Not-for Profit Law (ICNL)
Mr. David Robinson <davidjrobinson@xtra.co.nz>
8. United Kingdom National Council for Voluntary Organisations (NCVO)
Mr. Oli Henman <Oliver.Henman@ncvo-vol.org.uk >



2nd Asia Regional Meeting Participants
(Delta Hotel Montreal)

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1. The Philippines

By Sixto Donato C. Macasaet
Caucus of Development NGO Networks (CODE-NGO)

1-1 International Networking Experience of CODE-NGO

The four parts of this presentation on the international networking experience of CODE-NGO are:

- 1) International CSO Networks in the Country
- 2) Importance of International Networking
- 3) International Networks of CODE-NGO
- 4) Challenges for International Networking.

1) International Networks in the Philippines (Slide 3-4)

The Philippines is a center for many Southeast Asian regional networks. Bangkok and Manila are the usual locations of the secretariats of SE Asian and even Asian regional networks of civil society organizations (CSOs). Some examples of CSO networks based in Manila are the Asian Partnership for the Development of Human Resources in Rural Areas (AsiaDHRRA), Asian Farmers Association for Sustainable Rural Development (AFA), Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), NGO Forum on the Asian Development Bank and Asian Women in Cooperative Development Forum (AWCF).

It is often said that the many regional networks choose Manila for its central office because of the vibrant, experienced and skilled CSO sector plus its geographical location in the center of SE Asia and East Asia, its English speaking population and the ease of registering CSO in the country.

2) Importance of International Networking for CODE-NGO (Slide 5)

In the current strategic plan of CODE-NGO (2007-2012), we have included the important role of international networking for the twin roles of CODE-NGO – the capacity building of its member networks and their base organizations and its advocacy work. CODE-NGO acknowledges that international CSO networks are important venues for learning from other CSOs in other countries and also for sharing with these organizations the experiences, tools, materials and lessons learned from development work of CSOs in the country.

CODE-NGO also sees the crucial roles of international CSO networks in advocacy work on many issues and concerns that affect various countries or even the whole world. These international concerns include, among others, aid and development effectiveness,

climate change and other environmental concerns, trade and development, and multi-lateral bodies like the Association of Southeast Asian Nations (ASEAN), United Nations, the Asian Development Bank and the World Bank.

3) International Networks of CODE-NGO (Slide 6-9)

CODE-NGO is currently a member of the Affinity Group of National Associations (AGNA) and the Civicus World Alliance for Citizen Participation, the National Platforms Coalition of Asia (NPC Asia) and the Philippines – Japan NGO Partnership (PJP).

While both capacity building and advocacy are concerns of all these international networks, CODE-NGO's involvement in AGNA and Civicus has so far focused on capacity building. In the past, CODE-NGO has actively engaged in various discussions and workshops within AGNA aimed at improving CSO legitimacy, transparency and accountability (LTA) and CSO network governance and management, including the LTA Guide of Civicus and the Resource Manual for National Associations of AGNA. CODE-NGO was also the national coordinating organization for the implementation of the Civil Society Index (CSI) for the Philippines in 2009-2010.

On the other hand, CODE-NGO's participation in NPC Asia has so far focused on advocacy, particularly on international civil society diplomacy and on aid and development effectiveness.

The Philippines – Japan NGO Partnership (PJP) is actually a Philippine-based network, but its membership is composed both of Philippine CSOs and Japanese CSOs with office and operations in the country. PJP also works closely with the Japan Philippine NGO Network (JPN), a Japan-based network of CSOs with operations in the Philippines or supporting Philippine CSOs. PJP is focused on promoting Philippine – Japan NGO partnerships and advocacy for reforms in Japan's official development aid to the Philippines.

4) Challenges for International Networking of CODE-NGO (Slide 10)

As already discussed, CODE-NGO appreciates the importance of international networking for its goals and roles as a national CSO network. However, it is also very aware that international networking comes with difficulties. The two most important challenges for CODE-NGO's international networking are -
Limited time and resources

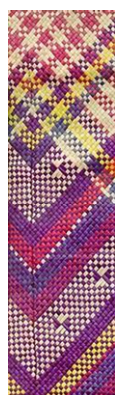
As with most CSOs, CODE-NGO has limited human and financial resources and is already heavily burdened by the demands from its sub-national and national concerns in the country. This leaves very limited time and other resources to attend to international networking.

Disconnect between the work of regional/international networks and local CSOs and national networks

In many instances, the connection between the regional and international CSO

networks, especially in their advocacy, and the day-to-day concerns of most local CSOs and national CSO networks is not readily apparent. While there may be an intellectual appreciation of the links between such international advocacy and the on-the-ground concerns of the local and national CSOs, these links are usually not easily translated into the everyday work of the local CSOs and national CSO networks. The situation is not helped by the fact that many international CSO networks also suffer from limited resources and can focus only on their international concerns (e.g. advocacy with multi-lateral bodies) to the detriment of ensuring that their work at the international level is informed and strengthened by and benefits the local CSOs and national networks.

These challenges are not insurmountable. International and national CSO networks working together and mutually supporting each other can certainly overcome these concerns and make development work more effective both at the national and international levels.



International Networking

By: Sixdon C. Macasaet
CODE-NGO, Philippines

AGNA Asia Regional Meeting
7-8 September 2011, Montreal



Slide 1

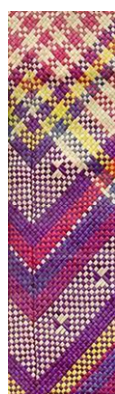


Outline of presentation

- 1) International Networks in the Country
- 2) Importance of Int'l Networking
- 3) Int'l Networks of CODE-NGO
- 4) Challenges for International Networking



Slide 2

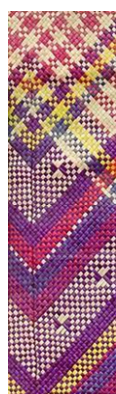


Philippines: A Center for SE Asian Regional Networks

- Bangkok and Manila are the usual base of SE Asian and even Asian Regional CSO Networks
- In Manila, some examples:
 - AsiaDHRRA
 - AFA
 - ANGOC
 - NGO Forum on the ADB
 - AWCF



Slide 3



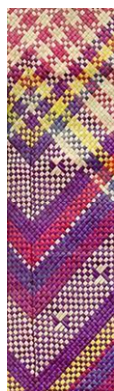
Philippines: A Center for SE Asian Regional Networks

Some Reasons for this:

- geographical location
- English speakers
- Philippine CSOs: vibrant, experienced, skilled
- ease of registering CSOs



Slide 4



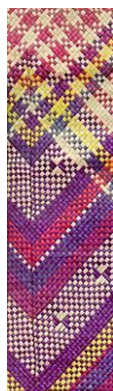
Importance of International Networking

For CODE-NGO

- a) Capacity building: learning from others, and also sharing with others
- b) Advocacy: shared advocacy on international concerns (e.g. Aid/Development Effectiveness)

CODE

Slide 5

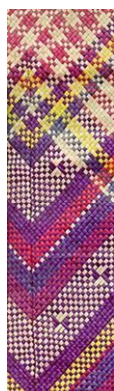


International Networks of CODE-NGO

- 1) AGNA and Civicus
- 2) National Platforms Coalition of Asia (NPC Asia)
- 3) Japan-Philippine NGO Partnerships – JPN and PJP

CODE

Slide 6



International Networks of CODE-NGO

- 1) AGNA and Civicus

-focused on capacity building (LTA Guide, Resource Manual for National Associations, Civil Society Index, etc.)

CODE

Slide 7



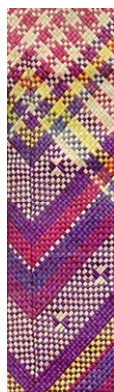
International Networks of CODE-NGO

- 2) National Platforms Coalition of Asia (NPC Asia)

-focused on advocacy: international civil society diplomacy/ aid and development effectiveness

CODE

Slide 8



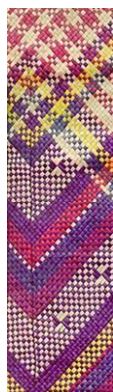
International Networks of CODE-NGO

- 3) Philippines – Japan NGO Partnership Network (PJP) and Japan Philippine NGO Network (JPN)

-focused on promoting Philippine – Japan NGO partnerships and advocacy for reforms in Japanese ODA to the Philippines

CODE

Slide 9



Challenges for International Networking of CODE-NGO

- a) Limited time and resources – heavy workload/ demands from local/national concerns
- b) “Disconnect” between the work of regional/international networks and local CSOs /national networks (esp. on advocacy)

CODE

Slide 10

1-2 Legal Environment for CSOs in the Philippines

This presentation on the legal environment for civil society organizations (CSOs) in the Philippines will have four main parts:

- 1) Major Laws on CSOs
- 2) Registration and Regulation of CSOs
- 3) Support for CSOs
- 4) Problem Areas for CSOs

1) Major Laws on CSOs (Slide 3-5)

There are many laws in the Philippines that affect civil society organizations (CSOs), defined as non-government and non-profit organizations, and which includes what in the country are called people's organizations (membership organizations that are often based on sectoral groupings, geographical area, common causes or issues), development non-government organizations or NGOs which provide services to non-members, often to POs, cooperatives, and coalitions, federations, alliances or networks of such POs, NGOs and cooperatives.

These laws regulate CSOs and/or support and recognize these organizations, including their participation in governance and decision-making by government bodies.

The country's Constitution was ratified in 1987 and born out of the 1986 "People Power Revolution" which ousted President Ferdinand Marcos and ended his martial law regime. It is thus not surprising that this "People Power Constitution" provides that the State shall encourage CSOs and respect their role to enable the people to pursue their legitimate and collective interests and shall not abridge the right of the people and their organizations to participate in decision making at all levels. (See in particular Article II, Section 23 and Article III, Sections 15 and 16.)

In line with this Constitutional mandate, there are various laws that recognize CSOs and their participation in governance and decision making. Among the most important ones are the Local Government Code of 1991 and the Social Reform and Poverty Alleviation Act of 1997.

The Local Government Code (LGC), which governs the local governments units in the country (provinces, municipalities, cities and barangays or villages), provides for the participation of CSOs in local government planning and in the delivery of social services. The LGC created the local development councils, which play a role in local planning, and provides that while it is composed of various government officials including the governors and mayors, not less than 25% of the membership of each council must come from CSOs. The LGC also provides for the formation of other local special bodies, including local health boards and local school boards, all of which must also have CSO members.

The Social Reform and Poverty Alleviation Act created the National Anti-Poverty

Commission (NAPC). The NAPC is a coordinating and oversight body headed by the President and composed of the heads of 14 major government agencies, the presidents of local government leagues, and 14 “basic sector representatives”. These 14 sector representatives, which include, among others, farmers, fishers, indigenous peoples, labor and migrant workers, informal sector workers, urban poor, youth, women, cooperatives and persons with disabilities, are elected by and accountable to assemblies of sectoral CSOs and their elected sectoral councils.

Then there are laws that provide for the registration and regulation of civil society organizations. There are four major laws providing for the registration and regulation of various types of organizations. These are the (a) Corporation Code for non-stock and non-profit corporations (and also stock and for-profit corporations), (b) Labor Code for workers’ associations and trade unions and federations, (c) Cooperative Code for various types of cooperatives, and d) Magna Carta of Homeowners and Homeowners’ Associations for homeowners’ associations.

2) Registration and Regulation of CSOs (Slide 6-9)

Registration is not required for all CSOs, and many organizations exist for a long time without ever being registered at any government agency. However, registration is required for a CSO to gain legal personality and to be able to enter into contracts and open bank accounts in its own name.

Corresponding to the four laws mentioned above, there are four government agencies that register and regulate various types of CSOs – the Securities and Exchange Commission (SEC) for non-stock and non-profit corporations, the Bureau of Labor Relations – Department of Labor and Employment (DOLE) for workers’ associations and trade unions and federations, Cooperative Development Authority (CDA) for cooperatives and the Housing and Land Use Regulatory Board (HLURB) for homeowners’ associations (HOAs). Many people’s organizations and development NGOs register with the SEC as non-stock and non-profit corporations. On the other hand, many urban poor organizations register as HOAs with the HLURB.

As of the latest figures from these government agencies, there are around 172,000 registered CSOs in the country, broken down as follows -

- a) non-stock and non-profits registered with the SEC: 125,000 (2011)
- b) workers’ associations and trade unions/federations registered with DOLE: 17,000 (2008)
- c) cooperatives registered with CDA: 25,000 (2011)
- d) HOAs registered with HLURB: 5,000 (2008)

Registered CSOs are required to submit annual reports, including audited financial statements, to their registration agency. These agencies may also investigate CSOs which violate any law or regulation and impose penalties or revoke the registration of erring CSOs.

In addition to the primary registration and regulation by these government agencies, most other major government agencies require secondary registration and/or licensing of CSOs that perform specialized functions. Thus, for example, CSOs that operate schools need to be also licensed by the Department of Education, those that have clinics or hospitals need to be licensed by the Department of Health and those that operate orphanages and residences abused women and children must get a license from the Department of Social Welfare and Development.

Moreover, CSOs that wish to participate in governance bodies and/or partner with government's programs/projects must seek "accreditation" with the concerned government agencies or local government units.

It must also be mentioned here that, in the Philippines, aside from government regulation of CSOs, there is also a self-regulatory body of the CSO sector that is recognized by the government - the Philippine Council for NGO Certification (PCNC). PCNC was established in 1998 by CODE-NGO and 5 other major NGO coalitions in the country. The Bureau of Internal Revenue, the government's tax collection agency, has since 1998 required CSOs applying for "donee institution" status (which entitles a CSO to exemption from the donor's tax) to first obtain a certification from the PCNC. This partnership between the government and the civil society sector was done to prevent the abuse of this tax incentive given to CSOs and also to promote accountability and good governance among CSOs.

3) Support for CSOs (Slide 10)

As may be seen from the discussion above, the legal environment for CSOs in the country is supportive of CSOs. The Constitution and various laws recognize, respect and support CSOs and their role in society. There are also many mechanisms for CSO participation in governance, including membership or representation in governance bodies, government consultations with CSOs and others.

The registration of CSOs is also relatively easy, especially for urban centers, with the SEC even providing pro-forma Articles of Incorporation and Organizational By-laws and an "express lane" for organizations registering which use these.

Since the 1986 People Power Revolution ended the martial law regime, the government has always maintained some openness to civil society. However, beliefs and practices of those in power, the prevailing political conditions, and the positioning of CSOs viz the incumbent political leaders and other factors influence how big or small the opening for CSOs is. The administration of former President Gloria Macapagal-Arroyo had been quite antagonistic to CSOs, especially after allegations that she employed electoral fraud to win in the presidential election surfaced in 2005, and many CSOs joined calls for her to resign. The government under the new President Benigno S. Aquino, who was elected in May 2010, has become more transparent and open to CSO participation.

4) Problem Areas for CSOs (Slide 11-12)

While the legal environment is supportive of CSOs, there remain many problem areas. Many of the legally mandated mechanisms and processes for CSO participation are not fully implemented by government. There is often merely token compliance, lacking in substantive fulfilment of the intent of the laws. For example, many of the required local development councils do not meet regularly and/or are composed only of CSOs which are friendly to the local chief executives.

Also, many officials in the bureaucracy and police/ military remain suspicious of and antagonistic towards CSOs, accusing them of being linked to insurgents or, at best, being nuisances who always complain and make their work harder for them.

Finally, government regulators of CSOs, except for the Cooperative Development Authority, are not able to regulate and oversee CSOs appropriately and effectively and self-regulation by CSOs (e.g. PCNC) does not cover a substantial number of organizations. The government regulators lack the human and financial resources, especially the SEC which is also responsible for the stock and for-profit corporations, which it prioritizes based on the larger assets and greater effect on the economy and society of these corporations. This weak regulation of CSOs leads to intermittent “CSO scandals” such as a much publicized scandal a few years back involving a government fertilizer distribution project where overpriced fertilizers were allegedly given by the Department of Agriculture through several NGOs. This regulatory weakness, if not addressed, could erode public trust in CSOs.

There are efforts by both the CSO sector and the government to address these problem areas, and these need to be continued and strengthened in the coming years.

Legal Environment for CSOs - Philippines

-S. C. Macasaet
CODE-NGO

AGNA Asia Regional Meeting
7-8 Sept 2011, Montreal

Slide 1

Outline of the Presentation

- 1) Major Laws on CSOs
- 2) Registration and Regulation of CSOs
- 3) Support for CSOs
- 4) Problem Areas for CSOs

Slide 2

Major Laws on CSOs

1) 1987 (People Power) Constitution:

- the State shall encourage CSOs
- the State shall respect the role of CSOs to enable the people to pursue their legitimate and collective interests
- the right of the people and their organizations to participate in decision making at all levels shall not be abridged

Slide 3

Major Laws on CSOs

2) Laws that Recognize CSOs and their Participation in Governance/ Decision Making

- Local Government Code (1991): CSO membership in Local Development Council and Special Bodies (e.g. Local School Boards, Local Health Boards, etc)
- Social Reform and Poverty Alleviation Act (1997): 14 basic sectoral councils/ National Anti Poverty Council

Slide 4

Major Laws on CSOs

3) Laws that Regulate CSOs

- a) Corporation Code – non-stock and non-profit corporations
- b) Labor Code – workers' associations and trade unions/federations
- c) Cooperative Code – cooperatives
- d) Magna Carta of Homeowners and Homeowners' Associations – homeowners' associations

Slide 5

Registration and Regulation of CSOs

- a) **Registration** – not required for all CSOs; but needed to gain legal personality
- b) **Agencies that Register and Regulate CSOs**
 - Securities and Exchange Commission (SEC)
 - Bureau of Labor Relations – Department of Labor and Employment (DOLE)
 - Cooperative Development Authority (CDA)
 - Housing and Land Use Regulatory Board (HLURB)

Slide 6

Registration and Regulation of CSOs

** Number of Registered CSOs

- SEC: 125,000 (2011)
- DOLE: 17,000 (2008)
- CDA: 25,000 (2011)
- HLURB: 5,000 (2008)

Slide 7

Registration and Regulation of CSOs

c) Agencies that accredit/license CSOs

- nearly all departments (Social Welfare and Development, Agriculture, Agrarian Reform, Education, Health, Environment and Natural Resources, Public Works and Highways, Interior and Local Government, etc)
- Central Bank
- local government units (LGUs)

Slide 8

Registration and Regulation of CSOs

d) CSO Certification

-Philippine Council for NGO Certification (PCNC): self-regulation by the NGO/CSO sector that is recognized by the government

Slide 9

Support for CSOs

- 1) The Constitution and various laws are supportive of CSOs and their role in society
- 2) There are many mechanisms for CSO participation in governance – representation in governance bodies, consultations, etc
- 3) The registration of CSOs is relatively easy (esp. for urban centers)
- 4) Since July 2010, with the new President, the government has become more transparent and open to CSO participation

Slide 10

Problem Areas for CSOs

- 1) Many legally required mechanisms/processes for CSO participation are not fully implemented by government – “for compliance only”, not substantive
- 2) Many officials in the bureaucracy and police/military remain suspicious of and antagonistic towards CSOs

Slide 11

Problem Areas for CSOs

- 3) Government Regulators of CSOs, except for CDA, are not able to regulate and oversee CSOs appropriately and effectively and self-regulation by CSOs do not cover a substantial number of organizations
- leads to intermittent “CSO scandals” which erode public trust in CSOs

Slide 12

1-3 Membership System of CODE-NGO – Philippines

This presentation on the membership system of the Caucus of Development NGO Networks (CODE-NGO) will discuss these four topics -

- 1) Profile of CODE-NGO Membership
- 2) Requirements for Membership
- 3) Rights and Responsibilities of Members
- 4) Strengths and Weaknesses of our Membership System

1) Membership Profile of CODE-NGO (Slide 3-5)

The direct members of CODE-NGO are 6 national and 6 sub-national CSO networks. These 12 networks have 1,600 affiliated NGOs, people's organizations and cooperatives.

The national networks have their particular types of member CSOs and/or thematic concern. The Philippine Partnership for the Development of Human Resources in Rural Areas (PHILDHRA) is focused on agrarian reform, sustainable and rural development, the Partnership of Philippine Support Service Agencies (PHILSSA) is works on housing, urban land reform and urban development, and health, legal and other support services for communities and sectors.

The National Council on Social Development (NCSD) is a network of CSOs with programs and services for children, women and families. The National Confederation of Cooperatives (NATCCO) is a federation of financial service and other types of cooperatives. The Association of Foundations (AF) brings together community, family and corporate foundations. Finally, the Philippine Business for Social Progress (PBSP) is a business-based NGO with officers and partners in various partes of the country.

The 6 sub-national networks which are members of CODE-NGO are located in the



different parts of the country and their unity is based on their development agenda for and development work in that region of area.. Two networks are in Luzon, the northern part of the country – one near the northern tip of Luzon island and the other at the Southern end). Then, there are three networks in the Visayas, the central part of the Philippines , one each for the western, central and eastern part. There is also one regional network for Mindanao, the Southern end of the Philippines.

2) Requirements for Membership in CODE-NGO (Slide 6)

In order to be accepted as a member of CODE-NGO, an organization must be a regional (multi-province) or national CSO network, which

- a) is endorsed by at least one member network
- b) agrees with and will support/abide by CODE-NGO's vision-mission-goals, development agenda for the Philippines and Code of Conduct.

3) Members' Rights and Responsibilities (Slide 8-11)

The rights of member organizations of CODE-NGO are:

- 1) To participate in the decision making/ governance of CODE-NGO
- 2) To benefit from the programs/ services of the network
- 3) To participate in the decision making/ governance (as a representative/s in the Board/ Sanggunian, and as representatives at the annual GAs and in the National Congress of CODE-NGO, which is convened only once every 5years.
- 4) To benefit from the programs/ services of the network (e.g. training/capacity building, research, advocacy and occasional and modest financial support.

On the other hand, the basic responsibilities of CODE-NGO's member include

- 1) To attend/ be active in CODE-NGO meetings/ activities, and
- 2) To support and abide by Board, GA and National Congress decisions.

4) Strengths and Weaknesses of our Membership System (Slide 12-13)

The weakness of having CSO networks as its members is that the "double layers" between CODE-NGO and the CSOs on the ground means that CODE-NGO sometimes has a "muted effect" on base organizations which are not its direct members. Also, on occasion, we encounter "inefficiencies"/delays because we work thru and with our member networks.

The strengths or advantages of this organizational set-up include having clear lines of representation and communication. Also, with "subsidiarity" and mutual support among the member networks, CODE-NGO as a "network of networks" is able to have greater impact.

Membership System of CODE-NGO

By: Sixdon C. Macasaet
CODE-NGO, Philippines
AGNA Asia Regional Meeting
7-8 September 2011, Montreal

CODE

Slide 1

Outline of presentation

- 1) Profile of CODE-NGO Membership
- 2) Requirements for Membership
- 3) Rights and Responsibilities of Members
- 4) Strengths and Weaknesses of our Membership System

CODE

Slide 2

Membership Profile of CODE-NGO

- direct members are 6 national and 6 sub-national CSO networks
- base organizations: 1,600 NGOs, people's organizations and cooperatives

CODE

Slide 3

Membership Profile of CODE-NGO

- national networks have their particular types of CSOs/ themes
 - >agrarian reform and rural development
 - >housing, urban land reform and urban development
 - >children (and women)
 - >financial service co-ops
 - >community/family/corporate foundations
 - >a business-based NGO

CODE

Slide 4

Membership Profile of CODE-NGO

- sub-national networks are in the different parts of the country
 - >2 in Luzon (Northern and Southern end)
 - >3 in Central Philippines (Visayas)
 - >1 in Southern Philippines (Mindanao)



CODE

Slide 5

Requirements for Membership in CODE-NGO

- must be a regional (multi-province) or national CSO network
- endorsed by at least one member network
- agrees and will support/abide by CODE-NGO's vision-mission-goals, development agenda for the Philippines and Code of Conduct

CODE

Slide 6



Focus: Strengthening Existing Member Networks

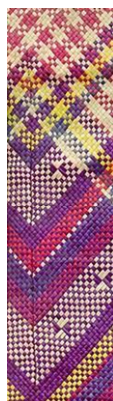
In the past 10 years, we have not expanded our membership.

The focus has been on consolidation/ strengthening.

BUT we have worked in partnership with other CSO networks (environmental, human rights, peace and development, etc)



Slide 7



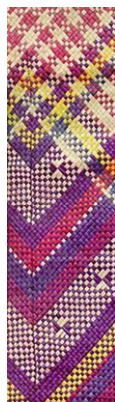
Members' Rights and Responsibilities

BASIC RIGHTS

- 1) To participate in the decision making/ governance of CODE-NGO
- 2) To benefit from the programs/ services of the network



Slide 8



Members' Rights and Responsibilities

BASIC RIGHTS

- 1) To participate in the decision making/ governance
 - representative/s in the Board
 - representatives in the annual GAs and in the National Congress
 - required approval for major positions/stands



Slide 9



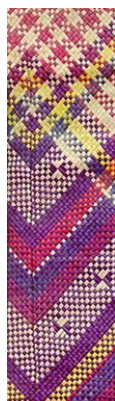
Members' Rights and Responsibilities

BASIC RIGHTS

- 2) To benefit from the programs/ services of the network
 - training/capacity building
 - research
 - advocacy
 - (modest) financial support



Slide 10



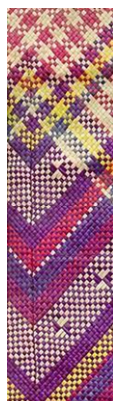
Members' Rights and Responsibilities

BASIC RESPONSIBILITIES

- 1) To attend/ be active in CODE-NGO meetings/ activities
- 2) To support and abide by Board, GA and National Congress decisions



Slide 11



Strengths and Weaknesses of our Membership System

STRENGTHS

- as a "network of networks", clear lines of representation and communication
- also, with "subsidiarity" and mutual support among the member networks, able to have greater impact



Slide 12



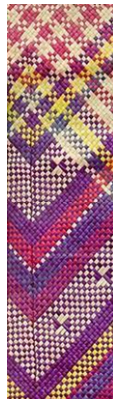
Strengths and Weaknesses of our Membership System

WEAKNESSES

- sometimes, have “muted effect” on base organizations and encounter “inefficiencies”/delays because we work thru and with our member networks



Slide 13



Salamat!

Thank You!



Slide 14

2. Japan

By Yoshiharu Shiraishi

The Japan Association of Charitable Organizations (JACO)

2-1 Forming network with partners across the world

1) Major CSO groups in Japan

The aim of this presentation is to illustrate the basic outline of the current situation of umbrella organizations in Japan, how they form network at domestic and global level and to introduce how JACO as an umbrella organization is carrying on the network operation.

More than 10 types of CSO legal entities exist in Japan and major ones are indicated on the slide 2. Recognition authority basically promotes the autonomy of CSO groups and checks their operations by monitoring annual report to be filed every year. For those CSO groups, a role of national umbrella organizations is important for their stable operation. Some groups including religious corporation, private school corporation, medical corporation and so on, recognition authorities support them directory to be well-disciplined because the social influence of medical, education and religious organizations is quite large. From that reason, recognition authorities support them because national umbrella organizations of those legal entities have limitations to support for their stable operation.

In case of Public Interest Corporation (PIC), General Non-profit Corporation (GNC), Specified Non-profit Corporation (SNPC) and Approved SNPC, they are protected their independency by law, and they are not regulated and controlled their day-to-day business by governmental agencies that is a good sign. In fact it will be necessary to create umbrella organizations to take the role of protecting and supporting organizations, developing their governance, LTA (legitimacy, transparency and accountability), self regulation and so on. If the CSO group has an environment to operate with free of regulations, the needs of umbrella organizations always increase comparatively.

2) Major National umbrella organization in Japan

As you can see the slide 3, several umbrella organizations exist in Japan. JACO basically support PICs and GNCs by providing many kinds of resources and also do advocacy campaign, research and so on just like NCVO in the UK. Japan Foundation Center (JFC), JACO' s sister organization, became independent from JACO a few decades ago and supports mostly grant making foundations. Japan Philanthropic Association has a PIC status and supporting and promoting philanthropic and CSR activities is their mission.

There are more umbrella organizations specializing in SNPC and the role of each organization is different. Japan NPO center provides comprehensive support to SNPCs, Public Resource Center provides the knowledge of operation, best practice, governance to SNPCs and operates the online donation system to the general public. Coalition for Legislation to Support Citizen's Organizations so called C's is a professional body on collecting voices from SNPCs and advocacy campaign is their main activity. Japan Association of NGO International Corporation (JANIC) is a national umbrella organization specializing in international cooperation.

Japan National Council of Social Welfare, a member of Office of the High Commissioner for Human Rights of the United Nations, supports social welfare corporations at national level, and its subsidiary umbrella organizations also exist in 47 prefectures.

In Japan, however, the most of umbrella organizations have been slower to join global network. However JACO, JANIC and Japan NPO Center have partnerships with other network organizations outside Japan.

3) Partners in Japan and around the world

In case of JACO, we have several networks and partnerships at national and international level. At present, JACO has 1,650 organization members and most of them are national associations or large organizations based in Japan. It will be more than 8,500 organizations in total if we take into consideration the fact that many members of JACO, also are national umbrella organizations covering specified field of activities. PIC commission in Cabinet Office is also our important partner due to operating joint activities.

Regarding global network, CIVICUS-AGNA consisting of more than 70 countries is one of the most important network for JACO to share variety of resources such as information, experience, knowledge and skills with national umbrella organizations around the world. GuideStar International consisting of more than 20 countries is also important for JACO to have knowledge of several CSO database systems. NCVO located in London and Independent Sector located in Washington DC stand the most important partners to JACO. Additionally, CODE-NGO in the Philippines, CANGO in China, Imagine Canada, The Scottish Council for Voluntary Organizations in Scotland, Council on Foundations in the US, ANGOA in New Zealand, NGO Federation of Nepal, Voluntary Action Network India, Nigeria Network of Non-governmental Organization, BoardSource and ICNL in the US are also important partners for JACO in terms of information sharing. We also have friendship with Canada Helps and GuideStar Korea and share information regarding database system.

4) Partners in Japan

With partners and members in Japan, JACO does some activities such as information

exchange, joint research, advocacy campaign, legal/taxation/compliance/financial committees and so on. At the same time, JACO provides several resources to members such as information, knowledge and skills of operation, advices via consultation and so on.

With PIC Commission, JACO does joint seminar for PICs twice a month and research activities based on their request. JACO also often advise them in terms of policy making because JACO is the only one organization that can collect voices from PICs and GNCs. From here onwards, it is clear that JACO is an important partner for PIC commission.

To create better CSO systematic environment and civil society sector, forming partnerships with PICs, GNCs and PIC commission is not good enough. Therefore, JACO also has several partnerships with other government agencies, various organizations specialized in various fields and research institutions.

5) Network around the world

We have very strong relationship with NCVO and Independent Sector and we often exchange information. Last March our guest researcher visited NCVO to attend annual conference and had information exchange with NCVO. End of November 2011, JACO invited president and CEO of Independent Sector, Ms Diana Aviv and had symposium and workshop to discuss about the role of CSOs after the natural disaster occurred, and also recent important issues on CSOs in the US and Japan.

At international level, JACO is an alliance member of AGNA. The alliance of AGNA is very useful network for JACO to share many resources, information and experience on LTA, capacity building, advocacy and other issues umbrella organizations facing at present. Regional groups and working groups operated by AGNA have direct and indirect influence on civil society globally.

JACO is also enjoying information exchange on developing and operating CSO database system with GuideStar partners. JACO also does information sharing with other national umbrella organizations and research institutions abroad.

Domestic and global network is part of essential indispensable infrastructure of organization and it could be a tool to exchange many kinds of resources. No information is coming in if the network infrastructure is not prepared.

2nd Regional Meeting of Asia
Montreal, Canada
7th-8th September 2011

Forming network with partners
across the world
- In case of Japan -

Yoshiharu Shiraishi
The Japan Association of Charitable Organizations

Slide 1

Major CSO groups in Japan

1. Public Interest Corporation (under the old civil code article 34)
2. Public Interest Corporation (that newly created on Dec. 2008)
3. General Non-profit Corporation (that newly created on Dec. 2008)
4. Approved Specified Non-profit Corporation
5. Medical Services Corporation
6. Private School Corporation
7. Religious Corporation
8. Social Welfare Corporation
9. The Relief and Rehabilitation Corporation

Slide 2

Major National umbrella organization in Japan

- Public Interest Corporation & General Non-profit Corporation
 - The Japan Association of Charitable Organizations (JACO)
 - Japan Foundation Center
 - Japan Philanthropic Association
- Qualified SNPC & Specified Non-profit Corporation
 - Japan NGO Center for International Cooperation
 - Japan NPO Center
 - NPO Support Center for Program Development
 - Public Resource Center
 - Support Citizen's Organizations
 - NPO Support Center
- and more national and regional umbrella organizations for SNPC exist
- Social Welfare Corporation
 - Japan National Council of Social Welfare
 - and 47 prefectural councils of social welfare exist

Slide 3

Partners in Japan and around the world

Network around the world

- CIVICUS-AGNA
- GuideStar Network
- Core Net: IS, NCVO
- Others

Partners in Japan

- 1,650 Members
- 7,000 PICs
- Other 16,000 PICs
- PIC Commission

JACO

Slide 4

Partners in Japan

- JACO
 - 1,650 Members
 - Information exchange
 - Joint research
 - advocacy campaign
 - operate 4 in-house committees, Etc...
 - 7,000 PICs
 - Other 18,000 PICs
 - Providing services
 - PIC Commission
 - joint seminar
 - Joint research

Slide 5

Network around the world

- JACO
 - AGNA
 - Information sharing on all kinds
 - NOPODAS Asia
 - CSO database operation
 - GuideStar Network
 - Information sharing on DB system
 - Core Network
 - business partner (NCVO, IS)
 - BoardSource
 - Information source
 - Others
 - Information source

Slide 6

2-2 Current situation of CSO legal environment in Japan

Regarding CSO legal issues in Japan, several points can probably be raised. This time, I will focus on one issue that the CSO legal system is quite confused due to the existence of too many different types of legal entities.

Application procedures for initial registration and annual reporting form are also too much complicated and difficult for ordinary people who work for charitable and voluntary organizations which I will mention at the end of this slide briefly.

1) Main legislation under which CSOs operate

CSOs in Japan are broadly-divided into more than 10 legal entities and each of them is regulated by different laws.

6 major legislations under which CSOs operate are indicated on slide number 1 and 2. Public Interest Corporation (PIC) had been newly reformed in 2008 and PIC under the old Article 34 of Civil Code is now under the transitional period. PICs must make decisions about how they will shift their legal status by December 2013.

According to the questionnaire survey which JACO conducts every year, most of PICs shift their legal status to new General Nonprofit Corporation (GNC) under the “Act on General Incorporated Associations and General Incorporated Foundations” or new PIC under the “Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundations”. Very few PICs exceptionally dissolve itself and apply for the other legal entities such as Social welfare Corporation, Specified Non-Profit Corporation (SNPC) and so on.

GNC has been established in 2008 at the same time PIC reformed. Becoming GNC is the first step towards applying for PIC authorization to enjoy the best tax treatment of all the CSO sectors in Japan. To become GNC is the easiest way to receive CSO legal status compared with other CSO groups. Only registration at registry office is required.

Public Charitable Trust permitted by competent government agency is with the objectives of worship, religion, charity, education, arts and crafts, and other purposes in the public interest.

Specified Non-profit Corporation certificated by prefectural Government is Not-for-profit entities whose activities include those in promotion of health, education, community development, arts, culture, sports, disaster relief, international cooperation, administration of organizations engaging in these activities, etc. To receive better tax treatment, it will be necessary for SNPC to apply for the authorization of prefectural government for the approved SNPC status.

In addition to the legal entities as previously indicated, there are Special PICs that are organized and registered pursuant to special laws developed after the world war second in connection with the Article 34 of Civil Code. These CSO groups were independent from PIC.

Social Welfare Corporation approved by Ministry of Health, Labour and Welfare was established in 1951 with the objective of social welfare business.

Private School Corporation approved by Ministry of Education, Culture, Sports, Science and Technology was established in 1949 for the purpose of establishing a private university, high school, junior high school, elementary school, Kindergarten and other educational institution.

Religious Corporation certificated by Ministry of Education, Culture, Sports, Science and Technology was established in 1951 for the purpose of evangelizing, conducting religious rites, and educating and nurturing believers.

Medical Business Corporation approved by the Ministry of Health, Labour and Welfare is an association or a foundation whose objectives are to establish a hospital or clinic where doctors and dentists are regularly in attendance, or a facility for the health and welfare for the elderly.

The Relief and Rehabilitation Corporation approved by the Ministry of Justice was designed to address the rehabilitation of imprisoned criminals.

2) Japanese CSOs Basic Institutional Structure

The chart indicated on slide 4 shows you the basic institutional structure of Japanese CSOs.

According to the chart on slide 4, more legal entities exist other than the legal entities as mentioned before. Also, there are incorporated administrative agency, government-affiliated public corporation, etc which are not on the chart but they are more like governmental agencies.

This situation is probably a rare case comparing with legal systems in other countries. JACO believes the structure of CSOs should be as simple as possible for the benefit of the general public and the legal system also should be easy to understand for citizens like in the UK, the US and so force.

3) The number of organizations

According to the table as indicated slide 5, the total number of CSO groups of registered organizations on the list, more than 337 thousand exist and of which religious corporation accounts for more than a half of total registered CSOs.

Regarding growth rate of CSO groups, GNC is increasing rapidly and the number of GNC increased by 4,030, comparing that of a year ago.

On the other hand, the number of PIC established under the Article 34 of Civil Code is decreasing because they are now under the transitional period.

In CSO groups, there are such legal entities similar characteristically as PIC and SNPC. I will introduce how similar their regulatory mechanisms, activities, characteristic of organization, etc are from slide 7.

4) Registration process of PIC and SNPC

In case of PIC, organizations initially need to register at the registry office for establishing GNC and they need to apply for the authorization of PIC commission for PIC status. In case of Approved SNPC, organizations first need to be certified by prefectural government and it will be required to apply for the authorization of prefectural government for approved SNPC legal status. From here onwards, we can say that the registration process for both PIC and SNPC are quite similar.

Charity category for PIC and non-profit category for SNPC as indicated on slide 8 through 11 are quite similar as well.

Here are the regulations and taxation system of PIC, Approved SNPC, and GNC and SNPC (see table 1 through 8). In case of PIC and approved SNPC, it shows you the evidence of some minor differences between them in terms of regulation and taxation system but most of the items are similar. According to the table below, the regulatory mechanisms and taxation system of GNC and SNPC are also similar.

Both GNC and SNPC are the first step to get CSO legal entity towards applying PIC authorization and Approved SNPC authorization to receive better tax treatment.

Table 1 Regulation & taxation for PIC & Approved SNPC

	Public Interest Corporation	Approved SNPC
Governing law	Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundations	Act on Promotion of Specified Non-profit Activities
Authority	PIC Commission	Prefectural Governor
Type	Association & Foundation	Prefectural Governor
Necessity of extending status	Indefinite duration	Once every 5 years
Activities	22 indicated	20 indicated
Political activities	Prohibited	Prohibited
Profit making activities	Permitted to some extent	Permitted to some extent
Residuary assets distribution	Cy-pres doctrine (It must be used for the charitable activities)	Cy-pres doctrine (It must be used for the charitable activities)
The least number of members	2 or more	10 or more
Qualification of members	(Association) Unfair qualification constraint	(Association) Unfair qualification constraint
Amount of endowment	(Foundation) 3 million yen or more	Not applicable

Decision-making body	Association : General Meeting Board of trustees Auditors (more than1) Foundation: Board of Councilors Board of trustees Auditors (more than1)	Association : General Meeting Board of trustees Auditors (more than1)
Disclosure	Required	Required
Corporation income tax	No tax on earning from business for public interest purposes.	No tax but impose a tax on 34 types of profit earning business, related or not related to charitable activities.
Withholding income tax of interest etc.	No tax	Tax imposition
Deemed Contributions would be capped at...	1) 50% of gross income 2) Total expenses for public interest activities *chose either larger one of the two	50%* of gross income or 2million yen, chose either larger one of the two. *20% before 2011.
Income/dividends revenue Tax	Not levied.	Not levied.
Inheritance tax	No tax	No tax
Donation Tax Benefit for donors (private person)	Donors can choose either tax deduction, ie "deduction from income", or tax credit, ie "deduction from income tax". If donors choose tax deduction, they can deduct their taxable income up to 40% of total income. If they choose tax credit, they can save their payable tax up to 25% of income tax and up to 10% of prefectural and municipal tax.	Donors can choose either tax deduction, ie "deduction from income", or tax credit, ie "deduction from income tax". If donors choose tax deduction, they can deduct their taxable income up to 40% of total income. If they choose tax credit, they can save their payable tax up to 25% of income tax and up to 10% of prefectural and municipal tax.
Donation Tax Benefit for donors (Corporation)	Be given preferential taxation treatment	Be given preferential taxation treatment to some extent

Table 2 Regulation for PIC (Association)

	Public Interest Incorporated Association
Purpose	To promote and ensure suitable implementation of such activity conducted by the public interest corporations and thereby to contribute to the promotion of the public interest and the realization of a vibrant society.
Accounting	Accounting for the Profit-Making Activities shall be separated from the accounting for the activity for public interest purposes and shall be settled as a special account by the

	respective Profit-Making Activities.
Establishment	<p>General incorporated Association that operates the activity for public interest purposes may be authorized for PIC legal status by PIC commission.</p> <p>In the event that PIC commission approves that general incorporated association that has applied for the authorization under the preceding article conform to the Standards attached herewith, that PIC commission shall grant public interest authorization for such juridical person.</p>
Administration	<p>The board of directors and auditor shall be requested. The board of directors shall be composed of 3 or more directors. Accounting auditor shall or may be prepared conforming to the laws.</p> <p>The business of a specified nonprofit corporation shall be determined by majority vote of the directors, unless otherwise specified in the articles of incorporation. Supervisors shall perform the duties specified in each of the items attached herewith.</p> <p>Director should hold the general meeting composed of the members at least one time every year. Business operations should be decided by the general meeting except the items entrusted to directors or the other organizations stipulated by the laws or the articles of incorporation.</p>

Table 3 Regulation for PIC (Foundation)

	Public Interest Incorporated Foundation
Purpose	To promote and ensure suitable implementation of such activity conducted by the public interest corporations and thereby to contribute to the promotion of the public interest and the realization of a vibrant society.
Accounting	Accounting for the Profit-Making Activities shall be separated from the accounting for the business for public interest purposes and shall be settled as a special account by the respective Profit-Making Activities. Value of property to be contributed at the incorporation should be at least 3million yen or the equivalent.
Establishment	General incorporated Foundation that operates the activity for public interest purposes may be authorized by PIC commission. In the event that PIC commission approves that general incorporated foundation that has applied for the authorization under the preceding article conform to the standards attached herewith, that PIC commission shall grant public interest authorization for such juridical person.
Administration	<p>Public Interest Incorporated Foundation are requested to have the board of directors , auditor and the board of councilors.</p> <p>The board of directors and the board of councilors shall be composed of 3 or more directors and councilors respectively.</p> <p>Accounting auditor shall or may be prepared conforming to the laws.</p> <p>The items decided by the board of councilors are restricted to the items stipulated in this law and the articles of incorporation .</p>

	The above items cannot be entrusted to the board of directors or the other organizations stipulated by the articles of incorporation .
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Table 4 Regulation for Approved SNPC

	Approved Specified Non-profit Corporation
Purpose	To promote the sound development of specified nonprofit activities(20 items including promotion of human rights or promotion of peace in the form of volunteer and other activities freely performed by citizens to benefit societies.
Accounting	The account for other operations must be separated from the account for operations relating to specified nonprofit activities.
Establishment	Specified Non-profit Corporation that operates the business for nonprofit purposes maybe approved by prefectural government. In the event that the prefectural government approves that specified nonprofit corporation that has applied for the authorization under the preceding article conform to the standards that prefectural government shall grant approved SNPC authorization for such juridical person.
Administration	3 or more directors and 1 or more auditors as its officers. The directors shall represent a specified nonprofit corporation in all the business thereof, with the proviso that their power of representation may be restricted by the articles of incorporation. The business of a specified nonprofit corporation shall be determined by majority vote of the directors, unless otherwise specified in the articles of incorporation. Supervisors shall perform the duties specified in each of the items attached herewith. Director should hold the general meeting composed of the members at least one time every year. Business operations should be decided by the general meeting except the items entrusted to directors or the other organizations stipulated by the articles of incorporation.

Table 5 Regulation & taxation for GNC and SNPC

	General Non-profit Corp.	Specified Non-profit Corp.
Governing law	Act on General Incorporated Associations and General Incorporated Foundations	Act on Promotion of Specified Non-profit Activities
Authority	Registry office	Prefectural Governor
Type	Association & Foundation	Association
Necessity of extending status	Indefinite duration	Indefinite duration
Activities	unregulated	20 indicated
Political activities	Prohibited	Prohibited
Profit making activities	Unregulated	Permitted to some extent
Residuary assets	Cy-pres doctrine (It must be used for	Cy-pres doctrine (It must be used for

distribution	the charitable activities)	the charitable activities)
The least number of members	2 or more	10 or more
Qualification of members (association)	Special qualification to be permitted	Unfair qualification constraint
Amount of endowment (foundation)	3 million yen or more	Not applicable
Corporation income tax	impose a tax on 34 types of profit earning business, related or not related to charitable activities	impose a tax on 34 types of profit earning business, related or not related to charitable activities
Withholding income tax of interest etc.	No tax	No tax
Deemed contributions would be capped at...	Tax imposition	Tax imposition
Income/dividends revenue Tax	Not levied.	Not levied.
Inheritance tax	Tax imposition	Tax imposition
Donation Tax deducted	Not available.	The amount used for specified nonprofit activities from assets obtained from revenue-generating operations shall be deemed to be donations and the percentage limit of tax deductible amount for said donations shall be 20% of the profit.
Donation tax benefit for donors	Not available	Not available

Table 6 Regulation for GNC (Association)

	General Incorporated Association
Purpose	Not stipulated, so that the relevant articles are not included, so that both profit and non profit activities are allowed.
Accounting	The accounting for a General Incorporated Association shall be subject to the business accounting practice generally accepted as fair and appropriate.
Establishment	General Incorporated Association shall be established through registration of establishment at the location of its main office. The relevant application for registration of establishment conforms with the documents requested by the laws.
Administration	1 or more directors shall be requested. The board of directors, auditor and accounting auditor may be prepared in accordance with the articles of incorporation.

	<p>The business of a specified nonprofit corporation shall be determined by majority vote of the directors, unless otherwise specified in the articles of incorporation. Supervisors shall perform the duties specified in each of the items attached herewith.</p> <p>Director should hold the general meeting composed of the members at least one time every year. Business operations should be decided by the general meeting except the items entrusted to directors or the other organizations stipulated by the laws or the articles of incorporation.</p>
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Table 7 Regulation for GNC (Foundation)

	General Incorporated Foundation
Purpose	Not stipulated, so that the relevant articles are not included, so that both profit and non profit activities are allowed.
Accounting	The accounting for a General Incorporated Foundation shall be subject to the business accounting practice generally accepted as fair and appropriate. Value of property to be contributed at the incorporation should be at least 3million yen or the equivalent.
Establishment	General Incorporated Foundation shall be established through registration of establishment at the location of its main office. The relevant application for registration of establishment conforms with the documents requested by the laws.
Administration	<p>General Incorporated Foundation are requested to have the board of directors, auditor and the board of councilors. The board of directors and the board of councilors shall be composed of 3 or more directors and councilors respectively.</p> <p>Accounting auditor shall or may be prepared conforming to the laws. The items decided by the board of councilors are restricted to the items stipulated in this law and the articles of incorporation.</p> <p>The above items can't be entrusted to the board of directors or the other organizations stipulated by the articles of incorporation .</p>

Table 8 Regulation for SNPC

	Specified Non-profit Corporation
Purpose	To promote the sound development of specified nonprofit activities(20 items including promotion of human rights or promotion of peace in the form of volunteer and other activities freely performed by citizens to benefit societies.
Accounting	The account for other operations must be separated from the account for operations relating to specified nonprofit activities.
Establishment	<p>The authentication by the government agency is requested.</p> <p>The relevant application for authentication conforms with the attached paper. SNPC shall be established through registration of establishment at the location of its main office.</p>

Administration	<p>3 or more directors and 1 or more auditors as its officers. The directors shall represent a specified nonprofit corporation in all the business thereof, with the proviso that their power of representation may be restricted by the articles of incorporation.</p> <p>The business of a specified non-profit corporation shall be determined by majority vote of the directors, unless otherwise specified in the articles of incorporation. Supervisors shall perform the duties specified in each of the items attached herewith.</p> <p>Director should hold the general meeting composed of the members at least one time every year. Business operations should be decided by the general meeting except the items entrusted to directors or the other organizations stipulated by the articles of incorporation.</p>
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According to the list of regulation and taxation of PIC, Approved SNPC and GNC, SNPC, we can see some differences. For example PIC does not need to extend their status but Approved SNPC need to extend their status every 5 years. Also, in case of PIC, activities authorized as those for public interest purposes are exempt from taxation even if they correspond to for-profit activities on a pro forma basis under the Corporate Tax Law. In case of Approved SNPC, there is no tax, excepting a tax imposed on profit earning business even it is related to charitable activities.

Although, as I mentioned before, SNPC is very similar to PIC in terms of regulatory mechanisms, legal and taxation system as well as the activity what they do because the objectives for both legal entities could do any activities for charitable purposes. Therefore, the national government started to realize that it is necessary to put SNPC to be involved with PIC systematic reform. But some sector professionals from SNPC were not happy about the national government attitude because the position of PIC was more close to the national government (PIC is perfectly independent after the reform), therefore they did some advocacy campaign regarding this matter. In fact the Government decided not to integrate SNPC in the PIC systematic reform even they look like the same characteristically.

5) The size of expense and employees salary

It is also true that there are some differences between them in terms of the size of organizations (Slide12). According to the average of their size of expenditure and number of employees, larger charitable and voluntary organizations tend to choose PIC status but grass-root type of citizen groups and smaller associations tend to choose SNPC status which is very interesting phenomenon.

6) The issues on CSO legal environment

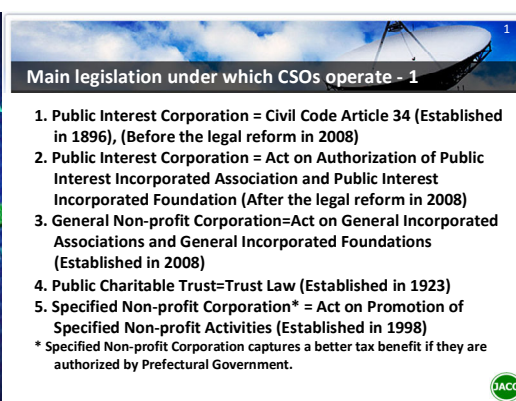
In this presentation, I focused on one issue that we have in general but there are more and more issues in each CSO group as you can see from the slide 13 and 14.

For example, it is too much complicated and rather difficult such as application

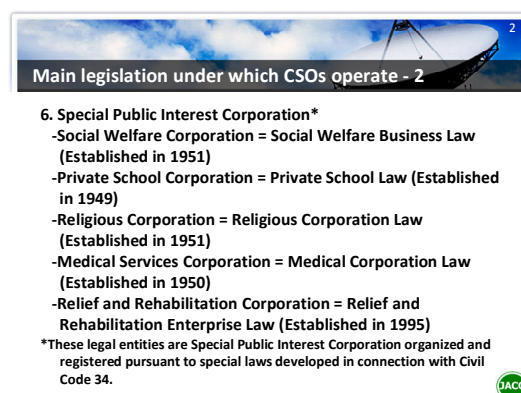
procedures for initial registration and annual reporting form thereafter. In case of general registration procedures for PICs as shown on the slide 13, it is very hard for small organizations to prepare the written registration form. JACO pointed out such problems not only the registration form but also the other legal issues and suggested PIC Commission to improve procedures more speedy and flexible. In fact, the Commission started to improve the process of authorization. Therefore the situation of PIC is getting better.



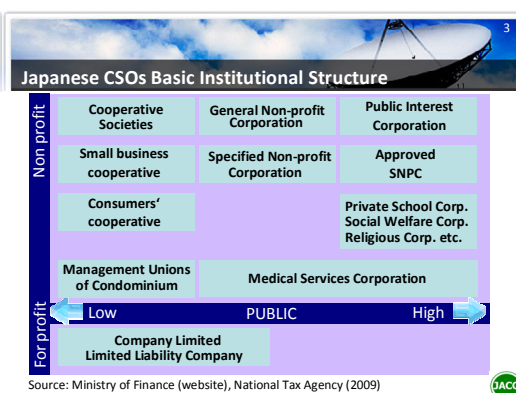
Slide 1



Slide 2



Slide 3



Slide 4

The number of organizations				
Status of legal entities	Number of existing entities	Growth rate(%) ³⁾	Increase in organizations ³⁾	A ⁴⁾
Public Interest Corporation ¹⁾	22,783(2010)	-0.95	-1,199	1896*
Public Interest Corporation ²⁾	2,281(2011)	3.45	1,619	2008
General Non-profit Corp.	14,921(2011)	1.43	4,500	2008
Specified Non-profit Corp.	44,291(2011)	1.06	2,427	1998
Approved SNPC	243(2011)	n.a.	n.a.	2002
Medical Services Corp.	46,510(2010)	n.a.	n.a.	1948
Private School Corporation	7,884(2007)	n.a.	n.a.	1949
Religious Corporation	182,601(2008)	n.a.	n.a.	1951
Social Welfare Corporation	18,537(2008)	n.a.	n.a.	1951
The Relief and Rehabilitation Corporation	163(2009)	n.a.	n.a.	1995

1) PIC under the old civil code article 34

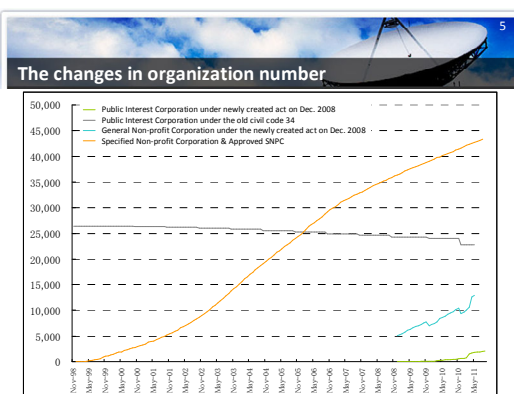
2) PIC that newly created on December 1st, 2008.

3) period: year-to-date

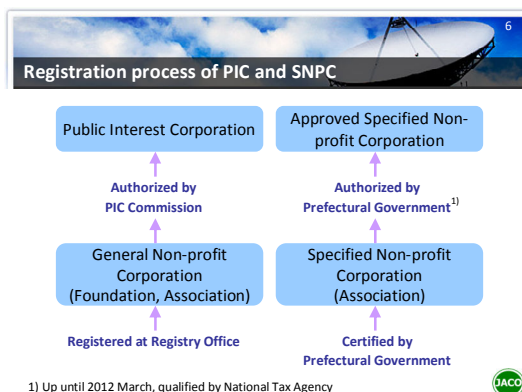
4) The year of implementation of the relative law



Slide 5



Slide 6



1) Up until 2012 March, qualified by National Tax Agency



Slide 7

- Charity category for PIC - 1
- Activities to promote academism and scientific technology
 - Activities to promote culture and arts
 - Activities to support persons with disability or needy persons or victims of accident, disaster or crime
 - Activities to promote welfare of senior citizens
 - Activities to support persons having will to work for seeking the opportunity of employment
 - Activities to enhance public health
 - Activities to seek sound nurturing of children and youths
 - Activities to enhance welfare of workers
 - Activities to contribute to sound development of mind and body of the citizen or to cultivate abundant human nature through education and sports, etc.
 - Activities to prevent crimes or to maintain security
 - Activities to prevent accident or disaster
 - Activities to prevent and eliminate unreasonable discrimination and prejudice by reason of race, gender or others
 - Activities to pay respect or protect the freedom of ideology and conscience, the freedom of religion or of expression

Slide 8

- Charity category for PIC - 2
- Activities to promote the creation of gender-equal society or other better society
 - Activities to promote international mutual understanding and for economic cooperation to overseas developing regions
 - Activities to preserve global environment or protect and maintain natural environment
 - Activities to utilize, maintain or preserve the national land
 - Activities to contribute to sound operation of the national politics
 - Activities to develop sound local community
 - Activities to secure and promote fair and free opportunity for economic activity and to stabilize and enhance the lives of the citizenry by way of activating the economy
 - Activities to secure stable supply of goods and energy indispensable for the lives of the citizenry
 - Activities to protect and promote the interest of general consumers



Slide 9

- Non-profit category for Approved SNPC and SNPC - 1
- Promotion of health, medical treatment, or welfare
 - Promotion of social education
 - Promotion of community development
 - Promotion of tourism
 - Promotion of rural and intermountain region
 - Promotion of science, culture, the arts, or sports
 - Conservation of the environment
 - Disaster relief
 - Promotion of community safety
 - Protection of human rights or promotion of peace
 - International cooperation
 - Promotion of a society with equal gender participation
 - Sound nurturing of youth
 - Development of information technology
 - Promotion of science and technology
 - Promotion of economic activities



Slide 10

Non-profit category for SNPC - 2

17. Development of vocational expertise or expansion of employment opportunities
18. Protection of consumers
19. The activities defined by regulation of prefectures or government-decreed cities
20. Administration of organizations that engage in the above activities or provision of liaison, advice, or assistance in connection with the above activities

*Category No. 4, 5, 20 will be added in April 2012.

The size of expense and employees salary

	Expense (billion yen)	Employees Salary (billion yen)
Public interest Corp.	20,338	3,679
Society welfare Corp.	18,300	3,597
Religious Corp.	3,651	655
Labor organizations	540	119
Industry group	6,877	935
Medical services Corp.	33,940	8,880
Private school Corp.	10,876	3,301
Specified nonprofit Corp.	738	112
Community based group	1,811	40

Source: Mitsubishi UFJ Research and Consulting (2008)



Slide 11

Slide 12

The issues on CSO legal environment - 1

The most questionable of legal system is as follows;

In general

1. CSO legal system is quite confused due to the existence of too many different types of legal entities.

Related to PIC legal system

2. Application procedures for initial registration, annual reporting form and etc. are too much complicated and rather difficult.
3. Principle of balancing out revenue and expenditure.
4. Ratio of spending on public interest activities
5. Regulation on idle assets



The issues on CSO legal environment - 2

Related to GNC legal system

6. The existence of three types of GNC including public benefits, mutual benefits and non-mutual benefits.
7. No limitations to the purposes of activities or their specifics.
8. GNC law has been affected too much by the new Companies Law.

Related to Approved SNPC & SNPC legal system

9. There will be a clear line drawn between ASNPC and SNPC because authorization requirement of ASNPC is restricted.
10. Taxation system of ASNPC is very similar compared with PIC but legal basis of governance is not necessarily strong.
11. The number of SNPC counts more than 40,000 but most of them are grassroots and mixed organizations.



Slide 13

Slide 14

2-3 JACO membership system

1) JACO membership system

At first, it is possible to know how much your organization is legitimately qualified as national umbrella by the size of members (Slide 2). In case of JACO, we have 1,650 members out of 25,000 Public Interest Corporations (PIC), being less than 10% of total number of PIC and a few JACO members are General Non-profit Corporations (GNC). Both PIC and GNC members are distributed across the country.

The membership fee is a flat price of ¥72,000/year, \$933US. The services for members are as shown below;

- monthly magazine
- e-mail magazine
- free counseling service
- seminar and symposia at special discounted price
- sale of publications at special discounted price
- etc.

As it is described before, the meaning of our membership is different from the membership of regular associations, because JACO is a foundation organizationally (Slide 3). Therefore the status of our member is a supporter, and the meaning of their membership fee is donation, not membership fee.

In Japan, regulation and operation of association and foundation is different. For example, associations usually hold general meeting once a year but JACO holds the board meetings instead of general meeting.

For more information on regulation of association and foundation, please see the table on page 22.

2) Our challenges

Serving to not only JACO members but also non-members is a good stance of JACO's membership system (Slide 3). Official members can receive better services, for example it is possible for members to buy publications and attend seminars with special discount price. Regarding consulting services, there are no differences between official members and non official members. They can receive our consulting services with free of charge.

JACO probably has two challenges in terms of membership system. The membership fee of ¥72,000/year is too expensive for small organizations and it could be one of the reasons why the number of JACO members does not expand remarkably. If the number of members do not increase, it will be difficult to keep up as legitimate organization on behalf of all PICs and GNCs.

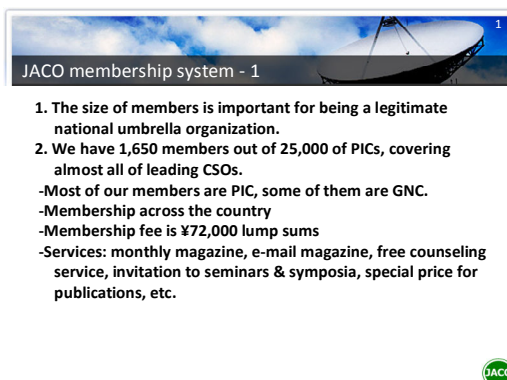
Preventing a further widening of the regional gaps is another challenge that JACO

has because most of JACO members are located in metropolitan Tokyo area. The reason why it had happened is, JACO has its office only in Tokyo, and, it is difficult for PICs and GNCs based in outside Tokyo to receive various services from JACO.

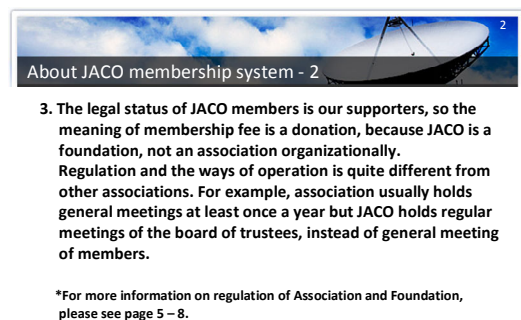
JACO has some thoughts that providing services to all the PICs and GNCs in Japan as much as JACO can, even they are not JACO members. This is a very important point, because JACO is valued as a charitable organization for whole the CSO sector of Japan if JACO acts like that.



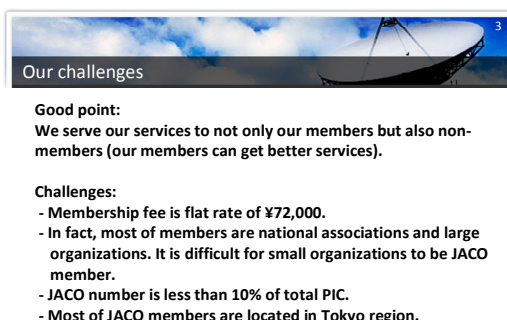
Slide 1



Slide 2



Slide 3



Slide 4

3. India

By Harsh Jaitli
Voluntary Action Network India (VANI)

3-1 Networking for Enabling Environment: VANI's Experience

1) Importance of Network

Collectivization is an important tool for conducting advocacy and give weightage to the issue. In today's fast changing global realities, the voluntary sector faces numerous challenges and some of them are too contested to be raised individually. It is also reality that isolation minimizes the impact, scope of learning and sharing. Various networks exist in the world which is based on specific themes, agenda or strategies. Say for example in India there are very efficient and influential networks around the issue of health, education, environment, gender, social marginalization, etc. Their collectivization gives them extra edge wherein they are not only able to enrich their arguments with wide experiences but also build on each other's strengths. Within this impressive spectrum of networks the need for network was felt which could raise the issue of very existence of the voluntary development organizations. In late 1980's, Indian government came out with the suggestion to regulate and impose 'code of conduct' on Indian Voluntary sector. Most of the organizations opposed this as they preferred the model of self-regulation. At the same time the need was felt to have a network which can argue with the government to protect the space of the sector on one hand and also strengthen the sector. This gave the birth to VANI. Same is the case at global level; the birth of AGNA, within CIVICUS was to provide space and strengthen such national networks and link them with each other. Today, such national platforms or networks exist in many countries and AGNA and International Forum for National Platforms provides them space.

One of the most contested issues faced by Voluntary sector worldwide is the shrinking space due to restrictive regulatory regime. Through various formations of networks we can express solidarity with each other. Provide mutual security at the time of crisis and above all it gives us platform to share our learning and experiences. We can not only save resources by avoiding 're-inventing the wheel' and consolidate our knowledge and studies.

2) About VANI

VANI, an apex body of voluntary organizations in India, was founded in the year 1988 to act as a promoter/protector and collective voice of the voluntary sector. Since then, using advocacy as its principle instrument, VANI has taken up a series of advocacy

initiatives at global, national, and state level. VANI also supports and coordinates various efforts from within the sector to promote voluntary action in the country. Being an apex body, VANI works as a catalyst between the Indian voluntary sector and other actors like central and state governments, bilateral and multilaterals. Besides the advocacy efforts, VANI actively engages in the process of reaching out to the media and the public to sensitize them on concerns related to the sector. The efforts of VANI to promote the principles of accountability, transparency, and good governance in public, private and the voluntary sector have been recognized not only at the national level, but also at the international arena. Consequently, almost all stakeholders have recognized the perspectives that VANI takes on various critical issues of development.

STRUCTURE

VANI has a three-tier structure:

1. General Body: is the supreme body comprised of all members of VANI (NETWORKS/FEDERATIONS, ORGANIZATIONS AND INDIVIDUALS)
2. Working Committee: makes decision on behalf of the members and is composed of 21 elected members from the general body, which also elects two office bearers- the Chairperson and Treasurer. The working committee has four sub committees namely: Programme, Networking, Membership, Finance and Management Committee.
3. Secretariat: is headed by Chief Executive Officer appointed by the Working Committee, and is an ex-officio member of the working committee. The secretariat has programme units, each lead by programme managers/officers with their respective professional and support staff. The CEO liaises between the Secretariat and the Working Committee for planning, implementation and monitoring of the organization's activities.

OBJECTIVES


- As a platform, to promote voluntarism and creates space for voluntary action.
- As a network, attempts to bring about a convergence of common sectoral issues and concerns for building a truly national agenda of voluntary action in the country. It also facilitates linkages of various efforts and initiatives of the voluntary sector in the country for a multiplier effect, to create and sustain the process of change in an organic manner.
- As an association, work towards fostering value-based voluntary action and long-term sustainability among its members.

VISION

Works towards building a society where voluntarism and voluntary rganizations play a dominant and constructive role in social cohesion, economic empowerment and nation building.

MISSION

To act as a platform for research, advocacy, capacity building, sharing and learning on issues related to voluntarism and voluntary agencies




VOICE OF THE VOLUNTARY SECTOR
VANI

Registered under the Societies Registration Act of India in 1990

Voluntary Action Network India (VANI)
BB-5, Greater Kailash Enclave-II, New Delhi - 110048, India
Ph: 91-11-29228127, 29226632, 41435535
Email: info@vaniindia.org
Web: www.vaniindia.org

Slide 1



Well developed NETWORK

A. National, Regional and Global Networks:

1. Thematic/ National Platforms-Associations
2. Existing Networks: CIVICUS, Open Forum, GCAP, IFP, Better Aid, etc.

B. Role and Importance of Networks:

1. Solidarity
2. Mutual Security
3. Sharing and Exchange of learnings
4. Sharing of resources

Slide 2




ABOUT VANI

VANI is an Apex Body of Voluntary Organizations in India.

Founded in 1988 to be a platform for national level advocacy, coordination and action to support and promote voluntarism.


Slide 3



STRUCTURE

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graph TD; GB[General Body] --> WC[Working Committee]; WC --> S[Secretariat]; S --> M[Members]
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Slide 4



OBJECTIVES

As a **platform**, to promote voluntarism and creates space for voluntary action.

As a **network**, attempt to bring about a convergence of common sectoral issues and concerns for building a truly national agenda of voluntary action in the country. It also facilitates linkages of various efforts and initiatives of the voluntary sector in the country for a multiplier effect, to create and sustain the process of change in an organic manner.

As an **association**, work towards fostering value-based voluntary action and long-term sustainability among its members.

Slide 5



VISION

Works towards building a society where voluntarism and voluntary organisations play a dominant and constructive role in social cohesion, economic empowerment and nation building.

MISSION

To act as a platform for research, advocacy, capacity building, sharing and learning on issues related to voluntarism and voluntary agencies.

Slide 6

3-2 Current issues: Regulatory environment in India

1) Restrictive Laws:

Foreign Contribution Regulation Act (FCRA), 2010: The year 2010-2011 has witnessed the emergence of many new legislations and laws of which the Foreign Contribution (Regulation) Act has created quite a stir in the Development Sector. The radical changes made in the FCRA have an adverse impact on the advancement of the sector. It clearly indicates a change in the intention of the government- from reforming and enabling the voluntary sector to controlling and commanding it.

VANI adopted a two-fold strategy to deal with it. Firstly, to inform all FCRA certificate holding organizations about the change through series of intensive workshops, meetings, newsletters, e-mails and also advocating with the Ministry of Home Affairs for better rules. Secondly, VANI organized consultations with technical experts, finance officials, chartered accountants and heads of various voluntary organizations to get feedback on the practical side of FCRA. The final rules became applicable from May 1, 2011 which acknowledged some of the recommendations submitted by VANI to Ministry of Home Affairs.

Direct Taxes Code: In august 2009, the Finance Ministry released the draft Direct Taxes Code (DTC) with the objective of simplifying and rationalizing the direct taxation regime in India. Although the proposed code simplifies taxation for corporate and individual tax payers, it reverses this in the case of voluntary sector.

Since 2009, VANI has been advocating with the ministry to make the DTC friendly for the voluntary sector. As a result of which may changes can be seen in the revised discussion paper released on June 15, 2010. VANI also mobilized not only its members but all voluntary organizations working in the development sector to send their appeals to the Finance Ministry and other policy makers. The major achievement of this process was that the Finance Minister initiated dialogue with the representatives from the voluntary sector before preparing the annual budget of the country.

Visa Requirements: In 2010 the Indian government notified that volunteers who are keen to work in this sector will need to apply for a work visa and they must have an annual salary of \$25,000. VANI took up the issue with the home ministry to consider volunteers as technical experts who provide their services at very low cost. Hence, the annual salary condition was waived. Further, if voluntary organizations want to invite any foreign visitors they have to take approval from three different ministries so VANI is also arguing with the government on this issue.

Registration Laws: The voluntary organizations can be registered under the Society Registration Act 1860, Trusts act or Companies act. The society registration act under which voluntary organizations are registered is very obsolete. Further, different states in India have separate acts to govern voluntary organizations which are restrictive in nature. VANI has been lobbying on segregation and defining what is voluntary Sector and the

registration issues. VANI is demanding the government for a simple and liberal central law for registering the Vos which will co-exist with prevailing central and state laws.

2) Hope/ Opportunities: National Policy of Voluntary Organizations, New Spaces for dialogue.

The first-ever National Policy on Voluntary Sector was announced by the Voluntary Action Cell of the Planning Commission and was approved by the union Cabinet on May 17, 2007. The main objective of the policy was to encourage, enable and empower an independent, creative and effective voluntary sector and treat it as partners to the government without affecting the autonomy and identity of voluntary organizations. Unfortunately, government took no initiative in implementing the policy.

Being an important policy document defining the relationship between the government and the voluntary sector, VANI did not wanted the spirit to die down. VANI adopted a dual strategy of working with the Planning Commission on one hand and working with the voluntary sector in various states on the other. Since 2007, VANI has organized several state level consultations, so that voluntary organizations are motivated to draft a state level policy on the voluntary sector. VANI also translated the National Policy in regional languages.



CURRENT ISSUES:
REGULATORY ENVIRONMENT IN INDIA

- ❑ Restrictive Laws: FCRA, DTC, Passport Laws, PMLA, Registrations.
- ❑ Hope/ Opportunities: National Policy of Voluntary Organizations, New Spaces for dialogue.

Slide 1

3-3 Membership of VANI

1) MEMBERSHIP OF VANI

As an apex body of voluntary organizations in India, members are the backbone of VANI. VANI currently has 390 direct members with an outreach to more than 5000 organizations in 25 state of the country. Membership in VANI is not merely for numbers but is an expression of solidarity.

There are two ways in which one can engage with VANI either by becoming a Member or by becoming Associate.

Membership is of two types- Individual and Organizational. Individual members are those who believe in voluntarism and are engaged in practicing the objectives, principles and values of VANI and are committed to work for achieving the objectives of VANI. On the other hand, Organizational members are those social development organizations, networks or federations that believe in voluntarism and work for achieving the objectives of VANI. Organizations are further classified into two categories. Category I represents smaller organizations and category II represents larger ones. VANI leaves it to the discretion of the concerned organization to decide where it belongs.

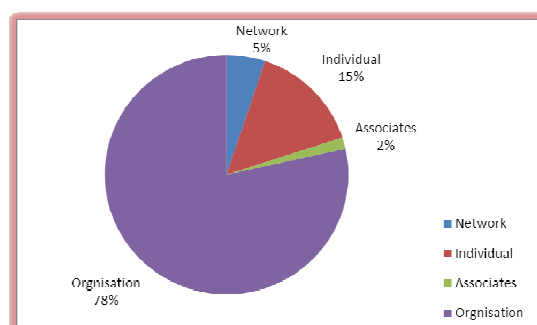
Associates: VANI learnt that many voluntary organizations were unable to become its members for various reasons. However, they have the opportunity to engage with VANI as associates. They need to submit a letter of recommendation to become a member of VANI. Privileges and responsibilities of all the associates of VANI will be same as that of the members with the exceptions of not having the right to vote and to stand for elections for the working committee.

Fee Structure- Annual

- Individual Membership- Rs. 1,000
- Organizational Members (Category I)- Rs. 1500
- Organizational Members (Category II) - Rs. 2500
- Associates- Rs. 500

MEMBERSHIP SYSTEM

- VANI's members are present in almost all the states of India representing diverse groups i.e. small, medium and large.
- The members of VANI helps us to know the issues and ground reality faced by them at the grass root level in the form of case studies which is further shared with the wider audience.



- VANI articulates the voice on behalf of its members and do advocacy at national, regional and state level.

2) Media and PUBLICATIONS

For an apex body of voluntary organizations, information sharing is a key activity. Information is collected and collated, and then shared with partners and other voluntary organizations. The information outflow by VANI is done by a variety of means, such as through various sources which are mentioned below:

Website: VANI's website is the one of the latest and best tools to provide updated information to its members and non-members on various issues affecting the voluntary sector. VANI maintains two websites at its secretariat: <http://www.vaniindia.org> and <http://www.ngo-asia.org>

E-Newsletter: VANI's newsletter e-vani is published every month with latest news about the voluntary development sector and also updates the members on activities and programmes of VANI.

Civil Society Voices Magazine: VANI publishes a quarterly magazine in both English and Hindi language so that more and more voluntary organizations can benefit from it.

Annual Report: VANI publish its annual report at the end of the every year which is also circulated to its partners and also uploaded on the website. It also includes a detailed description of abridged Income and Expenditure account for the particular year.

Library: VANI also hosts a library which stores a variety of information in the form of books, magazines, journals and periodicals related to voluntarism and the voluntary sector.

3) SERVICES TO MEMBERS AND SECTOR

VANI accelerated its efforts in articulating the voice of the voluntary sector and strengthening the sector.

Articulating the Voice

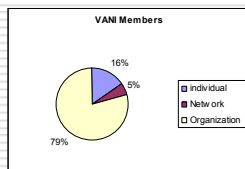
- It not only share information about the changes but also collect and articulate voice of the sector. VANI provide the information to its members about any changes in the regulatory framework or any taxation policies and also do advocacy with the government on behalf of the sector.
- VANI helps in amending the laws/acts framed by the government as per the need of the sector.
- It plays a significant role in creating a space for voluntary sector to participate which is shrinking at a fast pace.
- VANI also links with media, donors, government and other agencies and guide them about the role that sector is playing in the development of the society which further helps in improving the image of the sector.

Strengthening the Voluntary Sector

- Promoting Good Governance: The voluntary sector in India has had a phenomenal growth over the past two decades. This growth also brought along with it a set of problems and questions about the authenticity and credibility of the sector. Thus, VANI came out with a handbook on Good Governance to improve the governance of the voluntary organizations in the country. Further, VANI also did a study and developed model policies which are very essential to strengthen the internal governance of the voluntary organizations.
- Thematic Opportunities and challenges for Voluntary sector: VANI conducts various meetings and workshops at the national, regional and state levels to share the opportunities and challenges before the sector and disseminate the information to the small and medium voluntary organizations. Capacities of partners are also built on issues such as accountability and transparency.
- Information Resource Centre: VANI acts as a resource Centre and aware its partners about changes in regulatory framework through various sources such as newsletter, magazine, website, emails, etc.
- Convening and Networking: VANI works and interacts closely with several other national networks and is a part of several international network organizations like ABONG, ACCION, CONGAD, COORDINATION SUD, INTRAC, CIVICUS, CONCORD.
- Linkages with Diverse Actors: Globally, voluntary sector has grown to become a third sector along with agriculture and industry. There has been shift in the role of the voluntary sector, and there is need for the sector to engage regionally in programmes and issues that touch the lives of the ordinary people. Thus, VANI actively link with various stakeholders and helps in improving the credibility of the sector.
- Promoting and Nurturing Members: VANI opens its doors to bring in more individuals and organizations with a social commitment to further consolidate and strengthen the goal that it has stood for over the last 21 years. It promotes its members and do their capacity building by conduction various workshops.

MEMBERSHIP OF VANI

- Current System: Merits and Demerits
- Proposed Changes: Associates and Members, Fees



A network of 373 members across various parts of the country

A base of 5000 organisations in 24 states/provinces of India.

Slide 1

MEMBERSHIP SYSTEM

- Membership across the country
- Representation of small and medium sized organisation
- Enable us to know the issues of Voluntary Sector
- Articulating the voice and advocacy at national, regional and state level

Slide 2

PROMOTIONAL ACTIVITIES: INFORMATION DISSEMINATION TO CONNECT



Central to VANI's advocacy work is sharing knowledge on policies and programmes of the Government and donor organizations to its members. VANI gathers information and provides perspectives on issues that affect the voluntary sector, especially organisations that work at grass-root level.

www.vaniindia.org

Slide 3

PUBLICATIONS

Annual Report



Civil Society



E-News Letter



Slide 4

SERVICES TO MEMBERS AND SECTOR

- Articulating the Voice
 - Financial and Taxation Policies
 - Governance and registration policies
 - Creating and nurturing spaces for participation
 - Linkages with media, donors, government and other agencies
- Strengthening the Voluntary Sector
 - Promoting Good Governance
 - Thematic Opportunities and challenges for Voluntary sector
 - Information Resource Centre
 - Convening and Networking
 - Linkages with Diverse Actors
 - Promoting and Nurturing Members

Slide 5

4. Nepal

By Dala Rawal
NGO Federation of Nepal (NFN)

4-1 Forming network with partners across the world: NFN's experience

Forming Network with Partners across the World



Dala Rawal
Board Member-Central Committee
NGO Federation of Nepal
7th September, 2011,
Montreal

Slide 1

Common Areas to work at Global and Local Level

- **Human Rights, Democracy and Social Justice**
- **Aid/Development Effectiveness**
- **Capacity Building of CSOs**
- **Climate Change and Environment Justice**
- **Implementation of MDGs and poverty reduction**
- **LDC's Issues**
- **Food Right**
- **Natural Resources**
- **Good Governance**

Slide 3

How the Networks of Partners of CSOs can help each other

- **Capacity building of members**
- **Peer learning/exposure visits/sharing of experiences/good practices**
- **Frequent meetings and conferences in reference to local and global issues**
- **Create solidarity, lobby and pressure against development actors including governments**
- **Publications and communications**
- **Building strategies, policies and working procedure to enhance CSOs development effectiveness of their work**

Slide 5

Why Networking !

- Strengthening coordination and cooperation among the partners on common issues at regional and global level
- Capacity Building of partners in order to catch the right advocacy movement
- Create solidarity and build up pressure on the issues relating to human rights, social justice, environment, poverty etc .
- Create pressure group to lobby against government and development actors at national and international level on the various issues like aid conditionality, development effectiveness etc .

Slide 2

Some of the existing Networks

- **The Reality of Aid**
- **CIVICUS, AGNA**
- **The International Forum of National NGO Platforms**
- **Asian NGO Coalition (ANGOC)**
- **Imagine a New South Asia (INSA)**
- **GCAP Global Alliance**
- **South Asian Alliance for Poverty Eradication (SAAPE)**
- **LDC Watch**
- **Jubilee South**

Slide 4

Challenges

- Division of networks according to their interests
- Access to information technology
- Lack of Resources
- Lack of Accountability
- Politicization of movements
- Unequal distribution of resources

Slide 6

4-2 The situation of CSO legal environment in Nepal

The Situation of CSO Legal Environment in Asian Countries



Dala Rawal
Board Member- Central Committee
NGO FEDERATION OF NEPAL

8th September, 2011, Montreal

Slide 1

Overall Legal Challenges of CSOs in Asia ...

- Political instability
- Accountability of CSOs
- Allocation of resources based on political convictions
- Debt and poverty problems
- Laws and policies are formulated according to donor's interests

Slide 3

Overall Legal Challenges of CSOs in Asia

- Lack of democratic government in most of the Asian countries
- Even if government is democratic, laws and policies are developed in such a way so that CSOs experience hurdles receiving resources
- Out dated laws (Organization Registration Act 2034 (1977))
- Lack of effective laws and role of government
- Conflicts and violence
- CSOs involvement in corruption

Slide 2

Way Forward for CSOs

- Create pressure to establish space for CSOs
- Role and position of CSOs recognized in the decision making process at national level
- Strong Regional Network among the Asian Countries so that strong pressure could be created against any government that works against CSOs
- Frequent meetings and conferences on common agenda
- Capacity building and knowledge sharing
- Consultation programs can be organized among the CSOs on legal issue of a particular country

Slide 4

4-3 Membership system of NGO Federation of Nepal

Membership system of NGO Federation of Nepal



Dala Rawal
Board member- Central committee
NGO FEDERATION OF NEPAL

8th September, 2011, Montreal

Slide 1

NFN Cont.....

- Promotion and protection of social justice, human rights and fair development
- Autonomous and politically nonpartisan run by the democratically elected representative of NGOs
- Actively involved in lobbying and advocating human rights protection and promotion, environment conservation, pro-poor development, gender justice and community empowerment, peoples' democracy, peace and sustainable development

Slide 3

Mission

- Organize, aware and mobilize people to promote democratic and just society;
- Strengthen the NGO movement and promote capacity building processes;
- Safeguard the autonomy of civil society and work as change agent.

Slide 5

NGO Federation of Nepal (NFN)

- Established in 1991
- Umbrella Organization of more than 5227 NGOs working nationwide
- Works for promotion and protection of social justice, human rights, NGO autonomy and pro-poor development
- Operates in 75 districts and 5 Development Regions

Slide 2

Vision

- NFN envisions a democratic, inclusive, equitable and just society through a vibrant and strengthened NGO movement striving for economically sustainable, socially equitable and environment friendly nation.

Slide 4

Goals

- To strengthen a dynamic and pro-people NGO movement of Nepal thus ensuring the autonomy and freedom of civil society;
- To enhance the capacity of CSOs for improving organizational good governance;
- To mobilize member organizations to implement pro- poor development initiatives;
- To respect, protect and promote human rights, social justice and lasting democratic peace.

Slide 6

Strategic Framework

NFN has adopted a four- pillar strategy to meet the needs of its members in the current period of political transition. The four pillars are:

- Capacity building and NGO governance reform
- Women empowerment and inclusion
- Youth empowerment
- Broad-based civil society networking

Slide 7

Eligibility for Membership

- Autonomous and volunteer Org. established as per the prevailing laws
- General membership opened
- Executive committee based on direct and democratic election process
- Not distributing institutional income as bonus for personal purpose
- Free from party and power politics
- Programs and financial management transparent.
- Committed for the progress, awareness and empowerment

Slide 9

Types of Membership

- **General Member:** Principal Nepali NGOs, having qualifications as provisioned and, already with the membership.
- **Co –Member:** The branches and sub-branches of Nepali NGO, having qualification as provisioned and operating its branches and sub-branches in one district after having registered in another district.
- **Affiliated Member :** The foreign donor organizations, supporting the Nepalese NGOs affiliated with NGO Federation

Note: They are from amongst INGOs operating in Nepal after receiving approval as per the prevailing laws.

Slide 11

Organizational Structure

- Membership Organization-5227
- National convention
- Annual General meeting
- Executive Board-37 democratically elected
- Advisory Committee
- Management Departments-6
- Regional Committees/Resource Centre-5
- District Captures-5

Slide 8

Which Organizations are generally not Eligible?

- Having only the objectives relating to religious activities, business/occupation, sports or recreation, reading-room or library
- The organizations/institutions, operated with communal and regional feelings
- Consumers' committees, trade unions and other occupational associations

Slide 10

Membership Provision

- ❑ **General Member:**
 - Submit an application to the central committee through the district branch.
 - The district branch after examining sends through regional committee or directly to the central committee all details of the NGO
 - The district must recommend for endorsement within a period of one month from the date of submission of application.
 - NFN Central Committee approves the membership
- ❑ **Co-Member:** Only got the membership of regional and central NGO's district chapters.
- ❑ **Affiliated Member:** INGOs and Donor agency

Slide 12

Membership distribution and fee

- Open for all through newspaper
- Information sharing through workshop/orientation

Fund Limit NPR	New entry fee NPR	Annual Fee NPR	Renewal Fee NPR
< .5 Million	300	200	200
<2 Million	300	300	300
<5 Million	300	500	500
< 10 million	300	1000	1000
> 10 million	300	2000	2000
Co-Member	300		300
Affiliated Member	USD \$ 500		USD \$ 300

Slide 13

Termination of Membership

- The disqualification of the NGOs determined directly or on the recommendation of district or regional committee **by the central committee**
- Termination:
 - If qualifies no more
 - If the member NGO is dissolved;
 - If an accusation that the member NGO has acted financially and morally irrational tasks is proved.
 - If the Federation decides that it has not behaved pursuant to the Codes of Conduct of NFN

Slide 14

5. NCVO Membership System

By Oli Henman
National Council for Voluntary Organizations (NCVO)

NCVO Membership System
Oli Henman
Asia Regional Meeting AGNA - CIVICUS
8th September 2011



Slide 1

1. Introduction to NCVO *Giving Voice & Support to Civil Society*

- Established in 1919
- England wide umbrella body for Non-Profit organisations
- 8000 approx. member organisations – across civil society
- 100 approx. staff
- £10 million approx. income



Slide 3

Annual Income	Annual Fee	Fee if paid by Direct Debit*	3-year special offer fee**
Less than £10,000	Free	Free	Free
Less than £50,000	£44	£42	-
Less than £100,000	£99	£93	£265
£100-£500,000	£146	£139	£394
£500,000-£1 million	£353	£334	£952
£1million-£5 million	£481	£457	£1,296
Over £5 million	£723	£687	£1,951

Slide 5

Main issues

1. Introduction to NCVO
2. Membership structure
3. Growth & Retention
4. Wider international partnerships



Slide 2

2. NCVO Membership structure

- **Community Membership** (under £10k turnover)
A free electronic package for the smallest orgs
- **Community Plus Membership (£10-50k)**
All the benefits of full membership for smaller orgs
- **Full Membership (£50k-1million)**
Full membership on a sliding scale, benefits include invitation to all events & training, discounted publications, free advice & support
- **Membership Extra (£1million+)**
Special package of premium benefits for large organisations, wishing to support the rest of the sector through their fee



Slide 4

3. Growth & Retention

- Tighter economic conditions lead to need to demonstrate benefits
- Crucial ability to shape policy and influence government (Voice)
- Key value in training and capacity-building for members in new skills (Support)
- NCVO continues to grow, potential for collaboration and mergers
- Bridging across civil society



Slide 6

4. Wider International Civil Society

- International Member programme
- Active role in CIVICUS, Affinity Group for National Associations
- Key role in development of ENNA (European Network of National Civil Society Associations)
- Building on links with Commonwealth countries
- USA –Obama priorities & Independent Sector
- Connections on civil society in Asia Region, build on connections with Japan and China



Slide 7

NCVO role:

Opportunities for exchange of good practice with national partners on key themes:

- Relations between civil society and government
- Advocacy
- Good governance
- Fundraising
- Membership development



Slide 8

NCVO EU & International Civil Society overview

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