

# Understanding the Legal Framework for Philanthropy in Southern Africa



## Zambia Report

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Landscape plan  
What is a Landscape Design or Landscape Plan?

## ACKNOWLEDGEMENTS

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# EXECUTIVE SUMMARY

Philanthropy is driven by the desire to improve the lives of other people, and in Zambia there have been efforts to create an environment that supports giving. This study sought to look at the legal framework in place and how it supports or hinders the operation of philanthropy organisations registered in the country. The study was framed around six thematic areas which are ease of registration, compliance issues, incentives for philanthropy, taxation, resource mobilisation and movement of money within and across borders and the ease of supporting governance and human rights focused work. The laws in place that cover these areas were looked at and then analysed as to how much they support or hinder organisations that are in the philanthropy space. The objective was to raise awareness of challenges that philanthropy organisations face with a view to improve the operational space in the region.

A desktop study of laws in place in Zambia highlighted ten laws that affected the six areas of interest, with the Income Tax Act and the Companies Act giving support to the organisations in the country though it seems most of them are not taking full advantage of the laws that are meant to benefit them mainly due to ignorance of the laws as this investigation uncovered.

Fifteen organisations were surveyed pertaining to the laws that affect philanthropic organisations. Registering a philanthropy organisation in Zambia proved to be a very easy process according to the



perceptions of respondents. The number of documents required proved to be easy to gather as well as not being too many with only two organisations indicating they needed more than 6 documents to complete the registration process. The only concern raised by respondents during the survey was that the online platform was not reliable with about a third indicating they didn't even know it existed. Those who used the in person registration process felt it could be improved to become more efficient. Most people also felt that the registration process needed to be more decentralised as they indicated they had to travel to other towns to get the registration process done.

When it comes to state oversight and compliance, some of the laws that govern registration also make provisions for compliance processes and procedures. Major issues of compliance involve the renewal of registration and the requirement to send reports. Most organisations said they are required to renew their registration annually with a smaller percentage doing it every five years. Although more than half of the respondents indicated that they did not have to submit any reports, a small fraction indicated that they have to send reports frequently to regulatory authorities when required to do so.

Philanthropy organisations are required to pay taxes just like any other operating business in Zambia. There are tax exemptions that are given to organisations that exist for philanthropic work. The exemptions cut across a wide variety of taxes. The taxation rates are also varied from organisation to organisation. As many as 40% of organisations indicated that they were exempted from Value added Tax, for example, while about 13% indicated they were paying above 20% rate for the same tax. With this report also revealing that most organisations indicated a lack of knowledge of the number of laws in place that govern taxation, it may be that some are still paying high rates in taxes where they should be applying for exemption.

When it comes to giving and national development, it is clear from the study findings that there is no philanthropy policy in place to govern this industry, although efforts made by the government indicate that they recognise philanthropy work and they support them through tax exemptions. Giving or philanthropy was also associated with the human health and social work industry, an indication that the government recognises its contribution to national development.



Philanthropy thrives on donations and donors are not only found in the country in which the organisations are registered. This means that there is a need for laws to govern the movement of money into and out of the country. In Zambia there are laws in place to curb money laundering and associated crimes. Organisations are expected to declare their sources of funds at all times to help authorities investigate them before approving the receipt of such money. Sometimes the processes involved slow down the movement of money that is desperately needed for some work, but there is no shortcut to the process.

Respondents generally judged the laws that govern the movement of money across borders as flexible and most felt that the transfer charges on the money were fair. In addition, all the surveyed organisations indicated that they were allowed to retain the received grants in the currencies of the country of origin.

The respondents were asked about the existence of laws that affect each of the areas discussed and the general trend is that a few hazarded a guess. This resulted in a small fraction distributed equally over a few specific laws with the remaining majority choosing to say that they know there are laws but indicating they did not know how many laws were in place.

The above findings call for a few recommendations to improve the enabling environment for philanthropy in Zambia. There is a need for capacity building for practitioners in the area of laws that affect their space. The government should also invest in efficient online registration processes and also decentralise the in person processes in order to cut registration periods down. Through the formation of a designated philanthropy promotional agency or body, there can be a standardisation of laws affecting philanthropy across the thematic areas identified.



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# Acronyms

<b>NGO</b>	Non-Governmental Organisation
<b>PACRA</b>	Patents and Companies Registration Act
<b>PAYE</b>	Pay-As-You-Earn
<b>VAT</b>	Value Added Tax
<b>ZRA</b>	Zambia Revenue Authority



## 1.0 INTRODUCTION

### 1.1 Background to the study

The concept of philanthropy is basically about giving and the love for the improved welfare of others. Hayes et al, (2022), described it as charitable giving to worthy causes on a large scale, which is much more than just a charitable donation. It is an effort an individual or organisation undertakes based on an altruistic desire to improve human welfare. Therefore it is driven by the desire to improve the lives of other people, and in Zambia there have been efforts to create an environment that supports giving. This report is an overview of an assessment of the philanthropy operating environment in Zambia based on survey findings.





The study focused on thematic areas thought to affect philanthropic organisations and their practices. These included i) ease of registration, ii) compliance processes and procedures, iii) tax regimes and incentives iv) movement of financial resources within and across borders, v) incentives to promote giving and vi) ease of supporting advocacy-focused work.

## 1.2 Purpose and objective of the study

The study aims to assess the philanthropy environment in the region so as to influence policies that enhance and promote philanthropy. This was done by identifying and examining the existing legal frameworks that either inhibit or promote philanthropy and its practice in Zambia. The study paid particular attention to the potential of local laws and policies in Zambia to hinder or benefit the work of different organisations in fulfilling their philanthropy or charitable work and its contributions to wider national development. More specifically the study sought to:

- Identify and assess how existing laws and public policies impact practices of giving;
- Raise awareness of the challenges confronting the philanthropy sector;
- Influence legal and policy reforms for an improved philanthropy environment.

## 1.3 Research Methodology

The study involved the collection of secondary data in Zambia through a desktop review of applicable laws and policies that affect the work of organisations involved in philanthropy or giving activities. Thereafter, primary data was collected through an online survey deployed to capture the perceptions of practitioners of their operating environment. The survey aimed at collecting at least 15 responses from organisations in Zambia. The survey was shared with the different philanthropy organisations' respondents and conducted online using Survey Monkey. Thereafter, the responses were categorised in order of the six (6) aforementioned thematic areas of the study.



## 2.0 THE LEGISLATIVE FRAMEWORK GOVERNING PHILANTHROPY IN ZAMBIA

The legislative framework governing philanthropy in Zambia is broad. The study identified at least ten (10) laws that have an impact on philanthropy in Zambia. Notably, the Income Tax Act and Companies Act seem to promote a conducive atmosphere for organisations in the field. However, what would be required for benefits such as waivers, and tax amnesty to get appreciated is also the extent to which the public realises the functions of these laws, and their benefits to charity work. The Constitution of Zambia is critical by operating as a supreme and overarching law especially by giving guarantee to the very existence of fundamental human rights and the rights to development of all Zambians especially the vulnerable.

### 2.1 Ease of registration

For ease of registration, the Patents and Companies Registration Agency Act (PACRA), of 2020 was found to be one of the laws that seemed to provide for less costly and



time-saving registration of organisations in Zambia. This follows the same procedures that businesses or companies follow when registering. The procedure is quite simple as the requirements are considered reasonable. The Societies Act of 1957 and NGO Act of 2009, are avoided despite the latter being compulsory on the basis that the Council of NGOs exercised excessive powers against organisations that did not comply with requirements of the Act including reporting when requested, and renewal. The Companies Act of 2017, is also seen as helpful since registration of philanthropy organisations as Companies by Guarantee or not for profit foundations is allowed (Companies Act, Sec 10 (6)).

## 2.2 State oversight and compliance to remain registered.

Most laws that govern registration also have provisions for compliance processes and procedures for organisations to remain operational. The National Pensions Scheme Act of 1996, The NGO Act of 2009, The Companies Act of 2017 and the Societies Act of 1957 are some of the major laws the study found to enhance state oversight and compliance for many organisations in Zambia. The PACRA, and NGO Act require for organisations to conduct themselves professionally, and ensure accountability and transparency, hence the requirement for report submissions and registration renewal. Additionally, banks under the Bank of Zambia Act also require organisations to adhere to regulations and compliance provisions like having Zambian domiciled signatories and declaration of sources of funding.

The Public Order Act reinforces additional compliance by empowering the Zambia Police Service to regulate the convening of community or public gatherings including those for giving, or philanthropic activities. It requires in section 5 that notification is given 5 days before holding such events (The Public Order Act, sect.5). The Financial Intelligence Act amended in 2020 initially enacted to curb by disclosure any suspicious and illicit financial transactions in the country, also provides for compliance procedures to remain registered and operational in Zambia. The Act resulted in the NGO council's announcing



the need for training organisations including philanthropy organisations for them to understand this law and help disclose any illicit financial donations.

## 2.3 Taxation regime and giving

The main laws relating to tax regimes and philanthropy work in Zambia include the Zambia Revenue Act of 1996, and the Income Tax Act Cap 323 of the laws of Zambia. Zambia's taxation regime apart from the provision for compulsory taxes, includes opportunities for reduced taxation on certain donations, including capital gains, and property transfers for charity organisations. For example, the Income Tax Act (sec.4) recognises charitable organisations or trusts that exist for the public benefit and, therefore, qualify for tax incentives or exemptions such as limited deductions on incomes. Other laws like the ZRA Act provides for import tax exemptions in instances of certain goods and provides for related tax relief like Customs Tax Amnesty, Value Added Tax (VAT) exemptions or lower VAT rates for charities, community foundations, and corporates involved in non-profit work.

## 2.4 Resource mobilisation and movement of funds

The Bank of Zambia Act, The Financial Intelligence Centre Act as amended in 2020 and the Prohibition and Prevention of Money Laundering Amendment Act of 2010 are some of the laws that govern resource mobilisation and movement of funds in Zambia generally.

The Prohibition and Prevention of Money Laundering Act provides for the disclosure of information on suspicion of money laundering activities by Supervisory Authorities and regulated institutions. The Financial Intelligence Act equally does regulate the way funds may move within, into, and outside of Zambia especially if they are suspicions that sources are illicit or illegal (Section 5 (2) d). This in turn affects efficiency in the movement of money channelled towards philanthropy. This section of the Act looks at trends and patterns of movements of money relating to laundering, financing of



terrorism, or proliferation or any other serious offence<sup>1</sup>. This implies that records of foreign and local currency-based donations to organisations are monitored and reported regularly.

## 2.5 Incentives to promote giving as part of national development

While the country does not have specific laws that provide for incentives to promote giving as part of national development there are tax rebates that seem to encourage the work of philanthropy organisations. As stated before, the Income Tax Act, and the Zambia Revenue Authority Act provide some tax exemptions which serve as an incentive.

## 2.6 Supporting governance and human rights-focused work

The Public Order Act of 1955 is a law that regulates gatherings in support for governance and human rights focused work. Section 5 of the Act states a five day notification should be given to the police before holding public events. This also applies to philanthropy organisations' activities. Like many countries the provisions of the Zambian Constitution, especially in the Bill of Rights is supportive of governance and human rights focused work in Zambia. The country is also party to the International Convention on Civil Political which in Article 1 (1) provides that all peoples have the right to unhindered participation and to pursue their economic, social, and cultural development. However both documents while elaborate and good, the practice on the ground is regulated.

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1 See Section 5 of the Financial Intelligence Act of the Laws of Zambia, 2022 as Amended.



## 3.0 KEY FINDINGS FROM THE SURVEY

While desktop review of the laws showed the laws in place in the country, the study also sought the perceptions of practitioners on the ground. The developed survey was deployed and fifteen (15) organisations responded sharing their views on the operating environment for philanthropy in the country.

### 3.1 Background of organisations surveyed

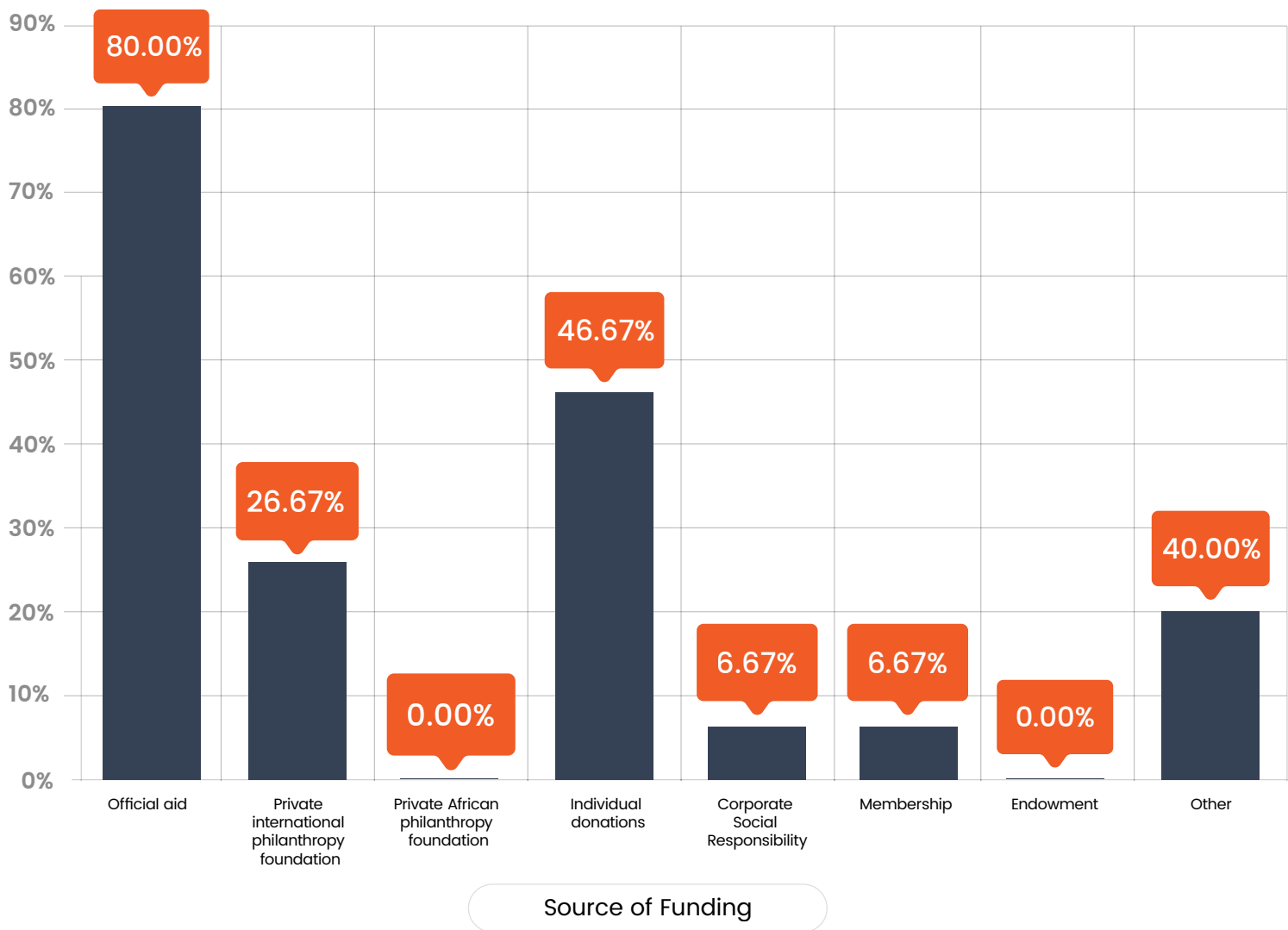
Of the 15 organisations reached through the survey, 27% (4) of them were registered as Charity Organisations, while 7% (1) were religious organisations. Community foundations were the majority making up 47% (7), with 13% (2) being regrating organisations and another 7% (1), corporate foundations. Table 1 gives a breakdown of the types of organisations that participated in the survey.

**Table 1: Types of organisations with philanthropy or giving-associated work in Zambia.**

Type of Organisation	%	#
Regranting organisation	13.33%	2
Charity organisation	26.67%	4
Community foundation	46.67%	7
Religious organisation	6.67%	1
Corporate foundation	6.67%	1
<b>Total</b>		<b>15</b>

Considering the age of the 15 respondents, the survey revealed that 60% (9) were 10 years and above. This was followed by 20% (3) of the organisations of ages 1 to 3 years, 7% (1) between 7 and 9 years, and another 7% of 4 to 6 years. Only 1 of the organisations (7%) had existed for less than 1 year.

The survey further considered the sources of funding for the work or activities of the 15 organisations in Zambia in relation to philanthropy or giving. It was found that the majority (80%) of the organisations were supported by Official Aid such as the European Union, Australian Aid etc. Individual donations were second in popularity with 47%. Private International Philanthropy Foundations accounted for 27% of the donations. Corporate Social Responsibility and Membership were the least contributors with 7% each. Private African Philanthropy foundations and Endowments were not funding any of the surveyed organisations as shown in Figure 1.



**Figure 1: The main sources of funding for organisations in Zambia**

### 3.2 Navigation by organisations of registration and compliance processes

In respect of registration and compliance of the organisations involved the survey findings show that respondents from the organisations in general agreed that there were laws in place in Zambia governing registration. They just were not sure how many were in place as seen by the varied answers given in Table 2. While 7% (1) of the organisations indicated that they were governed by 4 or more laws, another 7% stated that there were no laws that governed their registration. The same percentage also thought that there

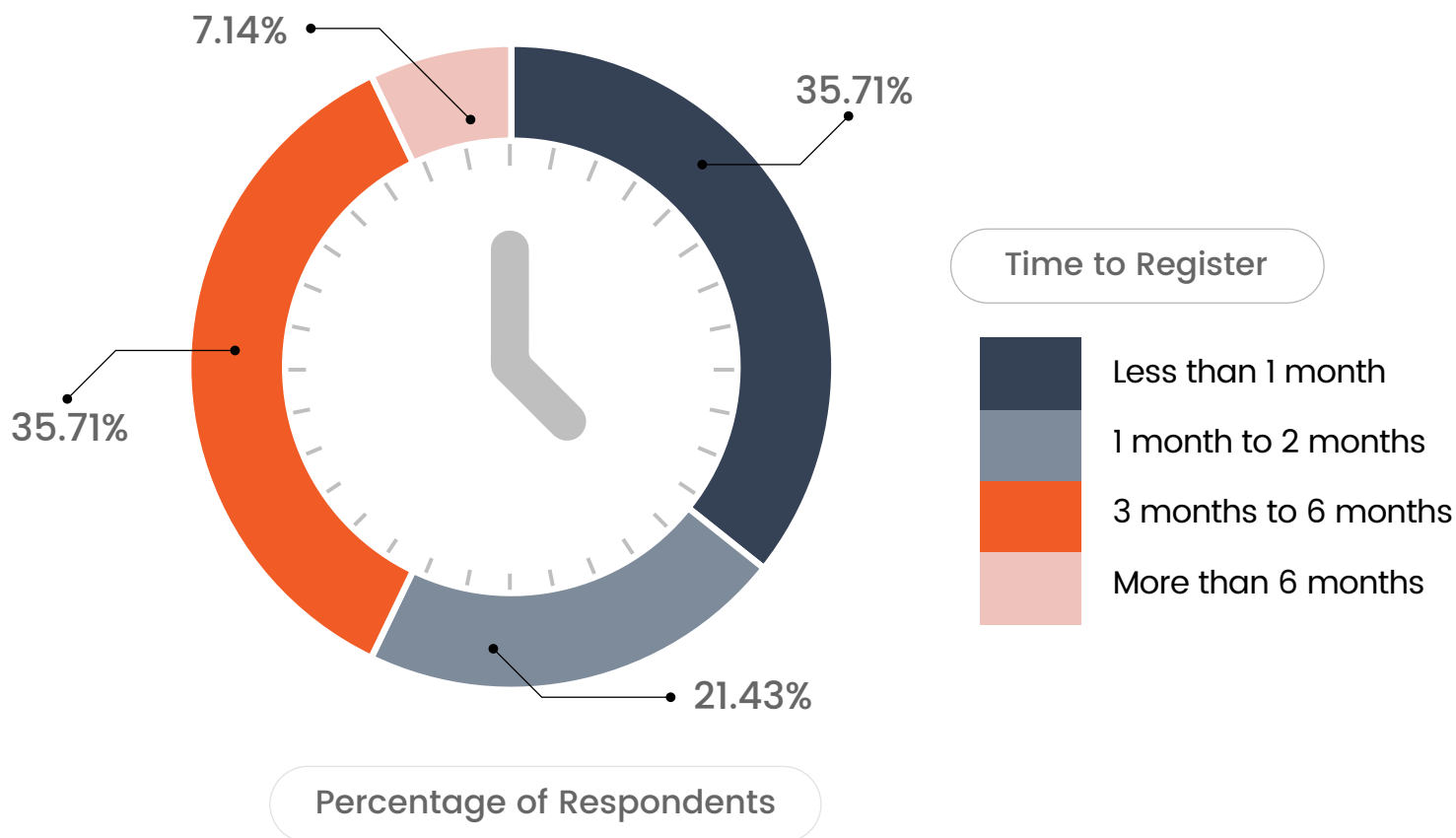


was only one law in place while 2 laws and 3 laws were more popular with 13% each. The most popular option with 40% was from those who knew there were laws but did not know how many they were.

**Table 2: Responses from organisations regarding how many laws governed their registration in Zambia**

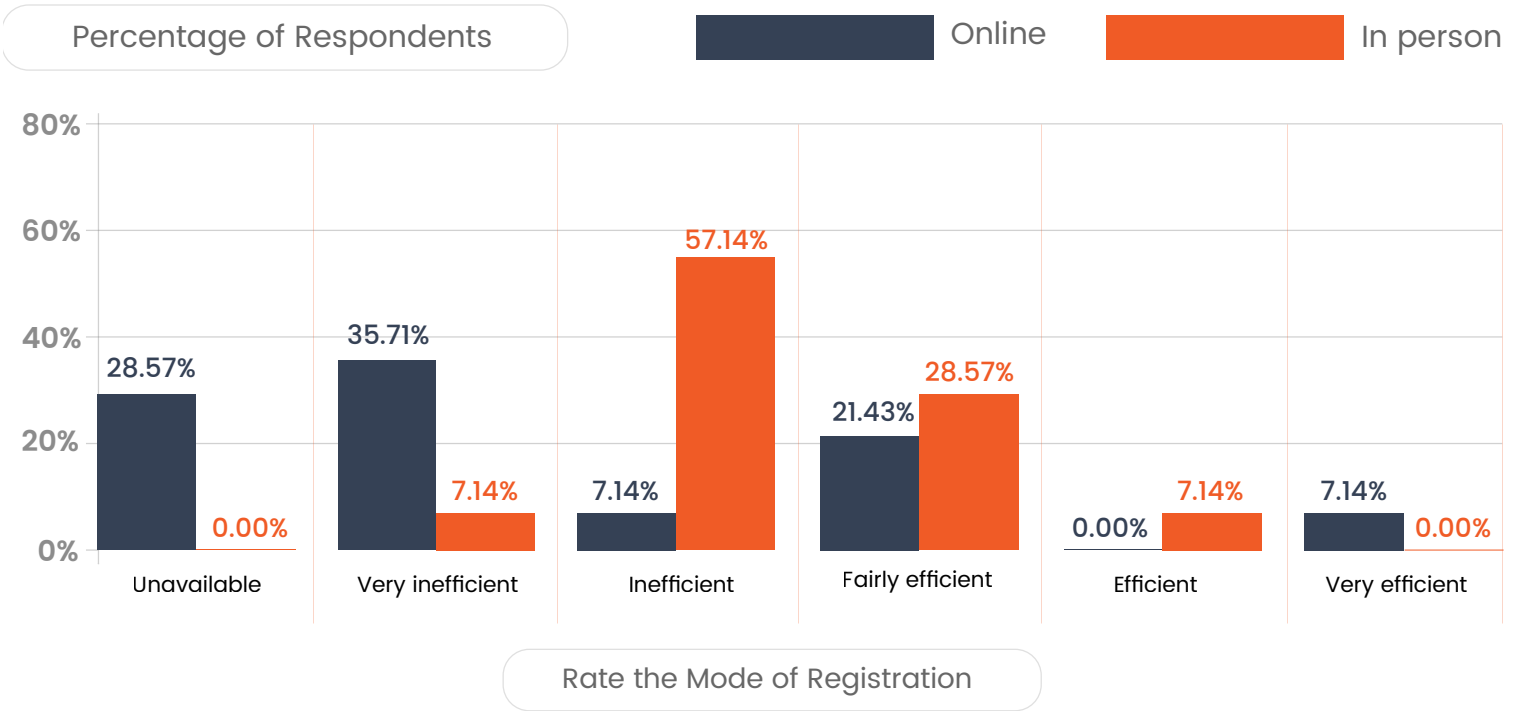
# Laws Governing Registration	%	#
There are no laws	6.67%	1
1 law	6.67%	1
2 laws	13.33%	2
3 laws	13.33%	2
4 or more laws	6.67%	1
There are laws, but I do not know how many	40.00%	6
I do not know if there are any laws	13.33%	2
<b>Total</b>		<b>15</b>

In terms of how long it took to register their organisations in Zambia, 36% (5) of the 14 respondents who answered this question indicated that it took less than 1 month to register their organisations, with another 36% of respondents stating that it had taken 3 months to 6 months to register. Another 21% (3) revealed that it took 1 month to 2 months to register their organisations. Only 7% (1) of the respondents indicated having taken more than 6 months to register their organisation, as shown in Figure 2.



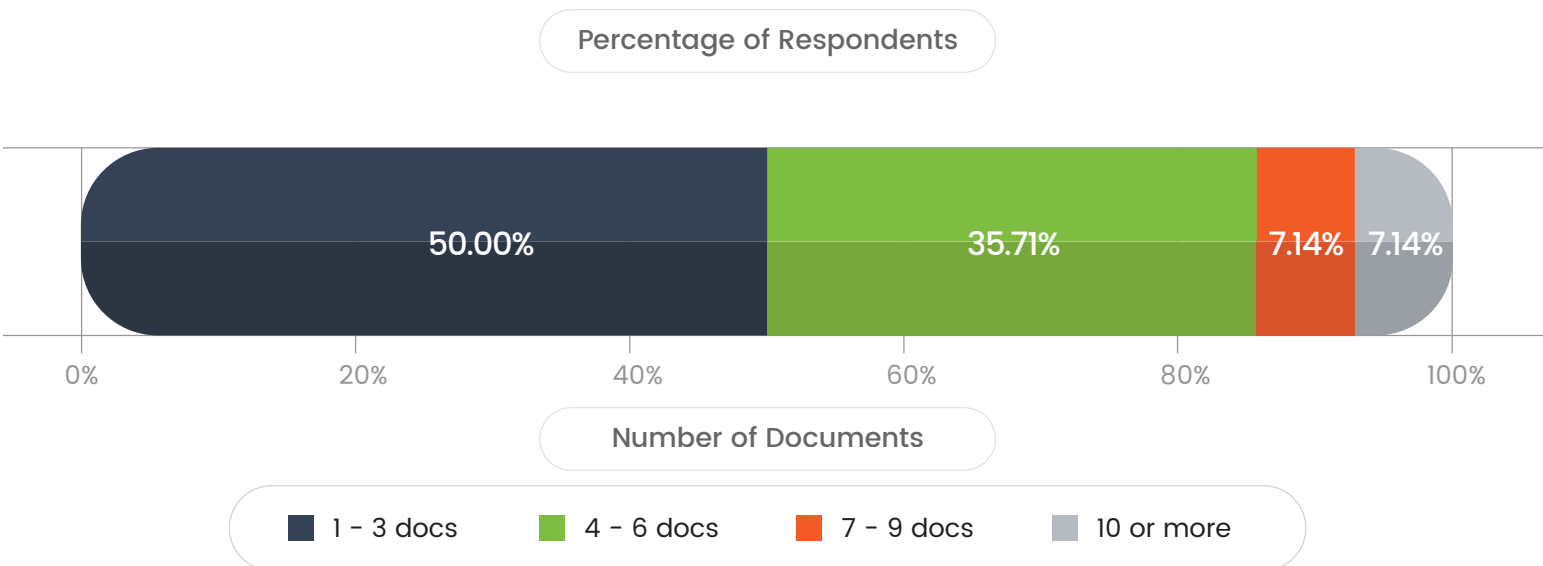
**Figure 2: Length of time it would take to register organisations in Zambia**

Further, the findings have revealed that the rating of the efficiency of online and in person modes of registration varied in Zambia. 29% (4) of the respondents were of the view that online registration was unavailable in Zambia, with 36% (5) stating that the service was very inefficient if at all available. Although 21% (3) of the respondents stated that online modes of registering were fairly efficient, only 7% (1) noted that online modes were very efficient. On the other hand, almost 57% of the responses indicated that the registration of organisations in person was inefficient. About 7% of the respondents, however, felt it was efficient. Those who felt it was fairly efficient were about 29%, while another 7% of the respondents indicated that in person modes of registration were very inefficient, as shown in Figure 6.



**Figure 3: The availability and non-availability of online registration modes**

In terms of documents required for registration, 50% (7) of the respondents stated that their organisations required 1 to 3 documents to register, while 4 to 6 documents were needed to register 36% (5) of the organisations involved. There were only 2 organisations among respondents that required 7 to 9, or 10 and more documents to register their organisations in Zambia, each representing 7%, as shown in Figure 4.



**Figure 4: Responses regarding the required number of documents to register organisations in Zambia**



When assessing how the respondents rated the ease of producing documents required for registration, the findings show that the majority of respondents (71%) felt that it was somewhat easy to produce the documents required. 21% (3) of the respondents felt that it was difficult to produce documents to register their organisations, with only 7% (1) of the respondents stating that it was very difficult. The survey, also when considering whether or not registration centres were decentralised, found that 57% (8) of the respondents indicated that people had to travel to specific cities or towns, although some 43% stated that registration could take place at local authority offices as shown in Figure 5.

### Decentralisation of registration

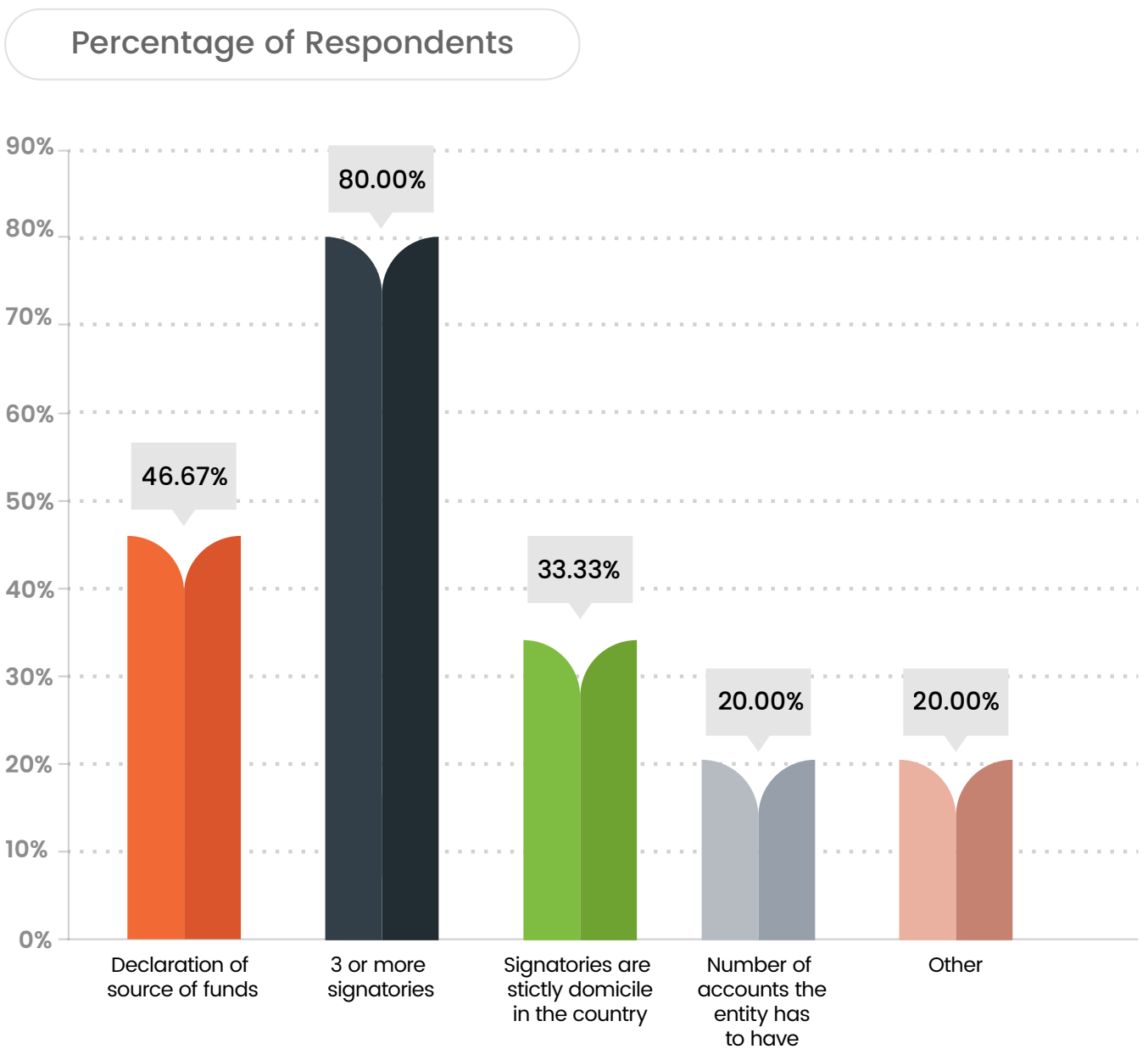


- Yes, it can be done at the local authority offices
- No, people travel to specific cities/towns to register

**Figure 5: Respondents on the decentralisation of registration of organisations in Zambia**

### 3.2.2 Compliance processes

According to the findings, one of the major compliance requirements among the organisations in Zambia involved requirements for renewing licenses or certificates of registration, declaration of sources of funding to banks, and submission of reports periodically. The survey has shown that 47% of the responding organisations were declaring their sources of funding to their banks, and 80% of organisations needed to have three or more signatories. 33% of organisations stated that their signatories were supposed to be domiciled within Zambia. Figure 6 shows what was required by the banks for the 15 organisations to ensure compliance.

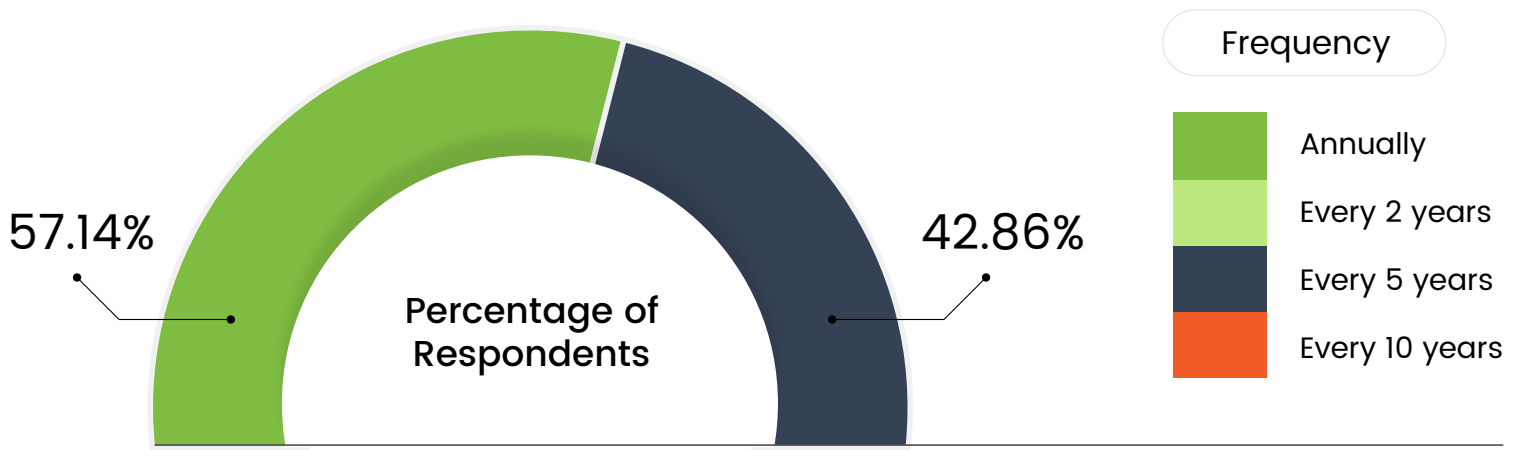


**Figure 6: Bank requirements of the organisations to ensure compliance according to the laws in Zambia**



Further, although 58% of respondents stated that they were not required to submit any reports, 42% of respondents stated that they were expected to submit monthly or annual reports to regulatory bodies mainly the Registrar of Societies among Charity Organisations, or the Ministry of Community Development by the Community foundations, PACRA, and the NGO Council upon request.

The research also found that in terms of renewing, the majority of the organisations (57%) were required to renew their registration annually, while 43% said they had to renew every five years as shown in Figure 7.



**Figure 7: Frequency of renewing registration among organisations in Zambia**

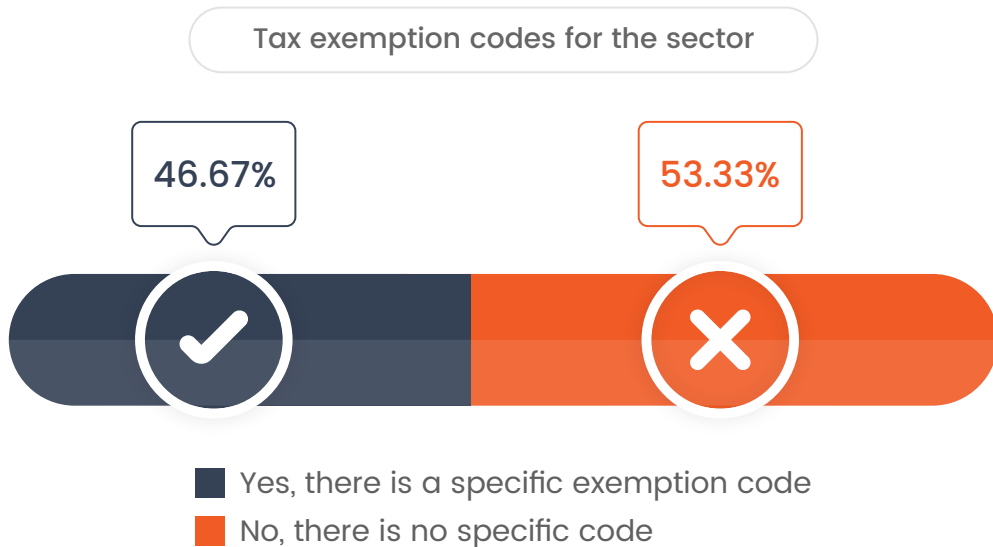
### 3.3 Taxation and incentives for giving

The aspects of taxation and incentives for giving in philanthropic activities in Zambia was determined on the basis that the country could have had a number of laws governing giving or philanthropy and they could be provisions for incentives such as exemptions for the philanthropy sector. These taxes include VAT, PAYE, Customs duty, Tax on transfers, and Income tax. The survey findings showed that the majority of surveyed organisations (60%) indicated being governed by some taxation laws although they did not know the number of those laws, while 20% were governed by 2 laws. The last three options, 1 law, 3 laws and 4 or more laws were picked by 7% (1) of respondents each.

**Table 3: Organisations indicating how many taxation laws are in existence**

Number of Taxation Laws	%	#
1 law	6.67%	1
2 laws	20.00%	3
3 laws	6.67%	1
4 or more laws	6.67%	1
There are laws, but I do not know how many	60.00%	9
<b>Total</b>		<b>15</b>

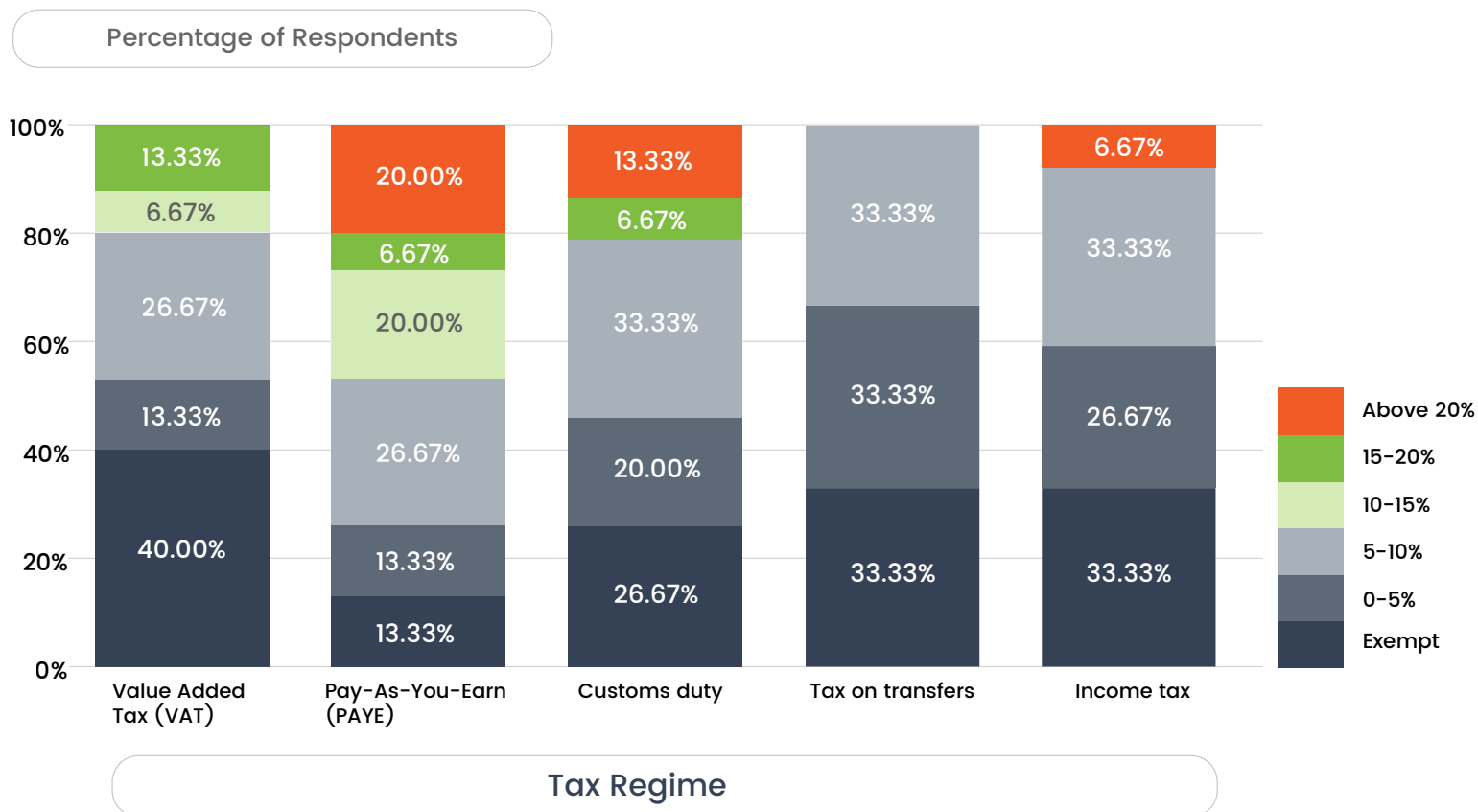
From the assessment, the findings additionally show that 53% of organisations indicated that there is no specific taxation code for the philanthropy sector in Zambia, while 47% responded in the affirmative. In most cases, these may be instances when the Zambia Revenue Authority would exempt some of them from taxes such as Income tax if their activities, land transfers (Income Tax Act, Section 3), or products benefited the public, which required applying for such exemptions.



**Figure 8: Organisations indicating the existence of exemption codes for philanthropy**



Regarding the different rates of taxation such as for Value Added Tax (VAT), the survey showed that some 40% of organisations were exempted from VAT payments, whilst 13% paid higher rates of 15 to 20% rates. 5 to 10 % rates applied to 27% of the organisations involved, and 0-5% VAT applied to another 13% of charity and community organisations. The exemptions were mainly in terms of exemptions of donations to the organisation from being taxed up to a certain limit. Respondents had further described the benefits in terms of tax relief on gross income, deductions on income tax, and tax exemptions on capital gains as shown in Figure 9.



**Figure 9: Variations among organisations of the taxation rates applicable to them**





The survey also shows that there were at least 13% of organisations which were exempted from Pay as You Earn (PAYE), and 20% of organisations that were paying PAYE taxes above 20%, and another 20% paying 10 to 15%. The rest consisted of (27%) who paid 5 to 10%, another 13% who paid 0 to 5% and 7% who paid 15 to 20%.

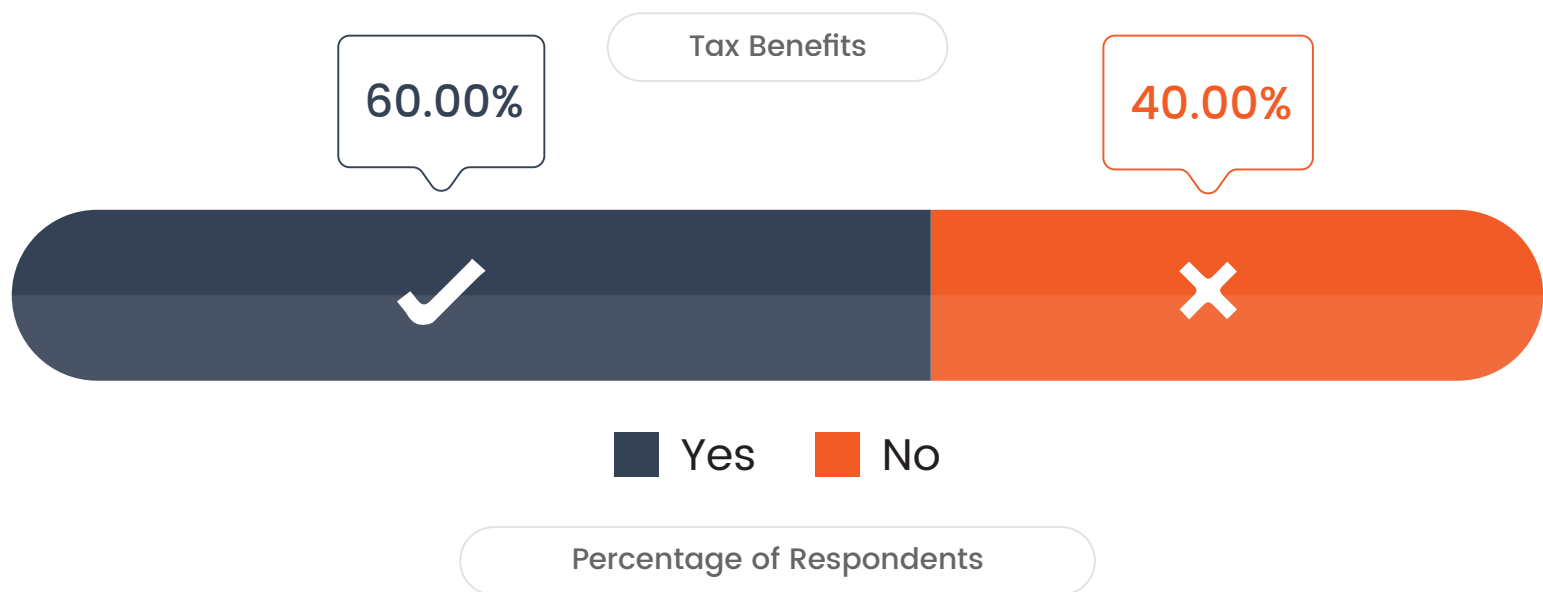
The study has also disclosed instances of at least 27% of target organisations being exempted from customs duty, and 20% paid from 0-5% with 1 regranting organisation paying above 20%. From Figure 9 above, at least 40%, 33%, and another 33% of the organisations were exempted from paying various taxes such as VAT, Tax on transfers, and Income tax respectively.

### 3.4 Giving and wider national development

In terms of giving and wide national development in Zambia, the former is a principle that has been appreciated at various levels both in government and communities.

Under Zambia's 7th National Development Plan of 2017-2021, giving or philanthropy was industry categorized under the human health and social work industry which contributed some 1.5% to GDP (CSO, 2021). Furthermore, analysis of Zambia's Vision 2030 with the aim of the country reaching middle-income status, among the key performance indicators, which relate to giving and wider national development, are long term outcomes such as #3 A nation without hunger and poverty, through institutionalized measures to provide opportunities for poor women, men, youths, and children.

Considering the survey, respondents were asked whether or not there was a policy on philanthropy and giving practices in Zambia with 27% stating that there was, whilst the majority (73%) denied the existence of such a policy. Those that were of the view that such a policy existed, responded in the affirmative (50%) as to whether provisions in such policy created incentives for giving, while 50% did not think so. The survey further found out that 60% of respondents believed that there are tax benefits to individuals and corporates that were giving to philanthropy organisations, although 40% of them felt that there were none.



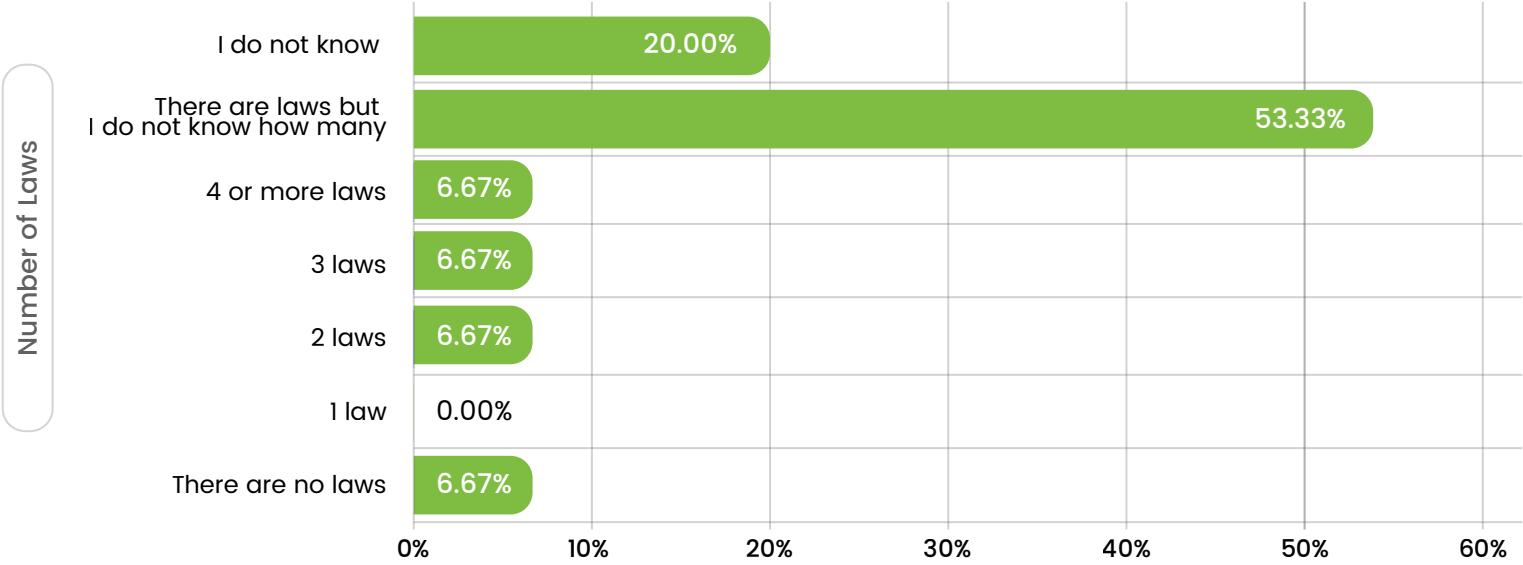
**Figure 10: Are there tax benefits given to individuals or companies giving to philanthropy organisations in Zambia?**

### 3.5 Raising and moving monetary resources

Raising and moving of monetary resources among philanthropy organisations in Zambia takes place on many premises including laws such as the Financial Intelligence Act, the Prohibition and Prevention of Money Laundering Act, and the Bank of Zambia Financial Services (Regulations).

According to the findings of the survey, respondents were indicating the number of laws that restricted the movement of money across borders, whether there were laws that regulated the movement of money within Zambia, the rates charged, and whether or not they retained the received grants or money in the currency of origin like USD, Euro, or Zar. 7% of organisations responded that 4 or more laws were in existence, another 7% 2 laws, and yet another 7% said 3 laws restricted the movement of money across borders. The majority (53%) of organisations agreed that there were laws in place, but they did not know how many. Only 1 of the respondents (7%) was of the view that there were no laws in existence governing the movement of money across the border.

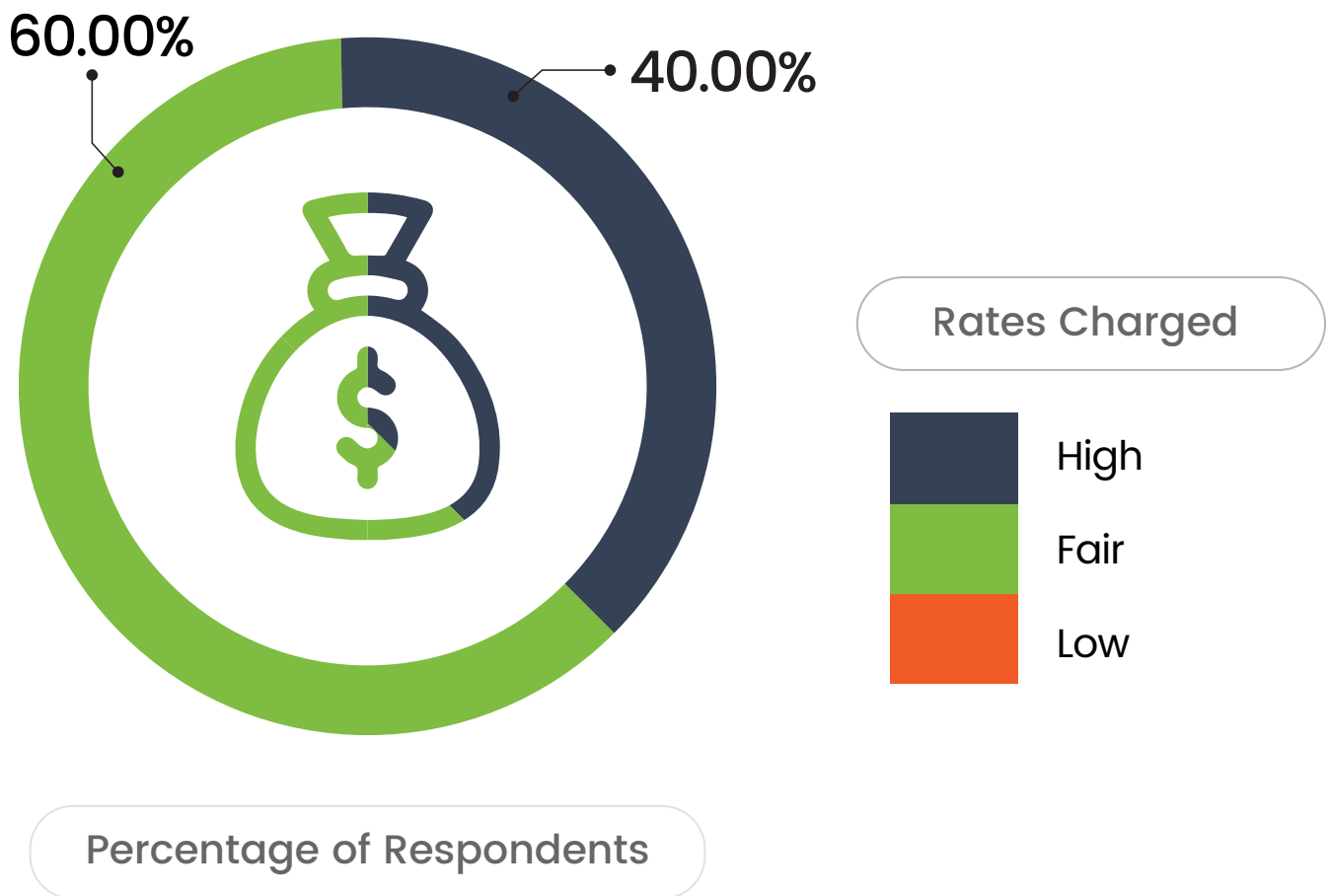
■ Percentage of Respondents



**Figure 11: Number of laws that regulated the movement of money in Zambia**

Regarding the movement of funds within the country, the findings show that the majority of the respondents (60 %) knew there were laws but were not aware of how many they were. On rating the flexibility of the laws, 92% rated the laws as flexible.

Survey findings also show that 67% (10) of the organisations rated the laws that govern the movement of funds across Zambian borders as fairly flexible. One organisation (7%), however, indicated that the laws were inflexible. The respondents were also asked about their perception of the rates charged on transfers across the borders of Zambia and 60% felt the rates were fair while 40% thought they were high.



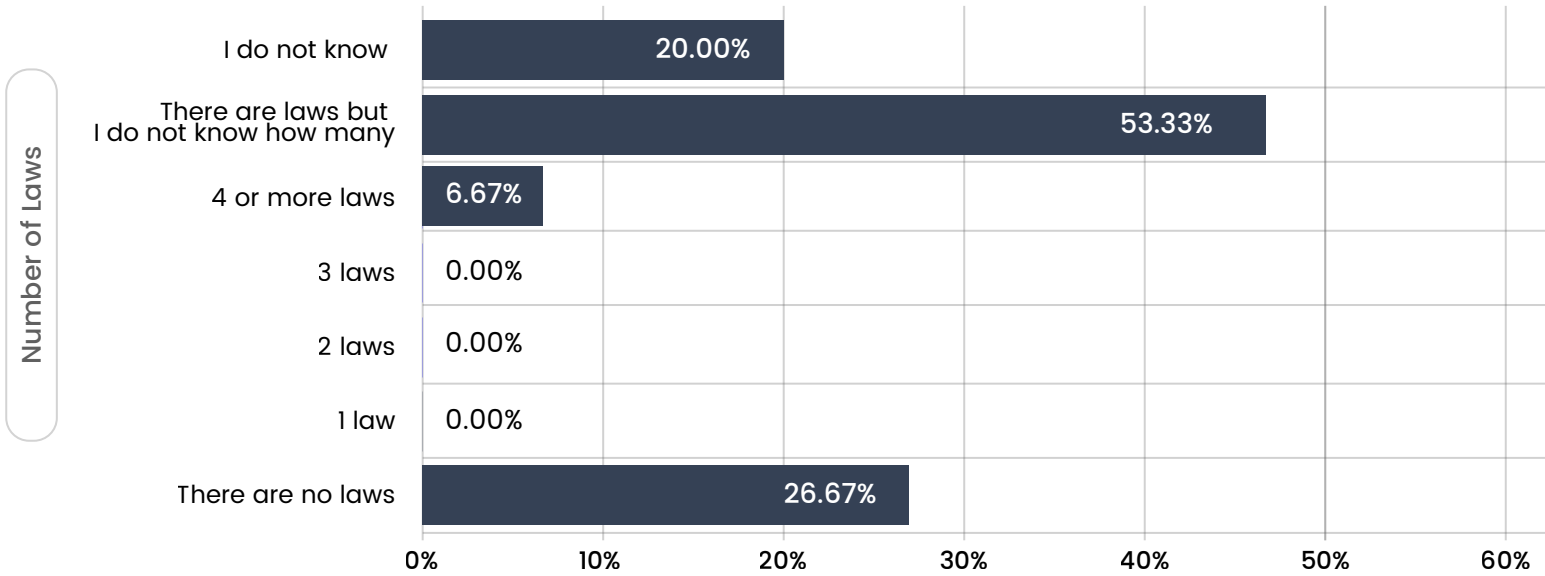
**Figure 12: Description of rates charged to make transfers across the border**

Meanwhile the survey sought to find out if organisations were allowed to retain funds in the currency they were sent in. All of the 15 organisations, that is, 100% noted that they were allowed to retain the received grants in the currency or currencies of origin, an indication of the absence of restrictions which creates an ease of operations in that regard.

### 3.6 Supporting advocacy-focused work

The survey revealed that 47% (7) of organisations recognised the fact that there were laws but they did not know how many they were. 20% (3) of the respondents did not know if they were such laws in place, with 1 (7%) organisation stating that there were 4 or more laws that restricted support or funding to advocacy work. 4 or 27% of the respondents stated that there were no laws that restricted support to advocacy-focused work.

■ Percentage of Respondents



**Figure 13: How many laws are there that restrict supporting/funding advocacy-focused work?**



## 4.0 CONCLUSIONS

The philanthropy environment in Zambia is friendly with a lot of the laws supporting charitable organisations. Organisations have an easy registration process and there are many policies that make the running of these organisations easy. Having said this, the responding organisations have indicated that they generally do not know much about the laws that govern them. There is need for a philanthropy agency to help cover the knowledge gap present and help educate these organisations on compliance issues and also on benefits that they can take advantage of. Laws on resource mobilisation and money transfers across borders are also flexible though tough enough to prevent illicit money transfers and money laundering. Charges on transfers are also perceived to be friendly by most which helps the philanthropy space to develop. However, there is need for all laws and policies to be synchronised so that all organisations are complying with a similar set of rules at all times to enhance state oversight and enforcement of compliance with the rules.



## 5.0 RECOMMENDATIONS

The following recommendations have been arrived at:

- Increased publicity of the governing laws such as registration, taxation, and support towards advocacy in Zambia, is required to address cases where respondents did not know the laws or the numbers.
- Database creation by organisations to capture applicable current and new laws for them to be aware, operate, and comply efficiently.
- The duration of registering such as 5 to 6 months, and more can be dealt with through scaling up the decentralisation of registration centres, and reducing the number of documents required.
- Investments in online registration modes to make them available and enhancing in person registration procedures.
- Harmonization and standardization of laws and policy requirements for periodical renewal of registration, submission of reports by organisations, movement of money, and taxation incentives and exemptions to allow for consistency.
- Increasingly making resource mobilisation effective and easier for organisations by relaxing stringent legal restrictions applicable within and outside of Zambia.
- Enactment of clear laws and policies dedicated to encouraging philanthropy or giving in Zambia to address the current absence of such policies and the creation of a dedicated promotional agency or body.



# REFERENCES

- Hayes, A. (2017). *Venture Philanthropy: Alternative Investments*. Atlantic University International.
- Kent-Teach. (2017). 5 Benefits of Giving. Retrieved from <https://www.kent-tech>.
- Lynchburg West. (2021). The Purpose of Giving: retrieved from <https://wlbc.life/wp-content/uploads/2021/04/THE-PURPOSE-OF-GIVING.pdf>.
- Ministry of National Development and Planning. (2017). *Seventh National Development Plan*. Government Printers, Lusaka.
- The Bank of Zambia Act, Cap 360 of the Laws of Zambia.
- The Banking and Financial Services Act (BFSA), Cap 387 of the Laws of Zambia.
- The Companies No. 10 of 2017.
- The Constitution of Zambia, Cap 2 of 2016.
- The Financial Intelligence Act (2020 Amendment).
- The Income Tax Act, Cap 323 of Zambia.
- The International Covenant on Civil and Political Rights.
- The NAPSA Act of 1996, Cao 10.
- The NGO Act No 16 of 2009.
- The Patents and Companies Registration Act, of 2020.
- The Public Order Act of 1995.
- The Zambia Revenue Act of 1996.





## About SIVIO Institute

SIVIO Institute (SI) is an independent organisation focused on ensuring that citizens are at the centre of processes of socio-economic and policy change. It aims to contribute towards Africa's inclusive socio-economic transformation. It is borne out of a desire to enhance agency as a stimulus/catalyst for inclusive political and socio-economic transformation. SIVIO's work entails multi-disciplinary, cutting edge policy research, nurturing citizens' agency to be part of the change that they want to see and working with communities to mobilize their assets to resolve some of the immediate problems they face.

SIVIO institute has three centres/programs of work focused on; (i) civic engagement (ii) philanthropy and communities (ii) entrepreneurship and financial inclusion. In the process SI addresses the following problems:

- » Inadequate performance of existing political and economic system
- » Increasing poverty and inequality
- » Limited coherence of policies across sectors
- » Ineffectual participation in public processes by non-state actors
- » Increased dependence on external resources and limited leveraging of local resources