

*Talking point*

## **Independence: The lifeblood of NGOs**

Lino Bugeja

While wholly supporting the stand taken by the Non-Governmental Organisation Legislation Working Group (NGOLWG) against the proposed legislation regulating NGOs in Malta (Talking Point, November 27), the committee of the Ramblers' Association, on the advice of its legal commission, emphasises the real danger which the government's proposals represent to the lifeblood of all NGOs, namely their independence from the government (irrespective of whichever party is in power).

In fact, while purporting to safeguard and enhance such independence, the intended legislation, in its present form, unless drastically amended, will only serve to subject NGOs to stifling bureaucratic and paternalistic controls, which, in the wrong hands, can nullify the independence and freedom of action NGOs enjoy at present.

The White Paper (page 8) starts off by referring to the fundamental right of freedom of association and rightly admits that "to subject such a right of association to a registration with the state" would be contrary to such fundamental right. But weirdly it goes on to state on page 13 that enrolment with the commissioner certifies that the organisation is "voluntary" and thus provides it with its "passport to privileges" - in other words, no enrolment = no privileges.

The White Paper declares that "there is no intention of forcing voluntary organisations to be legal persons if they do not wish to be so". But it fails to clarify that an NGO can still acquire legal status and become a "legal person" by registering its organisation by public deed, as opposed to registration with the state under the new law, that such a legally-registered (not state-registered) NGO can effectively apply for and obtain EU funds (EU Grants BirdLife Malta Almost €0.5 million - November 3) and that a legally-registered NGO will not thus endanger its present independence and sacrosanct right to oppose and criticise any action or lack of action on the part of the government of the day.

All NGOs should realise that the proposed legislation intends to subject all "registered" NGOs to the control of a commissioner appointed by the government. Such commissioner would, in his or her infinite wisdom, have the right not only to monitor and investigate the affairs of an NGO (page 15-17) but even to nominate or remove, directly or indirectly, the majority of the members of its administration (page 39).

In the light of the above, NGOs should wake up and unite as one in defence of their fundamental rights by opposing such legislation in its present form.

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