Self-regulation in civil society: Navigating legitimacy, autonomy and governance – implications for Zambia.

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Non-governmental organisations (NGOs) and civil society organisations (CSOs) have become a ubiquitous feature of contemporary society. The rapid expansion of the voluntary sector from the late 1990s onwards was driven by donor interest in supporting the 'Third Wave of Democracy' and advancing development agendas. This interest resulted in dramatic increases in funding being channelled through the NGO and CSO sectors, fuelling a rapid increase in numbers of these organisations. With this growth came additional scrutiny and questions surrounding the legitimacy, transparency, and accountability of these organisations. Calls for greater regulation and oversight of the sector resulted, resulting in various approaches to promoting and monitoring good governance and best practice within the sector (Deloffre, 2016; Gugerty, 2010; Kaba, 2021). As threats to civic space around the world increase due to democratic backsliding and imposition of legal, regulatory and other restrictions on civil society (OECD, 2025), the pressure to evidence the legitimacy and accountability of NGOs and CSOs is also growing.

This short article begins with a brief historical overview of debates surrounding the rapid growth of the NGO sector and resultant critiques. These are then used to inform a review of differing approaches to NGO regulation and the emergence of different models of self-regulation. Drawing on examples of NGO self-regulations approaches from a range of countries, the article offers a series of key lessons learned and their implications for the NGO sector in Zambia.

From 'darlings of development' to 'unaccountable actors'

The rapid expansion in international funding and support for civil society and NGOs as key actors for development and democracy in the 1990s quickly gave way to a legitimacy crisis for the sector. Allegations – and demonstrable instances of – fraud, corruption, misuse and inefficient use of funds, malpractice, and exploitations led to erosion of public, donor, and governmental trust in NGOs. These concerns were not limited to small-scale, local CSOs but have included racism, human rights violations, sexual exploitation and other scandals affecting major INGOs including World Wildlife Fund, Oxfam, and others.

The rise in 'briefcase NGOs' and the professionalisation of NGOs leading to a growing disconnection from local communities further contributed to growing public distrust in the sector. The prevalence of foreign funding and the sector's dependency on international donors meant many governments characterised NGOs as 'foreign agents' and introduced legislation to curtain the space for civil society due to concerns with their 'legitimacy' and a lack of (local) accountability (Kamilsoy, 2026)

This legitimacy crisis led to varied responses. In some (African) contexts, government's used questions over legitimacy and accountability – alongside concerns with foreign funding and influence aligned with autocratic tendencies – to introduce restrictive legislation and government oversight of the sector. Presented as mechanisms to ensure accountability and public interest, such legislation also served to curtail the space for critical civil society, increase government surveillance and oversight, facilitate state capture of the sector, and control sources of funding and areas of civil society operation (Kumi et al., 2025). In response to these pressures, NGOs in various countries sought to mobilise self-regulation as a means of pre-empting government efforts (Gugerty, 2010)

In a small number of cases, progressive or 'good' civil society laws have been introduced that not only enable and enhance the space and freedoms for civil society and NGOs as well as promoting self-regulation. The 1997 Nonprofit Organisations Act in South Africa and 2019 Organizations of Civil Societies Proclamation in Ethiopia are viewed as such cases (Lupin, 2022). In both cases, the repealing of repressive laws indicated greater trust from the state towards civil society and opened spaces and opportunities for more flexible systems of accountability to accommodate the varied needs of different types of NGOs. In Ethiopia, the development and oversight of a voluntary code of conduct was led by the Civil Society Organisations Council – a CSO-appointed body. In South Africa, the state remained somewhat more involved through the role of a government Directorate to support the sector and the production of model codes of conduct and suggested operating principles.

In other (African) contexts, shortcomings in state capacity meant there was limited scope for governments to centralise mechanisms to regulate civil society. Responding to these conditions, and needing to address issues with donor and public trust, self-regulation has emerged as a key strategy for NGOs to address the legitimacy crisis (Kumi et al., 2025). These approaches respond to the multi-directional accountability demands facing NGOs (Berghmans, 2022; Kaba, 2021). These demands fall into three categories: upwards to donors and state bodies, downwards to beneficiaries and communities, and horizontal to peer organisations, NGO networks, and others working within the sector.

Upwards accountability is typically focussed on fulfilling financial reporting and legal and other compliance requirements. Downward accountability responds to a need to be answerable to beneficiary communities, ensuring local participation, and preventing harm. Horizontal accountability seeks to internalize ethical norms among staff and board members, and uphold collective standards agreed upon within civil society networks.

Self-regulatory approaches are linked to these demands, being developed and used to demonstrate to governments, donors, other NGOs/CSOs, and the public that the sector is effective, efficient, transparent, and accountable, and that in the face of lack of or limited state oversight, the sector can manage itself in responsible and constructive manner (Kamilsoy, 2026; Ortega-Rodríguez et al., 2024)

Overall, "self-regulation becomes crucial for NGOs as it enhances their legitimacy by solidifying their accountability and transparency" (Kumi et al., 2025: 2) while seeking to promote good governance within organisations and the sector (Becker, 2018). These pressures remain as

significant amounts of donor and other funding continue to flow to and through the NGO sector: in 2022 alone, it is estimated that OECD Development Assistance Committee (DAC) members channelled $25 billion to CSOs (Wood and Carolei, 2025).

There are various reasons why NGOs may seek to establish and/or enrol in self-regulation mechanisms (Mirza and Obrecht, 2013; Sidel, 2010; Warren and Lloyd, 2009):

- Provide a buffer against state-led legislative interventions to impose (potentially politicised) regulatory requirements on the sector. This has been the case in many regions, especially in Asia where self-regulation has emerged as a "collective action to defend against encroaching and increasing state pressures expressed through law, policy, and politics" (Sidel, 2010: 1040)
- Provide increased legitimacy in the view of donors and other stakeholders through a demonstrated commitment to quality, transparency, accountability, professionalism, and financial trustworthiness. Through voluntary compliance to governance standards including independent audits, conflict-of-interest policies, codes of conduct, complaints and whistleblower policies, and diverse external boards, NGOs differentiate themselves from lower-quality and fraudulent entities.
- To strengthen internal resources, capacity and governance quality, improve financial management, and enhance fundraising – especially in contexts where participation and certification through recognised self-regulation becomes a condition for accessing government or donor funding.
- To improve public and media perceptions of and trust in the civil sphere and non-profits.
- To manage and organise an expanding sphere of work and strengthen cooperation within the sector, including the potential to identify and exclude exploitative or sham NGOs, while providing space for peer-learning to clarify and strengthen the sector.

Additionally, major donor and other organisations – including the OECD (2026) – have provided further impetus to moves towards civil society self-regulation by recommending support for such CSO-led initiatives.

What is self-regulation?

There are various detailed definitions of what constitutes 'self-regulation'. At a basic level we understand self-regulations as being a set of norms, standards and expectations of individual and organisational practice and conduct that are collectively set, adhered to, and implemented or enforced by organisations within a specific sector (Gugerty, 2008). For civil society within a particular national context or operating environment, this would mean a set of norms and expectations designed and agreed to by CSOs and NGOS within that field. These may be set by a collective of NGOs alone or may be developed with input from donors, government, communities, industry or other interested parties. Ultimately, the agreement on these norms and responsibility for oversight and implementation of these would remain with civil society.

How is self-regulation realised?

There are hundreds of examples of collective accountability or self-regulatory initiatives within the NGO/CSO sector around the world (Gugerty, 2008; Mirza and Obrecht, 2013). Self-regulation developed cooperatively either between CSOs, involving donor(s), and/or involving government. These can be grouped into several types:

- Codes of Conduct/Codes of Ethics
- Certification Schemes
- Information and Transparency Initiatives
- Best Practice/Peer-Learning Working Groups
- Self-assessment Toolkits
- Awards Schemes
- National Guilds/Associations

In Europe, Bies (2010) identifies three types of self-regulation:

- Compliance. As seen in Germany and Austria, where there is little government oversight of an established non-profit sector and the sector takes a lead on ensuring compliance to established norms.
- Adaptive. As seen in the UK, where a well-established non-profit sector exists but continually adapts to changing public regulation.
- Professional. As evident in Poland, where the non-profit sector and government legislation on the sector are newly emerging.

In Africa, Gugerty (2008) identified three main models of self-regulation:

- National Self-regulation Guilds: National scope often with relatively strict entry and/or ongoing reporting requirements. Successful examples have resourced capacity for monitoring and compliance enforcement, resourced either through annual membership fees and/or government support (typically when working with some degree of government-mandated or developed authority (i.e. compliance with the Guild norms is required to be eligible for registration as a non-profit and/or for tax exemption status or similar)). Key limiting factors can include the need for overly broad and general entry requirements, limited administrative capacity within the sector (for reporting and compliance), and tensions within the sector.
- Voluntary Clubs: Often have high entry barriers but limited membership and limited capacity to ensure enforcement of expectations, instead relying upon peer-peer support and voluntary adherence. Can be effective but very hard to move to larger scale membership.
- Voluntary Code of Conduct: Most common form of self-regulation and simplest to establish and with potential for very broad engagement. Consists of a (national) voluntary code of conduct that organisations publicly pledge to uphold, but with very limited or no effective structures for oversight, monitoring and compliance. Typically ineffectual.

Common features within self-regulation mechanisms include “written constitutions, governance policies, performance evaluation accountability and disciplinary mechanisms as well as auditing and reporting” (Kumi et al., 2025: 8). The focus of self-regulatory requirements often supports and reflects expectations from major donors such as NORAD (2018) that CSOs/NGOs should have effective internal and external accountability mechanisms, public disclosure of annual reports and accounts, promote a culture of honesty and openness, mobilise citizens and be accountable to communities, and have robust mechanisms for whistle blowing, complaints, and similar processes.

Key areas addressed in self-regulatory approaches

Self-regulation frameworks can encompass a vast array of issues and topics. These can often be grouped into areas of communication, management/governance, human resources, participation, monitoring and evaluation, and ‘other’ (Mirza and Obrecht, 2013).

- Communication standards often address commitments to transparency, ethnical communications, and standards in lobbying and fundraising.
- Management/governance standards commonly consider good governance, anti-corruption and related commitments, (external) auditing, policies on procurement and financial management and reporting, advisory/external boards, and procedures for complaints, whistleblowing, and conflicts of interest.
- Human resources standards focus on development, training, and relations.
- Participation commitments relate to different groups of stakeholders and at different stages in project or programme lifecycles.
- Monitoring and evaluation standards often relate to using learning to improve future conduct, sharing of findings, and evaluations of impact of activities.
- Other areas are often address cross-cutting concerns with standards for human rights, environmental impact, gender equality, partnerships, and relations with government.

Key challenges to self-regulation

As the models outlined above illustrate, key challenges to successful self-regulation include:

- Challenges in agreeing on core standards that are specific enough to be effective without risking being incompatible with external requirements
- Resources required to deliver certification schemes, conduct monitoring of conduct, providing administrative oversight and support (including of complaints procedures).
- Identifying, investigating and enforcing effective sanctions when self-regulatory codes of conduct and standards are breached,
- Finding a balance between strictness of standards (to govern entry and compliance, and signal quality) and the costs of this (in terms of implementation and monitoring costs, and in challenges of reaching agreement on standards to begin with).

- Key challenge in agreeing what standards to include and how strong these standards are. The Global Standards for CSO Accountability outlines 12 commitments that can provide a starting point for discussion. These are grouped into three clusters (What we want to achieve; Our approach to change; and What we do internally) and are supported by indicators that could be used to support dynamic accountability, including (independent) budget audits, commitments to avoiding harm, commitments to gender equality, staff training and other activities to tackle inequalities, policies to reduce environmental harm, consistent monitoring and evaluation of impacts of activities, clear communication strategies, and transparent dispute resolution processes amongst others (Global Standard for CSO Accountability).

Even when standards are agreed, key issues remain with the resourcing and incentives for continued compliance. Here, a delicate balance is often "needed between hands-off regulation and state support" (Lupin, 2022: 250) to ensure the sustained functioning not only of a code of conduct but the self-regulation structures and compliance systems need to ensure the maintenance of these standards (Mirza and Obrecht, 2013: 9).

Key questions to consider:

It is relatively simple and quick to create Codes of Conduct, but much more challenging to implement and enforce these at scale. Any sustainable approach will need to address key questions including:

- Who are NGOs accountable to? How should these relationships inform self-regulation approaches?
- What are the standards to be adhered to? What are NGOs accountable for within the self-regulation mechanisms?
- How will self-regulation work within a broader socio-legal and political framework? What existing legislation needs to be considered? What lessons, templates or ideas could be taken from existing policies and legislation to inform the self-regulation mechanisms?
- How will any Code be implemented and enforced? By (and/or with) whom? With what disciplinary powers?
- What are the financial implications and requirements of self-regulation? Both for participating NGOs and implementing NGOs?
- How do you ensure any compliance requirements for self-regulation do not contradict or contravene other requirements from government, key donors, etc?

Brief examples of NGO self-regulation in practice

In many contexts, multiple iterations and efforts towards establishing self-regulation.

Georgia

In Georgia, initial discussions in the 1990s were eventually followed by a 2004 USAID-supported initiative that developed an NGO-based 'Code of Ethics' which included 5 'silver principles' (annual reports, regular audits, independent board, updated mission statements, and internal code of conduct). In 2016, in response to government allegations that the NGO sector lacked transparency, an NGO-led CSO Financial Transparency Charter was unveiled, founded on 16 principles of openness and internal democracy. These initiatives have, however, faced challenges including ensuring mechanisms can accommodate the diversity of organisations in the sector, a lack of funding to support and sustain the administration of these mechanisms, sustaining and monitoring voluntary commitments to the code of conduct and reporting processes, and varied access to resources to subsidise these engagements (Kamilsoy, 2026).

India

Self-regulatory mechanisms for NGOs and CSOs in India emerged as a result on ongoing tensions between these organisations and government at multiple levels. The sector, supported by domestic funders, collectively identified and developed a Code of Conduct, validation exercise, self-regulatory norm-setting and verification, transparency initiative, and strengthening of self-regulation methodologies. Initially, the government ignored these efforts but has increasingly embraced this approach to mitigate for constraints in state capacity to oversee the sector.

The Philippines

Philippine Center for Nonprofit Certification (PCNC) is often regarded as a key success in self-regulation. There were many previous failed efforts towards self-regulation. This successful approach stems from NGOs needing to gain PCNC certification to get tax exemption from the government. This has relied on substantive cooperation between government and PCNC to ensure independence, rigour and mutual trust in the process.

Ethiopia

Voluntary code of conduct developed within the sector and sponsored by the Christian Relief and Development Agency (CRDA) with clear standards for membership (including audited financial reports, by-laws, proof of registration as a CSO, and supporting letters from existing members). Key benefits for members include provision of training, technical assistance, and access to donor funding. The code of conduct is strong and while initial screening is thorough, there is limited ongoing monitoring of compliance.

Ghana

Efforts by the state to regulate NGO sector in recent decades have failed (e.g. National Policy for Strategic Partnerships in 2000, Trust Bill in 2006) largely due to intense opposition from civil society. In turn, this led to increased pressure for self-regulation – and eventual success in implementation of the Nonprofit Organisation (NPO) Policy (2021).

Pakistan

Pakistan Centre for Philanthropy, working with partners, developed a key certification programme that was vital for CSOs to gain tax exemption status from the government. To gain certification, CSOs had to provide “detailed voluntary information on governance, program delivery, financial management” and comply with requirements on internal governance, financial management, and program delivery (Sidel, 2010).

Kenya

First African country with successful self-regulation of NGO sector, overseen by the legally-appointed umbrella group the Kenyan National Council of NGOs. Legally mandated process of self-regulation established in 1995 via the NGO Code of Conduct. The Kenyan government requires all NGOs to be members of, and pay annual dues to, the KCNC and to abide by the Code of Conduct to gain official registration as an NGO. NGOs are required to uphold seven standards (probity, self-regulation, justice, service, cooperation, prudence and respect) and there are established mechanisms for complaints and sanctions. While the KCNC has independence and initially enjoyed broad support, key limitations remain vague and weak standards[1], poor monitoring and enforcement, and major funding problems due to non-payment of fees.

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1 Minimal documentation is required for registration: "list of officers, contact information, a proposed budget along with districts and sectors of operation, and a list of funding sources and any international affiliations" (Gugerty, 2008: 112)