Civil Society Bahamas
Venue: Office of the Attorney General
Nassau, Bahamas
Attendees
Jewel Major, Chief Council, Attorney General’s Office
Alecia Gibson, Attorney General’s Office
Shaun Ingraham, President, CSB
Anthony Hamilton, Vice President, CSB
Mark Palmer, Secretary, CSB
Marilyn Zonicle, Director, CSB
Elizabeth Mackay (Rapporteur)

The meeting was convened at 2:24pm.

History of CSB (Shaun Ingraham)
Shaun Ingraham presented a brief background on Civil Society Bahamas (CSB) including the election of the new board in 2018. The February 2018 Civil Society Conclave organized by the Organization for Responsible Governance saw a huge turnout and great demand for more structure in the sector. One Eleuthera Foundation (OEF) CEO, Shaun Ingraham presented at that conclave on standards and self-regulation as core elements of OEF’s success. Standards build confidence in the sector and lead to a greater level of support for civil society.

The Caribbean Policy Development Centre (CPDC), based in Barbados, through support from the European Union (EU) has awarded a grant to CSB to strengthen the sector. Civil society in The Bahamas is to some extent anemic and has never been properly regulated or structured. Based on best practice in self-regulation and the success realized by organizations that have gone through that process, the idea is to create an umbrella organization to assist with the requirements (legal, administrative, accounting, etc) to support small organizations who need the support to be in compliance with any agreed standards.

OEF illustrates the potential of the sector. Civil society continues to grow internationally and there is great potential to make the sector more robust and therefore attract more investment. There are many high net worth individuals that bank and/or live in The Bahamas and research as shown that at least 66% of them would invest in the sector if it were more robust. Many individuals are looking towards non-traditional ways of strengthening communities.

Some business persons have speculated that civil society could be a billion dollar sector in The Bahamas. OEF alone has an annual budget for $4 million and has invested approximately $20 million into the economy in Eleuthera. If this is possible for a startup then larger, more established organizations have more of an opportunity to invest significantly in the economy.
Legislation, particularly the draft bill, is essential. We have been promoting self-regulation according to the presented standards, which we would like to see represented in the bill.

The use of dormant funds is commonly directed towards the sector in several countries. With greater regulation and access to financing through, for instance, the allocation of a portion of dormant funds to the sector, civil society could relieve much of the burden of providing social services. Greater self-regulation is about creating a third, robust economic sector which will provide employment and be more supportive of government. Civil society has the potential to absorb employment from both the private and public sectors.

Our immediate goal is to get legislation in place that creates the supporting framework to the sector that provides the type of guidance that it needs to thrive. Standards will help to strengthen the sector. More and more nonresident Bahamians are interested in giving, but they are requiring a higher standard of accountability, in some cases requesting three years of audited accounts. An organizational rating system would also be beneficial. However, this is not intended to be exclusionary. The intention is to provide guidance for donors and support to organizations that need help to meet the standards.

**Civil Society Bahamas (CSB) (Mark Palmer)**

CSB is an umbrella organization representing the interest of civil society. It is nonpartisan and focused on the betterment of individuals. It advocates for a tripartite system where civil society has a seat at the table. It has a broad membership with diverse needs and wants. CSB has individual and organization membership including the Christian Council, the Bahamas Chamber of Commerce and two trade unions.

Key objectives include:
1. creating an enabling environment for CSOs,
2. strengthening the sector,
3. improving the capacity of CSOs,
4. increasing effectiveness through clustering and collaboration,
5. measuring the impact of the sector through mapping, and
6. strengthening the capacity of CSB as an umbrella organization.

CSB was incorporated in 2005, is governed by bylaws and has a board of directors with 13 members who meet each month. Membership meetings are held three times per year.
Four current projects of CSB

2. Undertaking self-regulation and the implementation of standards according to best practice.
3. Designing a civil society registry with a platform that allows organizations to register. Phase two of the registry will be ‘grade’ organizations according to the extent to which they meet standards. The registry will facilitate the efficient connection of clusters.
4. Drafting the CSO bill to create the guiding legislation that is needed to improve donor confidence. Civil society can take the burden off the government and facilitate the provision of more social services. The consultative process is funded by the CPDC. One workshop was held in Nassau and another will be hosted on July 21, 2018 in Eleuthera. Senator Renard Henfield has kindly given his support to the enactment process.
Feedback (Jewel Major)
There are many excellent organizations doing great work that are perhaps not being recognized with respect to their impact. Some smaller groups may not be recognized at all despite their significant impact. The idea of an umbrella organization that can bring everyone together and provide the needed support and recognition is an excellent initiative. The Attorney General would be pleased to hear that there is a true representation around civil society.

The Nonprofit Reporting Bill was passed in 2016.

Timeline
The next step would be to work on the draft CSO bill and get it passed. The latest draft on file with the Attorney General’s office is the 2015 contribution.

There are some amendments to be reviewed. A consultive process is being pursued to ensure that persons are given an opportunity it engage in the process. It is expected to be completed relatively soon after the Family Islands workshops. The aim is to have the drafting completed by the end of August.

It is aimed to have the draft bill submitted to the AG’s office by mid-September.

With regards to the secretariat and BCSU, two structures were referenced, the Bar Association and Bahamas National Trust, those two should be reviewed.

Civil society is a diverse and disparate group with multiple layers and agendas which almost has to be forced to agree on basics to avoid continuous iterations. There are legal issues that need to be looked at definitively and clarified objectively by legal council. Friday’s (July 13, 2018) workshop raised issues that there is a lack of independence of civil society and that the bill does not guarantee that independence. However, there is disagreement here as others agree that the bill provides adequate checks and balances.

There will always be disagreement but the process of regulating and establishing standards that cover all CSOs is a good place to be. The disparity in size of organizations and varying interests in programming versus administrative components warrants the support that CSB is intended to provide.

Under the revised Treaty of Chaguaramas, civil society is supposed to be a part of the decision making process for CARICOM. This has never been implemented and needs to be instituted as envisioned in the treaty. If civil society is to come in to its own this has to be implemented. Mistrust from
organizations arise when persons who understand that they ought to be at the table are not given an opportunity to do so.

It is the responsibility of civil society to ensure that the Revised Treaty of Chaguaramas is observed and government is held accountable. The reporting mechanism of many of the United Nations treaties requires information on civil society and how civil society has been engaged. The proposed bill offers an opportunity to hold the government more accountable to the treaty.

**General Remarks**

The office of the Attorney General will follow up on how dormant accounts are currently handled and what legislation governs this.

Concerns have arisen around how the bill will affect organizations that have already been incorporated. Generally they would be ‘grandfathered’ in as the new bill would become the supreme law. A transitional clause is recommended.

Education and understanding are critical to overcoming concerns and misunderstanding. A pamphlet/flyer with pictures that simplifies the bill is recommended to support organizations and individuals. Public education to ensure the requirements of the bill are understood is a part of the marketing and public relations responsibility of CSB.

Joint projects between different size CSOs and between civil society, government and the private sector would aid with the building of trust and work to overcome the combative approach that appears more commonly in today’s society. The potential of civil society to support the government is a lynchpin to selling its importance.

The intention is not for the bill to be punitive, it is expected to be empowering. The AG’s office is asked to review the submission with this goal in mind.

Continuing to increase taxes is not necessarily productive in the long term. Tax incentives that allow charitable contributions in place of taxation would support more robust giving and by extension a more robust third sector.

**The Way Forward**

CSB feedback on the draft bill is due to the Attorney General’s Office by the second week in September 2018.
CSB will submit a list of key issues that need to be reviewed from a legal perspective.

The goal is to have the bill enacted by the second week of December 2018.

The AG will need to review the bill, two months should be allowed for this process.

Jewel Major to speak to the draftsman.

A cost benefit analysis of how civil society supports the government would be enormously helpful to push the bill forward. Yvette Newry-Pintard may have data of this nature based on her doctoral research.

The meeting was adjourned at 3:38pm.