

NGO Act 2019: Advocacy Brief

NGOs in Somalia welcome the development of a legislative framework for non-government organisations (NGO) as it represents a positive initiative and one with potential to provide an enabling environment for the delivery of humanitarian and development assistance in Somalia. Somalia's *NGO Act 2019* sets out clear regulation for NGOs, which will facilitate productive working relationships between the Government and the sector and is comprehensive in scope. It is further commendable that the Act seeks to protect the fundamental rights of freedom of association, freedom of assembly and freedom of expression, which are essential conditions for the healthy and proper functioning of NGOs.

This notwithstanding, the *Act* also contains **some clauses that may serve to impede effective NGO operations. Below, we – a diverse and representative group of NGOs – have outlined our comments and suggested improvements article by article below.** We have also included examples from other African NGO laws, which may be useful to draw from.

In line with international agreements, we recommend:

1. NGO Coordination Office to be semi-autonomous, governed by an NGO Board which includes NGO representatives, within the Ministry of Planning, which coordinate all NGO matters at national and at the state level
2. One-off and simple registration process, which encourages organisations to register, non-burdensome reporting requirements
3. NGOs are free to choose their work as long as it is in line with the laws of Somalia – they can choose where they work and which issues they work on
4. Remove problematic prohibitions and investigation processes: while NGOs must be accountable, these articles can easily become politicized
5. NGO Coordination Office to support the realisation of localisation commitments by supporting data collection and reporting on aid flows and putting policies in place if evidence suggests actors are falling short on global commitments

The NGO Act is an important policy to ensure NGOs support Somalia's national development and response to humanitarian needs. Legislation of this kind is critical to establishing a common understanding and to creating an environment that promotes national development. This document has been produced jointly by the Somali NGO Consortium, the Nexus Platform and SONSA. We welcome the opportunity to input into the NGO Act and are available for more information and exchange.

Article 1: Short Title

Article 2: Interpretation

Article 3: Application of the Act

NGOs comments	NGOs suggestions
<p>The African Commission has clearly stated that states should not compel associations to register in order to be allowed to exist and to operate freely (ACHPR Guidelines, Art.11). 3.1 subjects application of the Act to a very broad, inexhaustive and imprecise scope of organisations and read together with article 9.1.1, this clause imposes mandatory registration for all organisations. This is an undue restriction of the right to freedom of association.</p>	<p>The Act should permit informal organisations to exist and should not be subject to registration formalities. Smaller NGOs, CBOs, and informal associations should be included in the list of organisations excluded from the Act under art. 3(2).</p>

Article 4: Objects of the Act

Article 5: Appointment of Registrar-General

NGOs comments	NGOs suggestions
<p>The ACHPR Guidelines clearly establish that “matters relating to the oversight of associations shall be overseen, where necessary, by a single body that conducts its functions impartially and fairly.” It is unclear why the Registrar General who will discharge functions related to the NGO Coordination Office should be appointed under a separate Ministry. The NGO Coordination Office, governed by the NGO Board, should be the only administrative authority responsible for all registration functions</p>	<p>Remove provision for Registrar General and retain all its functions for the NGO Coordination Office to ensure it is independent and to provide less bureaucratic, administrative and oversight procedures for NGOs. The NGO Coordination Office should have a mandate that is semi-autonomous under the Ministry of Planning. An Executive board should also be established to oversee the NGO Coordination Office (see below).</p>

for NGOs. This will make processes clear within government and for NGOs.	
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Article 6: Functions and Duties of the Registrar-General

NGOs comments	NGOs suggestions
<p>As noted above, the Registrar-General should not have powers since best practice is to have one regulatory body, which is the NGO Coordination Office, governed by the NGO Board.</p>	<p>Include a new provision to establish an Executive board for the NGO Coordination Office and confer the functions and duties of the Registrar-General to the Board.</p> <p><i>The functions of the members of the board should be defined in law and they should be a defined structure of their appointment to the Board.</i></p> <p><i>These can include:</i></p> <ul style="list-style-type: none"> • <i>Oversee implementation of the Act</i> • <i>Provide policy guidance, formulation of rules and procedures for the NGO Coordination Office</i> • <i>Review and approval of the NGO Coordination Office strategic plans, budgets, annual reports</i> • <i>Staff appointments</i> <p><i>The Composition of the Board shall be appointed by the Minister of Planning in consultation with the NGO sector. The Board members shall be comprised of a Chairperson, Vice Chair, 2-3 other reps and at least 2 representatives from the NGO sector. Qualifications of the Board members:</i></p> <ul style="list-style-type: none"> • <i>Proven experience in the relevant field</i> • <i>A National</i> • <i>Of high moral character and proven integrity</i> <p><i>The tenure of office: 3-4 years per term and eligible for reappointment for one further term. Removal from office of a member of the board shall be either by resignation in writing or, by Minister (Planning) on specific grounds, which are: Criminal Conviction, incapacity, abuse of office, conflict of interest, bankruptcy. Board member shall have a right to independent judicial review/appeal. A Member of the Board is not be entitled to remuneration unless a provision about</i></p>

	<p><i>his entitlement to remuneration has been made, by law. Costs paid to Board members to attend meetings are not regarded as remuneration.</i></p> <p><i>For examples of NGO Office Boards see at the end of this document.</i></p>
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Article 7: Appointment and Functions of State Registrars

NGOs comments	NGOs suggestions
<p>ACHPR Guidelines state that “The same registration procedure shall be employed throughout the country.” (art. 19)</p> <p>The clause creates another layer of oversight body for NGOs, at state level, that will duplicate the functions to the NGO Coordination Office. This renders registration procedures unnecessarily burdensome, creates room for overly broad discretion and confusion about requirements, which works against NGOs – especially smaller NGOs working at the regional level only – and is not a good practice. As such, to ensure uniform application of the law, the NGO Coordination Office, governed by the NGO Board, should undertake all registration functions and coordinate all registering officers at federal and state level within its structure. This will ensure that the NGO Coordination Office, governed by the NGO Board, can operate independently.</p> <p>Alternatively, appointments can be made by the NGO Coordination Office, governed by the NGO Board, in coordination with the respective office at Federal State level or can co-opt technical officers with relevant expertise to facilitate the mandate of the Office.</p>	<p>Registration should be decentralized for the benefit and convenience of smaller organisations working at the regional level only.</p> <p>The NGO Coordination Office, governed by the NGO Board, should be the appointing authority for all personnel conducting registration and shall establish offices both at federal and state level for the efficient performance of its functions under the Act. Appointments can be made in coordination with federal member states, but officials will be supervised by the NGO Coordination Office, governed by the NGO Board.</p>

Article 8: Appointments and Functions of the NGO Coordination Office

NGOs comments	NGOs suggestions
<p>Generally, some of the functions are too broad and grant too much discretion that will create undue restrictions on NGOs and stifle freedom of association:</p> <p>8.5. If all registration procedures are administered by a single regulatory body - the NGO Coordination Office, governed by the NGO Board, this will ensure that registration is simple and non-burdensome, then there is no need for pre-clearance letters¹.</p> <p>8.7 is unclear and should be revised by clarifying the term 'ACT'</p> <p>8.8 as a general rule under international law, legislation should refrain from placing territorial restrictions on the operations of organisations. NGOs should be allowed to autonomously identify, assess and select areas in which to deliver assistance, as provided for in humanitarian principles, organisational mandates and funding agreements.</p> <p>8.9 and 8.10 grants the NGO Coordination Office, governed by the NGO Board, discretion to review and provide feedback on NGO annual reports, which implies some additional level of clearance and creates opportunities for arbitrary interference in organizational activities.</p> <p>8.11 creates an unnecessary administrative burden in the registration process.</p> <p>8.12, 8.13, 8.15, 8.16 it is unnecessary to separate the functions between the RG and NGO Coordination Office.</p>	<p>8.5. remove the pre-clearance letters process</p> <p>8.7. should be revised by clarifying the term 'ACT'</p> <p>8.8. to be removed</p> <p>8.9. and 8.10. should be revised to require only receipt of annual reports for information purposes</p> <p>8.11. should be removed to allow registration to be handled by the NGO Coordination Office, governed by the NGO Board</p> <p>8.12. register should be entirely administered by the NGO Coordination Office, governed by the NGO Board</p> <p>8.13, 8.15, 8.16 for the Board of the NGO office to govern</p> <p>In addition, the power to reject applications should be delimited by setting clearly the justifiable grounds for doing so, which should be based on non-compliance with the prescribed formalities, or the existence of inadmissible names or objectives. Grounds to reject applications should not be left for Regulations as implied under art. 33 but the regulations should simply elaborate procedure</p>

¹ Example - South Africa's NPO Act, section 12 and 13: Registration is voluntary, no prior authorization is required. For registration, all that is required is to complete a prescribed form and deposit the constitution/founding document. In Morocco Decree 1-58-376 on the Right to Establish Associations, Art. 2 - Associations can be freely established without prior permission [provided they notify the government of their existence]

Article 9: Registration of Non-Governmental Organisations

NGOs comments	NGOs suggestions
<p>The requirement that all NGOs must register hinders freedom of association. Often non formalized associations, movements, or CBOs are established for the purpose of organizing at the community, regional or even national levels and they should not require formal government registration to undertake their activities. Mandatory registration is an unjustified restriction of the right to freedom of association under both the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples' Rights (ACHPR).</p>	<p>Registration should be voluntary, and the process should be administered entirely by the NGO Coordination Office, governed by the NGO Board². Remove the words 'for initial consideration of registration'. No prior approval should be required. Apart from the objectives and name of the organisation, the substance of the documentation submitted to the authorities for registration should not be subject to review. Only the organisation's ability to meet formal requirements should be relevant for purposes of registration.</p>

Article 10: Registration Levels

NGOs comments	NGOs suggestions
<p>Registration should be simple and swift – the clause relates to procedure but falls short of elaborating the specific procedure for filing applications at State or Regional level – these provisions are vague as discussed above. The registration process at the state level needs clarifying.</p>	<p>Registration and regulation of NGO's should be the same regardless of the location for registration and should be consolidated and carried out by one regulatory body. This should be the NGO Coordination Office, governed by the NGO Board, as suggested above³.</p>

Article 11: Application for Registration

NGOs comments	NGOs suggestions

² Namibia's Civic Organizations' Participation Policy: Encourages voluntary registration; process of incorporation requires filing memorandum of association.

³ In Kenya, the NGO Coordination Board is the central that registers all the NGO's. In Ethiopia, the NGO's are registered by the Civil Societies Organization Agency which is the central center.

<p>Registration requirements should be minimal, relevant and non-burdensome. ACHPR Guidelines require only basic essential information that serves the purpose of notification. These requirements include name of the association, names of founding members, physical address (if any), contact information, and planned aims and activities of the association. (Art. 14)</p> <p>The prescribed form under art. 11.1.a and 11.1.b should suffice to provide profile of the organisation. The additional requirements for INGOs are vague and unjustifiable.</p>	<p>11.1.c, d and e should be removed</p> <p>11.2. Remove</p> <p>11.3. Remove</p> <p>11.6. Remove in line with recommendations above</p> <p>11.7. Remove in line with recommendations above</p>
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Article 12: Validity of Registration

NGOs comments	NGOs suggestions
<p>A two-year registration period is unduly restrictive and unnecessarily burdensome for both NGOs and government actors.</p> <p>Article 17 of the African Commission on Human and Peoples' Rights Guidelines on Freedom of Association and Assembly in Africa suggest one-off registration</p>	<p>Validity should be expanded and registration should be one-off, which does not require NGOs to register more than once or to renew their registration.</p>

Article 13: Memorandum of Understanding

NGOs comments	NGOs suggestions
<p>This article is vague and it is unclear when an MoU is required. Organisations should have flexibility in dealing with partners and therefore it should be clearly stated that Memorandum of Understandings are optional.</p>	<p>Memorandum of Understandings should be encouraged in particular when NGOs are directly working with Ministries, but these should be voluntary between any NGO and any government department.</p>

Article 14: Prohibition

NGOs comments	NGOs suggestions
<p>In general, all the prohibitions are too broad and leave room for discretion; they also do not make it clear how NGOs should regulate their conduct to comply. These are impermissible restrictions that impinge on purpose of organizations.</p> <p>This article present challenges to NGO's seeking to provide humanitarian or development aid in accordance with the humanitarian imperative and principles. Without a supporting legal framework and bear potential for misapplication, politicisation of NGO activities or blanket refusal for operations. They risk impeding the assistance that civilians in particular geographical areas have to services, including work on governance and civic education. Humanitarian organisations in particular are required to deliver assistance to civilians on the basis of need alone.</p> <p>Parameters of this kind risk criminalising activities (and personnel) who deliver aid that is perceived by government entities as contrary to political objectives.</p>	<p>Remove Article 14 completely and include one provision stating that NGOs can pursue any legitimate activities within the law.</p>

Article 15: Refusal of Registration

NGOs comments	NGOs suggestions
<p>15.4 is unduly restrictive and infringes the right to redress for organisations – it's also in conflict with article 25 which indicates a more elaborate appeal process that is both administrative and judicial. It is unclear why the provision is limited to only INGOs as this is incompatible with the principle of non-discrimination.</p>	<p>Harmonise the provision to include appeal to an independent and impartial court for decisions denying applications. As such, the minister's decision should not be stated as final but subject to judicial appeal in accordance with article 25 of the Act.</p>

Differential treatment of organisation in the registration process must have a reasonable and objective justification.	
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Article 16: Renewal of Registration

NGOs comments	NGOs suggestions
Article 16 need to be reviewed in light of recommendation that the registration should be perpetual.	Remove this article (see above).

Article 17: Annual Reports

NGOs comments	NGOs suggestions
<p>Reporting requirements should be simple and not overly burdensome and should be appropriate to the size of the organisation and the scope of its operations. The details of the reports should be narrowly tailored to ensure a balance between information that is necessary and proportionate to ensure financial propriety and respect for privacy of an organisation.</p> <p>Annual reports should be limited to information that is clearly inevitable to inform the public on the organisation’s activities, and therefore workplans, detailed budget accountabilities should be excluded since organisations are not utilizing public resources to warrant such scrutiny.</p> <p>Organisations should not be compelled to co-ordinate their objectives and activities with government policies as this constitutes an undue restriction on freedom of association. It is sufficient that an organisation’s activities comply with its aims and</p>	<p>17.3. Remove</p> <p>17.4. Remove</p>

objectives under its constitution and are not illegal. Personal information such as list of staff and assets should be excluded.	
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Article 18: Changes in Office Bearers, Constitution, and Names

NGOs comments	NGOs suggestions
Requirement for re-registration is not a best practice and imposes undue burden for organisations.	Remove the requirement to re-register. NGOs should be encouraged to inform the NGO Coordination Office, governed by the NGO Board, of changes ⁴ .

Article 19: Cancellation of Registration

NGOs comments	NGOs suggestions
Accountability of NGOs should be managed through annual reporting, the NGO Coordination Office, governed by the NGO Board, and the judicial system.	Cancellation of registration should only be done by a court of law, after due process and not by the regulatory body. The affected NGO should have a right to be heard before any decision is taken. Dissolution should only be done by the NGO in terms of its constitution, or by court order. NGO founders, directors and managers should be found to have been

⁴ A good example to see is the South Africa NPO Act which provides as follows: (Section 19): Changing constitution or name of registered nonprofit organisation

(1) A registered nonprofit organisation may change its constitution and its name.

(2) A registered nonprofit organisation that has resolved to change its constitution or its name must send the director— (a) a copy of the resolution and a certificate signed by a duly authorised office-bearer stating that the resolution complies with its constitution and all relevant laws; and (b) if the organisation has resolved to change its name, the original of its current certificate of registration.

(3) Upon receiving the documents contemplated in subsection (2), from an Organization that has resolved to change its constitution, the director must— (a) register the changed or new constitution if it meets the requirements for registration; (b) endorse a copy of the resolution, certifying that the change or replacement of the constitution has been registered; and (c) send the endorsed copy of the resolution to the organisation.

(4) Upon receiving the documents contemplated in subsection (2) from an organisation that has resolved to change its name, the director must— (a) enter the new name in the register and issue a certificate of registration in the new name of the organisation; (b) remove the old name from the register and cancel the earlier certificate of registration; and (c) send the new certificate to the organisation

	negligent and liable by a court of law rather than by the NGO Coordination Office.
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Article 20: Voluntary Dissolution, Winding Up

Article 21: Finances and Taxes

NGOs comments	NGOs suggestions
<p>Registration fees should be explicitly prescribed in the law rather than being ambiguous as currently stated under 21.4 to 21.6 and third schedule, a specific criteria for fees should be established that takes into account capacity of different organisations and the objective to encourage legal formation.</p> <p>The reference to agreeing programs in 21.7 is ill-defined, misplaced and requires greater clarification, noting the need for NGOs to maintain autonomy in identifying the type and location of services.</p>	<p>Give clear and specific criteria for defining the registration fee. Specify fees. Registration fees should take into account capacity of different organisations and the objective to encourage legal formation.</p> <p>21.7 should be removed</p> <p>In addition to this provision, the supply of services and goods to an NGO should be exempt from Value Added Tax. The importation of goods to use by an NGO in carrying out its activities should be exempt from customs duty.</p>

Article 22: Register of Non-Governmental Organizations

NGOs comments	NGOs suggestions
<p>As noted earlier, these functions should be retained for the NGO Coordination Office, governed by the NGO Board, and remove RG entirely. In addition, the Register that is publicly accessible should contain statistical information on the number of accepted and rejected applications - in order to ensure public accountability.</p>	<p>Remove Registrar-General function in this article.</p> <p>Register that is publicly accessible should contain statistical information on the number of accepted and rejected applications</p>

Article 23: Inspections

NGOs comments	NGOs suggestions
<p>The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, recognizes the right of independent bodies to examine the associations records as a mechanism to ensure transparency and accountability, but such a procedure should not be arbitrary and must respect the principle of non-discrimination and the right to privacy as it would otherwise put the independence of associations and the safety of their members at risk.⁵</p> <p>The ambiguity of what constitutes ‘inappropriate activity’ as grounds for inspection under art. 23.3, gives very wide discretion to authorities to make such determinations and makes it arbitrary and difficult for organisations to predict how to comply with these restrictions.</p>	<p>Include a provision for a judicial order prior to issuing a notice of inspection and the right for the affected NGO to be heard before an inspection decision is made</p> <p>Include the right to a judicial remedy, where an unjustified inspection occurs or when violations arise during inspections.</p>

Article 24: Offences and Penalties

NGOs comments	NGOs suggestions
<p>Criminal sanctions are impermissible restrictions on freedom of association, and as the African Commission has stated, States shall not impose criminal sanctions in the context of laws governing not-for-profit associations but should prescribe these sanctions within the penal code. [art. 55, ACHPR Guidelines]⁶</p>	<p>Remove 24.5 (c) and (d); (e) and (f) should be exercised subject to judicial appeal.</p> <p>Jurisdiction of cases should be clearly established. Art. 24.6 is very ambiguous in terms of what amounts to ‘a degree of offence that is higher.’ The Act should set out clear criteria and thresholds for offences to be handled by the different judicial hierarchies.</p>

⁵ [A/HRC/20/27, 21 May 2012, para 65]

⁶ See Malawi African Association and others v. Mauritania, Comm. Nos. 54/91, 61/91, 98/93, 164-196/97 & 210/98 (2000), paras. 106-7.

<p>The powers granted to the NGO Coordination Office, governed by the NGO Board, to impose fines and prison sentences are excessive for an administrative body and interferes with the constitutional and independent mandate of the courts as the primary institution responsible to adjudicate cases in line with fair trial principles. Besides, article 24.5 (d) is ambiguous, all penalties must be clearly stated in the law without discretionary components.</p>	
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Article 25: Appeals

NGOs comments	NGOs suggestions
<p>The Act reflects a number of contradictions with respect to appeal processes by stating that appeals to the Minister are final and binding (art. 15.4 and 25.3), yet further providing the option for judicial appeal.</p>	<p>Harmonise all provisions on appeals to remove wording such as ‘final’ and ‘binding’ but subject all decisions to judicial appeal as the final authority.</p>

Article 26: Labor Issues

Article 27: Assets

NGOs comments	NGOs suggestions
<p>The validity of this provision is acknowledged so as to ensure that critical assets committed to support Somali populations can continue to do so, however it may pose challenges for some organisations to adhere to internal policy or conditions set out in donor agreements and represents a potential conflict of interests on the part of the Somali Government. Reference should be made</p>	<p>Modify provision to read: On the termination of an International NGO tenure of stay/duty in Country, all residual funds, equipment and materials should be handed over to a national NGO partner or partner Line Ministry or Institution named in the original agreement for continuity of the action/purpose. Any NGO or donor seeking exception to this regulation should submit a written request and explanation to the NGO</p>

<p>to the agreement with the donor for asset disposal. This goes against the current grant agreement that most, if not all, donors have agreed to. Donors preserve the right to determine the destination of assets at project completion. The INGO to be given discretion to decide whether it will hand over all residual funds, equipment and materials to a national NGO that is engaged in similar activities. In the alternative, The INGO to keep the assets if it genuinely needs them. The current position may prevent the INGO's from investing in assets in Somalia.</p>	<p>Coordination Office providing just cause for the removal or retention of specific assets⁷.</p>
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Article 28: Capacity Enhancement of National NGOs

NGOs comments	NGOs suggestions
<p>NGOs welcome efforts to realise localisation. The establishment of a fund for capacity building of national NGOs by the government poses an inherent conflict of interest. This unspecified mandatory financial contribution from INGOs to this common fund account will not be in line with the allocation rules of most donors or INGOs and incompatible with guarantees of equality and non-discrimination. However there are other measures this Act could include to support the leadership of local and national actors.</p>	<p>Recommend complete removal of this article.</p> <p>Suggest new article: The NGO Coordination Office, under the governance of the NGO Board to support data collection and regular publishing of data on aid financial flows including data on how much donor funding flows to government institutions, to international NGOs, to local and national NGOs and to Women's Rights Organisations. This is building on the existing AIMS work under the Ministry of Planning. This information should be publicly</p>

⁷ In Rwanda, an INGO is free to transfer its equipment in the form of donations to a registered national NGO undertaking the same or similar activities. However, if an INGO indicates a clear reason that it genuinely needs such equipment it shall keep them. Uganda - the law requires the constitution of each organization to establish procedures for the disposition of the organization's assets upon dissolution (NGO Act Section 49(1)). Procedurally, Organizations that have made a resolution for voluntary dissolution must develop and submit to the NGO Bureau and to the official receiver a statement of their affairs, showing particulars of assets, liabilities, names, residence, and occupations of the creditors and the securities held by them (NGO Act Section 49(6)). In Kenya, the NGO Act does not mandate that on termination, the INGO should give its residual funds, equipment and materials over to it.

Some NGO constitutions have a provision that assets upon dissolution will be distributed to an organization with similar objectives – [this can be included].

	available and support actors to reach global commitments on localisation. The NGO Office, governed by the NGO Board, in consultation with NGOs can implement policies with support localisation if data suggests global commitments are not being upheld by donors and International NGOs.
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Article 29: Regulations

NGOs comments	NGOs suggestions
29.3 is vague and should be revised to ensure that penalties are clearly prescribed in the regulations and not subject to judicial discretion.	Clearly prescribe in the regulations and not subject to judicial discretion

Article 30: Transitional Period

NGOs comments	NGOs suggestions
30.2 subjects all existing organisations to re-registration procedures within a limited time period (90 days), or risk could be de-registration. This is an unjustifiable restriction on organisations that stifles their freedom of association.	The Act should consider default registration for existing organisations in line with international best practice and can utilise art. 11 (4) that permits the NGO Coordination Office, governed by the NGO Board, to request further information for registration purposes only where it deemed and justifiably necessary.

Article 31: Effectiveness

NGOs comments	NGOs suggestions
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It is unclear why the Act separates the date of operation (art. 30.3) from the date of force (art. 31) as this is confusing but should be harmonised.	Harmonise dates of operation and dates of force.
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Article 32: Language of this Act

Article 33: Regulations

Article 34: First Schedule

Article 35: Second Schedule

Article 36: Third Schedule

NGOs comments	NGOs suggestions
Prescribed fees under the schedule should be clearly specified under the law, or the regulations, prior to its commencement to avoid ambiguity and ensure uniform application.	Clearly specify fees

Additional Information for Article 6: Examples of NGO Office Board structures:

- *South Africa Non-Profit Organizations Act, 1997:*
 - *provides for public involvement in the appointment of the NPO Directorate:*
 - *public call for nominations;*
 - *List of nominees published for comment;*
 - *Extensive consultations with public are mandatory.*
 - *The Board members shall be comprised of a Chairperson, Vice Chair, 2-3 other reps and at least 2 representatives from the NGO sector. [be careful that it is not overly-represented by executive/ministries.]*
 - *Qualifications of the Board members:*

- *Proven experience in the relevant field*
 - *A National*
 - *Of high moral character and proven integrity*
- *The tenure of office: 3-4 years per term and eligible for reappointment for one further term. Removal from office of a member of the board shall be either by resignation in writing or, by Minister (Planning) on specific grounds, which are: Criminal Conviction, incapacity, abuse of office, conflict of interest, bankruptcy. Board member shall have a right to independent judicial review/appeal.*
- *In Ethiopia, there is a Civil Societies Organization Agency which has its own legal personality and has a defined structure which entails, its objectives, its powers and functions, its organization, members of the Board, powers and functions of the Board, term of office of the Board members and meeting procedures of the Board are all outlined in the Organization of Civil Societies Proclamation.*
- *As per the Kenyan legal framework on NGO's, there is a NGO Coordination Board which is a body corporate, it is managed by a board whose composition has been outlined in the Act. The procedure at meetings of the Board, the functions of the Board and the powers of the Board have also been outlined in the Act.*
- *Remuneration of the Board. Some options: Uganda NGO Act – remuneration is determined by the oversight Minister in consultation with the Ministry of Finance. In Ethiopia - A Member of the Board is not be entitled to remuneration unless a provision about his entitlement to remuneration has been made, by law. Costs paid to Board members to attend meetings are not regarded as remuneration.*