

**PART ONE**

**PRELIMINARY**

**SOMALILAND HOUSE of REPRESENTATIVE**

**Having seen: Articles 10, 23, 39 and 78 of Somaliland Constitution**

**Having considered: The need for a law to manage properly NGO**

**Having considered: The debate among the members of the House of Representatives**

**Having voted: On the amendments made by the House of Elders on some of the Articles**

**Passed this Act**

**Article 1: Interpretation (Definition of Terms)**

In this Act, unless the context otherwise requires, the meaning of these terms are as follows:

**“Non-Governmental Organization”** means a voluntary group of individuals and associations that are non-partisan, impartial and not operated for profit. They can be of international, national, regional, district or at village level (community-based organization) whose sole objective is to best serve their members and the community in improving social services, emergency humanitarian issues, environment conservation and preservation of natural resources, good governance, protection of human rights and the promotion of social welfare and community livelihoods as well as the introduction of intellectually/vocationally uplifting trainings and the maintenance of sustainable development.

**“Non-Profit Seeking”** means not to be associated in any way with profit-making or with personal considerations coming into play not to be confused with unions of salaried personnel or income-generating organizations the proceeds realized of which are put back to organization for the common good and welfare of community.

**“Non-partisan”** means not actively seeking political power and responsibilities, and not, either, lobbying for the ascension to power of known political parties.

**“International Non-Governmental Organization”** means a non-governmental organization with the original incorporation outside of Somaliland and is operating within the country under a certificate of registration.

**“Foreign Non-governmental Organizations”** means a non-governmental organization with the original incorporation outside of Somaliland and is operating in Somaliland and its country of origin.

**“National Non-Governmental Organizational”** means a non-governmental organization which is exclusively registered in Somaliland with authority to operate with all of Somaliland regions, (also please see local Non-Governmental Organizations).

**“Committee”** means **“Consultative Committee”** an assembly ratified in accordance with this Act as stipulated under Article 6 of the Act.

**“Consortium”** means an association aiming to bring together all national, non-governmental organizations under one interest umbrella.

**“Registrar General”** means the Director co-coordinating non-governmental organization nominated in accordance with Article 4 of this Act.

**“Registrar”** means a keeper of the register on either national, regional or district level.

**“Minister”** means the Minister for the National Planning and Development under whose primary responsibility non-governmental organization fall.

**“Ministry”** means the Ministry of National Planning and Development.

**“Register”** means the register of non-governmental organizations in which information relating to organizations is recorded and maintained.

**“Government Official”** means any government official named under Article 4, paragraph 1 and under Article 19, paragraph 1.

**“Certificate”** means certificate of registration issued under Article 32.

## **Article 2: The Name of this Act**

1. This Act shall be cited as the Non-Governmental Organisations Act;
2. This Act shall regulate the activities of non-governmental, independent and not-for-profit organizations; Local/National NGOs, Foreign NGOs, and International NGOs;
3. This Act shall also regulate the Umbrellas and Consortium of Non-governmental Organizations;

4. This Act shall not be used to regulate the activities of UN organizations, Professional Associations, Private Companies and Industrial and Employee Associations, and those that their activities do not relate to humanitarian.

### **Article 3: The Purpose of this Act**

1. To encourage the NGOs to fully and appropriately participate in the development of the country.
2. To make NGOs legally constituted organizations with legal personality.
3. To co-ordinate the development activities of NGOs so that their activities are aligned with the country's national development plan.
4. To encourage more capable and independent community based organizations.
5. To improve fairly the accountability and transparency of NGOs.

## **PART TWO**

### **ADMINISTRATION & COORDINATION OF NON-GOVERNMENTAL ORGANIZATIONS**

#### **Article 4: Nomination of the Registrar General**

1. The Minister shall appoint a governmental official who shall assume responsibility of Registrar General for non-governmental organizations;
2. The Registrar General will be structurally at par with a government director responsible for non-governmental organizations and coordination between such NGOs and the government

#### **Article 5: Duties & Responsibilities of Registrar General**

1. The Registrar General shall act as the Secretary of the Consultative Committee;
2. Obligations and responsibilities of Registrar General shall be as follows:
  - a. To advise on the conduct, policies and other issues relating to non-governmental organizations;
  - b. To ensure the implementation of this Act ;
  - c. To ensure compliance of non-governmental organizations with the law;
  - d. To promote cooperation and coordination among all government institutions who deal with NGOs;
  - e. To register non-governmental organizations;
  - f. To maintain and safe keep the NGOs register
  - g. To archive reports and other documents relating to NGOs.
  - h. To manage Departmental staff;

- i. To fulfill his/her duties as secretary of the Consultative Committee.

#### **Article 6: Nomination of a Consultative Committee**

1. There shall be nominated a Consultative Committee for NGOs which shall, hereinafter, be referred to as the “Consultative Committee”.
2. The Minister of National Planning and Development shall, in accordance with this Act, formulate by-laws regarding the nomination of the Consultative Committee, their composition, official responsibilities, structure, powers, tenure of office and discharge of duties

#### **Article 7: Consultative Committee Obligations**

1. The Consultative Committee duties include:
  - a. To facilitate the formulation and implementation of NGO policies;
  - b. To enhance the performance of non-governmental organizations;
  - c. To review the end of year reports submitted by NGOs and make recommendations;
  - d. To advise government on the activities of NGOs and their role of national development;
  - e. To provide policy guidelines to NGOs and ensure alignment of their activities to overall national development priorities;
  - f. To facilitate better dialogue and consultation between the government and NGOs and promote collaboration between them;
  - g. To oversee the compliance of NGOs with their constitutions;
  - h. To resolve conflicts within and between NGOs;
  - i. To help establish, in consultation with the Registrar General, ranking of national NGOs in terms of (a, b, c & d) grading, in accordance with the established regulations; i) on the basis of organization’s history, ii) track record, iii) the number of regions /districts in which it operates;
  - j. To propose appropriate measures to be taken after the completion of ranking;
  - k. To carry out all other duties assigned to him by the Minister.
2. In fulfilling its responsibilities in accordance with this Act, the Consultative Committee shall always consult and collaborate with the Ministries and other institutions.

#### **Article 8: Obligations of the Ministry of National Planning & Development**

1. The Ministry of National Planning and Development is the sole representative of the government of Somaliland mandated to register, administer and coordinate all national, foreign and international non-governmental organizations operating in Somaliland
2. The Ministry is responsible for:

- a. Representing the government of Somaliland and mandated for registration of national, foreign and international NGOs operating in Somaliland.
- b. Selecting the appropriate geographical area/s, of operation for NGOs, based on established needs of districts and regions and in accordance with the national development plan in order to balance community development in consultation with the concerned organization.
- c. Acting as a communication conduit between the Government and the NGO. The Ministry shall receive copies of all written correspondences between the NGOs and partner ministries.
- d. Coordinating activities and facilitating cooperation among NGOs, regional administrations, districts, partner ministries and other institutions to establish effective collaboration among all actors.
- e. Support achievement of INGOs; protect their assets in order to safeguard the smooth flow of INGO programs in accordance with joint agreements reached.
- f. Provide feedback on the monitoring and evaluation reports conducted by the Ministry on NGO programs to NGOs the opportunity to discuss review and re-assess the reports before compiling the final reports.
- g. Facilitating in the provision of tax exemption for imported office equipment and materials necessary for implementing projects in country. If the organization is to import heavy equipment and assets, such as those used on oil exploration/drilling that it needs to re-export for use elsewhere, the intention should be declared before any of these materials and equipments are put into operation in order to secure the necessary documents preparing for the eventual exportation.
- h. Facilitating tax exemption of other items for transition across Somaliland borders in accordance with the country's laws. Verification of documents relating to the application for tax exemption shall be the responsibility of the Ministry in consultation of the Ministry of Finance.
- i. Facilitating tax exemption for goods that belong to international expatriates and their families and the need for re-shipping such goods in accordance with the law.
- j. Facilitating the provision of legal residence/visas to experts needed for the proper implementation of INGO projects where local expertise is unavailable. This should be dealt with the Labor Law.
- k. Bringing this Act into force
- l. Assisting, supporting and building the capacity of national NGOs.
- m. Formulating and producing by-laws, rules, regulations and guidelines administering NGOs

- n. Registration, provision of certificate of registration, temporary and permanent revocation of certificate of registration and penalizing NGOs.
- o. Any other duties obliged by the law.

#### **Article 9: Register for Non-Governmental Organizations**

1. There shall be a General Register for Non-Governmental Organizations in which all information and data relating to NGOs will be duly recorded and maintained
2. The General Register shall have separate registration sections for National, International, Foreign, and Umbrellas NGOs
3. The information of the NGO shall be entered into the General Register at the time the Certificate of Registration is issued.
4. The General Register will be closed up on yearly basis, stating the date of which the NGO is entered into the Register;
5. If the Registration Certificate of an NGO is temporarily or permanently suspended during the year, the name of the NGO shall be taken off the General Register highlighting the reason/s for the temporary and/or permanent suspension of Certificate of Registration after the end of the period of appeal or appeal is declined in accordance with the Act.
6. If the Registration Certificate of an NGO is temporarily suspended during the year or any other disciplinary action is taken against the NGO, such suspension or disciplinary action should be stated in the register;
7. The information, of an NGO registered in accordance with this Act, required to be entered into the General Register is as follows:
  - a. The official name of the NGO;
  - b. The headquarter of the NGO, branch offices, address of the organization, contact details of the Board of Directors, the Executive Director or his/her counterpart within the NGO structure;
  - c. The particular sector and geographical area of operation;
  - d. The institutions, agencies and ministries the NGO works with;
  - e. The other country or countries in which the NGO is registered;

- f. The date of registration, serial number and registration number of the certificate;
  - g. The duration of the certificate of registration;
  - h. Any other necessary important information.
8. An NGO registered in accordance with this Act shall have a separate file for keeping its records.

#### **Article 10: Obligations on Non-governmental Organizations**

Every NGO registered in accordance with this Act is obliged:

1. To respect, acknowledge the independence, self determination, culture and religious beliefs of the people of Somaliland Republic
2. To abide by the constitution, respect government policy and comply with government recommendations regarding their intervention activities;
3. To ensure the development programs of INGOs are aligned with Somaliland's national development plan;
4. To employ its assets and income for not-for-profit activities and in accordance with the regulations of this Act
5. To maintain transparency and accountability in all its activities and, has to, reasonably, pay the salary and allowances of employees, rents and transportation charges, purchases and other administration costs so that secure the trust of the community;

#### **Article 11: Prohibition**

An NGO is prohibited from performing the following activities:

1. Participation in political activities and campaigns; payment to and fundraising for specific political parties and/or candidates;
2. The promotion, encouragement and support of violence and participation in military activities and military training of individuals;
3. The production, import, or trading of weapons and ammunition and explosive items;
4. Engagement in terrorist activities or support, encouragement and financing of terrorism;
5. Assistance in the cultivation, production, processing, trading, import, export, supply, storage, use, transport and ownership of narcotics or providing facilities in that regard;
6. The use of financial resources against the national interest, Religious rights or religious proselytising, value of the society, security, tribalism and discrimination;

7. The use of assets, financial resources, and Import and export, for commercial purposes;
8. The performance of other illegal activities.

### **PART THREE**

## **FORMATION AND REGISTRATION OF NATIONAL NON-GOVERNMENTAL ORGANIZATIONS (NNGO)**

### **Article 12: Formation of Local Non-governmental Organization**

1. A National Non-governmental Organization can be established or founded by at least five nationals or foreigners who have permanent residence in Somaliland or combination of nationals and foreigners where the majority of them are residents.

### **Article 13: Terms & Conditions of Registration**

1. Local NGOs shall seek formal registration in strict accordance with the stipulations detailed under this Act. For registration purpose a National NGO must have the following:
  2. An operating office, a permanent address, and a unique name and logo;
  3. A written Constitution or Governing document, verified by an independent Advocate and signed by all members of the founders;
  4. An organizational structure with clear assignments and powers;
  5. Its members should demonstrate experience and knowledge in the sector they want to work;
  6. Its aims and objectives should be consistent and in agreement with the Constitution, rules and regulations of the Country;
  7. Must submit an application to the Registrar with the following details:
    - a. The name of the organization, its acronym, head office and branch offices (if they exist), the main address of the organization with telephone numbers and email addresses;
    - b. Names of founders of the organization;
    - c. Aim and objectives of the organization and specific sector/s in which it operates;
    - d. Geographical location/s of its operations; regions/districts;
    - e. Names of executive committee and management members.



8. The application for registration must be signed by the founders or someone authorized to sign on their behalf;
9. The application for registration must be attached with the following documents:
  - a. A copy of the constitution or governing document of the organization;
  - b. A brief account and seals and signatures of founding members
  - c. Detailed curriculum vitae, passport-sized photos and proof of clean criminal records of founding members
  - d. Proof of payment of the registration fee (receipt).

#### **Article 14: Constitution of the Organization**

The constitution of the local NGO must have the following:

- a. The official name of the organisation (different from anyone registered before)
- b. Aims, objectives and scope of activities of the organization
- c. Number of founding members and whether they can be joined and procedures for election and dismissal of the board of directors;
- d. Terms for electing and disqualifying general assembly and board of directors;
- e. Procedures for holding meetings;
- f. Powers and responsibilities of general assembly and board of directors in the annual general meeting;
- g. Procedures for the election, selection, and nomination of management committee and their powers.

#### **Article 15: Denial/Rejection of Registration**

1. The Registrar, as soon as s/he receives the application for registration of local NGO, will confirm whether the organization has fulfilled the criteria for registration articulated under Article 13 of this Act, and if necessary will take the following steps:
  - a. Request submission of additional or further information or missing document/s;
  - b. Request or seek further evidences.
2. When the Registrar ascertains that requirements for registration under this Act are complete and documentations submitted are accurate, s/he shall present the application together with accompanying documents to the Minister of National Planning and Development with a brief comment regarding the steps s/he has taken and the additional information s/he has secured in his/her investigation along with his/her recommendations.
3. When the Minister receives the details of the Article 15(2):

- a. The Minister will give approval for registration to the applicant NGO, if the Minister realizes that:
    - I. The requirement for registration under this Act is fulfilled;
    - II. All documentation and relevant information are accurate.
  - b. The Minister shall decline the application for registration, if the Minister ascertains that:
    - I. The requirements for registration under this Act is incomplete;
    - II. The documentation and relevant information are not genuine.
  - c. The Minister may request further investigation or additional evidences, where necessary.
4. The Registrar, as soon as s/he receives the approval directions of the Minister, will produce the Certificate of Registration for the applicant NGO, and enters its details into the General Register
  5. The applicant NGO of which its application for registration is declined in accordance with this Act shall not re-apply registration within a period of one year.

#### **Article 16: Formation of Umbrellas and/or Consortium**

1. A National Non-governmental Umbrella/consortium can be established by at least 15 fully registered and active National Non-governmental Organizations that operate in same sector of or have specific audience or target group such as women, people with disability, youth, minority groups, etc., or have common aims and objectives or work in same geographical locations.
2. The Umbrella may be created for the following purposes:
  - a) To enhance, build and improve the capacity of member organizations;
  - b) To coordinate, evaluate, monitor and improve the effectiveness of activities and programs of member organizations;
  - c) To protect and advocate for the rights of member organizations;
  - d) To mediate the dispute among member organization and the one between the member organizations and other institutions they work with;

- e) To facilitate and improve the cooperation and networking among the member organizations.
3. The member organizations of the umbrella/consortium shall hold a General Conference in which all member organizations have own representatives;
  4. In the General Conference for establishing the Umbrella:
    - a. Representatives from member organizations shall present a written authority from their respective organizations;
    - b. Observers from both the Ministry of National Planning and Development and the Consultative Committee shall be present in the meeting;
    - c. There shall be a clear and common objective among the member organizations which is articulated in their constitution/governing document, and which is consistent with Article 16, part 2 of this Act;
    - d. There shall be a democratic and transparent election of officers for positions;
    - e. The member organizations, and not individuals, shall be elected for filling positions and responsibilities;

#### **Article 17: Registration of LNGO Umbrella**

The registration procedures for the Local Non-governmental Umbrella Organizations shall be guided by the directions under Article 16 of this Act.

#### **Article 18: Unification of Two or More L NGO**

1. Any two or more registered National Non-governmental organizations can join together to form one organization;
2. The new organization, borne from the unification mentioned in paragraph 1 above, shall be re-registered when the Registrar, in consultation with the Consultative Committee, ascertains that the unification is created in accordance with the law, and the registration of original organizations formed the unification shall be taken off the register.

**PART FOUR**

**REGISTRATION LEVELS**

**Article 19: Appointing Government Officials**

1. For the purpose of improving and delegating registration processes to regional and district levels, the General Registrar shall recommend the appointment of registrars to all regions and districts to the Minister;
2. The Registrar appointed in accordance with this Act, shall, on behalf of the General Registrar:
  - a) Process the registration of national NGO of which its operations are limited to that region or district;
  - b) Issue registration Certificate at regional or district levels

**Article 20: Registration of Local NGOs with Different Grades**

1. If a Local NGO so desires to become operational in particular district, it will submit its application for registration to the district registrar;
2. If a Local NGO whose operations encompass extend throughout a region, the application for registration shall be directed to the regional registrar;
3. Any Local NGO whose operations encompass or extend at least two regions and international or foreign NGO shall direct their application for registration to the General Registrar;
4. When regional or district registrar officially register an NGO s/he will report back to the General Registrar all facts pertaining to registered organizations, sending him/her all relevant documents;
5. The Minister shall in due course circulate a regulation governing the functions and responsibilities of regional and district registrars;
6. Any Local NGO whose application for registration is declined by a district registrar has the right to appeal only to the regional registrar who has the final decision.

#### **Article 21: Proof of Existence of Organization**

1. When it comes to the notice of the General Registrar that a previously registered organization got dissolved, s/he will officially publish, through the formal media or its substitute in the country, a written announcement;
2. If an NGO fails to deliver proof of existence to General Registrar within 30 days, the Registrar General can cancel the certificate of registration of the NGO and take its name off the General Register.

### **PART FIVE**

#### **SELF-REGULATION ACCOUNTABILITY & NGO CONSTITUTION**

#### **Article 22: Legalizing the Forum**

1. There shall soon come into effect a Forum (consortium) unifying all local NGOs that, henceforth, shall be called the Forum for national/local non-governmental organizations;
2. The Forum shall be a focal point and common platform for all local NGOs operating in Somaliland with the aim of achieving better coordination and networking among these organization;
3. The Minister, in consultation with the Consultative Committee, shall produce regulation regarding the establishment, scope of work, rights and obligations of the forum.

#### **Article 23: Code of Conduct**

1. In the general assembly the Forum shall report back to member organizations about its achievements of the year ended and forward the outcomes of the meeting to member organizations for implementation.
2. A code of conduct for Forum shall be passed in a general assembly where at least two-thirds of the forum members are present and it shall be circulated with a Ministerial Degree within fifteenth (15) days from the date the Code of Conduct is verified.
3. The conduct, rules and regulations of the Forum shall be consistent with the laws and policies laid down of the Country which the Consultative Committee is required to confirm its adherence.

#### **Article 24: Reporting Requirements from Local NGOs**

1. Every Local NGO shall at the end of each fiscal year prepare a detailed account of its operation/activities for the past year following a pre-established reporting format;
2. Local NGOs who receive funds/financial assistance directly from donors should so report details of such funds and what the funds have been used for in their annual report as indicated in this Act.

#### **Article 25: Governing Documents**

1. The constitution and other documents submitted to the Registrar on time organization was seeking registration, or other documents subsequently submitted to the Registrar shall form the basis for mediating or settling any dispute that may arise;
2. There shall be no Local NGO that shall operate in a manner contrary of its official governing documents submitted to the Registrar.

#### **Article 26: Becoming Operational**

1. Any Local NGO that is registered in accordance with the stipulations of this Act, has the right to commence its operations including project activities that are of benefit to community and/or the introduction of income-generating activities geared towards the longer term sustainability of the organization as well as the other programs for the community that comply with the instructions of this Act.
2. The income-generation activities of the organization shall be stated in the yearly report that is submitted to the Registrar as stated forth under Article 23 of this Act.

#### **Article 27: Notification of Change & Amendments to NGO Constitution**

1. Any change and /or amendments made to the constitution of the organization that have a direct bearing on the overall, afore-professed objectives / orientation of organization or are on change of name of organization, or changes happening in the names of top organization officials should be submitted to Registrar in writing
2. Notification made to the Registrar shall include:
  - i. A copy of the resolution signed by authorized officials as is stated in the constitution
  - ii. A copy of the Registration Certificate especially if the changes or amendments made in the constitution affect the afore-stated objectives of the organization.

3. Receiving the notification, the Registrar shall:
  - i. Meticulously record, in the Register, all changes indicated in notification;
  - ii. Issue a new Certificate of Registration if so is deemed necessary
  - iii. Strikeout of Register all items and insertions thus changed and /or emended

#### **Article 28: Common Coffe/Treasury for Local NGOs**

1. A common treasury fund shall be brought into effect that shall be jointly established by the government, donors, the private sector and Local NGOs. The fund will be used for trainings to upgrade the quality of delivery of services of Local NGOs
2. The fund will be administered by the Consultative Committee who will be guided by a manual set forth by the Minister after close consultations with all concerned.

<b>PART SIX</b>
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<b>INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS</b>
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#### **Article 29: Registration of International NGOs**

An International NGO shall not operate; implement charitable, humanitarian and development projects and programs in the Republic of Somaliland unless it is legally registered in the Country of Somaliland and in accordance with the provisions of this Act.

#### **Article 30: Registration Requirements**

An International NGO applying registration in Somaliland shall meet the following requirements:

1. Must submit, to the Registrar General, a written request signed by the founders of the organization or someone legally authorized to do so on their behalf;
2. Must be legally registered and has an operating office in own country ( country of origin);
3. Must have accomplished, in own country or other countries, programs related to the sector for which registration permission is sought;

4. Must have an agreement with and secured funds – for the programs intended to be implemented in the Country- from a donor not resident in Somaliland; and submit its application for registration with:
  - a. Certificate of registration from own country;
  - b. A profile of the organization which includes its aim and objectives, its management structure, head office address, address in Somaliland, legitimacy in own country, other countries where it works or is registered;
  - c. Copy of the organization’s constitution with clear aims and objectives related to sector programs it intends to work on;
  - d. A budget for its operations in the country;
  - e. The organization’s annual activity plan for the country;
  - f. The location and address of organization’s head office;
  - g. Proof of payment of registration fee;
  - h. A written attestation of its existence from the foreign office, or the nearest embassy, of the country of origin as well as a declaration of responsibility for its actions;
  - i. The curriculum Vitae of international staff and written justification of why they are needed as well as a certificate of no criminal conviction from their countries;
  - j. The curriculum vitae, passport-sized photos of the founders and a certificate of no criminal conviction from their countries
  - k. The work-plan for at least one year with its itemized budget;
5. INGO programs to be implemented in the Country shall be in consistent with the policies, regulations and plans of the nation;
6. Must have a written recommendation from a Line-Ministry;
7. INGO programs shall be implemented in accordance with the plans of its line-ministry;
8. Must have an office in Somaliland with decision making authority.



### **Article 31: Approval /Rejection of Registration of International NGOs**

1. When The Registrar General receives the application for registration of an International NGO, s/he will confirm whether the organization has fulfilled the criteria for registration articulated under Article 31 of this Act, and if necessary will take the following steps :
  - a. Request submission of additional or further information or missing document/s to meet requirements;
  - b. Request or seek further evidences to support claims.
  - c. Request a report or inquiry from the Line-ministry of the International NGO;
  - d. Make contacts with senior officials of which the International NGO claims to have funds and/or commitments from or any other source of evidence;
2. When the Registrar ascertains that requirements for registration under this Act are complete and documentations submitted are accurate, s/he shall present the application together with accompanying documents to the Minister of National Planning and Development with a brief comment regarding the steps s/he has taken and the additional information s/he has secured in his/her investigation along with his/her recommendations.
3. When the Minister receives the details of the Article 31(2):
  - d. The Minister will give approval for registration to the applicant NGO, if the Minister realizes that:
    - I. The requirement for registration under this Act is fulfilled;
    - II. All documentation and relevant information are accurate.
  - e. The Minister shall decline the application for registration, if the Minister ascertains that:
    - I. The requirements for registration under this Act is incomplete;
    - II. The documentation and relevant information are not genuine.

- f. The Minister may request further investigation or additional evidences, where necessary.
4. When Registrar General receives the approval directions of the Minister, s/he will produce the Certificate of Registration for the applicant NGO, and enters its details into the General Register
5. The Minister shall notify and justify rejection of registration, formally, in writing which shall be deemed as final administrative decision.

**Article 32: Registration Certificate**

1. When an International or Foreign NGO is registered, the Registrar shall give a certificate of registration;
2. The certificate of registration shall bear validity period which shall be not more than six months after the end of the program of which the International NGO obtained permission for.

**Article 33: Letter of Agreement**

1. After securing registration the International NGO shall enter a Letter of Agreement with the relevant Line-ministries, institutions and partner organizations a copy of which should be submitted to the Ministry of National Planning and Development, where the Registrar General shall record it;
2. International NGO cannot rescind nor can it make any changes in the contents of the Letter of Agreement stated under above article; if a reasonable change in the LAO or withdrawal from the LOA becomes inevitable from either party of which the Ministry of National Planning and Development together with Consultative Committee become convinced, the parties shall make a new LAO in reference to Article 33 (1) above.

**Article 34: Renewal of Registration**

1. An International NGO that is registered in accordance with this Act and receives a fund for either a new program or extension of the existing one before its Certificate of Registration expires shall submit an application for registration to the secretary of Consultative Committee with the following attachments:
  - a. Funding agreement for a new project or the extension of the existing one
  - b. Activity report of the year ended
  - c. Reference from its partner ministry or the agency.

2. The renewal of registration shall be guided by the directions stated under Article 32 of the Act as applicable;

#### **Article 35: Cooperation between Local NGOs and International NGOs**

1. International NGOs must encourage investment in National NGOs and should avoid open competition with them for activities that they can implement competently to strengthen the capacity of National NGOs for quality service delivery;
2. The programs of International NGOs shall be aligned with the National Development Plan of the Country. International NGOs should encourage and develop tangible achievements while supporting National NGOs in improving and building upon existing strengths in order to attain continuance and sustainability;
3. International NGOs shall not become implementers for other International NGOs and UN organisations working in the Country.

#### **Article 36: Assets of Completed Projects**

1. International NGOs shall submit to partner ministry and Registrar General a list of itemized inventory of its equipment and materials of projects on yearly basis;
2. At the completion of a project, the assets and work in hand should be transferred to national partners- such as a ministry or local NGO- stated in the project agreement. If part of these assets are required for implementation of similar project as the one completed in the country, transfer of such assets can be decided in consultation among the partners;
3. The International NGO shall hand over all assets, equipments and materials, including office equipment, to the Ministry of National Planning and Development when either decides to terminate the contract;

#### **Article 37: Staff Taxation and Registration Fees**

1. International NGOs shall deduct income tax from their national employees at source and transfer it to the Ministry of Finance as articulated in the Tax Law of the Country;
2. The amount of registration fee payable by International and Foreign NGOs shall be fixed in Ministerial Degree by the Minister of National Planning and Development.

### **Article 38: Reporting Requirements**

1. International NGOs shall submit a semi-annual and annual report to the Consultative Council and the Ministry of National Planning and Development and other partners they work with. The report should cover:
  - a. Activities accomplished, activities planned but not executed and reasons for not carrying them out as well as activities planned for the remaining six months of year;
  - b. The amount of budget spent, balance remaining from the budget and the budget for the coming six months;
  - c. The challenges and obstacles encountered and lessons learnt as well as any recommendations regarding this.
2. After consultation with the Consultative Committee of the International NGOs, the Ministry of National Planning and Development will, if necessary, :
  - a. Call in the International NGO who submitted the report to enquire details related to its report;
  - b. Investigate and ensure the genuineness of the report;
3. The Minister of National Planning and Development shall send a written warning to the International NGO that fails to submit the required report, stated under Article 38 (1) above, on time directing the submission of the report in specified period of time while giving copies of the warning to the Consultative Committee and the Line-ministry of the International NGO;
4. If the International NGO do not comply the directions of the Minister, the Minister shall take a disciplinary action after consultation with the Consultative Committee.

### **Article 39: Legal Personality**

1. International NGOs have a legal personality; they can sue and can be sued and have a statutory right to file a case against another party or be called to respond to a case filed against them.
2. The Act is not meant to grant immunity to organizations registered under its provisions;
3. If a foreign employee, working for an International NGO, fails to pay an invoice or debt that s/he was supposed to pay the International NGO shall be liable to settle the debts .

### **Article 40: Account Ledgers and Registers**

The international non-governmental organizations shall put into effect a fully functioning accounting system that records assets, liabilities, revenues and expenditures in accordance with internationally accepted accounting systems and procedures

#### **Article 41: Disciplinary and Penalty Measures**

1. The Minister of National Planning and Development shall be responsible to take penalty measures against misconduct of an International NGO.
2. The penalty measures against misconduct that the Consultative Committee can take shall be:
  - a. A written warning;
  - b. Reprimand;
  - c. Fine;
  - d. Suspension of registration certificate for a specified period;
  - e. Revocation of registration certificate.
3. The Minister of National Planning and Development shall issue detailed regulations governing:
  - a. The conducts and actions that NGOs could be penalized;
  - b. Disciplinary action and penalty measures against every misconduct or inappropriate actions of national and International NGOs;
  - c. The process of disciplinary measures;
  - d. Enforcement of the disciplinary action/s
  - e. Maximum penalty and the misconduct against which it will apply
  - f. The duration of registration cancellation
4. Disciplinary action decisions can be appealed against in accordance with the final administrative decision appeal procedure;
5. A staff member who commits a criminal act in breach of this law or other penalty laws will be held responsible for it with normal procedures of criminal penalties.

<b>PART EIGHT</b>
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<b>MISCELLANEOUS ARTICLES</b>
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#### **Article 42: Labor Issues**

1. All labour issues shall be governed by the civil employment laws of Somaliland.

2. An employment contract or an agreement with an individual or group which is more beneficial or protective than that of Somaliland Employment Law is allowed to be binding.

#### **Article 43: Publications and Dissemination**

The Registrar General shall every year publish in the formal broadcasting or internal communication channels the names:

- a. All Non-governmental Organization fully registered;
- b. Non-governmental Organizations dissolved or are no longer in existence;
- c. Non-governmental Organization removed from the Register in accordance with this Act.

#### **Article 44: Re-evaluation and Re-registration**

1. When the Consultative Committee is established, the Registrar General is appointed and the Register is set up and the supplementary rules required by this Act are completed, the Minister will issue guidelines for assessing and re-registering all the NGOs registered before this Act came into effect after consultation of Consultative committee.
2. The Registrar General, following the guidelines of the Minister, shall re-register all the existing NGOs and issue the final list of NGOs registered in the Country.

#### **Article 45: Regulations**

The Minister in consultation with the Consultative Council shall issue regulations to complete and execute this law

#### **Article 46: The Language of this Act**

The official Language of this Act is Somali. If it is translated into any other language and an ambiguity in any of its provisions is observed, the Somali language version shall be used as a reference.

#### **Article 47: Repeal**

Upon approval of this Act all other similar laws previously in place are repeal

#### **Article 48: Entry into force**

This Act shall come in effect upon approval of the Legislative Council and signature of the President.

ALLAA MAHAD LEH