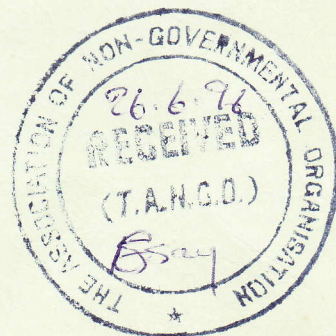




REPUBLIC OF THE GAMBIA

**NON - GOVERNMENTAL ORGANISATION  
DECREE 1996**

**DECREE NO. 81**



NON-GOVERNMENTAL ORGANISATION DECREE 1996

DECREE NO. 81

SECTIONS

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NON-GOVERNMENTAL ORGANISATION  
DECREE 1996



THE GAMBIA

DECREE NO. 81

[23RD MAY, 1996]

THE ARMED FORCES PROVISIONAL RULING  
COUNCIL hereby decrees as follows -

Short  
title.

1. This Decree may be cited as  
the Non-Governmental Organisation  
Decree, 1996.

Inter-  
pretation.

2. In this Decree unless the  
context otherwise requires,

"Agency" means the Non-Governmental  
Organization Agency; and

"Board" means the Executive Board  
of the Non-Governmental  
Organisation Affairs Agency.

Establish-  
ment of Non-  
Governmental  
Affairs  
Agency.

3. There is hereby established  
within the Ministry of Local  
Government and Lands a semi-  
autonomous Non-Governmental  
Organisation Affairs Agency.

Functions  
of the  
Agency.

4. The Agency shall,

- (a) serve as an administrative  
link between the Government  
and non-governmental  
organisations operating in The  
Gambia,
- (b) advise Government on all  
matters relating to non-  
governmental organisations,



- (c) implement the National Policy on non-governmental organisations and the provisions of this Decree,
- (d) process and grant Clearance Certificates to prospective non-governmental organisations prior to their incorporation under the Companies Act,
- (e) ensure the compliance of non-governmental organisations with the provisions of the Protocol of Accord and the Non-Governmental Organisation Code of Conduct,
- (f) facilitate, monitor and evaluate the activities of non-governmental organisations at community levels,
- (g) liaise with the Association of Non-Governmental Organisations to facilitate the operations of non-governmental organisations with a view to increasing their level of contributions and impact on the socio-economic development of The Gambia,
- (h) prepare and implement institutional and human resources development programmes for non-governmental organisations,
- (i) prepare and publish a directory of non-governmental organisations bi-annually, and

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- (j) prepare and implement programmes relating to education and communications as guides to non-governmental organisations operating within such areas.

Staff of  
the Agency

5. (1) There shall be an Executive Director of the Agency who shall be the head of the Agency.

(2) The Agency shall have such professional and other administrative officers as may be necessary for its administration.


Establish-  
ment of  
the Executive  
Board

6. There is hereby established the Executive Board of the Non-Governmental Organisation Agency which shall be the policy making authority of the Agency, and shall supervise its management.

Composi-  
tion

7. The Board shall consist of

- (a) a Chairman who shall be appointed by the Minister responsible for Local Government and Lands;
- (b) two members representing community groups and professional associations,
- (c) one representative of either the education or health sector,
- (d) one representative of the agricultural and manufacturing sector;

- (e) a representative of the Ministry of Local Government and Lands,
-  (f) one local and one international member of The Association of Non-Governmental Organisation,
- (g) one individual with a commendable work experience in an international development organisation,
- (h) one legal practitioner in the service of the Government to be nominated by the Attorney General, and
- (i) the Executive Director of the Agency who shall serve as secretary.

(2) A member of the Board shall hold office for a period not exceeding 2 years, and shall be eligible for re-appointment.

#### Functions

8. Formulate the National Policy on non-governmental organisations to be implemented by the Agency.

#### Meetings of the Board.

9. (1) The Board shall meet at such times and at such places as the Chairman may appoint but shall meet at least once in every three months.

(2) The Chairman shall preside at every meeting of the Board and in his absence the Board may elect any of its members to act as Chairman.

(3) Questions proposed at a meeting of the Board shall be determined by a simple majority of members present, and in the case of an equality of votes the Chairman shall have a second or casting vote.

(4) The quorum of any meeting of the Board shall be five.

(5) When upon any special occasion the Board desires to obtain the advise of any person upon any particular matter, the Board may co-opt such person to be a member for such meeting and such person, while so co-opted, shall have all the rights and privileges of a member save that he shall not be entitled to vote upon any question.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(7) Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by a person purporting to act as Chairman of the meeting to which the minutes relates, or of a meeting at which they were read, be evidence of the proceedings of the first - mentioned meeting.

(8) Any member of the Board who has any interest, directly or indirectly, in any matter which the Board proposes to undertake shall disclose the nature of his interest to the Board and shall be disqualified from participating in any deliberations of the Board on the matter or voting in any decision of the Board on such matter.



Regis-  
tration  
of Non-  
Govern-  
ment  
Organi-  
sation

Cap. 95

10. (1) Any voluntary organisation, association of persons or civil society whether locally formed or otherwise, whose purposes are charitable shall, if it wishes to be accorded the status of a non-governmental organisation, apply to the Non-Governmental Organisation Affairs Agency for a Clearance Certificate before it is registered as a charitable organisation under the Companies Act.

(2) The Non-Governmental Organisation Affairs Agency shall grant a successful applicant a Clearance Certificate prior to its registration with the Registrar of Companies.

Existing  
non-Govern-  
ment Organi-  
sations

11. All non-governmental organisations existing prior to the coming into force of this Decree are required to re-apply to the Agency for registration under this Decree.

Protocol  
of Accord

12. (1) The relationship between the Government and every non-governmental organisation shall be governed by the Protocol of Accord contained in the First Schedule.

First  
Schedule

(2) The Protocol of Accord shall be executed by the Executive Director of the Non-Governmental Agency or his representative representing the Government and the chief executive of each non-governmental organisation.

Code of  
conduct

Second  
Schedule

Power  
to make  
regulations.

13. (1) Every non-governmental organisation operating in The Gambia shall adhere to the Code of Conduct contained in the Second Schedule.

14. The Minister may make regulations for the purpose of carrying out the provisions of this Decree.

(2) The Government shall use any conciliators measure it deems appropriate to remedy any breach of the Code of Conduct by any non-government organisation.

## FIRST SCHEDULE

### PROTOCOL OF ACCORD

THIS PROTOCOL OF ACCORD made the ..... day of .....  
199....BETWEEN THE GOVERNMENT OF THE GAMBIA (hereinafter referred  
to as "The Government") of the one part, AND .....

(hereinafter referred to as the NGO") of the other part.

WHEREAS the Government and the NGO in their mutual desire to promote positive socio-economic change for the betterment and well being of the people of The Gambia, have decided to enter into a meaningful partnership that would facilitate development efforts in the various sectors, of the national economy in accordance with national policies and Government pronouncement:

AND WHEREAS it is desirable to have a Protocol of Accord to define the relationship between the Government and the NGO, the Government and the NGO have agreed as follows:

#### ARTICLE 1

The Government shall accept and recognise the NGO as a non-profit, voluntary, development oriented organisation operating in The Gambia in pursuit of national development goals within the limits of the organisation's financial, material and human resources, and the framework of articulated and enunciated Government policies and priorities.

#### ARTICLE 2

The Government shall endeavour to create an atmosphere that is conducive to full participation of the NGO in The Gambia's development programme, particularly in those sectors of expertise and interest of the organisation, as well as in policy reform that would foster the development effort and process where necessary.



### ARTICLE 3

The Government may, if requested, facilitate the implementation of the NGO's programmes

### ARTICLE 4

The NGO shall be granted tax and duty waiver on materials, equipment, motor vehicles and goods imported or acquired locally which are necessary for the implementation of its programmes and projects, or to be distributed to needy citizens.

Local income generating activities designed to support educational and health programs shall also be exempt from taxation. The volume of such tax concessions shall however always be commensurate with the scope of the NGO's activities and benefits directly accruing to the grassroots level. Provided that in the event the materials, motor vehicles, and goods are not used in accordance with the functions of the NGO, the Government shall have the right to apply the prevailing import and tax duties on them. Under no circumstances would duty waiver be accorded to luxury materials, luxury motor vehicles and luxury goods.

### ARTICLE 5

Motor vehicles belonging to the NGO shall be granted BLUE NUMBER PLATES by the Non-Governmental Organisation Affairs Agency bearing the NGO number assigned to it and such motor vehicles shall be exempt from all forms of taxation requirements.

### ARTICLE 6

The Government may upon application made to it in the prescribed manner facilitate the entry, residence and registration for employment of the expatriate staff of the NGO. The direct dependents of the expatriate staff shall also be accorded the same privileges for entry and residence.

## ARTICLE 7

No custom duty shall be levied on the personal effects and belongings of the expatriate staff of the NGO and their families accompanying them on their initial installation: these personal effects or belongings shall not include food and drinks.

## ARTICLE 8

Each expatriate employee of an NGO may benefit from temporary duty free concession on one motor vehicle, renewable each year.

## ARTICLE 9

The diversion from the declared destination and use of all goods or items in respect of which duty has been waived or other concessions given will result in the full application of the prevailing import tax and customs regulations.

## ARTICLE 10

The salaries and other benefits received by or paid to the expatriate staff of the NGO shall not be taxed by the Government of The Gambia.

## ARTICLE 11

The Non-Governmental Organisations Affairs Agency shall be responsible for clearing, registration and coordination between the NGO and the relevant sector Ministries and Departments. It will also be responsible for monitoring the NGO's activities, including accounting for end user duty waivers and other concessions, through the relevant sector Ministries and Departments.



**ARTICLE 12**

The NGO shall participate in development activities that are in consonance with the policies and priorities of the Government for which it has appropriate resources and expertise, in accordance with the Non-Governmental Organisation Code of Conduct and Memorandum of Understanding signed with the relevant Ministries, Departments, or Agencies.

**ARTICLE 13**

The NGO shall deposit with the Non-Governmental Organisations Affairs Agency, a detailed plan of its annual work programme and budget prior to the beginning of the Government's fiscal year, and a detailed annual report, highlighting progress on activities undertaken over the year, workplans for the following year, accounts audited by Non-Governmental Organisations Affairs Agency approved auditors and budget including quantities and costs at least three months after the programme year ends.

**ARTICLE 14**

Qualified Gambian Nationals shall be employed by the NGO for the implementation of its programs and they shall be provided with opportunities for training and promotion which shall be done within the framework of its programmes and policies, with the view to ensuring the sustainability of these programmes to benefit the people in the long term.

**ARTICLE 15**

The NGO shall undertake to distribute goods and services on the basis of need, not creed, ethnicity or political affiliation.

**ARTICLE 16**

In the case of theft or fraud of NGO resources, the Government will assist in every way possible in the recovery of the lost resources and in the prosecution of responsible parties, to the full extent of the law.



**ARTICLE 17**

All differences between the Government and the NGO relating to the interpretations or application of the Protocol of Accord shall be amicably resolved failing which settlement shall be sought through an arbitration process in accordance with the Arbitration Act Cap. 9.

**ARTICLE 18**

If the NGO's activities are found not to be in conformity with Government's development agenda or detrimental to the integrity of the Government and the peace and stability of the country, the Government shall revoke this Protocol of Accord.

**ARTICLE 19**

The Protocol of Accord will take effect on the date of signature by the chief executives of the NGO and the Non-Governmental Organisations Affairs Agency respectively; and will be valid for a two year period, and renewable for the same period of time by mutual consent of the NGO and the Government.

**ARTICLE 20**

This Protocol of Accord may be amended at any time by the mutual agreement of both parties.

**ARTICLE 21**

Abrogation of the Protocol of Accord can be initiated by either party by due notification in writing, at least six months prior to annulment.

IN WITNESS WHEREOF the parties have hereunder set their hands and seals the day and year first above written.

SIGNED SEALED AND DELIVERED  
FOR AND ON BEHALF OF THE  
GOVERNMENT OF THE GAMBIA BY

.....  
.....

IN THE PRESENCE OF

.....  
.....

SIGNED SEALED AND DELIVERED BY  
FOR AND BEHALF OF THE NGO

.....  
.....

IN THE PRESENCE OF

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.....  
.....



## SECOND SCHEDULE

### NON GOVERNMENT ORGANISATION CODE OF CONDUCT

#### Preamble

The Gambia Government, conscious of the need for a Code of Conduct to regulate the conditions under which Non-Governmental Organisations operate in The Gambia, and the need to ensure that their interventions, activities & programmes are consistent with the raison d'être of Non-Governmental Organisations. Desirous that the contribution of Non-Governmental Organisations in the national development process is transparent, and their efforts involve the participation of the beneficiaries to the fullest extent, and that the existing good relations between Non-Governmental Organisations and the Gambia Government, and donor agencies and partners are not jeopardized, nor their credibility and prominence in the country destroyed in any way;

Aware of the fact that momentum for the recognition of Non-Government Organisations effectiveness has steadily increased in the past few years, with bilateral and multilateral donors, alike increasingly making provision for the inclusion of Non-Government Organisations in their programmes, which created a development climate that has brought greater prominence to the work of Non-Government Organisations.

Acknowledging that in such climate of opportunity, it is essential that Non-Government Organisations act individually and collectively to ensure that,

1. Non-Government Organisations are accountable and their operations transparent;
2. Non-Government Organisations are true to their stated mission and goals;
3. Beneficiaries at the grassroots level are protected and effectively served;
4. Duplication of efforts and institutional competition are minimized or prevented, and
5. The creation and recognition of new organisations are coordinated with existing needs.



In light of these realities and ideals and the experiences of Non-Governmental Organisations in development activities and the desire to uphold the principles underlying the ethos of Non-Governmental Organisations, the Gambia Government and the Non-Governmental Organisations hereby mutually agree that all Non-Governmental Organisations subscribe to and commit themselves to honour this Code of Conduct.

### ON NON - GOVERNMENTAL ORGANISATION RECOGNITION AND ACCEPTANCE

To be recognised and registered as an Non-Governmental Organisation, every prospective Non-Governmental Organisation

- A. shall have a constitution which clearly sets out the organisation's mission statement, non-profit, non-sectarian and politically pluralist character, immediate and medium term development objectives, defining the problems and concerns which have led to their creation; the Board of Directors will be clearly distinct from staff in the governing authority,
- B. shall provide operational documents stating precisely their commitment to empowerment of people at the grassroot level or areas they wish to intervene in, sectorally and geographically, to increase the self-reliance of these people, and
- C. shall indicate sources of funding and strategies for financial self-reliance, and institutional sustainability.

### ON NON - GOVERNMENTAL ORGANISATION RELATIONS WITH COMMUNITIES OR BENEFICIARIES

Every Non-Governmental Organisation commits itself

- A. to advocate for and serve a community wider than its own employees, founders and directors,

- B. to foster meaningful popular participation in the identification of community needs and the determination of solutions or actions to respond to these needs,
- C. to help build up the capacities of the communities or beneficiaries it works with to initiate, undertake and manage development activities that are sustainable,
- D. to enhance community or grassroot level empowerment, to foster self reliance and ownership of development efforts, and
- E. to account to our beneficiaries, partners and donors for all financial and material resources received in the name of the community.

### ON NON GOVERNMENTAL ORGANISATION RELATIONS

Every Non-Governmental Organisation commits itself

- A. to supplement and complement official efforts in the priority areas of the various sectors in which Non-Governmental Organisation contributions are solicited or welcome, and not compete with Government,
- B. not to upstage or replace Government in its primary role of national development or undermine its development efforts actual or planned, in order to enhance the image of the respective Non-Governmental Organisation,
- C. to dialogue, cooperate and coordinate with the respective government sectors, to promote and further the interests of the beneficiaries and grassroots partners of the respective Non-Governmental Organisation,
- D. to ensure interventions are compatible and in consonance with Government's articulated and enunciated development priorities and programmes, and
- E. to maintain and demonstrate a position of political neutrality.



## ON NON GOVERNMENTAL ORGANISATION - RELATIONS WITH ANOTHER NON GOVERNMENTAL ORGANISATION

Every Non-Governmental Organisation commits itself in relation to another Non-Governmental Organisation

- A. to foster and enhance collaboration and mutual programme support, development and compliment each other at all levels, based on the common understanding that Non-Governmental Organisations are partners in people's development, and not rivals, and have an interest in each other's growth and effectiveness,
- B. to avoid any form of competition between and among Non Governmental Organisations, be it in relation to accessing of funding from donors or establishing partnerships with international Non Governmental Organisations,
- C. to be transparent in operations, share information freely with one another (and for The Association of Non-Governmental Organisation members, to submit annual programme plans, reports, etc to The Association of Non-Government Organisation)
- D. to engage in constant dialogue, exchange experiences and share resources and expertise to enhance coordination and avoid duplication and wastage of valuable finite resources,
- E. to ensure mutual respect, enhance each other's integrity and avoid institutional conflict and discord, and
- F. to promote the collective well being and credibility of the Non-Governmental Organisation's fraternity and its personnel.

## ON NON GOVERNMENT ORGANISATION RELATIONSHIP WITH DONOR AGENCIES PARTNERS

Every Non-Governmental Organisation undertakes

- A. not to compromise its principles, values and autonomy as a condition for receiving donor support for its institution or operations,

- B. to seek the opinion of other groups or organisations with more experience, or necessary technical assistance, where the implications of any donor funding requirements are not well understood,
- C. to ensure that its operations are beneficiary-driven and not donor-driven and funds are not accepted because they are offered or easily available,
- D. ensure openness and mutual respect between itself and other Non-Governmental Organisations and not subject itself to a situation of total dependency and self-debasement, and
- E. to ensure that all resources acquired are solely committed to the attainment of its objectives.

Signed for and on behalf of  
Non-Governmental Organisation

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In the presence of

.....  
.....



DATED THIS 23RD DAY OF MAY, 1996

LS

CPT. YAHYA A.J.J. JAMMEH  
Chairman of the Armed  
Forces Provisional Ruling  
Council and Head of State