



Republic of Uganda

National NGO Policy

June 2008

FOREWORD

The Government of Uganda recognizes the important role of Non-State actors in accelerating the country's development process. Government's Economic Recovery Program (ERP) and the subsequent Poverty Eradication Action Plan (PEAP) are predicated on promotion of private sector-led growth. At the same time, Uganda's Constitution 1995 guarantees the right of every Ugandan to engage in peaceful activities to influence the policies of Government through civic organizations. Government fully acknowledges and recognizes the key role Non-Governmental Organizations (NGOs) play in service delivery especially to marginalized groups, and improving accountability of public institutions. Furthermore, the Local Governments Act 1997 specifically provides Civil Society Organizations (CSOs) with an important role in service delivery at community level.

The contribution of NGOs in the areas of service delivery, advocacy, democracy and good governance as well as community empowerment is beyond debate. However, the process of NGO sector development, methods of work and the impact of NGO program activities, among other issues, have continued to generate varied and sometimes contradictory views and experiences..

In order to promote and foster a more healthy relationship, Government embarked on a consultative process towards the development of a national NGO Policy. The process of developing the Policy was coordinated by the Office of the Prime Minister (OPM) within the framework of Article 108 A of the Constitution that mandates the Prime Minister to, inter alia, be responsible for coordination of implementation of Government Policies across Ministries, Departments and other public institutions. To this end, OPM worked very closely with the relevant Ministries especially the Ministry of Internal Affairs (MIA) and its arm, the Non-Governmental Organizations Registration Board (The NGO Board), that has the operational mandate for monitoring NGO activities in Uganda.

The process involved a series of consultations and discussions with a wide range of stakeholders at regional and national level. Various interest groups including NGOs and NGO umbrella bodies, public servants at national, district and lower levels, parliamentarians, the Private Sector and Donor representatives were all consulted. This Policy is, therefore, a landmark development that is the culmination of a long consultative process involving several stakeholders.

The Policy recognizes the imperative of strengthening the partnership between Government and the NGO sector based on clear principles and practices. It seeks to articulate and address the key issues of mutual concern and sets out clear policy objectives and strategies as well as entry points for the critical players in development of a productive partnership with the NGO sector.

The success of the Policy will require the active commitment and involvement of all the actors identified herein including State and Non-State actors. To this end, it is vital that all actors familiarize themselves with the Policy to internalize the goal, objectives and strategies of the Policy and thus contribute effectively to its success for the benefit of our people. On its part, Government will endeavor to provide its relevant organs and agencies with the human and financial resources required to carry out their respective functions effectively and efficiently.

I wish to take this opportunity to recognize and commend all those that have contributed in different ways to the successful formulation of this Policy. Special mention must be made of the European Union (EU) that continues to support development of the NGO sector through the on-going GOU-EU Civil Society Capacity Building Program.

I wish to conclude by reiterating Government's commitment to ensuring that NGOs have the necessary political and legal space within which to undertake legitimate activities that advance the process and impact of national development.

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ACRONYMS AND ABBREVIATIONS

APRM	African Peer Review Mechanism
CAO	Chief Administrative Officer
CBOs	Community Based Organizations
CDO	Community Development officer
CSOs	Civil Society Organizations
DNMC	District NGO Monitoring Committee
DTPC	District Technical Planning Committee
EAC	East African Cooperation
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
INGOs	International Non-Governmental Organizations
NEPAD	New Partnerships for Africa's Development
NGOs	Non-Governmental Organizations
NSAs	Non-State Actors
OPM	Office of the Prime Minister
PEAP	Poverty Eradication Action Plan
QA	Quality Assurance
QuAM	Quality Assurance Mechanism
RDC	Resident District Commissioner
RENGO	Regional Non-Governmental Organization
SNMC	Sub County NGO Monitoring Committee
SWAp	Sector-wide Approach
ULGA	Uganda Local Governments Association

1.0 PREAMBLE

Article 38 of the Constitution of Uganda 1995 embeds the right of every Ugandan to engage in peaceful activities to influence the policies of Government through civic organizations. Additionally, the Local Governments Act 1997 specifically provides Civil Society Organizations (CSOs)-including Non-Governmental Organizations (NGOs)-with an important role in service delivery at community level. Furthermore, Government, through its overarching policy framework, the Poverty Eradication Action Plan (PEAP), recognizes Civil Society as an important actor and influencer in the promotion of grass root democracy. Specifically, Government fully acknowledges and recognizes the key role NGOs play in improving accountability of public institutions including Ministries, Departments and Agencies, and promoting demand for public services by society generally and marginalized groups in particular.

Under the Non-Governmental Organizations Registration (Amendment) Act 2006, all NGOs must obtain official registration by the National Board for Non-Governmental Organizations (commonly known as the NGO Registration Board), in the Ministry of Internal Affairs, before they can operate in Uganda. Community Based Organizations (CBOs) are required to register with and obtain certification from the District Local Authorities unless they have one or more non Ugandan promoters.

The NGO Board is also responsible for monitoring the activities of NGOs across the country. Whilst the NGO Board and the Ministry of Internal Affairs have done a commendable job, especially with respect to registration, their capacity to adequately document, coordinate, monitor and facilitate the diverse activities of a rapidly growing multi-sectoral NGO operational arena has hitherto been severely limited. There is also need to harmonise more effectively all government policies and regulations in order to provide an enabling environment for the operations of NGO players in a liberalised economy and democratic society.

On their part, NGOs have expressed a level of discontent with what they perceive as overbearing Government regulatory oversight which constrains their freedom of action. NGOs that are engaged in advocacy are particularly sensitive to the quality of the political space provided to enable them carry out their activities. Nevertheless, there is increasing mutual recognition of the need to ensure better coordination of the sector activities with a view to rationalizing and strengthening the functionality of the roles and responsibilities of these Non-State partners in national development.

Whilst the NGO Act addresses the basic legal and regulatory issues, Uganda has lacked a comprehensive policy to guide development of the NGO sector and, hence, facilitate strengthening of NGO relations with Government. In order to promote and foster a more healthy relationship, Government has now formulated a Policy that elaborates a clear vision, objectives and key guiding principles upon which these relations are to be developed and managed. The entry points, in terms of roles, responsibilities, rights and obligations of the various actors are outlined and the mechanisms for periodic review and change management are similarly articulated.

The NGO Policy addresses the key issues and challenges that lie at the centre of developing a responsible relationship between State and Non-State actors in national development. These issues include but are not limited to: definition of NGOs; clarification of mutual roles, responsibilities and expectations of the various actors; capacity for effective coordination and oversight; lack of an adequate and reliable database and up to date information on the NGO sector; lack of transparency and questionable integrity of some NGOs; and the need to ensure appropriate space and freedoms for the operations of NGOs in the country.

The broad aim of the NGO Policy is to set out a framework that strengthens the relationship between the NGO sector and Government and enhance capacities and effectiveness in the areas of service delivery, advocacy and empowerment.

Ultimately, a stronger NGO sector should contribute to the institutionalization of a culture of civic inclusiveness and participation as well as mutual accountability by all stakeholders in the important processes that affect the lives of citizens at different levels.

2.0 SITUATIONAL ANALYSIS OF THE NGO SECTOR IN UGANDA

2.1 Introduction

NGOs are increasingly recognized by governments everywhere as important players in a country's social, economic, political and intellectual development. NGO activities help to mobilise, sensitize, consult and aggregate citizen interest and action. NGOs can fulfill these roles at three different levels namely: at agenda setting; at policy development; and at policy implementation, monitoring, evaluation and ensuring transparency and accountability in public office. NGOs, as Non-State actors are, therefore, potent and legitimate partners to governments in nation building.

2.2 NGOs in Uganda

NGOs have operated in Uganda for many decades especially in the health and education sectors. Beyond the above sectors, their activities were focused largely on relief and charity activities. From fairly modest numbers prior to 1986, the sector has seen phenomenal growth since then and currently more than 7,000 NGOs are registered in the country. The growth in numbers has been accompanied by growth in influence at different levels of society.

Some NGOs are nationally-based i.e. operate across the country while others only operate in one or a few districts. Some NGOs are involved in multi-sectoral activities while others are mono-sectoral/thematic in their program focus. NGOs are active in the health service activities (HIV/AIDS); education, economic empowerment of communities; agriculture; the environment; water and sanitation; training and capacity building; peace building and conflict resolution.

The range of NGO activities in Uganda has, however, greatly expanded in recent years to include work in the areas of macro policy advice; advocacy on a wide range of issues including human and civic rights, integrity and accountability in public office; good governance and democracy; lobbying and research.

Uganda hosts national, regional and international NGOs. Regional NGOs (RENGOs) are emerging in response to the spirit enshrined in the Treaty for East African Cooperation (EAC). Most of the international NGOs (INGOs) are involved in either development activities or relief and emergency work, and many of them work in close collaboration with local NGOs and with some line ministries.

Faith-Based Organizations (FBOs) which until now have been obliged to register as NGOs, shall not fall under the ambit of NGO Policy. However, where an FBO

is engaged in NGO – type activities as defined herein, the FBO shall be required to comply with the provisions governing the activities of NGOs in Uganda. Until Government takes measures to provide an appropriate separate framework for promoting coordination of the spiritual activities of Faith Based Organizations in the country, the existing arrangements shall obtain.

Likewise, trade unions, microfinance institutions and other social or professional membership associations shall not be covered by the provisions of this Policy.

2.3 Definitions

For the purpose of this Policy, the following definitions shall be used in Uganda:

- **Non-Governmental Organization:** *Any legally constituted private, voluntary grouping of individuals or associations involved in community work which augment government work but clearly not for profit or commercial purposes.*
- **National Non-Governmental Organization:** *An NGO that is wholly controlled by Ugandans, registered exclusively within Uganda and with authority to operate within or across two or more districts in Uganda.*
- **Regional Non-Governmental Organization (RENGO):** *An NGO having its original incorporation within one of the states of the East African Community (EAC) and partially or wholly controlled by citizens of one or more partner states in East Africa but operating in Uganda under a certificate of registration*
- **International Non-Governmental Organization (INGO):** *An NGO having its original incorporation in and partially or wholly controlled by citizens of one or more countries other than the Partner States forming the East African Community, but operating in Uganda under a certificate of registration.*
- **Community Based Organization (CBO):** *An organization wholly controlled by Ugandans, operating at sub county level and below, that is involved in NGO type activities (as per attached schedule) augment Government work but work clearly not for profit or commercial purposes.*

2.4 Characteristics of NGOs in Uganda

NGOs have their roots in voluntarism and philanthropy i. e. they are founded by individuals or groups of people desirous of serving the needs of people especially the poor and marginalized groups in society. A central strength and distinguishing feature of NGOs is additionality, or their ability to mobilize and bring in additional financial, technical and sometimes political resources to complement the efforts of the State. Globally, NGOs bring in as much money as what the large multi-lateral development agencies can mobilize annually.

The majority of NGOs in Uganda are small, fragmented and Community Based Operators. The sector also tends to be characterized by independent, vibrant and flexible easy entry- easy exit often with limited and selected ownership, funding, scope of operations and target beneficiaries. So while the small CBOs have the potential to grow into large and international organizations, the NGOs often have to rely on the smaller more flexible NGOs and CBOs in order to have any impact.

The NGO sector in Uganda is highly donor dependent. Most NGOs in Uganda access funds from external donors either directly or through international NGOs (INGOs) with operations in the country. High donor dependence highlights the fragility of the local NGO sector and weak sustainability of its program activities.

One significant dimension in NGO sector development in Uganda is the increased organizational initiatives that have resulted in the formation of clusters, networks or umbrella organizations most of which extend their activities down to the district and sub-county level. Such organs should be supported to strengthen their work as they provide, inter alia, an important opportunity for addressing self regulation and other sector development issues in a harmonized and constructive manner.

2.5 Contribution of NGOs to Development

NGOs have been major contributors to Uganda's social, economic and political development. Their contribution is evident in the Social Development Sector (SDS) including education, health, water and sanitation, environmental management, infrastructure development and a host of other important areas that impact the quality of life of Ugandans. Humanitarian and relief-oriented NGOs continue to make vital contribution to emergency management efforts in different parts of the country, supplementing the work of Government.

On the other hand, NGOs engaged in policy advocacy work have variously made contributions to the country's evolving democratic processes, human and gender rights, conflict resolution and peace building, good governance and accountability in public office, among other challenges, by keeping the spotlight on policy and behavioral issues that shape the character and direction of national development, including championing participatory development.

2.6 NGOs-Government Relations

Government has been engaged with NGOs and the broader Civil Society for some time and at different levels. At the national/sectoral level, a number of development-oriented NGOs have signed Memoranda of Understanding with line ministries and districts to provide for formal modalities of operationalizing partnerships in development and service delivery. The consultative model involving NGO stakeholders has been encouraged and implemented by different sector ministries, departments and agencies. At district level as well, a number of Local Governments have signed and implemented MOUs with a fair measure of success.

Despite these achievements, however, there is still need for improving the quality of relations in terms of perceptions, attitudes and enhanced cooperation between State and NGO actors at national, district and lower level. The challenge of fostering improved mutual perceptions between State and Non-State actors is particularly critical with respect to those NGOs engaged in advocacy activities.

2.7 Legal Framework

As NGOs have proliferated, and their roles expanded beyond the traditional service delivery in relief and other humanitarian interventions, Government responded with measures to regulate their activities.

The Constitution of Uganda 1995 provides the fundamental freedoms to Ugandan citizens to engage in peaceful activities aimed at influencing the policies of Government through civic organizations. Freedom of association is similarly enshrined in the Universal Declaration of Human Rights (UDHR) of 1948 to which Uganda is signatory.

Uganda is also a party to various pertinent International Conventions including the International Covenant on Civil and Political Rights (ICCPR) 1966, and the Economic, Social and Cultural Rights (ICESCR) 1966.

At the regional level, the Treaty for East African Cooperation advocates for the promotion of a supportive operational environment for NGOs. The Treaty enjoins Member States to facilitate and ensure public participation and civic involvement in decision making both at national and regional level. Similarly, the vision and principles of the African Peer Review Mechanism (APRM)/New Partnerships for Africa's Development (NEPAD) to which Uganda subscribes underscore the pivotal role of civil society in sustainable national social, economic and democratic development.

Most significantly, Government enacted the 1989 NGO Statute and more recently, the Non-Governmental Organizations Registration (Amendment) Act 2006. The evolution of the NGO regulatory landscape, however, has not been without challenge. Thus, NGOs have continued to call for further review of the Act to ensure it supports a more conducive regulatory environment for the operations of NGOs in the country, hence the urgency for this Policy.

The NGO Policy will, therefore, be implemented within the broader context of other pertinent policies and laws that seek to promote constitutionalism, good governance, socio-economic empowerment and democratic processes taking place in the country.

2.8 Key Issues of concern

The key issues and challenges that this Policy seeks to address include the following:

- ? Lack of clarity of what constitutes an NGO in Uganda;
- ? Inadequacies in the existing legal and regulatory framework for the operations of NGOs;
- ? Inadequate clarity of the mutual roles and responsibilities, rights and obligations of key actors in the NGO sector and the need to create harmony/facilitate the contribution of NGOs to national development;
- ? Inadequate capacity in Government and amongst NGO actors to propel sustainable NGO sector development;
- ? The NGO sector is donor dependent, a factor that has made foreign influence inevitable in Uganda governance processes

- ? Some NGOs have been involved in politics by taking sides and generally other unlawful activities
- ? Weak sustainability of the NGO sector;
- ? Inadequate integrity, transparency and accountability by some NGO actors for the public resources received, and
- ? Lack of adequate and reliable data and information on the NGO sector;

3. VISION AND GUIDING PRINCIPLES

3.1 Vision

The vision of the NGO Policy is: *a vibrant and accountable NGO Sector enabling citizens' advancement and self transformation.*

3.2 Guiding Principles

The National NGO Policy is an integral part of the national development policy that aims at achieving maximum synergy from Public-Private Partnerships. It complements and promotes Uganda's overall development goals and is cognizant of other policies and programs designed to promote and support holistic human development.

The Policy espouses the following values and beliefs:

- i) Respect for fundamental human rights and freedoms with regard to social, cultural and religious beliefs and practices, which rights will be exercised responsibly;
- ii) Freedom of association and independence of individuals and NGOs within the overall framework of the law;
- iii) Voluntarism and respect for diversity within the NGO sector;
- iv) The right of NGOs to autonomy, self-governance and self-regulation consistent with the laws of Uganda;
- v) Dignity, mutual respect and trust underpinned by open dialogue, transparency and accountability; and

- vi) Gender equity and equality.

The Policy recognizes the immense opportunities for collaboration between different stakeholders based on common interest and strategic complementarity while acknowledging the right of stakeholders to adopt differentiated approaches to the same end.

The Policy further recognizes the dynamic nature of the operating environment and, thus, the need to provide sufficient flexibility to accommodate emerging developments and demands.

4.0 GOAL AND OBJECTIVES OF THE POLICY

4.1 Goal

The broad aim of the NGO Policy is to set out a framework that strengthens the relationship between the NGO sector and Government, and enhance capacities and effectiveness in the areas of service delivery, advocacy and community empowerment.

4.2 Objectives

The specific objectives of the Policy are:

- i) Define NGOs and their role with a view to promoting increased citizen participation in policy-making processes and development issues;
- ii) Clarify the role of other stakeholders and their relationship with NGO actors;
- iii) Provide for legal, policy and procedural changes that will allow NGOs to effectively contribute to national and district development planning in a harmonized manner;
- iv) Ensure the autonomy of duly registered NGOs; and
- v) Promote a culture of accountability amongst different players in national development;
- vi) Provide for guidelines for partnership between government and NGOs in implementing specific programmes

It is expected that when the Policy is embraced and fully implemented by the responsible players, the following impact will be registered:

- i) A vibrant relationship and productive synergy between a publicly accountable NGO Sector, Government, the Private Sector and Development Partners at both the centre and local level;
- ii) Improved coordination of the respective contributions of State and Non-State Players to sustainable development;
- iii) Availability of a strong and efficient mechanism for effective monitoring and assessing of the impact of the NGO sector to development;
- iv) Enhanced integrity, accountability, and transparency amongst sector players, and
- v) An empowered population that ensures it gets what it is entitled to and that takes the initiative to mobilize additional resources for development.

5. IMPLEMENTATION STRATEGY

5.1 Institutional Arrangements

The key considerations that have shaped the determination of the institutional framework for implementation of the NGO Policy include:

- i) The need for cost-effective coordination of Government engagement with the NGO sector;
- ii) The need to strengthen mechanisms through which NGOs generate policy debate and channel the contribution of the NGO sector to Uganda's development at central and lower level,
- iii) The need to strengthen an internally-driven culture of responsible and accountable conduct by the NGO actors, and
- iv) Viability, functionality and sustainability of the proposed institutional arrangements.

In light of the above considerations, the main objectives of the implementation arrangements are to:

- i) Clarify and rationalize the roles and responsibilities of the Central and Local Government actors with a view to streamlining and enhancing the effectiveness and efficiency of the services provided to the NGO sector;
- ii) Clarify and rationalize the role and responsibilities, rights and obligations of NGO actors;
- iii) Clarify the role and responsibilities, rights and obligations of other actors, and
- iv) Promote effective utilization of existing Government and NGO structures to operationalize the NGO Policy objectives within Government's Sector-Wide Approach (SWAP) to development.

5.2 National Level Coordination Mechanism

i) Office of the Prime Minister

The Office of the Prime Minister (OPM) is the overall coordinator of the NGO Policy in line with its Constitutional mandate under Article 108(A) as the coordinator of implementation of the all Government Policies across Ministries, Departments and other public institutions and will work closely with the Lead Ministry responsible for monitoring and overseeing the NGO sector. OPM shall also be represented on the National Board for Non-Governmental Organizations.

ii) NGO Sector Lead Ministry

The Ministry of Internal Affairs (MIA) shall be the Lead Agency for monitoring and overseeing the operations of NGOs in Uganda. MIA hosts the NGO Board and shall be represented on the Board.

iii) The Non-Governmental Organizations Board (The NGO Board)

The NGO Board shall exercise its mandate for registration, regulation, monitoring and overseeing the activities of NGOs as per the NGO (Amendment) Act 2006 and Regulations as may be amended from time to time, and as provided for under this Policy. Stakeholders are expected to fully acquaint themselves with the provisions of the NGO Act (including any amendments thereto) and workings of the Board to facilitate effective and efficient relations. The status and

institutional capacity of the NGO Board shall be strengthened appropriately to enable it carry out its expanded functions both at national and district level.

In constituting the Board, effective, fair and equitable consideration of NGO sector needs, should be seriously considered so as to ensure improved communication and information flow with a view to promoting smooth relations between the government and various stakeholders.

The NGO Board structure shall be reflected at the district and sub-county levels. The structures created shall perform in accordance with guidelines issued by the national NGO board and the Local Government Act to enable these authorities carry out their mandated functions with respect to NGOs effectively and in a harmonized manner.

At the district level the National NGO Board shall be represented by the District NGO Monitoring Committee (DNMC) which will be composed of;

- i) Chief Administrative Officer (CAO) - Chairman
- ii) Community Development Officer (CDO) - Secretary
- iii) District Internal Security Officers (DISO) - Member
- iv) District Director of Health Services (DDHS) – Member
- v) District Education Officer - Member
- vi) Representative of NGOs in the District
- vii) The Committee will have powers to co-opt technical officers to deal with specific issues.

At the Sub-county level there will be a Sub-county NGO Monitoring Committee (SNMC) composed of;

- i) Assistant Chief Administrative Officer (ACAO) - Chairperson
- ii) Assistant Community Development Officer (ACDO) - Secretary
- iii) Gombolola (Sub- county) Internal Security Officers (GISO) - Member
- iv) Sub-county Health Inspector - Member
- v) Representative of NGOs in the Sub – county – Member
- vi) The Committee will have powers to co-opt technical officers to deal with specific issues.

The specific roles and responsibilities of the District NGO Monitoring Committee (DNMCs) and Sub-county NGO Monitoring Committee (SNMC) are outlined in Annex II. The NGO Board shall provide appropriate guidelines to the District NGO Monitoring Committee (DNMCs) and Sub-county NGO Monitoring

Committee (SNMC) to enable them facilitate the NGO Board and Ministry of Internal Affairs in carrying out the functions appropriately.

Line Ministries, Departments, Agencies and Districts

There are several line ministries, departments, agencies and districts with direct involvement in the NGO Sector. Where a line Ministry, Department or Agency collaborates with an NGO on specific programs or projects, the NGO shall sign a Memorandum of Understanding (MOU) with the Ministries covering the terms and conditions of the partnership. The Ministry of Internal Affairs through the NGO Board shall provide the Ministries, relevant Departments and Agencies with appropriate guidelines to facilitate harmonization of Government engagement with the NGO actors.

The specific functions of Government Ministries, Departments and Agencies are elaborated in **Annex I**.

iv) Other Players

Other key players in promoting effective coordination at national level include:-

- i) Non Government Organizations (NGOs)
- ii) NGO umbrella organizations (clusters, networks, etc) that are voluntarily formed by NGOs to promote and protect the interests of their member organizations and the cause of the NGO sector as whole;
- iii) The development partner community (comprising bilateral and multi-lateral agencies as well as the regional and international NGOs that provide technical and financial support for NGO sector operations and development;
- iv) the media (print, and electronic);
- v) the private sector;
- vi) Uganda Local Governments Association (ULGA),
- vii) Research and academic institutions, among others.

Their individual and collective compliance with the principles and partnership modalities contained herein this Policy is crucial to the successful achievement of the overall goal and objectives of the Policy.

The respective roles of the above national-level actors are outlined in **Annex I**.

5.3 District Level Coordination Mechanism

The Local Governments Act 1997 establishes the Local Government Council as the highest political authority within its area of jurisdiction (District) with both legislative and executive powers to be exercised in accordance with the Constitution of Uganda and the provisions of the Act.

More specifically, under Article 17 (b) of the Act, the District Executive Committee (DEC) of the Local Government Council is charged with overseeing the implementation of the Government and Council's policies and to monitor and coordinate activities of Non-Governmental Organizations. Additionally, Article 35 mandates the Local Government Council to be the district planning authority, a responsibility that is subsequently delegated to the District Technical Planning Committee (DTPC) chaired by the Chief Administrative Officer (CAO). The DTPC, on behalf of the District Council, prepares comprehensive and integrated development plans incorporating plans of lower level local councils for submission to the National Planning Authority (NPA).

Implementation of the NGO Policy is, therefore, cognizant of the important role Local Government Councils must play in the successful achievement of the goal and objectives of the Policy. To this end, the DEC shall ensure that effective measures are put in place at district and lower council level to enhance the processes of timely information sharing, quality assurance, monitoring and assessment of the contribution and impact of NGO sector activities in the district.

The CAO shall provide the NGO community in the district with guidelines to enable the NGOs to participate effectively and in a coordinated manner in the district planning and program implementation.

Where an NGO(s) collaborates with Local Government Authority on specific programs or projects, the Local Government Authority shall sign a Memorandum of Understanding (MOU) with the NGO(s) covering the terms and conditions of the partnership.

? NGOs and CBOs

All NGOs and CBOs engaged in development activities within a district shall share their program activity plans and budgets with the Local Government Authority for purposes of harmonization of such program activities into the broader sectoral or area development plans and resource estimates. The Chief Administrative Officer shall be responsible for providing the guidelines to facilitate this process.

? **Community Leaders and the Communities**

Community leaders enjoy the trust and confidence of the people they lead and are, therefore, key to the successful implementation of the NGO Policy.

Communities represent the final beneficiaries of all the activities undertaken by NGOs. Accordingly, communities are expected to be well-placed to welcome and evaluate the activities of these organizations

The specific roles and responsibilities of the various actors at district and lower level are outlined in **Annex II**.

5.4 Transparency, Accountability and Self Regulation

The growing number and diversity of NGOs in the country present a great challenge in terms of ensuring that all NGO actors exercise responsible and accountable behavior that protects the basic interests of the different NGO sector stakeholders, especially the vulnerable segments of society.

In seeking to promote and institutionalize best practices in NGO sector development and operations, Government recognizes and welcomes the efforts by sections of the NGO community to develop mechanisms for self-regulation.

These efforts aim at promoting the adherence by Civil Society Organizations to generally accepted ethical standards and operational norms.

Government believes that self-regulation, if effectively applied by all NGOs is the most cost-effective means of fostering discipline and benchmarking quality assurance by sector stakeholders. Such success minimizes the need and extra costs of implementing a government-driven policing regime. To this end, therefore, Government, through the NGO Board, shall;

- i) Approve and encourage self regulatory mechanisms
- ii) Ensure that such mechanism(s) are registered by the NGO Board before they are operationalised

The overall aim in this respect is to ensure the promotion of high and generally acceptable ethical standards and operational norms that, inter alia, protect the interests of all stakeholders, especially the communities served by NGOs and CBOs. It is the desire of this Policy that all NGOs and CBOs in the country recognize the value of institutionalizing ethical, transparent and responsible behavior.

5.5 Monitoring and Impact Assessment

Being able to effectively monitor and evaluate the operations of NGOs is pivotal to the ability of stakeholders to determine the contribution of the NGO sector to national development and its impact on the quality of life of the communities targeted by the sector. Timely monitoring also enables stakeholders to identify and address emerging problems and issues before they get out of hand.

The Policy recognizes that the basic principles upon which cost-effective monitoring, evaluation and impact assessment is undertaken must be embedded in a shared culture of transparency and concern for quality assurance and value-addition. This culture must be institutionalized within the methods of work of the key actors.

Responsibility for monitoring of NGO sector activities shall be shared between the key State Ministries and Agencies namely OPM, relevant line ministries, the NGO Board and Local Government Authorities on the one hand, and NGO actors at national and local level, on the other.

The specific roles and responsibilities of the different State and Non - State actors in monitoring and impact assessment are outlined in **Annex I**

5.6 Sustainability of the NGO Sector

Government recognizes existing inadequacies in the institutional capacities of the NGO sector actors in the country. This challenge is faced by both the NGOs and Government agencies. NGOs in Uganda are still largely donor dependent especially in respect to funding. It is imperative that stakeholders identify and give effect to ways and means that can lead to improved institutional sustainability of the local NGOs in the long-term.

For its part, Government shall strengthen the performance effectiveness of the Government Ministries, Departments and Agencies involved in the NGO sector development to enable these actors to deliver the expected services effectively and efficiently. Particular attention shall be given to enhancing the delivery capabilities of the NGO Board to enable it to undertake its enhanced mandate to the satisfaction of all stakeholders.

In recognition of the complementary and beneficial contribution of NGOs to the various spheres of national and community development, Government shall explore innovative measures to support NGOs such as extending tax exemptions/rebates and other appropriate benefits design to mitigate against some of the financial constraints faced by registered NGOs. Government shall

continue to work with other stakeholders including the development partners to enhance access to resources by NGO actors. The Policy encourages NGOs to enhance their self generated income for purposes of sustainability

ANNEX I: ROLES AND RESPONSIBILITIES OF NGO SECTOR ACTORS AT NATIONAL LEVEL

The expected broad roles and responsibilities of Ministries, Departments and Agencies are outlined below:

CATEGORY 1: GOVERNMENT MINISTRIES, DEPARTMENTS AND AGENCIES

? Office of the Prime Minister

The Office of the Prime Minister (OPM) shall carry out its mandated function with respect to NGO Policy implementation in the following manner:

- i) Coordinate the implementation of the Policy across line Ministries, Government Departments and Agencies as well as the Private sector in NGO sector activities to ensure harmonious and cost-effective operations;

? Ministry of Internal Affairs

The Ministry of Internal Affairs (MIA) shall be the NGO Sector Lead Ministry with responsibility to:

- i) Promote the National NGO Policy which shall be integrated within the framework of the overall national development policy of the country;
- ii) Support the NGO Board to build the institutional capacity required to carry out its mandated functions;
- iii) Ensure effective supervision of the NGO Board; and
- iv) Prepare and disseminate periodic NGO sector performance reports including an Annual Report covering the contribution of the sector to Uganda's development efforts, issues and challenges faced, and proposals for promoting the objectives of this Policy.

? **The NGO Board**

The functions of the NGO Board shall include the following:

- i) Conduct background checks and scrutinize the credentials and status of all NGOs, including RENGOS and INGOs seeking to register and operate in Uganda. Only legitimate NGOs are to be allowed to operate in Uganda.
- ii) Make recommendations to the relevant authorities in regard to employment of non-citizens by an NGO, or whether an NGO may be exempted from taxes and duties or be accorded any other privileges or immunities;
- iii) Consider new applications for registration by Non-Governmental Organizations including NGO umbrellas/networks/clusters;
- iv) Consider applications for renewal of NGO permits;
- v) Keep a Register of all registered NGOs;
- vi) Monitor compliance by all registered NGOs with the terms and conditions of their certificate of registration/incorporation , and their Constitution;
- vii) Provide appropriate guidelines for operationalization of the NGO Policy at line ministry, district and lower levels of administration consistent with the principles of this and other related policies;
- viii) In liaison with designated officers in line ministries and Local Government Authorities, monitor district relations with NGOs to ensure compliance with set guidelines;
- ix) Coordinate Government engagement with other NGO sector stakeholders including umbrella organizations to promote responsible and accountable conduct amongst NGO sector actors in the country;
- x) Coordinate Government engagement with other stakeholders, including development partners, in efforts to enhance capacity building and sustainability of the NGO sector;

- xi) Coordinate Government engagement with other stakeholders to establish a reliable database and information system on the NGO sector in Uganda;
- xii) Work closely with the sector lead Ministry, NGO umbrella organizations and other stakeholders to prepare and disseminate widely, periodic official reports on the status, contribution and impact of the NGO sector to national development;
- xiii) Advise the Minister on the general policy relating to the operations of Organizations.

? Line Ministries, Departments and Agencies

In general, the roles of relevant line Ministries, Departments and Agencies shall include the following:

- i) Strengthening integration of the contribution of the NGO sector in the programs coordinated by the line Ministry, Department or Agency;
- ii) Ensuring that adequate co-operation and coordination is extended to NGO actors to further the spirit of constructive partnership in service delivery for the benefit of communities;
- iii) Monitoring, evaluating and rendering an account of the contribution of the NGO sector to the achievement of the objectives of the sector for which the line Ministry, Department or Agency is responsible; and
- iv) Designating an officer to be responsible for liaison with the NGO Board and other NGOs or coordination mechanisms to facilitate implementation of the NGO Policy including information sharing on NGO activities.

CATEGORY 2: OTHER ACTORS

? NGO Umbrella Bodies

The role and responsibilities of registered NGO umbrella organizations/ clusters/networks in the successful implementation of the NGO Policy include the following;

- i) Popularizing the NGO Policy amongst member organizations and promoting compliance therewith;
- ii) Providing leadership to their respective memberships in operationalization of self-regulatory mechanisms designed to institutionalize professionalism, ethics, integrity, transparency and accountability in the NGO sector in the country;
- iii) Collaboration with the sector Lead Ministry, the NGO Board and other actors in identifying and addressing emerging policy, regulatory and other pertinent issues with a view to enhancing the contribution of the NGO sector to human development;
- iv) Coordinating the participation of their members and NGOs in government policy processes of interest to them and documenting their experiences so as to assess NGO contributions to development.

? **Development Partners**

The Development Partner community plays a pivotal role in NGO sector development and activities in Uganda. Support of the Development Partners comes in the form of very substantial direct resource flows to NGOs as well as through 'co-opting' NGOs to work on various programs and projects funded by the Development Partners. In order to improve coordination of development assistance, partner organizations supporting or otherwise active in the NGO sector shall bear the following responsibilities;

- i) Internalizing and complying with the objectives and principles of the NGO Policy and relevant legislation;
- ii) Supporting such NGO sector partnership coordination mechanisms as may be duly established from time to time with a view to promoting the orderly development of the sector;

? **Media**

The media is expected to play a vital role in the successful implementation of this Policy through carrying out the following:

- i) Disseminating and popularizing the Policy amongst stakeholders;

- ii) Providing wide publicity to success stories as well as challenges in the NGO sector in Uganda; and
- iii) Contributing to policy debate, review and improvements in NGO sector development in the country.

? **Private Sector**

The Private sector, as a primary engine of Uganda's growth and development, is an important stakeholder and partner in the development of the NGO sector. Within the context of corporate social responsibility, the Private Sector is encouraged to extend innovative support to NGO sector development. This can take various forms including:

- i) Appreciating the complementary role of the NGO sector to the vision and mission of business enterprise;
- ii) Supporting the objectives and principles of the NGO Policy; and
- iii) Developing productive linkages with NGOs aimed at improving the quality of life of communities.

? **Research and Academic Institutions**

Research and academic institutions can contribute to successful implementation of the Policy through:

- i) Undertaking operational research in NGO sector policy management and development impact, and widely disseminating the findings thereof;
- ii) Participation in the implementation and evaluation of programs related to the NGO sector;
- iii) Participation in policy debates intended to improve the policy environment for NGO sector development.

ANNEX II: ROLE AND RESPONSIBILITIES OF ACTORS AT DISTRICT AND LOWER LEVELS

The expected broad roles and responsibilities of Actors at district and lower levels are outlined below:

CATEGORY 1: DISTRICT LEADERSHIP

? District Council

The District Executive Committee of the Local Government Council shall perform the following functions:

- i) Ensuring that effective measures are put in place to carry out the Committee's statutory mandate for monitoring and coordinating the activities of NGOs and CBOs in the district, in liaison with the NGO Board;
- ii) Supporting the DTPC to coordinate its planning function in an inclusive manner with the NGO actors in the district;
- iii) Mobilization of communities to empower them to partner productively with NGOs and CBOs for their development

Local Government Authorities are expected to sign a Memorandum of Understanding (MOU), as may be appropriate, with the NGO partners to guide management of programs or projects jointly implemented with the NGOs/CBOs.

? District Technical Planning Committee

The DTPC shall perform the following functions:

- i) Put in place guidelines and procedures to enable the participation of the NGO actors in preparation of comprehensive and integrated district development plans incorporating plans of lower level local councils and their implementation;
- ii) Ensure effective participation of development-oriented NGOs in sub county planning and program monitoring and review meetings within the framework of the Sub County Development Plans;

- iii) Liaising closely with the NGO Board and NGO actors to improve the flow of information, quality assurance, integrity and accountability of NGO sector actors in the district.

? **The Resident District Commissioner (RDC)**

The RDC shall perform the following functions:

- i) Facilitate the activities of the NGO Board in the area of registration and deregistration of NGOs and CBOs according to guidelines provided by the NGO Board;
- ii) Monitor the activities of the NGO sector within the district and ensure compliance with the approved NGO policy, regulations and procedures, the constitutions of the NGOs/CBOs as well as the framework of the district and country's overall development policies and bye-laws;
- iii) Liaising with the District Council to ensure that registered NGO and CBO actors enjoy the political and legal space within which to undertake legitimate activities that advance the process and impact of development of the people of the district;
- iv) Provide information to the NGO Board on the activities of the NGO sector within the district based on guidelines issued by the Board.

? **District NGO Monitoring Committee**

The functions of the District NGO Monitoring Committee include:-

- i) Registration of CBOs;
- ii) Recommending NGOs to the National NGO Board;
- iii) Advising RDC on matters of NGOs including registration and monitoring;
- iv) Reporting on sector performance of NGOs;
- v) Monitoring and provide information on the activities of the NGO sector in the District;
- vi) Reporting to the National NGO Board on matters of the NGO Sector.

? **Sub - county NGO Monitoring Committee**

The functions of the Sub - county NGO Monitoring Committee include:-

- i) Recommending CBOs to the District NGO Monitoring Committee;
- ii) Advising the DNMC on matters of NGOs and CBOs;
- iii) Providing the CBO community in the sub county with guidelines to enable the CBOs to participate effectively and in a coordinated manner in implementation, monitoring and evaluation of any joint programs undertaken;
- iv) Monitoring and providing information on the activities of the sector in the sub counties;
- v) Reporting to the DNMC on matters of the NGO Sector.

CATEGORY 2: NGOS AND CBOS

? **Individual NGOs and District Umbrella Organizations**

The functions and responsibilities of NGOs at district and lower level include:

- i) Internalizing and complying with the principles and provisions of the Policy as well as the relevant provisions for registration;
- ii) For organizations engaged in development activities, sharing their program activity plans and budgets with the District Authorities for purposes of reflecting such program activities into the broader sectoral or area development plans;
- iii) Signing a Memorandum of Understanding (MOU), as may be appropriate, with the Local District Government with respect to programs or projects jointly implemented with the District Local Government;
- iv) Conducting themselves in a responsible and accountable manner consistent with their establishing constitution, generally accepted best practices in the NGO sector as well as the laws of Uganda;

CATEGORY 3: THE COMMUNITY

? **Community Leaders**

Community leaders enjoy the trust and confidence of the people they lead and are, therefore, key to the successful implementation of the NGO Policy.

They are expected to undertake the following functions:

- i) Mobilize communities to actively engage with NGOs to improve service delivery and civic empowerment;
- ii) Participate in grass root level audit of the contribution of NGOs to community development;
- iii) Contribute to the identification and resolution of operational problems affecting smooth relations between NGOs and their communities.

? **Communities**

Members of the various communities represent the target beneficiaries of all the activities undertaken by NGOs. Accordingly, communities are expected to be well-placed to welcome and evaluate the activities of these organizations. More specifically, communities are expected to play the following roles:

- i) Support the legitimate activities of NGOs based on clear communication of the objectives and methods of work of the said organizations; and
- ii) Participate in individual and collective efforts to demand effective service delivery and to hold NGO sector actors accountable.