

Communiqué issued by Participants

RAO Convention 2007

**Achieving an Enabling Legislative and Regulatory Framework for NGOs/CSOs
An Agenda for Good Governance in Ghana's Fourth Republic**

November 22-23 2007 at the M-PLAZA Hotel, Accra

We, the Participants at the 3rd G-RAP RAO Annual Convention 2007,

Desirous of an enabling and credible legislative and regulatory framework for NGOs/CSOs in Ghana

Recognizing the efforts of the Ministry of Manpower, Youth and Employment, the Attorney General's Department and the Government of Ghana to develop a regulatory framework for NGOs/CSOs in Ghana,

Conscious of the mutually beneficial working relationship between government and the civil society sector that has existed over the years in the spirit of partnership, collaboration, autonomy and development,

Having reviewed the *Trust and Non-Profit Making Civil Society Organizations Bill 2007* proposed by the Government of Ghana to regulate the activities of NGOs/CSOs in Ghana,

Guided by various provisions of the Constitution of the Republic Ghana, 1992 particularly Article 21 guaranteeing the freedom of association and Article 37 (2) on the facilitation of the rights of effective participation, the *Draft National Policy for Strategic Partnership with NGOs/CSOs 2004* and various memoranda sent to the Ministry of Manpower, Youth and Employment and the Attorney-General's Department,

Hereby resolve as follows:

1. The draft Trust and Non-Profit Making Civil Society Organizations Bill 2007 in its present state if passed would be a bad law and an unworkable framework for regulating NGOs/CSOs in Ghana,
2. The bill violates the constitutional right to associational freedom guaranteed under the 1992 Constitution
3. Particularly, the bill's attempt to exert excessive and predatory governmental control and micro-manage the activities of NGOs/CSOs is unconstitutional and therefore unacceptable,

4. The coupling of public and private Trusts and NGOs/CSOs to be regulated under the same law and regime is fundamentally flawed in law and in the understanding of the character of the various types of civil society organizations,
5. The bill does not reflect the letter and spirit of the *Draft National Policy for Strategic Partnership with NGOs/CSOs 2004* agreed in 2000 and revised in 2004 which was to serve as the guiding document for the development of a credible law on NGOs
6. We wish to remind government of the contributions of NGOs/CSOs to the long and tortuous struggle to build a free, open and just society in Ghana, progress in which areas has made Ghana the toast of Africa
7. We wish to remind government of its own proclaimed commitment to good democratic governance including effective participation of citizens in the affairs of government, transparency, openness, accountability, integrity and human rights and for which it has received the unflinching support of development partners

In this regard:

8. We call for the *Trusts and Non-Profit Making Civil Society Organizations Bill 2007* to be substantially amended
 - Firstly, to decouple the regulation of public and private Trusts and NGOs/CSOs,
 - Secondly, to remove all provisions that offend the constitutional right to freedom of association and expression which stifle the operation of NGOs/CSOs in Ghana,
 - Thirdly, the *Draft National Policy for Strategic Partnership with NGOs/CSOs 2004* should form the basis for the development of a separate legislation for NGOs/CSOs.
9. We call on all Ministries and Government officials involved with the preparation of the Bill, particularly the Attorney General's Department and the Ministry of Manpower, Youth and Employment, to take note and re-open dialogue with CSOs with the aim of accordingly reviewing the Bill,
10. We call on His Excellency John Agyekum Kufour and his Cabinet to carefully review the *Trust and Non-Profit Making Civil Society Organizations Bill 2007* and ensure that the bill does not erode the gains of democratic development achieved under the 4th Republic.
11. We call on all Ghanaian citizens to support the demands of the CSO community in respect of the Constitutional and democratic issues they have raised in respect of the *Trust and Non-Profit Making Civil Society Organizations Bill 2007*.

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List of Organizations

Third World Network, TWN-Africa
ABANTU for Development
Center for Democratic Development, CDD-Ghana
Centre for Sustainable Development
CARE International
Action for Disability and Development
ActionAid Ghana
Legal Resources Center, LRC
Integrated Social Development Centre, ISODEC
FFP
Media Foundation for West Africa, MFWA
Women Initiative for Self Empowerment, WISE
ICCHRA
Institute of Economic Affairs, IEA
HATO F. Foundation
PLAN Ghana
Widows and Orphans Movement
African Women Lawyers Association, AWLA
MFCS
NETRIGHT
Centre for Sustainable Development
Bawku East Women's Development Agency
CERWED
POSDEV
Global Agenda Network
Green Earth Organization
The BUSAC Fund
The Ark Foundation
Rights and Voice Initiative, RAVI
ABUSUA Foundation
GAPVOD
CUSO-Ghana Program
Ghana Community Radio Network
WOM-CUSO
IBIS West Africa
WANEP
G-RAP PMT
CSPS
FOSDA
Civic Response
Women in Broadcasting
Volta Peace Network
YAAMDA
Justice & Human Rights Institute
Centre for Policy Analysis
Bethel Youth Aid Foundation
Basic Needs
VTF programme
Association for Change
AMASACHINA