



# RAO CONVENTION 2007

## SPEECH DELIVERED BY HON AKOSUA FREMA OSEI-OPARE MP

### DEPUTY MINISTER OF MMYE

Chairperson,  
Chief Executives and Directors of NGOs/CSOs,  
Representatives of Development Partners,  
Distinguished invited guests  
The Press  
Ladies and gentlemen,

I deem it an honor to my Minister, myself and the Ministry of Manpower, Youth and Employment (MMYE) to be invited to the 3<sup>rd</sup> Annual Research and Advocacy Organizations Convention 2007. The theme for this year's convention which is focused on achieving an *"Enabling Legislative and Regulatory Framework for NGOS/CSOs: An Agenda for Good Governance in Ghana's Fourth Republic"* is most appropriate since it reflects the reality of the current dispensation with regards to developing an acceptable legal regime to guide, encourage, enhance and sustain the activities of NGOs/CSOs in Ghana.

Government has the mandate and commitment to set and implement the developmental agenda for the country which includes among others peace and security, guarantee for human rights and provision of social services to the good people of Ghana. NGOs/CSOs also have a stake in this developmental agenda to the extent that they prompt and compliment and collaborate with government in the provision of these services to the people.

It is therefore very important that, as major stakeholders giving hope, comfort and future to the people, NGOs/CSOs and government consciously develop, operationalize and maintain a cordial, healthy and trustworthy relationship to be able to achieve their common agenda.

#### **Development of NGOs**

Mr. Chairman, the development of NGOs /CSOs in Ghana is heartwarming and interesting. Records from the department of Social Welfare indicate that from 1960 to 1980, only five (5) NGOs have registered and by 2000, we had six hundred and forty nine (649) registered. However, between 2000 and 2007, we have as many as 2,783 (two thousand seven hundred eighty three) newly registered NGOs. The surge of registrations could be attributed to the following:

1. The establishment of the Ghana Aids Commission Fund (GAC Fund) in the late 90s led to proliferation of NGOs and CSOs in Ghana in the early 2000s
2. With the advent of streetism projects in the late 1990s up to early 2000s, a lot more NGOs/CSOs were created.
3. The Freedom of Association guaranteed by the 1992 Constitution creates an even play-field; therefore NGOs/CSOs/CBOs are formed by the day.

### **Government relationships with NGOs/CSOs**

GPRS II recognizes that the objective of good governance and civic responsibility is to empower state and non-state entities to participate in the development process. “The strategy to achieve this is to promote effective, responsible and accountable state machinery with improved capacity to engage the productive sector and civil society in formulating policies and strategies for accelerated growth and poverty reduction and the implementation, monitoring and evaluation”. Government and CSOs have collaborated in many ways including building each other’s capacity and joint participation in programs.

Mr. Chairman, all of us gathered here acknowledge the fact the current legal and institutional agreements overseeing the activities of NGO or CSOs in Ghana is not the best since it is floated with some challenges. These challenges include provision of technical and financial support to NGOs or CSOs under registration procedures, rights, roles and privileges of NGOs/CSOs, monitoring and accountability issues, etc. There is the need to correct this unprogressive situation hence the reason to develop a legislative framework and other policies to facilitate the operations of NGOs and related organizations. If I may recall, at the consultative group meeting a civil society representative stressed that the lack of legal framework guiding the operations of civil society in Ghana is contributing to the limited civil society or government engagement and called on government to expedite action on the law.

Mr. Chairman, the law making process of Ghana makes room for consultation of stakeholders at many levels and stages. My experience is that a number of recent laws passed by our parliament have indeed been subjected to debates and inputs even before the sponsoring Ministries submit them to cabinet and after they have been laid before parliament. Good examples are the Domestic Violence and Persons with Disability Act.

Mr. Chairman, I would like to put on record that in the development of the Trust and Non-Profit Making Civil Society Organizations’ Bill, government is engaging with multiple stakeholders and not been imposed on NGOs or CSOs. These processes are well documented and I wish to crave your indulgence to mention a few that are of particular importance for NGOs or CSOs.

These are as follows:

In December 2004, a meeting was held at the instance with the Ministry and NGOs at Dodowa to finalize the draft National Policy for Strategic Partnership with NGOs which has been developed over the years. At the end of the workshop, various inputs were made by government and civil society to enrich the document in 2005. The Ministry’s attention was drawn to an initiative of the Attorney-General’s Office on revision of long-standing Trust law, Companies Code 1963 (Act 179). On July 2005, a meeting was held between the Deputy Minister of MMYE and representatives of NGOs to inform them of a draft Trust bill which was being developed at the instance of the Attorney General. It was agreed that a workshop be held to discuss the implication of the draft Trust Bill and the Draft NGO Policy and possible fusion of the draft NGO policy document and the Trust Bill. In August 2005, a workshop was held with civil society. At the end of this workshop, civil society and government agreed on sections on the NGO policy which could be incorporated into the proposed bill. In September 2005, a follow-up workshop was held with Trusts, Valco Trust



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Fund, Ghana National Trust fund and religious organizations. NGO community regretted their inability to organize the NGO participation due to other pressing schedules.

Mr. Chairman, since then we have continued this consultation process till now and our records indicate that at least 8 formal consultation processes have taken place. These are in addition to one-on-one discussions and informal contacts.

In June 2007, a position paper was sent by GAPVOD to the Ministry proposing issues that should be addressed in the draft Trust Bill.

1. NGO Legislation should be separated from the Trust Bill
2. NGO Policy guidelines should be enabling, not constricting
3. The new regulatory framework should be based on the draft National Policy for Strategic Partnership with NGOs/CSOs 2004.

On October 23<sup>rd</sup>, 2007, the Ministry invited stakeholders to a consultative workshop but regrettably the NGO community did not participate on grounds of short notice and the need for more time for their own internal consultation. However, this latest meeting took on board a number of the issues raised in the June submission from GAPVOD (which is reflected in the Concept Note attached to this invitation). It is my view that the next version of the draft bill could have addressed many of the legitimate concerns raised particularly on issues of autonomy, space for choice of area of focus, registration processes, etc.

I would like to comment on the separation of NGOs or CSOs from the draft bill into a separate law. I am reliably informed that now the current trend in law drafting is to have laws dealing with related matters under one legislation, e.g. Ghana Health Service Law, Children's Act 560. The government is of the view that this approach could avoid more multiplicity of laws and streamline the operation of government agencies to avoid overlaps and improve efficiencies. The current draft bill deals with related matters and as such should be put together with relevant sections to cater for specific groups and situations.

I must also indicate that extensive comments have also been received from the Charities Commission of UK and from the US based International Center for Non-Profit Law (who received the draft document from GAPVOD).

Mr. Chairman, I would like to conclude by saying that government has a lot of respect for NGOs and CSOs and see them as credible partners for national development. It is therefore not the intention of government to impose any stifling legislation on them. I therefore call on NGOs or CSOs to be open to broad stakeholder engagements so that we can learn and share knowledge and experience to carry the process forward. I would like to emphasize here that government remains committed to the process of involving stakeholders in this process.

I wish you all a happy and fruitful convention. Thank you.