

Update on NGO/CSO Draft Legislation

March 19, 2004

Update No. 2

Background

Following the submission of the report outlining [NGO Observations and Recommendations on the 3rd draft NGO Proclamation](#) to the Ministry in December, 2003, the Task-Group (TG) delegated to follow-up the process (Ato Kifle Wedajo- IAG, Ato Kebede Asrat/Ato Bekure Herouy - CRDA, and Ato Fikre Zewdie - AAE) got an audience with the Minister of Justice, H.E. Ato Harka Haroye on January 27, 2004.

The discussion highlighted the need for further collaborative work between the TG and the drafting team within the Ministry so as to finalize the Draft Legislation. In this regard, the Minister affirmed that his Ministry is still ready and willing to listen to and consider the observations and recommendations forwarded by the NGO/CSO Community. He also noted that his ministry would welcome efforts aiming at developing a comprehensive legislation with broader scope of application, beyond the conventional NGO domain. Accordingly, he invited the TG to work with the drafting team and produce a final document as soon as possible. The TG, appreciating the Minister for the additional opportunity, accepted the invitation to work with the drafting-team.

Since then, the TG has been working on the documents with the drafting team during its regular Tuesday afternoon sessions

The 1st Update on the process was posted on February 25, 2004. This Update covers the developments since then

Developments

In the past two weeks the NGO/CSO draft legislation Task Force has made progress and has covered provisions of Article 9 to Article 41.

Article 9 deals with **Certificate of Registration** and the most controversial issue in this Article was the concept contained in Article 9(3), which talks about "**national unity**" and "**public interest**" as being a precondition for NGO registration.

The Task Force argued that these are very loose and ambiguous terms that can easily be abused and open to subjective and arbitrary interpretation. (For details of the gist of this reasoning see our observation and recommendation of December 2003 P.16 -17.)

An understanding was reached that especially the term "**public interest**" should be in line with international human rights conventions and the constitution of the FDRE in order to avoid confusion. It was also agreed that this issue needs a policy decision and cannot be decided up on by the group.

The same reasoning was also given with regards to Article 10, which deals with **Renewal of Registration Certificate** as both issues are related.

With regards to Article 11-17 dealing with Merger, Division, Conversion of a Foreign NGO to local NGO, conversion of NGO registered by a region into national organization, membership, rights of members, duties of members respectively, our comments and observations have been accepted as is and it has been agreed to redraft these provision on the basis of the comments so as to make it clear and confirm to and be aligned to the content of our comments. (See our comments P. 18 -19)

With regards to Article 18 -20, dealing with Termination of **Membership, structure of the organization, power and duties of the General Assembly respectively**, the discussion primarily focused on improving clarity in the drafting. There was no substantive issue that required debate in this area.

With regard to Article 21, **dissent of the resolution of the General Assembly**, it has been agreed to consider our recommendation. (See our comment on P. 20-21)

With regard to Article 22-41, meetings agreement in writing, powers and duties of the executive committee, term of office of the committee, members of the executive committee, suspension of voting rights, powers and duties of the members, termination period until the admission of new members, structure of organization, power and duties of the board, powers of the manger, foreign organization, relationship with local organization, rights and obligations, name, capacity, extra contractual liability, property of organization respectively, the Task Force had a lively debate on each of the provisions and positively contributed to the improvement and the enrichment of the content of each provision.

The issues under discussion were mainly legal issues that were open to interpretation and the need to clarify and avoid ambiguity was highlighted and our comments and observations on all those issues were noted and it was agreed that the points raised will be considered and will be taken on board during the final drafting of the law. (For more information on the issues under discussion see our comments P. 21 - 26)

Next Meeting

The Taskforce will be addressing the most controversial part of the draft law dealing with **supervision and report i.e. the powers and duties of the Ministry.**

At this very important session, our comments will be presented and debated upon in detail, our points of difference will be duly noted and issues that cannot be resolved by the Task Force and working group will be clearly stated and left for policy decision by higher authorities.

An update on the out come of this forth-coming session will be made available after the next meeting , 23rd March, 2004.

To date, these are the major developments. We will try to keep you posted and update on the progress of the task as promised in our membership meeting.

If you have any queries, including proposals/suggestions for the TG, we encourage you to contact us; crda@telecom.net.et or Tel: 403331/403133, 09-208120