

**Assessment of the Operating Environment for CSO/NGOs in
Ethiopia**

**Commissioned by the CRDA
December 2006**

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Acronyms

MP	Member of Parliament
HoPR	House of Peoples’ Representatives
CSP	Country Strategy Paper
AAE	Action Aid – Ethiopia
PAN-E	Poverty Action Network – Ethiopia
CoC	Code of Conduct
MoI	Ministry of Interior
MoJ	Ministry of Justice
UECSA/O	Union of Ethiopian Civil Society Associations/Organizations
CoRHA	Consortium of Reproductive Health Associations
NEBE	National Election Board – Ethiopia
IAG	Inter Africa Group
MoA	Memorandum of Association
EHRCO	Ethiopian Human Rights Council
DAG	Donor Assistance Group
CMU	Central Management Unit (of the DAG CSSP)
EDF	European Development Fund (of Cotonou)
OSJE	Organization for Social Justice – Ethiopia
CSSP	Civil Society Support Programme (of the DAG)
NSA	Non - state Actors
MoCB	Ministry of Capacity Building
EC CSO CBPF	European Commission Civil Society Capacity Building Fund
PBS	Protection of Basic Services (World Bank Trust Fund)
EU-OME	European Union Observer Mission Report
SACB	Social and Civil Affairs Bureau
PASDEP	Plan for Accelerated and Sustained Development to End Poverty

Executive Summary.

Objective: Assess operating environment for CSOs/NGOs

Commissioned by: CRDA

Key sections of the report: (i) concerns, causes, recommendations from informants
(ii) update on ongoing civil society initiatives
(iii) conclusions and recommendations

Highlights of key findings and issues:

- Civil society/NGOs fragmented and weakened by perceived roles in contested elections of 2005, coupled with inexperience and unprecedented political passion
- Polarization of public political debate
- Progress at operational level concerning civil society engagement and inadequate matching commitments at policy and political level
- Capacity building to enhance roles of institutions of oversight on good governance, democracy, rule of law and human rights.
- Role, mandate of civil society and provisions for that by legislation (a legislation consistent with the Constitution and other regional/international agreements)
- Role, mandate of civil society and code of conduct, ethics (inter and intra civil society relationships and dynamics)
- Non-level playing field for CSOs (some seen as ‘opposition’, others seen as ‘nominally non-government’ but essentially ‘party-driven’)
- The need for *consistent* messages (by some members of civil society, donors and government) on the central importance of civil society role
- Donors ‘harmonizing’ engagement with CSOs, need to align and complement civil society initiatives (CSO law, Code of conduct, One Stop Shop), need more systematic and planned dialogue with CSOs
- The proliferation of initiatives (accompanied by scoping studies, capacity assessments) around the ‘civil society’ issue (PBS, CSSP, EC CSO Capacity Programme) and implications of those for Government, civil society and local communities
- The need to openly discuss the relevance of the Constitution and citizens’ rights enshrined in it, difficulties in obtaining dialogue and agreement on civil society engagement, particularly concerning democratization processes and good governance
- The debate over NGO-CSO nexus, narrow or broader definition of ‘civil society’, perceptions on the nature and timing of the debate
- Balance between what is ‘right, legal’ and ‘Constitutional’ and what is ‘pragmatic’ and ‘possible’should there be such a balance to debate over? And which institutions to resort to when conflict arises

Risks and Assumptions to implementing recommendations:

- Unrest in Somalia, unresolved tensions with Eritrea and the threats of sidelining the issue of governance and civil society
- Outcome of trials and final ruling, particularly concerning civil society members
- Outcome of ongoing dialogue with Government on recognizing CSOs/NGOs as legitimate stakeholders and players in the development process, particularly their roles in democracy and good governance (this is currently happening with donors only. A letter, written by NGO networks, requesting dialogue, to the PM's Office and the MoJ, is still waiting for responses).

General Background Introduction

Introduction to the assessment

Engagement of civil society, at national, regional and global levels has long been recognized as an essential and complementary (to Government, private sector) precondition for poverty reduction, democracy, good governance and development. The links between civil society engagement and democratic and accountable systems of governance, respect for social, political, economic and other human rights have long been clearly recognized.

For civil society to thrive, and to thrive steadily, an enabling environment is indispensable.

The purpose of this assessment was to review the post-elections operating environment in which civil society, particularly NGOs, finds itself in Ethiopia.

The initiative, taken by CRDA, to conduct this assessment was a very welcome one in the eyes of many of the informants who were interviewed and who responded to questionnaires. Many informants, both within government, donors and civil society themselves agreed on the necessity and timeliness of such an assessment.

On behalf of the informants and as members of the sector, we thank CRDA for boldly taking this initiative, for agreeing to broaden the study beyond its members and also for having entrusted us with the task.

Thanks also goes to PACT who provided documents of similar assessments in the past (summaries are annexed to this report). The PACT assessment helped us see the trends every two years. The findings, then and now, clearly show a lack of sustained regular progress in addressing certain issues despite the fact that problems existed and were detected (the painstaking delays in addressing issues of NGO legislation and code of conduct, the lack of sustained dialogue with donors, with Government- are examples in point)

Many thanks to all the people we interviewed: individuals knowledgeable about the sector, members of local and international NGOs, MP, Government officials and bilateral donor organization members; to all the respondents who responded to the questionnaire and to those who went beyond and gave inputs to the questionnaire and advised us on certain issues. The final report avoids listing any names of informants. However, the list of organizations which were approached and to whom questionnaires were sent is annexed.

Given the touchy nature of the subject, we hope to have done some justice to it and sincerely hope the recommendations are taken up in an organized and structured manner by the wider civil society sector, Government and donors (some, in fact, already have).

Focus of the assessment

The assessment, as stated earlier, is centered around CSO/NGO-Government relations and current post elections operating environment.

The sponsor of the assessment is CRDA (the Christian Relief and Development Association) and the decision to commission such a study happened, following one of its General Assembly meetings where some of its members complained of trends of lack of cooperation and/or delays in facilitation of their work.

However, upon recommendation of the consultants, the CRDA later wisely agreed to expand the terms of the assessment to cover non-CRDA members and to center around broader issues of CSO/NGO-Government cooperation, how NGOs and key Government people as well as some donors felt in general about the operating environment.

Subsequent sections of this report describe how the NGO/CSO sector was affected and faring, what (in the eyes of the various informants) appeared to be the main concerns, the manifestations of how some informants were affected or felt to be affected

Limitations of the assessment

The assessment is not without some limitations.

The main limitation is that given the timeframe allotted to the assessment, there were no informants from regions who were interviewed (except in responding to the questionnaire). The assessment has mainly focused at the national level, though there were issues raised and experiences shared of incidents at regional level through discussions as well as through some of the questionnaires.

It would have been useful to have talked to more MPs as a future lobbying channel for civil society issues. This should be a case in point for similar assessments in the future.

Consulting community groups about the subject was also not done; nor was it feasible perhaps, given the current environment. Time was also a constraint and the emphasis was

on doing a scan, not a detailed research. But it would have been a valuable input and also needs to be incorporated for future initiatives of this sort.

As always, the number of people covered, ideas and issues can never be exhaustive and there can also be (though interesting) varying perceptions among the different mix of informants. There is unanimous convergence in most issues, however, as we gathered from this study. The exceptions are very few.

One other key limitation or issue is the term “CSO” and “NGO”. Ethiopia’s civil society landscape is very diverse. Thus we see 'NGOs' as belonging to the wider “civil society” sector. Just like their counterpart members within the civil society sector, NGOs also have their own distinct place, nature and role in development discourse. Through the questionnaire, it was also evident that there is general agreement on this. Readers are requested to read both 'CSO' and 'NGO' in most of the text. Regrettably also, interviews and questionnaires reached mostly NGOs, though issues raised and discussed were quite broad and inclusive.

Future assessments need to take these specificities into account.

The Civil Society Context

Prior to the coming of “NGOs”, some segments of CSOs were operating in Ethiopia. Some institutions, such as Iddirs and Mahbers, have been there for time immemorial, adding diversity to the civil society landscape in Ethiopia. The missionaries or Faith-Based Organizations were the first groups of NGOs that began to work as non-government bodies since 1930. Accordingly, the Norwegian Lutheran started a program in Gamo Gofa in the 1930s. The period between 1950-60 was considered as the beginning of NGOs with the Ethiopian Red Cross, Boy Scouts Association, Women Welfare Association, etc. During the 1966 famine in the Northern parts of Ethiopia, a number of local Non Governmental organizations, in cooperation with international charity organizations, were engaged in humanitarian services. Others argue that NGOs, as part of civil society, started to evolve as a result of the 1973 Ethiopian famine.

In explicit terms, the focus of the then NGOs/CSOs was predominantly in providing humanitarian services, community services and services to members. Apart from humanitarian work, very limited CSOs were engaged in policy and advocacy activities, and standing up for the rights of their members, namely the Ethiopian Teachers' Association, the Ethiopian National Disabled Persons Association.

The phases of civil society can broadly thus be summarized as follows:

1. The first phase was the full engagement of the sector in relief and humanitarian work.
2. The next phase was the period of gradual de-linking of relief and humanitarian work and focusing on basic service provision.
3. In the third phase, in addition to the service delivery, NGOs/CSOs began to advance a rights- based approach, governance, and advocacy agendas.

Despite all these, the engagement of civil society in advocacy, governance, rights based approaches still needs sustained improvement and require CSOs/NGOs to be highly networked, skilled, properly supported. Up until the early 1990s, the reasons for the overall limited engagement of the NGOs/CSOs can be mainly attributed to the low, limited and varied levels of conception about the role of NGOs by the sector, government and international partners. The legal environment was not progressively conducive for diversifying CSO/NGO areas of work either, coupled with low levels of capacity and other factors such as resources, lack of opportunities.

After the fall of the Dergue, the Constitution guaranteed the establishment of independent associations and a number of NGOs/CSOs flourished compared to previous times. As a result, some changes were increasingly becoming noticeable. These were evidenced through attempts to produce NGO guidelines, the broadening of CRDA member NGOs, the making of management policy that governs the National Disaster and Preparedness Commission (1993), now DPPC, the formulation of NGOs operation guideline (1995) and the registration mandate given to the Ministry of Justice (1997).

Gradually, NGOs/CSOs, in addition to service delivery, began to advance rights based approaches, to work on policy and advocacy and good governance. Shifting the mandate of registration to the Ministry of Justice in 1997 can be taken as a milestone for the realization of NGOs' role beyond disaster response and relief work.

NGOs/CSOs, which are engaged in advocacy work, play prominent roles in monitoring, influencing and shaping public policies through public policy dialogues and debates. In general, NGOs/CSOs are essential to developing a country's economic, political and social development.

CSOs are increasingly involved in advocacy operations mainly related to human rights and democracy issues. Their mandate emanates from global recognition of good governance as a critical component and precondition to sustainable development of any country. CSOs are engaged in advocacy of specific issues such as debt relief, increases in external assistance, export price levels for items such as coffee, globalization and gender issues, HIV/AIDS. [...] CSOs' contributions in development are seen in terms of identifying policy gaps and issues, providing services which also complement government endeavours, grassroots interventions, mobilizing community participation, strengthening CBOs, bringing the voice of the poor to the wider public and to government, mobilizing external resources...¹

Promoting development necessitates an active and organized civil society sector which in turn contributes to organizing and enabling (with information, with skills etc) citizens. As stated in the AAE CSP for 2005-2009 [...], a number of limitations in the civil society sector, including issues of accountability and transparency, weaken the standing of the sector before the government and the public at large. The credibility of CSOs is further challenged because of their limited understanding and perspective about the causes of

¹ taken from SDPRP II Policy options (PAN-E, CRDA)

poverty and lack of determination to challenge the status quo which disfavors poor people. There is little attempt to link peoples' mobilization with intended policy outcomes. As a result, CSOs participate very little in key development planning, and resource allocation decisions and are vulnerable to arbitrary harassment and difficulties. The Government is unable to issue the CSOs/NGOs legislation [..]²

There is also debate over the definition of NGOs and CSOs. According to the current registration numbers of Ministry of Justice, there are more than 1200 registered NGOs and thousands and thousands of CSOs (predominantly CBOs as well as membership associations). The new trend in formations/establishments of unions, networks, consortiums, fora, groups has continued up to the assessment period. During this post-election phase, the issue of 'NGO' and "CSO", and linked to that the debate on 'legitimacy' and 'constituency', is interestingly rather high on all sides, particularly donors and Government but also including some members of the civil society sector.

Roles such as advocacy, lobbying, work on policy issues, human rights etc did not really exist, at least in a formal and organized manner till after 1991. This period saw the growth and sophistication within the sector.

Overall, given the autocracy, civil repression and manipulations throughout the history of Ethiopia, it is essential to understand the potential and challenges to the civil society sector. It is also a fact that the civil society diversity, particularly the NGO sector, increased after 1991, following the EPRDF rule. During this period, particularly around 1993, there was shift of activities from relief to development and/or linking relief to development as well as placements of more restrictions on expatriate recruitment. There was emphasis on 'building the capacity of local actors', thus also causing a dramatic drop in funding from bilateral and multilateral organizations to international NGOs. This was so given the that the international community was keen to engage with the new Government.

PACT assessments on enabling environment (See Annex 1 at the end of the report)

Similar studies have been done regularly by PACT, an American NGO, every two years since 1998. The consultants had access to the latest "Enabling Environment" assessment report of 2004, in which findings of previous years' assessments (1998-2004) are also summarized.

PACT's assessments were conducted by both local and international resource persons. PACT has rightly held on to repeating such an assessment in 2006, in anticipation of this assessment report, and if necessary, to build on its recommendations and findings.

Objective of the current assessment

The major objective of the assessment, as stated in the ToR and as commonly agreed is to:

² taken from AAE CSP 2005-2009, Operating environment chapter

- Conduct a rapid assessment of the operating environment for CSOs/NGOs in Ethiopia

Methodology

For this, the consultants then drew up a more detailed ToR, emanating from the overall objective, main points of which were:

- Select a group of people to interview across a range of organizations and individuals both members and non-members of the CRDA, both governmental and non-governmental
- Develop a questionnaire to widen the information base and analyze the responses
- Peruse major documents on the subject (previous assessments of this nature, major current CSO initiatives by CSOs themselves as well as others)

The main approaches used were, therefore: individual interviews and information gathered through a questionnaire. The agreement with CRDA is for the first draft of report to be presented to its Board and later to be disseminated and presented to its Membership Assembly (recommendations concerning consultations and roll out of assessment findings from the consultants as well as from various informants is indicated in later paragraphs).³

Timeline of the current assessment

The assessment started towards the last week of June 2006. Questionnaire was distributed around 2nd week of July 2006. The first draft assessment report was completed and submitted on 30th August 2006. This report has been finalized, following inputs from and presentation to the CRDA Board.

Process

A more detailed terms of reference was developed for use during the assessment. This stipulated how the assessment would be done, what kind of informants would be interviewed, what type of questionnaire would be developed, how the questionnaire will be developed and any additional resource persons (distributing the questionnaire, analyzing it etc) required to engage in the process.

The report makes an attempt to clearly distinguish the inputs from informants (what they saw as key concerns and problems, causes for continued mistrust, and recommendations for improving the situation). This is accompanied by sections on updates on CSO related initiatives, and additional recommendations and brief analysis.

³ CRDA has scheduled a presentation of the assessment report for mid January 2007

In terms of informants, the assessment tried to diversify the range: local, international organizations; government officials; individuals who know and have engaged in the sector; CRDA Secretariat, Board (former and current) and some of its members; gender representation, not just to have some women on board on the informant list but to try and imply an engendered analysis of events. At least one MP was also approached and interviewed. For future assessments of this type, it is advisable to talk to as many members of those institutions with oversight as possible (Parliament, for eg).

22 people considered to provide useful insights and some information on and around the theme, were interviewed- five of whom were women. Questionnaires were distributed to some 61 organizations and (up until this first draft) 46 had responded. A summary analysis of respondent's issues is also included herein.

People interviewed or who responded to the questionnaire were not only CRDA members, but also other non-member networks and individual organizations in the sector.

Some documents were also reviewed.

The report is structured in such a way that it tries to provide a background, an overview of current CSO/NGO initiatives either by the sector itself or with Government or with donors. It has a section which describes what informants said and recommended. It has a section on what the consultants analyzed and concluded from own experience and current trends as well as from informants. There is also a section which attempts an engendered analysis of the situation.

A separate section is allocated to issues raised concerning CRDA raised by some informants. Other annexes are also included to present certain key events and initiatives.

Legal and Policy Framework.

The legal basis for the operation of NGOs/CSOs has been clearly recognized in various international instruments, practices, standards and initiatives. The international, regional and national instruments affirm the right of citizens to organize themselves as non- state actors (mainly excluding political parties). Therefore, the various international instruments recognize and support the right to establish independent associations. The Universal Declaration of Human Rights, the International Convention on Civil and Political Rights and the International Economic, Social and Cultural Rights all express the right to form independent associations, and the rights of citizens to organize around certain interests.⁴

Legal Framework.

Having clear and unambiguous laws which define and authorize operations of NGOs and other CSOs is at the heart of an "enabling environment". In 2000 the government had

⁴ Paper presented by Yitagesu Z, UECSO, August 2006

initiated a reform process and a series of draft proposals for new legislation were circulated (these were written under the auspices of the MoJ). NGOs expressed dissatisfaction and assert that agreed upon terms were changed in the final version.⁵

Even though having a legislation is not going to solve all the issues and problems, at the time of this assessment in 2006, there is as yet no closure in this fundamental indicator of *enabling* environment. Furthermore, in addition to legislation, political commitment and will, particularly on the part of the Government, is absolutely necessary. As of recent it is public knowledge that the GoE has issued an ‘NGO Guidelines’. It was also anticipated, from some informants, that registration and other CSO/NGO issues was to be transferred to the Prime Minister’s Office but that the idea was later dropped!.

Registration in one way or other affects the exercise and full realization of freedom of association (right to establish an organization; to join or not join an organization; right of associations to pursue their objectives).⁶

For various reasons emanating either from the side of the government or from the associations themselves, registration of association is becoming an essential part of the legal framework. Until 1997, DPPC (now DPPA) was handling NGOs registration and re-registration. After 1997, the mandate was transferred to the Ministry of Justice which carries out registration and re- registration of NGOs/CSOs.

According to the experience of many countries, registration by the government is carried out on the grounds of one or two reasons. On one side, governments want to monitor whether the established association is working within the law or not. On the other, registration is conducted to acquire legal personality so as to open bank accounts, to enter into contracts, to hire employees, etc. In Ethiopia, however, the mandate of the government (MoJ), in the eyes of several informants and in practice, has gone beyond registration as far as closing down organizations, dictating what goes or does not go into an organization’s Memo of Association (MoA) etc thus contravening the very principle of ‘freedom’ of associational life. There is also concern that, unlike the recent past, NGOs/CSOs will soon have to first present project documents from regions prior to seeking basic agreements (current practice is that they get basic registration, legal certificate first, and then they go on to prepare project documents). In other words, Government now wants to know what precisely NGOs/CSOs want to do before providing legal certificates.

Furthermore, there was strong feeling that the government is monitoring the ‘political’ actions of NGOs /CSOs. Many CSOs urge the need to distinguish between “*politics for power*” and “*politics for change*”.

Article 31 of the FDRE Constitution provides the right of every person to freedom of association for any cause or purpose, with restrictions currently imposed on: (i) violations of appropriate laws and (ii) illegally subverting the constitutional order (iii) promotes

⁵ taken from PACT’s 2004 assessment

⁶ paper presented by APAP at the Union of Ethiopian CSOs second internal dialogue, August 2006

subversion of the constitutional order illegally. Registration in one way or other affects the exercise and full realization of freedom of association.

Article 404 of the Ethiopian Civil Code states that a minimum of two persons are required to form an association; the objective can be anything except profit-making. There are contradictions regarding the number of individuals to form an Association; according to the Civil Code, an association can be established either by

- (i) A MoA (which regulates the relations between and among members and has no legal effect on third persons) or
- (ii) By Statutes.

While one Article has effects on third persons and says associations need to develop statutes within three months as required by the Office of Registration and members (if this is not so, the Office can dissolve the organization) - on the other hand, according to another Article, this is necessary only if and when the Office calls upon founders to draw up and deposit Statutes. The latter is more flexible and avoids a blanket application of burden on all associations.

For an association to exist and operate, it is necessary that there be an enabling environment which provides due recognition and protection.

In several instances, provisions went beyond the parent legislation putting undue restrictions on the exercise of freedom of association.

For instance, there are some eight disparities between the Civil Code and the Legal Notice:

- Civil Code: act of registration is a formality and has nothing to do with legal personality. Legal Notice: prohibits existence and operations prior to registration
- Civil Code: provides for deposition of statutes and not MoA. Legal Notice: requires also MoA
- Civil Code: only if found appropriate deposition of statute is necessary. Legal Notice: this is mandatory both in the case of MoA as well as statutes.
- Article 470 (2): an appeal against a decision of Office of Registration to refuse registration can be directed to court whereas Article 16 of Legal Notice gives this power to the then Ministry of Interior.
- Civil Code: there is no liability on individuals working for an association. Legal Notice: imposes it.
- Legal Notice: allows intrusion in the internal affairs of the association. While one article claims convocation of meetings is considered an internal affair as determined by MoA or statutes; another prescribes mandatory procedures to be followed by the Association and allows convening of a general meeting even if refused by the management of the association.

Under Article 462 (1) of the Civil Code, only when the objectives or activities of association are found unlawful, does the Office have the power to dissolve an association. In all other cases, it is an issue for the court. However, the legal Notice broadens the then power of the MoI (Ministry of Interior) to dissolve an association even for reasons other than those given it in the Civil Code.

Add to this, the MoJ and DPPC also have yet other registration procedures themselves.

The MoJ stipulates that the activities of an organization cannot be of “political” nature; that activities cannot be “those of government”, groupings of associations are not allowed and registration of networks is problematic and inconsistent and contrary to the spirit of both the Civil Code and the Legal Notice.

All this makes the registration process onerous, subjective and open for abuse and provides ample room for denial of registration.

The DPPC, on the other hand, has its own regulations governing the process of registration. Some examples are (i) request for support letters from regional authorities where the association wants to work; (ii) Association has to depict its sources of funding; (iii) conduct a pre-operation capacity assessment; (iv) one has to sign a general agreement, etc.

For CBOs, there is no special law governing their existence and operation. They are under the realm of associations as defined by Article 404 of the Civil Code.

One of the issues raised in the last assessment by PACT, in 2004, is the issue of CBOs (such as Iddirs) and the demands for their registration or formalization by government, as something which needs to be monitored.

In conclusion, the provisions of regulations contrary to the provision of their parent law endangers freedom of association, violates essential provisions of the Constitution and International Human Rights agreements ratified by Ethiopia.

Nowadays, there are non-governmental organizations working on governance, human rights and monitoring human rights violations by government, policy issues, rights-based issues, etc in addition to humanitarian and other charity work. This has increased burden on classification. The engagements of civil society associations has changed in nature, scope, coverage and numbers have also grown. The law, however, has not changed.⁷

Notwithstanding the need for some legal systems for CSOs/NGOs, it is worth noting that " there is fundamental tension between civil society and legal systems. Much activity that the concept (i.e. civil society) embraces is informal, not organized in formal structures, and thus is not formed by, or in need, of law (this is however not the case with NGOs, our emphasis). A legal framework thus constrains that freedom and flexibility, and yet organizational security depends on a secure legal framework [...] an enabling legal

⁷ taken from APAP's presentation at UECSA's 2nd CSO Internal dialogue, 2006

environment enhances civil society while a hostile legal environment (or lack of it) endangers it.⁸

Overview of initiatives related to civil society

There are several activities and initiatives carried out by both civil society organizations (concerning civil society) and donors in collaboration with government (some are just being launched). The major ones are listed below, starting with those initiatives taken up by CSOs/NGOs themselves. Several of these initiatives are cited because they demonstrate certain maturity, self-reflection and development within the sector.

CSO activities, events, initiatives:

- CRDA, the oldest NGO network, initiated and conducted a thorough internal self-review (with the help of an external consultant) with recommendations for change and adaptation, followed by review of its MoA.
- Extensive voters and civic education was conducted pre and during elections 2005 (by a number of civil society organizations)
- Creation of informal networks on election monitoring, G-CAP and Make Poverty History campaigns etc.
- Two networks were created recently : the UECSA and the Civic and Voters Education Association (CVEA). A third is in the making. The latter two are members of a former larger 'governance' group now split into two)
- There are also attempts to create a civil society network on conflict prevention.
- A group of citizens initiated a Citizens' Voice for Peace initiative which started in June 2005, the week of the first election related violence, and continued till around September of the same year. The initiative included mediation and shuttle amongst key contending political parties (EPRDF, CUD and UEDF) and also liaison with EC and other major donors.
- The court case of the election monitoring CSO group⁹ and NEBE and the revoking of the decision by the courts in favor of CSOs was also a case in point (the NEBE had introduced, just before elections, a procedure requesting CSOs to have "election monitoring mandate" in their MoAs in order to observe elections). The court judgment, however, came too late to allow the CSO group to do any effective monitoring of elections. Given the time constraints, from the planned 3000, the number of monitors had to be reduced to 250.

⁸ the legal environment of civil society, Chapter 9, Richard Fries

⁹ an informal network which comprised some 35 CSOs

- Inter party debates, pre-elections 2005, were organized in unprecedented form and government played a key role in televising these live. Prominent role played was by IAG in organizing the most attended and viewed debates (there were others who also organized debates)
- Major CSO meetings were organized during pre-election, election and post elections followed by public statements and appeals to both ruling and opposition parties (notably the UECSA, CRDA), including appeals concerning entry to Parliament (in one occasion, two CSO groups had recommended opposing ideas: one urging opposition political parties to enter Parliament while the other recommended the opposite).
- Apart from the issue of Parliament, key concerns raised and recommendations made were related to: the need for an independent judiciary, the need for an independent media, the need for an enabled and independent NEBE, the need to revisit the new Parliamentary procedures, the need for an independent and accountable security sector, the need for independent inquiry and investigation of civilian killings in June and November 2005, the need for an all-party forum to address political impasse and nurture (ie had all opposition political parties joined) a future multi-party House of Peoples' Representatives (HoPR).
- Consistent monitoring reports on human rights, associated with elections, by human rights organizations was also an ongoing activity (notably EHRCO)
- The development of proposals on NGO legislation named "from opposition to proposition", notwithstanding that some informants said it needs to be more inclusive, participatory and a much more widely owned and shared process clarifying the NGO-CSO nexus
- The recent discussions (by CRDA and the UECSA together with other networks, August 2006) on reviving the Code of Conduct, again notwithstanding the limitations of the past in implementation and enforcement of the CRDA CoC.
- Following a subdued period from November 2005-May 2006, the recent ground breaking discussions amongst CSOs on "identity, roles and mandates" of CSOs (by UECSA) and the discussion on CSOs and the nuances of Board leadership and "party politics" (by CRDA)
- PAN-E and CRDA jointly prepared policy considerations proposed for SDPRP II in October 2005
- A pilot citizens report card was facilitated and compiled by PAN-E on Pro-Poor services in Ethiopia, April 2005

Donor supported CSO Initiatives

Mutli-Donor Funding initiatives, DAG Civil Society Support Programme (CSSP):

It is in 2004 that the MoCB started to explore avenues for expanding opportunities for NGOs and other civil society organizations to engage with government agencies in carrying out various development schemes associated with decentralization.

Early 2006, a review of donor engagement with CSOs was conducted, the main objective of which was to develop a more coherent and strategic approach for engagement by donors with CSOs in Ethiopia.

The review was done in two parts. The first part saw the:

- Analysis of donor approaches towards CSOs in Ethiopia
- Strengths and weaknesses of current donor harmonization mechanisms around CSOs was assessed and
- Key strategic objectives for donor engagement were identified (many of which are also being dealt with by CSOs).

The second part designed a set of three core proposals to focus on:

- The need for an Enabling environment (a CSO law, Code of Conduct, focal point for CSOs, that is a “one stop shop”)
- Government-CSO policy dialogue
- Multi- donor decentralized and joint financial support for CSOs.

In many ways, the multi-donor funding initiative started with the PRSP process in which donors looked at NGO engagement through a DAG pooled fund.

There is also consensus at DAG level to prioritize the Legislation and Code of Conduct issue, as well as dialogue concerning both policy and service delivery.

The Press Law, the NEBE new structure are also being revised with international donors support and expertise though there has been no communication nor consultation with civil society as yet. A review of the Parliamentary procedures, introduced during election time, was also conducted with international donor support. Again CSOs had no apparent role nor consultations were organized to, at the very least, get inputs. Country Governments such as the UK, Canada, India, Germany and the US are involved in some of these initiatives.

The CSSP initiative’s key structures are:

- A high level steering committee at national level, composed of donors, government and CSOs, with an oversight role, looking at policy issues and providing strategic guidance .
- A Program Management Committee (of donors only), providing technical guidance.
- A CMU (Central Management Unit), contracted by the UNDP, with responsibilities for day to day management

Major donors are interested to support this multi-donor initiative proposals which were also submitted to Government towards September last year. An official response is still awaited from Government to launch the programme. The programme is expected to have a life span of five years. Donor funding will be channeled through a DAG pooled fund, to be managed by UNDP. Major contributing donors are DfID, CIDA, Italian Cooperation and Irish Aid.

Protection of Basic Services (PBS):

Following concerns over governance and the post-election violence of June and November 2005, a number of development partners decided that they could no longer provide assistance to the Government of Ethiopia through General Budget Support, which is a sum of money given directly to the Government within the framework of an agreed poverty reduction strategy and objectives, but not earmarked for specific purposes.

However, development partners also believed that they should continue to work with the Government and not undermine its capacity to deliver critical basic services to the poor [...]. For this reason they proposed a new mechanism, known as PBS project, through which they propose to provide financial support to the Government, but they are requiring that the latter spend these resources on core social services. Civil society organizations are expected to play a complementary role in helping to ensure there is more accountability about how these basic services are provided.

The PBS project consists of four main parts:

- (i) Protection of basic services by wereda administrations
- (ii) Delivery of basic health services
- (iii) Improvement of citizens' understanding of regional and wereda budgets and to make service facilities more accountable to the citizens they serve
- (iv) Support to citizens and CSOs in becoming more familiar with budget and to engage citizens and CSOs in pilot activities on social accountability and service delivery.¹⁰ CSOs are accorded a major role in the implementation of Component 4 (commonly known as Social Accountability).

¹⁰ taken from PBS brief (2006)

PBS has a steering committee comprising of donor development partners (such as Irish Aid, World Bank, DfID, EC, CIDA, JICA), CSOs and Government (MoJ, MoFED and MoCB) which will oversee the scheme (this committee has now met twice). A scoping study has also been completed by consultants and is currently being discussed. It is worth noting that, CSOs got together to elect six CSOs (primary three) which they wanted to represent them at this committee. The process, organized and hosted at CRDA, was transparent, clear and without precedence where nominations were made, nominees campaigned and presented their plans and the election process had an election committee. The NGOs selected are CRDA, PAN-E and CoRHA as the top three CSOs to sit in the PBS committee. It remains to be seen what role they will be able to play in partnership with government and donors.¹¹

The Steering Committee had a shaky beginning in that one of the committee member NGOs was not initially 'administratively' cleared. This has been eventually sorted out.

EC Civil Society Capacity Building Fund:

The EC CSO Fund is a programme of the European Commission launched early 2006 in cooperation with the Government of Ethiopia in support of civil society.

The EC civil society fund was designed within the framework of the Cotonou Agreement and is financed by the EU through the EDF. Ten Million Euros have been allocated through this fund for CSOs and is a five year programme of two phases (2006-2008, 2008-2010). The main aim of this initiative is to build the capacity of CSOs. The Fund will finance CSO projects in the form of grants through calls for proposals on various themes (two have been launched so far).

An analysis by the EC says that political institutions in Ethiopia indicate weaknesses of popular participation in State-society interaction; that the overwhelming majority of people have no role in governance and are also unfamiliar with rights and obligations as citizens. It also states that Ethiopian civil society is significantly dependent on external support.¹²

In the eyes of several medium and smaller CSOs, however, there is concern, unless improved, that the bureaucratic procedures of the EC might counterfeit the "capacity building" purpose for which it initially set out (the Cotonou Agreement was signed in June 2000. In many countries of the Horn, including Ethiopia, the project is just taking off now)

An NSA mapping (2004) was also conducted by the British Council financed by the EC¹³.

¹¹ There was a suggestion to merge all these major key initiatives involving CSOs/NGOs (ie CSSP, PBS and EC CSO CBP. Government is keen to keep the PBS one separate.

¹² see EC information leaflet re EC CSO capacity building fund

¹³ available on www.deleth.cec.eu.int/en/sections/politic.htm

There was another major mapping done of CSOs (2003) and consultations organized around the MoCB/WB capacity building programme for CSOs in 2004 though the idea of government building the capacity of CSOs had triggered criticism from some NGOs, mainly due to concerns related to compromising autonomy and independence. There were, however, mixed feelings within NGOs/CSOs about this.

Donor Governance Strategy.

From informal discussions with an international colleague, there has been discussions among the major donors group. One of the outcomes of this discussion was to come up with a governance strategy and to deliberate on issues concerning partnership with government and with civil society. Some of the salient issues raised were:

- That it is important for government to expand links and dialogue with civil society as legitimate partners for development processes
- That it is important for donors to expand links and dialogue with civil society and integrate them especially when donors dialogue with government
- That donors should not "invent" civil society; that this should be an indigenous process (from some informants, there is also the issue of Government "inventing" civil society. The creation of some local NGOs has also been prompted by some INGOs)
- That donors should be careful in being even-handed and question "where the poor are" when dealing with CSO/NGO members who speak "on behalf of the poor"

Furthermore, **the governance strategy highlights:**

- The need to acknowledge the validity of "issue-based" civil society organizations, but with clear 'constituency'
- That donors must have activities geared towards building the capacity of those 'issue-based' organizations
- That donors need to be sensitive to government priorities
- That issues of CSO/NGO Legislation, code of conduct need to be prioritized; as this gives greater security for everyone and a more secure environment
- That donors need to have careful and professional links with local partners coupled with protective systems for their local partners

The donors group has also proposed governance indicators such as on: human rights and conflict prevention; looking at output and outcome indicators (which include increase in citizens' awareness and understanding of rights), means of verification (which includes reports from CSOs etc).

Furthermore, there is a national development strategy: the PASDEP, one of the key objectives and broad pillars of which is human development with a number of cross cutting issues, including governance.

At the highest level, there is a senior group of donors and Government named 'the Neway Group', a forum for high level regular dialogue between donors mainly focusing on those indicators for the Democratization and Good Governance agendas outlined in the PASDEP.

Overview of Political context

There have been and continue to be significant developments in the political landscape due to elections 2005. Much of the details regarding this is fresh and available in everyone's minds. However, a brief overview is necessary particularly given the engagements (and later implications) this has had on members of the civil society sector.

There has been progress since the fall of the Dergue. Though not fully operational, an Office of Ombudsman and a national Human Rights Commission (HRC) as well as a Commission for Ethics and Anti-Corruption have been established. The strategic plan of the HRC has seen inputs from some civil society organizations.

Though comparatively hugely different from any past elections, EU and other observers identified certain flaws in the recent elections in Ethiopia.

'The 2005 elections were significant in a context of transition. [...]. The 2005 parliamentary elections were the most competitive elections Ethiopia has ever experienced, with an unprecedented high voter turnout. However, while the pre-election period saw a number of positive development and voting on 15th May 2005 conducted in a peaceful and largely orderly manner, the counting and aggregation processes were marred by irregular practices, confusion and a lack of transparency. Subsequent complaints and appeal mechanisms did not provide an effective remedy. The human rights situation rapidly deteriorated in the post-election day period when dozens of citizens were killed by the police and thousands arrested. Overall therefore, the elections fell short of international principles for genuine democratic elections'.¹⁴

The Ethiopian People's Revolutionary Democratic Front (EPRDF) was declared winner by the NEBE and formed a new Government in October 2005. The opposition (particularly the CUD and the UEDF) had significant gains. The declaration of election results by the NEBE paved the way for another third five-year regime for the EPRDF.

The opposition cried foul and their supporters took to the streets. Several people were killed and thousands were arrested in the protests (civil society members, opposition leaders, members and supporters, private press). Protesters died in further violence in November (earlier violence was in June). EPRDF accused the opposition of planning to topple the government; EPRDF critics said a campaign against political dissent was under way. Senior opposition figures and journalists, including three CSOs, were charged with treason in the wake of the 2005 protests. The trials have just been concluded and a final decision is expected by February 2007.

Although the state controls most of Ethiopia's radio and television stations, the print and broadcast media have seen dramatic changes since the fall of the Dergue in the early 1990s. The number of privately-owned newspapers has grown.; some are available online. The private, press particularly during the last general elections, offers quite different reporting to the state-owned newspapers and is often critical of the government.

¹⁴ EU Ethiopia Election Observation Mission Report, 2005

The relationship between the private press and the authorities has many times been difficult ¹⁵.

Certain private media have also been perceived to be biased towards opposition parties.

¹⁵ extracts from BBC website

Assessment findings, incidents

Perhaps one of the most shocking experience for the civil society sector during the assessment period is that three civil society members were imprisoned and stand trial since November 2005 (see chronology on the latter, Annex 2):

- In the post election day period, there was a ban on freedom of assembly in the capital issued by the PM (in order, said the statement, to secure peace and stability)
- CSOs long awaited launch of G-CAP, (Global Call for Action Against Poverty) at Meskel Square, was requested to be stopped by the Government last minute, after many CSOs had organized and planned for it, including incurring financial costs
- One local NGO which worked with Iddirs on human rights issues and provides legal aid, was requested to provide separate agreement for this and was requested to stop working with Iddirs in three localities. The NGO was told that "it is not its mandate". Work has stopped for three months in one of these places. The NGO, in order to establish legal and human rights resource centers also wanted to train some Iddir leaders but local government was adamant that *it* should select the trainees who would run these centers and note the NGO.
- Another local NGO has been criticized of “inciting communities”. The leader of this local NGO was paid a visit by a local government security official who asked about “local grievances” re 2005 elections. This local NGO has suspended its civic and rights education programmes
- Provision of ultimatum to human rights groups
- Issuance of official warnings to umbrella organizations and inhibition of NGO activities
- Issuance, publicly, of official warning to an international NGO as interfering in ongoing legal processes (ie of the imprisonment of its national employee). Meeting was subsequently held between this INGO and the MoJ.
- On June 2nd 2005, one of three monitoring teams of OSJE, which was on its way to various parts of the country to monitor elections, was intercepted by armed police and security officers, with no arrest warrant, who took them to central investigation department of Federal Police Commission (they were released late same night)¹⁶.
- One NGO was threatened to be evicted, and was not permitted to do maintenance and repair working its office premises.

- One NGO reported difficulty in getting agreement on its project concept (particularly in relation to its community capacity building role).
- One NGO said it has been branded as "opposition" due to its reporting of human rights violations
- Harassment of youth clubs
- One NGO had 15,000 Birr taken out from its accounts by order of wereda court (without its knowledge)

Generally, many informants perceive that there is less cooperative mood in assisting particularly those CSOs/NGOs who claim to be engaged in rights, governance and democracy issues as well as in community mobilization.

Concerns, causes and proposals obtained from informants

Concerns:

(i) Of concept and internalization about the role of civil society

- Empowerment aspects of CSO work is seen as threatening or not appreciated, including by some international actors
- Even through PBS, CSO engagement was seen to be limited at *micro* and service delivery level. PBS is seen an opportunity for partnership in core services provision, but some civil society members care should be taken not to contribute to undermining the broader role of advocacy and rights- based CSOs
- Space for CSOs should have expanded given the questions around "legitimacy and poor governance". After all, budget support was revisited given governance concerns witnessed during elections 2005
- "Rights watchdogs" and Human Rights organizations are perpetually targeted and being considered as funnels for civil and political discontent
- Government's accusation of NGOs for "allying" with the opposition, sense of vindictiveness towards NGO leaders who are seen as "angry elites" with high overheads
- Advocacy NGOs seen as "exposing" government and focused on fault-finding. Some newer NGOs (working on rights, social justice issues) seen as "awakening sleepy old NGOs and NGO leaders"
- An already ambiguous attitude of government gone sour and a clearer anti-CSO/NGO stand, post-election 2005
- CSOs seen as humble gap fillers with primary mandate and role in relief and humanitarian work
- NGOs not safeguarding national interests and not effectively taking part in nation building process (this was forwarded from civil society member)
- CSOs, particularly NGOs, are at best tolerated (or selectively engaged) and at worst ignored

(ii) Of resource:

- Some donors are oblivious of exploring the provision of funds for building up CSO's investment capacity, through endowment funds or other, which provide long term *financial security and independent programming* for their local partners

(iii) Of power and power relations:

- Government has been swept off its feet, needed to gain political clarity, post-election 2005
- Several CSOs believed the harassment will continue. With both a weak civil society sector and a weakened government, slight intimidation is enough to make civil society withdraw and pressure Government to become aggressive

- Some NGOs, including those 'perceived' close to government, anticipating a non-smooth re-registration process
- An unhelpful stand-off and polarized situation post election 2005, unhelpful statements concerning NGOs by key and senior government officials, FM radio
- The “personalization” of government duties as opposed to “institutionalization”
- Some civil society members thought that when government is in good terms with donors, NGOs get marginalized; when government is not on good terms with donors, NGOs get marginalized anyways

(iv) Of internal dynamics:

- New and increasing breed (political 'cloning') of “pro ruling party” CSOs as well as those rights-based CSOs being seen as "pro-opposition"
- The sector being rife with conspiracy theories of one individual NGO or groups of NGOs towards another, veil of secrecy and uncertainty
- Not all NGOs/CSOs see the need (or understand and enforce the need) to inculcate a “why are we here’ philosophy and theory of development, vision and understanding of cause and civil society activism

(v) Of societal make-up:

- Values, attitudes, norms which develop in our society (hierarchical set-ups, vertically stratified etc) have direct and indirect influence over consolidation of civic characteristics that enable the facilitation of healthy relations
- The culture of dialogue: limited space for opposing ideas, tendency of uniform thinking, not used to direct and open dialogue all aggravate lack of and hinder proper and constructive dialogue

Causes:

(i) Of concept, internalization and power relations:

- Government’s theory and philosophy of development and where it positions “citizens’ rights” as enshrined in the Constitution should be a priority agenda item for dialogue (raised by an international)
- The origin of government's mistrust being rooted in the historical experience of the incumbent party in getting relief aid during the liberation period and its classification by the then government as a “reconnaissance agent to donors”. Because of this, governments are usually suspicious of donors and hence NGOs; Hence, the image of NGOs as 'spies or agents of the west' and their emergence, also today, is considered to be politically tinted.
- The philosophical difference between the two (Government and CSOs/NGOs) in shouldering and advancing development. Government argues that development plans cannot be managed by voluntary organizations and that these have to complement it. Whereas NGOs argue that they are nearer to the public and have the political goodwill to help people at grassroots

- Government's heart: is it really there, ie in democracy? (apparent serious mismatch between policy and practice at various levels)
- Some government officials are intrinsically *anti*-NGO
- Addressing the agenda of "entitlements" needs caution in an environment where there is no guarantee for rule of law or where rule of law is fragile or defaulting
- Unprecedented NGO activism in elections 2005, EU election Observer mission report, diaspora citizens activism¹⁷ catching Government and others off-guard
- War of language on "rights", 'overemphasis on rights' as compared to responsibilities and accountabilities
- The sector's persistent and historical role on "gap-filling and service-delivery roles and mandates", suddenly seen to have gone "wild" (and in all directions) by NGOs/CSOs during elections
- Conflict of mandates and authority (reflected also in regions) between MoJ and DPPC
- Lack of acknowledgment of legitimate roles of NGOs/CSOs in development, good governance and democratization processes by government (and to some extent by some donors)
- Rule of law versus rule of aggression
- Increasing donor influence and undermining of State-Society relations and government's accountability to citizens

(ii) Of resource:

- Competition for resources in general
- Resentment of CSOs and their opening up of recent access to "even bilateral" aid and focus, ie NGOs/CSOs seen as a system for parallel (outside of government) resource provision.

(iii) Of internal (inter and intra-CSO) dynamics:

- Things happened too quickly, without harmonization, pre-mature call for democracy, CSO engagement in for eg, election monitoring was not trust-based, had no code of conduct , nor joint values
- The need for more CSO models, exemplary leadership
- Selective engagement of some NGOs close to government (selfishly taking only own agenda)
- Inequality in treatment of CSOs/NGOs by donors and government alike
- Rivalry between various groups of CSOs
- Dire absence of internal code of conduct to regulate mutual accountability
- Unnecessary passive "distancing of self" and absence of engagement, lack of persistent challenging (by CSOs) due to lack of confidence internally, lack of consistency

¹⁷ One particular NGO is planning to conduct a public opinion survey on elections 2005

Proposals and recommendations:

(i) Engagement strategies:

- Engage with those who have a level of trust with government (they might be able to place common issues and agenda on government's discussion table). They can be a safe medium through which to speak out
- Establish links with MPs for lobbying¹⁸
- Careful messaging required, need to be "pragmatic" between what is "right" and "what is possible"
- Can not exercise fully one's rights cause it might mean losing them!. Need to be tactical, be clear about mandates, keep testing messages out collectively in order to avoid victimizing a few
- Building collegiality across different ideological stands within the civil society
- As Government will request donors to seek greater legitimacy from civil society/NGOs, memorandum of associations, CSOs/NGOs need to prepare and examine their legal status for their interventions
- Identify the intrinsically pro-NGO/CSO Government officials who understand and appreciate the role of civil society. Government is a composition of individuals and is not homogenous, need to identify sympathizers and the enlightened to lobby through
- Conduct lobbying and awareness workshops for interested MPs
- Make wider use of donors, currently their existence, particularly of INGOs, is crucial and important to use wisely. Without the internationals, the "indigenous" is seen as 'lost'
- Need to test and engage institutions of good governance (ie Ethics and Anti-corruption Commission, Ombudsman and Human Rights Commission, House of Peoples' Representatives)
- Dialogue with government is urgent and essential with a "good, impartial, stable mediation"¹⁹
- Enhance "service delivery" and "issue-based" CSOs linkage and collaboration. It is not one or the other. All forms of civil society have a role
- CSOs/NGOs and/through their network leadership need to make strategic links with donors and opinion-makers *and expand their circle of influence*

(ii) Public Relation strategies:

- Profile and boost CSO image, provide and publish information about their work
- Need to continue raising CSO profile through media, NGO Day, show and promote best practices, be bold about successes and failures and articulate reasons for those

¹⁸ one NGO plans to have joint hearings with Parliament on issues

¹⁹ One NGO is participating in organizing a "Millenium" project to promote reconciliation

(iii) Fundraising strategies:

- Make strategic choices re funding: engage the diaspora, diversify funding, networks to pool some resources for "engagement" projects (with donors, inter-CSO, and with government). Harmonize civil society/NGO engagement with both donors and Government
- Approach donors to provide funds for building up investment capacity, endowment funds or other which can ensure long term financial security and independent programming on the part of CSOs

(iv) Internal strategies:

- CSO networks need to come together and urgently reactivate work on an inclusive, active, participatory code of conduct to (i) encourage and ensure the adoption by CSOs/NGOs for a *minimum level of civility and cooperation* in common agendas and (ii) to internally *self-regulate* the sector (perhaps in different forms at different levels)
- CSOs must protect *principles of social contract* (to each other) which offer collective solutions. Otherwise it is difficult to engage as a collectivity and act in concert
- Urgently find out the status and reactivate NGO/CSO legislation work
- The sector needs to *share* leadership roles on certain issues of key concern
- Existence of networks and the need to encourage and support current moves of bringing network leaders together (currently some 11-12 networks meet regularly to discuss civil society issues and harmonize civil society engagement: to reactivate legislation and code of conduct). This can disarm critical partners.
- Encourage and support the dissemination of representative overview on the identity, role and legitimate mandate of the sector as implicitly enshrined in the Constitution and international civil and political rights

Sample overview of questionnaire responses:

- In response to the question of which NGOs/CSOs are vulnerable or facing constraints, 11 respondents said those working on "policy" were more vulnerable. 15 said those working on human rights and rights-based are more vulnerable, while another 16 said generally *all* CSOs are vulnerable but particularly those working on human rights and rights-based issues
- For causes and factors concerning current tension between government and CSOs/NGOs, 10 said it is a "usual" tension, 24 said it is due to elections 2005, 28 said it is due to the lack of legal framework, 14 said it is due to lack of a code of conduct, 17 said NGOs are not keen to engage government and 22 said government is not keen to engage CSOs and another 17 attribute it to "government mistrusting CSOs"
- Some NGOs described some problems they faced directly (these are included in the findings section above). 29 said they did not experience any problems themselves

- On the overall assessment of the situation concerning relationships between government and CSOs, 16 described the environment as "good", 19 as "distant"
- Other causes and factors: 20 said there is lack of mechanism to engage with and support each other (ie the CSOs); 17 said lack of confidence due to internal issues and problems; 12 said due to mistrust and suspicion; 25 said the relationship is "weak but workable"
- 16 predicted the environment will get worse, 19 said things will not be worse. Many said things are not predictable and it is difficult to say. 18 said some CSOs/NGOs will continue to be particularly vulnerable
- Some said they resolve whatever "disagreement" through dialogue, they have joint for a with government; or work mostly at wereda levels and that there is good partnership at those levels
- About half of respondents said they are confident that recommendations from this assessment will be enforced and taken forward. The other half was skeptical !
- Some key recommendations from the questionnaire were: (i) use rights-based approach with *more discretion* until these issues are "internalized"; (ii) CSOs/NGOs need to complement board policy with country policy; (iii) there is an urgent need for a *fair and legal* framework for CSOs/NGOs to do relief, humanitarian as well as development, advocacy and rights-based work; (iv) there is a need to *urgently discuss* (with government) about *the relevance and need for a Constitution*; (v) use the media to disseminate findings; (vi) get feedback from government and donors; (vii) establish fora at regional levels; (viii) rights-based NGOs/CSOs to review their MoAs and tune them to what they want to do; (ix) use/take legal action when necessary

Cross referencing of information from informants:

At this point it is worth noting that, in some instances, there were conflicting ideas and perceptions from informants. The notable ones are highlighted below:

- While some suggested to try and work through those organizations “which were apparently (or perceived to be) close to government”, others questioned this *not being sure* about the basis for this “closeness” and therefore questioned autonomy and independence
- Some suggested ”using donors wisely” while others few said “there is no need for intermediaries” and that CSOs are primarily the ones who should take moves to directly engage and dialogue with government
- Some explicitly reported that they have dropped their civic education programmes, while another challenged this asking if government did not “ask it to stop” why does it, unless the organization has problems of its own (others sort of said "paranoia is reality on a refined scale!")

- Some said "NGOs' boundary and function need to be delineated", while others were cautious of the implications of that
- Some understood NGO engagement in human rights, voters education, civic education, monitoring of violation of human rights, advocacy and policy (those considered "political") as legitimate roles necessarily linked to development; while others say leave "politics" out of development and do not "complicate" things
- While many thought the legislation issues is crucial and fundamental, there were those who thought it was more of a "technical" matter; others said CSOs need to learn to operate "within established rules"

Interview summary, Ato Melakou Jemaneh (speaking on behalf of Government).

Ato Melakou was delegated by the State Minister of the MoJ to provide information on the side of Government concerning civil society issues. Below is information and perspectives obtained from discussions with him:

Government has a positive impression of CSOs. It conceives them as development agents. Unlike the government, the public is represented by CSOs. The Government believes that CSOs have immense contribution in development, by promoting good governance, through their role in the democratization process, service delivery and in the decentralization process.

Ato Melakou said proof of these positive attitudes are initiatives such as:

- The arrangement of a CSO capacity building program under MoCB
- The incorporation of the wider roles of CSOs in the program document developed by the NSC
- The engagement of CSOs in the adoption of the document. The CSOs in collaboration with the government have taken part from the inception up to deliberation stage of the NSC activities (though the representation was not adequate, ie only CRDA, some non-CRDA NGOs (individually represented), Self help international were involved)
- The establishment and the involvement of CSOs in the Multi stakeholders Advisory Group

The position and views of the Government, were described as follows:

- The relationship is good despite perception differences (there are many instances of healthy relations, as cited above).
- The government is committed to ensuring the existence of an enabling environment for CSOs and the government.
- Government understands CSOs as partners and (reflected in the document developed by the interim NSC, which CSOs and private sectors were represented) is committed to strengthening partnership.
- The need to establish a jointly managed steering committee (newly proposed body) and a CSO fund (who should administer the funds is still unresolved)

- Three ministries are involved in the implementation of the proposals of the Interim NSC proposal, namely MoJ, Ministry of Youth and Sports and Ministry of Women Affairs.
- Legislation is an indispensable element for the relations between CSOs and Government. The draft legislation is not *all-inclusive*, it is *NGO specific* (has been presented in the Council of Ministers meeting and did *not qualify*).
- The government has identified the importance of a *certain body* (to avoid multiple allegiance) and has proposed (as per the proposal of the interim NSC) to make legal matters a 'one stop shop' and voluntary
- The lack of capacity on the government and the CSOs' side
- The government has clearly defined the concepts: *NGO and CSO*. To the government, NGOs are sub entities within the larger CSO arrangement. In all discussion, the government thinks and acts from the perspective of CSO and not only NGO

Plans by Government:

- *The MoJ has taken the responsibility*, as per the directives and assignment given by the Interim NSC to accomplish in 2006/07 (1999 EC) the legislation matter with the involvement of CSOs
- The government (based on the proposal of the interim NSC) is planning to take the *initiative to establish a body that represents government and CSOs*.
- This established body will organize fora to review the progress of CSO-Government relationship
- *Decentralizing registration* (formerly it was managed up to region level) but is now proposed to go down to kebele level body (social court)
- To avoid misunderstanding and differences in perception (reflecting ideological disparities within government sector offices), there will be workshops with different sector offices of the government (at all levels). This will pave the road to make the operational environment of CSOs enabling and to exert concerted effort on finding common solutions.

Government expectation from CSOs:

- To advance an *all inclusive* approach, representing all CSOs *not only NGOs*
- To *observe the current NGO Code of Conduct* and in the meantime, *to re-draft a Code of Conduct that reflects all CSOs*
- To have consensus based ideas, actions and decisions (by *improving the intra and inter CSO conditions and relationship* respectively)
- CSOs have to *re visit their institutional arrangements* (avoid family based - personalized- arrangements), enhance transparency and accountability
- CSOs must *demonstrate their real need to work with the government* without surrendering their autonomy
- CSOs have to *enlarge their constituencies*

Government Recommendations:

- The CSO sector has to examine itself, must demonstrate how much it stands for the principles of good governance (transparency and accountability). Similarly, government will also do its share (to address its internal drawbacks).
- The conduct of a *series of urgent dialogues* with the participation of government bodies (like MoCB, MoJ, MYS, MWA) and CSOs (mostly representing all). This can be conducted using the government hierarchy (at federal, region, zone, and kebele levels).
- The *CSO sector* should itself address its own *capacity problems*. The government can not be involved in such endeavors.
- The necessity of enacting laws (which has to be addressed in the forthcoming legislation) that legalize the operations and formations of networks, umbrellas, unions and others alliances (currently lacks clarity)

Ato Melakou has portrayed the existence of a positive attitude by Government towards CSOs (citing his Ministry's initiatives of 2004 and the establishment of a Multi-Stakeholder Advisory Group).

From CSO informants and Ato Melakou's interview, there are clearly a number of **converging ideas between CSOs and Government**. listed below

- The importance of *accountability and transparency* on both sides
- The issue of *cohesion and consensus amongst CSOs*
- The need for *dialogue* to meet and discuss (including the establishment of joint CSO-Government fora)
- The need to address *capacity and internal problems on all sides*
- The fact that *CSOs and Government can work together without abdicating mandates and autonomy*
- The issue of enlarging "*constituencies*"
- The need to revisit *ideologies and perception* on all sides
- The importance of an *enabling legal environment, legislation*
- The importance of debating and clarifying the *NGO-CSO nexus*
- The importance of a Code of Conduct: one which is enforced, inclusive, active and participatory

There are **developments** also which Government needs to communicate about, and which CSOs need to find out more about. These can be a source for dialogue, see below:

- The idea of a jointly managed Steering Committee and Government Fund for CSOs
- The inclusion of the Ministry of Youth and Sports and Ministry of Women Affairs in dealings with CSOs
- The Government is pursuing ideas from the CSSP programme (idea of a "*one stop shop*")

- That the *MoJ* is assigned to *work on the legislation issue together with CSOs*
- That registration mandate will be decentralized
- That Government is thinking of working out formal legislation concerning networks, alliances etc

The case of CRDA:

As an adult NGO, CRDA has long history of existence. CRDA was established at around the same time as the RRC (now DPPC). Since then, it has fulfilled an important coordination role amongst NGOs and humanitarian work, particularly in the 70s and 80s. Just like other NGOs, it has undergone changes in its area of emphasis. Informants report CRDA as having contributed to mobilizing secular and faith-based, local and international, giant and small scale NGOs as umbrella organization which indeed is vital in the national development programs.

CRDA has been persistently attempting to promote partner based relations with government. It has tried to develop the NGOs legislation with the involvement of the government (Ministry of Justice); members and non members of CRDA were also involved in the design. Until now, however, the issue of legislation is still pending.

Similarly, a code of conduct for NGOs (published 5 March 1999) was developed under the auspices of the CRDA. In addition, it has also done capacity building support of NGOs staff through multiple fora. Different government sector offices were invited to attend CRDA sponsored forums. Government usually delegates its junior staff, staff who do not have a say on policy matters.

In reference to an outline provided by CRDA about its activities in connection with elections 2005, it has had engagements during the pre-election phase, on election day, and post elections. It has issued position statements and received government's reactions to it. Prior to submitting a formal response to the Ministry, negotiations were also in progress with the MoJ.

At the General Assembly of CRDA, held on January 13, 2006, (which was what prompted this assessment), there were six field reports of organizations and projects which were affected by the current situation (SIDA: urban development and sanitation in AA; Becho water supply in Oromiya, HIV risk reduction in AA, Dugda Bora in Oromiya; and Packard Foundation of SRHR (women and adolescents), Guraghe Zone/Sodo; and lastly not being able to secure a work permit for a Senior Advisor to the National Forum on HIV/AIDS seconded by DED.

In addition the CRDA was requested by the MoJ to delete or reposition nine items from its revised MoA (for e.g. the reference to "political" in its preamble, some elements of its 'capacity building' programme, 'public' meetings etc). CRDA was issued with a final written warning on August 13, 2005. It tried to request an audience but request was denied; it wrote a letter to the Ministry sometime in August 2005 protesting final

warning, though there was no response from the MoJ at that time, dialogue later resumed during early 2006.

CRDA and its engagement in elections:

- Inclusion of May 2005 elections in its three year programme
- Publications on democracy, civic education materials, interviews on newspapers
- Assigning of 104 election monitors, compilation and dissemination of monitoring NGO reports from 236 stations
- Issuing of statements following June violence (this was, many say, the last straw for the MoJ as far as CRDA is concerned). At the time of this first draft, CRDA had formally responded to the MoJ²⁰

Issues and concerns raised in relation to CRDA:

- The good relations with government was lost at the time of CRDA issuing a statement in June 2005, and the presence of individuals (who were key opposition party leaders) in the CRDA Executive Committee
- The Secretariat needs to revisit the way it conducts business
- CRDA discussed the issue of “party politics” and agreed that Board/Executive Committee leadership should not be involved in party politics. There are mixed reactions on this: how does this compare with individual rights as enshrined in the Constitution?; how will CRDA consistently apply this across the board? Should this be clearly put in a code of conduct?
- CRDA's 'sudden' engagement in “political” matters not understood nor appreciated
- CRDA needed to make itself relevant through time; needs to address underlying causes for problems rather than symptoms. These were already identified in a major internal review (conducted with the assistance of an external consultant) . Subsequent retreat was held but recommendations are not taken up with the urgency they require
- CRDA might not be able to implement recommendations from these assessment, if not assisted or if it does not partner with other networks. Issues and problems have far reaching consequences and implications for the NGO/CSO sector in general
- CRDA needs to welcome new networks. Has to be assisted to deal with changes. CRDA is the, yes, the oldest NGO network but no longer the only one.

A Gender perspective

Contemplating gender in such an assessment is valid, especially because some of the issues potentially affect women much more. Greater women’s rights and participation in public life (through unconstrained and active engagement of CSOs) is associated with

²⁰ CRDA's letter to the MoJ is available at CRDA

good governance, civil liberties. Particularly civic education is a fundamental tool for empowerment.

Some of the problematic incidents mentioned by informants (postponement of civic education programmes from which potentially thousands of women could benefit, ceasing of work on legal rights to CBOs (Iddirs) from which millions of women could benefit) affects women *more*.

Programs such as legal aid, legal information and civic education promote education and access to information, and strengthen women's agency and therefore their capacity to participate in the political arena. One key challenge for policy-makers, in effect to promote gender equity, is to *broaden partnership* with CSOs.

Conclusions

Several civil society members believe that the current operating environment has declined post elections 2005, and that there is, once again, a revival of caution by government, a 'keep your head' down attitude by CSOs/NGOs and a reshuffle of strategies by donors. Whatever the reasons for this (whether right or wrong), the nature of these perceptions and actions is in itself significant and warrant dialogue.

If one is also to look at PACT's (and other similar assessments) studies starting from 1998-2004, overall, the situation of CSO, particularly NGO-Government relations and operational environment does not seem to be getting *progressively* better. Even though some informants say it is difficult to generalize, whatever "tolerance" there was in the past has been seriously affected post elections 2005.

Though the focus of the assessment rests primarily at federal level, there are some reported incidents at region and below levels cited by some CSOs/NGOs.

There are also reports from some informants who said they had good working relationships and joint collaboration and projects at various levels with government and suggested that this needs to be encouraged and shared, and caution needs to be made *not* to generalize across the board.

Overall, the period from 1998 is characterized by few steps forward and a couple backwards. Both CSOs, donors and government, it seems, had too much to shoulder, particularly in 2005. Not many, it seems, were really prepared. Or not many really paid sufficient attention or responded to trends.

The questions then also for government is to clearly substantiate its grievances (of partisanship) by CSOs towards opposition political parties. Another issue then will also be (also raised by several informants) what about those CSOs which are perceived to have shown similar 'bias' towards the ruling party?. Who and how is this substantiated? How are these issues judged? what are the indicators?. How can one continue to engage

within such constraints and challenges and what does ‘bias’ really mean?. The clearer these issues are, the less blurred and generalized the discussions and accusations would be.

The fundamental questions are also: what were the expectations when promises of democracy and multiparty democratic elections were unleashed?. What systems are (or should be) in place when one breaches an “agreement or contract” ?.

It is also evident that progress (either in improved relationships, in partnerships such as SDPRP/PASDEP, in CSO issues such as code of conduct, voter education, legislation etc) is either inconsistent, ad hoc, slow, or efforts are either led by few non-governmental organizations or the process is “not clearly known” to many others. This applies to both actors: government (for eg the ongoing NGO legislation setting process), civil society itself (for eg work on code of conduct, legislation was not seen as very inclusive nor participatory), and donors (for eg varying positions taken by donors on certain issues, ad hoc (or none) engagement with CSOs, concerning certain key initiatives and policy dialogue with government).

From the recommendations, it is also clear and necessary that CSOs need to work on “compromising” situations and sort out their internal problems, challenges and seek flexible ways of networking and collaboration, and conduct business in an accountable and transparent manner. The culture of collaboration and networking, based on principles and social contract, needs to be enhanced in order to harmonize civil society engagement with other partners.

There is also general consensus that government perception of CSOs, particularly NGOs, has not changed when it comes to certain types of engagements. Many CSOs also seem to shy away from engaging with government. These issues need to be discussed out in the open and some win-win solutions reached.

One thing for sure is that several CSOs/NGOs have never been as active and assertive as in 2005 on the “rights” agenda, though primarily focused on the election process. Some informants, however, mentioned that there were flaws and drawbacks in the way CSOs organized themselves and the processes they followed to do just that. This made some vulnerable.

What warrants the attention of donors, particularly key donors leading current key CSO initiatives, is the somewhat increased disappointment towards some donors by national CSOs. It is evident from several informants that some expectations were not met. The question is how valid are these expectations and how legitimate? What is and should be the role of donors vis a vis CSOs?. What are the challenges and salient issues in this relationship?. How far do (or can) donors go in promoting the cause of good governance and democracy and then leave political competence in the hands of ‘locals’ ? ²¹

²¹ the DAG has recently discussed a joint position paper on civil society with the PM

Recommendations:

- Organize CSO consultative meetings on selected topics arising from this assessment with various stakeholders, enrich and analyze recommendations. CSOs need to draw correct conclusions and learn lessons from such assessments. Key issues and recommendations arising from this assessment should be channeled to Government, CSOs/NGOs and donors
- Continue the conduct of such assessments on a *regular* basis and task network leaders to oversee enforcement and implementation of its recommendations. This helps analyze context on an ongoing basis rather than on an ad hoc basis
- Network leaders (and CRDA) to urgently organize a dialogue on its findings with (i) key government officials and (ii) key donors and map a way out of this impasse and discuss and enhance partnerships. At all these dialogues especially if any actions are to be agreed, representatives of Ombudsman, Human Rights Commission, Ethics and Anti-Corruption, as well as Party Members of Parliament should be present in their capacity and roles as "independent" representatives of institutions of good governance and democracy oversight
- Network leaders need to urgently meet and set up a CSO leadership forum (or a Government-CSO Forum, also proposed by Government according to Ato Melakou) which can take issues forward. This also enables a structured broad-based relationship and dialogue modality with both government and donors; not all networks represent the rank and file of CSOs, thus the composition should be as wide ranging as is practical, possibly at different levels
- CSOs (through a broad and inclusive representation) need to urgently organize and meet with key donors and Government officials to resume dialogue on the MoCB CSOs Programme content since it seems that it is still valid and Government is pursuing it. There is somewhat a *proliferation* of activities around civil society which needs to be monitored
- Stemming from the Constitution and international agreements to which Ethiopia is signatory, reaching of an understanding and consensus by CSOs about their legitimate identity and roles and communicating that in no uncertain terms to all their partners, not just Government.²²
- Urgently invite partners (including leaders of key governance institutions such as the Ombudsman, MPs representing all political parties, Human Rights Commission, media etc) for dialogue to discuss salient issues arising post-elections 2005, (notably the government's substantiation of its grievances with CSOs and its perception of CSO concept and role, the position of CSOs plus the challenges and limitations of the sector and how to remedy those)

²² ref UECSA's internal dialogue proceedings and papers presented, June 2006

- CSOs to organize a series of dialogues and trainings on issues of “rights” and “development”, “constituency”, “legitimacy” involving both government, donors and CSOs
- Stemming from the same (Constitution, international and regional experience and agreements) propose and invite all relevant partners, particularly government, for the development and proper enforcement of an enabling environment- a fundamental expression of which is a legislation (already started by network leaders)²³. The Legislation issue has been an issue for some seven years now. As stated in above paragraphs, the recent initiatives by networks to revive the legislation issue needs to be encouraged and supported not duplicated
- In addition to project relationships, CSO network leaders to commonly engage key donors groups about ongoing key CSO initiatives (Press Law, Parliamentary procedures review, NEBE's new structure review, PASDEP and governance...).
- CSOs should also engage parallel line ministries in order to widen the space for dialogue
- The urgent development and consistent enforcement of a collective, active, inclusive and participatory code of conduct (already started by network leaders). It has been eight years since the Code of Conduct was an issue but it is still not active and enforced and there remain fundamental questions around it: is it an NGO or a CSO CoC? how inclusive should and can it be within such a diverse civil society landscape?)
- Dialogue within the sector, government and donors about the pros and cons of the “one stop shop” idea. Even though the fundamental pre-occupation of the majority interviewed did not seem to be *where* they went but more *how* “the basis and rationale “ of their existence is taken and viewed, and the fact that legal registration and other legal processes is *apportioned* to different government offices (DPPA, MoJ, SCAB etc) was cited by some informants as very problematic. Some informants, however, suggest that a ‘one stop shop’ is a good and necessary idea to minimize bureaucracy.
- The number of national civil society organizations grew over the years-in type, scope and number (both individual organizations, networks, formal and informal, alliances and groupings as well as those dealing with advancement of advocacy agendas, Iddirs are being registered). How profound is the realignment and repositioning of international partners vis a vis this growth and progress across the years?.
- The issue of financial and programmatic independence of the civil society sector, particularly the well established NGOs and CSOs: why are not donors considering

²³ ref UECSA’s internal dialogue proceedings and papers presented, August 2006

this? why are not networks collectively pursuing this? why does the law for CSOs to be able to income-generate continue to stall? why are not links being attempted with the private sector?. There was suggestion from some informants to initiate a dialogue forum comprising government, civil society *and* the private sector

- One of the issues which keeps coming up again and again and does not seem to go away is the issue of "representation" and "constituency" (by both donors, some CSOs and Government). How are these features expressed? can there not be issue-based CSOs/NGOs? can links not be enhanced between issues-based and service delivery or "constituency" based CSOs/NGOs?. Is "constituency" proven by numbers only?
- On the other hand, NGOs need to devise ways of engaging with other sects of CSOs (youth and women associations, Iddirs etc) which exist and which are being created in big numbers particularly within regions. This will help narrow the perceived, and at times real, gaps and peculiarities of these two groups which have distinct roles, comparative advantages within development discourse in Ethiopia
- Over the last four years, Government position on transparency, accountability and public participation in policy formulation had reportedly increased (ref PACT assessment in 2002). How much did civil society, the more vocal NGOs or even donors, realign and reposition themselves to systematically engage with this trend?.

The Constitution is categorical on many issues concerning rights. Some local CSOs/NGOs, however, are either reluctant to continue or are temporarily suspending their, for eg, civic education programmes. On the other hand, some government officials question the rights-based activities and mandate of NGOs/CSOs. On the other hand also, many donors (except a few) profess to be more keen on governance issues and are reviewing and developing a "governance" strategy *with a role in it for CSOs/NGOs*. In earlier years, NGOs had to avoid or be cautious in mentioning their engagement in "policy, political empowerment work" in their MoAs; now they are being asked to be explicit about it. Post elections, there is heightened debate on "legitimacy, constituency, mass-based and membership organizations, NGO-CSO nexus". All of these are valid arguments. At the same time, many say one can not help trying to figure out the timing for these concerns.

The utmost civil society can do is not to speculate over why these issues are now persistently there, but to use this as an opportunity and engage.

Annexes and Reference

Annex 1. Overview of executive summaries- PACT assessments (1998-2004) ²⁴

In 1998, the review team concluded that while progress is inconsistent and that real challenges remain, the enabling environment for the NGO community in Ethiopia today (ie 1998) is decidedly positive and encouraging.

Key findings supporting this are cited: easing of tensions between government and NGOs; commencement of the work of the ad hoc committee for the NGO Code of Conduct; expansion of NGO networking and coalition building; improvement of public image of NGOs; the building up of political capital with government officials at all levels; existence of opportunities for semi-official development organizations and smaller NGOs to forge closer ties; the possibility of strategic realignment for international NGOs operating in Ethiopia.

Three areas mentioned where things were not so encouraging were: NGOs needing to expand their geographic reach and becoming better anchored in communities being served, develop better sectoral linkages; confusion over advocacy roles for NGOs permeating the entire landscape; and the arbitrary exercise of authority by officials stifling debate while human rights groups are ineffectual and effectively without credibility.

In the year 2000, the conclusions are that: growth in the sector and enhancement of collective operational capacity have been highly impressive and that new local political realities have created space for NGOs, a space not previously found. It states that the NGO sector has been accepted as a credible player in development efforts by the leadership of the national government. The progress found this year exceeds all predictions and assumptions made in the previous two years' assessment.

Seven significant developments frame the above conclusions:

- Number of NGOs has grown significantly and the percentage of registered NGOs being of indigenous entities has eclipsed that of internationals
- The act of registration for NGOs has receded as a continuous issue
- Media portrayal of the NGO sector has undergone a radical transformation
- Collaboration with government has exploded in frequency and importance
- Adoption of the Code of Conduct sent positive signals
- Mobilization of NGOs around humanitarian needs in the face of the border war with Eritrea and renewed drought, thus lifting the sector in the eyes of government
- Cautious optimism has replaced trepidation in anticipation of the introduction of the national NGO Legislation.

²⁴ summaries taken from PACT assessment report of 2004

The summary mentions that *less positive factors clouding the enabling environment do exist and that reversal is a possibility with Ethiopia's long history of autocratic rule offering no guarantees that the country's current experiment with decentralization of authority, expansion of political participation and recognition of basic rights for all individuals will succeed.*

In 2002, the primary conclusions are that:

- Political reconfiguration within the country's ruling political party has resulted in increased rhetorical emphasis on transparency and accountability and on public participation in policy formulation and in turn a new opportunity for NGOs to assert their voice in public policy debates
- The process by which Ethiopia is developing its PRSP has afforded direct NGO inputs to an official document
- The long-delayed national NGO Legislation is likely to be introduced with increased prospects.

A series of indicators of change within the enabling environment are discussed, salient ones of which are: collaboration in the area of HIV/AIDS; NGO Day celebrations; joint administration of National Disaster Preparedness Fund; positive impact of the existence of Code of Conduct; growth in NGO networks; cooperation particularly at regional and local levels

In 2004, the conclusions were that the operating environment for Ethiopian NGOs and other CSOs is far less than enabling as civil society is unduly limited by the inadequacies of the legal and regulatory framework within which it operates. There is not, it says, insignificant hostility toward civil society displayed by government. Other factors mentioned are: shortage of resources and the limited perspectives of civil society additionally constrains roles played by NGOs.

The report also says that NGOs have experienced impressive growth and demonstrated enhanced strength, have matured and were positioning themselves to take on a more central role in the country's development and democratization processes (witnessed through the emergence of networks and alliances, advancement of advocacy skills etc).

The report further states that the government is being forced to reappraise the role of NGOs in development process, the most obvious signals then being the prospects for more progressive NGO Legislation and the capacity building mission assigned to the MoCB. Neither, however, the report states are without prospects of inflicting harm as well as delivering benefits and must be closely monitored. NGOs face a potential opportunity, therefore it states, to exploit a relaxation of the constraints limiting their impact.

Some of the **key recommendations in 2004 assessment** were:

- Expanding NGO Day as a positive public relations measure
- Revitalizing the Code of Conduct
- Demonstrate connection to constituency, accountability and transparency
- Legal and regulatory framework to be comprehensively recast and made considerably more enabling and
- That NGOs themselves should outline and present their own version; that
- It is NGO role to build its own capacity; and thus, they should not surrender autonomy or endanger ties to constituency at the expense of government co-opting it through capacity building inputs or the lure of financial resources
- Civil society and NGO community need to take advantage of perceived expansions in operating space and redouble efforts (and EC and SIDA initiatives to be marshaled towards this end)
- No policies or programmes should be pursued which undermine the ties of traditional CBOs (such as Iddirs) to local communities or their basic informality and that both government and donors should take caution in pursuing any capturing of the developmental potential of such groups
- Donor agencies to strike greater balance in their funding portfolios to utilize the organizational capacity of local NGOs and to lower overhead expenditures as well as to capture growing expertise of local non-governmental entities.

Finally, it mentions the free press being at the core of civil society and democratic governance stressing that operational environment for civil society can be enabled primarily if access of official information is encouraged and independent media takes root.

Annex 2.

1 Nov 2005 Daniel Bekele (of AAE) arrested
2 Nov 2005 ActionAid contacts human rights organisations, Africa Union commissioners, EU officials, diplomats and legislators.
8 Nov 2005 Netsanet Demissie (Director of OSJE) , hearing there is a warrant for his arrest, walks into a police station and gives himself up.
16 Dec 2005 Daniel and Netsanet appear in Federal High Court for the fourth time.
21 Dec 2005 In court. First refusal of bail. Prisoners moved to Kaliti prison.
4 Jan 2006 Daniel and Netsanet are charged along with 129 others with ‘the crime of outrage against the Constitution and the constitutional order.’ Bail refused for second time.
21 Jan 2006 Appeal lodged to the Supreme Court, against the refusal of bail.
22 Feb 2006 In a statement reported by government-run Ethiopian News Agency and on Ethiopian TV, the Ethiopian Ministry of Justice accuses ActionAid of illegal actions to influence the legal process.
23 Feb 2006 Daniel and Netsanet (and Kassahun Kebede, Ethiopian Teachers' Association) petition Federal High Court to be tried separately from the other defendants, and to be given details of the charges against them.
24 Feb 2006 Supreme Court hears appeal against the denial of bail. Prosecution does not attend court.
1 March 2006 Federal High Court refuses requests for separate trial and details of charges. Daniel and Netsanet (and Kassahun Kebede) formally plead not guilty. The other defendants refuse to plead.
3 March 2006 Daniel and Netsanet called to Supreme Court unexpectedly. Prosecution asks for a second chance to state its case against bail. **6 March** Daniel and Netsanet attend Supreme Court again but case is immediately adjourned because of the continuing illness of one of the three judges. **10 March** Supreme Court upholds the decision not to grant Daniel and Netsanet bail.¹⁸
22 March 2006 Federal High Court rules that the prosecution need not reveal identities of witnesses at this stage. Charges dropped against 18 of the accused, including VOA journalists. Court announces that trial proper will begin on 2 May and run continuously. Court rules that Daniel and Netsanet and their lawyers will be able to hear prosecution witnesses, and cross-examine them, before presenting their defence.
2 May 2006 Court hears prosecution’s opening statement and agrees that video, audio and documentary evidence will be presented prior to witness testimonies.
8 May 2006 Federal High Court reconvenes at a new location close to Kaliti prison. Prosecution begins to present video evidence. **5 June 2006** Daniel and Netsanet appeal to the Cassation Bench against the decisions of the Federal High Court and Supreme Court denying them bail
29 June 2006 Prosecution begins to present audio evidence. **3 July 2006** End of audio evidence. Prosecution begins to present documentary evidence. **6 July 2006** Preliminary hearing by the Cassation Bench of Daniel and Netsanet’s bail appeal. **3 August 2006** Cassation Bench rejects Daniel and Netsanet’s bail appeal by a 2:1 majority. **4 August 2006** Federal High Court adjourns for vacation until 5 October 2006.¹⁸

(at the time of final submission, a final ruling is expected in February 2007, following hearing of several witnesses and subsequent cross-examinations)

¹ extract from Action Aid International Website

Reference:

- Debebe Habtegebriel, (2006) “Registration vis-à-vis the Right to Freedom of Association in Ethiopia”, discussion paper presented at the Civil Society Internal Dialogue II organized by UECSO 03 August 2006.
- Yitagesu Zewde (2006), discussion paper presented on “the role, mandates of CSOs” at the CSO Internal Dialogue II, organized by UECSO, 3rd August 2006
- Kebede Asrat, (2003) "Policy Environment for NGOs/CSOs in Ethiopia", In the Royal Norwegian Embassy (ed.), Proceedings of the NGO Seminar. Sheba Hall, Ghion, Addis Ababa, May 27-28, 2003.
- Yaansah, Eddie Adiin (no year) Code of Conduct in Ethiopia - A Review of Article
- UESCO (2006) "The Identity and Role of Civil Society in the Development and Democratization process in Ethiopia", Proceedings of the Civil Society Dialogue Forum I and II, May 2006.
- Bizuwork Ketete (2006) "Issues on Civil Society for Debate", a paper presented at the Civil Society Internal Dialogue I organized by UESCO 03 June 2006.
- PBS Document (2006)
- Documents on multi-donor funding Initiatives (2006)
- EC CSO Capacity Building Initiative, within the context of the new ACP-EU Partnership Agreement (launched in Ethiopia 2006. Cotonou was signed in Benin in June 2000)
- PACT’s bi-annual “Report on the Enabling Environment for the NGO Sector in Ethiopia” (2004)
- Policy Considerations proposed for SDPRP II, October 2005, PAN-E and CRDA
- The Protection of Basic Services (PBS) in brief, August 2006
- European Union Election Observation Mission report, 2005
- Legal Environment for Civil Society, Richard Fries
- EC CSO Capacity Building Fund Information leaflet

List of Organizations from which people were interviewed (22).

-House of Peoples’ Representatives
-SoS Sahel

- Inter Africa Group
- Pastoralist Concern Initiative
- WISE (Women In Self Employment)
- Irish Aid
- Trocaire/CAFoD
- Consultants, ex-CRDA
- CRDA Board
- CRDA Secretariat
- AARDR Association for Assistance to Refugees, Displaced and Returnees)
- APAP (Action Professionals Association for People)
- NEWA (Network of Ethiopian Women's Associations)
- Hundee Oromo Grassroots Initiative
- DPPA (Disaster Preparedness and Prevention Agency)
- Ministry of Capacity Building (representing the Minister D'Etat of MoJ)
- Progynist
- NGO Lawyer
- Hope Enterprises
- Rift Valley Children and Women's Development
- PFE (Pastoralist Forum-Ethiopia)

Organizations which received questionnaires (out of which 46 responded)

Serial No	Name of Organization
1	Action for development
2	Adventist Development and Relief Agency
3	Adult and Non-Formal Education in Ethiopia
4	Afar Pastoralist Development Association
5	African Medical and Research Foundation
6	Agency for Cooperation and Research in Development
7	Agri Service Ethiopia
8	Alnejah Charity Organization
10	Amhara Development Association
11	American Joint Distribution Committee
12	Amhara Women Development Association
13	Association for the Rehabilitation of Girls
14	Canadian Physicians for Aid and Relief
15	Care Ethiopia
16	Catholic Relief Services
17	Cheshire Foundation Ethiopia
18	Christian Aid
19	Christian Children's Fund Inc.
20	Concern
21	Dawn of Hope
22	Ethiopian Catholic Secretariat
23	Ethiopian Evangelical church Mekane Yesus
24	Ethiopia Gemini Trust
25	Ethiopian Kale Hiwot Church Development Programme
26	Ethiopian Muslims Relief and Development Agency
27	Ethiopian Orthodox Church /DICAC
28	Ethiopian Pastoralist Research and Development Association
29	Ethiopian Rural Self Help Association
30	FARM-Africa
31	Forum on Street Children –Ethiopia

32	German Agro Action
33	Guraghe People Self-Help Development Organization
34	Habitat for Humanity Ethiopia
35	Handicap national
36	IMPACT: Organization for Social Services and Development
37	Initiative Africa
38	Integrated Holistic Approach Urban Development Project
39	Kembatta Women's Self-help Center
40	Land Mine Survivors Network Ethiopia
41	Lutheran World Federation /WS
42	Marie Stoppes International Ethiopia
43	Mary Joy Aid Through Development
44	Medicine Sans Frontiers Belgium
45	Ogaden Welfare and Development Association
46	Oromo Self Help Organization
47	OXFAM America
48	Pastorialist Concern Association Ethiopia
49	Pro Pride
50	Rehabilitation and Development Organization
51	SOS Children's Village Ethiopia
52	Water Aid
53	Wolayita Development Association
54	World Vision International Ethiopia
55	Union of Ethiopia Civil Society Associations
56	EIFFDA (Ethiopian Inter-Faith Forum for Dialogue and Action)
57	Consortium of Reproductive Health Association
58	Poverty Action Network-Ethiopia
59	Youth Association
60	Ethiopian Human Rights Council
61	Women's Association

This assessment was conducted by Bizuwork Ketete and Kassaye Amare.