

## **HIGHLIGHTS OF THE CONSULTATION MEETING WITH THE PREMIER**

After greeting the audience, His Excellency Prime Minister Meles Zenawi noted the presence of faith leaders, and said that he didn't see anything that should be a concern to them as the draft legislation does not intend to change what is in Section 11 of the constitution which recognizes "Separation of State and Religion".

The P.M., however, made it clear that when the constitution talks about religion, the separation it is pointing to is entirely the religious activities of those concerned. But, if religious organizations choose to get involved in education, healthcare, other social activities or income-generating activities. They will be governed by the same rules and regulations that apply to the charities and societies.

P.M. Meles acknowledged receiving "The Comments of NGO/CSO on the Draft Proclamation" forwarded through the Ministry of Justice and he said that the concerns or questions could be placed into two categories:

- 1 The constitutional and legislative issues, i.e. whether the draft legislation infringes the Ethiopian constitution or not
- 2 Non-constitutional issues related to implementation of the legislation , i.e. whether the draft is beneficial as the Government claims or has harmful effects as many of the written comments from the NGO community imply

The P.M. expressed his desire to address the category of issues first; accept questions from the audience and – time permitting – discuss the second issue afterwards.

- ✓ In answer to the concern or question that the draft legislation infringes on human rights, as protected under the Ethiopian constitution, the PM referred to Article 6(1) of the Constitution which states: "Any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian." To that effect, he pointed out that what the constitution protects is the human rights of a person who happens to be an Ethiopian citizen. And, since what the draft legislation intends to deal with is with organizations, the Constitution does not apply to the latter. He went to great length to explain that, it's an individual or a group of individuals, not organizations as such, that are entitled to Ethiopian citizenship. Hence, he insisted, the argument that the human rights of the organizations are being violated is invalid.
- ✓ The PM also made the effort to make a distinction between human and democratic rights. Further, invoking Article 31 of the Constitution which states, "Every person has the right to freedom of association for any cause or purpose" the PM argued that this democratic right is something that is given to Ethiopians, but it doesn't mean that the associations or organizations that are formed as a result have a universal or uncontested right.
- ✓ The PM explained the related concern of why an organization, which is formed by Ethiopians to benefit Ethiopians, should be categorized as "foreign" just because it depends on foreign donors. He discussed in detail the major concerning issue of classifying organizations that depend on foreign donors for more than 10% of their income as "foreign" and made it clear that he couldn't see anything wrong with this new approach.

- ✓ To the question on the right of association i.e. the right of establishing indigenous NGOs/CSOs, the P.M. explained that since the Constitution does not give citizenship rights to organizations but to individual legal personalities, there is no such a thing as Ethiopian NGOs but organizations established by Ethiopian citizens. Hence, Ethiopian citizens have the right to establish both indigenous and international organizations with following conditions:

- 1 Citizens wishing to engage in service delivery programmes and non-political advocacy activities can establish international organizations, secure 100 % of their annual budget from foreign sources and work in the country. These organizations cannot engage in political activities stated under Article 3(f),(j),(l) and (m) of the draft proclamation.
- 2 Citizens wishing to engage in political advocacy activities can establish indigenous organizations and work in the country. However, these organizations cannot raise more than 10 % for their annual budget from foreign sources. Political parties are not allowed to raise funds from foreign sources.

- ✓ Regarding the limit of 10 % of foreign aid for indigenous NGOs/CSOs engaged in political advocacy activities, the P.M. explained that political parties are prohibited from accepting donations and this is not unique to Ethiopia, he recalled a political controversy that involved former Vice President and 2000 U.S. Presidential Candidate Al Gore who was falsely accused of accepting campaign donation from a Chinese firm.

He further explained that since civic society organizations are entitled to get involved in political advocacy activities, they should be subjected to the same rule that prohibits accepting foreign financial support geared towards these activities. In fact, he insisted, the Government was being generous to allow civic societies to earn their 10% from foreign sources considering that they may have to attend experience sharing and other meetings held outside the country.

The Meeting was adjourned with an agreement that the NGO/CSO Sector will further discuss and come up with their comments and issues and meet again in 10 days time.

### ***Comments and Questions from the audience***

- 1.1 Why has it become necessary for this legislation?
- 1.2 We should look at this legislation not only from the legal but also moral perspective because we are forcing Ethiopians to be foreigners. How about the workability this arrangement in view of the scanty resource base of the country? And how do you think it would fair from a moral point of view?
- 2.1 Is it beneficial for a poor country like Ethiopia to limit Foreign aid?
- 2.2 The limit on foreign aid is going to weaken the third Sector and disfranchise our beneficiaries.
- 2.3 What if our donors, who view the involvement of the Government in NGO activities as unnecessary, decide to stop their donations?
- 2.4 Ethiopia has signed a number of international agreements and conventions such as the Cotonu Agreement, PASDEP, PBS etc. Don't you think that the legislation is too restrictive for the implementation of these agreements, when it comes NGO/CSO participation.

3. Are advocacy activities for all development issues concern considered the same?
4. Getting involved in charitable work is part and parcel of religious activities, as what we are doing in that respect of practicing our faith in deeds. Why can't this be seen from this perspective?
5. Why should we, as NGOs that are entirely focused on humanitarian and development endeavors and have nothing to do with politics, be subjected to such restrictive proclamation?
6. How far has the NGO/CSO Sector participated in the formulation of the draft Legislation, as a primary stakeholder?

### *Some of the PM's Answers*

It's important to note here that, almost after every set of questions, the PM expressed his view that the questions being asked were related to the second segment of the discussion, i.e. whether the draft legislation is in the best interest of all stakeholders, yet he attempted to answer the questions.

- 1 PM expressed his view that the Sector needs a legal framework and the draft legislation is prepared in the best interest of the country. However, he said that if there are grey areas that needs to be improved that can be addressed with your consultation.
- 2 He appreciated the concern of NGOs/CSOs regarding the possible limitation of incoming resources for poverty alleviation and said that he does not see anything in the draft legislation that should be a major concern to foreign donors or compel them to stop donating to causes they believe in. However, he said if donors unfairly use this legislation to stop their donations, we will have to deal with it.
- 3 He assured that advocacy activities for development issues of national concern such advocacy for gender, children, disabled, HIV/AIDS, environmental issues are not considered as political advocacy activities.
- 4 He explained the implication of the draft legislation for religious institutions. In this connection, he said if religious institutions wish to engage in development activities and establish a development wing with a legal entity they will be governed by the legislation.
- 5 He acknowledged that more than 90 % of NGOs/CSOs are engaged in humanitarian and development as well as non-political advocacy activities and said that these organizations can raise 100% of their annual budget and continue to work.
- 6 He said that the legislation in its draft stage and participation of NGOs/CSOs is invited.

### ***Observation and Reflection***

The P.M. seemed to strongly believe that it is in the best interest of the country. However, he said that if there are convincing arguments on issues of concern to the Sector there is a room for improvement.

Participants, particularly those who had the opportunity to ask questions, were very cordial and non-confrontational. Some praised the PM for his accomplishments and assure him that the NGO sector's goal, which is a "Poverty-free Ethiopia" is not any different from that of the Government.

BAZGENAWORK W/MEDHIN