

## Notes on the Second Round Prime Minister and Civil Society Representatives Discussion

- The second round Civil Society Versus Prime Minister meeting discussion was kicked off on Wednesday June 4, 2008 at 2:00 p.m. The meeting was started with a brief reflection and consolidated comments on the previous, first round discussion of May 24, 2008; which focused on general principles and constitutional matters. In the brief additional statements the Taskforce gave said, even though article 6 of the constitution doesn't correlate citizenship to organizations, the classification of organization as foreign and domestic depending on their income source doesn't accord with the morale values of Ethiopians and their relation with their properties.
- As instance, the participants raised the privileges and protection given to Ethiopian Private Organizations.
- In the quick response H.E. Prime Minister Meles gave to participants said, he thought general questions pertaining to the compatibility of draft law with the constitution of FDRE, basic principles of human right and democratic rights, the difference between human and democratic rights, the rights of citizens that emanates from the provision of the constitution and the privilege given by the government as well as the bench marks of progressive civil society were through. However, the Premier went on to explain a bit more while urging participants to proceed to article by article analyses.
- Nevertheless, the members of the civil society kept on expressing their deep concern on the aforementioned issues. Hence the discussion predominantly focused on these general issues. During the meeting seven rounds of questions, each with more than two and each person with more than three questions were raised. All the questions could be summarized as follows:-

### Summary of the Civil Society queries to the Premier

- ⇒ How does the government in its policy direction view the civil society sector, its contribution to development and the role it plays in societal transformation? As an example- the current 2062 projects undertaken by the Civil Society at Federal and Regional level was presented. Moreover the situation among large number of beneficiaries was mentioned. In view

of this it was questioned whether the government considers the CSO/NGO sector as its developmental partner. If so, why not the government comes up first with comprehensive policy framework that underscores partnership and provides an enabling environment and wider space for CSO/NGO sector.

- ⇒ The term 'foreign' or 'international' attached to indigenous NGOs is practically affecting their relation with donors. In principle international or foreign NGO aim to support 'local' or 'indigenous' NGOs. Already we are seeing some sign in this respect that they don't seem to work with us. How does the government view this negative impact?
- ⇒ If the government is meant to reduce dependency syndrome on foreign assistance shouldn't this be in long term with the change of people's attitude and improvement in the living standard?
- ⇒ What is the rationale behind banning activities under Article 16, 3:2(f) (j) (h) and (l) for local NGOs financed by foreign sources?
- ⇒ What is the primary purpose of the legislation? Is it to tighten control deviants or create an enabling environment?
- ⇒ What is the problem in carrying out civic education, voters' education, and women's right, which fall within the provisions of the constitution using foreign funding?
- ⇒ The overall procedure of the legislation is quite hasty; thus what if extension of time is given to digest the matter?
- ⇒ The preamble doesn't state NGOs as development partners, rather they are stated as anti-peace elements, and shouldn't it be changed?
- ⇒ The legislation on NGOs should become after approving strategy direction and implementation strategy. Isn't the procedure flawed?
- ⇒ If the registration is a must, we need to reorganize ourselves. Shouldn't then the government allow reasonable time for transition?
- ⇒ Development activity is sometimes interwoven with advocacy of Right Based Approach, not 'partisan politics'. How does the government differentiate the fine line between the two?

- ⇒ If international NGOs should register, it shouldn't take long time: a year and half or so in the long bureaucracy. What has the government planned in this case?
- ⇒ How does the government understand and define 'Civil Society Organizations'?
- ⇒ Is the independency of religion observed in the legislation? Shouldn't special legislation be drafted for faith based developmental organizations?
- ⇒ Is there any reasonable and direct correlation between strategic direction and strategic plan? And does the government think that this legislation serves both these?

**H.E. Prime Minister Meles Zenawi's response to these seven rounds of question is summarized as follows:-**

- ⇒ The Premier said, the Prime objective of this meeting was to go in detail into article by article analysis and debate on the draft legislation. However, the eight pages additional comments submitted by the taskforce and the questions being raised now are general and constitutional type. As regards the nationality of organization, the constitution doesn't grant citizenship or nationality to organization; it grants nationally to 'Natural Person of either sex'. Thus, though we might raise subjective judgment of morale aspect, citizens' relationship with their property or any convenient classification, we can't bring anything contradictory to the constitution. Before drafting, the legislatures have cleared the background so as not to stand against the questions of human right, constitutional provision, international treaties and others.
- ⇒ In responding how the government views the civil society, the Premier said the government of Ethiopia recognizes the paramount importance of this sector in the economic and social development for two reasons:-
  1. NGOs and other Civil Society Organizations tend to be innovative in their development efforts. When these organizations show some concrete results the government likes to adopt and scale it up at the national level like the Sasakawa Global 2000 case. This tradition of testing new ideas, creativity serves as a source of reference for new trends.

In addition, no matter how the government tries to meet development needs, there is always a wide gap between the

government's intention and actual implementation. The NGOs and Civil Society Sectors are always welcome to fill this gap, or complement government initiatives or build the capacity of government entities to enable them be more capable.

2. NGOs have good experience in mobilizing resources both from traditional and new sources. This fund is quite crucial for the development. In this respect there are some boggling concepts based on economic theory (outlook). These theorists expect government to fully pull out of resource mobilization, sharing and focus only on policy matters for creating an enabling environment. We totally disagree with those people, and we have clearly informed donors in the six or so meetings we had with them. Our government is developmental government and hence engages itself in development and welcomes any supplementary or complementary efforts

We never want NGOs to interrupt their development efforts, rather we want them to complement with us or supplement the national effort.

- ⇒ As to the objective of the legislation, the proclamation or the government doesn't try to control NGOs daily tasks, or some abuses and abnormalities. We could even clean the government offices let alone the NGOs sector. It is, however, to put a traffic light or a sign post for at least some grand abuses and deviances. The other most important purpose is to efficiently take administrative measures against foreign NGOs, who under the disguise of NGOs propagate terrorism and fiancé, collaborate with extremists.
- ⇒ We believe 99.9% of NGOs are engaged in developmental activities, the law doesn't adversely affect majority of NGOs; rather it helps in prevailing accountability to transparency to their constituents.
- ⇒ Questions relating to appeal within the administrative bound and other administrative solutions will be reconsidered
- ⇒ There is no reason why foreign NGOs suspend their funding due to the 'foreign' and 'local' classification. If they mean that democracy is to grow and last through foreign spoon feeding, we opt to differ. It is 'a contradiction in terms.' We can't expect chicken from snake's egg. The former student and civil society movements were not incited by foreign funding. They need to come from within with sacrifice of time, resource etc and thrive that way.

- ⇒ Our definition of 'civil society' is associations who have members, to whom they are accountable to and serve the interest of these members: and not an NGO with three, four etc... professionals working on some specialized areas.
- ⇒ With regard to advocacy we might need to elaborate the term and provisions. Nevertheless, there are some firm positions of the government that will not change in time or for any reason. This includes the funding source. These are:-
1. Foreign NGOs, unless contracted case by case, cannot engage in political advocacy or any political matter or human right issues.
  2. Local NGOs financed by foreign sources for more than 10% of their budget cannot be involved in the country's political matters.
  3. 'Foreign NGOs' will be administered through administrative procedure, not through prolonged court proceedings
- ⇒ The basic assumptions of these firm stands are that citizens have the right to their country's politics that emanates from the constitution. However, foreign NGOs that originated from abroad or classified as foreign due to their financing source operate in the country by the 'privilege' given by the government due to their developmental merits. Thus, the spirit and basic principles are not for sale to the highest bidder.
- ⇒ The comments and questions forwarded towards the creation of enabling environment are considered for further revision.
- ⇒ The time requested to adjust organizations in line with the new legislation is not necessary, because this law doesn't affect organizations engaged in development activities. However, organizations engaged in advocacy and political areas might need few adjustments and one year is enough for that.
- ⇒ Extension of time requested to further engage the civil society in discussion sounds pointless. The reason is that as those three fundamental principles do not seem to change any further discussion comes back to square one. If this time request is some how related to the diplomatic and international media campaign currently underway with others that would be totally unacceptable, unviable. However, if there be any extension of time, it ill be communicated to participants through MOJ, after consulting colleagues, the Prime Minister said.

- ⇒ The Annual renewal issue provided in the draft is subject to revision depending on the merit and demerits of annual versus three years.
- ⇒ Currently, there is no separate law to manage faith based organizations' developmental organizations. To avoid legal void, they remain to be administered by this legislation until separate law is issued.
- ⇒ Engagement with sectoral offices is convenient to administer it shall continue that way.
- ⇒ The correspondence between strategic direction and strategic objectives has been ensured. Rather, the policy happens to be too explicit and stakeholders overlook it. These firm stands were taken at higher level before two years.

The meeting was adjourned at 7.30p.m.

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