



## The Long Game: Successful Civil Society Advocacy in Ethiopia<sup>i</sup>

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Civil society organizations (CSOs) emerged as formal entities in Ethiopia during the mid-1970s and 1980s. They provided support to vulnerable communities at times when the country's communist government could not respond to humanitarian crises rocking the country. The fall of the government in 1991, which was perpetuated by public dissatisfaction and a reduction of Soviet support for the regime, significantly opened up political freedoms. This allowed for the expansion of a vibrant civil society sector between the early 1990s and the late 2000s, which included a broadening of the sector's focus to areas including human rights, advocacy, peacebuilding and good governance.<sup>ii</sup>

In 1999, Ethiopian organizations developed an [NGO Code of Conduct](#) to promote accountability of the sector through self-regulation. The sector also began engaging the government on the possibility of developing a legal framework to facilitate its work and address its growing needs. To this end, workshops were conducted by organizations like the Christian Relief and Development Association (CRDA) and Inter African Groups, and a joint working group was established with representatives from the Ministry of Justice. However, attempts to collaborate with the government on the development of a new law to oversee the sector did not bear fruit.

Civil society engagement with the government deteriorated significantly after the 2005 national elections ahead of which CSOs actively coordinated civic and voter education programs. While the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) party won the election, they lost a substantial number of parliamentary seats. Additionally, election observers cited state support for EPRDF and voting irregularities. Moreover, violence following the elections further tarnished the party's relatively narrow victory. Immediately thereafter, EPRDF began accusing independent CSOs of being allied with opposition political groups and began passing laws to restrict civil society as well as the media and political parties.<sup>iii</sup>

These events were followed by a period of history in which Ethiopia became a leading example of closing civic space by imposing draconian restrictions on freedom of association that nearly decimated the civil society sector. However, through the perseverance and ingenuity by local activists, and a continuing commitment by some members of the international community, Ethiopian CSOs positioned themselves to restore fundamental freedoms to the country when a political opening finally occurred.

### Charities and Societies Proclamation (CSP) 2009

Just ahead of the 2009 national elections, EPRDF passed the repressive Charities and Societies Proclamation of 2009. The law's stated purpose was "...the realization of citizen's right to association enshrined in the Constitution of the Federal Democratic Republic of Ethiopia" and "...to aid and facilitate the role of Charities and Societies in the overall development of the Ethiopian peoples." This law

established the Charities and Societies Agency as the federal body responsible to license, register, and supervise CSOs.

The CSP was highly restrictive in a number of ways. It required all CSOs working in the country to register with the Agency; however, many informal or community-based organizations had difficulty complying with complex application processes. Some civil society groups reported that their registration was denied for arbitrary reasons. The Agency precluded banks from providing services to CSOs without a letter of support from the Agency, which placed a significant administrative burden on CSOs and limited their independence.<sup>iv</sup>

CSOs receiving more than 10% of their funding from foreign sources could not conduct programs the Agency considered to be “political work,” which was broadly defined to include non-partisan programs promoting good governance, accountability, transparency, conflict resolution, and human rights. The broad definition permitted the Agency to classify programs that protected the rights of children, women, and individuals with disabilities as political work.<sup>v</sup>

The law also precluded CSOs from spending more than 30% of their budget on “administrative costs,” which were also broadly defined to include salaries, expenses for monitoring and evaluation, transportation, and communications costs. Consequently, it was reported that up to 90% of domestic CSOs focusing on governance or human rights either closed or shifted the focus of their work.<sup>vi</sup>

## Advocacy on CSP 2009

A draft of the CSP was leaked to the public in 2008. Many believe it was leaked by the government to gauge public reaction to the legislation. CSOs found the CSP to be extremely troubling, and the Forum for Social Studies, Union of Ethiopian Civil Society Associations, and Organization for Social Development organized a national conference to discuss how the sector could respond. They created the ad hoc “CSO Taskforce” (which would become the Ethiopian Charities and Societies Forum in 2013) through which a coalition of CSOs coordinated advocacy and legal actions against the law.

CSOs submitted comments on the draft CSP to the government once it was officially released in April 2008. They also participated in a number of meetings with the Prime Minister and Minister of Justice to advocate for improvements in the law.<sup>vii</sup> The international community – including the UK’s Department for International Development (DFID), IrishAid, and the Embassy of the Netherlands – supported these negotiations through the Development Assistance Group’s (DAG) Civil Society Support Group (CSSG).<sup>viii</sup> However, significant improvements were not achieved and the law came into force in February 2010.

## Survival

Following its passage, Ethiopian civil society worked with CSSG to initiate a support program called “[Adaptation Facility](#)” which assisted CSOs in complying with the highly restrictive law. The program was executed by the Taskforce with support from the U.S. Agency for International Development (USAID), Canadian International Development Agency, Swedish International Development and Cooperation Agency (SIDA), IrishAid, and the embassies of Denmark and the Netherlands. Adaptation Facility sought to:

- Build the capacity of CSOs to adapt to CSP;

- Promote the accountability and independence of CSOs;
- Enhance cooperation between CSOs and the government through dialogue and joint initiatives;
- Improve the working environment for CSOs; and
- Strengthening the Taskforce’s capacity to represent the sector.

Through the program, civil society published 10 reports highlighting its role and contribution to the development of the country, which as a sector was a larger part of the economy than exports.<sup>ix</sup>

### Government engagement

Following the passage of the CSP, Ethiopian civil society made earnest attempts to engage the government to improve the law and its implementation, including producing a strategy to improve relationships between the two sectors. Standing government-CSO forums were established at the national and regional levels, but became largely one-sided vehicles through which the government dictated its position to civil society, rather than embracing a respectful exchange of ideas. Despite their shortcomings, however, these forums played an important role in keeping dialogue between civil society and the government open, which would be of vital importance once a political opening presented itself.

One of such fora was the annual [National NGOs Good Practice Day](#), which was conducted by the Consortium of Christian Relief and Development Association (CCRDA), one of Ethiopia’s oldest and largest non-governmental umbrella groups. The purpose of the [event](#) was to improve the image of civil society among communities and to redress misconceptions about its function and activities. It did so by showcasing good practices regarding CSO governance and by demonstrating the sector’s contribution to national development. The event, which also sought to improve civil society’s relationships with the government by honoring top officials like the President and Deputy Prime Minister, was [highlighted](#) by the media which reached a significant portion of the Ethiopian population.

### International assistance

Because the CSP severely restricted Ethiopian civil society’s ability to receive foreign funding, and because domestic fundraising remained scarce, civil society found creative ways to access international resources. In particular, they argued that funding from multi-lateral organizations – such as the European Union (EU), World Bank, and United Nations – should not be considered foreign funding because it did not come from a particular nation.<sup>x</sup> Accordingly, the Ethiopian Government accepted a request from the EU to consider its funding “domestic,” based on the [Cotonou Agreement](#), which underlined the need to ensure CSOs actively participated in development projects from inception to evaluation. This allowed the EU to channel a portion of its development assistance to human rights organizations, providing a vital lifeline to CSOs. It also allowed the World Bank to provide funding to rights-based organizations to facilitate constructive engagement between citizens and government agencies through its Ethiopian Social Accountability Program ([ESAP2](#)).

Additionally, DAG coordinated a multilateral project called Tracking Trends in Ethiopian Civil Society (TECS) to facilitate evidence-based dialogue on civil society’s role in national development. TECS produced several research papers and policy briefs highlighting the importance of civil society to Ethiopia’s development.

Finally, some civically minded law offices, like the Debebe Hailegebriel Law Office (DHLO), Ameha Mekonnen and Associates Law Offices, and Kumlachew Dagne Law Office, received support from foreign donors on legal action to improve the regulatory environment for the CSO sector. As private companies, law offices operated outside the jurisdiction of the CSP, which may have classified these activities as “political.” This support allowed DHLO, for example, to conduct capacity building trainings and publish newsletters and research for CSOs and the media.

## A Political Transition

### The opening

In August 2016, mass protests broke out across the country perpetuated by climate crises and the failure of strong economic growth to reach rural communities. Protesters, who were particularly animated in the states of Oromia and Amhara, demanded social and political reforms, including an end to human rights abuses. The government responded by restricting access to the Internet, arresting and killing protesters, and ordering a state of emergency. However, the Prime Minister’s Office also established various taskforces to improve the political climate, including a Democratization and Governance Center, which oversaw CSOs and political parties, although the Charities and Societies Agency remained in place.

Despite failed attempts in the past, civil society vigorously reengaged the government throughout 2017. Early in the year, a group of 10 CSOs that had been involved in the Ethiopian Charities and Societies Forum (formerly the NGO Taskforce) participated in an initial meeting with the Prime Minister to discuss reforms, during which civil society was assured it would be able to engage the Democratization and Governance Center on equal footing with other actors. In April 2017, the Democratization and Governance Center, in collaboration with the UNDP, coordinated a national conference to discuss reforms to the law that was attended by more than 400 CSO representatives, leaders of political parties, representatives of donor agencies, and high-level government officials. In June 2017, CSOs jointly submitted recommendations for reforming the CSP to the administration in response to a request for input from the Ministry of Federal and Pastoral Development Affairs. Finally, In December 2017, amendments to the law were submitted to the Agency and other government bureaus for consideration.

### The opportunity

Within months after the submission of the CPS amendments, however, deeper currents were driving broad political change in Ethiopia. Mass demonstrations for greater freedom, often lead by female activists, had persisted and eventually contributed to the resignation of Prime Minister Hailemariam Desalegn in February 2018. He was succeeded by Abiy Ahmed, who took significant steps to restore civic freedoms in his first 100 days in office.<sup>xi</sup> When this happened, civil society was ready.

In June 2018, the Federal Attorney General Office (AGO) summoned a group of experts, including renowned law professors and practitioners, to identify reforms to strengthen civic and political freedoms throughout the country. A total of 147 legal experts were involved in this process, nine of which were tasked with improving the CSP. The team included individuals who had been involved in the Taskforce and Charities and Societies Forum, who had for years attempted to negotiate improvements to the law with little success.

The team recommended that the CSP be repealed outright and replaced by a new CSO law based on international norms and principles. It then drafted a new law over the course of several months, which was supported by the body of research civil society had developed since the CSP had first been floated in 2018. The draft law was presented to the public during a series of consultations throughout the country, which allowed the public to engage in the process, so that their perspectives could be incorporated. It also expanded support for the law, demonstrated civil society's role in promoting good governance and development, and demonstrated the new government's commitment to reform.

The final draft of the law was submitted to the AGO in October 2018 and was endorsed by the Council of Ministers which referred it to the House of Peoples' Representatives for adoption the following month. As part of the House's legislative process, a public hearing was conducted and attended by over 400 people, largely representing the civil society sector.

The new law, known as Civil Society Organizations Proclamation No. 1113/2019, or [CSP 2019](#), was passed in January 2019 and took effect that March. While the Council of Ministers did make some changes to the draft developed by the team of nine experts, it was widely heralded by Ethiopian civil society as a vast improvement on the previous CSP, largely living up to international standards. The new Proclamation lowered the allotment for administrative costs from 30% to 20%. It defined administrative costs more precisely, so that they no longer included training, research, or networking costs. It also removed the provision that limited foreign funding for domestic organizations to 10% and eliminated criminal sanctions for violations. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Voule, [commended](#) the reforms, but called on Ethiopia to address remaining concerns with the law such as granting the Civil Society Agency Board powers to dissolve organizations.

While implementation of the law has begun, important opportunities for civil society engagement remain. Next steps include:

- The establishment of a CSO Council whose main mandate will be to represent the sector in dialogue with the government. This will include providing recommendations on CSO registration requirements and developing a self-regulation framework.
- The enactment of regulations and directives necessary for implementing the CSP by the Council of Ministers and the Agency. There is a need for civil society to remain vigilant and actively participate in the processes to make sure regulations are in line with the spirit of the CSP.
- The enactment of regional laws that are in line with the national level CSP to govern civil society in local jurisdictions. It is critical for CSOs to engage in the development of these laws in their cities and districts as well.

## Lessons Learned

Despite confronting a notoriously restrictive legal regime, CSOs in Ethiopia persevered and eventually found an opportunity to vastly expand their freedoms. They did so by continuing to engage with the government, despite the government's severe posture. This allowed civil society to develop a body of research demonstrating how CSOs should and should not be regulated, and how a strong civil society sector can benefit the country. These messages were conveyed through formal channels, such as the Taskforce and later the Forum, and informal channels, such as the NGOs' Good Practice Day and other activities.

It is also important to credit the ongoing commitment of the international community to the survival of Ethiopian civil society despite difficult circumstances. This included finding creative avenues for funding civil society outside of the jurisdiction of CSP 2009 and providing technical support to civil society in its engagement with the government.

Civil society's ability to survive CSP 2009 positioned it to quickly take advantage of the political opening that presented itself at the start of the Abiy Ahmed administration. The body of research and legal arguments it had developed since 2008, as well as established relationships within the bureaucracy, allowed civil society to advance reform as soon as an opening presented itself.

The success was achieved largely through direct engagement by a handful of key civil society leaders and the government. Moving forward, more should be done by civil society to appeal to the public. For example, civil society's relationship with the media could be strengthened particularly because they have overlapping functions with regard to monitoring the public and private sectors and ensuring the public's concerns are heard. Similarly, civil society could provide greater support to community-based organizations working at the grassroots level to defend their freedoms. This could involve building their capacity to monitor the government, track the concerns of their communities, and advocate on the public's behalf.

It may also be useful to strengthen engagement between civil society and the government. As noted above, several attempts were made at doing this particularly between 2008 and 2015, but the relationship was unbalanced and resulted in little progress. In the current political climate, it may be worth revisiting these efforts, but under a framework with a clear mandate and operational guidelines, within which involvement is on an equal footing. Such engagement could help the public sector counterparts recognize the value of civil society and how the sectors can further common goals.

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<sup>ii</sup> Yitayew Alemayehu, *The State, Nongovernmental Organizations and the Making of the Charities and Societies Proclamation No. 621 of 2009 in Ethiopia – Historical and Institutional Perspective*; 2010.

<sup>iii</sup> These include the Political Parties Registration Proclamation No. 573/2008, Freedom of the Mass Media and Access to Information Proclamation No. 590/2008, Charities and Societies Proclamation (CSP) No. 621/2009 and Anti-Terrorism Proclamation No. 652/2009.

<sup>iv</sup> See Articles 2(2), 2(15), 2(16), 14, 86-88, 102, and 104 of the 2009 Charities and Societies Proclamation.

<sup>v</sup> *Potential Impact of the Guideline to Determine Charities' and Societies' Operational and Administrative Costs (70/30)*; 2012.

<sup>vi</sup> Kumlachew and Debebe, *Assessment of the Impact of the Charities and Societies Regulatory Framework on Civil Society Organizations in Ethiopia*; 2011. Also, see *Mapping of Non-State Actors in Ethiopia*; commissioned by EU CSF and Civil Society Support Program; 2014.

<sup>vii</sup> Comments were in Amharic and could not be retrieved.

<sup>viii</sup> The Development Assistance Group (DAG) and its subgroup the Civil Society Support Group (CSSG) was established in 2001 by 27 bilateral and multilateral development agencies to provide technical support to the Ethiopian Government and facilitate the exchange of information among donors. See <http://www.worldbank.org/en/country/ethiopia/overview>. Accessed on 20 October 2014.

<sup>ix</sup> These include "CSOs/NGOs in Ethiopia: Partners in Development and Good Governance;" "Users' Manual on Charities and Societies Proclamation;" "Impact of the Charities and Societies Proclamation on the Operation of CSOs in Ethiopia;" and "Culture of Volunteerism in Ethiopia". See also Meseret Kassahun, *The Impact of the*

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Proclamation of Charities and Societies on Survivors of Gender Based Violence; commissioned by DFID Ethiopia; 2012.

<sup>x</sup> Sintayehu Consult, Charities and Societies (ChS) Resource Challenge; commissioned by Ethiopian Charities and Societies Forum; 2016.

<sup>xi</sup> These steps included replacing the CSP; revising the Anti-Terrorism Law; appointing apolitical, qualified individuals to key government positions such as Supreme Court, Human Rights Commission, National Electoral Board; easing tensions with Eritrea; releasing political prisoners; and easing restrictions on the internet among others.