FSS Update

**An email newsletter
to facilitate networking and information exchange among CSOs and researchers**

A Special Issue

dedicated to the

Conference on Civil Society in Ethiopia

(30th October 2007)

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Forthcoming Publication

The Status of Governance, Academic Freedom, and Teaching Personnel in Ethiopian Higher Education Institutions

(A Synthesis of Institutional Case Studies)

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FSS Research Report No. 2

Conference Deliberates over Civil Society Issues and Makes Recommendations

The Forum for Social Studies (FSS), the Organization for Social Justice in Ethiopia and the Union of Ethiopian Civil Society Associations (UECSA) jointly launched a major conference on civil society on 30th October 2007 at the Imperial Hotel in Addis Ababa. The theme of the conference was "Creating an enabling environment for civil society in Ethiopia". The conference brought together over 150 participants representing CSOs/NGOs, government agencies, international organizations, donors, the media, parliamentarians, academics, and other stakeholders.

With the financial support of the EU and PACT/USAID, the three partner organiza-

tions had earlier launched their own research projects on various aspects of civil society in Ethiopia and experiences from Africa, the results of which were presented in the following five papers:

1. 'The Regulatory Framework Governing Civil Society Organizations in Ethiopia', by Mr Tsehai Wada;

2. 'The Voluntary Sector and Rights Advocacy in Ethiopia: Opportunities and Challenges', by Mr Dessalegn Rahmato;

3. 'Maximizing Local CSOs' Civic Engagement Potential in Ethiopia', by Dr Alemayehu Areda;

4. 'Civil Society in Kenya, South Africa and Uganda: Lessons for Ethiopia', by Dr Konjit Fekade;

5. 'Towards an Inclusive Code of Conduct for Civil Society in Ethiopia', by Mr Debebe Habtegebriel.

In his welcome address on behalf of the three organizers, the Executive Director of FSS, Prof Bahru Zewde, underscored the importance of the conference as both an opportunity for self-evaluation by Ethiopian

CSOs as to their achievements and shortcomings and their standing vis-à-vis CSOs in some other African countries. Referring to the Government's current effort to come up with a new legislation for CSOs/NGOs, he said that the initiative was understandable in light of the fact that civil society was still being regulated by the laws and regulations of the Imperial days.

He also pointed out the need to ensure the involvement of the key stakeholders, namely CSOs, in the new legislative process through consultations and by taking on board their inputs to the mutual benefit of both voluntary sector and the State. Noting that one of the papers would provide an assessment of the 1999 NGO Code of Conduct, Prof. Bahru indicated that the eventual adoption of an improved and more inclusive Code that laid down clear standards would be an important step forward for Ethiopian civil society, as "self-regulation is the best form of regulation". He concluded his address by expressing his expectation that the conference would come up with recommendations towards the creation of an enabling policy environment for civil society in Ethiopia, and his hope that the authorities would view these recommendations with the seriousness and understanding they deserved.

In his address on the role of civil society in the promotion of human rights, the Director of the FDRE's Human Rights Commission, Ato Geta-hun Kassa, disclosed that the Commission's strategic plan envisaged partnership with government and non-government actors in the field of human rights. He said that this strategy was designed in the light of the Paris Principles for plu-ralism through creation of effective consultation and cooperation with social forces in the protection and promotion of human rights.

He pointed out that CSOs and the Commission can jointly launch and implement programs in the areas of human rights education and promotion in a manner that avoids duplication of efforts and that increases efficiency. Mr Getahun also acknowledged the role of National Human Rights Institutions and 'civil social forces' in building a culture of respect for human rights and in monitoring and reporting the compliance of state and non-state actors with their obligations in the respect and protection of human rights. He disclosed that in recognition of the importance of collaboration with non-state actors to the success of its goals, the Commission was currently developing a clear guideline on the scope and nature of the partnership it anticipates and the roles and expectations from each side during such partnership.

Mr Patrice VAHARD, HR Advisor, Regional Office of UN High Commission for Human Rights, addressed the conference on the role of civil society in the promotion of human rights, within the context of the UN perspective.

In his presentation on the legal framework of CSOs and NGOs in Ethiopia, Mr Tsehai Wada discussed the existing legal instruments in the light of the freedoms of association, expression and assembly, and highlighted the application of the law and some of the constraints and challenges encountered by civil society in exercising these freedoms. He also discussed some of the critical provisions of the draft law prepared by the Ministry of Justice in 2003 and the alternative legislation proposed by the consortium of Ethiopian CSOs. He contextualized his assessment of the Ethiopian laws within the FDRE constitution, the international instruments ratified by Ethiopia, international standards and best practices, including those in some African countries.

Some of the limitations in the existing laws which Mr Tsehai cited as posing potential constraints to the full exercise of the constitutional rights and straining the free operations of civil society organizations include:

- the Civil Code's requirement of multiple documents for registration/ formation;

- the Code's recognition of only one type of governance structure, i.e., membership-led governance;

- the power to dissolve associations whose objectives and activities are considered unlawful or contrary to morality (which is open to diverse interpretations);

- the grounds for denial of registration;

- the broad powers given to the supervisory organ in relation to the removal or suspension of officers of associations;

Mr Tsehai also pointed out other requirements in the directives issued by the supervisory body which are inconsistent with the Constitution and even the Civil Code and which tend to constrain CSOs' free and efficient operation.

Mr Dessalegn on his part gave an overview of the evolution of civil society in Ethiopia since the Imperial days, its growth and diversification particularly after the change of government in 1991, and its contributions to poverty reduction, environmental protection, rights promotion and the democratization process. Concerning government attitude, he noted that there were some encouraging signs of goodwill towards CSOs/NGOs in the last five years, but there is still a long way to go before government would accept in good faith CSOs as partners in the development effort or fully recognize their contribution to the democratization process. He identified several challenges faced by civil society organizations espe-

cially in the areas of rights advocacy, including constraints emanating from:

- an unfavorable policy environment,

- lack of a culture of democratic dialogue,

- lack of a culture of lobbying Parliament,

- lack of a culture of participatory decision-making,

- lack of skill, tact and flexibility in providing critical opinion, and in making it palatable to officials and constructive to the problem in question,

- absence of a responsible media, and the lack of respected journalists, commentators and analysts.

Among the opportunities for civic activism identified by Mr Dessalegn are: the emergence of advocacy organizations concerned about a wide variety of human rights, social, environmental and electoral issues; and woreda level decentralization which could serve as an entry point for advocacy work, especially through participation in local level planning and food security structures.

Mr Dessalegn underscored that the voluntary sector would need to make a determined shift towards rights advocacy as one of its major spheres of engagement if it was to remain relevant and to be a vital force for change and development in this country.

In his presentation on maximizing the role of local CSOs' civic engagement potential, Dr Alemayehu noted both the challenges and opportunities available. He pointed out that following the 2005 election, the space for a meaningful CSO engagement had become very limited. Among the challenges he identified were:

- Donor dependence,

- Lack of enabling legal and policy environment,

- Lack of constituency,

- Poor system of governance and lack of internal democracy,

- Fragmentation and duplication of efforts.

His recommendations to improve CSOs' civic engagement potential included:

- Trust and confidence building on the part of both government and the voluntary sector;

- Improvement of operating environment,

- Developing CSOs' culture of institutional democracy,

- building CSO Constituency,

- Strengthening CSO partnership and networking,

- Strengthening relations with local governments,

- Improvement of CSO transparency and accountability.

Mr Debebe's presentation made an assessment of the 1999 NGO Code of Conduct adopted by nearly 200 NGOs in Ethiopia. He examined the strengths and weaknesses of the main elements of the Code, including its governing structures, its application, its constituency, the financial and administrative resources for its enforcement and its overall adequacy as an instrument for self-regulation by the voluntary sector in Ethiopia. His conclusion was that though the Code has both qualities and weaknesses, its limitations revolved mainly around its implementation and hence the need for an entirely new code of conduct was minimal. His recommendations for an effective self-regulatory system include:

- Revising the Code to make it more inclusive and functional;

- According legal personality to the club (i.e., the umbrella organization overseeing its effective implementation and enforcement), which could be done by either establishing a new legally empowered CSO forum consisting of signatory CSOs or entrusting the responsibility to an existing umbrella CSO with a broadened mandate;

- Compliance and adherence to the ethical values and standards of the Code by all signatories;

- Establishment of an independent secretariat to administer the implementation of the Code;

- Collaboration with the government and the latter's recognition of the system, for example by providing for the legal recognition of self-regulation in the new legislation being drafted by the government;

- Donor and media support for the voluntary sector's full endorsement and effective enforcement of such a self-regulatory system.

Dr Konjit's presentation on civil society in Kenya, Uganda and South Africa explored their:
- historical evolution,
- characteristics and key intervention areas,
- internal and external operating environment,
- areas of major impact, and
- similarities and differences with civil society in Ethiopia and lessons to be drawn.

Among the experiences of the voluntary sector in the three countries from which Ethiopian CSOs could draw lessons are:

- CSOs have better capacity and high level of awareness of their civic roles & actively work to protect and defend their sector as well as the rights of citizens;

- Faith based organizations serve as a vehicle for supporting communities and providing strong voices against human rights violations;

- There is a high level of networking and cooperation among CSOs which enables them to speak in one voice on some issues such as protection of human rights and defense of the voluntary sector;

- A wide spectrum of CSOs are working all over the nation in all the reviewed countries; where there are strong urban-based CSOs, they build the capacities of the CBOs and the CBOs in turn disseminate information generated by the former to community members at the grassroot level; the case of HURINET (UGANDA) can serve as a good model for democracy and human rights activists in Ethiopia;

- To minimize selective harassment by government, in some of the countries (Uganda & South Africa) all service delivery organizations use the rights-based approach to development and this approach is now narrowing the divide between service delivery and advocacy CSOs. They also network across all sectors.

- In view of the accusation that CSOs in general are not using empirically based researches to challenge the state or other actors, a number of knowledge-based NGOs are emerging in all the three countries and the collaboration between academics and civil society is also increasing, thus facilitating impact on policy formulation processes.

- To minimize government restrictions, CSOs in Kenya and Uganda have established a self-regulation mechanism and a Code of Conduct. The NGO Council in Kenya and the NGO quality assurance working group in Uganda provide support to CSOs to help them improve their governance structure and ethical standards.

- In South Africa and Kenya, national CSOs take a proactive role to engage government in development policies while donors and international NGOs have a more supportive role with the CSOs, based on partnership.

The conference participants discussed the critical issues especially in relation to creating an enabling environment that facilitates an effective catalytic role for civil society in the nation's development and democratization endeavors.

Several suggestions were put forward both by the presenters and participants, which were then formulated into a set of recommendations on the way forward. Accordingly, the following recommendations were endorsed by the conference, and the three organizers of the conference were mandated to work towards their realization by collaborating with other selected CSOs and networks operating at the national and regional levels.

Recommendations of the Conference on "Creating an Enabling Environment for Civil Society in Ethiopia"

Introduction

The Forum for Social Studies (FSS), the Organization for Social Justice in Ethiopia (OSJE), and the Union of Ethiopian Civil Society Associations (UECSA) launched their individual research projects in 2007. The studies assess the status, roles, regulatory framework, institutional dynamics, opportunities and challenges of civil society organizations in Ethiopia, with the overarching objective of contributing to the creation of a sustained enabling environment for them to positively impact on the development and democratization processes in the country. Five papers produced by researchers were presented at a one-day joint conference held in Addis Ababa on 30th October 2007. Participants drawn mainly from national and international NGOs/CSOs, House of Peoples Representatives, government agencies, donors, UN agencies, the media, and the academic community, thoroughly discussed the various issues raised in the studies and put forth specific suggestions for concrete actions and follow-ups to be taken by various stakeholders towards the improvement of the status, role and environment of civil society in Ethiopia.

Preamble

We, the participants of the Conference on "Creating an Enabling Environment for Civil Society in Ethiopia",

Noting that the Constitution of the FDRE recognizes and makes provisions for the freedom of association, assembly and expression in line with standard international and regional legal instruments;

Recalling that the draft legislation prepared in 2003 by the Ministry of Justice and forwarded to the NGO Legal Framework Consultative Working Group for comments envisaged a legal framework that could undermine the full exercise of the above-mentioned rights;

Aware of the fact that Ethiopia does not have an official policy regarding civil society, which creates

uncertainty as to the attitude of the State towards the role of CSOs in democratic governance;

Believing that the policy-making process would be more democratic and empowering by widening the space for active participation of key stakeholders, including civil society and the research community;

Concerned that the current legislative process being undertaken by the Ministry of Justice with the aim of producing a new draft law has not as yet opened room for civil society to air their views and make their constructive inputs;

Conscious of the fact that the civil society movement in Ethiopia has not yet matured due to its short life span, lack of adequate physical and financial resources as well as an enabling environment, scant rights-oriented intellectual leadership, underdeveloped democratic institutional culture, and limited experience and skills in advocacy, communication and constituency building;

Recognizing the need for enhancing the strategic role and responsive capacity of civil society in Ethiopia and the urgency of creating an inclusive structure for overall leadership, policy dialogue and partnership with other stakeholders, including State actors and donors;

Have resolved to recommend as follows:

Recommendations

1. We call upon the civil society sector to initiate regular internal dialogues and consultations on the status, roles, governance, capacity, challenges, inputs and impacts of civil society;

2. We strongly recommend that the role of civil society in rights-based advocacy should be strengthened, particularly through proactive engagement in the country's policy-making process;

4. We urge civil society to build strong linkages with parliamentarians, and forge partnerships with them for policy advocacy;

5. We urge CSOs to improve their internal system of governance, accountability, and transparency in order to dispel negative perceptions of the

sector;

6. We urge members of the civil society to actively promote networking, coalition building and the creation of a collective voice within the sector;

7. We call upon CSOs/NGOs to work towards the formulation of a more inclusive and enforceable self-regulatory framework that builds on the current NGO Code of Conduct and that has the blessing of both the Government and civil society at large;

8. We call upon the Government to open up space for the participation of civil society in the formulation of the new CSO/NGO legislation, and to ensure that its provisions uphold the universal rights and freedoms enshrined in the FDRE Constitution and accommodate self-regulation by civil society organizations;

9. We call for concerted efforts by all parties towards trust-building and partnership between the Government and civil society;

10. We urge the donor community to play a greater role in capacity building of the sector, facilitating sharing of national and international experiences, demonstrating greater solidarity with, and serving as an interlocutor with Government for the sector;

11. We recommend that a taskforce be established to work towards the implementation of the recommendations of the conference within a given timeframe and report the results to the conference participants;

12. We recommend that the three organizers of this conference, namely, FSS, OSJE and UECSA, form the core of the taskforce and that they include other national and regional CSO/NGO networks and umbrella organizations in the taskforce at their discretion.

(30th October 2007, Addis Ababa)

Civil Society Conference Photo Gallery