

Reality Checks: The state of civil society organizations in Ethiopia

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Abstract.

The general literature on the state of civil society organisations (CSOs) in Ethiopia gives the impression that CSOs have been rendered dysfunctional by the restrictive law passed in 2009. While considerable attention has been given to the devastating effects of the CSO law on human rights groups, the successful stories of the overwhelming majority of organisations engaged in development and service delivery have been overlooked. The law does limit the space for CSOs working on human rights and governance and it is legitimate and ethical to challenge the restrictive provisions on constitutional, legal, moral and/or practical grounds. However, it is equally important to recognize the continued operations of numerous CSOs, their contributions to national development priorities, their innovativeness in dealing with sensitive rights issues, the role of donors in supporting CSOs and the responses of the government to the request for a more enabling environment. This paper contains contextualized arguments based on empirical data as reality check on the current state of CSOs in Ethiopia.

Key words: *civil society organizations; regulatory frameworks; service delivery and development; human rights and advocacy; Ethiopia*

Résumé

La littérature générale sur l'état de la société civile (OSC) en Ethiopie donne l'impression que les OSC ont été rendus par le dysfonctionnement loi restrictive adoptée en 2009. Bien qu'une attention considérable a été accordée aux effets dévastateurs de la loi sur les droits de l'homme des groupes, les réussites de l'écrasante majorité des organisations qui participent à l'élaboration et de la prestation des services ont été négligés. La loi ne prévoit de limiter l'espace pour les OSC qui travaillent sur les droits de l'homme et de la gouvernance et il est légitime et éthique de contester les dispositions restrictives sur le plan constitutionnel, juridique, morale et/ou pour des raisons pratiques. Cependant, il est tout aussi important de reconnaître la continuité des opérations de nombreuses OSC, leur contribution aux priorités de développement national, leur capacité d'innovation dans le traitement des questions relatives aux droits de l'homme sensible, le rôle des donateurs pour soutenir les OSC et les réponses du gouvernement à la demande d'un environnement plus favorable. Le présent document contient des arguments contextualisés basés sur des données empiriques que la réalité sur l'état actuel de la société civile en Ethiopie.

Mots clés : *les organisations de la société civile, les cadres réglementaires, de la prestation et le développement ; les droits de l'homme et de plaidoyer ; l'Ethiopie*

1. Introduction

The second half the 20th century witnessed a proliferation of civil society organizations (CSOs) in the global South. The increase in the number CSOs has been explained in terms of humanitarian crises, a perceived turbulence in world politics, the volatility of culturally plural societies, the acceleration of globalization and the failure of states to provide for their citizens and govern with legitimacy (Fisher 1997:439). CSOs have been engaged in humanitarian assistance, service delivery, development projects, human rights and policy advocacy and environmental protection. They have been playing the role of the 'the third sector' in society, alongside government and business. It is equally important to note that CSOs in many countries have been operating under restrictive regulatory frameworks. Kendra Dupuy and her associates (2015:422-423) noted that 86 of 195 countries in the world have passed more restrictive NGO laws since 1955, most of which appeared between 1995 and 2012.

Regarding the history of CSOs in Ethiopia, Jeffrey Clark (2000:4) stated that civil associations began to emerge in Ethiopia around the 1930s and a law to regulate these groups was passed in 1960 but during this period both national and international NGOs began to appear. The 1973-74 and 1984-1985 famines increased the number of CSOs that focused on the provision of humanitarian aid. Since then CSOs have been engaged not only in relief works but also in capacity building, service delivery, development and advocacy.

Three national level surveys commissioned by the European Union and its partners revealed that CSOs operating in Ethiopia have managed to mobilize huge resources and contribute to national development priorities (Abebe et al. 2004; Cerritelli et al. 2008; Gebre et al. 2014). According to the 2014 study, as discussed later in some detail, there were more than 2600 on-going projects implemented by charities and societies with a total budget of Birr 35.76 billion (US\$1.788 billion). The 2014 study also indicated that CSOs encountered challenges that hampered their operations.

The passing of the controversial Proclamation No. 621/2009 to provide for the registration of charities and societies and the establishment of the Charities and Societies Agency brought both opportunities and challenges. The government's justifications for the passing of the law are the following: to ensure the realization of citizens' right to association, which is enshrined in the Constitution; to ensure CSOs' legitimacy, accountability and transparency, which were recognized as major deficiencies of the sector and to create an enabling environment for CSOs (proclaimed to be development partners) and facilitate their role in development.

Critics have dismissed the claim that the new law ensures the right to association and creates an enabling environment for CSOs. The legislation is criticized for limiting the right to freedom of association to engage in rights issues, in violation of Article 31 of

the Ethiopian Constitution (Yalemzewd 2009; Debebe 2010:23). This is a valid legal argument that challenges the constitutionality of the law. There is a foreign funding restriction on rights organisations¹ and operational restrictions on those CSOs allowed to receive up to 100% of their funds from foreign sources.

However, some of the critical views seem to be overly simplistic or unbalanced. Dupuy and her associates (2015:426) stressed that the real intention of the law was to shut down political opposition. On 17 December 2012, the *Addis Standard* (a private magazine) published an article titled “Ethiopia: A self-defeating charities and societies proclamation hurting all.” Such generic expressions send an unbalanced message to unsuspecting readers. As indicated in the literature review section below, some local studies have also emphasized the challenges related to foreign funding and the division of operational and administrative costs (Kassahun 2013; Debebe 2011; Gebre 2011).

It is important to acknowledge that few studies have, at least partially, touched on success stories (Gebre et al. 2014; Kidist et al. 2012; TECS 2012; ICOS Consulting 2011). And yet, the considerable emphasis on the adverse impacts of the 2009 law on organisations working on human rights and governance (a total of 120 CSOs in 2008) and the tendency to overlook the successful accomplishment of many others have led to a gross oversimplification of the state of CSOs in Ethiopia.

The nuances and complexities involved warrant careful assessment of the contexts in which the various CSOs have been operating and the perspectives of the different actors involved. With this in mind, the present article intends to shed light on (1) the conceptualization of charities and societies and the associated funding and operational restrictions on CSOs, (2) the contributions of charities and societies to national development priorities and (3) the common operational challenges facing these CSOs.

2. Research Methodology

This paper is based on three different studies, including fieldwork and literature reviews, of CSOs that the author undertook in Ethiopia between 2011 and 2014. The first two studies were carried out in Addis Ababa City, Bahir Dar (Amhara Region), Adama (Oromia Region) and Hawassa (Southern Nations, Nationalities and Peoples Region, SNNPR). The author also participated in the 2014 non-state actors update mapping study, which was carried out in all nine regions and the two city administrations in Ethiopia.

The nature of the research (exploring the lived experiences of people and institutions) required a thorough examination of the views and perspectives of the informants.

1 The term ‘rights organisations’ refer to CSOs that are allowed to work on ‘rights issues’, namely, the advancement of human and democratic rights; the promotion of equality of gender, ethnic groups, and religion; the promotion of the rights of children and persons with disability; the promotion of conflict resolution and the promotion of the efficiency of justice and law enforcement services.

A qualitative research approach was used because it allowed observation, active participation of informants and cross-examination of facts during the research period. General literature and policy documents on CSOs were reviewed both before and after the fieldwork. One of the core objectives of the study was to examine regulatory issues and therefore the existing legal frameworks in Ethiopia were carefully scrutinized.

In the field, the author collected data through semi-structured interviews, focus group discussions, and observations of projects sites, home/businesses of informants, and offices of CSOs. A total of 137 people participated as informants and 20 focus group discussions were held with different groups of people. The informants were identified based on their knowledge of the research issues being explored. During the fieldwork, data were collected from members of CSOs (in the case of societies), beneficiaries of CSOs (in the case of charities), representatives of CSOs, and relevant government officials. The questions raised with the various research participants focused mainly on the activities of the CSOs, their contributions to development and their challenges/constraints.

Regarding data analysis, the field notes, the interviews and the document reviews were transcribed and translated. In order to examine and interpret the content of qualitative data, it was necessary to identify themes and categories, do some coding using key concepts, and organize the voluminous data systematically. Preliminary writing started during the fieldwork in the form of advanced notes, which were edited and harmonized with the final report. The themes and concepts facilitated the write up process and shaped the content of the paper.

3. Literature Review

3.1 Global trends in CSOs' operations

Globally, civil society organisations have been experiencing two major changes: shrinking operating environment and transformation to becoming development actors. Historically, the functions of civil society organizations have been associated with the protection and promotion of democracy and good governance (Inglehart 1997; Foley and Edwards 1996; Schmitter and O'Donnell 1986; Nie et al. 1969; Almond and Verba 1963). However, in the last two decades, their contributions to economic development and poverty reduction have been increasingly acknowledged (Clayton et al. 2000; Salamon and Anheier 1997; Fukuyama 1995; Putnam 1993).

It is equally important to note there is a counter-argument that civic engagements are inefficient and may even hinder economic growth (Olson 1982 in Putnam 1993:176; Callaghy 1993 in Harbeson 1994:294). Ronald Inglehart (1997) argued that there exists elements of both: civic associations could be conducive to economic growth especially in the early stages of development, and in industrial societies they tend to become strong defenders of certain interests at the expense of economic growth.

In Ethiopia, CSOs started with provision of relief aid in the 1970s and 1980s and began to engage in service delivery and development in the 1990s (Clark 2000; Cerritelli et al 2008), while involvement in human rights advocacy occurred in the 2000s (Cerritelli et al 2008). Prior to the enactment of the restrictive CSO legislation in 2009, Ethiopian authorities are reported to have subscribed to the view that NGOs pursued a rent-seeking political economy thereby contributing to the economic crisis of Africa and negatively affecting the development of Ethiopia (Debebe 2010:20). However, their contributions to service delivery and development activities have shown significant increase at least since 2008 (Gebre et al. 2014).

Recent studies revealed the enactment of restrictive laws in many countries seriously shrank the operating environment for civil society organizations (Dupuy 2015; CIVICUS 2015). The space for civil society engagement has been shrinking in non-democratic states and established democracies (Unmuessig 2015). In the non-west, authorities associated civic activism with neo-liberal inspiration and opted for heavy-handed responses, while western democratic nations suspended civil liberties or reduced the space for civic life due to fear of terrorism and in the name of security.

In Ethiopia, combinations of factors (namely, accountability deficit of CSOs and the unprecedented civic activism during the period leading to the 2005 contested election) seem to have led to promulgation of the controversial Proclamation No. 621/2009 (Yeshanew 2012). As stated elsewhere in this paper, the legislation had a devastating effect on rights organizations due to foreign funding restrictions (Yalemzewd 2009; Debebe 2010; Dupuy et al. 2015). There are reports that some rights organizations changed their mandates to engage in service delivery and development as a survival strategy (Kassahun 2012).

3.2 The controversial law: Proclamation No. 621/2009

In the literature, the concept of civil society organizations refers to a wide range of organizations, associations, networks, and groups that promote public interests and that are not part of the government structure or the business sector. This paper focuses on a sub-set of CSOs officially recognized as charities² and societies.³ Other CSOs such as trade unions, cooperative societies, micro and small enterprises, and community-based organizations are beyond the scope of the paper. Proclamation No. 621/2009 mandates the Charities and Societies Agency (a federal institution) to register and regulate three categories of CSOs: Ethiopian charities and societies, Ethiopian resident charities and

2 Charities are established for charitable purposes, and four types of charitable organisations are recognized: charitable endowment, charitable institution, charitable trust, and charitable society (Article 15:1).

3 Societies are non-profit making and voluntary associations organized to promote the rights and interests of their members and undertake other similar activities (Article 55:1). Mass-based societies, development associations, professional associations and trade unions are examples of societies.

societies and foreign charities (Article 2:2-4). In July 2014, there were 3077 CSOs registered with the Agency, although most of them were not operational. This section summarizes the conceptualization of these CSOs as well as the foreign funding and operational restrictions that caused the controversy.

Rights organisations. Ethiopian charities or Ethiopian societies (which the author of this paper calls 'rights organizations') are those CSOs that are formed by Ethiopians under the Ethiopian laws and that can engage in any activity, including human rights and policy advocacy (Article 2:2). However, they are not allowed to receive more than 10% of their funds from foreign sources. This 10% ceiling came to be known as the 90:10 rule and it became the most controversial issue. Informants (authorities) stressed this provision would reduce the vulnerability of sensitive domestic issues to manipulation by imported agendas that may accompany foreign funds.

On the other hand, critics viewed the 10% ceiling as a strategy to silence the rights organizations and undermine their influence in society by starving them of funds (Yalemzewd et al 2009; Debebe 2010; Dupuy et al 2015). Informants (representatives of rights organisations) also indicated that the 90:10 rule has eroded their capacity to attain their goals. Some CSOs are reported to have changed their commitment to service delivery while others terminated their operations.

Without being dismissive of the principled arguments of some critics and the noble mandates of the rights organisations, it is important to note the fact that the 2009 CSO law affected a small group rather than all the CSOs. In 2008, there were 120 rights organizations (of the total 3128 CSOs) and their numbers had shown a sharp increase around and after the 2005 election in Ethiopia (Cerritelli et al 2008:100, also see page 68). It is equally important to note that, prior to the implementation of the 2009 Proclamation in 2010, many service delivery CSOs working, for example, in health and education, operated from a rights-based perspective. After 2010, such organizations were obliged to change their mission statements and literature and refrain from making references to rights, although some of them continued delivering the same services in much the same way.

Service providing CSOs. Ethiopian resident charities or Ethiopian resident societies are CSOs that are formed by the residents of Ethiopia under the Ethiopian laws and they can receive up to 90% of their funds from foreign sources (Article 2:3). However, they are not allowed to engage in specific activities, namely, the advancement of human and democratic rights; the promotion of equality of gender, ethnic groups and religion; the promotion of the rights of children and persons with disability; the promotion of conflict resolution and the promotion of the efficiency of justice and law enforcement services (Article 14:2 & 5).

It appears that, for the purpose of the law, the government has differentiated human rights and democratic rights from the right to basic services and the right to development. Although the basis of this distinction remains unclear, the message is

unequivocal: CSOs interested in service delivery and development can receive 90% of their funds from foreign sources but the money should be used only for service delivery and development, not for rights issues.

Critics contend that these restrictions make the CSO law inconsistent with international standards related to freedom of association and human rights. The argument is that CSOs should not be barred from engagement in rights issues because of their income and all CSOs should be allowed to promote the international standards to which the Ethiopian Government is committed.

During the research period, representatives of many CSOs registered as resident charities or societies rarely complained about the inconsistency of the law with international norms. It seems that they have chosen to focus on protesting against the restrictive provisions that hinder their day-to-day works within the framework of their operational domain and securing donor funds. Some Ethiopian resident charities/societies have been wisely and innovatively promoting (without advertising) governance and rights issues in such thematic areas as gender empowerment, rights of children and environmental protection. The recent forced closure of certain CSOs for exceeding their operational mandates reveals the risks involved in promoting a rights-based approach without a proper mandate.

International NGOs. Foreign charities are those charities that are formed under the laws of foreign countries or which consist of members who are foreign nationals or are controlled by foreign nationals or receive funds from foreign sources (Article 2:4). There is no limit on the amount of funds that foreign charities are allowed to bring into the country. However, the restrictions that apply to the Ethiopian resident charities and societies apply to foreign charities as well and for the same reason. Although the implications of the law for foreign charities have been raised and discussed by others (Yalemzewd et al 2009), it is beyond the scope of this paper.

3.3 Research reports on charities and societies in Ethiopia

Many studies have been undertaken in Ethiopia to examine the opportunities and challenges resulting from the enactment of the new CSO law in 2009. Most studies gave considerable attention to challenges and the concerns of rights organization, while the successful accomplishments of numerous CSOs engaged in development and service delivery have been overlooked. This paper is intended to fill the existing knowledge gap in the literature.

Human rights, governance and advocacy. As indicated above, the 90:10 rule requires that CSOs interested in engaging in sensitive themes (namely, human and democratic rights; equality of gender, ethnic groups, and religion; the rights of children and persons with disability; conflict resolution and justice/security) are barred from receiving more

than 10% of their income from foreign sources. Consequently, the rights organisations have been forced to change their mandates, limit their roles or terminate their operations. The legislation has been criticized for limiting the right to freedom of association to engage in rights issues, in violation of Article 31 of the Ethiopian Constitution and international standards (Dupuy et al. 2015; Kassahun 2012; Debebe 2010; Yalemzewd 2009). Critics argued that CSOs should not be denied the right to association based on income.

Operational vs administrative costs. Some studies examined the challenges associated with the classification of CSO expenditures as operational (70%) and administrative (30%). According to the 70:30 rule, expenses for personnel (e.g., project managers and staffs), purchase of project vehicle, transportation, monitoring and evaluation, research and training are classified as administrative costs rather than as operational costs. Moreover, networks (or consortia) are not expected to be direct implementers and therefore they cannot have operational costs. The 70:30 guideline is reported to have discouraged CSOs from employing/retaining qualified staff, launching projects in remote locations, giving capacity building trainings, undertaking serious monitoring and evaluation activities, and sharing information (Kassahun 2013; Long and Regassa 2013; Debebe 2011).

Income generation activities. A study on CSO income generating activities revealed that the CSO law hinders meaningful engagement in IGA due to two requirements: separating IGAs from the core mission of CSOs and engaging in IGAs that are directly related to the primary mission of CSOs (Gebre 2011). These provisions pose practical challenges. For some CSOs, IGAs represented part and parcel of the charity work that cannot be managed separately. The requirement to engage in IGAs directly related to core missions CSOs would exclude certain civil society organizations (e.g., those working on human rights, disability, the elderly, etc.) that cannot produce marketable goods and services.

Independence of CSOs. Mass-based societies are expected to play key roles in promoting democracy, good governance and human rights. However, their independence from government influence has been questioned (Fekadu 2014; Ayalew & Ezana 2011; Yalemzewd et al 2009). Ayalew Gebre and Ezana Amdework (2011) noted that mass-based societies maintained close ties and relied on government institutions for financial, infrastructural, and organisational support. The authors also acknowledged that mass-based societies played active roles in fighting corruption and administrative injustice through training programs, educational campaigns, and by disclosing corrupt practices. Regarding the question of independence of mass-based societies and development associations, Fekadu Terefe (2014:8) wrote,

In the Ethiopian case, the mass-based societies...are often seen as dependent on government...successive administrations have tried to use such associations as a means for mobilizing public support and used them to promote their political agenda, thus jeopardizing the independence of such associations.... Same applies to region-based and party initiated development organizations...which are not seen as independent organizations.

Disadvantaged groups. A study designed to explore the activities, the achievements and the challenges of CSOs working on persons with disabilities and the elderly indicated that only a small proportion of the organizations covered in the study attained their goals (Gebre et al. 2013). Many of them are reported to have experienced a multitude of challenges that have limited their performances. Some of the challenges include shortage of funds, shortage of human resources and lack of space/facilities. Compared to the number of CSOs working on HIV/AIDS, orphan and vulnerable children, gender empowerment, and the environmental, those working on the elderly and persons with disabilities are few in number, and this was explained partly in terms of lack of policy attention and lack of donor funding.

Impacts on women. The impacts of the CSO law on women have been studied from two perspectives: gender-based violence and women's economic empowerment. The first study emphasized that the enactment of the CSO law forced many women-focused and rights organizations to change their mandates and terminate advocacy works and legal aid, and this was viewed as a setback to the process of combating gender-based violence and enhancing survivors' access to justice (Messeret 2012). The second study, on the contrary, underlined that CSOs' engagement in women's economic empowerment in the five major areas: skills training, credit and saving, in-kind/cash transfer, integrated women empowerment programs, and market access facilitation (Kidist et al. 2012). Some of these initiatives led to increased income, saving, and asset formation. Moreover, the CSOs' interventions have resulted in the establishment and proliferation of women's grassroots organizations, new forums for women to address their issues and concerns such as gender-based violence.

Development and service delivery. The European Union and its partners have commissioned three non-state mapping studies in Ethiopia in 2004, 2008 and 2014 (Abebe et al. 2004; Cerritelli et al. 2008; Gebre et al. 2014). The three surveys revealed that CSOs have managed to mobilize huge financial resources from foreign sources and contribute to national development priorities. For example, the number of operational projects increased from 2020 in 2008 to 2604 in 2014, and the funds mobilized to implement these projects increased from US\$1.123 billion in 2008 to US\$1.788 billion in 2014 (Gebre et al. 2014). According to the study, the CSOs have been providing various services and implementing various development projects, which are considered as major contributions to the national development goals.

4. CSO numbers and distributions

The 2014 non-state actors update mapping study estimated the total number of non-state actors in Ethiopia at 289,630 (Gebre et al 2014). This figure does not include the 17,700 SHGs (Gebre 2015), trade unions, and numerous unregistered community-based organizations in the country. The major categories of non-state actors identified in the 2014 study included charities and societies (3,077), civic associations registered in the regions (34,911), cooperative societies (35,719), and micro and small enterprises (217,636). This section and the remaining two sections focus on the charities and societies registered with the federal agency rather than the entire sector.

4.1 CSO numbers

According to the records of the Charities and Societies Agency, in August 2014 there were 3,077 registered charities and societies that pledged to operate in different parts of Ethiopia. However, data pieced together from the regions, especially from the regional bureaux of finance and economic development (BoFED), which are mandated to sign operational agreements with charities and societies, revealed that 870 (28.3%) of the registered CSOs were operational (Gebre et al 2014).

The discrepancy between the registered and the active organizations may be explained as follows. CSOs that are pledged to operate in multiple regions may not have yet started operations in some regions for different reasons. After registration, some CSOs may have failed to launch projects for lack of funds or other challenges. It is possible that some CSOs may also be operating in the regions by signing operational agreements with lower level offices and without reporting to BoFED.

The total number of registered CSOs slightly decreased from 3,128 in 2008 (Cerritelli et al 2008) to 3,077 in 2014. However, the number of international NGOs (INGOs) increased from 201 in 2008 (Cerritelli et al 2008) to 348 in August 2014. INGOs appear to be thriving while some national CSOs seem to be struggling to survive. In addition there are some that have simply vanished. The increase in the number of INGOs may be explained in terms of their ability to mobilise foreign funds and the weakness of the national CSOs in mobilising resources. Moreover, the new law does not seriously hinder the activities of most INGOs, which often focus on humanitarian aid, service delivery and development rather than on rights issues.

However, the 70:30 guideline has incapacitated INGOs that work as ‘intermediaries’ pursuing modalities that range from mobilization and disbursement of funds to local CSOs to direct implementation of projects (TECS 2014). There are indications that other INGOs are advised to refrain from extending funds to local CSOs. The INGOs initiatives aimed at building the capacity of local CSOs faces formidable challenges.

4.2 Geographic distribution

Charities and societies are unevenly distributed across the administrative spectrum. Most CSOs tend to concentrate in the major cities/towns, accessible locations (e.g., along road-sides) and central areas close to Addis Ababa. For example, the 2014 update mapping study found that in SNNPR, 68% of the CSOs operated in Hawassa (the capital of the region) and five of the 15 easily accessible zones.⁴ In Oromia, most CSOs (62.5%) operated in seven central zones close to Addis Ababa. In Tigray Region, Mekelle (the capital) and Southern Zone were favoured by most CSOs. In Amhara Region, the highest concentration of CSOs (26.4%) was noticed in North Shoa and South Wello Zones. The various zones mentioned are very or relatively close to Addis Ababa. At the national level, the overwhelming majority of CSOs (74%) operated in five relatively well-resourced regions: Addis Ababa, Oromia, SNNPR, Amhara, and Tigray. The development and service-delivery gaps are worse in the remote and less accessible regions of Afar, Benishangul-Gumuz, Gambella, and Somali. It is these regions that have the greatest need for CSOs.

There are different explanations for the uneven distribution of CSOs. Government interviewees focused on the lack of capacity and unwillingness of CSOs to bear hardships by working in remote locations. Informants from the CSO side explained the concentration of CSOs in remote locations by referring to their lack of capacity, regulatory constraints, lack of policy incentives, the demonstrated needs in urban and central areas and the difficulty in convincing donors of the feasibility of projects in inaccessible, remote locations.

4.3 Thematic distribution

The 2014 non-state actors update mapping study revealed the existence of 2,604 different on-going CSO projects throughout Ethiopia. Based on the information obtained from the regional BoFED offices, these projects are categorized into eight sectors/themes: health and HIV, education and training, children and women, agriculture and livelihoods, integrated development, water and sanitation, environment and others. These themes are consistent with the key development issues identified in the national Growth and Transformation Plan (GTP), which incorporated the global Millennium Development Goals (MDG) as part of the national development priorities of Ethiopia.

Of the eight themes, most CSOs focused on four sectors of interventions: children and women, agriculture and livelihoods, health and HIV and education and training. The 2008 non-state actors mapping study also showed the same order (Cerritelli et al 2008), and all four themes experienced growth in terms of project numbers and budget amounts. From these observations, it is apparent that CSOs have been investing in human development

⁴ Administratively, the country is divided into regions, which are further divided into zones. The zones are split into woredas (districts) and each woreda is divided into kebeles (the lowest units).

and these efforts can be expected to have a long-term impact in terms of improving the country's stock of human capital to sustain economic and social development.

5. Contributions of CSOs to Development

5.1 Resource mobilization

In 2008, there were 2,020 on-going projects implemented with a total budget of Birr 9.976 billion, which was then equivalent to US\$1.123 billion (Cerritelli et al 2008). In 2014 charities and societies were implementing 2,604 projects with a total budget of Birr 35.761 billion (US\$1.788 billion) obtained principally from western donors.⁵ Between 2008 and 2014 the number of projects and the budgets earmarked to implement them have increased by 28.9% and 59.2% respectively. Figures from two regions illustrate the steady budget increment. The CSO budget in SNNPR increased from Birr 2.2 billion in 2008 to Birr 4.3 billion in 2011 rising to Birr 6.7 billion in 2014. Likewise, the total amount of money that went to the Amhara Region through CSOs increased from Birr 5.3 billion in 2012 to Birr 6.4 billion in 2013 and to 6.5 billion in 2014. The on-going projects and the budgets earmarked to implement these projects in each region are indicated below.

Table 1. Number of CSO projects and budget, 2014

Region		Active CSOs	CSO Projects	Budget in Birr
1	Oromia	241	491	11,939,630,929
2	SNNPR	214	595	6,755,640,155
3	Amhara	159	503	6,516,435,881
4	Addis Ababa	364	390	3,436,868,441
5	Somali	57	170	2,661,864,734
6	Tigray	98	99	2,278,057,291
7	Afar	44	63	256,807,796
8	Benishangul-Gumuz	46	68	750,592,329
9	Harari	33	64	264,000,000
10	Gambella	26	50	901,530,206
11	Dire Dawa	61	111	-
		1343	2604	35,761,427,762

Source: Adapted from the records of BoFED

5 According to TECS Bulletin No. 7, local funding of CSOs accounts on average for 5-10% of all funds in Ethiopia.

5.2 Relevance to GTP and MDGs

In Ethiopia, the national development priorities are expressed in terms of the Growth and Transformation Plan (GTP) of the country and the Millennium Development Goals (MDGs).⁶ In order to establish the relevance of CSOs' works to the GTP and MDGs, it is important to outline the key strategic objectives and priorities.

The first GTP, Ethiopia's medium-term strategic framework for the period 2010/11-2014/15), was developed to attain faster and equitable economic growth, maintain agriculture as a major source of economic growth, create favourable conditions for the industry to play a key role in the economy, enhance social development and infrastructural development, build capacity for and strengthen good governance, promote women and youth empowerment and equitable benefits for citizens. These key pillars of the plan had detailed strategic goals and targets, for example, doubling agricultural production to ensure food security and reducing the maternal mortality rate by more than half.

The United Nations identified eight Millennium Development Goals to address extreme poverty by 2015. These included: eradicating extreme poverty and hunger; achieving universal primary education; promoting gender equality and empowering women; reducing child mortality; improving maternal health; combating HIV/AIDS, malaria and other diseases; ensuring environmental sustainability and developing a global partnership for development. These MDGs were integrated into GTP1.

CSOs have been working towards the attainment of the two integrated frameworks in partnership with the state actors. Government authorities in the regions recognised the contributions of CSOs to achieving government plans. Those widely attributed to CSO-government partnerships include: reduction of maternal and infant mortality rates; prevention and control of the spread of HIV, tuberculosis, and malaria; gender empowerment through income improvement and girl's access to education; combating harmful traditional practices affecting the health and education of girls and women; creation of educational access to children; promotion of water and sanitation services and capacity building for government agencies.

CSOs also pride themselves on fostering innovation through providing tested models of practice on community participation, micro-finance, new technologies, capacity building, effective awareness-raising and the use of social inclusion tools. The projects of CSOs obviously benefited millions of people, especially children, women, low-income households and communities facing risks and adversities such as droughts. The exact number of beneficiaries cannot be known due to the multiple counting of the same beneficiaries by different organisations. The following cases from regions illustrate the nature of CSOs' contributions to the GTP and the MDGs.

6 Since 2016, the GTP and the MDGs have been replaced by GTP2 and SDGs (Sustainable Development Goals) respectively.

Benishangul Gumuz Region. A group of seven INGOs (namely, the Canadian Hunger Foundation, the Canadian Physicians for Aid and Relief, Food for the Hungry, International Network of Bamboo and Rattan, Oxfam Canada, Save the Children Canada, and World Vision) have been working on different thematic areas but under an integrated approach. Their common focus was to ensure food security which is a strategic objective of both the GTP and the MDGs. One of the achievements of the team was increasing land productivity and the quantity of agricultural production. Accordingly, the production of different crops per hectare increased as follows: sesame from 7 quintals to 12 quintals, maize from 12 quintals to 22 quintals and groundnuts from 4 quintals to 7 quintals.

Gambella Region. Women's empowerment is one of the key strategic objectives of the GTP and the MGDs. A key contribution of CSOs in Gambella has been the economic and political empowerment of women. Many women are reported to be participating in farm and non-farm income generating activities such as horticulture, fishing, selling different products, embroidery, etc. They have been supported in these activities through the formation of groups, provision of skills training, financial support (e.g. revolving funds), provision of operational space and the creation of market access. It is reported that many women's groups have benefited from these projects and improved their lives.

SNNPR. The GTP and MDGs contained plans for the protection and sustainability of the environment. SOS Sahel is one of the CSOs working on environmental protection, livelihoods enhancement and the interaction between the two. In SNNPR SOS Sahel promoted value-chain business activities in the Gurage area focusing on pepper and in Bonga on honey production. In order to address land degradation in the Lake Hawassa catchment area, the siltation of the Lake Hawassa and rural youth unemployment, the organization launched an environmental and livelihood rehabilitation project. It claims the successful containment of soil degradation, the restoration of watershed flora, reductions in flooding and siltation of the lake and the improvement of income and livelihoods for the youth who participated.

Tigray Region. The Tigray Development Association (TDA), a CSO that played a critical role in the post-war reconstruction of the Tigray Region in the 1990s, launched a school construction initiative to respond to the growing demand for education. The aim was to forge a partnership among four core stakeholders: the community, the government, the diaspora and TDA itself. The association identified the types of contributions needed (finance, labour, material, etc.), secured a partnership agreement and executed the plan. The initiative led to the construction of 570 primary schools, 30 high schools, and one special high school for talented students (Bahru et al 2014). The action taken by TDA contributed to the provision of universal primary education, one of the objectives of the GTP and the MDGs.

Oromia Region. More than 27% of the CSOs in the region focus on health and education. In the area of health, CSOs are reported to have contributed to the improvement of basic health care, reproductive health, nutrition, community health through water and sanitation programmes, prevention of HIV infection, and improvement of the capacity of health providers and health facilities. In education, CSOs are said to have contributed to the improvement of the learning process and educational management, enhanced the quality of pre-primary and primary education, widened access to education and improved educational infrastructure and facilities.

Afar and Somali Regions. Some CSOs working in the pastoral areas of Afar and Somali Regions have promoted a mobile education system that does not interfere with the migratory lifestyle of the people. In Afar Region, the Afar Pastoralist Development Association, in collaboration with its partners, introduced the mobile education system which has enhanced educational access for pastoral youth who would not have been reached through conventional schools. The “Emergency Education System” in Somali region provides a similar service addressing the needs of children whose education has been interrupted due to conflict and natural calamities. It is important to acknowledge that the mobile education system has been adopted and replicated by CSOs operating in other agro-pastoral areas.

6. Operational challenges

6.1 Regulatory challenges

The assessment of regulatory constraints focuses on three contentious issues (the 70:30 directive, the 90:10 provision, and the IGA provision) related to Proclamation No. 621/2009. The intention of the author is to examine a few issues in detail: the perspectives of stakeholders, the efforts made to address the challenges and the outstanding issues that deserve future attention.

6.1.1 The 70:30 directive

The directive on administrative and operational costs (commonly called the 70:30 rule or guideline), requires CSOs to allocate 70% of their budget for programme activities and 30% for administrative purposes. The logic behind the law stems from the pre Proclamation allegations that CSOs spent 60% of their budget on administrative matters and that their highly paid leaders allegedly advanced the interests of foreign agencies rather than the citizens (Dupuy et al 2015; EPRDF 2006 in Debebe 2010; Yalemzewd et al 2009). Many local authorities and ordinary beneficiaries of CSOs’ projects reported to have witnessed noticeable improvements in accountability, transparency and the flow of resources after the enactment of the law.

The 70:30 rule has been challenged on legitimate grounds. The argument is not that the 30% is unfair but that the items classified as administrative costs undermines the quality of CSO activities. The classification of transportation, training, research and monitoring and evaluation expenses as administrative costs (rather than operational costs) is considered mistaken and counter-productive (Long and Regassa 2013; Kassahun 2013). It is mistaken because these costs are part of the core activities of most projects and counter-productive in that CSOs lose the motivation to launch projects in remote areas, undertake baseline studies, provide training and engage in serious monitoring and evaluation.

The directive is also viewed as discriminatory in that it rewards financially strong CSOs. Organisations with very large budgets do not necessarily have the largest work forces, pay the highest salaries or spend proportionately more on research and training than smaller organisations. Indeed, they may not need to spend 30% of their budget on running costs. This is not the case for the resource-poor CSOs that may be required to exceed the 30% threshold. The proponents of this view call for the amendment of the provision to address the concerns of small CSOs.

The new law recognises the rights of charities and societies to establish consortia to coordinate their activities.⁷ The directive issued to regulate the establishment of consortia recognises the role that networks play: building the capacity of their members, voicing common challenges, facilitating experience and information sharing and enhancing the ethical and professional standards of their members. However, the 70:30 guideline considers all expenses incurred by a consortium as administrative costs stating that networks are not implementers and therefore they do not incur operational costs (Debebe 2011). The consortia are expected to transfer a minimum of 70% of their funds from donors to member CSOs effectively reducing their role to that of fundraiser. Consortia are expected to derive their income from membership fees and a percentage share of the 30% administrative costs of CSOs and this makes it difficult for them to carry out broader functions.⁸

As a response to the advocacy efforts exerted by different donors and CSOs to improve the regulatory framework, the Charities and Societies Agency made some amendments to the 70:30 guideline. The changes apply to the salary and transport expenses of CSOs working on HIV, persons with disabilities, agriculture, access to clean water, environmental protection, capacity building, training and construction.

The amendment does not apply to all the CSOs and does not address the concerns of small CSOs and networks discussed above. Also, the request to reclassify research, monitoring and evaluation expenses as operational costs remains unaddressed. On

7 Prior to promulgation of the Charities and Societies law, the Ministry of Justice (by then responsible for regulating CSOs) narrowly interpreted associations as entities that are founded only by individuals, not by organisations, and this had prevented the growth and proliferation of networks (Debebe 2011).

8 According to the records of the Charities and Societies Agency, 28 consortia were registered to operate in Oromia Region. In 2014, relevant regional authorities recognised three of them as active.

a positive note, however, the government's responsiveness to the advocacy efforts deserves to be viewed as a step in the right direction.

6.1.2 The 90:10 provision

As indicated earlier, Article 2:2 of the new CSO legislation prohibits Ethiopian charities and Ethiopian societies from receiving more than 10% of their funds from foreign sources. As stated earlier, this provision rolled back the fledgling involvement of CSOs on rights issues. Rights organisations have been forced to change their mandates, scale-down their activities or terminate their operations.⁹

Ethiopian charities/societies are expected to generate 90% of their funds through domestic resource mobilization: income generation, private donations, public collection and membership contributions. Although it is commendable to have local funds for local projects, it is not a viable and realistic option in the current Ethiopian context where even the government cannot function without foreign funds (Yeshanew 2012). Hence, the sharp international criticism levelled against this particular provision has some justification.

Recently, the government has created some exemptions to address the concerns of key donors. The European Union and the World Bank negotiated with the government to reclassify some foreign funds as domestic (to circumvent the 10% ceiling) so that Ethiopian charities and Ethiopian societies could access such funds. The reclassified funds have been channelled through the European Union Civil Society Fund II (EU-CSF II) and the Ethiopian Social Accountability Programme Phase 2 (ESAP2). Some rights organizations have expressed concerns that EU-CSF II and ESAP2 are temporary arrangements that might end anytime and the gains achieved so far cannot be sustained without the amendment of the 90:10 rule.

6.1.3 Income generation

In Ethiopia, charities and societies are allowed to engage in IGAs (Proclamation No. 621/2009, Article 103). This provision is meant to enable CSOs to mobilise resources from within the country and reduce their heavy dependence on foreign funds. However, the provision contains restrictions that makes engagement in IGAs rather difficult. CSOs wishing to engage in IGAs are expected to work on activities related to their 'core' mission, secure written approval from the Agency, obtain valid business licenses from the relevant government departments and maintain separate accounts for their IGAs. It appears that CSOs' 'businesses' are subjected to additional scrutiny that does not apply

⁹ In 2010, the Human Rights Council (HRCO), Ethiopia's first human rights organisation, closed nine of its twelve offices and cut 85 per cent of its staff.

to the private sector. According to authorities, an IGA is a business activity that must be governed by the trade law, not by CSO law. Moreover, there should not be confusion between business and charity activities that would distort the market and put private businesses at a competitive disadvantage.

Representatives of some CSOs have argued that their IGAs are inseparable from their charity work and that their activities are not purely commercial. Typical examples include donor-funded CSOs running schools and clinics. Such organisations provide affordable services (often of high quality) to non-target groups with the intention of supporting nearby communities, recovering part of their expenses and generating income that enables them to provide services for the poor who cannot pay.

The provision that IGAs must be directly related to the core missions of the CSO (Article 103:1) is particularly difficult for Ethiopian charities and societies. Officials explained the logic behind this provision in terms of enabling CSOs to promote their areas of interest and address business development gaps in those areas while avoiding overcrowding and market distortion in certain business areas and discouraging the establishment of CSOs with business as their primary interest. However, the logic works only for some CSOs. Organizations that are engaged in service delivery can easily identify IGAs (e.g., opening schools, clinics, bookstores, pharmacies, etc.) directly to their missions. In this regard, CSOs that receive 90% of their funds from foreign sources are in an advantageous position. The challenge is for Ethiopian registered CSOs working on rights issues and receiving only 10% of their funds from external sources. They find it difficult to identify business activities leading to marketable products and services that are directly related to their missions.

Proclamation No. 621/2009 forbids the distribution of proceeds from IGAs among the members or beneficiaries of CSOs (Article 103:1). This provision is inconsistent with Article 14:2h of the Proclamation that links ‘charitable purpose’ to “the relief of those in need by reason of age, disability, financial hardship or other disadvantage.” The relief of those in need may require the distribution of proceeds. Representatives of CSOs working on HIV/AIDS noted that many organizations are established with the objective of providing economic and other types of assistance for their members.

6.2 Capacity constraints

Fund raising. Western donors remain the main source of funds for charities in Ethiopia. Securing foreign funds is rather difficult because of stringent and complex criteria. Many small CSOs lack the capacity to meet the requirements of donors. Thus, foreign funds have long been monopolised by some larger and more capable local organisations and the international NGOs. The principle of aid effectiveness has been promoted by donors to

avoid aid fragmentation and to reduce transaction costs.¹⁰ Therefore, donors' gravitation towards concentrating spending on larger organisations is likely to marginalise smaller CSOs. Meaningful resources cannot be generated from local sources due to the weak state of the economy, a lack of resolute philanthropists and the lack of a tradition of giving to secular organisations.

Human resources. For some CSOs funding problems translate into capacity deficit in terms of human resources. After the enactment of the law, rights organizations were obliged to scale-down their personnel. Most small and resource-poor CSOs lacked qualified and experienced staffs to help with the mobilisation of funds. The lack of experienced staff also affects the quality of planning, project implementation, monitoring and evaluation and the timely reporting on projects. Informants associated the poor performance of many CSOs in the regions with these capacity deficits.

Concentration in accessible areas. Representatives of CSOs recognise that their activities have concentrated in urban and accessible areas and that the deserving remote villages and developing regions have attracted little attention. Although different reasons have been provided for the uneven distribution of CSOs in the country, the lack of capacity to mobilise sufficient resources (human, financial, etc.) is the key factor.

Cooperation and coordination. Many civil society organisations in Ethiopia rarely cooperate in terms of sharing resources and information and jointly voicing their concerns. To some extent the restrictive provisions applied to consortia has eroded their capacity to facilitate cooperation and coordination. However, CSOs rarely make active and sustained efforts to collaborate with each other or coordinate their activities. During focus group discussions held at different locations, it became evident that many CSOs knew little about the activities of other CSOs operating in the same geographic and/or thematic areas.

Self-censorship. The regulatory constraint (the 90:10 rule) that limits CSOs' access to foreign funds is not the only reason for the decline of engagements in rights issues. Many organisations previously engaged in advocacy on human rights and democratisation issues have succumbed to self-censorship out of fear and frustration and in order to avoid confrontation.

5. Concluding remarks

In Ethiopia, CSOs have experienced transformation from providing humanitarian aid in the 1970s and 1980s to implementing development projects in the 1990s (Clark 2000; Cerritelli et al 2008) and engagement in human rights advocacy in the 2000s. In 2009, the CSO law checked this momentum and rolled back the incipient involvement in rights issues. On the other hand, new civil society groups have mushroomed and

10 Aid effectiveness is the impact that aid has on development in terms of reducing poverty and inequality, increasing growth and building capacity. The Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008) provide details on aid effectiveness.

the role of the conventional CSOs in service delivery and development has increased. However, in the general literature, the human rights issue overshadows many positive developments. This article has addressed the gaps without sidestepping the challenges encountered by rights organisations and other CSOs.

The paper reveals that civil society organisations have been making contributions to the national development priorities of Ethiopia through mobilisation of foreign funds, introduction of new ideas and technologies, provision of education and skills training, provision of materials and equipment, the creation of business opportunities and the enhancement of community participation and ownership. There exist strong reasons to argue that CSOs have made key contributions towards the achievement of the GTP and the MDGs. Apart from addressing immediate problems facing their target groups, CSOs have been engaged in the improvement of the stock of human capital with the long-term view of sustaining economic and social development in the country.

It is equally important to recognise the fact that CSOs have been operating under a restrictive law. The 90:10 rule has incapacitated the rights organizations. Domestic resource mobilisation is unrealistic in the current Ethiopian context – weak economy. The law also contains other restrictions (e.g., the 70:30 guideline) that have limited the activities of networks and smaller CSOs. Recently, the government amended the 70:30 guideline and made an administrative decision to relax the 90:10 rule. Although a lot more needs to be done, these positive responses deserve recognition.

Since 2009, the relationship between some CSOs and the government has been strained and distrust has prevailed. Government officials seemed to be dissatisfied with some CSOs for different reasons: underperformance, lack of dedication to mission, poor accountability and transparency, donor-driven engagement, reluctance to handover property after project phase-out, launching projects without study and unexpected project termination. Some of the concerns raised from the CSOs' side include: failure to ensure their constitutional rights to engage in rights issues, treatment of CSOs as gap-fillers rather than as partners, indiscriminate portrayal of CSOs as rent-seekers and promoters of neo-liberalism, inconsistent and arbitrary administration of the Proclamation and the preferential treatment of some CSOs over others. It is high time the government and the CSOs strengthened their joint forum (GO-NGO Forum) to alleviate the climate of distrust.

Shortage of financial resource and qualified experts, the concentration of activities in urban and accessible areas, poor CSO coordination, and self-censorship represent other challenges that hinder the full realisation of CSOs' potential. Amendment of the restrictive provisions of the law and strengthening the capacity of CSOs through financial and technical supports could increase their role in development and the democratisation process. Given the current condition of the Ethiopian economy, neither the government nor the CSOs can be expected to function well without foreign funds. However, the long-term strategy should be to encourage domestic resource generation and mobilisation and to reduce heavy dependence on foreign donors.

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