

Full Length Research Paper

Civil society under assault in Ethiopia

Tewodros Woldearegay

School of Cultural Studies and Social Sciences, Osnabrueck University, Germany.

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Since the enactment of the Charities and Societies Proclamation 621/2009 in Ethiopia, civil societies were not performing their proper role for the advancement of the country's democracy. The proclamation places excessive restrictions on the work of civil society organizations in the country. This, in turn, makes the public passive to engage in the politics of the country, rather the law gives ultimate power for the government to control the activities of the civil society organizations (CSOs). Furthermore, the law has a devastating impact on the CSOs activities, both in practical sense, it creates restriction on their area of engagement, and exacerbating climate of fear in which they operate. In the nutshell, the proclamation risks the observance and protection of the democratic rights of every person in Ethiopia.

Key words: Civil society, democracy, human right, proclamation.

INTRODUCTION

Civil society refers to any organizations and associations that stand outside the structure of the government and the market, that is, interest groups, professional associations, labour unions, and ethnic based associations (Teegen and Vachani, 2004; Zaidise, 2004; Swyngedouw, 2005). Civil society is a universal concept and its philosophical foundations are emanated from both the Liberal and Marxist traditions of European Political School of Thought (Bratton, 1994; Lewis, 2006). Tocqueville (a Liberal scholar) on his work Democracy in America, who was the leading liberal scholar preached the role of voluntarism to speed up democratization process and served as a milestone for the creation of democratic citizens (Tocqueville, 1835), whereas, Gramsci (a Marxist scholar) on his book called Selections from the prison notebooks, who was known as a Marxist scholar argued on the importance of social institutions either strengthening or challenging the actions and

inactions of the government (Gramsci, 1971; Bratton, 1994; Lewis, 2006). Liberal and Marxist school of thought are contending ideologies by their nature; however, they have common philosophical foundation on the significance of civil society on moulding the behaviour of the government towards democracy (Lewis, 2006).

The modern conception of civil society in Africa was adopted under colonialism and its philosophical foundation is also rooted from the Liberal and Marxist school of thought (Bratton, 1994; Lewis, 2001; Whitfield, 2003; Appiagyei-Atua, 2005). Despite its ugly faces, colonialism has played a pivotal role in the today's development of civil society in Africa (Appiagyei-Atua, 2005). African civil society does not have adequate social wealth to run their activities independently (Edwards, 2009). This, in turn, makes them toothless to shape the behaviour pattern of governments in the continent (Van de Walle, 2001). Mostly, their budget is coming from

E-mail: teddywoldearegay@gmail.com.

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donor organizations, and thus their contribution in enhancing democratic governance is dependent on the will of the donors (Neubert, 2014).

In Ethiopia, civil society has long routes and practiced in a traditional setting even before emergence of a western idea of civil society (Clark, 2000; Bekerie, 2003; Hyden and Hailemariam, 2003; CRDA and DPPC, 2004). However, civil society, later on, embraced the western conception for its development in 1960s (Clark, 2000). In the Imperial regime, civil society existed in the form of self-help associations and their engagements were restricted on humanitarian activities (CRDA and DPPC, 2004). The regime considered them as a quasi-political agent of specific groups in the Diaspora (Hyden and Hailemariam, 2003). On the same token, the Provisional Military Government of Socialist Ethiopia (Derg regime) established a commission called Mass Organizations Affairs Department for establishing and financing civil society (Amdework and Gebre, 2012). Thus, civil societies were suppressed and marginalized by the regime (Clark, 2000). The situation, later on, changed when the Ethiopian People's Revolutionary Democratic Front (EPRDF) came to power and civil society involvement became visual by addressing the grievances of the people (Teshome-Bahiru, 2009). As a result, the people participated in subsequent national elections in the country (Mulat et al., 2009). Eventually, the ruling party (EPRDF) lost the poll of 2005 national election for the first time. Then, the government unlawfully dissolved the national election result in 2005 by arresting key stakeholders, the regime accused CSOs of their role to enlighten the public (Aalen and Tronvoll, 2009; Teshome-Bahiru, 2009). This situation led to the hostility between the ruling party and CSOs (Teshome-Bahiru, 2009). Then, the EPRDF regime endorsed Charities and Societies Proclamation 621/2009 in 2009 to oust the involvement of CSOs from the political arena of the country (FDRE, 2009). The proclamation has so many controversial laws in regulating the activities of CSOs; particularly article 14 restricts participation of CSOs from advancement of human and democratic rights, promotion of efficiency of justice and promotion of conflict resolution. Additionally, on section 7 of article 84-94 gives ultimate power for the government to exercise and control the activities of CSOs. Furthermore, the government established the Ethiopian Charities and Societies Agency without any consultation with CSOs (ICNL, 2018). With all these weaknesses, the Proclamation divided CSOs into three categories: Ethiopian Charities or Societies are formed under the laws of Ethiopia, whose membership are all Ethiopians, generate income from Ethiopia and fully owned by Ethiopians. These organizations only receive 10% of their resources from foreign sources (Article 2 of CSP 621/2009); Ethiopian Resident Charities or Societies are allowed to receive more 10% of their resources from foreign sources. But, it is not allowed for them to engage in human and democratic rights advocacy

activities (Article 2 of CSP 621/2009) and Foreign Charities are formed under the laws of foreign countries, or whose membership includes foreigners, or the organization receives funds from foreign sources. But, engagement on the issue of human right, awareness campaign on democratic rights is not allowed to them (Article 2 of CSP 621/2009) (AI, 2012). Hence, according to the proclamation, CSOs are eligible to work on advocacy, human rights, and good governance, when they produce 90% of their annual budget from local sources and the rest from abroad (Aalen and Tronvoll, 2009; FDRE, 2009). Thus, funding restrictions on the law caused to eliminate civil society organizations in the country (AI, 2012). In this regard, the Charities and Societies Proclamation 612/2009 (CSP) is served as an instrument for the EPRDF regime to curtail the role of CSOs in the country (Aalen and Tronvoll, 2009).

Although, CSOs have a crucial role in a democratic government to address public interest and the power to shape government policies for the well-being of the society in the Western societies (Rosenblum and Post, 2002; Swyngedouw, 2005), CSP 621/2009 focused on humanitarian activities (AI, 2012), rather than to work on advocacy, democracy, and good governance (FDRE, 2009).

The aim of the present study was to assess the impact of the CSP 621/2009 on the engagement of CSOs in promoting and protecting human rights in Ethiopia. Moreover, it aimed to assess and evaluate CSP 621/2009 to disprove the stand of the government to the proclamation. Furthermore, the study indicated the way forward solutions to restore the watchdog role of civil society against the government.

MATERIALS AND METHODS

Study area

The research was conducted in four regions of Ethiopia, namely, Addis Ababa (the capital city of Ethiopia), Debre Berhan (Amhara Regional State, 130 km North of Addis Ababa), Adama (Oromia Regional State, 99 km South East of Addis Ababa), and Hawassa (Southern Nations, Nationalities and People's regions of Ethiopia, 265 km South of Addis Ababa). Except Addis Ababa, the rest regions were represented in Higher Education only.

Source of data and target groups

The respondents were identified based on their personal knowledge on the subject matter. Thus, the data on charities and societies proclamation 621/2009 was obtained from 94 purposively selected individuals from different institutions, that is, higher education (27.27, 27.27, 22.72, and 22.72% individuals from Addis Ababa, Debre Berhan, Hawassa, and Adama Universities, respectively), private sectors (3 selected primary and secondary schools at Addis Ababa which represent 33.33% each), 3 selected governmental institutions (8 Ministry of Science and Technology, 8 Ministry of Urban Development and Housing, and 8 Administration of Refugee Returnee Affairs which represent 33.33% each), and 4 civil society

organization sectors represent 25% each. The reason for choosing purposive sampling technique was it will help the researcher to understand the problem and the research question very well (Creswell, 2009). However, the researcher used data saturation as a frame of reference to determine the number of respondents who were involved in the study.

Respondents' gender and age category

The respondents age category which lies between 18 and 25 was 36.36, 29.16, 20.83, and 25% in selected Higher Education, Private sectors, Governmental institutions, and CSOs sectors, respectively of which the percentage of male and female respondents was accounted as 30 and 10% in selected Higher Education, 12.5 and 16.66% in Private sectors, 4.16 and 16.66% in Governmental institutions, and 16.66 and 8.33% in CSOs sectors. Whereas, the age category for 26 to 35 (35, 54.16, 62.5, and 54.16%) in selected Higher Education, Private sectors, Governmental institutions, and CSOs sectors, respectively of which the percentage of male and female respondents was 15 and 20% in selected Higher Education, 33.33 and 20.83% in Private sectors, 12.5 and 4.16% in Governmental institutions, and 29.16 and 25% in CSOs sectors. Furthermore, the age category above 35 (31.81, 16.66, 16.66, and 20.83%) in selected Higher Education, Private sectors, governmental institutions, and CSOs sectors, respectively of which the percentage of male and female respondents was 13.63 and 18.18% in selected Higher Education, 16.66 and 0% in Private sectors, 50 and 12.5% in Governmental institutions, and 8.33 and 12.5% in CSOs sectors. In overall, 27.65% of the respondents age category lies between 18 and 25, 39.36% of the respondents age category lies between 26 and 35, and 32.97% were in the age range of above 35. Generally, 59.57% of the respondents were male, whereas the remaining 40.42% were females.

Data collection tools

Questionnaires were distributed to each respondent to evaluate the impact of charities and societies proclamation 621/2009 on the protection and promotion of human rights. Nineteen closed ended questions with structured questionnaires of multiple choice types were designed since this type of questions has a potential to minimize the involvement of researcher during data collection process (Creswell, 2009). Structured and multiple-choice questionnaires have the power to make researcher to follow logical premises in order to reach certain conclusion (Patton, 2002). The questionnaire has 19 questions with five parts, that is, 4 questions on the respondent's background, 5 general questions about the proclamation, 5 questions about challenges of the proclamation in relation to promotion and protection of human rights, 3 questions on the effects of the proclamation on the democratization and protection of human rights, and 2 questions about the indication to the way forward to restore the watchdog role of CSOs in protection and promotion of human rights.

Data analysis

Mean comparison and significant differences among the respondents data were computed using One-way ANOVA. The comparisons were made between age category and gender category of the respondents to evaluate the significant differences using one-way analysis of variance (ANOVA). Sigma plot was used to create scientific graphic and small case letters were used to show the differences between the study groups. Similar letters show the difference among the study group is not significant; however, different letters show significant differences among the

groups studied.

RESULTS AND DISCUSSION

Respondent's background

Respondent's background was categorized based on their educational background. This is because the research question was designed categorically to get the perception of the people towards the CSP 621/2009. The result of each category is discussed as shown in Figures 2 to 5.

Educational backgrounds

Large number of respondents laid on Bachelor and then Master holders and the difference was not significant with these two educational background participants ($P > 0.05$) and with the other educational background (Figure 1).

Based on the finding, majority of respondents have common understanding regarding to CSP 621/2009, but their level of awareness towards the law differs from groups to groups. However, the presence of diverse participants from different academic background makes the finding more representative and reliable to reflect the perception of the public towards CSP 621/2009. The finding has also similarity with the conclusion of Geset (2009) on CSP 621/2009. In her assessment of the proclamation titled "*the New Charities and Societies Proclamation and Its Impacts on the Operation of Save the Children Sweden-Ethiopia*" respondents were diverse in their status and representing government institutions, civil society organizations, and private sectors and the conclusion of the assessment indicated that the proclamation is known by the public including its challenge on the existence and work of CSOs. In this regard, this finding has similar result and tone to represent the perception of the public on CSP 621/2009. This implies that educational background of the respondents clearly shows the level of understanding and political concourses of the mass towards government policies, laws and decisions of political matters.

General overview of respondents on CPS 621/2009

Large numbers of participants know about the content of the law. The majority of MA and Ph.D. holders of the respondents were very much aware of the law than BA and Diploma holders, and university students. Thus, the level of awareness between MA and Ph.D. holders of respondents was not significant ($P > 0.05$). However, there were highly significant difference between BA, diploma, and university student group of respondents ($P < 0.05$) (Figure 2).

Majority of the respondents were aware of CSP

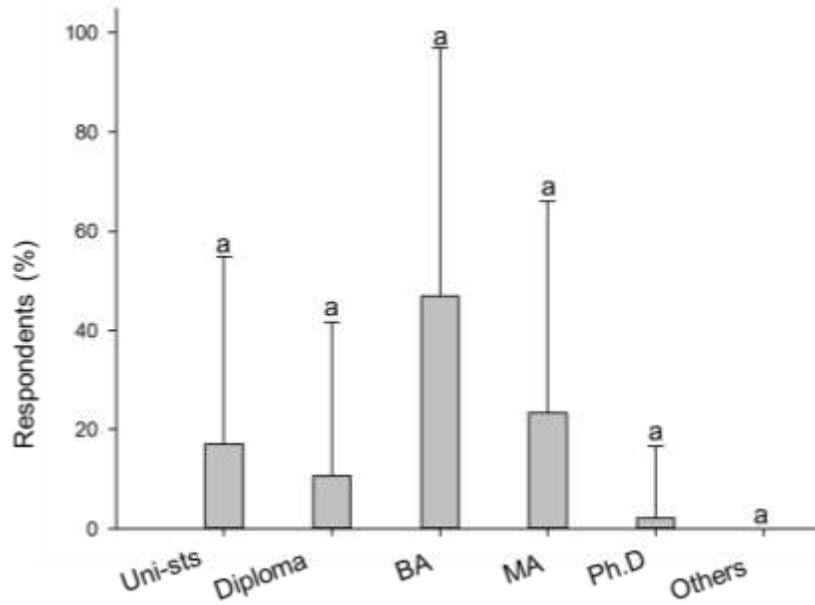


Figure 1. Respondents' educational background.

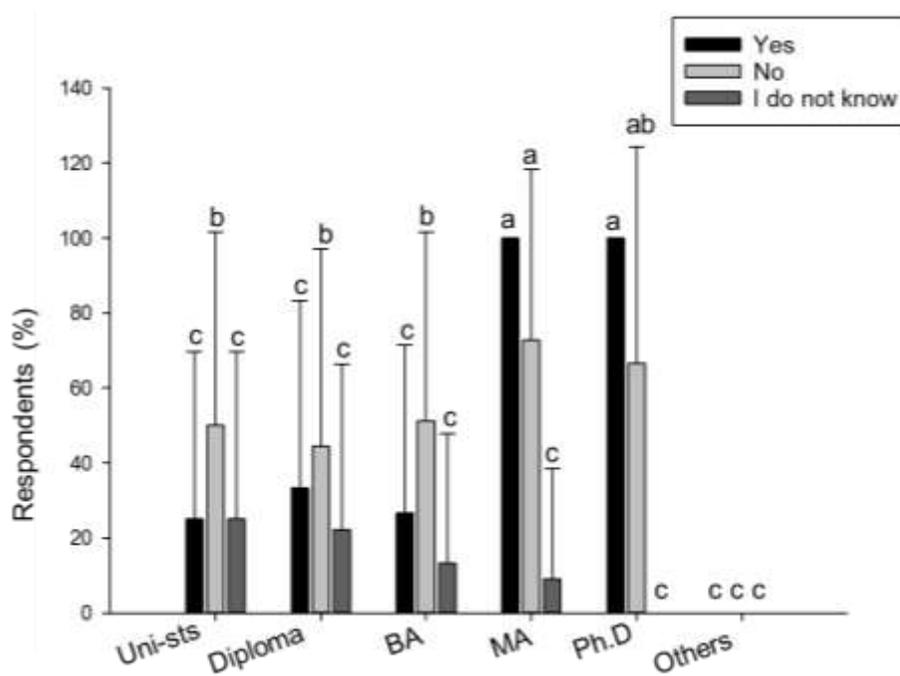


Figure 2. Respondents' response on the general content of the proclamation.

621/2009 and its related impacts on the existence and work of civil society, democracy, and good governance in the country. Hence, they were not happy with the enactment of the proclamation in the country. Rather, they refused the enactment of CSP 621/2009 and needs amendment on the law to bring back CSOs in their proper place in the society. Thus, the finding has similar tone

with Amnesty International (AI, 2012) written statement to the 20th Session of the UN Human Rights Council. The report underlined the impact of CSP 621/2009 on the existence of advocacy groups, CSOs and NGOs who work on democracy, human right and good governance issues in the country and it calls the Government of Ethiopian for content amendment of the law. In this

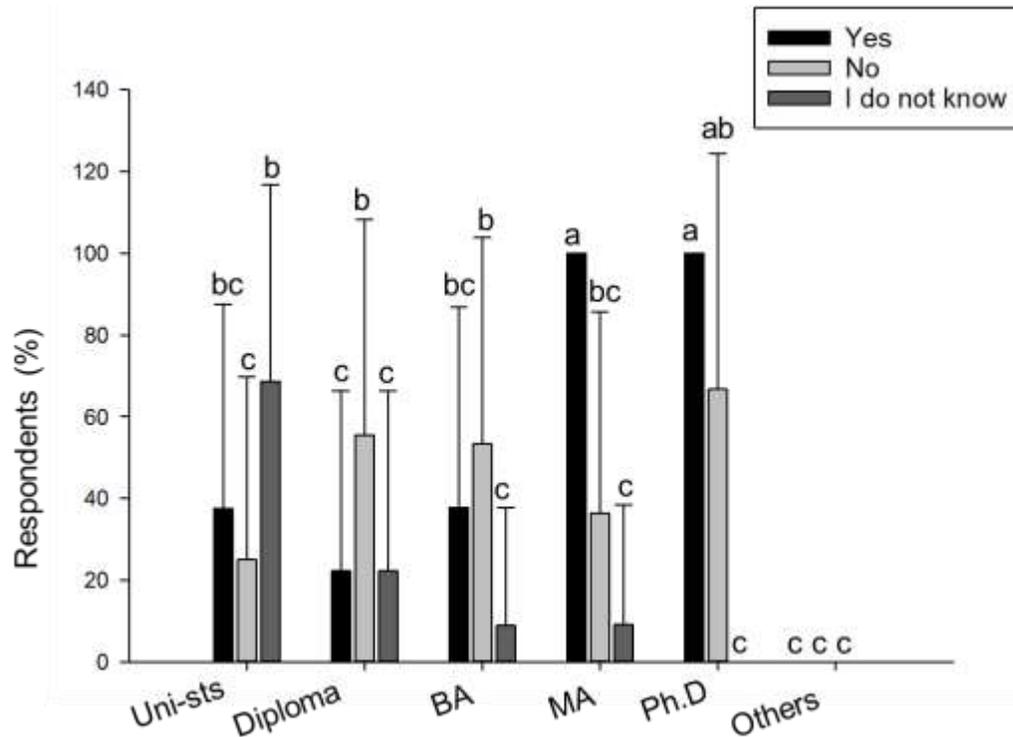


Figure 3. Respondents' response on the challenges of the proclamation.

regard, the finding in relation to content amendment of CSP 621/2009 has a direct correlation with AI report. Therefore, this is good signal for the regime to open the political landscape to key stakeholders that foster the democratization process in the country. This brings back CSOs in their proper role in the public to speed up active participation of the people in the process of redefining the role of the government, the non-profit sector, and the private sector to install genuine democratic system in the country.

Challenges of CSP 621/2009 on the existence and work of CSOs

Majority of MA and Ph.D. holder of respondents understood the challenges of the law on the existence and work of CSOs and there is no significant difference between them ($P > 0.05$) (Figure 3). However, BA and Diploma holders, and university students know the challenge of the law with a lesser extent than the MA and Ph.D. holders and the difference was significant ($P < 0.05$) (Figure 3). Moreover, there is no significant difference between BA and Diploma holders and university students ($P > 0.05$) (Figure 3).

The finding indicated that educational level of the participants clearly made a difference in understanding, the adverse effects and the politics behind CSP

621/2009. For instance, those respondents who have better academic qualification understood the impacts and challenges of the law on the existence of CSOs and eagers urgent modification on the law, while, university students and Diploma holder of respondents did not clearly understand the challenges of the law towards CSOs, that is, why their response to some extent looks blurred. On the other hand, the result also showed the level of political consciousness of the mass regarding the CSP 621/2009. In this regard, those who have high academic status have relatively good awareness of the impacts of governmental policies and laws on the existence and work of those organizations, whereas those respondents who have low academic qualification have little understanding, the effect of governmental policies, and laws on the existence and work of non-profit organizations, civic associations and NGOs. This result agreed with the ideas of Aalen and Tronvoll (2009), Teshome-Bahiru (2009) and Smith (2007) on the role of CSOs in 2005 National Election in Ethiopia. They argued that CSOs had a prominent role during the pre-election phase by organizing public debate, engaging awareness campaign through civic education and assigning election monitors in each election centers in the country. This indicated that CSOs actively performed watchdog role over the actions and inactions of the government before the enactment of CSP 621/2009 in Ethiopia. Hence, people were aware of CSOs contributions to speed up

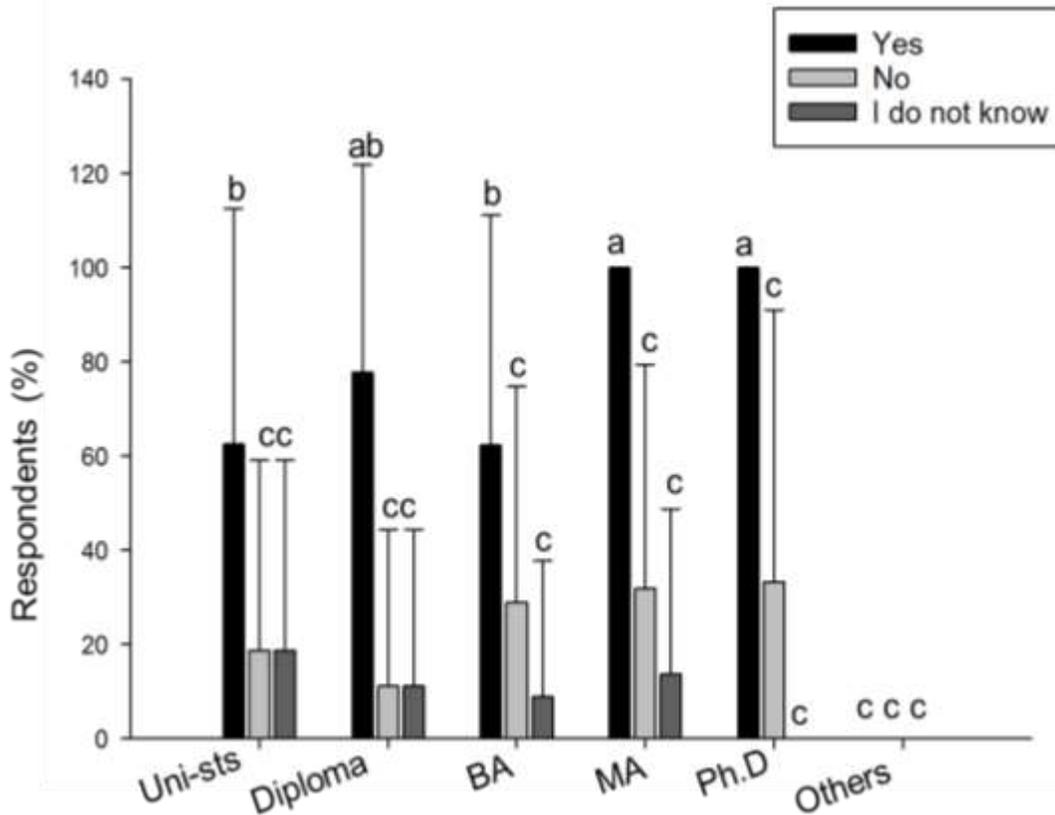


Figure 4. Respondents' response on the impact of CSP 621/2009 on CSOs.

the democratization process in the country, that is, why most people expressed their anger and dissatisfaction towards CSP 621/2009 in different public meetings, researches and social media. As a result, respondents believed the law is a challenge for the existence and work of CSOs in Ethiopia.

Impacts of CSP 621/2009 on the watchdog role civil society

All respondents of each category have awareness on the impact of the proclamation to CSP 621/2009 on the watchdog role CSOs over the actions and inactions of the government. There is no significant difference between MA and Ph.D holders ($P > 0.05$), but they vary significantly from BA, Diploma holders and university students ($P < 0.05$). There is no significant difference between BA and Diploma holders and university students ($P > 0.05$) (Figure 4).

According to the assessed data, majority of respondents agreed on the impacts of CSP 621/2009 on the engagement of CSOs in the area of human right, democracy, and good governance in Ethiopia. That is way, the respondent needs amendment on the content of

CSP 621.2009 to restore the proper role of CSOs in the country. However, the regime is not willing to make some modification on the content of the proclamation. This makes the people passive for political participation since the enactment of the law. The finding has similar conclusion with Amnesty International (2016) report. Amnesty on its annual report concluded that for the last 25 years, the Ethiopian People's Revolutionary Democratic Front (EPRDF) regime is on power by abusing opposition political parties, CSOs, and human right defenders through different kind of laws and proclamations. Hence, amnesty makes a call to the international community for sanction on the EPRDF regime to shape the behaviour pattern of the regime to make the political system more open and transparent, however, the international community kept silent for amnesty report. In this regard, this finding indicated that the law is perceived as a barrier by the public for the work of CSOs in the country. Thus, the mass needs urgent modification on the law to restore the role of CSOs in the country's politics. Therefore, this result will serve as an indicator for the government to open up the political dancing floor for all stakeholders including civic associations to play their role to enhance the democratic participation of the public.

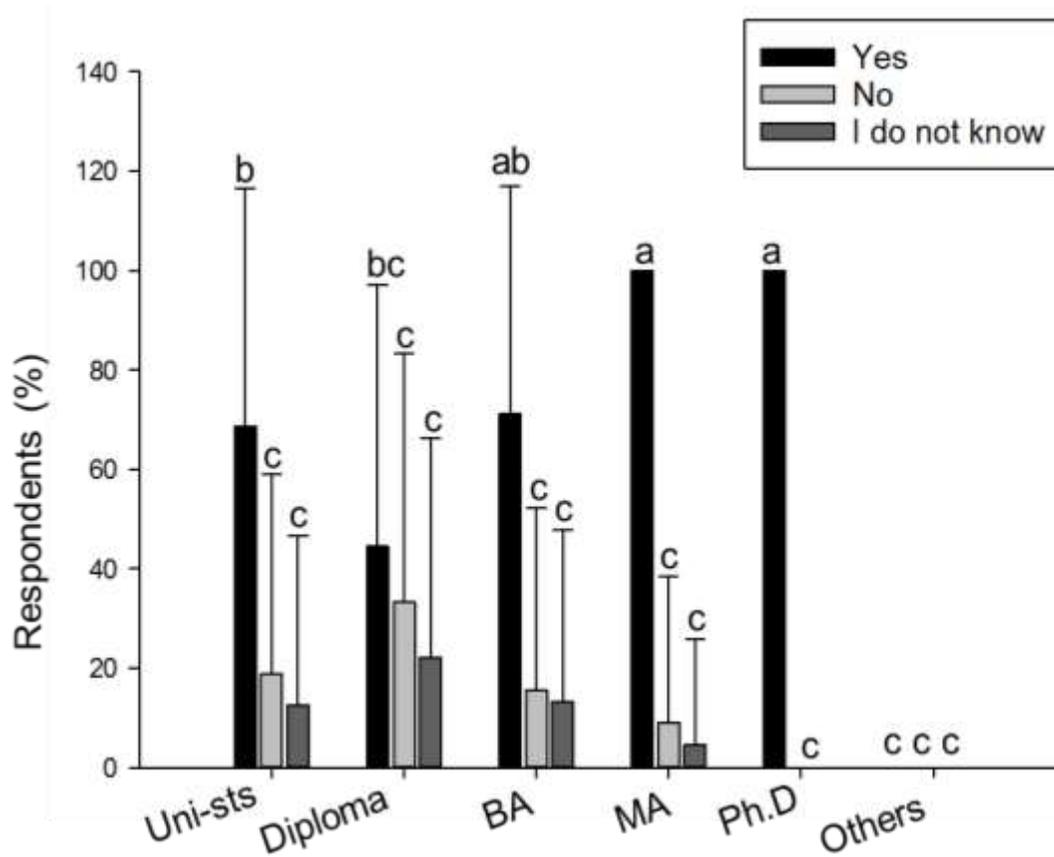


Figure 5. Response on the future impact of CSP 621/2009 on the existence of CSOs.

Future existence of civil society organizations in Ethiopia

Almost all Ph.D. and MA holders know the future impacts of CSP 621/2009 on the future existence of CSOs in the country and there is no significant difference between them ($P > 0.05$) (Figure 5). However, MA and Ph.D holders by far know the future impact of the law than BA and Diploma holders and university students and the difference was significant ($P < 0.05$) (Figure 5). There is no significant difference between BA and Diploma holders and university students ($P > 0.05$) (Figure 5).

The finding indicated that the law is restrictive and suppressive to the work and future existence of CSOs in the country. As a result, respondents agreed that CSOs, especially those who work on advocacy faced problem since the enactment of the law. Therefore, majority of respondents demand a total amendment on the law to make the political environment more conducive to the existence and work of CSOs in the country. Smith (2007) indicated the scenario in her special report to the United States Institute of Peace regarding the political violence and democratic uncertainty of Ethiopia in the post 2005 National Election. She blamed the ruling party to amplify the violence by ousting the opposition political parties

from the electoral system. Furthermore, the EPRDF regime cancelled the 2005 national election poll forcefully and holds governmental power unconstitutionally. Right after that incident, the government pointing finger on CSOs engagement in the election process, produced a law that systematically avoids them from political activities in the country. Therefore, Hassan (2013), Teshome-Bahiru (2009), and Smith (2007) concluded that civil society and the private sector are found in the suppressive environment that could not promote human right, democracy, and good governance in the country. Thus, the finding of this research has similar conclusion with them. However, the regime named itself as developmental state by giving much emphasis on poverty reduction by diminishing the role of advocacy organizations for the promotion and protection of human right in Ethiopia.

Conclusion

It is very hard to deny the role of CSOs and NGOs in saving tens and thousands of rural masses of Ethiopians by donating food, sanitary services, and health care during the time of famine and hunger for decades.

However, this finding showed that the role of CSOs in enhancing democracy and good governance in Ethiopia is insignificant due to the excessive pressure of the regime since the aftermath of 2005 National Election. This is because the EPRDF regime produced a very suppressive law to curtail the role and existence of CSOs in the country. Nevertheless, majority of the people need amendment on CSP 621/2009 to restore the watchdog role of civil society organizations over the deeds of the government. Therefore, the process of creating space for civil society in Ethiopia is going at a gradual pace, but the finding indicated urgent remedies on the content of the proclamation to restore the role of CSOs in the country's politics.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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