Civil Society and Democratization in Africa: The Role of the Civil Society in the 2005 Election in Ethiopia

Wondwosen Teshome B.

Abstract—One of the approaches to democratization is the fostering of civil society organizations. In Africa, civil society organizations did not fully play their role in the continent's democratization process due to many factors including the repressive regulations imposed on them by governing parties. In Ethiopia, for the first time in the country's political history, the civil society played a very active role in the 2005 multi-party election. The involvement of the civil society in this election has far-reaching consequences. One of the objectives of this paper is to assess the consequences of such involvement for both the civil society and the political society in the country. The paper also examines the peculiarities of civil society formation in Africa in general, and in Ethiopia in particular by assessing both the "traditional" and "modern" civil society organizations.

Keywords—Africa, Civil Society, CSO, Democratization, Election, Ethiopia, NGO, Western donors.

I. INTRODUCTION

THERE are controversies concerning the origin of the civil society in the world. As cited by Layton [1, p.2], for scholars like Gellner [2], Seligman [3] and Tester [4], *"The concept of civil society was coined during the period when Western European society was undergoing the great transformation from feudalism to mercantile capitalism"*. These "modernist" scholars argued that it was the free market economy that promoted self-reliance and participation in the civil society. For them, the origin of the civil society is directly linked with the emergence and consolidation of capitalism and the absence of the civil society under socialism in the East European countries is a proof to civil society's direct connection with capitalism. They claimed that it was John Locke [5] and Adam Ferguson [6] who formulated the "Enlightenment" concept of the civil society for the first time. For instance, Gellner [2, p. 100] argues that a market economy is conducive to the formation of a civil society and the civil society did not exist in the Middle Age. Similarly, for Seligman [3, p.15], the idea of civil society emerged in response to the social crises in the 17th and 18th centuries, and it expanded in the late 20th century in response to another crisis i.e. the collapse of Socialism.

Though, as an advocate of the aforesaid argument,

Dr. Wondwosen Teshome B. is a researcher at the Department of Anthropology, University of Vienna, Austria.
e-mail: wonteslm007@gmail.com

Seligman [3, p.114] claimed that *"civil society did not exist under socialism, since the civil and political elements were denied,"* other scholars such as Buchowski [7, p.79] and Layton [1, p.10] challenged this hypothesis. According to Buchowski [7, 79], there were social organizations that occupied the space between the household and the state in Central Europe during the communist era. This idea is also supported by Layton [1, p.10] who claimed that even in the Middle Age there were traditional civil society organizations. Layton [1, p.10] used the historical studies of Netting [8, p.60] on the Swiss village in the 15th century and on the French villages before 1790 by Gournay et al [43, p.15] and Rosenberg [9, p.39] as evidences for the existence of the traditional civil society before the emergence of capitalism.

For Ottaway [10], the term "civil society" got prominence in many developing and developed countries in the 1990s. Earlier, it was mostly familiar among Marxist scholars. There are two main reasons for this prominence. First, in this period, many European countries and the United States decided to support democratization processes in developing countries and Eastern Europe after the end of the Cold War. Civil society groups that emerged in this period in developing countries became the medium for this assistance. Second, in the Western World, there were many organizations that had "leftist" leanings during the Cold War. After the end of Cold War, these "leftist" organizations which were under the influence of the socialist and social democratic ideas transformed themselves into civil society organizations that advocate for environmental protection, opposition to globalization, etc. [10, p.120]. At the end of the Cold War in the late 1980s and early 1990s, civil society organizations played a very important role in overthrowing repressive regimes, and in the transition from dictatorship to democratic rule in eastern and central Europe by mobilizing the people and participating in public debates, campaigns and street demonstrations [11], [41, p.1], [98].

According to Kovach et al [12, p.iv], there are around 40,000 internationally operating NGOs in the world. Zadek [13, p.34] also notes that in the US alone there are roughly two million NGOs, and in India one million. At present, there are many internationally known NGOs such as Amnesty International, Save the Children, Doctors without Borders, Green Peace, Oxfam, Human Rights Watch, etc.

At present, the Ethiopian government is in the process of adopting a controversial and repressive bill called the

"Charities and Society Draft Proclamation." The bill has drawn severe condemnations from many local and international civil organizations, Western donor countries and human right groups. The paper closely examines the draft proclamation and evaluates its repercussion on the civil society organizations, particularly on human rights organizations in the country.

Furthermore, the paper attempts to answer the following research questions:

(1) How do the "traditional" civil society organizations in Africa differ from the "modern" civil society organizations that emerged in the continent in the 1990s?

(2) How did "traditional" and "modern" civil society organizations emerge in Ethiopia?

(3) What are the contributions of civil society organizations, particularly the EHRCO and the CRDA in the 2005 Ethiopian parliamentary election?

(4) Why did the EPRDF government of Ethiopia introduce the repressive "Charities and Society Draft Proclamation"?

(5) How does the new proclamation affect the civil society in the country in general, and human rights organizations in particular?

II. CONCEPTS AND DEFINITIONS

How to define a "civil society" is very controversial [14]. In the academic literature, the civil society sector is also known as "voluntary sector", "third sector" [15], "non-profit sector" [16]—[18], "informal sector" [19], "independent sector" [19], [16],[123, p.527], the "Fifth Estate" [1] [20, p.15] etc. Many people employ the term "NGO" and "Civil Society" interchangeably [21] though the former is only one manifestation of the latter. The United Nations has been widely using the term "Non-Governmental Organizations" (NGOs) to distinguish civil society organizations from other governmental agencies. The World Bank [22, p.19] defines NGO as:

> "… an association, society, foundation, charitable trust, nonprofit corporation, or other juridical person that is not regarded under the particular legal system as part of the governmental sector and that is not operated for profit — viz., if any profits are earned, they are not and cannot be distributed as such. It does not include trade unions, political parties, profit-distributing cooperatives, or churches."

At present, increasing number of NGOs prefer to be called "civil society", "because they resent the subservience implied by the negative and dependent formulation, 'non governmental'" [23, p.7]. According to the World Bank classification, there are three kinds of NGOs: Community-based organizations (CBOs) (i.e. small NGOs that serve a

localized population), national NGOs that operate in individual countries, and international NGOs that have headquarters in the developed world and operate in developing nations [24, pp.51-52]. The ideal characteristics of NGOs, according to the Common Wealth Foundation [25], include: they are formed by citizens voluntarily, they are independent, they are established non-for-profit,[2] and they are not self-serving in aims or values. Moreover, they "operate within the laws of the state, but they are controlled by their founders and elected or appointed board" [25].

The term "civil society" is defined in various ways. According to the Commission of European Communities [26, p.14],

> "Civil society includes the following groups: trade unions and employers' organizations (social partners); organizations representing social and economic players which are not social partners in the strict sense of the term… non-governmental organizations which bring people together in common cause, such as environmental organizations, human rights organizations, charities, professional associations, grass roots organizations; organizations that involve citizens in local and municipal life with a particular contribution from churches and religious communities."

Van Rooy [27, p.30] defines it as "the population of groups formed for collective purposes primarily outside of the State and market place." It is also defined as "the sum total of those organizations and networks which lie outside the formal state apparatus" [28, p.130]. For McNicoll [29, p.3], civil society "is the totality of self initiating and self-regulating organizations, peacefully pursuing a common interest, advocating a common cause, or expressing a common passion; respecting the right of others to do the same; and maintaining their relative autonomy vis-à-vis the state, the family, the temple, and the market." According to Diamond [30, pp.9-10], civil society is:

"the realm of organized social life that is voluntary, self generating, self supporting, autonomous from the state, and bound by the legal order or set of shared rules … it involves citizens acting collectively in a public sphere to express their interests, passions, and ideas, exchange ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. It is an intermediary entity, standing between the private sphere and the state."

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[1] Stuart E. Eizenstat [20, p. 15] who was once the chief domestic policy adviser to President Jimmy Carter, and then the US Ambassador to the EU, calls the civil society as the "Fifth Estate" due to its role in providing additional checks on the executive and legislative branches of government.

[2] According to Salamon [17], in order to be recognized as non-profit sector, an organization has to fulfil the following criteria: institutionalization, separation from the state and public administration, use of potential profit for development of its own activities, self administration, voluntary basis, and public benefit. For Barkdull and Dicke [114, p.34], NGOs have six defining characteristics: institutionalized organizations, private, non-profit, self-governing, voluntary, and they are of public benefits.

Keller [31, p.205] explains civil society as *"autonomous organized groups bent on challenging authoritarian regimes to open up the political system."* White [32] also defines it as, *"An intermediate associational realm between state and family populated by organizations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of the society to protect or extend their interests or values."* For Layton [1, p.3], civil society is *"social organizations occupying the space between the household and the state that enable people to co-ordinate their management of resources and activities."* Civil society, says Bayart [33], is a political space between the household and the state. It encompasses NGOs, advocacy organizations, business associations[3], chamber of commerce, informal community groups, cultural societies, religions, sport clubs, labor unions, students organizations, youth organizations, community-based organizations, social movements, traditional leadership, women organizations, professional associations (e.g. physicians and lawyers associations, etc), and the media [24, p.48], [34], [35, p104],[36, p.1],[28, p.130][4].

The other on-going debate is how to define the relationship between the civil society and the political society (i.e. political parties and other groups that strive to hold political power). Various scholars consider the civil society as something separate from the political society[5]. On the other hand, considerable number of scholars such as Foley and Edwards [37] argue that the demarcation between the civil society and the political society is not clear. They [37] claim that political groups can play a role, which normally is supposed to be played by the civil society. As indicated by Carothers and Ottaway [14], some scholars argue that in developing countries political parties should be added to the civil society. However, Western donors are not comfortable with this idea because adding political parties in the civil society would create problems in their policy of promoting democracy in non-Western countries. In other words, if political parties are added to the civil society, the Western donors' democracy assistance to civil society organizations could be interpreted as interference in other countries' domestic affairs [14]. Moreover, in situations like this, as Baker [38] argued, non-governmental organizations would be compelled to severe all their ties with political parties in order to avoid harassment by the governing parties and governments.[6] According to Ludwig

[3] At present, the inclusion of business associations in the civil society is highly controversial due to their close association with the government in some countries [24, p.28].
[4] For Putnam [115], civil society comprises groups which cross-cut ties of kinship and patronage. Diamond [116] argues that it comprises institutions in different areas including cultural, educational, economic, informational, developmental, issue oriented, civic and interest groups.
[5] For instance, according to TI Source Book [28, p. 29], civil society *"includes those organizations, structures and networks which are separate from the legislative, administrative and judicial power of the state, but interact with it in a variety of ways"*
[6] For instance, in Uganda [117], the civil society is very strong since the government's official policy does not encourage the participation of opposition political parties in elections. This situation has paved a way for a

and Rakner [39], in many African countries, non-governmental organizations are reluctant to establish relations with political parties fearing that they would be identified as supporters of the opposition by the incumbents. The US, argue Carothers and Ottaway [14], is particularly interested in civil society organizations in non-Western countries that strive to foster democracy and promote democratic consolidation by interacting with the state to advocate the interests of the citizens, oppose non-democratic behavior of the state, etc. In short, Western donors favor civil society organizations that do not compete for political office.

III. CIVIL SOCIETY AND DEMOCRATIZATION IN AFRICA

There are many scholars who investigated the roles and activities of the civil society in the development of democracy in Africa: [21], [34], [40, pp.17-38], [41], [42], etc. In addition, many other scholars have examined the civil society by taking specific countries as case study: Egypt [44], Ethiopia [35, pp.103-119], [45, pp.120-129], Cameroon [46], Mozambique [47], Ghana [42], [48], South Africa [48]—[50], etc.

According to M'boge and Doe [36, p.3], in colonial times civil society organizations were tribal associations that strived to advance the economic well-being of their members. These early associations contributed for the birth of the African middle class in the colonies that led the colonized people in their struggle for independence. In the early years of independence, in many African countries, the distinction between the civil society (trade unions, students' unions, religious associations, bar associations etc) and the state became blurred. Gradually, the new African rulers who came from the middle class started to distance themselves from the civil society and started to rule their "subjects" in the same way as the colonial White rulers used to rule their colonies [36, p.3]. In other words, as Thomson [51, p.279] revealed, as soon as taking political power, the nationalist leaders who emerged from the civil society favored a one-party government and in the process, transformed themselves from the champions of the civil society to authoritarian rulers. In Kenya and Nigeria, for instance, civil society organizations (CSOs) had played a very important role in the overthrow of the colonial regimes. In Uganda, the civil society was very active during colonialism, but after independence it was persecuted by Idi Amin (1971-79) and Milton Obote (1962-1966, 1996-71, 1980-85). Under Yoweri Museveni (1986-Present), the civil society rapidly re-emerged in the form of NGOs [36, p.4].

In the 1980s, African civil society organizations led social

one-party domination in the country. In many other African countries, civil society organizations are not allowed to register as political parties. In Ethiopia, both the 1993 and the revised 2008 party registration proclamations bar civil society organizations such as trade unions from registering as political parties. See: [118], [119].

movements against communist and military dictatorial regimes that dominated Africa for more than three decades.[7] In Angola, for example, the civil society's contribution for the end of the civil war was very important. Particularly, the churches such as the Angola's Roman Catholic Church, the Angolan Episcopal Church, the Protestant Council of Christian Churches, and the Angolan Evangelical Alliance made a huge effort in the search for peace in the war-torn nation [52]. The churches' appeal for peace was instrumental in making peace between the two rival parties, the MPLA (*Movemento Popular de Libertacao de Angola*) and the UNITA (*Uniäo Nacional Para a Independencia Total d'Angola* [52]. Another local NGO, ADRA (Action for Rural Development and the Environment) also played a constructive role in raising the peoples' political awareness in the country [52]. In Mozambique, according to Costy [47, p.18], NGOs have played a very important role in rehabilitating the country's infrastructure, health, education, water sanitation, agricultural extension and de-mining. In South Africa, the civic society comprising women's groups, students and youth movements had actively participated in the struggle against the apartheid rule [50, p.10].

According to Ezeoha [53, p.132], in countries where government's power and activity are severally curtailed due to fluid political situations, natural disasters, ethnic strives etc., NGOs/CSOs can play a major role. This explains why, in the poor countries of Sub-Saharan Africa, NGOs and CSOs are prevalent. Therefore, in countries like Congo, Ivory Coast, Somalia, Sudan, Sierra Leone, Rwanda etc., NGOs have indispensable importance [53, p.132]. According to Ezeoha [53, p.134], NGOs are important in Africa to fill the gap created by the incapacity of government structure to render full services to the citizens. Second, the oppression and marginalization of certain segments of the society need NGOs/CSOs intervention. Finally, emergency situations in Africa such as famine, war, the outbreak of disease etc., need the services of NGOs' relief program.[8]

In the movement for democratization that engulfed Africa in the 1990s, the civil society had played a considerable role. In Zambia, for instance, the civil society, particularly the labour union had led the movement for multi-party democracy. In 1991, it was the labour union leader, Fredericke Chiluba, who took political power by replacing Kenneth Kaunda. *"Yet, once in power"*, says Thomson [51, p.279], *"Chiluba used his position within the state to hinder political opposition and obstructed the reproduction of civil society."* In the 1990s, the Western governments' interest in funding the civil society in Africa highly increased, and to a certain extent, this assistance had bolstered the continent's effort for democratization [48, p.2].

At present, the civil society groups that are mostly selected for the Western democracy aid are advocacy groups such as human rights organizations and election monitoring organizations[9] [54, p.114], [48, p.2]. According to Robinson and Friedman [41, p.1], the most favored recipient civil society organizations by the donor countries[10] are the ones that are involved in activities *"designed to increase government accountability, broaden participation in public life and influence state policy"*. Dessalegn [35, p.103] argues that the donor community encourages and strengthens voluntary institutions *"in the belief that the road to democracy in Africa lies not in revolutions and class struggle but in the active involvement of civil society in the political process"*. Though, in principle, as Chazan [55, p.282] notes, *"The nurturing of civil society is widely perceived as the most effective means of controlling repeated abuses of state power, holding rulers accountable to their citizens and establishing the foundations of durable democracy"*, the current picture in many African countries is not that much encouraging.

IV. CIVIL SOCIETY IN ETHIOPIA

HISTORICAL BACKGROUND

Though M'boge and Doe [36, p.3] claim that civil society in Ethiopia is a recent development,[11] closer examination of the country's social, political and economic history reveals that the country has a tradition of a civil society. Before the arrival of the first modern NGOs in Ethiopia in the 1930s, there were traditional community-based organizations (CBOs),[12] which were operating in the country as informal CSOs. The major traditional civil society groups in the country are *idir*[13] (traditional funeral association), *iqub*[14]

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[7] For a detailed analysis on the types of governments African countries had after independence, *see* Wondwosen [120, pp.1-14].

[8] In addition, as noted by Nowak and Schwarz [121], NGOS have many other contributions on issues such as human rights.

[9] By recognizing the civil society's potential role in democratizing Africa, Western donors have shifted their emphasis from supporting political institutions to that of the civil society [41, p. 1]. The reason for this shift is due to the fact that elections have become very controversial in Sub-Saharan Africa, and the involvement of the Western donors in the elections (by funding political institutions) has provoked the recipient governments.

[10] The major donors to African civil society organizations are the United States, Germany, the Nordic countries, the Netherlands, and Canada[122, p. 209].

[11] M'boge and Doe [36, p.3] also stressed that the civil society in Ethiopia is still very weak, has little cohesion and *"occupies little space within the national discourse on policy matters."* M'boge and Doe [36, p.4] further said, *"the situation in Ethiopia appears the least vibrant and civil society there remains young and fragile."*

[12] A CBO is a particular type of NGO that serves *"specific population in a narrow geographical area"* [149, p.3]. CBOs are also known as grassroots organizations or peoples' organizations [149]. CBOs are *"membership organizations made up of a group of individuals who have joined together to further their own interests e.g. women's groups, credit circles, youth clubs, cooperatives and farmers' associations"* [149].

[13] GTZ, as cited by MCB [124], reports that in 2003-2004 *idirs* in Ethiopia had around 39 million members. In Addis Ababa alone there were 7,000 *idirs*. The same report also listed the strengths and weaknesses of *idirs*. Their strengths include: facilitating social cohesion, mutual support and trust of member; they have credible leadership; they give essential services; they maintain traditional values; efficiency in their services; they involve both men and women; they are found in both urban and rural areas; they are owned by

(traditional credit association), and other self-help associations such as *mahiber, debbo, Juigge,* and *seddaka* [124].

The earliest modern NGOs in Ethiopia appeared in the 1930s. These NGOs were faith-based organizations, such as the Norwegian Lutheran missionaries that started activity in Gamo Gofa zone (SNNP region). Then, in the 1950s and 1960s, the gradual expansion of NGOs was observed in the country, particularly when the Ethiopian Red Cross, the Boy Scouts Association, and the Women Welfare Associations were established. In the 1973 famine, which affected northern Ethiopia, many local NGOs started humanitarian services [57, p.6].

According to CRDA [57, p.6], the development of NGOs/CSOs in Ethiopia exhibit three phases: full engagement in relief and humanitarian work; the de-linking of relief and humanitarian work and focusing on basic services provision; engagement in governance, advocacy and human rights in addition to the service delivery. Until 1991, the legal and political conditions were not conducive for the third phase of the NGOs development in the country due to the Imperial (1930-1974) and the Derg (1974-1991) governments' very restrictive and oppressive regulations and laws [57, p.8]. Even now, defining or categorizing NGOs/CSOs in Ethiopia is highly controversial [57, p. 8]. Dessalegn [35, p.105] divides the current civil society institutions in Ethiopia into four broad categories: non-governmental organizations (NGOS), advocacy organizations, interest group institutions, and community organizations.

The major achievements of NGOs in Ethiopia in the period between 1997 and 2001 were in the spheres of health, food security, capacity building, education, emergency operations, and physical infrastructures. In this period, 360 projects in Addis Ababa, Amhara, Oromiya, SNNP, Somali and Tigray regions were executed by 271 NGOs' (188 local and 83 international) [58, p.ii]. By 2002, there were 675 registered NGOs in Ethiopia, and most of them were located in Addis Ababa. In 2004, there were about 500 registered NGOs in the country [58, p.i]. According to the Ministry of Justice, in 2006, there were 1200 registered NGOs as well as many thousand CSOs (mainly CBOs) [57, p.8]. At present, there are more than 3500 registered NGOs/CSOs in the country [59].

members; they have very strong influence on members; they have strong capacity to mobilize communities. Despite their very important services, these traditional community-based organizations have also many weaknesses. Their weaknesses include: they have very limited capital; they maintain and strengthen the existing social systems; they lack external linkages; their leaders are not educated; they lack technical and management skills; they have very narrow objectives and traditional roles; mostly men dominate the leadership; usually they are based on family, religion, birthplace, ethnicity etc. For further detail, S*ee*[125].

[14] According to GTZ, as cited by MCB [124], there were 21 million *iqub* members in 2003-2004.

THE ROLE OF THE CIVIL SOCIETY IN DEMOCRATIZING ETHIOPIA: THE 2005 PARLIAMENTARY ELECTION

Until the 2005 election, the complaints of many scholars such as Kassahun [45] who studied the civil society in Ethiopia revolved around the NGOs' heavy emphasis on relief works. Almost 72% of the NGOs operating in Ethiopia concentrated their activities in welfare programmes [45, p.125]. According to Kassahun [45, p.129], despite the presence of many NGOs in Ethiopia their contribution, *"Towards the emergence and consolidation of democratic values has been insignificant."* Therefore, there was a call for the NGOs to shift their activities from giving welfare services to participation in the democratic transformation of the country.

The civil society, for the first time, played a very decisive role in the country's democratization process by actively participating in the 2005 parliamentary election. In the said election, as testified by The Carter Center [60], *"Civil society organizations contributed greatly to the electoral process by organizing public forums, conducting voter education training, and deploying domestic observers."* For instance, *Fafen* Development, a local NGO, gave election-related training to the public in the Somali State election [61]. Another NGO called VECOD deployed 200 election observers. Moreover, in the pre-election period, VECOD had *"offered voters a civic education to over 630,000 Ethiopians in East and West Gojam, Awi, North Shoa and Oromo zones of the Amhara State, and in Kirkos sub city in Addis Ababa"* [62]. The two most important civil society organizations that played a very significant role in the elections were CRDA (Christian Relief and Development Association) and the EHRCO (Ethiopian Human Rights Council).

The active participation of the NGOs/CSOs in the 2005 election, however, caused a very serious conflict between the civil society and the political society in the country. The ruling party led by Prime Minister Meles Zenawi showed its displeasure by arresting civil society leaders and by introducing repressive proclamation. Though the relationship between the ruling EPRDF party and the civil society from 1991 to 2005 was not smooth, it reached a freezing point during the 2005 election. There were many factors that deteriorated the relationship between the EPRDF government and the civil society. The first major factor is the attempt of the EPRDF and the NEBE (National Electoral Board of Ethiopia) to bar the local NGOs/CSOs from election observation. Local NGOs and CSOs joined the May 2005 election as local observers after a series of dramatic events that culminated in a court process [63]. The NEBE, at first, rejected the application of many local civil society organizations to observe the elections on the ground that "they did not declare election observation as one of their tasks when

they were established." [15] The Chairman of the NEBE, Kemal Bedri, said *"you can't just welcome anybody in to pass judgment on a very sensitive matter. Accreditation cannot be automatic. There must be some requirements"* [64]. Moreover, the ruling party's accusation that the local NGOs/CSOs were the supporters of the opposition was an additional factor that forced the NEBE to take such drastic measure. The incumbent party, EPRDF, complained that the NGOs/CSOs were the supporters of the opposition and hence could not be qualified to be independent and neutral observers[16]. The ruling party cited the case of Prof. Mesfin W. Mariam, who earlier was the founder and leader of the EHRCO, and who later joined the opposition camp by establishing Rainbow-CUD, as an example.[17] In this controversy, the NEBE sided with the ruling party and decided not to register local NGOs/CSOs in the election observation.[18] On the other hand, the NGOs/CSOs condemned the NEBE's decision. Netsanet Demissie, director of the Organization for Social Justice (OSJ), which was an umbrella of 35 local CSOs that had planned to assign 3,000 observers in the election, said *"this is going to have a very negative impact...This is definitely a setback for holding free and fair elections"* [65]. In addition, CRDA, the umbrella organization of many NGOs/CSOs, strongly condemned the measure of the NEBE [66]. Finally, the NGOs/CSOs took the matter to the Court where they got a favorable ruling [64]. The Court overruled the decision of the NEBE and allowed the NGOs/CSOs to field their observers in the election. Though the court ruled in their favour, many NGOs/CSOs were not able to send the necessary number of local observers since the court ruling came very late [66], [67].

The second major factor was CRDA's press release that condemned the ruling party's hate speech in the pre-election campaigns,[19] particularly for comparing the situation in Rwanda with that of Ethiopia. In the pre-election period, the ruling party blamed the opposition for venting ethnic hatred

and for trying to lead the country in to a situation similar to the Rwandan civil war [68]. For instance, in his national televised address, Prime Minister Meles Zenawi compared the opposition tactics with that of the Rwandan Hutu militia. According to him, *"The Ethiopian opposition is following the same trend to create havoc and hatred"* [68]. In a similar manner, the Information Minister, Bereket Simon, told the CNN, *"The alternative was strife between the different nationalities of Ethiopia which might have made the Rwandan genocide look like child's play"*[69]. On the other hand, the leader of one of the opposition parties (CUD), Hailu Shawel, rejected EPRDF's accusation. He said, *"The opposition has no military power and does not aspire to mass murder"* [70]. Similarly, Berhanu Nega, another top CUD official emotionally rejected the allegations: *"It is a shame to call us or to liken us to the Interahamwe.....It is the government that was in power that promoted the hatred policy. Therefore, when EPRDF raises this, it makes us think what the ruling party is having in mind"* [71]. The head of the EU-EOM (European Union Election Observers Mission), Ana Gomez, in her May 4 letter expressed her concern over the usage of hate speech and racial and ethnic slurs of political parties in their election campaigns. Gomez, particularly, criticized the EPRDF for comparing the opposition with that of the Rwanda's Hutu militia [72]. The report of the EU-EOM clearly stated that there was no visible sign of *"Interahamwe"* in the country. According to the opposition parties, the plan of the EPRDF was to create a siege mentality among the Tigrean population and to force them blindly support the incumbent party.

The third major factor was the NGOs/CSOs protest against the emergency law which was declared on the night of the voting day (i.e. May 15, 2005) by the Ethiopian Prime Minister, Meles Zenawi. The Prime Minister declared a one-month[20] ban on all demonstrations and protests in Addis Ababa effective from Monday, May 16, 2005. Meles banned all demonstrations in Addis Ababa and put the police force under him, most probably fearing the action of the opposition parties [73], [74]. The civil society joined the opposition parties, and the international election observers in condemning the emergency law. Particularly, CRDA's press release questioning the demonstration ban imposed on Addis Ababa angered the government. According to the Ministry of Justice, CRDA *"has acted in a manner which is incompatible with its NGO status and resorted to enhance an accurate and unbalanced political view"* [75]. Furthermore, Getachew Gonfa, Association Registration Office Head in the Ministry, said, *"NGOs are established with the aim of helping the underprivileged section of the society and are not supposed to involve in partisan politics favouring a political party vying for power."* The Ministry also threatened that CRDA would be liable for prosecution [76].

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[15] The diplomats of the donor countries in Addis Ababa also opposed the exclusion of the local NGOs/CSOs from election observation. A certain Western diplomat told IRIN, *"It is very harsh...It is pretty though criteria to have because it is very unlikely that many organizations, especially in Ethiopia where election observation is quite a new concept, would have considered doing this"* [65].

[16] Questioning the neutrality of the NGOs/CSOs, the head of the ruling party, Prime Minister Meles Zenawi said, *"We are not in favor of local observers who have not proved their independence of party influence"* [126].

[17] For EHRCO, however, EPRDF's accusations and the NEBE's decision were only delaying tactics that aimed at preventing the independent local observers assigned by the EHRCO from reaching rural areas on time[127] (BBC 2005-05-14). On the other hand, the Ethiopian government spokesperson told the Associated Press News Agency that *"The government has repeatedly made it clear this organization is not neutral and has already decided its verdict on the elections before it is held"* [127].

[18] Kemal Bedri said,*"Domestic observers have a stake in the outcome of the election....It is not like international observers-for them it doesn't matter who won the elections. But here we know that there are organizations who are a front for a political party, governing or opposition"* [64].

[19] *SEE*[128].

[20] Later on, the ban was extended for one more month.

The fourth major factor was the NGOs/CSOs condemnation of the government's handling of the post-election crisis. CRDA's criticized the government for the killings, harassments and detention of unarmed civilians and other human right violations by the government forces during the June 2005 election violence. CRDA demanded the formation of an independent inquiry body to investigate the conflict, and bring the perpetuators of this gross human right violation to justice. It also suggested the participation of NGO´s/CSOs in the independent inquiry body [66].

The Persecution of the Civil Society in the Post-election Period

In the post-election period, the government officially accused various civil society leaders as the supporters of the opposition parties [75]. This accusation led to the arrest of many civil society leaders and other individuals working for various NGOs/CSOs. For instance, the Ethiopian Human Rights Council (EHRCO) announced that two of its investigators who were investigating the election-riots and killings were detained by the government[21] [56].

Moreover, after brutally crushed the election riots the government brought to court two important leaders of the civil society, Daniel Bekele and Netsanet Demissie, together with many other opposition leaders, and journalists of the free press. The two civil society leaders were accused of instigating the people to rise up against the government "in an attempt to seize power unconstitutionally through street violence." Due to international pressure, the two defendants were acquitted of the main charges of "committing outrages against the constitution," which carries a maximum penalty of life imprisonment or death. However, they were "convicted" on other charge of provocation and preparation for the offence which carries a maximum ten year prison sentence. The court passed two and half year imprisonment to both defendants[22] [77] and the prosecutor threatened to appeal to the Supreme Court. The defendants could have faced many more years in prison if the prosecution appeal to the Supreme Court had been successful. Through the intervention of the "elders" the appeal of the prosecutor was cancelled in return for the defendants saying sorry and signing a paper pleading for clemency. Not content with these measures, the EPRDF government decided to stifle the civil society organizations and cripple their political and human rights activities once and for all by introducing a new proclamation called the "Charities and Society Draft Proclamation."

THE "CHARITIES AND SOCIETY DRAFT PROCLAMATION" NO. 00/2008

According to the Ethiopian government, the inadequacy of the existing law and other four additional reasons have dictated its decision to initiate the draft proclamation:[23] to properly administer the charities and societies; to ensure the citizens' right to association enshrined in the Constitution; to prevent the illegal acts and activities being conducted in the country by the charities and societies; and to facilitate the role of charities [78].

Overview

According to Article 2(3) of the draft proclamation, "Ethiopian Charities"[24] or "Ethiopian Societies"[25] are the ones that are established according to the laws of Ethiopia, whose members are Ethiopians, and funded[26] and controlled by Ethiopians. "Foreign Charities" or "Foreign Societies" are the ones that are established under the laws of foreign countries, whose members are foreign nationals, and are controlled and funded by foreign nationals. According to Article 3(2), the proclamation does not "apply to international or foreign organizations operating in Ethiopia by virtue of an agreement with the Government of the Federal Democratic Republic of Ethiopia". Article 17 of the draft proclamation divides charities into four categories: "charitable endowment"[27], "charitable institution"[28], "charitable trust"[29] and "charitable society"[30].

Article 4(1) states that the "Charities and Societies Agency" (CSA) will be established, and it will be accountable to the Ministry of Justice (Article 4(2)). In addition to other functions and powers, the CSA will have the power to license, register and supervise charities and societies (Article 6(1a)); to identify and investigate mismanagement or misconduct in charities and societies, and to take measures (Article 6(1c)). The CSA, according to Article 7 of the draft proclamation,

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[21] The arrest of these human right workers drew condemnations from Amnesty International. AI announced that it was "deeply concerned at the arrests of these human rights defenders, who are all prisoners of conscience, and fear they could be tortured to disclose their sources of information on severe human rights violations by the police" [129].

[22] Amnesty International condemned the conviction of the two civil society leaders by saying, "The trial was not fair, and the charges against them were no more than the criminalization of free speech" [130].

[23] The government announced that until now, Ethiopia has been following the 1966 Associations Registration Regulation which was enacted to monitor and facilitate the activities of NGOs in the country. These laws, according to the government, were not only outdated, but also do not reflect the level of CSO/NGOs development in the country.

[24] The draft proclamation defines a "charity" institution as "an institution, which is established for charitable purposes and gives benefit for the public" (See Article 16(1)).

[25] Article 60 defines "Society" as "non-profit making civic, religious, mass organizations chambers of commerce and sectoral associations or any association of 10 or more persons, organized or lawful purposes."

[26] Ethiopian charities or societies can receive foreign funds, but the funds should be less than 10% of their total assets (Article 2 (3)).

[27] The draft proclamation defines a charitable endowment as "an organization by which a certain property is perpetually and irrevocably destined by donation or will or the order of the Agency for a purpose that is solely charitable" (Article 18, Subsection II).

[28] A charitable institution "is a charity formed by at least three persons exclusively for charitable purpose " (Article 29(1), Sub-Section III).

[29] A charitable trust "is an organization by virtue of which specific property is constituted solely for a charitable purpose to be administered by persons, the trustees, in accordance with the instructions given by the instrument constituting the charitable trust" (Article 33).

[30] A charitable society is "a society which is formed for charitable purpose" (Article 50, Sub-Section V).

will have a Director and Deputy Directors, Registrar, Charities' and Societies' Council, and other staff members. The Director of the CSA will be nominated by the Justice Minister and will be appointed by the Prime Minister. The Deputy Directors will be nominated by the Director and will be appointed by the Justice Minister. Article 13 stipulates that the Charity and Society Council will be composed of sector administrators, and officials from other government organs appointed by the Justice Minister. The chair person of the Council will be the Justice Minister, and the Secretary of the Council will be the Director of the CSA. The public will be represented by not more than two members who will be assigned by the Justice Minister when recommended by the CSA.

According to Article 16 of the draft proclamation, an Ethiopian charity institution can participate in the prevention, alleviation and relief of poverty and disaster; environmental protection; agricultural advancement; animal welfare advancement; educational advancement; health advancement and lives saving; community development and advancement of citizenship; women's advancement; welfare of children; the advancement of the culture, arts, science and heritage; youth welfare, and the advancement of amateur sports; conflict resolution, reconciliation, the advancement of human and democratic rights; promotion of harmony or equality and diversity among Ethiopians ("nations, nationalities and peoples or different religious groups"); assisting the disadvantaged (disability, financial hardship, those in need by reason of age), etc. Article 82 states that any individual who participates as a member of management of "unlawful charity" or "unregistered charity"[31] will be fined, not exceeding 10,000.00 Birr or will be imprisoned for not more than five years. Moreover, any individual who is found as a member of unlawful charity or unregistered charity will be punished not exceeding 5,000 Birr or can be imprisoned for not more than two years. According to Article 83, anyone who allows a house for a meeting of unlawful charity or society will be punished not exceeding 5,000.00 Birr he/she will be imprisoned for a maximum of two years. On 6 January 2009, the EPRDF-dominated parliament (the House of Peoples' Representatives) endorsed the bill by 327 votes to 79 [79], [80].[32]

V. DISCUSSION

Though donors from established democracies tend *"to bemoan the weakness, or even the absence of civil society in countries where they try to promote democracy"*, there have been traditional civil society organizations in many developing countries [10, p.125]. As Ottaway [10, p.132] said,

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[31] According to international standards, the decision to register and obtain official sanction should be voluntary and should not imposed by the government [131, p. 4].

[32] The law will be enforced in the country as soon as it is published in *Negarit Gazetta*.

"In all countries, including the industrialized ones, there is another Civil Society-'Traditional Society'. This society is against more informally, often through networks rather than formally structured organizations, and often following patterns that existed in earlier times." For instance, Ghana, Senegal, Kenya and Nigeria have rich experience in civil society starting from the colonial era [36, p.4]. In Ghana, the traditional notion of civil society existed in pre-colonial, colonial and post-colonial period [42].

The relationships between the state and the civil society in developing countries are very complex than the situation in industrial counties [10, p.130]. In developing countries, *"many governments see civil society organizations as dangerous enemies to be tightly controlled"* [10, p.131]. In developed democracies, establishing NGOs is very easy with almost no-complications. However, in developing countries it is usually full of ups-and-downs and the process might take very long time. According to NED [81, p.19], in developing countries,

> *"Many governments closely guard the process by which NGOs can register, i.e., become a legal entity with the associated legal rights and prerogatives. Governments insist that groups, even some as small or informal as a neighborhood association, must register, allowing authorities to monitor groups' activities. Regimes make registration difficult, impeding the ability of civil society organizations, particularly advocacy groups, to function effectively or even to exist. Tactics include making registration prohibitively expensive and/or unduly burdensome in terms of the type and amount of information required; excessive delays in making registration decisions; and requiring frequent re-registration, giving authorities the right to revisit organizations' licenses to operate."*

Moreover, the preference given by the Western donor countries to the NGOs/CSOs for the distribution and allocation of financial and material aids rather than the governments of developing countries has created resentment among governments in developing countries. For instance, as narrated by Eizenstat [20, p.20], the US government decided to provide financial support to Palestine through NGOs rather than channelling funds through the official government due to the corruption and poor management of the Palestinian government. Similar situation occurred in Ethiopia in the post-2005 election, where Western donors such as Britain decided to channel the aid through NGOs rather than through the EPRDF government due to the government's human rights violations and its violent crackdown of election protestors in the 2005 election [83]. At present, many Western governments and foundations are increasingly *"channeling funds for service provision, development projects, and humanitarian relief through NGOs"* [82]. In general, though

governments in developing countries welcome foreign funding to charitable organizations, for sure, they are uncomfortable with foreign funding of advocacy organization [10, p.131].

The civil society sector is important for democratization due to its contribution in lobbying and pressuring governments for policy changes. As Weaver et al [84] said, the civil society is a prerequisite to a democratic political system. According to Wagle [123, p.529], *"The civil society sector is more active in those societies, where interest groups that lobby and mobilize people do not actively participate in politics."* Stressing the importance of the civil society, Kofi Annan [85] said, *"The goals of the United Nations can only be achieved if civil society and Governments are fully engaged"*. He also added that the General Assembly of the United Nations should *"establish mechanisms enabling it to engage fully and systematically with civil society"*. As Clayton [86, p. 2] noted, when the Cold War ended, the Western donors started to enforce good governance in developing countries by attaching certain preconditions in return for economic aid: the respect of human rights, the conduct of multi-party elections, and the reformation of state bureaucracies. The flourishing of the civil society in the 1990s was very important in the realization of this plan. According to TI Source Book [28, p.129], in the past under the guise of state sovereignty power was monopolized by states. But, at present, that authority is in decline and power is claimed by civil society and globalized business. Therefore, *"Civil society is frequently challenging the governments' legitimacy to speak on behalf of the people, and is frequently being used to channel development aid in ways that by-pass their officials"* [28, p.129].

In most cases, civil society groups suddenly emerge, especially when a situation is ripe for collective action and when the risk is less.[33] Because, as Tarrow [87, p. 86] notes, cited by Keller [31, p. 206], *"Rational people do not confront strong opponents when they perceive opportunities for their success to be minimal."* A situation for collective action becomes suitable when: political leaders voluntarily open the political system; political leaders are somehow forced to open up the political system; the alignment of the elite shifted; the incumbent regime is pressured by external forces to open up the political and economic systems; and when an incumbent dictatorial regime decays from with in [31, p.206].

In Ethiopia, many NGOs/CSOs started to flourish between 1991 and 2005. After the May 2005 election, however, the government started to stifle the activities of the civil society

by drafting various regulations, and the latest oppressive bill is the recently-introduced proclamation (No. 00/2008). Since its inception in 2002,[34] the bill has passed many stages of evaluation[35] and in the process it has drawn strong local and international uproar. The draft law stipulates that Charities and Societies Agency (CSA) will be established with the power to cancel the legal recognition of any NGO, to monitor the management and staffing of NGOs etc. Even to hold a meeting, NGOs should notify the CSA (in writing) at least one week in advance. The CSA can also send police officers to attend and report on those meetings. The bill also includes provisions that prohibit foreign NGOs from engaging on human rights issues, conflict resolution, governance, protection of the rights of women, children and disabled people [88]. Ethiopian NGOs/CSOs that engage on human rights are also barred from foreign funding. The draft law exempts only religious organizations and those foreign NGOs, which the government decides to exempt. Moreover, there is a well-grounded fear that the bill selectively prohibits various international NGOs/CSOs that have been at odds with the government due to their reports on human rights abuses of the government such as the Human Right Watch, Amnesty International, and other international organizations from participating in human rights activities in Ethiopia.

Human Rights Watch (HRW) and Amnesty International (AI) have condemned the Ethiopian government for initiating and adopting the proclamation. According to Amnesty International [89], the laws *"impose stiff criminal penalties for any one participating in 'unlawful' civil society, activity;"* and *"subject all civil society groups to intrusive government control and surveillance."* Furthermore, the new laws *"prohibit all activities carried out by non-Ethiopian NGOs that relate to human rights"*, and *"strip Ethiopian NGOs that work on human rights issues of access to foreign funding."* In the words of Georgette Gagnon, Human Rights Watch director for Africa, *"The clear intention of this legislation is to consolidate that trend by taking the 'non' out of 'nongovernmental' and putting civil society under government control"* [88].

On the other hand, the Ethiopian Ministry of Foreign Affairs (EMFA) refuted the accusations of the AI and the

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[33] According to Bratton [132, p. 51], *".......The role of civil society in political transition is circumscribed to a short lived interlude: from the time immediately before the 'opening' to the convocation of competitive elections. It is during this period, which may last months rather than years, that civil society is ascendant, in the sense that civic political actors are taking the initiatives that are driving forward political transition."*

[34] Though the government strongly insists that the draft proclamation was incepted three years before the 2005 election, it is highly likely that most of the harsh clauses were added after the 2005 election.

[35] Various discussions were held among the stake holders and the draft proclamation has passed various stages. In the process, some minor improvements were made including: the inclusion of two CSOs/NGOs representatives in the charity and society council, the renewal of the NGOs/CSOs licenses every three years, the agreement in the sufficiency of notifying the CSA in case of the opening of branch offices, change of address or names of the organization, and the reformulation of their statues; giving sufficient time to the NGOs/CSOs before the CSA takes action in case of the former's failure to follow the latter's (Agency) directives, the cancellation of the clause that allows the CSA's representatives to participate in the meeting of the NGOs/CSOs, the cancellation of double punishment on the NGOs/CSOs etc [133].

HRW, and condemned their statements on the Charities and Societies proclamation as "misinterpretations" [90]. In its statement, the EMFA said, *"Using the same sort of uncorroborated and politically partisan sources as they have done in recent flawed reports they perpetuate a whole series of errors about the bill."* Therefore, according to the EMF [90], the interest of both HRW and *AI "is political rather than human rights"*. Despite heavy protests from the local and international NGOs/CSOs as well as Western donors, the Ethiopian government adamantly argued that the proclamation for the charities and societies would help the institutions to become efficient, and avoid their shortcomings and ethical problems in the area [78]. The Ethiopian government stressed that it drafted the law to promote financial transparency among NGOs/CSOs and increase their accountability to the stakeholders.[36]

The Western donor governments have attempted to pressure the Ethiopian government to soften the bill, but always behind the scene. They have never publicly reacted against the Ethiopian government due to its anti-terror activity, particularly in Somalia [88]. According to Gagnon, *"Ethiopia's bilateral partners have consistently failed to speak out publicly against severe patterns of government-sponsored human rights violations............Their policy of silence has had the effect of helping to embolden the Ethiopian government to make further assaults on human rights, exemplified by the draft NGO law"* [88].[37] Many other international human rights groups, local civil society organizations, Ethiopian opposition parties and opposition MPs[38] have condemned the proclamation. The bill, according to the human rights groups, would allow the government to punish those NGOs/CSOs which are critical of the government's activities [91].[39]

As I have stated earlier, the local civil society organizations working on human rights and peace building would be highly affected due to the penalties that could be imposed on them by the government for engaging in "unlawful" activities. Moreover, if this law is implemented they would have very serious funding difficulties. Not only the local, but also other international development NGOs would be affected by the bill, because now they can not engage in human rights, conflict management, rights of children, governance, peace building work, and democracy[40] [80], [91]. The most controversial clause in the draft is Article 2(3) that deals with the nationality of the civil society organizations. According to this article, a charity/society is classified as Ethiopian charity or society when three conditions are met: if not more than 10% of its financial or material sources comes from abroad; if it is established and controlled by Ethiopians; and if it is formed according to the Ethiopian law. According to Kumlachew [92], the most disturbing point for most of the CSOs is the first point. Because, this article affects almost 90% of local civil society organizations whose income comes from external sources. In the final analysis, the worst impact of this is on the country's democratization process. The elimination of civil society organizations means, hindering the democratic progress of the country [92]. Though the proclamation stipulates that the local CSO/NGOs should get 90% or more their fund from the local source, under the present economic condition in the country it is impossible to solicit this amount of fund.[41] First of all, most of the people in Ethiopia are very poor, and hence can not contribute a substantial amount of money to the NGOs/CSOs [93]. Second, even those segments of the population who are economically strong (e.g. private businesses) do not have the culture of financing civil society organizations[42]. Third, in other countries, there are various types of incentives (e.g. tax

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[36] The controversy between the Ethiopian government and the NGOs/CSOs was so intense that Prime Minister Meles Zenawi himself held two discussions with various representatives of the civil society in the country [134], [135] though both meetings did not convince the government to change its stance.

[37] The Bush administration, in its attempt to convince the Ethiopian government, sent its top human rights and democracy official, assistant secretary of state, David Kramer, to Addis Ababa twice in 2008 to discuss the bill with the Ethiopian government [136]. However, both visits failed to bear fruit.

[38] Opposition MP, Temesgen Zewdie, said *"as far as we're concerned, it's an attempt by the ruling party to banish all those it sees as a threat to its tight grip on power"*[80]. VOA [136] also quoted him of saying, *"This is really a domination agenda, a single party agenda, all the other stuff is simply window dressing. The agenda is to stifle these voluntary public movements that are known to assist the democratic process, the situation of human rights, and all other advocacies are vital and necessary..........They just don't want to see this. The EPRDF cannot survive in that kind of environment."* Another opposition MP, Beyene Petros of the UEDF said, *"It is totally consciously designed to undermine and restrict the role of civil society, because the ruling party is determined to advance the cause of revolutionary democracy and part of the Communist order that is going to be implemented in this country for the coming 30-40 years without anybody looking or criticizing or having any idea about what is going on. So the idea is to undermine the role of civil society"* [136]. Though there are more than 3000 NGOs/CSOs in the country, according to opposition MP, Lidetu Ayallew of UEDP-Mehin, *"Ninety-five percent of these organizations will not survive under this legislation"* [104].

[39] For instance, the new proclamation directly affects the activities of the EHRCO that played a major role in the 2005 parliamentary election. The draft proclamation, particularly Article 16(6), 2(4), 82(1), 95, etc will terminate the existence of the EHRCO. As BBC [80] notes, the Ethiopian Human Rights Council has *"long been a thorn in the government's flesh"*. The EHRCO, which employs 1500 people in the country and whose 99 percent of its annual 400, 000 USD (4 million Ethiopian Birr) comes from foreign donors and which has *"issued more than 140 reports detailing summary executions, disappearances and unlawful detentions of Ethiopians over the past 17 years"* has already notified its workers that they are likely to lose their jobs[104].

[40] According to BBC [80], the bill bans international NGOs from five sorts of activity: "the advancement of human and democratic rights", "the promotion of equality between peoples, sexes or religions", "campaigning for children's rights or the rights of the disabled", "conflict resolution and reconciliation", "work on criminal justice issues."

[41] For instance, one of the very few successful CSOs in Ethiopia, EWLA (Ethiopian Women Lawyers' Association) that has been struggling for the improvement of women's right in the country declared that its local contributors cover only 1.8 % of the organization's cost. Due to the introduction of the new proclamation, according to Mahdere Paulose, executive director of the EWLA, the organization's future is uncertain [137].

[42] According to Berhanu [138, p. 280], many people in Ethiopia are not willing to contribute to EHRCO due to the fear that they would be victims to the ruling party's retaliatory measures.

exemption, tax reduction, etc.) given to the business community and rich individuals who donate to CSOs/NGOs. However, in Ethiopia there are no such kinds of incentives [93].

VI. CONCLUSIONS

The civil society serves as catalysts for a regime change, and there is a direct link between the civil society and democratization. In democratic societies, as Mansfeldova [94, p.26] argues, a strong non-profit sector can "be a partner, critic or supporter of the government". For Hearn [48, p.14], *"A thriving civil society can widen democracy by promoting pluralism, and it can deepen democracy by embedding the values and institutions of liberal democracy within society at large, not simply at the state level."* Moreover, according to Sfeir-Younis [95], *"Civil Society Organizations have been instrumental in granting power to many people who are poor, voiceless, and powerless."* As Narsoo [96, p.27] rightly pointed out, the strength of a civil society depends on the democratization level of the government because it is the latter that provides the former with the necessary conditions and access to public decision-making without which the existence and the activities of the civil society become questionable. For Carothers [97], *"civil society helps advance democracy, discipline the state, ensure that citizens' interests are taken seriously, foster greater civil and political participation."*

Muntean and Gheorghita [98, pp.6-9] argue that apart from routines like drafting and promoting laws, organizing strikes, contacting officials, boycotts, demonstrations or signing petitions, civil society organizations have other types of interaction with the political society. These are: direct involvement in elections by mobilizing the people to participate in the election, arranging roundtable discussions, participating in election monitoring and supporting certain political parties.[43] According to Keller [31, p.206], civil society organizations have significant weaknesses: they lack a clear sense of identity, they are a loose collection of groups that lack defined common objectives, their objective is confined only or merely on changing a repressive or corrupt regimes, and they usually blossom when there is a political crisis.[44]

At present, there is a growing demand for NGOs' accountability though NGOs have been claiming that their commitment, values and good intentions are sufficient to show their accountability [99], [100]. According to Lee [101, pp. 3-5], the need for NGOs accountability arose due to the rapid growth of the NGOs sector[45], the large amount of money and other assets the NGOs own and manage, the increasing power and influence the NGOs garnering, corruption and scandals in the NGOs etc [102].[46] Civil society groups in Africa have many weaknesses that limited their participation in the democratization process. First, they lack internal democracy, i.e. their own members are not socialized with democratic principles let alone democratizing the government. Second, they are heavily dependent on foreign donors[47] and this factor has paved a way for African repressive governments to label them as agents of foreign governments. This dependence also has forced them to be disassociated from the local conditions and the local people. Moreover, many of the local NGOs/CSOs are established as a replica of the NGOs/CSOs in donor countries[48] [51, p.280], [103, pp. 22-29]. Moreover, their geographical penetration is heavily tilted to the urban areas. In order to correct these weaknesses, DPMF [103, p.22] has proposed the following recommendations: First, civil society organizations in Africa have to formulate projects relevant to the local conditions and not necessarily to those of donors. Second, they have to mobilize funds from local sources to curtail their dependence on foreign donors.[49] Third, they have to establish or increase their networks with sisterly organizations at the national, sub-regional, and international levels. Fourth, they should genuinely struggle against unjust laws and regulations imposed by governments.

At present, Ethiopia, the second-largest US aid recipient (after Sudan) in Sub-Saharan Africa, which received more that 1 billion (in grants) from the US in 2008, and whose government received an average of 32 percent of its revenue in foreign loans and grants between 2006 and 2008 [104] is in the final stage of adopting a very repressive proclamation that

[43] Though in many African countries civil society organizations are barred from actively supporting political parties, in Europe there are cases where civil society organizations support political parties. We can cite examples: trade unions' support to left-wing parties, the Catholic Church support to Christian Democratic parties, the Orthodox churches support (in East Europe) to certain political parties [98, pp. 6-9].

[44] The other weaknesses of the civil society include: (1) Usually they represent only those sections of the population that are strong and self-aware (2) The view points of civil society sometimes are conflicting and contradictory (3) There is a high possibility of susceptibility to foreign governments or foreign groups particularly if the CSO/NGO receives international funding (4) Sometimes, people working or serving in civil society are drawn to this sector due to the potential incomes they expect to receive rather than the ideology. This is particularly true with people working in NGOS (5) in some countries CSOs are under the heavy direct or indirect control of the states. Therefore, it is the state that determines the nature of the

CSO, its activity, etc. [24, p. 50].

[45] These days, the world has witnessed the mushrooming of illegitimate NGOs, known as "Suitcase NGOs", i.e. - one person NGO that travels from one event to another [101, p.3] and the so-called "Astroturf NGOs" [139, p.99] i.e., imitation NGOs that "use the NGO model for other interests NGOs" [101, p. 3].

[46] However, as I have tried to demonstrate in this paper, some countries such as Ethiopia are trying to exploit such accountability problems among NGOs as an excuse to stifle or totally control the civil society by designing various regulations and proclamations.

[47] At present, a large number of civil society organizations in Africa are heavily dependent on the Western donor countries. This is true even in the former socialist countries of East Europe. For instance, for Lane [140, p. 16] the major obstacle for civil society's structural improvements in Poland is their dependency on sponsors, most of which are foreign donors.

[48] According to Appiagyei-Atua [42], the suppression of the traditional notion of the civil society in Africa paved a way for the *"importation of the Western European Colonialists' own version of civil society"*.

[49] Under the current economic situations in Africa, this proposal is highly unlikely to be implemented.

threatens the existence of 95% of the CSO/NGOs in the country. There are many reasons that compelled the Ethiopian government to adopt this draconian law. The first and the foremost reason is the government's desire to control the political and human rights activities of the civil society organizations. As I stated earlier, due to the active and independent role of the civil society in the 2005 election, for the first time in the history of the nation, a high voter turnout was recorded and opposition parties were able to score electoral victories that stunned the ruling party. Since then, the government has been contemplating either to fully control or neutralize the civil society so that it will not create a "problem" in the future elections. As well known, in many countries, governments register CSO/NGOs due to two major reasons: to check whether the civil society organizations are working according to the law, and to assist them in getting legal personality so that they could open bank accounts, sign agreements or contracts with other individual or legal bodies, hire employees etc. But, in Ethiopia, the government's intention is far greater than these. According to Leslie Lefkow (New York-based Human Rights Watch researcher), the *"law goes far beyond any normal effort to regulate civil society.....It's really an instrument of repression"* [104]. Moreover, as Kuzwe [105, p.38] pointed out, in Africa *"in order to remain in power for as long a time as possible, preferably without sharing it, political leaders invent a whole series of strategies"*. As manifested in the recently introduced draft proclamation, the government has determined to restructure the civil society organizations so that they could be merely a tool for the government.[50] The government is particularly interested to monitor the political and human rights activities of the civil society organizations in the country. Therefore, to use CRDA's [57, p.11] statement, the Ethiopian government at present is unable to distinguish between "politics for power" and "politics for change" i.e. the civil society organizations engage in politics not to attain political power[51], but to change the country's politics so that it

could strengthen democratization[52].

The second reason is the Western donors' decision (in post-2005) to channel their economic aid through NGOs rather than giving it to the government (i.e. due to EPRDF' bad human rights records) [80], [83]. This decision has seriously inflamed the Ethiopian government. Therefore, by eliminating the NGOs/CSOs, the government wants to demonstrate that the Western donors have no other options, and the only alternative remaining is the restoration of pre-2005 mode, i.e. channeling the aid through the government.

The third reason is to stop those Ethiopian professionals and educated civil servants from leaving government jobs and joining the various NGOs/CSOs in the country in search of political independence and better salary. As claimed by Seeye Abraha[53] (ex-defense Minister and former top official of the ruling TPLF party), and the Forum for Democratic Dialogue in Ethiopia[54] [106], [107], the ruling party has started an intensive and forceful conscription of members after its 2005 debacle. As the result, in the present-day Ethiopia it has become practically impossible to get a civil service job[55] unless one becomes a member of the ruling party [106], [107][56] It is highly likely that those individuals who are not interested to be recruited by the EPRDF leave the government jobs and join the various local and international

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[50] As early as 1990s, the government has been busy in designing various strategies to fully control the civil society. Just immediately after taking political power in 1991, the ruling party controlled the Ethiopian Orthodox Church by appointing the controversial patriarch, Aba Paulos, who is suspected of being an ardent supporter of the ruling EPRDF party. In his recent interview, however, the Patriarch denies: *"Yes, there are those who grumble and complain deriding us as an instrument of state control. They claim that we are an appendage of the state. But we are not. We are completely free"* [141]. The government also controlled other important civil society organizations in various ways: by creating fake trade and labor unions after dismantling the genuine one, by persecuting prominent civil society leaders such as Dr. Taye Woldesemayat, who was the leader of the Ethiopian Teachers' Association (ETA) and Kifle Mulat, the president of the Ethiopian Free Journalists Association (EFJA). The government is also accused of murdering Assefa Maru, one of the top officials of ETA [110, p. 226].

[51] In fact, according to local critics, one of the fundamental weaknesses of the EPRDF's government is its stubborn stand and its unwillingness to accept disagreements in policy dialogue and its constant attitude of considering NGOs/CSOs as its political rivals. As the result, the government has failed to benefit from the constructive criticisms of the civil society for the last 17 years. Unfortunately, as The Reporter [148] exclaimed,*" The EPRDF listens only itself"*.

[52] It is interesting to note that the Ethiopian government has started to blame the civil society organizations for every policy failure in the country. Recently, the Ethiopian government accused the NGOs, particularly those *"who do not want the endorsement and the implementation of the draft proclamation of charities and societies law"* for exaggerating the total number of people who were affected by the food shortage in the country [142], [143]. This accusation was levelled by Deputy-Prime Minister and Federal Capacity Minister, Addisu Legesse. He told the parliament that the NGOs increase their profits when the number of food shortage victims increases since they are the ones who have been distributing relief services. According to him, only 4.6 million people were hit by the food shortage and not more than 75,000 children under five years old age were affected contrary to the high number released by various NGOs [143]. Later on, however, when the "hidden" famine got more and more international coverage, the government was reluctantly forced to admit that the number was much higher than the government's estimation.

[53] See: [144].

[54] The Forum for Democratic Dialogue in Ethiopia is composed of four opposition parties namely, The United Ethiopian Democratic Forces (UEDF), the Oromo Federalist Democratic Movement (OFDM), the Somali Democratic Alliance Forces (SDAF) and the Union of Tigrians for Democracy and Sovereignty (Arena). In addition, former EPRDF officials like former president Dr. Negasso Gidada and Siye Abraha are the members of this Forum[106].

[55] According to the Forum [106], *"While all graduates should have equal opportunity when it comes to securing jobs at government institutions, only EPRDF's enlisted members are hired even though they are far less qualified than those who were not party members."* This forceful conscription of members, it seems, has not helped the EPRDF. Recently, Bereket Simon, a top official of the ruling party, complained that *"most of the new recruits from the universities are not loyal to the party and joined the EPRDF just to get advantages"* [145]. He also added that sixty thousands people from universities were recruited by the EPRDF, but the new members have failed in fulfilling their party obligations. They joined the party just to get a job [145].

[56] Many other sources have also revealed how the ruling party is forcing university graduates and civil servants to be members of the EPRDF either to get new jobs or retain their jobs. *See* [146].

NGOs/CSOs[57]. By weakening or eliminating the NGOs/CSOs, the government is hopping to stop those professional and educated Ethiopians from leaving the various government ministries. In this case, we can say that the new proclamation is a sort of pre-emptive attack by the government.

In conclusion, as Eizenstat [20] said, "democracy cannot be constructed from the top down." For democratic governance, therefore, a vibrant civic society is very important. Instead of trying to curb the activities of the NGOs/CSOs by introducing various unnecessary proclamations, the Ethiopian government should recognize their role in fostering democratization, accelerating development, fighting corruption and lawlessness etc., in the country. In today's Ethiopia, corruption has become so rampant [108], [109], [110, pp. 200, 383-4, 387-8] that even the country's gold reserve in the National Bank of Ethiopia has been robbed in a broad day light with the complicity of high government and Bank officials [111]—[113]. Therefore, the ruling EPRDF party should support the civil society because, *"Realizing the goals of promoting rule of law, encouraging transparency in government decision-making, and fighting corruption is far more difficult to achieve without the support of NGOs"* [20, p. 20].

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[57] It is interesting to note that since coming to power in 1991, the ruling party has been unofficially discouraging professional Ethiopians from joining the various NGOs/CSOs in the country. As disclosed by some Diaspora Ethiopians living in Germany, the Ethiopian government has covertly opposed the attempt of some international NGOs to employ Diaspora Ethiopians (even if they are highly-educated) to work in Ethiopia. It is alleged that the government has reached an agreement with some international organizations such as the DED-German Development Service, and the GTZ (German international enterprise for technical cooperation) not to employ Diaspora Ethiopians in their offices in Ethiopia [147].

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Dr. Wondwosen TESHOME received his PhD in Anthropology with distinction from the University of Vienna, Austria.