



FSS Update



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An email newsletter

to facilitate networking and information exchange among CSOs and researchers

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Just off the Press



Academic Freedom in Ethiopia

Perspectives of Teaching Personnel



Edited by Taye Assefa

Update on the Draft CSO Bill

Following the May 6, 2008 CSO meeting organised by the Ministry of Justice (MoJ) for discussion on the new draft legislation titled “Charities and Societies Proclamation”, the civil society community have been actively engaged in policy dialogue with the FDRE government. To date, the CSO community have held two meetings with the FDRE Prime Minister, His Excellency Mr Meles Zenawi, while members of the CSO Task Force have held a series of meetings with His Excellency Ato Assefa Kesito, FDRE’s Minister of Justice (MoJ). During these meetings, the CSO representatives expressed their grave concerns over the most disabling elements of the draft proclamation. They also submitted to the MoJ four rounds of comments and suggestions for improving the draft legislation.

Among the main concerns raised by the CSOs are the provisions of the draft proclamation that relate to the following critical issues:

1. The national identity of predominantly foreign-funded indigenous CSOs;
2. The barring of CSOs from engaging in rights-based advocacy and promotion of democracy and peace solely for receiving over 10% of their income from foreign sources;
3. Denial of access to an independent judicial review of the facts and contents of the decisions of the Agency, particularly for appeals by predominantly foreign-funded indigenous CSOs;
4. Excessively discretionary and intrusive powers of the Agency as well as the emphasis on tight control rather than on encouraging self-regulation, good-governance and creation of a more-enabling environment;

5. Criminalization of non-registration and support for or participation in such organizations irrespective of the legitimacy/legality of their activities;
6. Encroachments on organizational autonomy, including invasion of privacy and restrictions on the right to operate at the Federal level;
7. Imposition of harsh penalties, including for minor infringements, in addition to burdensome requirements for registration, license renewal and reporting;
8. Restrictions on access to finances (e.g., public collections, anonymous donations);
9. Lack of tax waivers for the voluntary sector, including tax relief for corporate donors;
10. Inhibiting time-limit for transition and re-registration of existing CSOs.

In June, the MoJ issued an emended version of the draft legislation. While the amendment has gone to some length to ease the administrative burden of CSOs which the initial draft imposed, it does not substantially address the main concerns enumerated above. Among the changes made in the amended version, the main ones include the following:

- Rather than the entire “asset”, the amended version limits itself to the source of “funds” and incomes of CSOs to determine their national identity;
- Indigenous CSOs earning over 10% of their income are now labelled as Ethiopian “Resident” Charities or Societies;
- the objectives of the Agency are stated in more positive language, with emphasis on enabling and strengthening CSOs;
- the Council is replaced by a seven-person Board, including two CSO representatives (all government appointees);

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- The Board is now explicitly empowered to hear and decide on the complaints and appeals of CSOs;
- Community development and the advancement of citizenship have been dropped from the list of charitable purposes; the advancement of women's and children's welfare has now been replaced by the promotion of gender equality and the rights of children and the disabled, but only Ethiopian charities (i.e., those receiving not more than 10% of their income from foreign sources) can now engage in these areas;
- Ambiguities about application to CBOs such as *Iqubs* and *Iddirs* and religious institutions, have now been clarified, and the amended version explicitly excludes these from its scope of application;
- The minimum membership requirement of ten persons for a society has been removed;
- Though the administrative sanctions have been removed, the penalties for "criminal" offences have been made harsher by increasing the fines and prison terms;
- Rather than getting prior permission, it now suffices to notify the Agency to open a CSO branch or to change the name or place of work or amend the statutes of a CSO;
- Rather than every year, a CSO license can now be renewed every three years,
- Instead of directly removing, suspending, or appointing an official of the charity/society, the Agency now directs the executive organ of the charity/society itself to do so;
- Rather than automatically denying registration or deregistering a charity or society that fails to comply with its directives or any provision of the legislation, the Agency is now required to give a time limit within which the charity or society is allowed to rectify the irregularity or infringement, or non-compliance;
- The provision allowing the Agency and sector administrator to direct their representative or a police officer to enter premises and participate in any meetings of the charity or society has now been removed;
- Whereas the initial draft made it conditional on the nature of the work and qualification of the expatriate for a charity or society to employ him/her, the revised draft removes any restriction on a foreign charity to assign an expatriate as its representative; however, the revised version also bars any charity or society from employing an expatriate without a work permit.
- With the removal of the provisions on income tax in the revised draft, the discrimination against societies that required them to pay tax on incomes other than membership fees has gone; however, charities, too, have lost the privilege of income tax waiver they were given in the initial draft.

Although the draft bill was expected to be tabled for deliberation by Parliament before it closed for the long recess, it is now clear that the bill will have to wait for the next parliamentary session.

FSS Panel on Decentralisation

The Forum for Social Studies, in collaboration with the Ethiopian Economic Association (EEA), launched a panel on Decentralisation in Emerging Regional States of Ethiopia. The panel was held at the United Nations Conference Center during the EEA's 6th International Conference on the Ethiopian Economy, which took place from July 3-5, 2008.

Three winners of the FSS Small Grants program who were doing their research for the MA degree in the Institute of Regional and Local Development Studies (IRLDS) at Addis Ababa University presented the main findings of their studies to an audience of 70 conference participants in one of the parallel sessions. The titles of the presentations were:

1. Assessment of the implementation of Decentralisation policy in Benshangul-Gumuz (by Mebratu Alemu);
2. Decentralisation in Afar Region (by Ketema Bekele); and
3. The current practice, challenges and prospects of decentralization in governance and service delivery in Gambella Region (by Tsegaye Tilahun).

The presentations highlighted that while there were relative increases in budget allocation (especially budgetary support from the Federal government) and service delivery particularly in the Benshangul-Gumuz and Gambella Regions, there was also a trend of decline in school enrollment in the Afar Regional State. Some of the important challenges encountered during the implementation of DLDP include:

- Lack of capacity at the district level, due to acute shortage of skilled human resources and weakly developed institutions;
- Poorly defined relationships between the zonal and woreda authorities, and prevalence of a top-down approach by regional and zonal tiers of administrations;
- Failure to adapt the DLDP to specific regional and woreda situations;
- Unhealthy ethnic competitions and occasional conflicts between contending local political groups in Benshangul-Gumuz and Gambella regions;
- Marginalisation of women and grassroots communities in planning, resource allocation, implementation, monitoring and other decision-making processes at the woreda level; their role seems to be limited to providing labour and material inputs especially for development of infrastructure such as schools, health stations, and roads; non-state actors have little space for active participation in local development and decision-making processes.

In 2007, FSS had published a book on decentralisation based on a scoping study of sample woredas from Tigray, Amhara, Oromia and SNNP National States. FSS plans to publish the results of the study on emerging regional states in one volume.

CIVICUS 8th World Assembly

The Forum for Social Studies participated in the CIVICUS 8th World Assembly, which was held under the general theme of “People Participation and Power” from 18-21 June 2008 at Glasgow, Scotland. The World Assembly brought together over 900 delegates from 120 countries around the world. FSS was represented at the Assembly by the Executive Director and the Research and Publications Director.

On 19th and 20th June, FSS displayed its publications at the Scottish Exhibition and Conference Center, where the Assembly was held. The FSS stand was visited by over 100 participants. In addition to networking with delegates from various organizations and countries, FSS used the opportunity to promote itself by distributing its brochure and publications catalogue to Assembly participants.

On Friday, 20th June, Professor Bahru Zewde, Executive Director of FSS, delivered an opening statement at a break-out session organized under the theme of “How should Civil Society respond to threats to its existence?”

Apart from the daily plenary sessions on important themes such as “Intelligent Funding Track”, “Media Track”, “People engaging with inter-governmental organizations on an uneven playing field”, the World Assembly provided separate platforms for learning exchanges, networking, book launches, film screening, skills training, and workshops on several innovative sub-themes such as “Volunteering as active citizenship”, “How can we enhance political will for participatory governance?”, “Video advocacy: Using moving image media in human rights documentation and advocacy”, and “Smart techniques in lobbying for effective legislation”.

There were also group visits to a women organization’s library as well as to the Scottish Parliament in Edinburgh to observe parliamentary democracy in operation. To mark the occasion of the 60th Anniversary of the UDHR, a march and public rally under the theme of “Every Human Has Rights” was held at a park close to the conference center, where delegates and the Scottish public joined in solidarity to support efforts to end global poverty and defend the freedom to speak out against injustice. Speakers included luminaries such as Mary Robinson (former Prime Minister of Ireland and UN Human Rights Commissioner), Salil Shetty (Director of UN Millennium Campaign), Allan Miller (Chair of the Scottish Human Rights Commission), (Netsanet Demissie and Daniel Bekele (Ethiopian civic activists and Anti-Poverty Campaigners), and Kumi Naidoo (former Secretary General and current Honorary President of CIVICUS and a dedicated friend of Ethiopia).

The next CIVICUS World Assembly will be held in Canada in 2009.

FSS is a member of CIVICUS.

New Publication from FSS

