

Best Practices

of

Promoting Citizen-State Engagement for Inclusive Social,
Economic and Political Rights through strengthening
the capacity of local CSOs Project



Ethiopian Civil Society Organizations Forum (ECSF) with
financial support of Civil Societies Support Program (CSSP2)



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Acronyms

ACSO – Agency for the Civil Society Organizations

CSOs – Civil Society Organizations

ECSF – Ethiopian Civil Society Organizations Forum

EPRDF – Ethiopian People Revolutionary Democratic Front

IAP2 – International Association for Public Participation

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I. Introduction

I.1. Background

Citizen engagement is a concept as old as humanity according to Mary MacNeil of Governance Global Practice, World Bank Group. In his video transcript, Mary MacNeil explained that whether formally enshrined in documents such as the Magna Carta and the code of Napoleon, or manifested informally at the local level, the concept of Citizen engagement is thoroughly global. Above all, citizen engagement values the right of citizens to have an informed say in the decisions that affects their lives. This is still evolving concept which emerged from the idea of public participation not public communication or consultation, a two-way interaction and ideally, “requires government to share in an agenda-setting and to ensure that policy proposals generated jointly will be taken into account in reaching final decision” (Handbook on Citizen engagement: Beyond Consultation, Amanda Sheedy-2008). The framework for Citizen Engagement by International Association for Public Participation (IAP2) developed the public participation spectrum (Inform > Consult > Involve > Collaborate > Empower) in which the first two: Inform and Consult do not qualify Citizen Engagement. Citizen engagement which involves citizens individually or in the form of collective action (including Civil Society Organizations-CSOs) has an advantage of enhancing transparency and accountability, it helps build legitimacy and trust in government. It helps to manage citizens’ expectations, builds ownership of development process, and encourage compliance with policy decisions. It also contributes to improved utilization of public resources and quality of policy outcomes and, in doing so, promotes greater equity of access to public policy-making and services (OECD-2009).

Ethiopia has been promoting civic engagement in the context of decentralization of authority to lower levels as an important instrument for addressing local needs effectively and devolving power closer to community. Decentralization was primarily designed to ensure that development efforts enhance public services (Ministry of Information, 2004). Moreover, Article 89:(6) of the country’s constitution depicts that government should promote participation of people to which the government has been implementing through direct and representative strategies. Especially the second way of participating citizens compromise the engagement of CSOs in all aspects of development programs and governance of the country. In the history of the country, the late 1990s and 2000s have been characterized as

creating conducive environment for participation of CSOs in the development planning process in Ethiopia. Following the 2005 Ethiopian Election however, the landscape of CSOs engagement was deteriorated due to the enactment of the Civil and Societies Proclamation 621/2009 which gave ultimate power for the government to control the activities of the CSOs which in turn closed the door on Citizen engagement.

Ethiopian Civil Society Organizations Forum (ECSF) is a non-partisan, independent, inclusive and voluntary national platform established in May 2013 in view of solving the common concerns and challenges of the Civil Societies Organizations (CSOs) in Ethiopia. In pursuant of attaining its objectives like creating conducive environment for CSOs effective engagement and contribution to the national development endeavors; and establish an institutional platform, the forum has played a leading role in the enactment of proclamation 1113/2019 ensuing the nationwide reform of 2018. The new proclamation in turn has created enabling environment for CSOs involvement in development endeavors, democratic building and also called for the establishment of CSOs Council (Article 85) by which they govern themselves. Further, ECSF has taken a leading role in the process of establishing the council and developing CSOs code of conduct, which are considered as a remarkable step in Ensuring CSOs engagement and is also believed that it has vividly justified the success of ECSF in creating vibrant CSOS in the country. Thus, this best practice documentation is conducted to portray what the forum has achieved, learned from implementing the projects and also show what should be done in the future.

This document is divided in to seven major parts: the first part deals with the introduction of the document, the second and third parts discuss about CSOs Emergence and Engagement Conditions in Ethiopia and the Establishment of CSOs council; the fourth part deals with development of Code of Conduct, the fifth part on the other hand portrays results achieved, then while the six part discusses about lessons drawn from the implementation of the projects. Finally, the final part shows way forward which would shed light on future areas of interventions.



1.2. Objectives of the document

The objective of producing this document is to record lessons drawn from the implementation of project entitled “Promoting Citizen-State Engagement for Inclusive Social, Economic and Political Rights through strengthening the capacity of local CSOs which would help ECSF in future endeavors of creating vibrant CSOs in Ethiopia. This document could also be helpful as source of evidences for the forum’s members and partner organizations in contributing to the country’s development process, respecting human rights and democratic buildings.

1.3. Methodologies

We employed scientific research methodology based on primary and secondary data sources. The primary data was collected through distribution of questionnaires using purposive sampling method and key informant interview held with well-informed persons who closely worked with ECSF. The secondary data sourced mainly through desk review of ECSF documents, review of documents produced by partner organizations and the new Proclamation.

2. CSOs Emergence and Engagement Conditions in Ethiopia

The emergency of modern, formal and legal Civil Society Organizations is a recent phenomenon which was associated to the 1973 and 1984 Ethiopian famine where they involved in relief operations even if they had long existed in the county in the form of self-help system. Then after, with increased financial and material support from foreign donors and with an improvement in the situation of the country, they moved progressively into long-term programs focusing on addressing basic needs. Even so, such understanding of poverty and development were not able to address problems of powerlessness, social injustice and human rights and marginalization (The role of CSOs in Democratization process in Ethiopia- Paper presented at Fifth International Conference of the international Society-Sector Research- Sisay Gabre-Egzihaber-2002). Subsequent to the change in regime in 1991, however, their involvement in human rights had increased and later resulted in the loss of poll of 2005 national election which caused the enactment of proclamation 621/2009 to outset their involvement from the political arena of the country (FDRE, 2009).

The political reform resulted by the uprising prior to 2018 has brought about promising changes in the country including the removal of restrictive proclamation 621/2009 and the opportunity of formulating new CSOs proclamation. This in turn had motivated all CSOs to contribute what they could in the endeavors of formulating new proclamation under the leadership of the forum. According to the key informants, almost all CSOs have enthusiastically involved in various activities such as gathering public opinions, identifying gap of the previous proclamation as per their area of intervention and attending relevant consultative meetings with government officials in the process of formulating proclamation 1113/2019. The Ethiopian government had also established an independent Legal Advisory Council under the Attorney General office, which in turn formed a working group mandated to draft amendments of the CSOs law in which ECSF was member. During the formulation of the proclamation, the forum has facilitated the participation of more than 500 CSOs leaders on the public hearing at the House of People’s Representative following which the New Proclamation was adopted on February 5, 2019. Subsequently, ECSF has conducted various familiarization workshops and trainings which boosted the understanding of CSOs and paved the way for the establishment of the Council.

3. The Establishment of CSOs Council

It is for the first time in the history of CSOs in Ethiopia, that self-governance agenda has successfully led to the establishment of CSO sector’s higher governing body (the Council). This owes to the endeavor of ECSF, Agency of Civil Society Organizations and member CSOs in substituting the restraining proclamation (621/2009) with the new one (1113/2019). Subsequent to the endorsement of the new proclamation, ECSF along with member organizations and the agency have started working on the establishment of CSOs Council as stipulated on Art.85. Though its establishment has been ratified by the parliament along with the endorsement of the new proclamation 1113/2019, putting it on ground has taken almost a year for ECSF and its partners. According to key informant, the major challenge encountering the sector after the endorsement of the new proclamation were: most CSOs were in trauma of the previous proclamation even after the approval of the new one while others have limited resources, capacity to operate with the resources at their disposal and some others could not even raise new

funds either. In contrary to these challenges, almost all CSOs were motivated by the success of ousting the restrictive law, converged their ideas to one direction and diligently worked under the leadership of ECSF on the establishment of the council.



Certificate offering ceremony to EXCOM leaders by ACSO High Officials at Agency Office

The document review made at the forum's documentation has shown that, ECSF has organized an effective consultative meeting for CSOs (including regional networks) in collaboration with the agency on which task force was established. Then the task force was entrusted with the preparation of documents such as Bylaw, code of conduct and strategic plan for the council establishment and these documents were prepared and approved. Following the approval of the documents, all consortiums have selected member for General Assembly using their assigned quota and the council establishment of the council celebrated on December 31, 2020 with the total member of 300. The General Assembly synonymously approved the CSOs' Bylaw and democratically elected the Executive Committee comprising 21 members. In fact, the process was challenged by many hindering situations like COVID 19 and political instability. Fortunately, however, all working documents have been prepared, approved and the council is functioning well during the study.

Why the council?

As many scholars agree, today CSOs are considered as one of the three pillars (Government, private sector and CSOs) of the country's development efforts and democracy building process. This fact necessitates strong CSOs sector which can influence government for the betterment of citizens' life. In contrary to this, the historical facts of CSOs in Ethiopia shows that they had been working on programs/projects implementation in un coordinated, and in scattered manner considering themselves as

an island specially after 1991 than looking beyond their boxes. As a result, the sector has been fragile that government can easily dysfunctional, revoke or dismantle them anytime; the result of proclamation 621/2009 could be taken as an evidence which paralyzed some organizations and dissolved many of them especially those who had been working on rights, democracy and governance. In general, the sector was weak, un coordinated, and fragile that government officials used to consider them as rivals than complementary, this in turn created a rift between the two pillars (government and CSOs) on the one hand and mistrust from their constituencies on the other hand.

"...The council would solidify the sector into one entity through converging CSOs' outlook towards the bigger picture and make it influential in all government decisions for the betterment of citizens' life in the years to come ."

According to the key informants, the collaboration created during the input gathering for the new proclamation and the establishment of the council has changed the above scenario. Today, most of the CSOs have started to see the big picture out of their box, understood the importance of collaboration with fellow organizations, concerting their efforts with their counterparts, accustomed with each other and gradually converging their ideas to the countrywide problems. In short, the establishment of the council is filling these gaps by reversing the aforementioned downsides of the sector. Currently, it too short to talk about the results of the council's establishment but encouraging indicators are being observed in spite of the hard time due to the pandemic and the political hazards in the country.

4. Development of Code of Conduct for CSOs

The establishment of the council seems to be a remedy for the enduring problems associated with self-governance CSOs' sector in Ethiopian, but this does not mean that all hitches in the sectors are solved. Rather it is a turning point where the sector starts new epoch putting its base solely on the functionality, strength and success of the council. For this to happen, there is a need for CSOs code of conduct development and enactment. To this end, ECSF has facilitated the development of the code



of conduct which is about to be endorsed now (at the time of this study). According to interviewees, the code of conduct is even considered as the constitution of the council which furthers its strength and expands its sphere of influence provided that all CSOs adhere to it.

Another person who has been unreservedly contributing to the changes that has been occurring in the space of Ethiopian CSOs was most optimistic that the draft of this code of conduct would be endorsed before the national election day. He has also defined it as a tool that would be used to take the CSOs from designing and implementing programs/projects to foresee towards the big picture at country level. Consequently, not adhering to it might even hinder the organizations from securing funds as donors would start to ask recommendation of the council in the near future. In general, majority of people involving in this sector believe the development of code of conduct but their concern is the extent of adherence it gets from all the organizations and individuals working in the sector.

Why Code of Conduct?

As stated earlier, CSO in Ethiopia had emerged as self-help organizations, then moved to rendering humanitarian aids, service delivery and recently started designing programs/projects on observed gaps, secure fund, implement it, evaluate and recommend. Consequently, this trend made all CSO to consider themselves as autonomous, entity which exclusively revolve on its orbit and islands who do not have significant accountability other than that of CSO's Agency. This in turn created the flimsy sector of CSOs in the country which had not been influencing higher decisions like policy formulation, cannot defend itself and used as a tool by government that triggered the establishment of strong council.

*"...The code of conduct would bring about the intended impact if and only if, CSOs as an organization fully adhere to it on the one side and their staff guided by it as bible or Kuran on the other."*²

The responses of the key interviewees and respondents of questionnaires distributed during data collection has shown that the importance of this document surpass strengthening of the sector through fostering accountability culture. Rather it helps the sector itself to assume the position it deserves in

the country's development efforts and democratization process as well. Some even denoted it as "a tool" to shape the feeble CSOs' sector to respected entity which influence policy formulation, contribute significantly to its implementation and become partner in the building democracy. To form such sector in turn demands all CSOs accept this document with full consent as organization and instruct their workers to make it their guide in all their day-to-day operation internally and adhere to to all decisions passed by the sector based on it.

5. Results Achieved

Since its establishment, ECSF has carried out various activities to resolve Legal, Institutional, and Operational issues of CSOs. In this regard, the forum has played crucial role in facilitating the struggle of changing the restrictive laws during the last years of Ethiopian People Revolutionary Democratic Front (EPRDF) and after the nationwide reform of 2018. All these efforts have registered many results among which the following are the major ones:

- Led the drafting, endorsement and ratification of the new CSOs Proclamation (1113/2019)
- Familiarized CSOs on the new proclamation, the council and the documents,
- Civil Society Organizations were motivated, concerted, and converged their efforts in the sector,
- Facilitated and led CSOs' Council establishment endeavors which is the first in the history of the sector in Ethiopia
- Coordinated the preparation of working documents for the council including (Bylaw of the Council, Code of Conduct CSOs, Strategic plan of the Council secretariat, communication strategy of the Executive Committee).
- Conducive environment in voicing for the CSOs was created in the Country's CSO space.



6. Lessons

The forum has been recording remarkable achievements since its establishment especially after the nationwide reform occurred in 2018. Appreciativeness should also bestow to the CSOs' Agency and all CSOs who involved in the course of registering aforementioned results. Nonetheless, it should not be unnoticed that the best is yet to come in the arena of CSOs sector with fierce struggle ahead.

Even though the path that the forum went through was not smooth, the tough going has helped to the following lessons from what has been done:

1) The strong enthusiasm for altering the restrictive law from the CSOs side and the need of implementing the new reform since 2018 had created opportunity of understanding each other for both sides. As a result of this, government officials started recognizing CSOs as partners not rivals while the CSOs also started to think government officials as facilitators not controllers. Thus, it was learned that reasons for the gap between both sides were not only due to lack of best proclamation rather it was also due to the both sides' human element's lack of awareness.

2) The campaign of organizing inputs for the preparation of the new proclamation and the establishment of the council had been interdisciplinary which brought all CSOs together. This in turn created a platform which CSOs formed a good relationship that a local and international; small and big CSOs to share experience, create partnership, collaboration, thinking of collective fate than individual organization and opened a door for alliance. The sector on the other hand, was known to lack cooperation and coordination among CSOs, that the forum learned the sector lacked platform to bring all CSOs together or opportunity to- get- together to form cooperation and ease the problem of coordination.

3) The establishment of the council had created the CSOs to cooperate with each other by changing the environment of thinking self-autonomous, self-sufficient and no interaction with each other. All organizations involving in the sector had been considering themselves as ice lands, project implementing machines and did not have the appetite to cooperate with other organizations. The establishment of the council, has compelled them to start thinking out of their box and to pursue the common goal at the country level (the big picture).

7. Summary/Way forward

Summary

Many CSOs were paralyzed, dissolved and those who were on the way to be formed were discouraged due to the restrictive proclamation 621/2009. Even though the law had frozen the sector to some extent, it is believed that it had motivated other organizations to struggle to reverse this condition which in turn caused the establishment of ECSF. Since its establishment the Forum in turn worked a lot to change the condition of the sector especially after the reform happened in the country in 2018. Fortunately, the endeavors resulted in the change of the restrictive proclamation replacing by the new one. Not only this but also the new proclamation helped the sector to answer the long-standing question of self-governance by establishing CSOs council based on the article #85 of the new proclamation. The functionality of this council necessitated some working documents like: by law, code of conduct and strategic plan. Thus, the case study dealt with the procedure of the council's establishment, code of conduct development and lesson drawn from the course of achieving these key undertakings.

Way forward

The nationwide reform in Ethiopia had brought remarkable achievements in CSOs sector. Among these achievements are the answer for long-standing and unanswered question of self-governance, flaring civic engagement and converging the ideas of CSOs towards big picture. These achievements were not brought about overnight but by the good leadership of Board and the founding members in cooperation with the FDRE Agency for the Civil Society Organizations/ACSO) as well as the curious engagement of all CSOs at large. Thus, using the lesson acquired so far, the Forum recommends the following points for other organizations who need to work on strengthening CSOs sector or ECSF itself, so that the sector shall be an influential in the country's development efforts and democratic building process:

I. The new proclamation, the council and other documents could not fill the gap between government and CSOs by themselves. Rather it is inevitable to work on the awareness creation tasks for both the government and CSOs officials from time to time to help them consider each other as complementors not rivals. This should be regu-



larly done for there is high turnover in both sides and new personalities coming in to this arena all the time.

2. ECSF has been working to avoid lack of cooperation and coordination in the sector. This would be facilitated more when the CSOs get opportunities to come together as seen during the the preparation for new proclamation. Therefore, platforms and opportunities should be arranged for all CSOs get together from time to time in future.

3. CSOs involving in the sector had been considering themselves as ice lands, project implementing machines and did not have the appetite to cooperate with other organizations in steady of influencing policy level decisions along with fellow organizations. Various platforms and opportunities should be regularly organized in the future to aware the human element and organizations (CSOs) to focus on big picture (Country level problems not only on project implementation).

The above recommendations will be materialized only if the CSOs get actively and robustly engaged in the development of the country based on the vision of the sector in shaping the sector's objectives within the context of the country.



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