Reopening political space for CSOs under pressure. The case of Ethiopia's sustainable development CSOs

Research report (second revision) – 13 December 2019

Researchers:

Nicky Broeckhoven, Tilburg University
Desta Gidey, Mekelle University, Ethiopia (co-applicant)
Morag Goodwin, Tilburg University
Kelemework Tafere Reda, Mekelle University, Ethiopia
Dina Townsend, Tilburg University
Jonathan Verschuuren, Tilburg University (main applicant)

File number:

W08.311.102

Research focus:

- Civic Space under Pressure

1. Executive Summary

1.1 Research questions and methodology

In Ethiopia, civil society organizations (CSOs) have played an important role in advancing sustainable development by raising public awareness, developing their own capacity, and engaging with the State. However, these organizations have faced a number of important legal, financial, social and other structural barriers that have limited their effectiveness and reach due to the State deliberately and effectively closing the political space for CSOs through legal measures between 2009 and 2019. During this period, the State ignored the liberal rights and freedoms embodied in its constitution by restricting advocacy activities by CSOs in a number of ways. As political space is the precondition for performing political roles, as is rightfully indicated in the Theory of Change (Toc),[1] this project aimed to shed more light on the restricted legal environment within which CSOs operate, and on the impact this legal environment should have on policies and actions of the Ministry and northern CSOs.

Our main research question was: *What legal instruments are used by Ethiopia to close CSOs' political space, and how do these, and their impact, relate to internationally accepted human rights and constitutional rights aimed at protecting civil society?*

Through answering this question, we aimed to contribute to all of the research questions of Research theme 3 of the ToC (p. 41/42), as well as to policy questions identified under this theme (p. 42). During 2018 and 2019, important political changes occurred in Ethiopia which lead to legal changes aimed at reopening civic space for CSOs. With the arrival of legal reform in the middle of our project period, we adjusted our focus to also include an analysis of the new law and on what is needed for a successful transition.

The project consisted of three work packages. In WP1 we developed the *theoretical legal framework* aimed at protecting CSO political space within the rule of law through a desk study of the literature, including literature on human rights, constitutional rights and sustainable development law. We also looked at primary legal sources: relevant international and domestic law, with a focus on Ethiopia and - as a benchmark for effective CSO laws - South Africa. South African CSO law provided a standard against which to compare both the old and new Ethiopian laws. South Africa's law is widely recognised as aimed at creating a permissive and encouraging environment for CSOs. This was particularly helpful when analysing provisions in the Ethiopian CSO law that might appear to be unproblematic or neutral. For example, comparing Ethiopian and South African registration and reporting requirements allowed us to not only identify problems in the (old and new) Ethiopian law but also to outline alternative approaches.

In WP2, we turned our attention to Ethiopia by researching the Ethiopian CSO-legislation and relevant literature, as well as through qualitative empirical research. The *empirical research* consisted of semi-structured interviews with key CSO representatives. The CSOs were selected according to three criteria: good track record in their work on sustainable development, working across regions (federal units) or in a number of different regions throughout the country, falling within different legal categories of the Ethiopian CSO laws.[2] 23 CSOs were interviewed, plus a representative of the CSO Agency,

---

[1] J. Kamstra, Dialogue and Dissent Theory of Change 2.0. Supporting civil society's political role (The Hague 2017).
[2] The table below shows an underrepresentation of Ethiopian Charities. That is caused by the fact that many of the Ethiopian Charities that used to work on environmental (advocacy) matters converted themselves to Ethiopian Resident Charities after the adoption of the restrictive law.

two trade union representatives, and two researchers, see the below table for details.[3] We also did two interviews with the Dutch Embassy in Addis Ababa.

Classification of interviewed organizations (CSO categories: 1. Ethiopian Charities, 2. Ethiopian Residents Charities, 3. Foreign Charities), main source of funding, operational area, number interview report/place where interview took place (DG/S=Ethiopia, E=Europe).

Type of organization	Main funding source	Operational area	Report number
CSO 1	Domestic (pre 2009: intl.)	Addis, Oromiya, SNNP, Tigray, Amhara (pre 2009: entire country)	DG05
CSO 1	Domestic (pre 2009: intl.)	Addis Ababa, Adama, Awasa, Gambela, Diredawa, Assosa, Bahir-dar	DG06
CSO 2	International	Oromiya, SNNP, Amhara, Gambela, Benishangu Gumuz	DG03
CSO 2	International	Tigray, Affar	DG17
CSO 2	Intl/domestic	Amhara, Oromiya, Addis Ababa, Affar	S2
CSO 2	International	Oromiya, Amhara	DG01
CSO 2	Domestic (pre 2009: intl.)	Addis Ababa (pre 2009: entire country)	DG04
CSO 2	Shut down (pre 2009: intl.)	Shut down (pre 2009: Addis Ababa, Oromiya, Amhara, Southern Nations)	DG07
CSO 2	Domestic	Entire country	DG08
CSO 2	Domestic	Entire country	DG10
CSO 2	Intl/domestic	Amhara, Oromiya, Southern Nations	S1
CSO 3	International	Tigray, Amhara, Oromiya, SNNP, Benishangul Gumuz, Gambela, Harar	DG02
CSO 3	International	Entire country	DG09
CSO 3	International	Entire country	S3
CSO 3	International	Entire country	S4
CSO 3	International	Entire country	E1
CSO 3	International	Entire country	E1
CSO 3	International	Entire country	E1
CSO 3	International	Entire country	E2
CSO 3	International	Entire country	E3
CSO 3	International	Entire country	E3
CSO 3	International	Entire country	E4
CSO 3	International	Entire country	E5
Trade Union		Entire country	DG11
Trade Union		Entire country	DG15
Researcher		Addis Ababa University	DG13
Researcher		Addis Ababa University	DG16
CS Agency		Federal level	DG12
Legal aid		Addis Ababa	DG14
Embassy		Addis Ababa	E6

In addition to these in-depth interviews, our empirical research included situational observations with three selected CSOs in Ethiopia (various parts of the country), conducted by master's students who each spent a week with a CSO, observing their daily activities. This was part of fieldwork performed by students on three cases which included further interviews with CSOs and other relevant stakeholders, as follows: Shakiso gold mining case (25 interviews[4]), Amkober Woreda watershed

---

[3] Data available through DANS Easy https://doi.org/10.17026/dans-zzv-tg9p. Due to the sensitive nature of the research, we do not mention names of CSOs in this report.
[4] 2 CSO representatives; 8 public officials from the Ministry of Mines and Petroleum, the Oromia Mineral Resource Development Agency, the Mineral Development Bureau of Gujii Zone, the Mineral Development Bureau of Shakiso

management case (20 interviews[5]), and Tigray land governance case (project delayed due to illness of student). The students received intensive methodology training by our Mekelle team ahead of their participation in the project.

Furthermore, we conducted focus group discussions in Ethiopia in May 2019 with 60 stakeholders once the new law on CSOs had been bought into force, involving not just CSO representatives, but also government officials, trade union representatives, church staff and academics (formally under WP3, see further below).

The empirical research aimed to answer the following research questions (which are closely related to the research questions of the ToC, p. 41/42): Why and how has the State limited the political space of CSOs in Ethiopia? What legal mechanisms has the State used to limit this space? What role do various public and private actors (including international and local donors, state and federal regulators and law enforcement, CSOs and CSO staff, companies and other private corporate entities, academics and academic institutions among others) play in promoting or obstructing political space? How do CSOs perceive their political role to be constrained? What legal and extra-legal factors do they see playing a role in this constraint? What impact has limited political space had on the management, organisation, structure, funding and work of CSOs? What role does the public legitimacy of CSOs play in promoting or obstructing political space? What role does the State play in regard to perceptions of legitimacy? What is the relationship between the State/Government institutions and CSOs? Is there a high degree of cooperation between CSOs and state entities? Are CSOs able to engage with and participate in state decisions, plans and activities? Does the government see CSOs a legitimate partners in policy discourse? How are CSOs perceived by the State? In interviews conducted after the drafting process for the new law began, we also asked about CSO participation in the process and expectations of the new regulatory regime post 2019.

In WP3, we had the dual aim of getting feedback on our findings from the broader Ethiopian CSO community as well as from other stakeholders such as government bodies, the judiciary and academics, and the aim of disseminating our findings and contribute to capacity building. A major final conference at Mekelle University in May 2019 attracted around 60 participants from various CSOs (on environment, socio-economic development, consumer protection), from legal aid centres and a legal training centre, from various government authorities and courts (the Charities and Societies Agency - now the CSOs Agency -, the Federal Environment Forest and Climate Change Commission, the Regional Environmental Protection Office, the Regional Bureau of Justice, and the Regional Supreme Court), from the media, and from various research institutes. The Forum for Environment (FfE), the most important national NGO in the area of sustainable development in Ethiopia, acted as our main outreach platform to disseminate our findings to the wider public in Ethiopia. One of their dissemination activities was the publication of a booklet on the findings of our project which was made available to CSOs and other stakeholders in Ethiopia. We actively engaged with the newly established CSOs Agencay, formally 'Agency for Civil Society Organizations' (ACSO), both through the May 2019

Woreda, 5 mining cooperatives (small and micro enterprises), 10 individual miners. The student interviews were not included in data analysis of the main research team.

[5] 2 CSO representatives, (unspecified number) public officials from the Ministry of Water, Irrigation and Energy, the Ministry of Agriculture, the Environment Forest and Climate Commission, the Amhara National Regional State (ANRS) Water Resources Administration, the ANRS Agriculture Bureau, the ANRS Environment Forest and Wildlife Development and Protection Authority, the North Shewa Zone Water Administration, the North Shewa Zone Agriculture Administration, the North Shewa Zone Rural Land Administration, the Ankobar, (unspecified number) farmers and local community.

Mekelle conference and through sharing our findings at a preparatory meeting for the ACSO management team and ECSF Board members held from June 13-14, 2019 at Lisak Resort, Bishoftu.

1.2 Key research findings and outcomes

In the *literature review*, we identified several gaps in the literature, including:

- There is little literature that explores the overlap between Ethiopian conceptions of respect for fundamental human rights, the rule of law, and the independence of the judiciary, and the ways in which the State has sought to limit the political space of CSOs.

- There is little research on the impact of the use of non-legislative mechanisms and executive powers by the Ethiopian government on CSOs (for example, the declaration of states of emergency, smearing media propaganda).

- It is unknown how one assesses the legitimacy – the accountability, effectiveness and transparency – of CSOs and their delegitimisation in a political context in which those CSOs face significant pressure and repression by the State. Moreover, there is no baseline data or longitudinal literature that help compare whether the efficacy and legitimacy of CSOs was improved or worsened after the adoption of the restrictive Charities and Societies Proclamation 2009.

- Little literature exists on the intersection between sustainable development and the closing of CSO's political space.

- For CSOs working on sustainable development, there is research needed into how competing conceptions of development might manifest in their work (if at all) and whether CSOs pursue or articulate different development goals to those identified by the State.

- Little is known on the impact on CSOs of the day-to-day operations of various state agencies that administer CSO laws.

- It is imperative that we build onto international human rights commitments that have already been agreed upon by Governments as these commitments constitute an integral part of the law of the land. Further research is needed on whether (and on the ways that) CSOs in Ethiopia interact with international human rights mechanisms and engage in advocacy outside Ethiopia, and on how Northern actors can support or enable this work.

The *South Africa* case study showed:

- CSOs in South Africa are actively engaged in policy development, advocacy, representing marginalised communities and holding the government to account through a number of strategies including litigation in relation to environmental and climate change policies and impacts. This has informed our understanding of the roles CSOs need to play in sustainable development and exposed the limits CSOs face in Ethiopia (who do not engage in litigation as a strategy, for example, as the courts are seen as politically compromised).
- Self-regulation in the CSO sector has benefits and limits. South Africa offers important and valuable lessons to countries newly engaging in self-regulatory practices and, in specific, the need for resources directed at supporting CSOs in their compliance with self-regulatory standards.

- The limits of 'good law'. The Ethiopian research focused on the problems with Ethiopian regulation of CSOs and the far-reaching impact of oppressive law on CSOs engaged in sustainable development work. However, our research on South Africa demonstrated that the solution to the impacts of 'bad law' is not merely the implementation of 'good law'. South African CSOs have struggled despite the very permissive regulatory environment in which they operate. South Africa reveals the vulnerability of CSOs to shifting funder interests and priorities and the importance of developing a strong and stable domestic funding base as well as the need to include funders in self-regulatory plans. South Africa also reveals the vulnerability of CSOs to institutional incompetence and corruption and how seemingly neutral regulation, such as registration processes, can be used to control and influence CSO agendas. Last, South Africa reveals the importance of government views and opinions of the CSO sector and the sector's vulnerability to anti-civil society propaganda from the state. None of these are problems that South Africa's law has been able to address and these are all problems that CSOs in Ethiopia already do and may soon face.

Having researched the history of CSOs in South Africa and Ethiopia, and having compared their current legislation on CSOs across such themes as CSO/State relations, self-regulation, fundraising and forms of CSOs and their respective registration and administration, the following conclusions emerge. Looking at the experiences of Ethiopian and South African CSOs together, suggests that while repressive CSO legislation can do significant harm to the sector, progressive CSO legislation is indeed no guarantee of a thriving or sustainable sector. Equally, the 'hands-off' regulatory approaches that have been adopted in some northern countries may not be well suited to building a thriving civil society sector in South Africa or Ethiopia where the state has an important role to play in building domestic funding and in addressing some of the harm caused by its own previous policies and attitudes.

What is clear from both case studies is that when the state creates institutions or agencies tasked with administering or facilitating CSOs, the failures of these institutions and agencies can have far-reaching negative impacts on the sector. This is a problem of implementation, but it also more than that. These institutions both enact and reflect the attitudes of the state towards CSOs. The experiences of CSOs dealing with the Agency in Ethiopia, suggests that these institutions are not just implementers of law, but interpreters of law. In the case of South Africa, it is hard to know how things would have been different had the law not established the Directorate, the NDA or the Lotteries Fund, but it is clear that incompetence and corruption in these bodies delayed the establishment and work of CSOs and did little to ensure their financial sustainability.

In both Ethiopia and South Africa, there is a tension in the role of the state and law in advancing the interests of CSOs. On the one hand, the state in both countries has proved itself unwilling or unable to work with and promote civil society. Interventionist policies and threatening practices mean the state is not easily trusted with the interests of CSOs. On the other hand, there is a clear and important role for the state to play both in addressing the poor perception of CSOs it has engendered and in facilitating and providing the resources for a strong and independent civil sector to grow. Good law is crucial part of this, but strong institutions and positive state perceptions are essential for making 'good' law work.

The *empirical research in Ethiopia* showed the tremendous impact the regulatory restrictions had on sustainable development CSOs in Ethiopia:

- At least 500 of the 3,000 CSOs were *cancelled* (according to the Agency's account), possibly up to 1,000, as some interviewees indicated (we could not get conclusive data). Most others had to *reduce* their staff size, focus and/or reach. The increase in the number of CSOs that

one would expect in this huge country with a rapid population growth did not occur (unlike for instance Kenya with 86,000 CSOs and South Africa with 100,000 CSOs).

- Advocacy and environmental awareness raising was largely *abandoned*, moving away from any issues that could be construed as politically sensitive. Their input in law and policymaking was no longer given nor sought. Instead, CSOs shifted their activities to technical development and local service delivery work and even began to police and silence themselves to avoid reprisal. Some even changed their view as to the role of the CSO sector in general (internalization of oppressive practice, a phenomenon described in literature more broadly).
- The *excessive bureaucracy* and cost restrictions imposed on the remaining CSOs caused them to spend considerably less time on operational activities.
- Some CSO networks had to *shut down* while others were weakened, which had a huge impact because there is a strong need for high levels of coordination in the sustainable development sector because of the scale and number of the problems that need to be addressed. Only with the help of each other, and each other's network and contacts (in local, regional and federal government entities, businesses, universities and other key stakeholders) can their work be effective and efficient.
- The adoption of the restrictive laws, coupled with a sustained campaign against CSOs, meant the sector has been viewed with *suspicion and mistrust* in the public realm.

We also saw, however, that many CSOs were inventive and resourceful. They tried to adjust and cope with the shrinking of political space in a multiple of ways:

- Many changed their role and structure from advocacy to service delivery but continued to do *advocacy work, disguised as service delivery* (change language, repackage programs, two versions of one report, etc.). Sustainable agricultural water management programmes for farmers, for example, were scaled up in close collaboration with the authorities through showing best practices, indirectly stimulating authorities to change their policy.
- Those that officially kept on doing advocacy *downsized and limited* their outreach and operational activities, or did so by using *EU and World Bank funding* which was untouched by restrictions as both these funding schemes were treated as domestic funds and were not subject to the funding restriction. Some resorted to *underground financing*.

More specific findings of the empirical research are:

- There is an assumption in the literature that the Ethiopian Government is wholly intolerant of civil society. However, we found that the relationship between sustainable development CSOs and the Ethiopian Government cannot be characterized so simply. Some CSOs reported *having good relationships* with many sector administrators and line ministers of the government at various levels. Many CSOs reported their relationship with local government entities as positive. However, they face many *legal and bureaucratic challenges* in their dealings with the Charities and Societies Agency and its regional counterparts.

- CSOs recognise the need for high levels of coordination in the sustainable development sector and, therefore, partnerships with local, regional and federal government entities are crucial. Under the new law, there is far more space for cooperation and coordination between CSOs, but also between CSOs and business, universities and other key stakeholders. Funders have an important role to play in encouraging, facilitating and funding these relationships.

- The impact of the Charities and Societies Proclamation 2009 was not the same to all types of CSOs:

- o Those CSOs working on multiple issues were reportedly better able to sustain and adjust themselves to the restrictive legal environment than CSOs focusing on single issue.

- o Small local CSOs were impacted more heavily because donors, in response to the restrictive laws, shifted their funding to foreign/international CSOs that could still do advocacy work.

- *Changing funding priorities* more generally from programme based to project based funding, which tend to follow the political interests of northern donors and short term project commitments, have had additional adverse impacts on the stability of CSOs in Ethiopia. Ensuring sustainable development and addressing major environmental degradation requires long-term CSO engagement and long-term programme based CSO funding.

- *Donors' response* to the adoption of the restrictive CSO laws to withdraw or cut their support had an adverse impact on the resilience of the local CSOs and on their scope of activities.

- Interviewed organizations reported seeing almost no participation by the private sector in sustainable development initiatives. There exists a clear desire among CSOs in Ethiopia to engage and cooperate with *private business and investors*.

Impact of regulatory change (2019)

The empirical research proved to be much more interesting and exciting than anticipated due to an unexpected and drastic improvement of the political situation, which occurred during our project. As of the second half of 2018, the Ethiopian Government has been working towards rapid reform in various areas, raising the hopes of many Ethiopians that the country is entering a new period of democratization and accountable governance. An important reform came at the beginning of 2019 with the adoption of Ethiopia's new civil society law that replaces the hitherto stringent regulatory framework for CSOs. While our research focused on the impacts of the stringent laws, the changing political climate allowed us to monitor not only the closing but also the re-opening of civic space (and the transition to this re-opening). While it is too early to know exactly what the impact of the new law will be on civil society, the new legislation does appear to take significant strides towards the creation of an enabling environment for CSOs and towards better protection of rights to freedom of association and expression. The new law envisions a far greater role for self-regulation in the civil society sector but, worryingly, still maintains some degree of State oversight through registration, reporting and funding allocation requirements. Accordingly, the new law directs the Agency to play a more facilitative and less controlling role. In the last phase of our project (WP3), we could collect some empirical data on the view of CSOs of the new law:

- Interestingly, most of the organizations that participated in the focus group discussions expressed *support for the regulation of civil society to ensure transparency and accountability in the sector*. Most agreed, however, that the regulation of CSOs in Ethiopia since 2009 went too far, unnecessarily restricting CSO activities and intervening in funding and cost allocation. The new CSOs law has lifted the restriction on access to foreign funding and allow CSOs to generate income from any lawful sources, including by engaging in any business activity subject to the fulfilment of commercial licensing and registration requirements.

- Many organizations identified a lack of strong self-regulatory mechanisms as their longstanding problem, which affects the effectiveness and public image of the CSO sector in Ethiopia. A better organized sector, with a greater degree of self-regulation may discourage excessive or overzealous regulation by the state and improve the public image of the sector. The new law makes provision for a new Council of Civil Society Organisations, empowered to enact a code of

conduct for the sector and this may address this need. However, questions remain in regard to whether the new Council will be independent of state influence and able to represent diverse CSO interests in a rapidly evolving sector.

Our overall conclusion, therefore, is that although the regulatory environment for CSOs is improving, the sector is still in need of international support and ongoing, consistent and reliable funding.

1.3 Contribution to knowledge and understanding on the Assumptions of the Theory of Change

The assumptions of research theme 3 are (ToC p. 41):

- Assumption/precondition: CSOs need political space to perform political roles.
- External aid by the Ministry and (mainly Northern) CSOs can strengthen CSOs in LLMICs in their political roles by offering protection in hostile environments and lobbying for improved political space.

Our *theoretical* research broadly confirms these assumptions. In Ethiopia, from 2009 until 2018, the political space was severely restricted through changes in enabling laws and regulations, as well as in practices (the functioning of the CSO Agency). In such a situation, northern donors have an important role to play in supporting the domestic CSOs under pressure.

Our *empirical* research has improved the knowledge on how they can do so. First and foremost it has to be recognized that CSOs cannot openly play a political role. Hence, northern donors should support CSOs in their other roles through which they can try to keep performing a (more covert) political role. We found, however, that the strong focus of the Assumptions of the ToC on the *political* role of CSOs does not do fully justice to this day-to-day reality of CSOs working on sustainable development within shrinking civic space. Some of the surviving CSOs managed to change their role and structure from advocacy to service delivery but continued to do advocacy work, disguised as service delivery. Funding that is strictly limited to only advocacy work and excludes any service delivery activities may hinder the work and progress of the beneficiary organization that needs to be able to be agile and flexible under changing regulatory conditions. External aid should, therefore, not solely focus on the protection of political space and lobbying for improved political space but also on the protection of and lobbying for improved service delivery work. Especially in a hostile environment, it is very important that CSOs are supported in their service delivery work in the area of sustainable development. Through this work they, indirectly, perform a political role as well. This needs to be recognized more in the ToC. It is important to address the rigidity of the advocacy/service delivery dichotomy and the bias towards the former.

Second, in politically constrained environments, it is safer to engage the state and other CSOs around the concept of organizational space rather than political space, which is also more in line with the understanding CSOs themselves have of the constraints imposed upon them through restrictive laws, regulations and practices. In the interviews, some CSO staff did not see constraints that can be attributed to the restrictive laws, regulations and practices as strictly political, but more related to internal organizational issues (high staff turnover, poor management, demotivation), related to slow and burdensome administrative processes with the CSO Agency, or related to donor-related funding constraints (shifts in donor priorities, limited duration funding). Although such factors are all to some extent related to the deliberately imposed regulatory restrictions, ultimately these affect the entire organization first and the political space only in a second instance, as a derived impact. Currently, the concept of political space is extremely widely defined in the ToC and encompasses many of the concerns raised. However, our empirical findings suggest narrowing the definition of political space

and including organizational space as a separate concept might be worthwhile as it allows for focusing more on strengthening CSOs that are operating in an environment with nor or limited room for advocacy. CSOs with a robust organization are more resilient to regulatory restrictions imposed by the authorities and are much better positioned to look for creative ways to still perform their political role, for example while doing service delivery (as discussed above).

2. Policy recommendations

From the above findings, following policy recommendations can be drawn:

a. The Dutch Ministry of Foreign Affairs should support organizations attempting to do advocacy work through service delivery. This is still advocacy funding, but funding that recognizes that the service delivery/advocacy dichotomy is not always a useful or accurate one. This could be done by altering funding conditions to allow different kinds of approaches by CSOs. For example, funding for advocacy and policy-based work could be aligned with, or at least should not prohibit, service delivery activities. This could include on-the-ground advocacy or service-based advocacy. In addition, Northern CSOs that offer financial and/or non-financial support should also be sensitive to the overlap between different kinds of work and activities.

b. Holistic approaches should be preferred over issue-based funding to ensure the sustainability of organizations and their activities. Funding strategies should be guided by the principles of programme sustainability and be aligned with the interests and priorities of the targeted beneficiaries. Long-term commitments to sustainable development should not be compromised by ever-changing donor priorities. This means valuing existing capacity and not just strengthening new capacity. It is also important to recognize the role of sustainable development programmes in ensuring other rights and political goals. For example, work on food stability (which includes sound land and water management) can also address external and internal migration and displacement.

c. Organizations face enormous delays in establishing and registering new projects and programmes. Funding programmes not only need to accommodate these delays, but funders and Northern CSOs should also include support programmes and initiatives that facilitate CSOs struggling to meet the administrative and reporting demands of the state. Since registration is still a requirement under the new CSO law (and in fact all organisations are required to reregister) this kind of support remains crucial for new and under-capacitated CSOs.

d. The Ministry's efforts to create partnerships with Northern and Southern CSOs has already had positive impacts on CSOs operating in Ethiopia. The Ministry should continue to encourage and invest in these partnerships, but might also consider extending these partnerships to include businesses, investors and universities. Business has a significant role to play in advancing the role and wellbeing of CSOs, particularly in regard to sustainable development. The Ministry and Embassy should encourage or require Dutch businesses and investors to partner with CSOs and to demand the participation of CSOs, particularly in social and environmental impact assessments processes.

e. A number of critical issues arise in regard to Ethiopia's current transition from a repressive to a permissive regulatory environment:

   o While the law has changed significantly, the primary institution responsible for implementing the law – the Agency – has not. The Agency lacks legitimacy with CSOs and, more crucially, lacks the capacity and expertise to ensure proper implementation of the new law. Building capacity within the Agency and building relationships between CSOs

and Agency staff will be critical to realising the promise of the new law. Facilitating this training and the building of these relationships may be a key role for Funders and northern CSOs in the coming months and years.

o   Public perceptions of CSOs were radically harmed by the old law and government propaganda. Repairing the reputation of the CSO sector is essential both to ensuring a vibrant and effective CSO sector and to building up domestic sources of funding for CSOs. More information needs to be publicly distributed about the importance and value of CSO work. Since few CSOs have allocated budget for public relations work, this might be something built into future funding or facilitated by funders and northern CSOs.

o   The South African comparative case study reveals that in periods of transition, funder priorities change and organisations are sometimes unable to attract the funding they previously secured. Ensuring a stable and just transition for CSOs requires ongoing, long-term and secure funding for existing CSOs, but also the opportunity for new organisations to grow.

o   After years of state-led development and the exclusion of CSOs from policy-making, many of the CSOs we interviewed suggested that they should defer to the state in regard to development plans and policy. One of the impacts of the 2009 CSP is that state development plans and policies have not been adequately interrogated, investigated, monitored or critiqued by the CSO sector. In the face of growing social inequality and climate change, CSOs have a crucial role to play assessing state development plans, and demanding sustainable and just alternatives where needed. With their new political freedom, it is important that Ethiopian CSOs reach out to communities that were previously excluded from participating in environmental decision-making, and that CSOs interrogate and question Ethiopia's environmental and climate policies, practices and implementation failures. CSOs need to be encouraged to engage in environmental and development critique and activism, and, where necessary, should be provided with the training needed to engage with and represent communities in their advocacy work. After ten years of being sidelined, these are skills that may need to be redeveloped in the sector. A critical and representative CSO voice is crucial if Ethiopia's programme of rapid development is to be both socially just and environmentally sustainable.

3. Output

Academic publications

1) Townsend, D. & Broeckhoven, N. (2018). Rights and development: the cost of human rights in Ethiopia. Paper presented at the UDHR70 Conference, 14 December 2018, Leuven. Accepted for publication: Dina Townsend and Nicky Broeckhoven, 'Rights, Development and Sustainability: The Costs of Human Rights in Ethiopia' in Jan Wouters et al. (eds), *Can we still afford human rights? Critical reflections at the occasion of the 70th birthday of the UDHR* (Edward Elgar Publishing, forthcoming).
2) Gidey, D., Tafere, K. (2019), Combatting Desertification through Soil and Water Conservation and Environmental Rehabilitation Measures: Experiences from the Tigray Region, Ethiopia, *International Yearbook of Soil Law and Policy* (forthcoming)
3) Townsend D. (2019). The Limits of 'Good Law': Civil Society Regulation in South Africa and Ethiopia, *Journal of African Law* (under review)
4) Broeckhoven, N., Gidey, D., Tafere, K., Townsend, D., Verschuuren, J. (2019). *Sustainable development CSOs under pressure: impacts and responses. The case of Ethiopia*, Journal of Environment and Development (submitted)

5) Broeckhoven, N., Townsend, D. (2019). Assessing domestic civil society laws against international human rights: The Ethiopian example (ready for submission to intl human rights law journal, October 2019)
6) Townsend, D., Broeckhoven, N. (2019). Civil society regulation and political change in Ethiopia (ready for submission to civil society journal, October 2019)
7) Three master theses by the three master students involved in the project (Mekelle University, 2019):
    - Yemesrach Belay: The Role of Environmental CSOs in Sustainable Watershed Governance in Ethiopia: Case Study in Ankober Woreda (LL.M Thesis submitted and successful defended on 6 October 2019)
    - Dursitu Beriso: The Role of Stakeholders in Sustainable in Sustainable Artisanal Gold Mining   in Ethiopia: The Case of Shakiso (LL.M Thesis submitted and successful defended on 6 October 2019)
    - Zeray Gebrewahd: CSOs in Sustainable Land Governance in Tigray (Thesis yet to be completed and submitted. He requested for extension because of health problems).

Project publications

8) Broeckhoven, N., Gidey, D., Townsend, D., Verschuuren, J. (2018). Reopening political space for CSOs under pressure: the case of Ethiopia's sustainable development CSOs. Law and literature review, April 2018, 104 pp.
9) Verschuuren, J. (2018). CSOs in sustainable development in Ethiopia. Summary literature review. Two pager, May 2018. http://includeplatform.net/downloads/summary-literature-review-csos-sustainable-development-ethiopia/
10) Verschuuren, J. (2018). CSOs in sustainable development in Ethiopia. Presentation at 'New roles of CSOs for inclusive development: knowledge sharing workshop: results from literature review', 17 May 2018, Leiden
11) Townsend, D. & Broeckhoven N. (2018). Supporting local civil society organizations in Ethiopia. Tilburg University environmental law blog post, 5 October 2018 https://blog.uvt.nl/environmentallaw/?p=338 and Assumptions blog post, 14 November 2018 http://includeplatform.net/supporting-local-civil-society-organisations-ethiopia/
12) Broeckhoven, N., Townsend, D., Impact of Single Issue Funding on Sustainable Development CSOs, Tilburg University environmental law blog post, 11 December 2018 https://blog.uvt.nl/environmentallaw/?p=384
13) Verschuuren, J. (2019). CSOs in Sustainable Development in Ethiopia. Presentation at Assumptions Expert Meeting, 10 January 2019, The Hague.
14) Broeckhoven, N. (2019). CSOs in Sustainable Development in Ethiopia. Presentation at Dialogue and Dissent Linking and Learning meeting Ministry of Foreign Affairs, 7 February 2019, The Hague.
15) Townsend, D. (2019). Ethiopia's new civil society law. Tilburg University environmental law blog post, 5 March 2019 https://blog.uvt.nl/environmentallaw/?p=389 and Assumptions blog post, 11 March 2019 https://includeplatform.net/ethiopias-new-civil-society-law/
16) Verschuuren, J. (2019). Interim findings: CSOs in sustainable development in Ethiopia. Two pager, April 2019. https://includeplatform.net/downloads/interim-findings-csos-in-sustainable-development-in-ethiopia/
17) Gidey, D. (2019). Presentation & discussion on Ethiopian Law – focus on the 2009 Proclamation. Mekelle University, 26 May 2019, Mekelle.
18) Zbelo H/slassie, Gebreamlak Yeabyo (2019). Proceedings of the national workshop on CSOs in Sustainable Development in Ethiopia, 26-27 May 2019, Mekelle, Ethiopia, Forum For Environment, Addis Ababa, 38 pages.

19) Verschuuren, J. (2019). CSOs in sustainable development in Ethiopia. Short presentation on findings at Final Conference, 18 October 2019, The Hague

4. Analytical framework

The schematic of our analytical framework remains accurate. Through our Ethiopian case study we have shown that the acknowledgement of fundamental rights in domestic constitutional and international human rights law does not necessarily mean that CSOs are free to exercise their political rights, as these rights can be limited through specific legal instruments aimed at increasing legitimacy of CSOs. When adopted, such restrictive laws impact on CSOs directly through imposing financial and administrative constraints and through making direct political involvement impossible. In addition, the debate leading to the adoption of the restrictive laws impacts the legitimacy of CSOs.

CSOs have responded, as we expected, by limiting or stopping their advocacy activities, and many had to lay off staff and reduce their activities, or even shut down altogether. Furthermore, CSOs emphasized their service delivery role and also were able to continue to do some advocacy work through service delivery activities. The relationship between CSOs and State organs, even in a restrictive environment, remains nuanced. Despite the restrictions, many CSOs managed to retain good working relationships with individual government officials at various levels.

Our findings have two important implications for northern donors and governments. These should value the broader relevance, also in a political context, of service delivery work by CSO, especially in the domain of sustainable development. CSOs in the least developed countries are helped best by sustained financial and organizational support so that a stable environment is created within which they can keep on doing their work even in a situation of decreasing civic space. Such an approach makes them more resilient to external shocks and stresses caused by changing political conditions.

13