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Restrictions and Reforms: INGOs in Ethiopian Civil Society

Shanahan, Lucy

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Restrictions and Reforms: INGOs in Ethiopian Civil Society

Research Question: How has the participation of humanitarian and development INGOs in Ethiopian civil society been impacted by the 2009 Charities and Societies Proclamation and 2019 Organizations of Civil Societies Proclamation?

Lucy Shanahan

Thesis Supervisor - Dr Andrea Warnecke

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List of abbreviations

ANPPCAN - Association for Nationwide Action for the Prevention of and Protection against
Child Abuse and Neglect

AU - African Union

CSA - Charities and Societies Agency

CSO - Civil Society Organisation

CSOP - Organizations of Civil Societies Proclamation

CSP - Charities and Societies Proclamation

DRR - Disaster Risk Reduction

EPRDF - Ethiopian People's Revolutionary Democratic Front

INGO - International Non-governmental Organisation

NGO - Non-governmental Organisation

SDGs - Sustainable Development Goals

TPLF - Tigray People's Liberation Front

Introduction

In October 2008, the Ethiopian government released a draft legislation to regulate the activities of all non-governmental organisations (NGOs) and civil society organisations (CSOs) working in the country. The government argued that this law intended to increase the transparency and accountability of such organisations. What instead became clear was that this new law targeted those NGOs whose work and operations challenged government authority (Human Rights Watch 2008b). This assault on civil society and the abandonment of the human rights obligations, which Ethiopia is tied to both within their own constitution and within international law, was met with uproar from advocacy groups, CSOs and both domestic and international NGOs. These protests came to little avail, and in February 2009, the Ethiopian parliament passed the Charities and Societies Proclamation (CSP) into law.

The Charities and Societies Proclamation came into effect on 13 February 2009. The CSP has largely been analysed through its impact on national NGOs, but the Proclamation was applicable to any charities or societies conducting work in Ethiopia, including “international or foreign organizations” (CSP, sec. 1.3). The CSP provided a list of what the government considered to be ‘charitable purposes’ for which organisations needed to seek registration; this list included the ‘prevention of poverty’ and ‘advancement of social development’ (fields which are dominated by INGOs) but also the ‘advancement of human and democratic rights’ and ‘promotion of equality’ (CSP, sec. 3.14). The 2009 CSP impacted organisations working on all levels of Ethiopian civil society and its restrictions were applicable to all NGOs and CSOs, including INGOs. The regulations laid out in the Charities and Societies Proclamation remained in place for ten years until its replacement legislation, the Organizations of Civil Societies Proclamation (CSOP), was introduced in March 2019. The new CSOP promised to address the ‘shortcomings’ of its predecessor and give “full effect to the freedom of association” (CSOP, 1). Whilst the 2019 CSOP has maintained some restrictions on civil society, such as the regulatory position of the Agency and blocking INGOs from working on political lobbying, it was largely welcomed as a necessary repeal of the far more restrictive 2009 law.

The term ‘NGO’ is sometimes contested and as such these organisations can be “subsumed within a broader category of CSOs” (UNDP 2013, 123). ‘Civil society organisations’ cover a much broader set of actors, which encompasses any organisations which “pursue shared interests in the public domain” (UNDP 2013, 123). INGOs can however be identified as a distinct category because of their coordination of activities at a global level. The CSP rapidly transformed Ethiopian civil society. However, the impact was not equal across all organisations as some INGOs were not excluded from civil society in the same way as local NGOs. Between 2009 and 2011, the number of local NGOs registered as operating in Ethiopia dropped from 2275 to 1701. However, the number of INGOs only dropped from 266 to 262, highlighting that INGOs were able to adapt to respond to the shrinking of Ethiopian civil society (Dupuy *et al* 2015, 432). This thesis will investigate how international NGOs have responded to the 2009 CSP and 2019 CSOP to remain active in Ethiopian civil society and will demonstrate the significance of INGO adaptation in responding to changing legislation. The research will focus on reports from Oxfam and Save the Children as their humanitarian and development operations are dependent on being able to conduct work within Ethiopia, whilst advocacy INGOs can operate outside national borders.

Literature Review

This literature review situates the research for this thesis within three central themes: changing legislation in Ethiopian civil society; the adaptability and resilience of INGOs; and shrinking political and civic space. The first two themes introduce civil society and INGOs in Ethiopia, whilst the third provides a more general overview of the existing literature on civil society and civic space. In conducting this research, there is extensive available literature on the participation of NGOs in civil society and the impact of civil society laws. As a result, this thesis was able to identify a gap in the literature about how the participation of INGOs in Ethiopia has been impacted by both the 2009 CSP and the 2019 CSOP.

The changing legislation in Ethiopian civil society.

The changing legislation regulating Ethiopian civil society is the central focus of this thesis because it is representative of wider attempts to close civic and political space globally. Restrictions on civil society have become a concerning global phenomenon, and the example of the 2009 CSP in Ethiopia was one of the earliest and most restrictive policies adopted by any nation (Musila 2019). This research was able to identify two key factors within the existing literature which impact the participation of INGOs in civil society: restrictions on funding and constraints on advocacy.

Restrictions on funding has been identified by international relations scholars as one of the most common ways in which legislation targets NGO work; restricting foreign funding for certain organisations was first adopted in Russia, but this approach was soon replicated by other countries, such as Zimbabwe, India, and, most importantly for this thesis, Ethiopia (Green 2016, 118). For the case study of Ethiopia, Dupuy *et al* offer the most comprehensive assessment of these funding restrictions and highlight how the government utilised a discourse of NGOs being “foreign agents” if they received international funding; this allowed them to target those with a more liberal agenda and who were therefore unlikely to be receiving domestic funding (Dupuy *et al* 2015, 419). Conversely, they identify that, despite the targeted foreign-funding restrictions, INGOs “largely survived” in the aftermath of this new legislation (Dupuy *et al* 2015, 431). This observation led to a shift in focus for this thesis as it highlighted that not all organisations were impacted in the same way by the CSP. INGOs represented a crucial civil society group that was able to continue operations in Ethiopia, a discourse that has not been discussed extensively in academic circles. This was a fundamental discovery as, in consideration of the Ethiopian government’s attempts to remove foreign influence from civil society, it offered the opportunity to assess the impact of the CSP on INGOs, rather than on local NGOs where much of the academic focus has been placed.

Brechenmacher highlights that the 2009 CSP was distinctive in that it separated rights advocacy and development work, resulting in foreign-funded human rights organisations being specifically targeted (Brechenmacher 2017, 79). Advocacy NGOs were massively impacted by the CSP and, due to the extremity of the legislation, struggled to adapt their strategies to ensure their work complied with the government crackdown. This argument is supported by the findings of Mulat

et al, who argue that restrictions on advocacy work was one of the most “damaging” provisions of the CSP (Mulat *et al* 2009, 4), lending credibility to the argument that advocacy NGOs and service provision NGOs were treated as separate entities under civil society legislation in Ethiopia. This need for adaptation provides an insight into how INGOs have had to modify how they operate within the scope of government acceptance and are reliant on the government to enable them to operate.

This evidence on the impact of restrictive legislation on Ethiopian civil society provides this thesis with two crucial observations about how the Ethiopian government chose to regulate NGO activity. The first observation is that restrictions on foreign funding is a deliberate tactic utilised globally to limit civil society and Dupuy *et al* (2015) put forth a compelling argument for how these restrictions target organisations who are unable to access domestic funding. The second observation is that the impact of legislation is experienced differently by various actors and the effects of civil society laws are often most damaging to advocacy organisations. This idea that organisations are affected differently plays a central role in this thesis as it aims to address how INGOs were impacted by new legislation, as opposed to focusing on the domestic NGOs that are more discussed in the literature (Dupuy *et al* 2015, Popplewell 2018). A study of the relationship between changing legislation and INGOs will provide a new commentary on how ‘shrinking space’ affected social and development projects in Ethiopia over the past fifteen years.

Adaptability and resilience of NGOs

Not all INGOs were excluded from Ethiopian civil society following the 2009 CSP, as those who could adapt their practices to meet the government’s approval were able to ensure their survival. The literature demonstrates that there are multiple strategies which NGOs can employ as they try to adapt their work in response to restrictive legislation. Popplewell (2018), Musila (2019), and Dupuy *et al* (2021) all emphasise the importance of NGOs being able to claim legitimacy in their work, both for gaining support from the government and from the public. Popplewell, utilising the case study of Burundi, emphasises the creation of strong organisational legitimacy in the face of government restrictions to allow NGOs to remain significant in the eyes of a regime which challenges their work and aims (Popplewell 2018). This creation of legitimacy is a crucial aspect

of NGO responses to new regulations, as registration within a country provides legitimacy to the actions of these organisations, both from the perspective of the government and the general population (Lupin 2022, 240). The academic literature on this topic primarily focuses on the registration attempts of local NGOs in Ethiopia, who were more likely to receive rejections of their applications. This led to an additional theme being identified for this thesis, now focusing on addressing how and why international NGOs adapted their practices to successfully register under the new regulations.

The theme of NGO-government relations has long been a feature in academic literature on civil society. Bratton discusses how “selective collaboration” between NGOs and the government can create a dialogue on policy issues and sustains that NGOs can ‘surrender’ some of their autonomy to achieve their aims (Bratton 1989, 582). This strategy of ‘selective collaboration’ provided a new dimension of research for this thesis to examine how this strategy has been utilised in shrinking civic spaces. NGO-government relations play a crucial role in the ability of INGOs to adapt to new legislation in Ethiopia and this has already been highlighted by scholars who have drawn attention to the use of a collaboration strategy. Dupuy *et al*, using the case study of Ethiopia, presents the relationship between INGOs and the government as a key strategy to ensure the survival of INGO work, displaying how collaboration with the government has become part of INGOs’ agendas (Dupuy *et al* 2021, 8). This thesis will add to the assessment of INGO-government relations provided by this article and further develop how collaboration can facilitate INGO operations and projects.

Moreover, Lian and Murdie’s article draws together two central themes of this thesis’ research: closing civic space and NGO-government relations. They provide three possible responses that NGOs can adopt in closing civic spaces: exit the country and cease their operations; voice their displeasure about restrictions; or remain, with a “strategy of loyalty” (Lian and Murdie 2023, 1). This idea of ‘loyalty’ reflects both Bratton (1989) and Dupuy *et al*’s (2021) findings on the use of collaboration with the government as an established strategy used by NGOs. However, Lian and Murdie’s research goes further to assess the relationship between restrictions on civil society and collaboration with the government, producing a credible conclusion that NGOs adopt a more cooperative stance in spaces where their work is most restricted (Lian and Murdie 2023, 2). This

finding provided a seminal cornerstone for this thesis as it indicated that collaboration with the government can enable INGO operations in even the most restricted environments. This ‘cooperative’ nature of the interactions between NGOs and governments described by Lian and Murdie (2023) will be observed in this thesis, utilising the case study of development and humanitarian INGOs in Ethiopia.

‘Selective collaboration’ with the government has been chosen for this thesis as the primary strategy to be assessed in the context of Ethiopia, as the CSP and its extensive regulations left civil society actors very vulnerable to state control. The academic literature on this topic provides clear insights into NGO-government relations but it is notable that there is little focus on INGO-government relations and, as such, this thesis will address this gap. Research on this theme contributes to this thesis’ aims as it proves that INGOs used adaptation strategies to maintain their operations in Ethiopia, supported by the existing research by Dupuy *et al* (2021), and provides a visible strategy which can be identified in INGO literature.

Shrinking political and civic space.

The CSP was enacted as part of a series of restrictions imposed by the Ethiopian government who perceived the influence of civil society as a threat to their hold on power. ‘Civil society’ and ‘civic space’ are vague terms with no fixed definition, as some consider civil society actors to only include established non-state organisations, whilst others would include activists and community groups (Transnational Institute 2017, 6). Although ‘civic space’ may have varied definitions, it has been declared by numerous scholars that the opportunities and freedoms of civil society are ‘shrinking’. Smidt (2018) argues that governments close civic space to silence opposition, whilst Hossain *et al* (2018) reinforces this argument by highlighting that closing civic space weakens the protection of political and civil rights.

This thesis draws upon the framework on ‘shrinking space’ set forth by the Dutch advocacy think tank, the Transnational Institute (2017). This framework defines ‘shrinking space’ as the relationship between the repressive methods utilised by governments and the political struggle of those attempting to respond to these restrictions (Transnational Institute 2017, 23). One of the

trends identified in the restriction of civil society is the concept of ‘philanthropic protectionism’, in which governments strive to constrain CSOs from receiving foreign funding (Transnational Institute 2017, 3). This ties in closely with the findings discussed above on how legislation targets foreign funding, demonstrating a clear link between the shrinking space phenomenon and the introduction of legislation in Ethiopia. The relationship between INGOs and the government is also drawn upon in the literature on civic space, as academic work assesses how these interactions inform efforts to restrict civil society. NGOs and governments have a complex relationship driven by a struggle to claim legitimacy; according to Heiss, NGOs and their work can challenge the legitimacy of governments, but they are still permitted to work (albeit under heavy restrictions) if their operations can benefit the government (Heiss 2019, 560). INGOs strive to work within this balance created by the Ethiopian government and have cooperated with the authorities to legitimise themselves and continue their operations.

The concept that global freedoms for civil society is in decline has been sustained in numerous sources from advocacy groups, think tanks and academics. However, the introduction of the 2019 CSOP as a more lenient civil society law for Ethiopia provides a counterpoint to this global trend. Lupin highlights that this approach from the Ethiopian government was a move away from “exclusive state control towards greater self-regulation” (Lupin 2022, 247). This repeal of restrictions on funding and advocacy presents a direct challenge to the shrinking space phenomenon and this thesis will draw upon the new legislation as an example of how civic space globally may be ‘changing’ rather than simply ‘shrinking’ (Hossain *et al* 2018, 7). As the CSOP is a far more recent piece of legislation, it is less discussed in academic literature, but current assessments from scholars such as Lupin (2022) and Dessie and Breuning (2021) agree that the new legislation is a marked improvement from the 2009 law.

The research conducted on civic space demonstrates that many countries have witnessed a decline in the liberties and freedoms of civil society over the past two decades. The concept of ‘shrinking space’ is crucial for this thesis as it provides a perspective through which to assess the impact of Ethiopian legislation on civil society actors. This thesis will build on, and to some extent challenge, the concept of ‘shrinking space’, as the decision within Ethiopia to rescind

restrictive laws and create a more enabling environment demonstrates that civic space may not be ‘shrinking’ globally, but rather ‘changing’.

Conclusion

This literature review has identified several central focuses for this thesis. These themes are: the intended impacts of civil society laws; INGO-government collaboration; and the shrinking and changing of civic space. The research for this thesis builds upon current debates on ‘shrinking space’ and questions the extent to which this concept can be applied to Ethiopian civil society from 2009 up to recent years. This thesis will address gaps in the current literature on Ethiopian civil society by maintaining a focus on INGO operations and examining the applicability of the concept of shrinking civic space in Ethiopia under the new CSOP law.

Research design and conceptual framework

In the initial stages of research for this thesis, restrictions on NGO work globally surfaced as a theme which was being increasingly discussed in academic literature and called attention to the threat of closing civic space and its international implications (Smidt 2018; Popplewell 2018). This thesis will test the concept of ‘shrinking space’ in civil society, utilising the definitions set forth by the Transnational Institute (2017), by assessing the extent that it can be applied to the case study of Ethiopia.

As identified in the literature review, the shrinking of civic space is most evident in the actions of national governments and the introduction of new legislation, with dozens of nations witnessing the introduction of civil society laws. To examine the impact of ‘shrinking space’ on the involvement of international NGOs in civil society, this thesis has chosen to utilise Ethiopia as a case study, with a particular focus on the 2009 CSP and 2019 CSOP. Ethiopia has become a central example of the “Closing Space phenomenon” (Birru and Wolff 2019, 832), with the 2009 CSP being viewed as a progenitor to other anti-NGO laws across Africa (Musila 2019). However, its recent repeal and replacement with the 2019 CSOP challenges this narrative and provides an interesting contrast to the idea of ‘shrinking’ civic space. The 2009 CSP and the resultant crackdown on the activities of NGOs working in Ethiopia crippled many national

NGOs, but also served to exclude the work of INGOs. This thesis thus will focus on the strategies of INGOs working in Ethiopia and how they have adapted to legislation that impacts their funding and operations. Part of the reason why this thesis will focus on INGOs is due to the extensive information available about their operations, due to the accessibility of annual reports and publications. However, the primary focus is on INGOs to address a gap in the current literature on Ethiopian civil society, which mainly comprises discussions on the impact on local CSOs rather than international organisations.

Additional research revealed that there was a clear distinction between the impact of restrictive legislation on advocacy versus service provision INGOs. As highlighted in the literature review, the 2009 CSP was distinctive in that it separated rights advocacy and development work (Brechenmacher 2017, 79). This thesis will therefore focus on the strategies adopted by service provision INGOs, particularly those who offer development and humanitarian aid, in the years surrounding the CSP and the CSOP. The continuation of the work of humanitarian INGOs allows a clear analysis of changing strategies in response to the 2009 CSP, whilst an evaluation of their current activities establishes an insight into how the lifting of these restrictions has altered their approach. Anheier *et al* (2001) highlight that some people identify ‘civil society’ most closely with the work of humanitarian organisations. Humanitarian INGOs prove an interesting focal point for this thesis as, even though they are less likely to be directly targeted by civil society laws, they do not have the option to work from outside the country and their work is dependent on the government’s perception of their activities. Humanitarian and development INGOs can be perceived as either ‘supporting’ or ‘undermining’ the national government and the way they frame their work is crucial to the progression of their operations (Lian and Murdie 2023, 4).

Methods

This thesis will assess how INGOs adapted their strategies to respond to shrinking civic space in Ethiopia. The literature review provided several examples on how to measure ‘shrinking space’ in civil society, through quantitative assessments of changes to funding and tax laws (Bloodgood *et al* 2013), as well as through qualitative methods that assess organisations’ own perceptions of their legitimacy (Popplewell 2018). In contrast to the quantitative approach used by Dupuy *et al*

(2015) in their research on the impact of Ethiopian legislation on foreign-funded NGOs, this thesis will adopt a qualitative approach. A qualitative analysis will enable an understanding of how INGOs changed their work and the reasoning behind these decisions, whilst a quantitative analysis would only reveal whether INGOs continued to operate post-2009.

In the early stages of research for this thesis, several INGOs operating across Ethiopia were identified as potential case studies, including ActionAid and World Vision. Following an assessment of the available literature and suitability of these INGOs, this thesis has chosen to focus on the publications of two of the largest development organisations operating in Ethiopia: Oxfam and Save the Children. These two organisations have been selected as they work in multiple regions across Ethiopia and have both been operational in the country for over fifty years, and thus were well-established in Ethiopia when the CSP was first enacted. Whilst both INGOs have a development and humanitarian purpose, they have different operational focuses, as Save the Children addresses child protection and Oxfam aims to tackle poverty; this enables this thesis to draw wider conclusions about the changes to operational strategies adopted by INGOs with various aims, rather than having a narrow focus on just one policy area. Both INGOs publish extensive reports and briefings about their work and, as such, there was a plethora of sources that were available for analysis. Whilst these documents often lack an overt explanation of the motivations behind strategy changes, when analysed alongside other documents, INGO publications provide a clear insight into adaptation in shrinking civic space. Through an assessment of these sources and drawing on the academic literature on this topic, this thesis has chosen to focus on how INGOs in Ethiopia have adopted the strategy of ‘selective collaboration’ with the government to facilitate their operations. This analysis of a specific strategy narrowed the applicability of many sources for this thesis’ research focus and this thesis will therefore utilise briefing reports from both INGOs which directly reference their work with the Ethiopian government in the implementation of their policies. For the analysis of the impact of the 2009 CSP, these documents are drawn across several years following the law to assess how INGOs continued their operations in shrinking civic space. However, because the CSOP is such a recent piece of legislation, the discourse analysis of the impact of this legislation focuses on immediate responses and draws on the INGO literature published within three years of the

new law; this is to allow the analysis of INGO documents to be supported by academic findings and other contemporary reports.

To assess how and if INGOs adopted this strategy for their work in Ethiopia, this thesis will employ a critical discourse analysis (CDA), following the model framework set out by Fairclough (1989). Fairclough sets forth a three-dimensional framework that is necessary for CDA: textual analysis; interaction; and contextual analysis (Fairclough 1989, 109). The analysis for this thesis will adopt this three-step approach to address the research question: the textual analysis will observe the strategies of INGOs; the production and distribution of the sources will reveal how this informs their relationship with the Ethiopian government; and the contextual analysis will present what this implies about the wider trend of ‘shrinking space’. Fairclough (1989) draws upon ideas of power in his creation of a model for CDA and the use of this method will allow this thesis to assess the unequal power structures between civil society and the state. An analysis of the discourse of INGOs reveals the centrality of government power in driving the ‘closing space phenomenon’, but INGOs also are able to assert power over the government to an extent, through the provision of essential aid and services. Both the government and INGOs are “strategic actors” with their own motivations and need to be assessed as such (Lian and Murdie 2023, 6). Utilising a CDA also allows this thesis to draw upon the wider societal context behind the selected INGO documents being analysed. As INGO documents are created for very specific purposes for a wide audience of governments, donors and the general public, their discourse only presents a partial explanation of the impact of shrinking civic space on their activities. Reconciling these documents with other contemporary reports through CDA will create a comprehensive understanding of the context in which these documents were produced. The evaluation of INGO work in shrinking civic spaces is a relatively new focus of academic study and the definitions of ‘civic space’ and ‘civil society’ remain contested. Whilst CDA can lead to potentially subjective interpretations, in this context the approach will allow this thesis to assess how INGOs perceive these concepts and how they choose to adapt, which would be more difficult to achieve with a quantitative approach.

Chapter 1 – The impact of the 2009 Charities and Societies Proclamation

Over the past two decades, the increased number of anti-NGO laws have resulted in the shrinking of civil society and political space in countries across the globe, often linked to the examples of restrictive legislation in Russia and China (Heiss 2019, 557). Through the passing of the Charities and Societies Proclamation (CSP) in 2009, Ethiopia became a prominent example of such restrictions, and the following decade came to exemplify how many NGOs struggle to maintain their operations in a nation that is hostile to their work. This chapter will firstly explain the background and events leading up to the passing of the CSP in Ethiopia and the provisions of the new law. Moreover, to assess how ‘shrinking civic space’ has impacted INGO operations in Ethiopia and the strategies they have adopted in response, this chapter presents a critical discourse analysis of Oxfam and Save the Children’s publications following the enactment of the 2009 CSP.

Contextual background of the 2009 CSP

In the aftermath of the 1983-1985 famine, there were uprisings against the Derg regime in Ethiopia, during which time the Tigray People’s Liberation Front (TPLF) emerged from a rebel movement to a strong political party in the northern region of Tigray. In order to ensure that it could govern Ethiopia’s diverse population, the TPLF merged with several other opposition movements, leading to the formation of the Ethiopian People’s Revolutionary Democratic Front (EPRDF) as a four-party coalition in 1989, taking power in 1991. The new leadership in Ethiopia established a system of ethno-federalism, which aimed to guarantee ethnic and regional autonomy whilst still allowing the state to act as one political unit (Habtu 2003, 2). Despite Ethiopia being a centralised state, the ethno-federalism structure meant there were tensions between regional ethnic parties as they attempted to consolidate their power and authority within their own region (Lyons 2021, 1054). The TPLF had more experience in leadership than other parties in the coalition and was able to remain the most politically dominant group in Ethiopia for over two decades, as other regional authorities comparatively lacked cohesion (Lyons 2021, 1054).

The EPRDF remained suspicious of the work of NGOs and CSOs and the opening of civic space saw slow progress, but the need for aid following the end of the Eritrean War meant that assistance from such organisations became imperative (Roberts 2019, 16). As a result of this opening of civic space, political opposition also expanded as new political parties formed, creating greater debate on economic and social issues within Ethiopia (Roberts 2019, 14). Whilst NGO involvement in Ethiopian civil society expanded in this period, civic and political space in the nation remained very much vulnerable to state control (Brechenmacher 2017, 67). The 2005 elections represented a turning point for Ethiopian civil society and became a catalyst for the anti-NGO measures which would culminate in the repressive CSP just a few years later. The 2005 elections marked the first time since the EPRDF came to power that the ruling party allowed opposition parties to campaign in national elections. However, the EPRDF did not expect the extent of success that opposition powers had in gaining seats and were surprised by the “unprecedented displays of political competition” (Brechenmacher 2017, 67). The EPRDF lost much of its support and utilised authoritarian measures to remain in power. The government decided to bolster their own legislative powers, defending their actions by claiming that it was foreign actors and foreign funding that had caused the protests; these claims marked the beginning of sustained attacks on the access of INGOs to Ethiopian civil society.

Even prior to the introduction of the CSP, many CSOs within Ethiopia faced obstructions from the government in their participation in civil society. This hostile attitude towards NGO work was mainly targeted at human rights and foreign NGOs. Foreign NGOs were viewed with suspicion by government authorities who felt these international organisations were operating to enforce their own political agenda (Mulat *et al* 2009, 4-5). Whilst these obstructions to civil society were worrying, the CSP went further to cement the legitimacy of government repression tactics into law, making the refusal of NGO work possible on a larger and more systematic scale. The draft law for what would eventually become the CSP was first introduced in May 2008 and was met immediately with alarm both within Ethiopia and from international actors. Advocacy and rights organisations were amongst the most vocal in their criticism of the provisions proposed, with Human Rights Watch describing the legislation as “a potent tool to intimidate and weaken Ethiopia’s long-beleaguered civil society” (Human Rights Watch 2008a). The concerns expressed about the provisions of the draft legislation had little impact on the decisions made by

the Ethiopian government and, on 13 February 2009, the Charities and Societies Proclamation was passed into law.

The provisions of the 2009 Proclamation.

From the perspective of the Ethiopian government, the Charities and Societies Proclamation aimed to regulate NGO and CSO activity and commit to the ‘expansion of democratic norms’, as the government viewed the activities of advocacy groups in the country as threats to democratisation and security (Birru and Wolff 2019, 840). The CSP aimed to transform Ethiopian “civil society into a service sector” (Lupin 2022, 236) by utilising new registration regulations to effectively block any organisations wishing to address human rights or conflict resolution from operating in Ethiopia.

The Proclamation was applicable to all charities and societies working within Ethiopia. The 2009 CSP classified NGOs into three categories: ‘Ethiopian charities’ (those with Ethiopian citizen members with over ninety percent of funding being provided by local sources); ‘Ethiopian resident charities’ (those with Ethiopian citizen members but receive over ten percent of funding from foreign sources); and ‘Foreign charities and societies’ (those formed until foreign laws, with an international staff and substantial foreign funding) (CSP, sec. 1.2). The Proclamation provided a list of ‘charitable purposes’ for which charities and societies could be regulated; the most significant of these were the “advancement of human and democratic rights” and “promotion of equality” (CSP, sec. 3.14.2), as both Ethiopian resident and foreign charities were barred from working on these issues. This not only impacted local NGOs who worked on human rights issues, but any organisations which adopted a rights-based approach to their work. A rights-based approach to development first emerged as a new development paradigm among INGOs in the 1990s, when work on human rights and development began to merge; this new approach involved ensuring the participation of local populations in the creation of projects, addressing discrimination against marginalised groups, and engaging in advocacy to support the human rights of the most vulnerable (Kindornay *et al* 2012, 476). Oxfam was one of the first INGOs to confirm their adoption of this approach, with Save the Children following just a few

years later, confirming the intentions of both INGOs to include consideration of human rights in their development projects (Kindornay *et al* 2012, 481).

The CSP also provided sweeping powers to the Charities and Societies Agency (CSA), a new regulatory body appointed by the government and accountable to the Ministry of Justice, which was bestowed with unprecedented responsibilities for the registering of NGOs. The Agency was given the power to “license, register and supervise” charities under the Proclamation as well as the ability to determine the specific application of the provisions of the CSP (CSP, sec. 2.6.1). Aspects of the CSA’s work were ambiguous in the CSP, such as being given the opportunity to “determine the details of charitable purposes” (CSP, sec. 3.14.4), and this ambiguity provided the Agency with sweeping powers over who could participate in Ethiopian civil society; one of the most worrying powers was the Agency’s right to use security forces to conduct surveillance activities on NGOs (Human Rights Watch 2008b).

The CSP treated rights advocacy as a distinct group compared to aid organisations, meaning that those who continued with strong advocacy efforts around human rights were effectively excluded from Ethiopian civil society post-2009 (Brechenmacher 2017, 79). For those hoping to survive Ethiopia’s crackdown on civil society, a change in advocacy strategy had to be prioritised. This is particularly the case for INGOs as the Proclamation stated that its provisions may not be applicable to international organisations “operating in Ethiopia by virtue of an agreement with the Government” (CSP, sec. 1.3.2b). INGO collaboration with the Ethiopian government could thus allow the continuation of their operations if they chose to work in line with government policies.

Discourse analysis

INGOs were less directly impacted by the 2009 CSP compared to domestic NGOs and as such a discussion of the impact of this legislation on INGO work has been underrepresented in the literature. However, the Ethiopian government’s decision to target foreign funding in civil society undoubtedly shaped the strategies and aims of INGOs who wished to operate in the country. This critical discourse analysis will investigate publications by Save the Children and

Oxfam post-2009 to create an understanding of how these documents can provide an insight into the impact of the CSP on INGOs and how this proves the applicability of the concept of ‘shrinking space’ to Ethiopia in the years following the law.

Save the Children:

Published in December 2009, the report ‘The New Charities and Societies Proclamation and its Impact on the Operation of Save the Children Sweden-Ethiopia’ provides one of the only insights from a large development INGO in Ethiopia about the potential impacts of the CSP on their operations (Geset and Save the Children 2009). Save the Children Sweden identifies the principal areas of its work in Ethiopia as: child protection, education, child rights, and civil society (Geset and Save the Children 2009, 3). The report aims to provide a reaction to the provisions of the CSP and form a strategic plan which allows the adaptation of Save the Children’s operations so they can continue to work in Ethiopia. There are two key issues which Save the Children acknowledges the CSP will create for their participation in civil society: prevention of rights work and decline of relations with local CSO networks.

The operational capacity of Save the Children and its attempts at adaptation takes the forefront position in this report, as the continuation of operations is prioritised above all other concerns. This report provides one of the most comprehensive contemporary assessments of how INGOs could adapt to the CSP. Save the Children highlights those activities which “should be handled with due care”, those which “may no longer be viable”, and those which “should be withdrawn” (Geset and Save the Children 2009, 13-14). Even though the INGO is recognising that some central aspects of its work, such as the promotion of children’s rights, must be changed or abandoned to fit with the new restrictions from the CSP, the report only addresses these issues introspectively, analysing how its own work proves a challenge to the Proclamation as opposed to vice versa. The report specifically recommends that Save the Children should ‘reform’ their own activities to fit within a ‘non-rights based’ framework (Geset and Save the Children 2009, 34). This supports the conclusions given in academic literature (Brechenmacher 2017; Mulat *et al* 2009) that service provision INGOs prioritised the continuation of their work in Ethiopia, even if this resulted in the withdrawal of some activities. As part of this move away from a

rights-based approach, the report states that services should be “extensively designed in line with the government’s sectoral development policies, programmes and strategies” (Geset and Save the Children 2009, 13). This demonstrates a recognisable move towards INGO-government cooperation as a strategy to continue to implement as many projects and programmes as possible under the CSP.

As Save the Children draws attention to its own potential strategy changes, it also explores the impact of the legislation on its local partners and the ability of these domestic NGOs to adapt. This report highlights how the INGO collaborated with smaller organisations prior to the 2009 CSP to carry out their work. Before 2009, Save the Children worked closely with partner NGO, ANPPCAN, in the promotion, monitoring, and reporting of children’s rights. This report details how ANPPCAN decided to register with the CSA as an ‘Ethiopian Resident’ charity and thus was excluded from conducting work on children’s rights, effectively cutting off Save the Children’s own work on such issues (Geset and Save the Children 2009, 22). The report highlights that the restrictions the CSP imposed on Save the Children’s local partners left the opportunity for collaboration ‘limited’, with any work within the “prohibited acts for foreign charities” being completely removed from Save the Children’s cooperation with these local actors (Geset and Save the Children 2009, 28).

Save the Children provides one of the only reports by a development INGO on the impact of the CSP on its operations, providing an indication of the attitudes of the international development sector to the legislation. Many development and humanitarian INGOs chose not to critique the new law, which could have led to a rejection of their registration with the CSA, as the maintenance of operations in Ethiopia was their main goal. Even in this rare response to the CSP from a humanitarian INGO, the tone remains neutral and focuses on the INGO’s own activities in response to the law rather than how the CSP challenges its role in civil society. The discourse adopted by Save the Children gives a clear indication of the schism between advocacy INGOs and humanitarian and development INGOs in the months following the CSP, as whilst advocacy INGOs chose to critique the legislation and the actions of the Ethiopian government, Save the Children has chosen to look at its own activities and “make appropriate decisions” as to how to best proceed with their operations (Geset and Save the Children 2009, 4). This differing

discourse between advocacy and service provision INGOs is understandable considering that the CSP was far more targeted at advocacy activities (Brechenmacher 2017, 79). The neutrality in this report is to be expected considering the large number of actors that could access its contents; Save the Children publishes its reports on its website, which can be accessed by any interested party. Despite this availability to a wide audience, the primary intended recipients of this report are the Ethiopian and donor governments. The report's continued references to 'government stakeholders', particularly for cooperation in the implementation of projects, highlights that the strategy of 'selective collaboration' was pursued (Geset and Save the Children 2009). One of the aims of the report is to assess the extent to which Save the Children can work with the government under the new CSP provisions, even concluding that pursuing a 'bilateral agreement' to maximise their operational capacity would be one of the most viable options for adaptation (Geset and Save the Children 2009, 29). This report was published just ten months following the signing of the CSP into law, but demonstrates that INGO-government collaboration quickly emerged in Ethiopia as the most effective strategy for INGO adaptation. The INGO therefore utilises a non-critical discourse in this report to build trust with the Ethiopian government about its intentions to comply with the CSP and work within the new parameters of civil society.

In its assessment of its own adaptations, this report indicates that many local NGOs did not have this same strategic planning to combat the effects of the CSP. Whilst Save the Children attempts to portray this need for adaptation as an "advantage", there is uncertainty in its tone when addressing whether national NGOs are able or willing to adapt (Geset and Save the Children 2009, 27). It is thus perhaps unsurprising that Save the Children chooses to exempt the Ethiopian government's role in the scaling back of civil society in its report, as the government was emerging as the most practical option that INGOs could have for collaboration when implementing new projects. Brechenmacher highlighted that seventy percent of development organisations and forty-four percent of human rights organisations changed their operations in Ethiopia post-2009 (Brechenmacher 2017, 80) which would have had a clear impact on the local CSO partners of Save the Children. The report comments that the only partner Save the Children could work with "without any limitation would be government actors" (Geset and Save the Children 2009, 37). This reinforces that this report utilises a neutral discourse that is tailored to

appeasing the Ethiopian government, which was emerging as Save the Children's most significant potential ally in its continued activities.

By 2005, Save the Children had adopted a rights-based approach in its operations globally, cementing its determination to reconcile development activities with human rights protection (Kindornay *et al* 2012, 481). The decision laid out in this report to revoke this approach highlights how shrinking civic space in Ethiopia led the INGO to abandon a tactic that was central to its international approach. In other incidents of shrinking civic space, collaboration with local NGOs and the utilisation of transnational networks has allowed for pushback against legislation, such as the case in Nigeria in 2017, when NGOs and activists collaborated with other African networks to push back against the NGO Bill (Musila 2019). However, the discourse used here by Save the Children on the impact of the CSP on national NGOs highlights that this strategy was not viable in Ethiopia. In the academic literature on the effect of the CSP, this dimension of restrictions on local NGOs impacting the implementation of INGO activities is not discussed, and yet this report demonstrates that this mutual relationship was crucial to INGO work. The 2010 and 2011 annual reports from Save the Children suggest that the INGO was able to continue to draw on some local networks after the CSP, with the permission of the government, but these are referred to as 'community groups' as opposed to the established organisations which were previously partners of the INGO (Save the Children 2010 and 2011). The discourse from this report which highlights the limitations and challenges INGOs faced in collaboration with local partners post-2009 links closely to the framing paper on 'shrinking space' from the Transnational Institute (2017). The paper refers to 'degrees of separation' in the impacts of restrictive legislation, as governments' utilise the tools of 'shrinking space' (such as funding restrictions) for their own political ends to differentiate between legitimate organisations and organisations which should be restricted (Transnational Institute 2017, 9). This is reflected in this report in the divide between the ability of INGOs and local NGOs to adapt to the new CSP, thus highlighting the applicability of the concept of 'shrinking space' in the context of post-2009 Ethiopia.

Oxfam:

The strategy of INGO collaboration with government authorities that was suggested in the Save the Children report is heavily evident in the literature from several branches of Oxfam International post-2009. The 2011 briefing on disaster awareness gives a clear indication of the solely humanitarian and development focus of many INGOs post-2009 (Oxfam 2011) and the detailed response from Oxfam to the 2011 drought in Ethiopia implies that the government was successful in its aim to turn Ethiopian civil society into an extension of state development.

In its 'Briefing on the Horn of Africa Drought' from 2011, Oxfam's reliance on collaboration with the government to implement its 'Disaster Risk Reduction' (DRR) plan is clear (Oxfam 2011). The primary aims of this Oxfam briefing are to encourage national governments and donors to improve disaster preparedness across East Africa and present its recommendations for the improvement of DRR. DRR aims to merge emergency responses and development assistance to reduce the possible impacts of drought on the East African region. The projects highlighted by Oxfam in this briefing fit into the following charitable purposes as outlined in the CSP: "advancement of the economy, social development, and environmental protection" and "advancement of animal welfare" (CSP, sec. 3.14.2). These are clearly development projects and as such are permitted to be carried out by INGOs under the CSP. Oxfam highlights that it aims to implement DRR in East Africa through encouraging greater investment from governments and donors, as well as through a more unified approach from both the development and humanitarian sectors (Oxfam 2011, 1). There is no indication of any rights-based approach utilised by Oxfam in Ethiopia in this briefing, but discussions on the other nations in this report address how a high level of risk in disasters is generated by 'inequality' and these risks usually have the greatest impact on women. Under the CSP, foreign-funded organisations were barred from working on gender equality, which is clear in this report in the inclusion of gender inequality as a regional issue, but then its omission in country-specific information on Ethiopia. Oxfam's clear development focus which is evident in this report indicates how the INGO was able to propose such an influential and wide-reaching policy to the Ethiopian government, due to their compliance with the parameters of the CSP and the decision to work with the government to implement their work.

The text provides an insight into the collaboration between INGOs and the Ethiopian government in terms of service provision activities during humanitarian disasters. In 2011, one of the worst droughts in decades affected the East African region, with Ethiopia, Kenya, Somalia, and South Sudan being the most heavily impacted, with 4.5 million people in need of humanitarian aid in Ethiopia alone (Oxfam and Save the Children 2012, 8). This briefing report was published during a time when the humanitarian situation in East Africa was the centre of global attention. The report reflects this international interest as it presents its arguments to both national governments in East Africa and donors (Oxfam 2011, 6). Whilst this is undoubtedly linked to these long-term development projects being enacted as quickly as possible, it also presents a crucial indication of how Oxfam's approach in Ethiopia was tailored towards sharing information and policies with the government. The need to encourage government investment of capital and attention to implement DRR as a strategy demonstrates the necessity of INGO-government collaboration for Oxfam's development aims (Oxfam 2011, 6). In July 2009, Oxfam signed an agreement with the Ethiopian government to "strengthen our working relationship with the African Union", due to the presence of Oxfam's Liaison Office to the AU in Addis Ababa (Oxfam International 2009). In its press release on this agreement, Oxfam emphasises its appreciation for the role of the Ethiopian government in facilitating this cooperation and implies that this new agreement would play a crucial role for its operations in over thirty nations across Africa (Oxfam International 2009). This representation of the Ethiopian government as a key collaborator in Oxfam's operations just a few months after the passing of the CSP provides a clear indication as to the INGO's decision to work with the government to facilitate its work. Oxfam's pursuit of a formal agreement with the Ethiopian government highlights a crucial example of an INGO adopting the collaboration strategy which Save the Children identified as one of the most practical responses to the CSP.

An analysis of Oxfam's wider literature gives an interesting indication of how its publication and strategies in Ethiopia differ from its work elsewhere. In the discussion paper, 'What Can Governments Do to Empower Poor People?', the INGO addresses several case studies which assess government support for national rights movements and its approach to the empowerment of its citizens (Green, King, and Oxfam 2013). "Almost as important as what governments can do, is what they should avoid doing" (Green *et al* 2013, 3): this sense of the culpability of

governments in providing access for their citizens to have spaces to exercise their rights is something that is absent in Oxfam's post-2009 literature on Ethiopia. Oxfam highlights the responsibility of states to create an "enabling environment" and attempts to provide a framework to ensure this empowerment of citizens (Green *et al* 2013, 4). What is most interesting about the differing discourse between this emphasis on the rights of citizens and the purely humanitarian and development focus of Oxfam's literature on Ethiopia is that this briefing paper utilises Ethiopia as a case study in its examples of the empowerment of citizens. This report was published four years after the passing of the CSP and its claims of successes in Ethiopia for the empowerment of citizens provides a stark contrast to the contemporary situation, as by 2013, the human rights sector of Ethiopian civil society had been decimated and the state held tight control over media outlets (Aalen and Tronvoll 2009, 200). This report demonstrates that Oxfam takes a much more rights-based approach in its work globally in a way which is not evident in its literature on Ethiopia post-2009; this indicates how civil society actors in Ethiopia struggle within the unequal power structures in the country, highlighted by Oxfam's working within the boundaries of government approval, even though its rights-based approach remains so significant in its work globally.

Chapter 2 - The 2019 Organizations of Civil Societies Proclamation and the ‘reopening’ of Ethiopian civil society

In the decade following the 2009 Charities and Societies Proclamation, Ethiopian political and civil society underwent dramatic change. Whilst INGOs adapted their practices to maintain their operations, the regulations enforced by the Charities and Societies Agency decimated organisations working on human rights and democratic practices. However, protest movements in Oromia and Amhara led to political reform and by 2018, the new political leadership was driving Ethiopia’s “quiet revolution” (Lupin 2022, 237). As other African nations witnessed increased curbs on the operations of civil society, the Ethiopian government chose to repeal the restrictive 2009 CSP and replace it with the new Organizations of Civil Societies Proclamation (CSOP) in 2019. This chapter will address the immediate reactions of INGOs to this ‘reopening’ of Ethiopian civil society and how recent reforms in Ethiopia may be indicative of ‘changing’ rather than ‘shrinking’ civic space.

Contextual background of the 2019 CSOP

Anti-government movements first emerged in Oromia in 2014 as a reaction to the proposed Addis Ababa Master Plan, which would have expanded the capital into the Oromia region (ACLEDD 2017, 1), and these demonstrations erupted into protest by November 2015. The Ethiopian government decided to suspend the Addis Ababa Master Plan in January 2016, but this failed to stop the protests as other grievances against the government had become known (ACLEDD 2017, 1). Following the increase in protest activity, the Ethiopian government declared a state of emergency on 9 October 2016, which lasted until 2018 and only increased the ability of the state to crackdown on protests, leading to further arrests and fatalities. These protests represented the most serious threat to the EPRDF’s rule since they had come to power in 1991 and the actions of the government led to a crisis which could only be resolved through a political change (Lupin 2022, 237).

In response to the protests, the EPRDF announced that it would pursue the reforms demanded by protestors, with Prime Minister Hailemariam Desalegn resigning to make way for the necessary

reforms (Badwaza and Temin 2018). Following weeks of contentious debate, the EPRDF selected Abiy Ahmed as his replacement in March 2018. Abiy pursued far-reaching and rapid reform in the first few months of his premiership, ranging from the release of political prisoners to ending the state of emergency (Lupin 2022, 237). He was hailed for the speed and scale of his pursuit of reform and his attempts to resolve the conflict with neighbouring country Eritrea meant he was awarded with the Nobel Peace Prize in 2019. His reforms also included changes to legislation, and in June 2018, Abiy announced his intention to repeal repressive laws on civil society. The new Organizations of Civil Societies Proclamation was thus introduced in 2019 to replace the restrictive Charities and Societies Proclamation and create a more enabling environment for NGOs (Lupin 2022, 237). This period of transition under Abiy Ahmed has been celebrated as a catalyst for democratisation and the opening of civil society, but the ability of the government to sustain these reforms has been a new challenge. Ethiopia has long been split into ethnic communities and the threat of rising insecurity has meant leaders of these communities have demanded a more prominent role in governance; despite the reforms introduced by Abiy, tensions between his Oromo faction and Tigrayan politicians continued to increase (Badwaza and Temin 2018). In November 2019, the EPRDF was replaced by a successor, the Prosperity Party under the rule of Abiy Ahmed, but the TPLF refused to join the coalition, resulting in the further escalation of tensions and conflict (Lyons 2021, 1052).

The provisions of the 2019 Proclamation.

The global trend towards the shrinking of political and civic space has shown little sign of decline over the past few years, and over fifty countries have witnessed the introduction of new regulatory CSO legislation (Dupuy *et al* 2021, 6). Against this backdrop of increased restrictions, Ethiopia's new Organizations of Civil Societies Proclamation (CSOP) stands in stark contrast as it repeals many of the most stringent restrictions that had been introduced by the 2009 CSP. Passed into law on 12 March 2019, the new civil society legislation is far more liberal than its predecessor, as it removed funding restrictions and blocks on advocacy work (Lupin 2022, 246), and its introduction was widely acclaimed as a reversal of the harsh penalties enacted under the 2009 CSP. The CSOP promised to give "full effect to the freedom of association" in line with Ethiopia's national and international human rights obligations and recognised that an "active and

freely organized” civil society was a crucial component of this aim (CSOP, 1). This provided a definitive contrast from the 2009 CSP and the government even stated within the legislation itself that this new law would address the previous law’s shortcomings.

The 2019 CSOP differed from its predecessor in several ways, but the most notable change was the lifting of restrictions on foreign funding, allowing CSOs and NGOs to receive extensive funding from international sources for the first time in a decade. This change in access to funding also resulted in the government reducing the previous categorisation of NGOs and CSOs to just two types: ‘local organizations’ and ‘foreign organizations’; ‘local organizations’ now also included CSOs formed by foreigners who were residents in Ethiopia (CSOP, sec. 1.2). Foreign organisations were now enabled to work in areas which they had been excluded from under the CSP, most notably the promotion of human rights and conflict resolution (Dessie and Breuning 2021, 1085). However, INGOs still experienced some restrictions to their operations in the country, as the CSOP stated that foreign organisations (and local organisations established by foreign citizens) were prohibited from carrying out any political lobbying activities (CSOP, sec. 7.62.5). Whilst the CSOP did not repeal all the restrictions of its predecessor, it has been referred to as an example of a “good law”, due to its aims to facilitate a more open and enabling environment for civil society actors in Ethiopia (Lupin 2022, 231).

The previous CSA was replaced by the new Agency for Civil Societies Organization, which promised to “create a conducive environment” (CSOP, sec. 2.5.1), indicating it would have far less reach into the operations of NGOs compared to its powerful predecessor. There were clear indications that this Agency would be far more lenient than the previous CSA, as it did not have the same jurisdiction to carry out surveillance on CSOs and NGOs. The Agency did retain some powers of investigation to ensure compliance with the CSOP, but it had to provide ‘sufficient reason’ for its enquiries and could not prevent the operations of organisations during these investigations (CSOP, sec. 5.77). Whilst these changes were crucial to fulfil the government’s promise of a more open civil society, the Agency is still responsible for the registration of all CSOs and INGOs operating in Ethiopia, and can examine their activities to ensure compliance with the new Proclamation (CSOP, sec. 2.6).

The 2019 CSOP transformed Ethiopian civil society in an unusual way compared to other legislation across the globe; it provided the opportunity for an opening of civil society, representing a challenge to the global trend of shrinking political and civic space. Even though some regulations remained, the new CSOP allowed foreign organisations to expand their operations to include rights-based advocacy, including work on human rights, democratisation, and conflict resolution.

Discourse analysis

The 2019 CSOP reversed many of the restrictions that had been imposed on INGOs by its predecessor, allowing for the expansion of INGO operations and a new approach to development work. This critical discourse analysis will examine Oxfam and Save the Children's work post-2019 to highlight how INGOs took on a more rights-based approach to their development work, providing a challenge to the 'shrinking space' concept and suggesting that civil society in Ethiopia was instead 'changing'. The reports analysed below have been selected as they clearly highlight the ability of INGOs to work on two new issue areas following the CSOP: human rights and conflict resolution.

Save the Children:

In a report published three years after the enactment of the 2019 CSOP, Save the Children provides a 'child-led' review of the progress towards the child-centred SDGs in Ethiopia (Save the Children 2022). Whilst this focus on the SDGs shows a clear development agenda from the INGO, the organisation's work on several of the SDGs addressed (such as reducing inequalities and creating peace, justice and strong institutions) would have been impossible before 2019, due to restrictions on foreign-funded organisations working on these issues. The key component of this research is the child-led approach taken by researchers, highlighting a shift away from just collaboration with the government to the inclusion of those impacted by INGO policies in the creation of strategies. There are consistent references throughout the report to the children's own understanding of their "rights and needs", demonstrating a clear change in discourse as Save the Children returns to the use of a more advocacy and rights-based approach to development work

(Save the Children 2022, 3). The discussion of gender inequality takes a leading role in this report, cementing the link between development work and rights promotion. Of particular significance in this report is the government's acceptance of a Voluntary National Review (VNR); the VNR is a process which allows countries to assess the progress made towards achieving the SDGs by 2030. Save the Children refers to this as an "opportunity" to create projects like this child-led review, exhibiting that even under the new CSOP, human rights work in Ethiopia is most impactful when it is facilitated by government actions (Save the Children 2022, 2). This review highlights that INGOs adopted a strong shift in approach following the 2019 CSOP, as rather than just reporting on development projects, this review shows a child-led advocacy approach to development activity, demonstrating a reversal of the withdrawal of the rights-based approach that Save the Children had to adopt after the 2009 CSP.

This paper aims to provide a comprehensive report on the child-focused SDGs, which can then be disseminated to the Ethiopian government, donors, and other CSOs to ensure that new approaches are created based on their potential impacts on children (Save the Children 2022, 6). Whilst the discourse in this paper evidences the new rights-based approach adopted by INGOs following the 2019 CSOP, it is important to recognise that collaboration with the Ethiopian government has continued to be significant in strategy creation. The responses from the children indicate that there has been collaboration between INGOs and the Ethiopian government in several development projects linked to the SDGs (Save the Children 2022, 3). This review itself was submitted to the Ethiopian government, highlighting the new political leadership's acceptance of INGOs working on human rights issues and advocacy (Save the Children 2022, 6). This indicates a new type of collaboration between INGOs and the Ethiopian government, where rather than restricting INGO work, the government can facilitate the opening of civic space and the return of a rights-based approach. However, this report also creates recommendations for how NGOs and communities should take a role in the advancement of the SDGs, highlighting Save the Children's intentions to go beyond just collaboration with the Ethiopian government towards utilising discourse to create better connectivity with other civil society actors (Save the Children 2022, 32). This report was published three years after the passing of the CSOP, representing Save the Children's new relationship with the government and wider civil society in a more enabling environment. Whilst this report could just be a sign of progress under the CSOP,

it is particularly significant because it coincided with the government's approval of a VNR. Save the Children draws attention to the importance of this review in its report, and this government decision to conduct a VNR represented a greater willingness amongst the Ethiopian leadership to pursue progress towards the SDGs, including those which focus on the promotion of rights. However, this promise of progress is somewhat contradicted by the UN's report on the 2022 VNR in Ethiopia, in which it emphasises difficulties in the country's progress towards the SDGs due to issues of conflict within the country and an "unfavorable and hostile global environment" (United Nations 2022). This highlights that even though there was a strong rhetoric of reform in Ethiopia, which Save the Children have utilised to create this child-led review, there are several practical challenges to the implementation of this report's recommendations.

If development is considered only on economic terms, Ethiopia's development progress over the past two decades is impressive (Roberts 2019, 12). However, as evident in the SDGs discussed in this report from Save the Children, development has to include the promotion and protection of rights in order to ensure holistic progress; prior to the CSOP, the SDGs which addressed the improvement of gender equality saw little progress in comparison to efforts made towards achieving the more economic-based goals (Roberts 2019, 31). This report's specific focus on rights-based SDGs shows that the opening of civil society in Ethiopia has enabled the progression of equality in the country, but the success of this new focus is not yet observable as it is such a recent change. In their global work, Save the Children International places an emphasis on its advocacy activities and the protection of children's rights (Save the Children 2023). However, as highlighted in the report analysis in the previous chapter, Save the Children had to withdraw this rights-based approach in 2009 to comply with the regulations from the CSP. The return of advocacy and rights-based rhetoric, which is evident in this report, indicates that civic space in Ethiopia is no longer 'shrinking' but instead 'changing'.

The 2019 CSOP not only allowed foreign-funded organisations to work on human rights issues, but also permitted them to work on conflict resolution; this has resulted in INGOs moving away from just the provision of humanitarian aid in conflict regions in Ethiopia towards aiming to provide longer-term solutions to address the causes of conflict. A Save the Children report published in 2020 hints at the new role of INGOs in addressing the impacts of conflict in

Ethiopia alongside the rest of the Horn of Africa (Save the Children 2020). The report identifies displacement caused by conflict as a prominent issue and maintains its child-centred approach in its assessment of the vulnerability of civilians (Save the Children 2020, 1). This document displays unmistakable evidence that following the new CSOP, INGOs expanded their work to not only provide humanitarian aid in conflict regions but also to create long-term strategies for peacebuilding. The report suggests improvements to ensure social cohesion and inclusion within Ethiopia for migrants and refugees, indicating a closer link between community organisations and INGOs. This includes the encouragement of schemes which “engage host communities”, as Save the Children argues that these communities have ‘frontline’ experience with engaging with the local population to a greater extent than INGOs in Ethiopia (Save the Children 2020, 7). This expansion of projects and numerous links back to ‘engagement’ with local populations and CSOs hints at the greater opportunities in Ethiopia to conduct these activities. Even though work in conflict regions remains very humanitarian-oriented, there is a clear push for the creation of longer-term development planning, one which reaches beyond its humanitarian aims to influence government policy.

This Save the Children report aims to provide a conflict analysis of the impacts of various conflicts on the people of East Africa and how this has led to migration and the displacement of civilians (Save the Children 2020). Whilst this report was published soon after the passing of the CSOP (and therefore early on in the reform process), it does provide an indication of the strategies of INGOs going forward in their operations in Ethiopia. The emphasis on ‘integration’ and ‘collective advocacy’ to achieve the protection of children’s rights indicates the need for regional efforts, reflecting the new discourse from other INGO literature about the expansion of development work carried out under a rights-based framework (Save the Children 2020, 7). This report’s publication just one year after the CSOP highlights the speed of reform in Ethiopia and the swift response of INGOs to engage with the opening of civic space; Save the Children’s response and recommendations for the situation in Ethiopia in this report demonstrates how readily the INGO returned to its rights-based approach. This rapid response was facilitated by their depth of experience in enacting this approach in their work elsewhere, also demonstrated in the regional focus of this report, which suggests INGOs were able to reverse their operations in a much shorter timespan than local NGOs who lacked the same resources. The continuation of

INGO-government collaboration is evident in this report, especially considering the data collection was carried out with the cooperation of the government (Save the Children 2020, 2). The report portrays a positive outlook on the cooperation between INGOs and states, highlighting that officials and government authorities can act as “key allies” in INGO work (Save the Children 2020, 5); this continues the narrative that collaboration with the government can provide one of the most effective means for INGO operations to be carried out.

Save the Children’s work on conflict analysis and resolution is only permitted in Ethiopia under the new CSOP, as it goes beyond the mandate for INGOs under previous legislation. These operations still fit in with their development and humanitarian aims but demonstrates their new advocacy-centred approach; this highlights the clear impact of the more lenient CSOP and the return of INGOs to human rights work. Despite international praise for the reform efforts of the Abiy administration, the dissolution of the EPRDF caused an increase in violent clashes across Ethiopia as ethnically based factions carried out attacks. This report focuses on conflict-caused migration and displacement across East Africa, but its findings would become even more significant for Ethiopia in the months after its publication, with the outbreak of war in Tigray. Even though this report demonstrates that Save the Children were creating a framework through which to support victims of conflict, issues of access to conflict regions impacted the practical implementation of their work, even if the CSOP allowed them to address such issues legitimately.

Oxfam:

Oxfam’s approach in Ethiopia has long been centred on their collaboration with the Ethiopian government to facilitate their operations. In their post-2009 literature, Oxfam maintained this relationship by using a positive discourse when discussing their dealings with the Ethiopian government. However, the neutrality of their literature about the actions of the government has changed to a more reproving rhetoric with the opening of civic and political space post-2019.

One of the most important indications of the impact of the 2019 CSOP on INGOs in Ethiopian civil society comes from a 2020 Oxfam report on security in ‘restricted civic spaces’ (Oxfam

2020). This report aims to address the strategies utilised by CSOs in conflict regions to “influence for inclusive security and navigate restricted civic space” (Oxfam 2020, 6). The text highlights the importance of a “people-centred, gender-transformative and locally owned” approach, and the idea of inclusivity that was demanded in the Save the Children’s report on conflict analysis is echoed here (Oxfam 2020, 5). The report puts forth several suggestions as to how a more inclusive civic space can be fostered, such as trust-building between civil society and state actors, building strong civil society networks, and creating adaptable and localised strategies (Oxfam 2020, 4). One of the strongest and most commonly used assertions in this report is the necessity to ‘reclaim’ civic space, utilising examples of how East African nations have used the strategy suggestions to create a more open environment for civil society (Oxfam 2020, 3). This demonstrates that CSOs in Ethiopia, including INGOs, are now maximising their role as “strategic actors”, who utilise opportunities to escalate their operations in the country (Lian and Murdie 2023, 6).

The methodology of this report highlights an early success of the reopening of Ethiopian civil society as the data was gathered at a civil society event hosted at the AU Commission in Addis Ababa in February 2020, one year after the enactment of the CSOP (Oxfam 2020, 3). This highlights how the opening of civic space in Ethiopia has allowed INGOs to carry out research activities in the country about how to respond to restricted spaces. Whilst there is still an emphasis on providing a dialogue between INGOs, governments and donors, CSOs are now also included in these considerations (Oxfam 2020, 4). This highlights that whilst INGO-government relations still have a vital role in INGO operations in Ethiopia, the government is no longer the only possible local partner for INGOs in the implementation of their activities (as was the case under the CSP). This report also provides one of the only open critiques from a development INGO of the 2009 CSP, albeit over a decade after the law was first implemented. The report refers to the CSP as ‘draconian’, a highly critical rhetoric of the past legislation that had not been utilised in Oxfam literature prior to the 2019 CSOP (Oxfam 2020, 15). This shows a complete shift in discourse, but rather than representing a critique of the government, this new rhetoric actually reflects the Ethiopian government’s own criticisms of the 2009 CSP as it changed the legislation (CSOP, sec. 8.87). This is further emphasised in the report’s praise of the CSOP as a “more democratic and open proclamation”, a clear appraisal of the actions of the new Ethiopian

leadership (Oxfam 2020, 15). The report demonstrates that INGO-government relations still play a crucial role in INGO operations, as this Oxfam report aligns itself with the views of the new government.

Finally, the report addresses the spillover effect that restrictive legislation can have on other countries in the region, which is a topic that is not discussed in Oxfam's post-2009 literature but was heavily referenced by advocacy INGOs when the CSP was first introduced. The spread of restrictive legislation beyond national borders has received much attention in the last two decades; the influence of restrictive laws in Russia and China on the creation of legislation elsewhere are the examples most frequently drawn upon (Green 2016, 118). However, the example of rescinding restrictive legislation to create a more lenient approach towards civil society, as evident in Ethiopia with the CSOP, does not seem to have had the same impact. In Burundi, the government has suspended the activities of certain INGOs and has created clear registration regulations which are 'nonnegotiable' and cannot be appealed (Musila 2019). Malawi provides almost a complete reverse of the example of Ethiopia, as new legislation introduced in 2018 built upon a previous law to become more restrictive, with harsher penalties for breaches of the new legislation (Musila 2019). Although the shrinking of civic space has been identified as a global trend, it seems unlikely that the opening of civic space that was facilitated by the new CSOP in Ethiopia will have the same widespread impact on other countries in East Africa.

Conclusion

This thesis set out to address how the enactment of the 2009 Charities and Societies Proclamation and the 2019 Organizations of Civil Societies Proclamation impacted the participation of INGOs in Ethiopian civil society. Through an analysis of reports from Save the Children and Oxfam, this thesis was able to conclude that the concept of ‘shrinking space’ was undoubtedly applicable to Ethiopia in the build-up to and the aftermath of the 2009 CSP, but the recent reforms in Ethiopia and the introduction of the 2019 CSOP suggests the civic space in Ethiopia is no longer ‘shrinking’ but ‘changing’.

Main conclusions

The 2009 CSP reduced the operational capacity of INGOs and is demonstrative of the concept of shrinking civic space. The restrictions imposed on foreign-funded organisations by the legislation meant that only development and humanitarian organisations were able to survive the crackdown on civil society. The CSP has been marked as a progenitor of other civil society laws in Africa and provides one of the clearest and earliest examples of the shrinking civic space trend (Musila 2019). The discourse analysis of Oxfam and Save the Children documents has displayed that the Ethiopian government was successful in its aims to transform Ethiopian civil society into a ‘service sector’ (Lupin 2022, 236). There is a complete development focus within this INGO literature, with a diversion away from a rights-based approach, even if this approach was part of previous projects or utilised in other operations globally. The observed change in approach from both Oxfam and Save the Children highlighted the applicability of the concept of ‘shrinking space’ to Ethiopia in the aftermath of the CSP, with the new discourse reflecting a decline in advocacy and rights-based work, which is so often targeted in the scaling back of civil society.

The 2019 CSOP presented a change in rhetoric on Ethiopian civil society as the reopening of civic space allowed for the return of a rights-based framework in INGO development operations. An analysis of recent INGO documents has displayed the increased work on addressing inequalities and the vulnerability of citizens in order to target the root causes of development issues. This has also involved including the most vulnerable people in research activities, most

clearly highlighted by Save the Children's child-led approach to achieving the SDGs. The CSOP has led to an expansion of INGO operations and the creation of a more open and enabling environment for civil society actors compared to under the CSP (although the practical implementation of these new reforms has not been without fault). The opening of new spaces for NGO work has implied that the 'shrinking space' phenomenon is far less evident in Ethiopia since the 2019 CSOP and that civic space is now 'changing'. However, the war in Tigray and the government's role in imposing an aid blockade in the region serves to demonstrate that, whilst INGOs are now able to create strategies which include addressing conflict and human rights, the implementation remains dependent on the decisions and actions of the government.

From the drafting of the CSP in 2008 to the present day, the relationship between INGOs and the Ethiopian government has played a crucial role in the operational capacity of these organisations. Throughout the past fifteen years, INGOs working in Ethiopia have clearly adopted the strategy of 'selective collaboration' with the government, as identified by Bratton (1989) and Dupuy *et al* (2021), to facilitate their operations. The first open critique of the actions of the Ethiopian government in Oxfam and Save the Children literature comes post-2019, but this criticism remains in line with the contemporary political situation in Ethiopia; the reforms under Abiy and the new civil society legislation showed a rejection of the actions of the previous government, and INGO discourse reflects this change. Whilst civil society in Ethiopia may no longer be 'shrinking' in the same way as under the CSP, INGO-government relations remain critical to the maintenance of INGO-operations. The strategy of collaboration that was so crucial to INGOs for remaining operational after the CSP has prevailed as a central focus in their agendas even post-2019.

The current situation in Ethiopia

The political transition in Ethiopia in 2018 was hailed as a new time of reform in both politics and civil society. However, government crackdowns in 2020, alongside the conflict in Tigray, has had a severe impact on the continuation of reform progress (Freedom House 2023). The division between the new Prosperity Party and the long-dominant TPLF led to mounting tensions, and war broke out in Tigray on 3 November 2020. The Tigray War has been one of the worst

humanitarian crises of the twenty-first century, with the conflict resulting in the deaths of at least 600,000 people and the displacement of millions of others (Freedom House 2023). Following months of international efforts to reach a peace between the government and Tigrayan authorities, both parties agreed to a cessation of hostilities which came into effect on 3 November 2022. The government's actions in relation to the war in Tigray have called into question whether reform is still being pursued in Ethiopia. Despite reports of mass atrocities being committed in Tigray, the government has been unwilling to demand accountability and there has been a lack of oversight and transparency in the investigations into these human rights abuses (Human Rights Watch 2023). The 'enabling environment' that was promised by the CSOP has declined, as even though INGOs can now legally operate in the fields of human rights and conflict resolution, the situation in Tigray highlighted the practical challenges of implementing this work; INGOs working in the region faced "security challenges or a lack of official approval" (Freedom House 2023). Outside of Tigray, journalists and political opponents, alongside CSOs, have been working in an increasingly restricted environment, despite the official government rhetoric of the opening of civic and political space. The 2021 elections in Ethiopia have been criticised for their shortcomings, as opposition groups saw increased repression of their activities, leading to some parties choosing to boycott the elections due to perceived electoral mismanagement (Freedom House 2023). Despite concerns about the fairness of these elections, the Prosperity Party won a victory, with 95 percent of the seats in government being held by the party (Freedom House 2023). The vote acted as a test for Abiy's commitment to reform, which many argue he has now retracted, calling into question the current success of reform in Ethiopia and the practical challenges still faced by Ethiopian civil society.

The situation in Ethiopia since 2020 has cast doubt upon the successes of Abiy's promised reforms. Whilst it is clear that the political leadership is open to the expansion of civil society's role in Ethiopia, the practical implementation of these reforms has not been without fault; an official rhetoric of reopening civic space needs to be supported by government actions. The events in Ethiopia over the next few years will reveal if reform is being actively pursued and if Ethiopia can represent a strong challenge to the global trend of 'shrinking space.'

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