

HEINRICH BÖLL FOUNDATION

Background

Closure of the Heinrich Böll Foundation office in Ethiopia

The Heinrich Böll Foundation will close its office in Ethiopia at the end of 2012. The current political and legal situation in the country is such that the Foundation is unable to carry out its work in a politically sustainable and practicable manner. We can no longer fulfil our mission of working with local partners to support democracy, gender justice and sustainable development.

For a long time now, Ethiopia has been pursuing an authoritarian development model, but in recent years there has been a further dramatic clampdown on freedoms – of the press, of expression and of assembly. Legislation in 2009 on the role and modus operandi of non-government organizations (NGOs) marked a new low point in terms of political control and restrictions on civil society. The new law effectively prevents work on issues like human rights, democracy, gender or conflict management. Furthermore it applies not only to all international NGOs but also to domestic NGOs that receive more than 10% of their budget from abroad. The role of civil society has effectively been reduced to implementing the government's own development policies. The result is de-politicisation and a culture of self-censorship.

In order not to lose its legal status in Ethiopia, the Heinrich Böll Foundation was initially compelled to register under the new NGO law. But we immediately attempted, as an alternative, to conclude a bilateral agreement with the Ethiopian government in the hope that this would give us more room to manoeuvre and greater scope to support our Ethiopian partners. Despite high-level support from the German government, the talks dragged on over a period of three years. The text of a draft agreement finally tabled by the Ethiopian government in April 2012 confirmed that independent political work would not be possible – even under the terms of a bilateral agreement – and the Heinrich Böll Foundation would remain extremely restricted in its activities. Moreover, current and potential partner organizations would continue to be subject to the NGO law and would therefore not be able to operate in core areas of the Foundation's work.

Under these circumstances, the Ethiopian office of the Heinrich Böll Foundation cannot, in the foreseeable future, fulfil its mission of promoting democratisation,

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gender justice and sustainable development. The death of Prime Minister Meles Zenawi in August 2012 has not changed the situation, as the new government has declared its intention to continue his policies in all areas. The closure of the Foundation's office in Ethiopia should therefore also be taken as a sign of protest against the ongoing restriction of human rights and democratic development in the country.

The following is a brief description of the political situation and its impact on the work of the Heinrich Böll Foundation.

1) Political developments in Ethiopia

The brutal military Derg regime was replaced in 1991 by a coalition of regional rebel movements organized along ethnic lines. The Tigray People's Liberation Front (TPLF), whose military strength had played a crucial part in bringing down the old regime, then established itself as the most influential political force. Right up to the present day it has dominated the Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition, which it founded. The EPRDF has been in power without interruption since 1991, and until his death in August 2012 was dominated by the chairman of the TPLF, Meles Zenawi.

The TPLF and EPRDF see themselves as avant-garde parties with a strong developmental focus, making the necessary decisions for the country's rapid economic modernisation from a privileged position, but on behalf of the whole population. For many years the party leadership was convinced that the people of Ethiopia appreciated and uncritically supported its efforts – and undeniable successes, particularly in the fields of health and education and infrastructure. It was to a large extent as a result of this confidence that, in 2005, the EPRDF decided to allow greater political freedom in the run-up to the second parliamentary elections since they had come to power. The EPRDF tolerated the creation of new parties, took part in political debates in the media and permitted large-scale demonstrations by the opposition. In the elections in May 2005, however, the opposition won a considerable proportion of votes, and in the capital Addis Ababa even gained a majority. The government reacted to these preliminary results by halting the count and violently suppressing the ensuing protests. Thousands of demonstrators were at least temporarily imprisoned and more than 200 people were shot by security personnelⁱ. The leaders of the opposition parties were accused of attacking the country's constitution and in some cases condemned to life imprisonmentⁱⁱ. The results of the election were finally published after a six-month delay and confirmed the EPRDF as the strongest party, with a comfortable majorityⁱⁱⁱ.

Since then, the EPRDF has introduced a raft of measures aimed at systematically restricting the scope for political activity in the country. The first step involved massively expanding its own structures from approximately 760,000 members in 2005 to 4.5 million in 2008^{iv}. This huge increase was achieved by implicitly linking state benefits to membership of the party^v. It is, for example, virtually impossible to find a job in the public administration without being a card-carrying party member. And in rural areas there are countless reports of the abuse of state aid to enforce political conformity^{vi}. Even the "Protection of Basic Services" program, which is funded with international donations, is suspected of being misused by local government authorities^{vii}.

2) Abolition of press freedom

A second step involved imposing further restrictions on the press. The free press had already been systematically excluded from government press conferences since the early 1990s, and the repressive press law of 1992 created a legal basis for the persecution and even imprisonment of journalists^{viii}. In the aftermath of the 2005 elections, a number of journalists were taken to court and later sent to prison for attacking the constitution. It was made clear to other journalists that critical reporting would have negative consequences, with the result that an increasing number started to impose censorship on themselves, refraining from publishing critical reports. Moreover, the Ethiopian government proceeded to further undermine the legal position of the press and journalists by passing a new press law in 2008 and an anti-terrorism law in 2009. The latter is based on such a broad definition of terrorism that it even covers legitimate, peaceful and non-violent forms of protest such as reporting about the activities of an anti-government group.

Between March and September 2011, six Ethiopian journalists were arrested and accused of supporting terrorism and a further six were tried in their absence. In December 2011 two Swedish journalists were sentenced to 11 years' imprisonment^{ix}, two Ethiopian journalists received 14 years each in January 2012, and a blogger in exile was sentenced to life imprisonment^{x,xi}. In June 2012, the well-known journalist Eskinder Nega and 23 other people were found guilty of terrorism and also given long prison sentences including life imprisonment in some cases^{xii}. Observers at these trials confirm that the documents used as proof – often in the form of published articles – had nothing to do with terrorist activities but were merely expressions of opinion^{xiii}.

For years, critical journalists have been under pressure and have felt their safety under threat. A number of newspapers have closed down (e.g. Addis Neger in 2009, Awramba Times in 2011) and many critical journalists have left the country rather than face accusations. Thus Argaw Ashine, chairman of the Ethiopian Environment

Journalist Association and a long-standing partner of the Heinrich Böll Foundation, left the country in 2011 after he had been named in a report from the US Embassy in Ethiopia published by WikiLeaks.

3) Political opposition

The experience of the 2005 elections triggered conflict within the opposition forces which resulted in a split and a general weakening of the party landscape.

In the run-up to the last parliamentary elections in May 2010, the government stepped up its campaign of intimidation of the opposition, which was trying to form a new alliance consisting of eight parties (Medrek). Supporters of opposition parties were subjected to intimidation by local security forces, hundreds of them were arrested and at least two murders of opposition politicians were apparently politically motivated^{xiv}. The population at large and individuals sympathetic to the opposition were subjected to pressure of various different kinds in a bid to ensure victory for the ruling party^{xv}. The elections themselves took place without violence, but there were clear signs of manipulation. The EPRDF and associated parties in the government coalition won a total of 99.6% of parliamentary seats, with only one seat going to a candidate of the opposition and another to an independent candidate. The European Commission's Election Observation Mission to Ethiopia reported widespread discrimination against opposition parties in the form of restrictions on freedom of opinion and movement. It is particularly telling that the Ethiopian government prevented the final report of the EU Mission from being presented in Ethiopia by refusing to issue the necessary visas^{xvi}.

The fall of long-established undemocratic regimes during the course of the "Arab Spring" in early 2011 triggered a lively debate in Ethiopia about the possibility of far-reaching change in the country, though press self-censorship meant that discussion tended to take place in private. The reaction of the government, in March and April 2011, was mass arrests of 200 to 300 people, including many members of the opposition parties Oromo Federalist Democratic Movement and Oromo People's Congress. In September 2011, at the same time as the journalists mentioned above were arrested, at least six high-ranking opposition politicians were also taken into custody and accused of terrorism. Andualem Arage of the opposition party "Unity for Democracy and Justice" (UDJ) was sentenced to life imprisonment in July 2012^{xvii}.

4) Civil society

Over and above the constraints described above, the 2009 law on NGOs severely restricted the scope for civil society to operate. This is illustrated most clearly by the

extensive ban on working in areas such as human rights, democracy, gender or conflict management, as well as the rights of disabled people. This ban not only applies to all international non-government organizations but also to domestic NGOs that receive more than 10% of their budget from abroad. In the context of one of the poorest countries in the world, in which it is hardly possible to raise money locally for such projects, the law is tantamount to a blanket ban on political work. The position of networks has also been made more difficult (see below). The law effectively describes the role of NGOs as service providers for people in immediate need or as partners in implementing development goals defined by the government; independent lobbying and advocacy work are not recognised as legitimate tasks.

When the law came into effect, national and international NGOs, including the Heinrich Böll Foundation, lost their licenses and were instructed to re-register under the provisions of the new law. Many organizations did not even take this step, while others had to adjust their mandate in line with the requirements of the authorities – in some cases even changing their name^{xviii}. During the course of the re-registration process, the number of NGOs in Ethiopia shrank by more than half from 3,522 organizations to 1,655^{xix}. The last two remaining human rights NGOs are virtually incapable of operating^{xx}.

The authority responsible for regulating NGOs, the Charities and Societies Agency (CHSA), has far-reaching powers that include approving the annual program and the end-of-year report. It also receives a financial report from state-approved auditors and has the right to suspend staff members of the NGOs and, in extreme cases, to replace them. In addition to fines for failure to submit reports to the ChSA, there is a threat of criminal action against every individual who is found to have infringed the NGO law in some way that is not further defined^{xxi}. This means that prison sentences for infringement of administrative regulations are possible – not just for the decision-makers in the organization but also for ordinary employees and even members. Because of their fear of these strict controls, many NGOs are practicing self-censorship to an extent that goes beyond the legal regulations. There is no open criticism of the government – even of a constructive nature – and sensitive issues are often not raised in the first place.

The introduction of a raft of implementing regulations in August 2011 resulted in a further deterioration of the situation for NGOs. One particularly critical regulation defines expenditure for studies, publications and other public-relations measures together with travel costs as being administrative costs – and these are restricted to an extent that makes it practically impossible to carry out active political education work in large parts of the country. Donor organizations are required to monitor compliance with these guidelines. **Under such conditions the partner organizations of the Heinrich Böll Foundation cannot continue their work.**

The new regulations have had a particularly strong impact on networks and associations which, on the one hand, organize services for their members such as theme-based research and further training for employees, and, on the other hand, pool the work of their members and carry out lobbying and advocacy work at regional and national level. Currently, funding of networks is largely provided through grants from international donor organizations. Following the introduction of the new regulation, however, these networks now have to fund themselves largely from members' contributions. They are also no longer permitted to carry out any project work themselves. The NGO network on climate change issues supported by the Heinrich Böll Foundation is likely to close down during the course of the year.

The bottom line is that NGOs have to concentrate on development measures at grassroots level and on supporting the goals of the government; they no longer have any scope for influencing the debate about the right development course to be taken by the country. It can be expected that a number of NGOs will either themselves decide to close down in the next few years or – in the case of infringement of the regulations – be shut down by the ChSA.

5) Working conditions for the Heinrich Böll Foundation

The office of the Heinrich Böll Foundation in Ethiopia was first opened in 2006. The Foundation has been registered as an international NGO under the new law since February 2010 and is therefore fully subject to its provisions and related regulations. At the time of registration, the Foundation had to confirm in writing that it would not work in the fields of human rights, gender, democracy, conflict management and good governance. The current license allows the Heinrich Böll Foundation to work in the fields of environment, capacity development, education and promotion of art.

The restrictions on administrative expenditure required under the new regulations are largely incompatible with the practice of the Foundation. The Ethiopian office has already been issued with a warning by the Charities and Societies Agency on account of infringement of the regulations and would, in future, be in danger of being closed down by this authority.

The "reorientation" of the work of partner organizations also represents a problem for the Foundation, as the requirements of the NGO law means they are largely relinquishing, or being forced to relinquish, the areas in which they have hitherto worked with the Heinrich Böll Foundation. As a result they are depoliticizing their activities, and there is currently no prospect of finding alternative partner organizations that would be able to work freely in these areas. In addition to the legal restrictions, the restrictions on freedom of the press and freedom of opinion are resulting in far-reaching self-censorship. This also applies to individuals, who have

been severely intimidated by the latest arrests and court sentences and therefore fear for their safety. A large proportion of critical thinkers have already left Ethiopia in recent years; those that remain tend only to express their opinions in private and – with good reason – avoid making clear statements at public events or in written form.

Attempts to conclude a bilateral agreement

The 2009 law on NGOs contains a clause allowing international organizations to conclude a direct bilateral agreement with the government. In such cases the NGO law no longer applies and is replaced by the provisions of the agreement.

With the support of the German government, the Heinrich Böll Foundation started attempts to achieve such an agreement back in 2009 – in other words long before registration. In early 2011 it submitted a proposed text for an agreement to the Ministry for Finance and Economic Development (MoFED). In April 2012, the MoFED sent the Heinrich Böll Foundation office in Ethiopia its own draft text. This was based on the proposal by the Heinrich Böll Foundation, but contained a number of additional regulations taken largely unchanged from the NGO law. Amongst other things the text provides for *ex ante* approval of the work program and far-reaching control functions, including the drawing up of the budget. That is clearly unacceptable to us. However, in talks with the Ministry the Ethiopian government made it clear that these areas are non-negotiable.

6) Political developments since the death of Meles Zenawi

During his 21 years in office as prime minister, Meles Zenawi was extraordinarily successful in integrating the competing interests in the country, in the ruling party and in his own party, the TPLF, into a closed political system. Following his death it can be expected that formerly marginalised groups will now become more active and attempt to reposition themselves within the political power structures^{xxii}. But it is highly probable that the Ethiopian government will continue to restrict the conditions under which this process can occur. It has already publicly declared its intention to continue the policies of Meles Zenawi in all areas, thereby ruling out any discussion about a change of course. Thus, a relaxation of the restrictions on press freedom and freedom of opinion or any modification of the NGO law can not be expected in the foreseeable future.

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- i BBC World: Ethiopian protesters 'massacred', 19th October 2006, <http://news.bbc.co.uk/2/hi/6064638.stm>
- ii see Teshome, Wondwosen: Electoral Violence in Africa: Experience from Ethiopia, in *International Journal of Human and Social Sciences* 4:6 (2009). The opposition politicians who had been sentenced were pardoned in 2007. One year later, the chair of the largest opposition party CUD, Birtukan Mideska, was re-arrested after she made some critical remarks and kept in prison until she was again pardoned in October 2010. For an analysis of the 2005 elections see also Abbink, Jon: Discomfiture of democracy? The 2005 election crisis in Ethiopia and its aftermath, *African Affairs* 105, 419 (2006), pages 173–99
- iii European Union: EU election observation mission to Ethiopia in 2005. Final Report, http://eeas.europa.eu/eucom/missions/2005/ethiopia/index_en.htm
- iv Tronvoll, Kjetil: Ambiguous elections : the influence of non-electoral politics in Ethiopian democratisation, *Journal of Modern African Studies*, 47, 3 (2009), pages 449–474. See also International Crisis Group: Ethiopia: Ethnic Federalism and Its Discontents, September 2009
- v Crisis Group Africa Report: Ethiopia: Ethnic Federalism and Its Discontents, September 2009, page 18, [http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/ethiopia-eritrea/Ethiopia Ethnic Federalism and Its Discontents.ashx](http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/ethiopia-eritrea/Ethiopia_Ethnic_Federalism_and_Its_Discontents.ashx)
- vi The Bureau of Investigative Journalism: Aid as a weapon of political oppression in the Southern Regions, 14th August 2011, <http://www.thebureauinvestigates.com/2011/08/04/aid-as-a-weapon-of-political-oppression-in-the-southern-regions/>
- vii Human Rights Watch: Development without Freedom. How Aid Underwrites Repression in Ethiopia, 2010, <http://www.hrw.org/sites/default/files/reports/ethiopia1010webwcover.pdf>
- viii Committee to Protect Journalists: Clampdown in Addis. Ethiopia's Journalists at Risk, October 1996

- ix BBC World: Ethiopia jails Swedish journalists on terror charges, 27th December 2011 <http://www.bbc.co.uk/news/world-africa-16337291>
- x The Washington Post: Journalists, politicians get jail sentences in Ethiopia of 14 years to life on terror charges, 26th January 2012
- xi The sentence imposed on Reeyot Alemu, a journalist with the independent newspaper Feteah (Justice) was reduced on appeal to 5 years in August 2012. Since then, however, several more cases have been brought against the publisher of Feteah, Temesghen Desalegn.
- xii BBC World: Ethiopian blogger Eskinder Nega jailed for 18 years, 13th July 2012, www.bbc.co.uk/news/world-africa-18825538
- xiii amnesty international: Dismantling Dissent. Intensified Crackdown on Free Speech in Ethiopia, December 2011.
<http://www.amnesty.org/en/library/asset/AFR25/011/2011/en/368804d9-61cb-417a-842e-bbd246761903/afr250112011en.pdf>
- xiv The opposition candidates Aregawi Gebre-Yohannes and Biyansa Daba were murdered during the electoral campaign. See The New York Times: Candidate Is Stabbed to Death in Ethiopia, 2nd March 2010, http://www.nytimes.com/2010/03/03/world/africa/03ethiopia.html?_r=0 and The Guardian: Ethiopia activist clubbed to death in 'politically motivated' murder, 22nd April 2010, <http://www.guardian.co.uk/world/2010/apr/22/ethiopia-activist-murdered-election>
- xv Human Rights Watch: One Hundred Ways of Putting Pressure. Violations of Freedom of Expression and Association in Ethiopia, March 2011
<http://www.hrw.org/sites/default/files/reports/ethiopia0310webwcover.pdf>.
- xvi European Union Election Observation Mission: Final Report. May 2010 House Of People's Representatives And State Council Elections, November 2010, www.eueom.eu/files/pressreleases/english/final-report-eueom-ethiopia-08112010_en.pdf. On the refusal to publish the report in Ethiopia, see the following declaration by the EU on 8.11.2010:
www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/117578.pdf
- xvii Ethiopia jails prominent blogger, opposition figures, Reuters press release of 13th July 2012, <http://www.reuters.com/article/2012/07/13/us-ethiopia-media-trial-idUSBRE86C0CN20120713>

xviii NROs often had to remove any references to “rights” from their names, for example including even a NRO working in the field of consumer protection.

xix US Department of State: 2010 Human Rights Report Ethiopia,
<http://www.state.gov/j/drl/rls/hrrpt/2010/af/154346.htm>

xx See (Ethiopian) Human Rights Council: The Impact of the CSO Proclamation on HRCO, July 2011,
http://www.omct.org/files/2011/11/21485/impact_of_the_cso_proclamation_on_hrco.pdf und <http://www.thereporterethiopia.com/News/ewlas-appeal-to-unfreeze-its-10-million-birr-rejected.html>

xxi Proclamation 621/2009, Article 102 (1): Any person who violates the provisions of this proclamation shall be punishable in accordance with the provisions of the criminal code.

xxii International Crisis Group: Ethiopia after Meles, August 2012,
[http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/ethiopia-eritrea/b089-ethiopia-after-meles](http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/ethiopia-eritrea/b089-ethiopia-after-meles)