



Initiative Africa



Analytical Report on the Draft Amendment to the Ethiopian CSO Proclamation

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Executive Summary

The draft amendment to the Ethiopian Civil Society Organizations Proclamation No. 1113/2011 introduces significant changes that will directly affect the independence, operational freedom, and sustainability of CSOs in Ethiopia. Although framed as measures to enhance transparency, accountability, and national security, the amendments disproportionately expand state control over civil society. Provisions such as Article 8 (board composition), Article 59–61 (registration and asset transfer), Article 62 (restrictions on foreign funding and political engagement), and Article 77–78 (investigations and sanctions) establish a legal environment that may shrink civic space and discourage participation in governance-related activities. For organizations such as Initiative Africa, the amendments carry direct implications, particularly in relation to funding, program orientation, and organizational survival.

Introduction

Civil society plays a crucial role in democratic transitions by amplifying citizen voices, promoting accountability, and complementing government service delivery. Ethiopia's CSO law, Proclamation No. 1113/2011, was initially regarded as a progressive reform that replaced the highly restrictive 2009 CSO law. The current draft amendment, however, signals a reversal. While the government justifies the reform on grounds of improving oversight and protecting national security, the substance of the amendments demonstrates an intention to constrain advocacy-oriented CSOs. This report provides a detailed analysis of the proposed provisions by citing specific Articles, assessing their legal and practical effects, and exploring their impact on Initiative Africa as a case study.



Legal Analysis of Key Provisions

One of the most important changes is found in Article 8, which restructures the Board of the CSO Authority. Previously consisting of 11 members, the Board is now reduced to seven, with four appointed directly by the Minister of Justice, two by the CSO Council, and one “independent expert” also chosen by the Minister. This concentration of appointment power in the executive weakens the independence of the oversight body. Moreover, the Chairperson is also to be designated by the Minister, further eroding the principle of autonomous regulation.

The draft further restricts registration and operation through Articles 59–61. Article 59 introduces the possibility of rejecting registration where the Authority believes a CSO poses a “threat to national security.” This language is vague and grants discretionary power to deny registration without clear legal standards, thereby opening space for arbitrary decisions. Article 61(5) obliges organizations to notify the Authority 15 days in advance before transferring immovable or movable property, while Article 61(6) empowers the Authority to determine, by directive, which types of property require such notification. These measures impose heavy administrative burdens and risk delaying program implementation.

Funding and programmatic restrictions are entrenched in Article 62. Sub-article (5) explicitly prohibits foreign CSOs and Ethiopian CSOs funded by foreign citizens from engaging in political advocacy, voter education, election observation, or any activity connected to electoral processes. Sub-article (6) prohibits organizations from receiving foreign funds to support activities considered to have political implications. While the government frames this as safeguarding sovereignty, it effectively silences CSOs from engaging in governance reforms, human rights monitoring, and democratic education. Sub-article (7) obliges foreign CSOs to partner with local actors in implementing projects, ostensibly to promote localization but in practice enabling tighter government surveillance.

Financial management obligations are further tightened in Article 63 and Article 75. Article 63(1)(h) allows CSOs to raise funds from lawful sources but requires them to notify the Authority in writing within fifteen working days of receiving foreign support, including details of the source, amount, and purpose. Article 75 obliges any CSO wishing to open a bank account to first obtain written approval from the Authority. These provisions grant the Authority unprecedented control over CSO finances, slowing down disbursement and creating a risk of financial paralysis if approval is delayed.



The regulatory regime also introduces renewal and dissolution risks under Article 70. Certificates of registration are valid for only four years, after which renewal must be sought at least one month before expiration. Failure to renew allows the Authority to suspend or dissolve the organization. Such frequent renewal requirements discourage stability and long-term planning, particularly for organizations reliant on multi-year donor funding.

Finally, Articles 77 and 78 empower the Authority to conduct investigations and impose administrative measures. Article 77(4) allows the Authority's Director to freeze an organization's bank accounts for up to three months if "serious legal violations" are suspected, with the Board able to extend this period by another three months. Article 78 establishes a system of escalating penalties, ranging from written warnings to fines of up to 250,000 birr, suspension, or even dissolution. Notably, these penalties can be imposed without judicial oversight, transferring quasi-judicial powers to the administrative authority.

Implications for CSO Freedom and Activity

Taken together, the cited provisions demonstrate a consistent pattern of restricting CSO autonomy. The over-concentration of authority in the Ministry of Justice through Article 8 undermines institutional checks and balances. Articles 59 and 61 introduce vague security-related grounds for denying registration and impose bureaucratic hurdles on asset transfers. Articles 62(5–7) directly prohibit CSOs from engaging in governance and advocacy, eroding their democratic role. Articles 63 and 75 expand government intrusion into fundraising and financial management, while Articles 70, 77, and 78 threaten organizational continuity through renewal requirements, bank freezes, and heavy sanctions.



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Comparison with International Standards

Ethiopia is bound by the International Covenant on Civil and Political Rights (ICCPR, Article 22) and the African Charter on Human and Peoples' Rights (Article 10), both of which protect the right to freedom of association. Restrictions are only permissible if they are necessary in a democratic society for legitimate aims such as national security or public order. However, the draft law introduces disproportionate and vaguely defined restrictions, such as Article 59's "national security" clause and Article 62's blanket ban on political advocacy. According to the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, such funding restrictions and vague prohibitions constitute violations of international norms. Ethiopia therefore risks backsliding on its human rights commitments.

Impact on Initiative Africa

Initiative Africa (IA), as one of Ethiopia's leading CSOs engaged in civic education, youth empowerment, and entrepreneurship, faces direct risks under the draft law. Article 62(5) would prohibit IA from conducting voter education or governance-related advocacy if foreign-funded, thereby undermining core aspects of its mandate. Articles 63 and 75 would complicate IA's funding processes by imposing burdensome notification requirements and restricting bank account management, causing delays in project implementation. Article 70's renewal provisions increase uncertainty for IA's multi-year programming, while Articles 77 and 78 create exposure to arbitrary sanctions, including fines or suspension. In practical terms, these provisions may force IA to shift away from governance and civic engagement toward "safe" areas such as education and service delivery, thereby diminishing its contribution to Ethiopia's democratic transition.



Conclusion and Recommendations

The draft amendment to the CSO Proclamation marks a restrictive turn in Ethiopia's legal environment for civil society. Articles 8, 59–61, 62, 63, 70, 75, 77, and 78 collectively expand government control, constrain access to funding, and prohibit political advocacy. For Ethiopia's civil society at large, the law threatens pluralism, independence, and sustainability. For Initiative Africa, the draft law endangers its ability to pursue its mandate in civic education, governance, and youth empowerment.

To align the law with international standards and Ethiopia's democratic aspirations, it is recommended that the government: (1) remove vague security clauses and replace them with narrowly defined, proportionate restrictions; (2) restore independence of the CSO Authority by diversifying Board appointment mechanisms; (3) lift prohibitions on advocacy-related activities by foreign-funded CSOs; (4) streamline financial approval processes to reduce bureaucratic delay; and (5) ensure that sanctions are subject to judicial oversight. Only through such revisions can Ethiopia create a legal framework that fosters an enabling environment for civil society rather than one that undermines it.