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The NGO Legal Enabling Environment Program (LEEP)

Quarterly Programmatic Report July – September 2009

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Submitted by Pact on behalf of
International Center for Not-for-Profit Law (ICNL)

I. Executive Summary

During the final quarter of LEEP Project Year 1, ICNL focused on three primary areas of activity: (1) technical assistance in 9 countries; (2) the fellowship program; and (3) NGO legal research.

ICNL provided **technical assistance** in both Sub-Saharan Africa and in Latin America. Regarding Sub-Saharan Africa, ICNL provided a technical assistance grant to the Society for Democratic Initiatives in Sierra Leone to conduct public consultations and prepare a handbook on the draft NGO Policy Regulations, which remain an ongoing challenge to the sector there. ICNL became aware of pending legislation in Zambia – a regressive NGO Bill – and prepared and submitted written comments and analysis on the Bill for local partners there. Finally, ICNL continued to monitor developments in both Ethiopia and Rwanda. Anticipated Senate hearings on draft NGO legislation in Rwanda were postponed and will likely occur in November.

Regarding Latin America, ICNL provided a technical assistance grant to local partners in Ecuador to support ongoing advocacy efforts to improve the worsening legal environment. In Guyana, ICNL prepared memoranda on registration and taxation issues, which will be ready for distribution to local partners soon. Using the momentum from the fellowship of Ezequiel Santagada, ICNL provided remote technical assistance to local partners in Paraguay on issues relating to NGO accountability, public benefit status and taxation. To support local partners in Peru, the USAID Mission, and the Peruvian Embassy in Washington, ICNL prepared comments on draft Bill 2666, which proposed amendments to the Law creating a civil society regulatory body, and also prepared a Briefer on NGO accountability issues. Finally, ICNL issued a technical assistance grant to a local researcher in Venezuela to prepare an analysis of the draft Law on International Cooperation under the Venezuelan Constitution.

ICNL conducted two rounds of **research fellowships** in Washington, D.C. in May, June and the early days of July. First, during May and June, Faith Kisinga Gitonga and Rahma Jillo, both from Kenya, spent 3 weeks and 4 weeks, respectively, as fellows with ICNL. Second, Ileri Ablanado, from Mexico, and Ezequiel Santagada, from Paraguay, then joined ICNL in DC from June 15 – July 3. All research papers have now been finalized. The Kenyan research papers were published in August. The Latin American research papers will be published in the next reporting period. In addition, all four fellows are constructively engaged in follow-up activities in their home countries.

Lastly, ICNL moved forward with both **NGO legal research** initiatives. Proposed final reports on the legal framework for civil society have been received from local partners in 4 sub-Saharan African countries. Initial draft reports on foreign funding restrictions have been received from local partners in 4 countries, including Egypt, Ethiopia, Russia and Venezuela; the report from Sri Lanka is still pending submission. ICNL will finalize reports for both initiatives during the next reporting period.

We are grateful for the good communication, support and guidance we receive from both Pact and USAID and look forward to our continuing relationship and progress during the next quarter.

II. Background

In many countries, the legal framework impedes the development of civil society and opportunities for civic participation. Consequently, NGOs are limited in their ability to contribute to their country's development; individuals and groups are prevented from fully realizing their right to association. Indeed, in recent years, more than forty countries have introduced or enacted legislation constricting civil society. Through LEEP, ICNL seeks to establish legal and regulatory frameworks that protect and promote civil society and civic participation. LEEP consists of three separate but interrelated project activities. First, ICNL will *engage in technical assistance* to respond to legislation that either threatens the NGO enabling environment or presents opportunities for favorable NGO legal reform. In Project Year 1, we anticipate 5 in-country engagements and 4 remote engagements, though at the same time we recognize the importance of retaining flexibility to respond to needs that emerge during the project year. Second, ICNL will *strengthen local capacity* through a research fellowship program. In Project Year 1, we plan to host 4 fellows in ICNL's Washington offices to develop their capacity to address NGO law reform needs in their home countries. Third, ICNL will *deepen the analytic basis for reform through research* on select issues of NGO law, and through the dissemination of research materials. In Project Year 1, ICNL will produce two research papers on cutting-edge topics to assist both international and local partners to further enabling NGO legal reform.

III. Key Results This Quarter

In detailing the key results of ICNL's technical assistance activities, the report below categorizes country assistance geographically and not by the type of assistance. This is done deliberately to avoid confusion caused by the fact that countries that received a certain category of assistance last quarter may have received a different type this quarter. Key results from ICNL's technical assistance program, research fellowship program and NGO legal research initiatives are detailed below.

A. Technical Assistance: Sub-Saharan Africa

Ethiopia. As previously reported, ICNL visited Ethiopia in February to assist in developing strategic responses to the newly enacted Proclamation for the Registration and Regulation of Charities and Societies, and again in April to contribute to the assessment portion of the *Adaptation Facility*, an initiative coordinated by the Donor Civil Society Sub-Group (DAG/CSSG) to support local and international NGOs in their adaptation to the Proclamation. As of September 2009, ICNL understands that PACT plans to move forward by providing capacity building assistance to interested NGOs in coordination with the Ethiopian Agency tasked with re-registering all NGOs operating in country. Apparently the Agency has started the re-registration process and one local partner recently observed how the Agency is operating and applying the law. He reported that Agency officials suffer from an "awareness gap" and observed them on one occasion deny registration to an organization involved in the adoption of children outside Ethiopia, not a restricted activity under the law.

Rwanda. As previously reported, through a country visit in April, ICNL provided assistance to CSOs and the Government, as draft legislation on national and international NGOs was considered in hearings by the Political Commission of the lower house of Parliament. At the request of the Ministry of Local Administration (largely responsible for the current drafts) and the Chair of the Political Commission, ICNL participated in the hearings in the Chamber of Deputies (lower house of Parliament), providing specific commentary on various provisions, and bringing international perspectives to bear on the deliberations.

In general, while we have yet to see the Chamber drafts, it appears that the bills as they have emerged from the Commission retain most of the sound provisions, but also some provisions that should be improved. Notable among these is the relocation of the registrar for INGOs to the Migration Office, a branch of the Service Nationale de Reinsegnement (the Rwandan intelligence service). According to GOR representatives, this placement was included in the draft bill by Government for logistical reasons; since INGOs import both personnel and goods for their operations, the Government has determined that placement in this location will streamline oversight.

Throughout the reporting period, ICNL continued to monitor developments through local partners and the USAID Mission. According to the most recent information received, the Chamber is scheduled to vote in plenary on the draft bills on or about October 15; the draft bills will then be sent to the Senate for preliminary consideration and, presumably, for further hearings. Currently we are awaiting word from the Mission regarding the scheduling of the hearings on the bills, expected now in November. ICNL is prepared to visit Rwanda, participate as needed in the hearing process, and undertake interactive consultations with CSOs and Government about follow-on needs regarding implementation of the emergent legislation.

Sierra Leone. ICNL continued to provide support to the Society for Democratic Initiatives (SDI), and through SDI, to a coalition of civil society groups concerned with the draft “NGO Policy Regulations: Policies and Guidelines for the Operation of Non-Governmental Organizations in Sierra Leone” (“NGO Policy”). Following ICNL’s visit to Freetown in February, SDI spearheaded the formation of a coalition of interested organizations, including the Campaign for Good Governance (CGG), Civil Society Alternative Process (C-SAP), the Centre for the Coordination of Youth Activities (CCYA), the Sierra Leone Youth Empowerment Association (SLYEO), the National Forum for Human Rights (NFHR), the Centre for Democracy and Human Right (Makeni) (CDHR), the Civil Society Movement (CSM), and the Network Movement for Justice and Development (NMJD). Through this coalition, SDI has sought to generate increased awareness of the problems posed by the NGO Policy. As a result, both Deputy Minister Richard Konteh (who is responsible for the NGO Policy) and Eric Jumu, Head of the parliamentary committee tasked with reviewing the NGO Policy, expressed support for additional consultation meetings; Mr. Jumu confirmed that the Policy will not become law until his committee reports back to the full House.

Recognizing this political opportunity, ICNL issued a “technical assistance” grant to SDI to conduct additional consultation meetings and prepare a related publication. For a grant award of \$10,997, SDI committed to the following program activity:

ICNL Legal Enabling Environment Project (LEEP) Associate
Quarterly Programmatic Report
July – September 2009

- Conducting 3 regional workshops for civil society groups on the draft NGO Policy, between July 1 – August 31; and
- Publishing a handbook to explain the draft NGO Policy and international good regulatory practices in reader-friendly language, no later than August 31.

In September 2009, SDI submitted a final report detailing the activities and accomplishments under the grant. To summarize, SDI led one-day workshops on the NGO Policy in three locations in Sierra Leone: in Kenema, Bo and Makeni on August 17, 18 and 21, respectively. Each workshop provided a forum for dialogue on the draft NGO Policy among civil society groups. In Kenema, 42 civil society groups were represented, in Bo 39 attended, and in Makeni 33. The workshops encouraged participants to consider the development of civil society in Sierra Leone and the challenges posed through the draft NGO Policy. More specifically, the workshops sought to raise awareness of the content of the NGO Policy, compare the regulatory approaches with international standards, and to provide a platform for civil society to develop responsive strategies. From these discussions, participants reached broad consensus regarding the need for a national consultative conference, for an e-discussion group, and for reform of the Sierra Leone Association of NGOs (SLANGO).

The workshops led to an action plan, which includes the following goals:

- Finalize the handbook on the NGO Policy and distribute immediately;
- Prepare a national position paper on the NGO Policy and present it to the Government, Parliament, and the international community;
- Organize a meeting of national NGOs to determine the position on the NGO Policy and more especially SLANGO;
- Create an online forum and add the email addresses of participants;
- Create an NGO Forum that would act as a shadow body to SLANGO until SLANGO is reformed;
- Create a legal defense fund for civil society activists and journalists which would provide protection when they come into conflict with draconian regulatory measures;
- Challenge the NGO policy in the High Court and if possible the Supreme Court; if necessary, consider appeal to the ECOWAS Court and the African Commission; and
- Undertake annual freedom of association report that measures threats to freedom of association and civil society.

In addition to the consultation meetings, SDI also drafted a Handbook on the NGO Policy Regulations, entitled *Why NGOs Should Be Aware of the NGO Policy*. The Handbook benefited from input from workshop participants and ICNL. The final product was a 16-page handbook that presents key international principles protecting civil society, explains the provisions of the NGO Policy, and analyzes the Policy in light of international principles. A total of 500 copies of the Handbook were printed. To publicize the completion of the Handbook, it was launched on 28 September at the Sierra Leone New Agency Hall by Dr. Julius Spencer, a civil rights activist, former minister, and journalist of reputable standing in the country. The Handbook is being

distributed throughout the country. Recipients will include NGOs, civil society groups, student unions, local government officials, as well as key policymakers in Freetown, such as the Minister and Deputy Minister of Finance and Economic Development; the Parliamentary oversight committee; the Speaker of Parliament; leaders of the ruling and opposition parties in Parliament; the Minister of Foreign Affairs; the Office of the National Security; and the Minister of Information.

Zambia. On July 9, ICNL learned of “The Non-Governmental Organisations Bill, 2009” (NGO Bill) in Zambia. The Foundation for Democratic Progress (FODEP) requested written comments and analysis of the Bill in light of international law and good regulatory practice. That same day, having received authorization from USAID to provide assistance, ICNL provided informal, preliminary comments to the local partner. On July 14, ICNL provided FODEP with more comprehensive comments on several key issues presented by the NGO Bill. The comments were necessarily limited, however, to the text of the NGO Bill itself, as ICNL had not had the benefit of meetings on-the-ground in Zambia or a review of the overall legal framework affecting civil society in Zambia.

In the comments, ICNL raised concerns that the NGO Bill would, if enacted, impede the operations of organizations and curtail the right to association protected by Zambia’s Constitution and international law. The NGO Bill criminalized unregistered organizations; allowed the State to impose limitations on an organization’s registration status; required re-registration every 3 years; envisioned a heavily bureaucratic regulatory body called the NGO Registration Board; granted the NGO Board dangerously broad regulatory powers; imposed constraints on the ability of NGOs to communicate and cooperate with counterparts both domestically and abroad; mandated membership in an umbrella organization; and threatened those who contravene the law’s provisions with harsh criminal sanctions, including imprisonment. Quite simply, these provisions of the NGO Bill failed to uphold Zambia’s obligations to protect the right to association under both the *International Convention on Civil and Political Rights (ICCPR)*, and the *African Charter on Human Rights (ACHR)*.

FODEP expressed its gratitude for the support: "We at FODEP are very grateful to the ICNL ... for the timely and unwavering support rendered to us at this hour of greatest need. As you know the battle has just begun and we will greatly benefit from your comprehensive analysis given to us. Rest assured we shall share the report with other CSOs as an additional advocacy tool. We shall keep you posted on the developments as Parliament only resumed sitting yesterday."

Nonetheless, despite all efforts to oppose or improve the draft Bill, the NGO Bill became law in late August following Parliamentary approval and Presidential assent. FODEP informed ICNL that Zambian CSOs had immediately begun planning responsive strategies, which included civil disobedience and litigation. ICNL look forward to discussing the current situation in Zambia with the USAID Mission.

B. Technical Assistance: Latin America

Ecuador. During the reporting period, ICNL awarded a “technical assistance” grant to Grupo FARO and respected Ecuadoran human rights attorney, Alicia Arias. The objective of the grant ICNL Legal Enabling Environment Project (LEEP) Associate
Quarterly Programmatic Report
July – September 2009

is to support Grupo FARO's efforts to lead a unified sector response to the worsening legal environment for Ecuadoran NGOs and particularly to the restrictive Presidential Decree that came into effect in early 2009. Grupo FARO led the preparation of an NGO Declaration, *Aportes Ciudadanos*, which outlines the role and rights of Ecuador's NGO sector. Through a series of regional workshops and one national meeting, Grupo FARO intends to disseminate the Declaration and solicit signatures from NGOs across the country; build capacity on freedom of association and defense of the legal space for civil society; prepare for dialogue with Government officials; and begin to gather data on threats to the sector and enforcement of the Presidential Decree for posting on a blog.

The first two regional workshops in Quito and Guayaquil were held during the reporting period, while the national meeting will take place during the upcoming reporting period. Among the results reported by Grupo FARO:

- In Guayaquil, the participating NGOs reported that approximately 35 new organizations have signed the NGO Declaration, *Aportes Ciudadanos*.
- In Quito, a number of important NGOs that had not previously engaged on the issue of defending civil society participated last week in an initial regional meeting. Participating groups included: Fundación Alianza Equidad, CEDA, Corporación Líderes para Gobernar, Fundación Avanti, Fundación Esquel, UCADE, SERPAJ, ACDECOM, Red de Justicia, and Grupo FARO. The participants agreed to identify and reach out to other members of their networks in order to invite a total of 200-250 NGOs to participate in the initiative.
- While many NGOs in Cuenca are resisting participation in Grupo FARO's activities – apparently due to fear of confrontation with the Government – other NGOs in Manta and Malabi are reporting great interest in the NGO Declaration and the national meeting.

During the next reporting period, ICNL will support Grupo FARO and Ms. Arias in carrying out the national meeting and developing a plan for follow-up with NGOs, Government officials, and representatives of other sectors.

Guyana. During the reporting period, ICNL drafted memoranda on the registration and taxation of NGOs in Guyana and prepared a strategy for post-LEEP activities that includes short-, medium-, and longer-term proposals. Recommendations contained in each document are based on information gleaned from meetings with local stakeholders as well as ICNL's independent analysis of the existing framework. These documents will be shared with local partners, including NGO leaders, representatives of the Government of Guyana (GoG), and USAID/Guyana.

To summarize, ICNL concluded in its registration memo that changes to existing registration procedures could facilitate the establishment of NGOs in Guyana and reduce the cost of forming and operating an NGO. Regarding taxation, ICNL believes that the current fiscal climate and GoG priorities will make it difficult to garner support for reform to the taxation framework.

The post-LEEP activities plan proposes options including:

- Undertaking a study of all laws, regulations, and internal agency norms governing the NGO sector in Guyana. Compiling relevant information into one resource will better enable the NGO sector to understand what laws govern its activities; identify who has oversight responsibility for those activities; and work in collaboration with the GoG to propose and support reform of the framework.
- Proposing and/or supporting changes to the Companies Act to specifically recognize NGOs as a legal form separate and distinct from for-profit entities. Distinguishing between not-for-profit and for-profit entities will enable the development of other possible proposals, including a tiered registration fee system based on the type of company being formed and dissolution provisions that require the transfer of assets from a dissolving NGO to another NGO pursuing similar objectives.
- Exploring the possible development of an NGO law.

ICNL is prepared to provide responses to local stakeholders' inquiries related to the three documents described above.

Paraguay. In late June and early July, ICNL hosted Research Fellow Ezequiel Santagada from a Paraguayan environmental NGO. Mr. Santagada arrived in ICNL's D.C. offices with a draft comprehensive assessment of the Paraguayan laws governing civil society organizations. With support from ICNL, including staff lectures, research materials in Spanish and English, and extensive revisions of successive draft papers, Mr. Santagada completed a comprehensive review of Paraguay's laws for the sector, with recommendations for reforms based on international law and best practices.

Mr. Santagada's review and assessment will satisfy the key initial objective of a working group of Paraguayan NGOs that convened back in April to prepare a reform plan for the sector, with technical assistance from ICNL. During the reporting period, that working group and other Paraguayan NGOs met in a day-long session to review opportunities for legal reform and to consider the need to develop a system of certification or codes of conduct to improve NGO accountability and credibility. ICNL supported that meeting with Spanish-language analysis of self-regulation models, along with a discussion guide. ICNL's local NGO partner, CIRD, created a blog on these topics and invited NGO participation.

In addition, ICNL provided technical assistance to its local partners in helping them to prepare for a meeting with the tax authority on a July 2009 Presidential Decree defining "public benefit" for the purposes of determining eligibility for tax deductible donations. ICNL ensured that Mr. Santagada was engaged in the preparatory work. We also shared comparative analysis on the definition of "public benefit" that was prepared by the other LEEP Fellow from Latin America, Ileri Ablanedo of Mexico.

During the next reporting period, ICNL will collaborate with Mr. Santagada to widely disseminate his research paper. Following a competitive selection process, ICNL plans to issue a "technical assistance" grant to a Paraguayan NGO, in order to support follow-up activities on legal and fiscal reforms for the sector, and dialogue between NGOs and the tax authority.

Peru. The legal environment remains difficult for many NGOs, especially those active in the human rights, indigenous rights, and environmental protection fields, that are seen as being in direct opposition to positions taken by the Government. Peru's Agencia Peruana de Cooperación Internacional (APCI, the agency of the Peruvian Government responsible for civil society and international cooperation) is perceived by many NGOs as abusing its authority to conduct financial audits as a way to punish NGOs that publish dissenting opinions about the Government. In July 2009, after violent clashes between civil society groups and the army occurred in the north of the country, Fujimori supporters in Congress, who on many issues ally with the current Garcia administration proposed legislation that would again expand the powers of APCI. It remains unclear whether there is enough support to see the legislation passed in Congress when it is up for a vote later this year. There is a widespread belief within government, however, that civil society must be more tightly regulated and directed by the State.

In July, at the request of Peru's Embassy to the United States and USAID, ICNL drafted comments on draft Bill 2666, proposed amendments to the Law that created APCI. If enacted, the Bill would give the Agency for International Technical Cooperation (APCI) power to audit and demand extensive data from a wide range of private organizations and informal groups. In addition, ICNL met with representatives of the Peruvian Embassy at their request to discuss their interest in additional comparative examples on accountability regulation for NGOs. Specifically, Embassy representatives Deputy Ambassador Talavera and Reynaldo Portugal requested that ICNL provide a comparative analysis of three issues:

- The principal means by which governments ensure NGO accountability and transparency;
- The permissible restrictions on NGO "political" activities; and
- The limitations on a government's ability to proscribe NGO activities that are considered contrary to national security.

ICNL's comments analyzed the proposed bill's compliance with international conventions and best practices. In its analysis of the Bill, ICNL suggested that the broad scope of supervisory powers granted to APCI raised concerns under international conventions to which Peru is a party, including the International Convention on Civil and Political Rights (ICCPR) and the American Convention on Human Rights (ACHR). ICNL further provided a Briefer on the issues identified by the Embassy, and had both the comments and briefer translated into Spanish. All documents have been submitted to USAID.

ICNL understands that the draft amendments will likely be considered by the Congress of Peru in November or December, before the current legislative session ends in December 2009. ICNL may be asked to continue to provide technical assistance on the draft Bill as they are considered by the Congress. If requested, ICNL will specifically:

- Provide comparative models, responses to questions, and other information as requested as the draft amendments are considered by the Congress; and
- Draft research papers and comments on NGO law issues as needed.

Venezuela. During the reporting period, ICNL provided a “technical assistance” grant to Professor Antonio Canova for an analysis of the draft Law on International Cooperation under the Constitution of Venezuela. Professor Canova has submitted the first draft of his analysis, which considers whether provisions of the draft Law are consistent with the rights to property, association, assembly, and privacy, and other protections afforded under the Constitution. In the coming weeks, ICNL will provide comments to Professor Canova on his draft, and assist him in finalizing it; we will then circulate it to key partners for use in their advocacy against the Law.

The constitutional analysis supplements ICNL’s comments on the draft Law, which analyzed it in light of Venezuela’s obligations under the International Covenant on Civil and Political Rights and the American Convention on Human Rights, focusing on the rights to expression, association, and privacy protected by those conventions.

The draft Law is expected to be considered by the Venezuelan National Assembly before the end of this year.

C. Fellowship Program

As previously reported, ICNL hosted two rounds of research fellowships at its offices in Washington, D.C. First, during May and June, Faith Kisinga Gitonga and Rahma Jillo, both from Kenya, spent 3 weeks and 4 weeks, respectively, as fellows with ICNL. Second, Ileri Ablanado, from Mexico, and Ezequiel Santagada, from Paraguay, joined ICNL in DC from June 15 – July 3.

Because the second round of fellows finished up their fellowships in July – during the current reporting period – we describe it here. As with the first round of fellows, Ileri Ablanado from Mexico and Ezequiel Santagada from Paraguay come from two different sectors. Ms. Ablanado works for the Mexican Government on issues relevant to civil society organizations, and Mr. Santagada is a lawyer for a non-profit organization that focuses on environmental law. Ms. Ablanado focused her research on the often conflicting definitions of not-for-profit entities under the various Mexican laws that govern NGOs (e.g., the income tax law, the law to promote the activities of civil society organizations, the public assistance law, etc.). She contends that the lack of legal clarity prevents many NGOs from taking advantage of the tax incentives and government programs that might improve the sustainability and professionalism of Mexico’s notoriously weak civil sector. Mr. Santagada completed a comprehensive critical assessment of the laws governing Paraguayan CSOs, with recommendations for reforms based on comparative international examples.

Following the fellowships, ICNL worked with all four fellows to finalize their research. The research conducted by the two Kenyan fellows was published in August 2009, in ICNL’s online journal, the *International Journal for Not-for-Profit Law* (Volume 11, Issue 4). Rahma Jillo’s article is entitled *NGO Law Reform in Kenya: Incorporating Best Practices*; Faith Kisinga’s article is entitled *The Process of Reviewing the NGO Coordination Act, 1990: A Step-by-Step Road Map*. The research papers of the two Latin American fellows have also been finalized and will be released soon.

All four fellows are now intimately engaged in follow-up activities in their home countries. Fellows from Kenya are collaborating on the preparation of new legislation. The research paper produced by Paraguayan fellow Ezequiel Santagada will help inform the working group of Paraguayan NGOs that is preparing a reform plan for the sector. Mr. Santagada was engaged in preparing for a meeting with the tax authority to consider a recent Presidential Decree defining “public benefit” for the purposes of determining eligibility for tax deductible donations. For purposes of that meeting, ICNL shared comparative analysis on the definition of “public benefit” that was prepared by the other LEEP Fellow from Latin America, Ileri Ablanedo of Mexico. Ms. Ablanedo met with the Ministry of Interior upon her return to discuss the outcomes of the fellowship and the state of the legal framework for civil society in Mexico. ICNL and Ms. Ablanedo are now in discussions with the Ministry regarding a visit to ICNL for assistance in designing a plan to assess the legal environment for CSOs in Mexico.

D. NGO Legal Research

During the reporting period, ICNL moved forward with both research initiatives – one on an overview of the legal framework for civil society in sub-Saharan Africa (SSA) and one on foreign funding restrictions.

For the research relating to SSA country reports, the designated countries include Ghana, Kenya, South Africa, Uganda and Zimbabwe. Through grant agreements with designated local partners, ICNL commissioned the research in June; to ensure greater consistency between reports, ICNL designed a research template to guide the researchers. ICNL received four initial draft reports by the June 22nd deadline and provided feedback in July. Revised country reports were submitted to ICNL in August. (The Ghana report was never submitted, and will not be included in the compilation.) The four reports will be published and made available in October, once ICNL completes a comparative introductory piece.

For the research on foreign funding restrictions, the designated countries include Egypt, Ethiopia, Russia, Sri Lanka and Venezuela. Each country imposes a certain kind of legal barrier to foreign funding, and each country has significant regional influence; moreover, each country offers an example of a distinct political narrative relating to foreign funding restrictions. The goal of the research is to examine the various political narratives and lessons learned regarding civil society’s response to the foreign funding challenges. During the reporting period, ICNL commissioned the research through grant agreements and research templates. Four of five reports were submitted in September, from partners in Egypt, Ethiopia, Russia and Venezuela. We have provided feedback and set a deadline for revised reports to be submitted in October. The deadline for the submission of the initial draft report from Sri Lanka was pushed back to October, at the request of the local partner, and with the authorization of USAID, due to difficulties in obtaining materials in Sri Lanka. Once these reports are final, ICNL will also publish and make them available, along with a comparative introductory article.

IV. Comparison of Planned and Actual Accomplishments

TECHNICAL ASSISTANCE

Activities Planned for This Quarter	Timeline	Status
Ethiopia: Monitor developments and provide assistance as needed	July 1 – Sept 29	Completed. No further assistance envisioned under LEEP
Rwanda: In-country visit to provide technical assistance on draft laws	July 1 – Sept 29	Visit still pending, now likely to occur in Project Year 2 (November)
Sierra Leone: Technical assistance grant to SDI to support consultation meetings on NGO Policy Regulations	July 1 – Sept 29	Completed. TA grant issued. 3 consultation meetings held. Handbook published. No further assistance envisioned under LEEP.
Zambia: Written comments on NGO Bill provided to FODEP.	July	Completed. ICNL consulting with USAID regarding future assistance in Project Year 2.
Ecuador: Technical assistance grant to Grupo FARO to support CSO advocacy strategy	July 1 – Sept 29	Completed. TA grant issued. 2 regional meetings held. National meeting to be held during Project Year 2 (October).
Guyana: Prepare memoranda on current registration and tax practices with recommendations for reform. Formulate post-LEEP reform goals.	July 1 – Sept 29	Completed. Memoranda and reform strategy to be distributed shortly. No further assistance envisioned under LEEP.
Paraguay: Ongoing technical assistance to local partners	July 1 – Sept 29	TA provided. Assistance to continue in Project Year 2, through TA grant.
Peru: Written comments on draft Bill 2666 and Briefer for Peruvian Embassy.	July 1 – Sept 29	Completed. Ongoing assistance possible in Project Year 2, if requested.

Venezuela: Technical assistance grant to local partner for constitutional research.	July 1 – Sept 29	Completed. TA grant issued. 1 st draft of research submitted. Memo to be finalized in Project Year 2.
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FELLOWSHIP PROGRAM

Activities Planned for This Quarter	Timeline	Status
Conduct fellowships	May-July	Completed
Assist in finalizing research products	July-Sept	Completed

NGO LEGAL RESEARCH

Activities Planned for This Quarter	Timeline	Status
Commission research	May-July	Completed
Receive and review initial draft reports	June-September	Completed (but for Sri Lanka report)
Finalize reports	July-September	Some reports finalized, others pending completion

V. Activities Planned for Next Quarter

Technical Assistance. ICNL has completed technical assistance activities conducted under LEEP in Ethiopia, Sierra Leone and Guyana. For those countries that will continue to receive technical assistance during Project Year 2, we envision the following activities:

- **Rwanda.** Currently ICNL is awaiting word from the Mission regarding the scheduling of Senate hearings on the draft NGO and INGO laws, expected in November.
- **Ecuador.** ICNL will support Grupo FARO and Ms. Arias in carrying out the national meeting and developing a plan for follow-up with NGOs, Government officials, and representatives of other sectors.
- **Paraguay.** ICNL will collaborate with Mr. Santagada to widely disseminate his research paper. Following a competitive selection process, ICNL plans to issue a “technical assistance” grant to a Paraguayan NGO, in order to support follow-up activities on legal and fiscal reforms for the sector, and dialogue between NGOs and the tax authority.
- **Peru.** ICNL understands that the draft amendments will likely be considered by the Congress of Peru in November or December, before the current legislative session ends

in December 2009. ICNL is prepared to continue to provide technical assistance on the draft Bill as they are considered by the Congress, if requested.

- **Venezuela.** ICNL will help Professor Canova finalize his draft constitutional research, and then circulate it to key partners for use in their advocacy against the draft Law. The draft Law is expected to be considered by the Venezuelan National Assembly before the end of this year.

In addition, ICNL will be planning activities, in close consultation with USAID, in the other countries designated to receive technical assistance during Project Year 2: Nepal, Panama, Senegal, Somalia, Sri Lanka and Zambia.

Fellowship Program. The research fellowship papers, now finalized, of the two Latin American fellows will be distributed. Planning will begin for the fellowships envisioned under Project Year 2.

Study Tour. Planning will begin for the study tour envisioned under Project Year 2.

NGO Legal Research. The research papers for both initiatives will be finalized and distributed during the next reporting period.

VI. Success Stories/Lessons Learned

ICNL highlights the following success stories:

- In Sierra Leone, the technical assistance grant issued to the Society for Democratic Initiative (SDI) enabled SDI to continue its campaign to raise awareness of the problems posed by the draft NGO Policy Regulations. With the support of the grant, SDI conducted 3 public consultations, finalized and published a Handbook on the NGO Policy, and prepared an action plan for future steps to improve the legal framework in Sierra Leone.
- In Zambia, ICNL provided FODEP with comments on the NGO Bill. FODEP expressed its gratitude for the support: "We at FODEP are very grateful to the ICNL ... for the timely and unwavering support rendered to us at this hour of greatest need ... we will greatly benefit from your comprehensive analysis given to us. Rest assured we shall share the report with other CSOs as an additional advocacy tool." Although the Bill was unfortunately enacted into law, ICNL's assistance was important in demonstrating support for civil society in Zambia and to help strengthen advocacy efforts.
- In Ecuador, with the support of a technical assistance grant, Grupo FARO conducted the first two regional workshops in Quito and Guayaquil. Among the results reported by Grupo FARO:

- In Guayaquil, the participating NGOs reported that approximately 35 new organizations have signed the NGO Declaration, *Aportes Ciudadanos*.
- In Quito, a number of important NGOs that had not previously engaged on the issue of defending civil society participated last week in an initial regional meeting.
- NGOs in Manta and Malabi are reporting great interest in the NGO Declaration and the national meeting.

Lesson learned include the following:

- Immediate responsiveness is sometimes necessary in responding to the threat of draft legislation, as was demonstrated in Zambia. Thanks to the tremendous responsiveness of USAID, ICNL was able to submit preliminary written comments to FODEP – the local partner in Zambia – on the same day that we received the request for assistance.
- Hosting fellows from different sectors (civil society and government) presents tremendous opportunities to expand understanding, strengthen trust and sharpen research products. Research efforts of the Kenyan fellows benefited directly, as both fellows ended up working together and publishing a joint research product in ICNL’s online journal. More importantly, the two fellows are now cooperating in preparing draft legislation back home in Kenya. The Paraguayan and Mexican fellows also reaped benefits from each other’s experience.