Institutionalizing A Media Self-Regulatory Body in Ethiopia: Challenges and Prospects

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Abstract

The study has attempted to unearth the challenges and prospects of institutionalizing a media self-regulatory body in Ethiopia. media in-house code of conduct is also a subset of this study. In addition, the study discusses how media self-regulation is strongly attached to freedom of expression. As outlined in chapter two of the study various literatures and the experiences of some countries were taken as a bench mark and nucleus of discussion. The study employed qualitative, individual in-depth interview and document analysis, and quantitative, structured questionnaires, research methods. Data were thematically analyzed based on related literature reviews, in-depth interviews and findings from questionnaires. Journalism is a profession that highly demands freedom of expression. Freedom to seek, receive and impart information is the backbones or the cornerstones for every single activities of the profession. Freedom of expression is clearly stipulated in the constitution of FDRE and subsequent press proclamations. The outcome of the study illustrates that, there are inhibiting factors which strangled the establishment of an independent and Inclusive media self-regulatory body in Ethiopia. The polarization of the government and the private press, the existence of weak and fragile journalists' associations, the disagreement among the private press, financial deficiency and little awareness about media self-regulation has made the establishment of a media self-regulatory body in Ethiopia very remote. The findings of the study also indicate that in-house codes of conduct do exist in many media organizations, but they are not put into practice and neither there is an enforcing mechanism. As individual in-depth interviews revealed in-house regulation of media houses is very poor and the codes do remain only on paper. Still codes of conducts are violated and even do not referred while producing any form of journalistic outputs.

INTRODUCTION

1.1 Background and Statement of the Problem

The idea of self-regulation is conceived upon the fact that disputes over media content and behavior of practitioners should be resolved by some independent but non-legal body. "The media has acknowledged that some self-regulation is essential because failure to regulate will result in further erosion of confidence and perhaps even public demands for government intervention." (Day 2003:45)

The concept of self-regulation can also be explained as a framework that the industry through its own representatives establish a non-statutory tribunal that arbiters the behavior of its members in line with certain professional standards. "Complaints about the media- of bias, inaccuracy, unfair treatment, invasion of privacy and so on – are continually increasing with siren calls for stricter control and regulation of the press." (MacDonald and Petheram: 1998)

The media industry exercises self – regulation by establishing press council or press complaints commission. The prime functions of these press councils are to increase the accountability of the press to the public. Besides, the self-regulatory bodies have a potential to promote the freedom of the press by persuading governments to refrain from issuing repressive laws upon the media industry.

In Ethiopia there are laws both press and criminal that controls the conduct of the media. Some media professionals and interested groups are also at a nascent stage to introduce self-regulatory frameworks. However, there are hidden and obvious challenges that hinder the process. The press law of Ethiopia clearly proclaimed the right of establishing a statutory regulatory body.

Article 38 of the press law (2003) envisages establishing a press council that has a mandate to make recommendations regarding the press, as well as to prepare and entertain complaints regarding a code of ethics.

The concept of media self regulation seems either not understood or undermined by most of Ethiopian media professionals. As result efforts to establish a self regulatory body has failed for a number of times. Journalists in various media rather than working together for the betterment of the media growth, they seem to prefer criticizing each other and the government.

The FDRE constitution and the subsequent press proclamations has given recognition to freedom of expression and the freedom of the press. However, the private/government dichotomy and other hidden and obvious factors have made institutionalizing a self regulatory body very remote.

Once in our country's media history i.e. during election 97 E.C it was observed that quite a number of the private press were engaged in unethical, illegal and irresponsible reporting. Inaccuracy, imbalance, partiality and misrepresentations were observed in the reporting. As a result, the public lost confidence in almost all of the papers. Institutionalizing a self regulatory body with jurisdiction to entertain complaints from the public could

have mitigated the problem. On the existing condition, journalists are judged before the court for professional misconduct. Apart from the long process of the court, all professional misconducts cannot be addressed by the court.

1.2 Objectives of the Study
The major objective of the study is to look into the ways and possibilities, revealing challenges and prospects, of institutionalizing a media self regulatory body.
The specific objectives are:
- To assess the level of understanding of the journalists concerning media Self- regulation.
- To discuss the legal framework in relation to freedom of expression and forming a media self-regulatory body.
- To look into the trend of in-house codes of conduct in some selected media organizations.
- To reveal problems that have been arising as a result of lack of self regulatory body.

1.3 Significances of the Study
The study will have the following significances:
- The study attempts to address major questions regarding the how and why of institutionalizing a self regulatory body in Ethiopia.
- The study attempts to pin point major challenges that hinders the institutionalization of a media self-regulatory body in Ethiopia.
- It can serve as an instance for further studies.
- It can also be used as a supporting document for those who are striving to institutionalize the self regulatory body.
- It reveals the existence and practice of in-house codes of conduct in some selected media organizations.

1.4 Research Questions
The research questions that are attempted to be answered in the study are:
- What are the challenges of institutionalizing a media self- regulatory body in Ethiopia?
- What are the presumed effects of lack of a self regulatory body?
- is there a suitable legal ground that enable to form an independent media self regulatory body?
- What are the prospects of establishing a media self regulatory body?
- Do media organizations put into practice their in-house codes of conduct?

2.1. Conceptual Framework of Media Self-Regulation
2.1.1. Concept of Media Self - Regulation
Almost all countries have a formal law that regulates the activities of media and the behavior of journalists. These laws are produced by parliaments and enforced by prosecuting authorities. Apart from the formal laws the media industry also faces another rules which are developed and enforced by an independent organizations like press councils, press complaint commissions, media ombudsman. The concept of media self regulation can best be described in terms of the expression that; it is for the media by the media in the media.

Media self regulation is a joint endeavor by media professionals to set up a voluntary editorial guideline and abide by them in a learning process open to the public. By doing so the independent media accept their share of responsibility for the quality of public discourse in the nation while fully preserving their editorial autonomy in shaping it. (The media self regulation guide book: 2008)

The media has a duty to discharge its responsibility properly and it should also be accountable to the public. Self regulation of the press is a framework that the industry through its own representatives form a non statutory tribunal that arbiters the behavior of its members in line with certain professional standards. The formal laws that are enforced by prosecuting bodies do not address and regulate all activities of the media.

"Notwithstanding the large and increasing number of legal restraints of the media, it still has power to damage reputations by falsehoods, invade privacy and conduct partisan campaigns.(Robertson and Nicole,2002: 675)

Overtime it has clearly been understood that the media industry is changing in structure and amount of income.

This growth demands and yet complicates the media industry to regulate itself. Christ forest in his book called journalism ethics and regulation forwards the challenge of media growth against regulating it.

"Technology, and the democratizing of news gathering, continues to change traditional journalistic practice making the path through ethical and regulatory frameworks tough to negotiate. As high-profile celebrity cases

such as Max Mosley's vividly illustrate, conflicts between the law, ethics and the public's right and desire to be informed are not easily resolved." (Christ Forest; 2011:5)

Self-regulatory systems take many forms throughout the world. Whatever these constitutional and procedural differences may be, all media regulatory bodies serve the same two main purposes. They protect media freedoms and protect citizens from abuses of those freedoms by the media, while giving due regard to those matters which affect the public interest.

Media regulation is essentially a practical day-to-day activity. It is concerned with making adjudications on complaints from citizens about unethical media conduct. The regulators' job is to decide whether or not the actions of the accused media organization has breached the Code of Practice that their industry has agreed to uphold and obey.

2.1.2. Self-Regulatory Bodies

The press in democracies regulate themselves through codes of conduct that define their professional standards. Institutionalizing press councils, appointing press ombudsman, establishing ethics panels and press complaint commissions are ways of inter media regulatory frameworks. In countries like Norway, Sweden and Britain, press complaint commissions are in charge of entertaining complaints. In other countries like South Africa the press ombudsman regulates the media as a whole. Still in countries like India, Australia press councils are in charge of entertaining complaints.

2.1.2.1. Press Councils

The press industry exercise self- regulation by establishing press councils. The prime functions of these press councils are to increase the accountability of the press to the public. Though the media professionals take the initiative of forming the council, it includes the public representatives. "Press councils are composed of the cross section of the community and the media that are designed to investigate complaints against the media, investigating the charges and publish their findings." (Day 2003: 48)

Press council is the most common form for a self regulatory body. Mainly composed of media professionals. These councils are independent of political power. Their main task is to deal with complaints about the work of the media through collective decision making. By doing these they offer guarantees to the public about the quality of information it receives, demonstrate that media professionals are responsible and show that extended state regulation of the media is not needed. Each established press council is unique. Because of its country's particular history and media environment.   (OSCE; 1998: 45)

Press councils exist in many Western democracies and already have a long-standing tradition. Generally, press councils are responsible for the regulation of journalistic work processes. They deal with violations of a code of ethics by the media, mostly based on complaints from the public (Dewall; 1997: 12, 224).

Despite their name, most councils do not limit their activities to the printed press but deal with the electronic media as well. Press councils are a typical example of self-regulation. Self-regulation plays an important role in the media and communications sector due to the following reasons:

First, media regulation is always between a rock and a hard place. While there are legitimate societal, economic and technical justifications for statutory regulation, there is consensus that the media should be devoid of governmental influence.

Second, statutory media regulation is confronted with enforcement problems. Self-regulation is thus often considered to be both a possibility of re-regulation as well as a solution for the dilemma of how to reconcile media regulation with media freedom. It would be inappropriate, however, to treat statutory regulation and self-regulation as contradictory opposites since the state can still play a role in self-regulation. This kind of self-regulation with some governmental oversight or recognition is often called co-regulation (Schulz & Held; 2004:21). Whether there is some governmental oversight or not, Self-regulation by definition implies a regulation by non-state actors. The "self" in self-regulation can be understood in an individual or in a collective sense (Black; 1996:26)

In countries with long democratic traditions, the type of ownership of media outlets has no influence on media self regulation. But establishing an independent and efficient press council in countries with a totalitarian government where the majority of media outlets are state-owned is extremely difficult. Throughout the world state governing structures include ministers of information and communication that play a significant role in media ethics and self regulation. It is absolutely necessary in these countries to engage with governments to convince them of the benefits of the media regulation itself.

Press councils are professional rather than political bodies. And the professional qualities of media representatives should prevail. Sound procedures for avoiding conflicts of interests should be established. Such procedures might include a rule that members of decision making bodies of political parties cannot be board members of a press council, and a requirement that members sign a declaration to avoid conflict of interest.

- **Factors determining the success of a press council**

A 2002 World Bank book, The Right to Tell: The Role of Mass Media in Economic Development outlined five factors that can "determine the success" of press councils:

1. Creation of the council must "originate with the press itself, and be desired by members of the press." Governments or NGOs can encourage it (even, the authors suggest, with the government bargaining by offering lighter regulation), but the impetus must come from the media.

2. Councils must have enough industry cooperation and support "that media firms feel obliged to comply with their decisions."

3. There must be "leadership and a genuine desire among the media profession to improve on their work."

4. There must be a press code, or something like it. "Designing ethical guidelines that balance media freedom and responsibility is critical."

5. Standards must be applied consistently.

- **Membership in a press council**

Membership in press councils follows different models, although many have a mix, divided between current or former journalists, respected outsiders such as university professors or current or retired jurists, and sometimes representatives of the public. Many are funded through industry fees, often supplemented by outside grants from nongovernmental organizations (NGOs) or multilateral organizations. A few, even some councils widely acknowledged to be independent in action, receive funding from their national governments, but with provisions that there are no official strings attached. This can be achieved by keeping the government out of the business of appointing or approving the members of the council.

2.1.2.2. Press Ombudsman

"Ombudsman" is a Swedish word for "representative". It has been widely adopted by other languages as the compliant. It was first applied to the press by the daily courier-journal in Louisville, Kentucky which, in 1967, commissioned a former head of local information to handle relations between readers and journalists. Gradually the system improved became more and more interactive as comments, criticisms, observations and corrections were processed passed on and returned to readers. Ombudsmen do not only exist in print media, in France, for example, public radio and TV stations have played an innovative role. France 2&3 and radio France international have had ombudsmen since 1998.

I. Duties of the ombudsman

The ombudsman promotes dialogue between those who read, listens and watch a news outlet and those who work for it. The idea is to offer a contact for users and by encouraging self-criticisms to enhance the credibility of the news outlet especially if its image is not particularly good.

II. The ombudsman's main role

- Provide information as precisely, fully and clearly as possible
- Make a clear distinction between information and commentary
- Rectify errors
- Ensure that individual's rights are not violated and that their privacy is respected.

RESEARCH METHODOLOGY
3.1. Introduction

The focus of this study is to examine the challenges and prospects of institutionalizing a media self regulatory body in Ethiopia. As learnt from various countries experience the media self regulatory bodies play a vibrant role in the overall development of the media industry and safe guarding the freedom of expression.This chapter of the study discusses the methodology employed in the study. The methodological approaches are discussed in tune with the theoretical framework and their relevance to the goals and aims of the study.

3.2. Data Gathering Techniques and Sources
3.2.1. Main Approaches

The research methods employed in this study is broadly qualitative and quantitative. In this methodology, there is a preference "For a contextual understanding so that behavior is to be understood in the context of meaning systems employed by a particular group of society" (Bryman, 1984:78). The study also used self-completion questionnaires to fill the gap that emerge after the individual in-depth interview. By employing these methodological approaches, a contextual assessment of the challenges and prospects of institutionalizing a media self regulatory body is conducted.

3.2.2. Individual in – Depth Interview

Individual in-depth interviews with journalists, editors in chiefs, owners and representatives of media professionals association in a bid to apprehend the hidden and obvious challenges of institutionalizing a media self regulatory body in Ethiopia.

(Lindlof1995:5) states that in qualitative research" one interviews people to understand their perspective on a scene, to retrieve experiences from the past, to gain expert insight or information, to obtain description of events or scenes that are normally unavailable for observation, to foster trust, to understand a sensitive or intimate relationship or to analyze certain kind of discourse."

3.2.3. Informants
In-depth interview and formal discussions will be conducted with people who are the major actors in the sample of the study.

The interview will provide valuable information pertaining to exhibit the major challenges of establishing a media self-regulatory body. Hence, reporters, editors, media owners, heads and members of professional association were interviewed.

3.2.4. Sampling
Purposive sampling was used to identify the samples of the study. Since the media self-regulatory body demands the contribution of each and every media working in the country. Purposively, the samples are made to represent the media operating in the country. An attempt was made to include all actors that are supposed to play a major role in the effort towards establishing an independent media self-regulatory body. Hence representatives from the electronic media, the print media and professional media associations were taken as a sample for the study.

3.2.5. Questionnaires
The study involved 40 questionnaires distributed to journalists working in the state owned media agencies and that of the private media; out of which 30 were filled in and collected.

Since no intermediary is involved to present the questions or record answers, the findings from the questionnaires are believed to fill the gap that can possibly be created by the in-depth interview.

DATA PRESENTATION AND ANALYSIS
4.1 Introduction
The prime objective of this study, as outlined in chapter one, is to unearth the challenges and prospects of institutionalizing a media self-regulatory body in Ethiopia. The private media in Ethiopia proliferated along with the down fall of the military regime. Subsequently, the EPRDF constitution and subsequent press proclamations has given a full recognition to freedom of expression and of the press and that served as a cornerstone for the private media to flourish and intensify. Though the legal ground has provided the private media with a suitable environment to work with, the media industry couldn't reach the expected heights.

As the latter sections of the analysis justify, the problems are partly attributed to lack of professionalism, weak financial status, and more over there has not been any media self-regulatory body that enhances the credibility and sense of professionalism within the infant media industry. If the media industry does find a means to regulate itself, intervention from any party won't get a standing chance. According to Day (2003:43) the idea of self-regulation is emanated from the fact that intervention from governments or other organs will compromise or jeopardize the activities of the media. Hence forming a media self-regulatory body is a means for the media to safeguard its interests and freedom.

For media self-regulation to be effective there must be a conducive legal environment. The section that follows hereafter, explore the Ethiopian legal grounds pertinent to media activities. Subsequently, the challenges and prospects of institutionalizing and trend of in-house codes of conduct in some media houses will be discussed.

4.2 Legal Ground
Freedom to express one's thoughts is an important part of a human individual identify. Freedom of expression is covered in article 19 of the united nation's universal declaration of human rights: "Everyone has the right to freedom of opinion and expression; this includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers." Freedom of expression is widely acknowledged as a basic human right that should be available to all. It plays a crucial role in a fair and open society.

The international covenant on civil and political rights (ICCPR), which Ethiopia ratified imposed formal legal obligations on states to respect its provisions and elaborates on many rights included in Universal Declarations of Human Rights. Article 19 of the ICCPR guarantees the right to freedom of expression In the following terms:
1. Every one shall have the right to freedom of opinion.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers either orally, in writing or in print, in the form of art or through any other media of his choice.

The African charter on human and peoples' rights which Ethiopia also ratified guarantees the right to freedom of expression and speech as follows:
1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

So all the above international conventions on freedom of expression which Ethiopia ratified are the basic human rights, vital to societal development and political consciousness.

- **Restrictions on freedom of expression**

Freedom of expression is not absolute and many be subjected to restrictions in accordance with law. Therefore it is subjected to certain restrictions, for respect of the rights or reputations of others, and for the protection of national security or the public order, or of public health or morals. In accordance with article 19(3) of the ICCPR and the jurisprudence of the human rights committee, the African commission and the European court of human rights, any restrictions on freedom of expression must meet a strict three-part test. This test which has been confirmed by these bodies requires that any restrictions on freedom of expression:

I. Shall be to serve a legitimate aim
II. Shall be to serve a legitimate aim
III. Shall be necessary in a democratic society to secure the legitimate aim

4.2.1 The Legal Framework for Freedom of Expression in Ethiopia

The 1955 constitution of Ethiopia introduced the idea of freedom of expression for the first time. Article 41 states "Freedom of speech and of the press is guaranteed throughout the empire in accordance with the law." Therefore it can be said that the old constitution gave recognition to freedom of expression and the press. But the freedom was only for the state/Empire press. Private presses were restricted to operate.

The 'Dergue' like the monarchy, in the 1987 constitution recognized freedom of expression and the press. Article 47(1) state, "Ethiopians are guaranteed freedom of speech, press." Article 47(2) also states: "The state shall provide the necessary material and moral support, for the exercise of these freedom." But the declaration was useless because the military government imposed a harsh censorship rule.

4.2.2 Freedom of Expression under the FDRE Constitution.

With the coming into power of the new government in 1991, it appeared that promoting respect for freedom of expression become respected and recognized. The FDRE constitution (1995) in its Articles 29 recognizes the freedom of expression and freedom of the press. The constitution states:

Article 29 Rights of thoughts, opinion and expression

I. Everyone has the right to hold opinion without interference.
II. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally or in writhing or in print, in the form of art, or through any media of his choice.
III. Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements.
  A. Prohibition of any form of censorship
  B. Access to information of public interest

As can be seen from the above provisions, the constitution has given a full recognition to the freedom of expression and freedom of the press.

4.2.3 Press Proclamation 590/2008

Proclamation number 590/2008 of the mass media provides the ground for freedom of mass media and access to information. Part one number 4 of the proclamation states the freedom of mass media.

1. Freedom of mass media is constitutionally guaranteed. Censorship in any form is prohibited.
2. All public bodies shall have regard to the right of the mass media, in fulfilling its public function to:
  A. Seek, receive, and impart news or information.
  B. Express opinion or criticisms on various issues or
  C. Participation in the process of forming public opinion through other menses.

- **Restrictions on freedom of expression**

Like that of the international conventions on freedom of expression, the Ethiopian constitution lays a restriction. That is, these rights can be limited through laws which are guided by the principle that freedom of expression and information can't be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down:

  A. In order to protect the well being of the youth and honor and reputation of individuals.
  B. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.
  C. Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

Part five of the proclamation states taking lawful penalties. In case of liability i.e. in an action for defamation through the mass media, the court may award having regard to the seriousness of the moral damage, compensation fee up to 1,000,000 birr.

Article 25 of the proclamation also states about penalties.

1. Anyone who has contravened the provision of article 7(1) – (3) shall be punished with a fine of not less than 20,000 and not exceeding 200,000 birr.
2. Where an editor in – chief or program editor has improperly failed to publish or broadcast a reply or

correction sent to the mass media pursuant to article 40 of this proclamation shall be fined up to 15,000 birr.

The penalties stated above as stipulated by the law exhibits that the existing financial status of the media industry in Ethiopia were not given a due emphasis. Because it is extremely difficult rather impossible for the growing media industry to be penalized worth 1,000,000 birr. Leaving behind the moral, time and energy costs, the finance penalty alone was not based on the current economic status of the infant media. Many papers left out the market and most of the remaining ones are on the edge of leaving due to publication costs.

Debebe W/gebriel legal advisor of the Ethiopian media organizing committee asserts that:

> *I don't personally believe the financial penalty stated on the proclamation took into consideration the existing economic status of the media industry. Let alone paying that amount of money, they are in a fight to survive. (Personal interview on March 14/2011)*

- **Manners of instituting and hearing Mass media cases.**

One of the biggest advantages of establishing a media self–regulatory body is that it substantially reduces court procedures. Wastage of time, money and energy in court procedures can be saved. The press proclamation states manners of instituting and hearing mass media related cases:

1. Unless the attorney general decided otherwise, any person who is suspected of committing an offense through the mass media shall be brought before the court.
2. The court having jurisdiction over the case shall commence the hearing of the case within 15 days from the filing of the charge.
3. The court shall pronounce its judgment within one month from the commencement of the trial.
4. Where the person is not satisfied by the judgment given in default he may log an appeal in accordance with articles 44.

- **Article 44. Appeal**

A. The party who is aggrieved by the decision of the court shall log his memorandum of appeal to the appellate court within thirty days of the rendering of the decision.
B. The appellate court shall give decision within 10 days of receiving the memorandum of appeal.

The above legal procedures are tiresome and discouraging especially when the media organization as a whole or the journalist individually is sued frequently. Since there is a question of professionalism in the media industry, mistakes can be made but for every mistake if the journalist or the media organization is taken before the court, it discourages and force them to leave the industry. More importantly the law does not encompass or address every activities of the media industry. Hence institutionalizing a media self regulatory body is not optional in curbing problems related to law.

NAME	APPEARANCE IN COURT	CIRCULATION (Source EBA 2010)	CONTENT
FORTUNE	YES	5400	Political, Economy, & Social
THE REPORTER (English & Amharic)	YES	14400	Political, Economy, & Social
ADDIS ADMAS	YES	26500	Political, Economy, & Social
CAPITAL	yes	7500	Political, Economy, & Social
AWRAMBA TIMES	YES	2000	Political, Economy, & Social
FETEHE	yes	300	Political, Economy, & Social
THE DAILY MONITOR	yes	1000	Political, Economy, & Social

Table 4. 1 some media houses Appearance in court.

The above table demonstrates that every news paper has been brought before court. And there are media organizations that their case is still being seen in court. For the media industry which is infant, not well equipped with skilled man power, financially incompetent etc, going to court will be discouraging.

4.3 Media Self-Regulation in Ethiopia

Media self - regulation is a framework which balances conflicting interest between the media and the other involved party in the system that minimizes the harm on either's group right.

The principal benefit of media self- regulation is to safeguard freedom of expression. For quite long period, the media sector had been in detention.

It is not more than two decades that the media sector in general and the private one in particular have fully been provided with a working legal ground. And along with that the private media proliferated. However, since most of the private press were not based on knowledge that the profession demands and didn't have the right

skilled man power, they caused problems to themselves and to the infant media of the country. Due to the fact that the media sector and the private one in particular has been facing financial, structural, professional and other problems; the media personalities could not come to one to establish a media self – regulatory body in Ethiopia.

In the designed questionnaire respondents were asked whether institutionalizing a media self-regulatory body at the existing situations of the media industry is possible or not. The following chart illustrates their response.
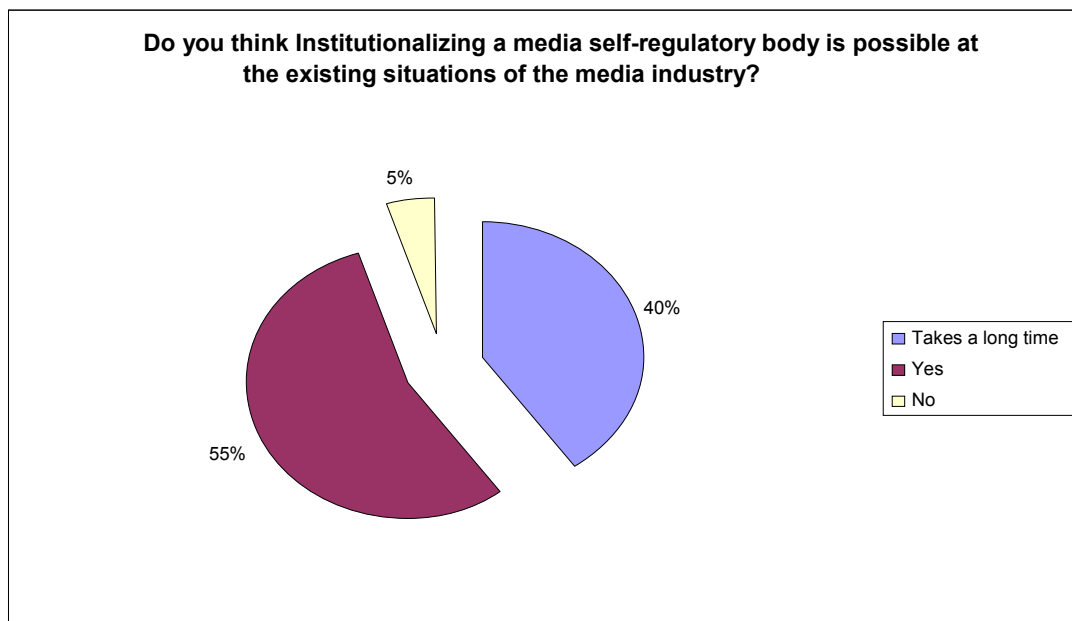

Figure 4.1 possibility of forming a media-self regulatory body

As can be referred from the above chart most of the respondents agree that the current media industry can form the council upon the co-operation of all of the stakeholders. Those who responded it takes a long time for ward their justification of the private press's fighting for survival with the ever increasing publication coast, and organizational, financial, professional and other shortcomings that surround the media sector.

4.3.1 Challenges of Establishing a Media Self-Regulatory Body in Ethiopia

As outlined in the previous sub topics, the media sector in Ethiopia do not have a firm ground. It is not more than two decades since it has got a legal and professional support from the government. However, it could have been grown fast, had there not been severe hindrances. One of the obstacles that strangled the media industry is that it failed to establish a media – self regulatory body. It is attributed to many factors.

- **Factors inhibiting the establishment of a media – self regulatory body.**

The following inhibiting factors have been figured out through In-depth interviews conducted with media owners, private and state media editors, reporters of both private and government media, media professional association members and leader and also from the questionnaires disseminated.

I.   economic factors
II.   lack of professionalism
III. Factions among the private media
IV.   Private/Government dichotomy
V.   Lack of commitment
VI.   Political inclination
VII. lack of proper awareness
VIII. Fear as a factor

I.   Economy of the media sector as a factor

Since the notion of free media have been started with the down fall of the military regime, the media sector and that of the private ones in particular do not have a strong financial ground. The public reading habit, failing to provide pertinent information, structural and organization problems, publication cost, insufficient managerial skill and other related problems have been the causes of the low income of the media sector.

Financial deficiency has become one of the causes that slowed down the establishment of a media self – regulatory body.

Wondesen Mekonen, president of the Ethiopian free journalists association asserts that:

The low income of the private press negativelyContributed to

> *their effort towards establishing a Media council. Besides*
> *publication cost is increasing. (Personal interview on March 15,*
> 2011)

The increase in publication cost has contributed to their low income. The publication cost has increase by 47% which threatened virtually all papers. Ethio channel, Addis Admas, Fithe, and Fortune all revealed that their existence has become questionable.

Elsabet Equbay, editor in Addis Admas newspaper states:

> *If you look at the leading newspapers in circulation almost half of*
> *their pages is covered with advertisements. This hurts the*
> *profession, they are doing this to coup the   ever increasing*
> *publication cost. The income they earn from circulation can not*
> *cover the publication cost. So difficult even to talk about forming a*
> *press council in the existing situation. (Personal interview on*
> *March 8, 2011)*

Therefore the low income of the private press has been one of the obstacles towards establishing a media self– regulatory body. Being economically insufficient made most of the private press to revolve around their spheres only. It seems that they are engaged in a fight to survive. The overall effect has greatly slowed down the process of forming the media self-regulatory body in the country.

II. lack of professionalism

Lack of professionalism has long been a severe problem for both government and private media. Journalists in both media have long been serving traditionally without comprehending the essence of the profession. To the question do you think lack of professionalism is a major factor that slowed down the process of establishing a media self regulatory body in Ethiopia? And all of the respondents or 100% of them who responded to the questionnaire answered yes. Interviews conducted and questionnaires disseminated have proved that professionalism is one of the challenges of establishing a media self – regulatory body.

Wondwosen Mekonen asserts:

> *There were not media training institutions in the country. There*
> *was only one training institute that had been training at a diploma*
> *level. Now the only university that train journalists with a master's*
> *level   is the AAU. So professional training centers were not in the*
> *country at all. (Personal interview on March 15, 2011)*

Hence this lack of professionalism or practice of traditional journalism has been a factor that has become an impediment in the process of forming a media council in the country.

III. factions among the private media

It is a well known fact that the media industry is a highly competitive business. A media organization which is not competitive enough will leave the playing ground and join the viewers, listeners, and readers category. It is perfectly normal that a fair, legal, and professional completion among media organization should exist and it should also be encouraged. For one hand it will provide the public with quality and timely information and on the other hand it will strengthen the media industry. However many of the private media in our country seem to prefer an abnormal competition. Most of them prefer to label one another as pro and anti government. And the media landscape is being as a forum for score setting of one another. Again 100% of the respondents answered yes to the question do you believe that lack of co-operation among the private media personnel have negatively affected the establishment of a media council? Principally, these divisions among the private press have arisen based on:

- Abnormal market competition
- Labeling one another as pro and anti government
- lack of established culture and forum of discussion
- serious problems in professionalism

IV. Private/Government dichotomy

This is the other factor that in-depth interview and questionnaire figured out. For quite long, the government and the private journalists have been blaming each other. The private media have been accusing the government ones for not practicing the profession and being the spokes person of the government. And that of the government ones allege them as development hindrances. For long period of time they could do nothing even on matters that binds them together, rather they are still throwing words at each other.

> *Dejene Tessema editor in-chief of the Ethiopian Herald newspaper*
> *asserts:*
> *Journalists should focus on their common interests. Instead   of*
> *questioning who is behind this and what is the conspiracy,*
> *narrowing down   differences and focusing on advantages are*

> *useful. Besides, working together for the common goal is essential.*
> *The question is not having a press council, the question is having a*
> *viable, inclusive, vibrant and long lasting press council. (Personal*
> *interview on March 10, 2011)*

The polarization between the government and private journalist has been one of the major obstruction for the realization of a media self – regulatory body in the country.

V. Lack of commitment

As part of the major reasons, lack of commitment by the community of the media industry is one. It held back the efforts towards forming the council.

Tamerat G/giorgis owner and manager of fortune news paper states:

> *It is been like more than 7 years since the media personalities have*
> *been engaged in forming a council but it was all in vain. At the*
> *beginning it was attempted by some owners of media, it failed,*
> *latter on professional association took over that too didn't work out.*
> *It is partly because of lack of trust and commitment. (Personal*
> *interview on March 1, 2011)*

Hence, the media industry communities' lack of devotion became a barrier in bringing about the desired result.

VI. Political proclivity

Impartiality is one of the pillars of code of ethics for professional journalists. But it seems that it is not considered at all by most of the media houses. The situation before and after election 2005 in Ethiopia can be a good manifestation that as to how the media sector was partisan. Unethical, illegal and irresponsible reporting during the 2005 election has seriously impaired the credibility of the private media in particular. So the political inclination has caused serious mistrust between the media and the public, the government and the private media and within the media industry too. The outcome became ill motivation in forming a media council.

VII. lack of proper awareness

The findings from in-depth interview and questionnaire revealed that there is lack of awareness regarding what and why of a media self – regulatory body.

Tamerat G/giorgis asserts:

> *What was/is perceived by most media practitioners concerning a*
> *media council is as a media professionals' association. But it is*
> *not, the journalists can involve in forming it but it is established*
> *primarily for the public. (Personal interview on March 1, 2011)*

For the question in the questionnaire, do you believe lack of proper awareness by media practitioners have contributed in slowing down the process of the media self- regulatory body? The respondents unanimously agreed that it held back the process.

Mimi Sebhatu owner and manager of Zami Fm 90.6 states:

> *This process of establishing a media council has been started*
> *long ago by concerned media personalities but they failed to*
> *form it. Mainly because of lack of awareness and understanding,*
> *about a media council. So what we are planning to do in the,*
> *first place is awareness campaign. (Personal interview on March*
> *16, 2011)*

Hence it can be said that lack of proper awareness has long been a major factor that greatly slowed down the process of institutionalizing a media self – regulatory body.

VIII.   Fear as a factor

As attempted to explain in the previous sections of the study, the media sector had been in detention till the down fall of the 'Dergue' regime.

The severe censorship during the 'Dergue' regime and the banning of the private press during the monarchial times had left fear. However with constitutional proclamation, the private press was born and started to flourish. But it didn't stay long, with election 2005, their numbers went down along with their irresponsible reporting.

Since then a wall of fear, skepticism and mistrust has stood between the private press and the government. Many private press journalists are still in fear of the government and do not like to involve in activities that even concern them.

In the designed questionnaire respondents were asked to rate the degree of inhibiting factors. And the following chart demonstrates their response.
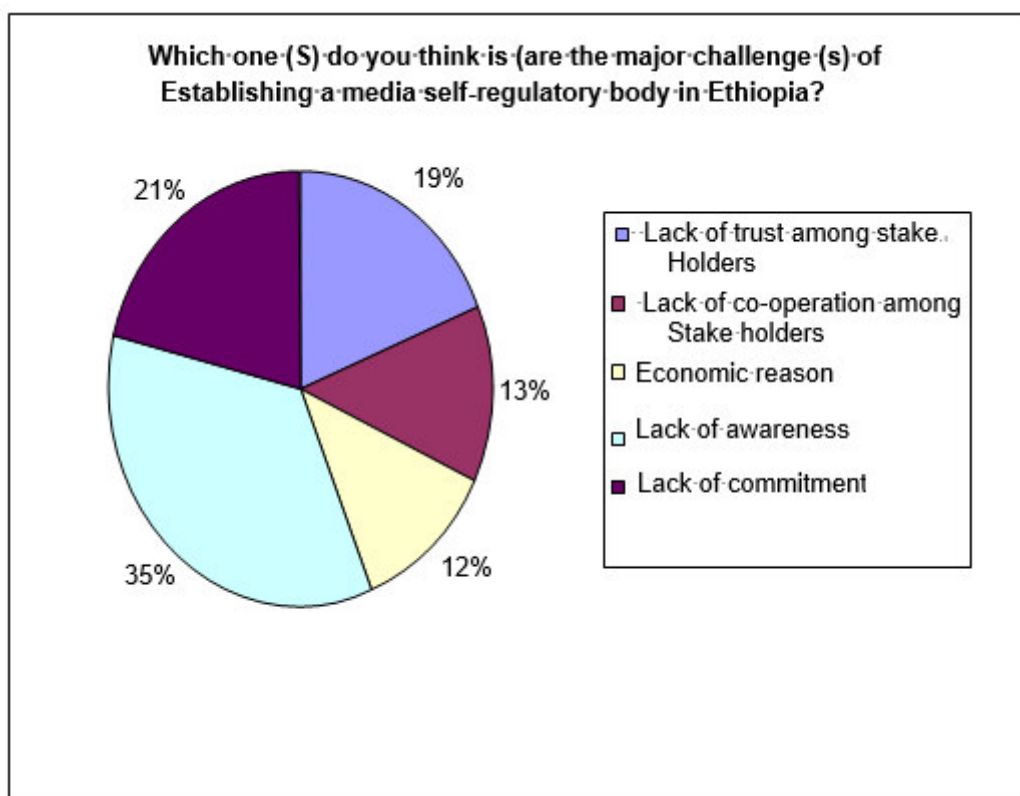
Figure 4.2 major challenges of forming a media self-regulatory body

4.3.2 Prospects of Establishing A Media Self-Regulatory Body in Ethiopia

It is a well known fact that institutionalizing a media self-regulatory body has a tremendous significance to the media industry, the government and the public at large. Given the existing situations of the media sector in Ethiopia.

Institutionalizing a media self-regulatory body has an overriding and paramount significance. As it was figured out by the study via in-depth interviews and questionnaires, forming a media council is advantageous to:

I.   **The public**
II. **The media industry and**
III. **The government**
I.   **The public**

With an increase in literacy rate, consumption of mass media increase simultaneously. The public satisfy its information, entertainment and education needs mainly through the mass media. This desire essentially be fulfilled when there is a free and yet responsible media. Establishing a media council works towards a strong, accountable and public oriented media. Hence upon the establishment of a media self – regulatory body in Ethiopia, the public will get the following benefits:

A. **Can forward its complaints**

Since a media council is established primarily to entertain the public's complaints, the public will save its time, money, and energy that could be wasted in court procedures.

B. **Can get quality information**

The public has a right to be informed and get eminence information. This can only be achieved when there is a free and yet responsible media. Upon the establishment of a media council, it can play a pivotal role in building the capacity of media practitioners. With skills and professional capacity upgraded, the public can get timely and quality information from the part of the media.

C. **Can play a role in the activities of the media**

Upon the establishment of a media self – regulatory body, representatives of the public will have a seat in the council. This enhances the intimacy between the public and the media. It will also give an opportunity for members of the public to watch closely the activities, motives and interests of the media. The lost trust following election 2005 between the press and the public can greatly be restored.

II. The media

A. For its survival

If the media personalities do not come to one to defend the essence of the profession by forming a media council, it will only be a matter of time that the real practice of journalism will be jeopardized. The media industry will also be weak and fragile. So for healthy existence of the industry, the establishment of the council will be mandatory.

B. To build and enhance credibility

The prime duty of a media self-regulatory body is to make sure that ethical codes of conduct of the profession are respected and protected. And a media organization which works as per the ethics of the profession will earn credibility.

C. Can prevent the media from repressive laws

Regulating the media based on the ethics of the profession will leave no room for malpractices that provoke governments to issue repressive laws on the media. Failure to regulate itself will force the government to intervene. On the contrary if the media industry regulates itself and fight malpractices, it can even make the government its intimate partner.

D. Avoids/reduce court procedure

As discovered by in-depth interview and questionnaire, many media houses are tired of lengthy court procedures. So the body will have an irreplaceable role in avoiding/reducing court procedures.

E. Safeguards freedom of expression

The existence of a free and yet a responsible press is an indication of democracy in a given nation. If the media sector does not carry out its activity responsibly, it can't claim freedom of expression. The establishment of a media self - regulatory body has a huge significance in safeguarding freedom of expression.

F. Can proliferate new media

With the establishment of a media self- regulatory body, the previous stations and papers can be consolidated and new and competitive media can be proliferated.

III. The government

The government too will be beneficiary upon the establishment of a media self – regulatory body.

Since the existence of a free and accountable media is an indicator of democracy and development, it will help improve the image of the country. The following points are pin pointed by the study as to how forming a council benefits the government.

A. Will have a strong and accountable media

The existence of the media sector merely cannot justify freedom of expression; rather a free, strong and accountable media can safeguard freedom of expression and be a development aid to the government. A media self-regulatory body works towards creating a socially responsible media so the government will be utilized out of it.

B. Help build the country's image

In the current globalized world, the power of the media in building a country's image is unquestionable. Hence the media self-regulatory body will help create a media that works to the best of its country. The proliferation of socially responsible media by itself forms a positive image to the country.

C. Can work towards development and democracy

One of the manifestations of democracy is the existence of a free and responsible media. The prime duty of a media council is to make sure freedom of expression is safeguarded. This effort will bring about a responsible media that works within the boundaries of the codes of conduct and the law of the land. The media then will be a development aid and propeller of the notions of democracy.

D. Can log its complaints

The government has been accused of taking journalists before the court even if they are breaching the law and the professional codes. But, with the establishment of the media self- regulatory body, the government like the public can log its complaints to the council. The government can avoid the blames and accusation posed on it by domestic and foreign bodies. More importantly the law does not cover every activity of the media, but a media council knows as to how to regulate the behavior of journalists. Hence a media self-regulatory body can best regulate the media than the court. It is known that governments like India log their complaints on the press to the press council of their country.

The chart that follows here after correlates absence of a media self-regulatory body and its impact on the growth of the media industry.
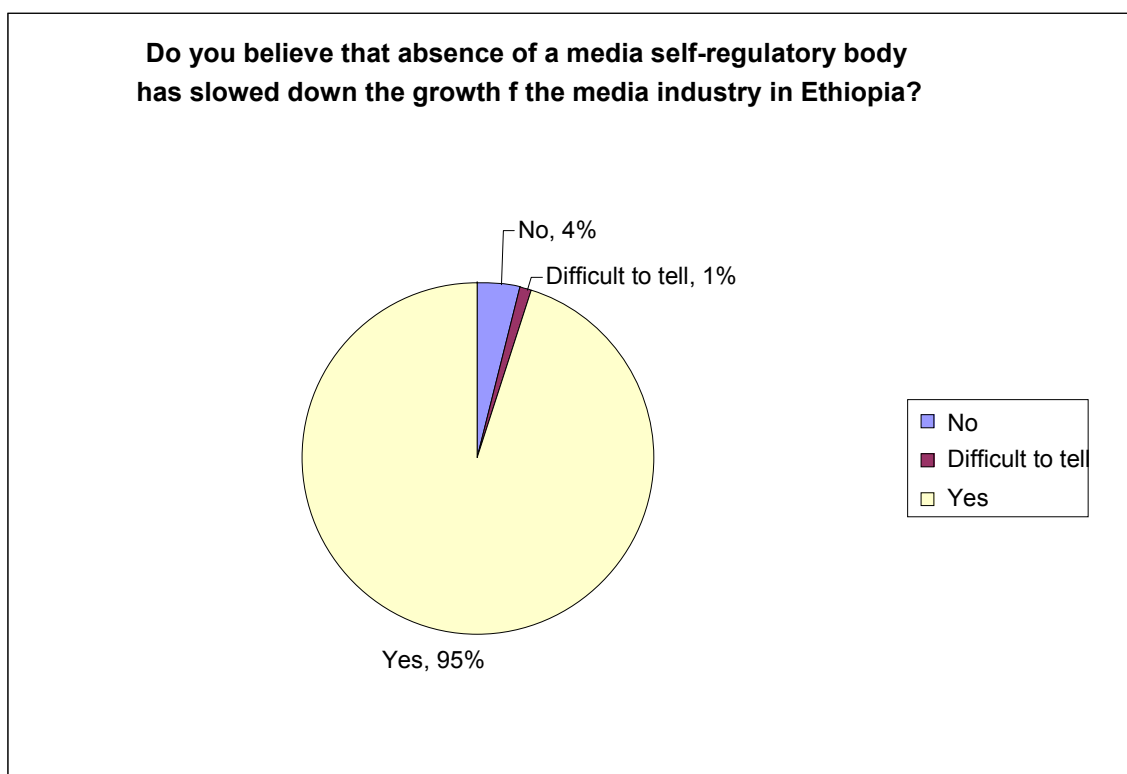
Do you believe that absence of a media self-regulatory body has slowed down the growth f the media industry in Ethiopia?

No, 4%

Difficult to tell, 1%

- No
- Difficult to tell
- Yes

Yes, 95%

Figure 4.3 Absence of a media-self regulatory body Vs growth of the media

4.4 Current Effort to form a Media Council

The Ethiopian media industry, as outlined in the above sections, has been surrounded by many internal and external barriers that prevented it from forming an independent media self-regulatory body. It has been about a decade since efforts has been exerted to form the body, but time gone by without making it a reality. Professional, financial, structural, managerial and political factors are among the reasons that has long been handcuffed the efforts towards establishing the media self-regulatory body in Ethiopia.

However, it seems that all those efforts have not been in vain because a relatively organized effort is undergoing. An effort to establish the so called Ethiopian Media Council, planned to address both the print and electronic media, is going on. The organizing committee has been organizing meetings on issues related to as to how to form the council. Both the government and the private media, print and electronics, journalists, professional media associations, wire services, regional media, and civic associations have availed themselves on the meeting. The following table demonstrates participants on the meeting.

No	Electronic media	Print media	Media professional associations	Wire services	Regional media	Civic associations
1	Ethiopian radio and television agency	Ethiopian press agency	Ethiopian journalists' association **(EJA)**	Walta Information center.	Amhara	Catholic Church
2	Fana Broadcasting Corporate	The Reporter	Ethiopian Free journalists' association **(EFJA)**	Ethiopian News Agency	Tigray	Read Ethiopia
3	Zami FM staion	Fortune	Ethiopian National journalists' association **(ENJU)**	_____	Afar	Ethiopian musicians association
4	Shegher FM station	Google	Ethiopian media women association **(EMWA)**	_____		Ethiopian Orthodox Tewahido Church
5	Addis Ababa mass media agency	mesenenazeria	Ethiopian Environment journalists' association **(EEJA)**	_____		_____
6		Negaderas	Ethiopian Sport Journalists' association **(ESJA)**	_____		_____
7		Ethio channal		_____		_____

Table 4.2 Participants in the general assembly on the process of forming a council
The effort is under various problems. It does not have a permanent office; as a result meetings are conducted in hotels and willing media organization. Participants from regions could not participate on a permanent basis due to financial constraint. Beyond the finance restraint, some private journalists are skeptical about government intervention. And do not support the participation of the government media journalists claiming that they reflect the government agenda. In spite of the criticisms and opinions, the formation of the council will definitely has a paramount significance to the overall development of the media industry.

Respondents were inquired in the questionnaire to rate the degree of effort put towards establishing a media self-regulatory body in Ethiopia. The following bar graph summarizes their response.
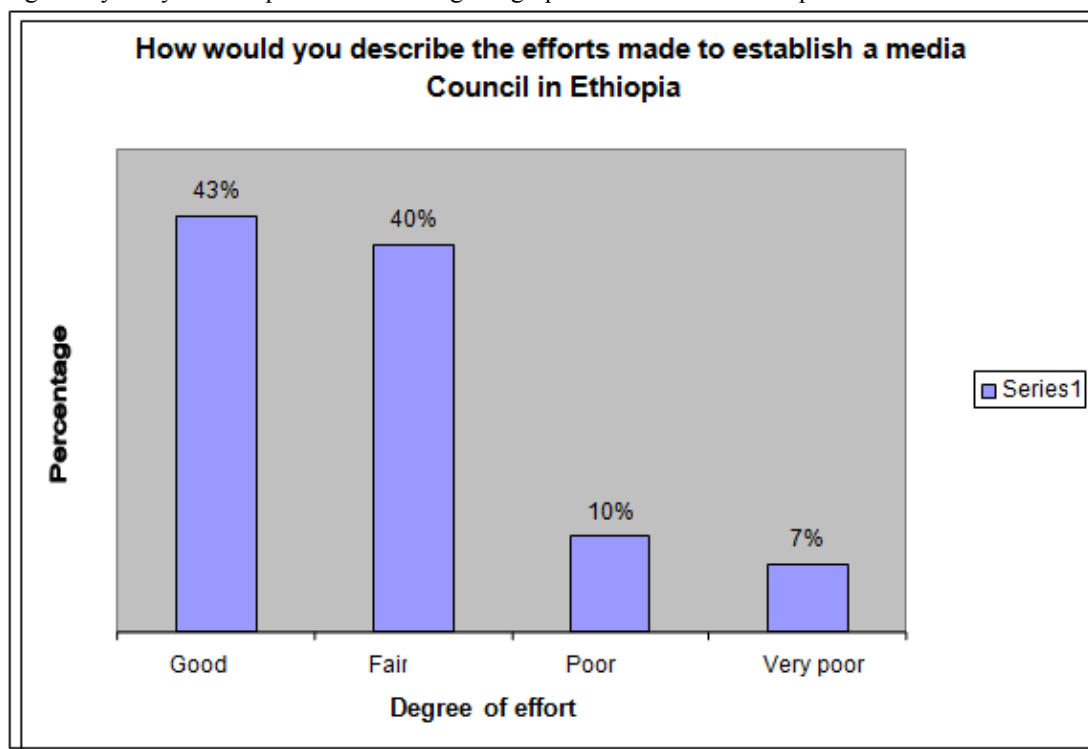

Figure 4.4 Degree effort to establish a media self-regulatory body

4.5 In- House Code of Conduct

As stated in the above sections of the study, the tools of regulating the media industry are the codes of conducts. Ethical codes of conduct are the guiding principles, manifestations of professionalism, marks of accountability and proofs of journalism. Any media house must accept, respect and protect these moral values and working principles of the profession. Because it is on these ethical codes of conduct that the profession of journalism stands. However, it is a recurring situation that these moral values and professional codes are violated and breached for various reasons. Many private and government media have developed in-house ethical code of conducts, but in-depth interviews with journalists of various media houses have proved that the codes have remained only in paper; they don't practice them and abide by them. The following table shows the existence and application of code of conducts in some media houses.

NAME OF THE PRESS	CODE OF CONDUCT	AVERAGE CIRCULATION (Source EBA 2010)	YEAR OF ESTABLISHEMENT	CONTENT
FORTUNE	yes	5400	2000	Political, Economy, & Social
REPORTER (Amharic & English)	yes	14400	1995	Political, Economy, & Social
ADDIS ADMAS	yes	26500	2001	Political, Economy, & Social
Ethiopian Herald	Yes	300	1943	Political, Economy, & Social
CAPITAL	yes	7500	1998	Political, Economy, & Social
AWRAMBA TIMES	yes	2000	2008	Political, Economy, & Social
ZAMI	yes	18 Hours of broadcast per day.		Political, Economy, & Social
THE DAILY MONITOR	yes	1000	1993	Political, Economy, & Social

Table 4. 3 Existence of in-house code of conduct in some selected media organizations

As can be referred from the above table, most of the media houses have in-house code of conduct. Having the codes is a roadmap and a blueprint to professional career. However, as in – depth interviews revealed the codes are not strictly put into practice. Most media houses have it just to answer the question coming from outside and in order to claim they are doing their job as per the professional codes of conduct.

To the question do you have a code of conduct in your media organization and work by it?

Informant 1.

This informant has worked in various private media for 10 years. And wanted to remain anonymous.

> *Yes we have, but if you ask me whether we practice it or not, the answer is no. For example if the is news in two places, one in government offices, and the other in NGO, every journalist who works here prefers to go to the NGO. Because they usually give money or prepare lunch, tea and coffee ceremony and on return we report the news based on their interest. The choice could have been based on news values but nobody cares. Our salary is low so we do it. (Personal interview on March 8/2011)*

Informant 2.

> *This informant works in one of the government media and has worked for 3 years. Why do you ask this question because you can see it yourself? First we need to eat and then we will care about ethics. I, myself, have received money and other benefits from various NGOs and covered the news as per their interest and so did my colleagues. The respect and privileges given to us by the government and the public is very poor, so we do it for existence. (Personal interview on March 5, 2011)*

Informant 3.

This informant has worked in Ethiopian radio and television agency for five years.

> *I am tired of talking about ethics. First of all we are not expected to work as per the ethics. We are fulfilling the needs of the agency. As long as it is a development indicator news and praises the*

government we report it. How do you expect me to be ethical where real journalism is not practiced. For example there is an annual graduation of a known NGO and I am the one who cover the news yearly, because I get some benefit from them. (Personal interview on March 3, 2011)

The above findings of in – depth interview show that the codes of conduct have remained only on paper. Most journalists, government and private, do not abide by them. From this one come to a point that a media organization which fails to regulate itself can also fail to form a media self regulatory body. Hence in order to establish a media self-regulatory body each media organization must regulate itself as per the professional codes of conduct.

CHAPTER FIVE
SUMMARY AND CONCLUSION
The main objective of the study has been to look into the major challenges and prospects of establishing a media self-regulatory body in Ethiopia. The study also exposes the existence and practice of in-house codes of conduct in some selected media houses. The legal grounds pertinent to the activities of the media have been explored. As the principal purpose of establishing a media self-regulatory body is to safeguard freedom of expression and enhance the essences of the journalism profession, looking into the international and national legal grounds was given priority.

Both qualitative and quantitative research methods are employed in the study. As for the qualitative method, individual in-depth interviews with media owners, journalists, professional association presidents and members were conducted along with an analysis of legal documents. To fill the possible gap that could most likely exist in the in-depth interview, questionnaires were also employed as a quantitative data gathering mechanism.

The FDRE constitution gives a full recognition to freedom of expression. The previous draft press law that stipulate the government will form a council to the media industry is now wholly taken out and gives the mandate to the community of the media industry to institutionalize the media self-regulatory body. The right to seek, impart and retrieve information is wholly acknowledged by the constitution. Besides, international laws on freedom of expression and speech are ratified by the country. However, as the outcomes indicate the press proclamation puts some heavy penalties which is clearly beyond the financial capacity of the media organizations. Upon the breach of the law, a media organization is expected to pay a compensation fee up to 1,000,000 birr which is really scary for the private media in particular.

The outcomes of the study reveal that economy, professional incompetence, political inclination, lack of trust, lack of commitment, private/government dichotomy, factions between the private media are among the challenges that hindered the establishment of a media self-regulatory body in Ethiopia. With the realization of the media self-regulatory body, the public at large, the media industry and the government too are beneficiaries.

Findings from the questionnaires proved that about 95% of the respondents believe and agree that absence of a media self-regulatory body has greatly slowed down the overall advancement of the media industry in Ethiopia. The existence of a media self-regulatory body can better improve the relationships between the media and the government, the media and the public and within the media industry too. Concerning establishing a media self-regulatory body at the existing media industry about 55% of the respondents do believe that it can be institutionalized at the existing status of the media industry and 40% responded it takes quite a long period of time; the rest responded that it can't be a reality with the existing socio-economic and political climate.

Most media houses seem to have in-house codes of conduct. But in-depth interviews revealed that the codes are not yet implemented in most cases. Still most journalists do not care about breaching the codes as long as there is some benefits out of it. Most journalists proved that they don't even refer their media organization's codes of conduct while writing any piece of information for publication. Most of them carry out their activities traditionally without a due regard to the pillars of the profession which are the ethical codes of conduct.

Conclusion
The experience of many countries show that establishing a media self-regulatory body has of a paramount importance for media industries, governments and the public at large. The findings of the study also proved the above fact. The main findings of the study are:

- The FDRE constitution and the subsequent proclamations pertinent to the press give full recognition to freedom of expression and of the press. However the penalties upon the infringements of the law are totally beyond the financial status of the private media.
- The polarization of the private and government press, the existence of weak and fragile journalists' associations, the disagreements among the private press, financial deficiency are among the inhibiting factors in the process of forming a media council.
- Lack of professionalism is also among the factors that have tangled the efforts towards establishing an

independent media self-regulatory body in Ethiopia.
- Lack of proper awareness about the why and what of media self-regulation is also among the inhibiting factors.
- Lack of commitment in forming the council and the mistrust among the journalists themselves is also greatly slowed down the process.
- The aftermath of election 2005 has created fear and mistrust between the government and the private media and the public and the private media too. This has lowered the degree of involvement of the private press.
- The media self-regulatory body can be realized at the existing situation/status of the media industry.
- Lack of trust among stakeholders, lack of co-operation among stakeholders, economic reason, lack of proper awareness and lack of commitment hold the ranks consecutively in being the major challenges of establishing a media   self-regulatory body.
- Absence of a media self-regulatory body in Ethiopia has greatly slowed down the overall growth and advancement of the media industry.
- The general public at large, the media industry, and the government are all beneficiaries from the formation of the council.
- In-house codes of conduct do exist in many media houses, but their implementation is heavily under question. The codes, in many media houses, remain on shelf; they are not put into practice. Journalists do not carry out their activities or discharge their responsibilities as per their media organization's   in-house codes of conduct.

In light of the discussions of the findings, the following points can serve as concluding remarks for the study:

It is a well known fact that accepting, respecting and protecting the norms and codes of conducts of the profession will primarily utilize the media industry. For the media industry to survive and follow the right path of the profession, an independent media self-regulatory body has an irreplaceable role.   "The media has acknowledged that some self-regulation is essential because failure to regulate will result in further erosion of confidence and perhaps even public demands for government intervention." (Day 2003:45)

Though the media industry is surrounded by many shortcomings, all the actors in the industry should strive harder than ever and shall come to unity on matters that concerns them. In this regard, inclusiveness, transparency, accountability and a responsible and yet fiercely independent engagement with all the concerned bodies that are within the efforts of forming the media council should be given high priority.

Journalists in various media houses rather than working together for the betterment of the media industry and formation of a media self-regulatory body, they seem to prefer criticizing each other and the government. These have greatly slowed down the process of forming the council and preserving the interests of the profession. Hence free discussion among the members of the media industry should be encouraged, awareness raising campaigns shall be undertaken, the government shall work closely with the media to vanish the mistrust and fear created after election 2005. All the actors that are supposed to take part in the process of forming the council need to narrow their gap and strengthen their unity on matters that equally concerns them.

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