

**Addis Ababa University**  
**School of Graduate Studies**  
**Faculty of Journalism and Communication**

**Self-regulation of the private  
press in Ethiopia: prospects and  
challenges**

**Gudeta Seifu Tura**

**July 2008**  
**Addis Ababa**

**Addis Ababa University**  
**School of Graduate Studies**  
**Faculty of Journalism and Communication**

# **Self-regulation of the private press in Ethiopia: Prospects and challenges**

*Gudeta Seifu Tura*

A thesis submitted to the School of Graduate Studies of Addis Ababa  
University in partial fulfillment of the requirements for the degree of  
Master's of Arts in Journalism

**Advisors: Terje Skjerdal, external**  
**Dr. Yacob Arsano, internal**

**July 2008**  
**Addis Ababa**

# Declaration

I, the undersigned, declare that this thesis is my original work and all the sources of materials used for the thesis have been duly acknowledged.

Name: Gudeta Seifu Tura

Signature: \_\_\_\_\_

Date of submission: July 2008

Place of submission: Addis Ababa, Ethiopia

# **Self-regulation of the Private press in Ethiopia: Prospects and challenges**

**Gudeta Seifu Tura**

**Approved by the Examining Board**

---

**Chairman, Department Graduate Committee Signature**

---

**Internal Advisor Signature**

---

**External examiner Signature**

---

**Internal examiner Signature**

To  
My Mother and Father  
For their Love and Patience

## **Acknowledgements**

I would like to express my deepest gratitude to my advisors, Terje Skjerdal, Ass. Professor, Gimlekollen School of Journalism and Communication, Norway and Dr. Yacob Arsano for their unrelentless effort to lead me to the right track in order to complete this thesis.

My gratitude also goes to Urgessa G, Fikre G, Hanna T, Endalk, Addis A, Engda Z, Anteneh A, Tigist G, Geneme S, Endale B, Michael T. and Wache who have supported me to complete this project in one way or another.

Finally, I owe a special thanks to my parents, sisters and brothers for doing everything to me at their level best. I also thank the Norwegian people for sponsoring my educational fees.

## **List of appendices**

Appendix 1: List of interviewees consulted during the research

Appendix 2: Interview questions to editor in chiefs

Appendix 3: Interview questions to journalists

Appendix 4: Code of conduct of 'Guardian' newspaper

Appendix 5: Code of conduct of 'Fortune' newspaper

Appendix 6: Code of conduct of 'Sub Saharan' newspaper

Appendix 7: Draft code of conduct of 'Addis Admas' newspaper

Appendix 8: A Proclamation to Provide for the Freedom of the Press,  
Proclamation No. 34/92

Appendix 9: Extract of the Penal Code of Ethiopia, Crimes Related with the Mass  
Media

Appendix 10: Article 29 of the FDRE Constitution

## List of acronyms/abbreviations

<b>ACHPR:</b>	African Charter on Human and People's Rights
<b>BBC:</b>	British Broadcasting Corporation
<b>DPFEA:</b>	Declaration of Principles on Freedom of Expression in Africa,
<b>DPL:</b>	Draft Press Law
<b>EEJA:</b>	Ethiopian Environment Journalists' Association
<b>EFJA:</b>	Ethiopian Free Journalists' Association
<b>EJA:</b>	Ethiopian Journalists' Association
<b>EMWA:</b>	Ethiopia Media Women Association
<b>ENJU:</b>	Ethiopia National Journalists' Union
<b>EPRDF:</b>	Ethiopian Peoples' Revolutionary Democratic Front
<b>ESJA:</b>	Ethiopian Sport Journalists' Association
<b>FDRE:</b>	Federal Democratic Republic of Ethiopia
<b>HAPI</b>	Horn of Africa Press Institute
<b>ICCPR:</b>	International Covenant on Civil and Political Rights
<b>MOI:</b>	Ministry of Information
<b>PAZA:</b>	Press Association of Zambia
<b>UDHR:</b>	The Universal Declaration on Human Rights
<b>ZIMA:</b>	Zambia Independent Media Association

# Abstract

The research has attempted to study the practices of self-regulation among the Ethiopian private presses with a view to apprehend the prospects and challenges of institutionalizing vibrant and functional self-regulatory bodies in the press industry.

In Ethiopia the press has been liberalized since the downfall of the socialist military government in 1991. The FDRE constitution and the subsequent press proclamation has provided recognition to the freedom of expression and the freedom of the press which in turn contributed to the proliferation of the private press. However, the private as well as the government press were not functioning in line with recognized journalistic standards. There was a north-south dichotomy in the press. Some of the private presses were serving as a mouthpiece for certain opposition political parties while others were highly affiliated with the incumbent government. Still others were established to promote parochial ethnic politics. The government press was also serving as a conduit to the government propaganda. Consequently, journalistic ethics and self-regulation were highly disregarded.

The researcher has employed a qualitative methodology to conduct the research. In-depth interviews are conducted with journalists, editor-in-chiefs, owners and representatives of media professional associations to apprehend the prospects and challenges of institutionalizing self-regulatory frameworks in the country's media industry. Beside this, the researcher has exhaustively explored pertinent Ethiopian media legislations in a bid to examine their conduciveness for exercising self-regulation.

The finding of the research demonstrates that the practice of media self-regulation in Ethiopia is in its nascent stage. There are some media houses that have developed in-

house codes of conduct as ethical guidelines. However, only in very few media houses are the codes treated as an institutional ethical standard. In most cases self-regulation predicates upon the will, consent and cooperation of the press industry. However, in Ethiopia the private/government dichotomy and the chasm among the private presses make institutionalizing self-regulatory bodies very remote. There is also a substantial polarization among and within journalists' associations in political lines. Some of the journalists' associations are highly politically charged. Despite these, however, there are some promising movements among some private presses and the civil society to establish an independent self-regulatory body.

# Contents

Acknowledgements.....	6
List of appendices.....	7
List of acronyms/abbreviations.....	8
Abstract.....	9
Chapter One:	
Introduction	
1.1 Background and problem statement.....	13
1.2 Objectives of the study.....	17
1.3 Significance of the Study.....	18
1.4 Research Questions.....	18
1.5 Limitations of the Study.....	19
1.6 Scope of the study.....	19
1.7 Organization of the Study.....	20
Chapter Two:	
Review and discussion of related literature	
2.1 Self-Regulation and Freedom of Expression.....	21
2.1.1 Freedom of expression and freedom of the press.....	21
2.1.2 Permissible Limitations on the freedom of expression.....	25
2.2. Self-Regulation of Presses: A Conceptual Framework.....	27
2.2.1 Self-Regulatory Bodies.....	29
2.3 Code of conducts/ ethics.....	31
2.4 Principles of Media Ethics.....	33
2.4.1 Independence.....	34
2.4.2 Fairness and Balance.....	36
2.4.3 Responsibility.....	37
2.4.4 Accuracy.....	40
2.5 Press Council and Press Ombudsman.....	41

Chapter Three:

Research Methodology

3.1 Introduction.....	46
3.2 Data gathering techniques and sources.....	46
3.2.1 Main Approach.....	46
3.2.2 Key Informants.....	47
3.2.3 Individual In-depth Interviews.....	48
3.2.4 Legal Documents and Other Materials.....	49
3.2.5 Data Presentation and Analysis.....	49

Chapter Four:

Data Presentation and Analysis

4.1 Introduction.....	51
4.2 Legal Framework.....	53
4.2.1 Freedom of Expression and Limitations under the FDRE Constitution....	54
4.2.2 Constitutional Limitations on Freedom of Expression.....	56
4.2.3 Press Proclamation 34/92.....	58
4.3 Press Self-regulation in Ethiopia.....	63
4.3.1 Press Council.....	63
4.3.2 Code of Ethics/Conducts.....	68
4.3.3 A Critical Appraisal of the Code of Conducts.....	72
4.3.3.1 Fortune.....	73
4.3.3.2 Sub Saharan Informer.....	75
4.3.3.3 Guardian.....	78
4.3.3.4 Addis Admas.....	80
4.3.4 Complain Handling Methods.....	81
4.3.5 Professional Associations.....	85

Chapter Five:

Conclusion and Recommendation.....	91
References.....	95
List of persons interviewed.....	99
Appendices.....	100

# CHAPTER ONE

## Introduction

### 1.1 Backgrounds and Problem Statement

The existence of a free press has paramount importance to the development of a culture of democracy. Private presses play different roles like informing, educating and entertaining the public at large. They provide information about the day-to-day activities of government and the political officials and create a forum for public debates and discussion.

Due to this in many democratic countries presses are given wider right of freedom to exercise their activities. Such freedoms are given constitutional recognition in almost all democratic countries, although in many cases there is no separate press law.

However, each right has its own concomitant responsibility. The freedom of the press is subject to certain exceptions in many legal regimes. Journalists also become responsible when they violate laws that entail liability. In some nations, there are laws that restrict the freedom of presses and violation of such laws will entail either civil or criminal liability.

In most cases journalists prize their freedom and democratic constitutions guarantee it. “But freedom does not mean license. Journalists are not immune from the temptation to misuse their position for personal benefit of one kind or another” (Krüger, 2004:34-35).

The former president of the International Federation of Journalists, Jens Linde, said that journalist are often reluctant “to become subject to a system of public scrutiny which

actually works” just like politicians, lawyers, the military or any other group which exercises power” (as cited in Krüger, 2004). Hence journalists and media should be accountable to what they are doing. Their accountability can be manifested by:

- Being prepared to take criticism and explain decisions
- Acknowledging and rectifying mistakes
- Being open about what they do and how they do it; and
- Developing a set of standards for behavior and methods of dealing with those who transgress.

Journalists have an impact, good or bad, on the lives of their audience. Readers of newspapers, in particular, trust what they are told in their favorite publications. People who feature in stories may have their lives ruined as a result, whether by intention or by accident.

There are laws that regulate the press developed by parliament and enforced by prosecuting authorities or pursued through civil actions. However, in democracies journalists are left to regulate themselves because the former type of regulation may compromise the freedom of the press. In the print domain, the trend has been towards self-regulation mechanisms, including newspapers in-house codes of practice, establishing press councils and ethics panel (Pearson, 2004).

The prime focus of this research is to examine the practice of private presses in Ethiopia regarding journalistic ethics. The culture of developing in-house code of conducts is not as such common in some private presses. There are private presses which contend that they have an unwritten in-house code of conduct that are dictated by chief editors to their reporters in the staff meetings. Their work is only judged by newsroom

editors who are not usually equipped with professional training. Such 'codes' cannot be regarded official code of conducts; on the contrary they illustrate that the editors do not see the need for written ethical guidelines. Neither do the private presses have a defined complaint handling procedure or a functional and viable press council that set a professional code of conduct that will be adhered by private presses.

The idea that disputes over the content of newspapers might be resolved by some independent but non-legal body developed first in Sweden, where publishers and journalists established a press fair practice board in 1916. In due course, all major Sweden newspapers bound themselves by contract to accept the rulings of a press ombudsman- a judge who rules on complaints from the public, orders newspapers to print retractions of false statements, and fine them for proven deviations from a code of conduct drawn up by the countries press council (Robertson and Nicol, 2002).

If the private press industry establishes a press council, the press council would build up a code of conduct in accordance with the highest professional standards and reject undesirable types of journalistic conduct which violate the code of conduct. In similar vein, a code of practice promulgated by an authoritative organization can be of great assistance to journalists in resisting editorial pressures to behave unethically in the quest for circulation –building stories of prurient, rather than public, interest. A code of conduct could assist journalists to develop the moral muscle to resist unethical orders to invade privacy and sensationalize news stories, especially if the code is incorporated in their contract of employment.

In many developed counties, press complaints commissions are established to monitor and condemn press malpractices. A press complaints commission is an expert

body with sufficient funding to adjudicate speedily and effectively complaints by members of the public about breaches of an expanded code of practice. The commission can include both professional media persons and lay members. Complaints upheld by the commission should be published on a visible spot in the offending newspapers. The council should give more support to an effective right to reply, condemn journalistic misbehavior in a more forthright way and take a stronger line on inaccuracy and bias (Pearson, 2004).

Some of the private presses in Ethiopia do not adhere to various principles of journalistic ethics. The largest categories of ethical issues complained against private presses are thought to be inaccuracy, imbalance, partiality and misrepresentation. There are private presses that serve as a mouthpiece for certain political parties, however, the public usually question the independence of state-owned presses.

Not all journalistic ethical issues fall within the ambit of formal laws. This in turn necessitates the establishment of other alternative regulatory frameworks like press councils or press complaints commissions which are common in the media industry worldwide. On the other hand, the legal infrastructure of Ethiopia is not well developed. This situation gives an open space for private presses to harm individuals due to unethical reporting. Because of the inaccessible and expensive nature of instituting legal action against presses people do not strictly challenge presses. The existences of self-regulatory institutions with a jurisdiction to entertain complaints from the public may mitigate the problem. Arguably, the press will then become more responsible and the public will develop confidence in the press. In the same vein, the formal legal systems cannot alone guarantee ethical reporting through criminal and civil sanctions.

Hence, the concept of self-regulation is not institutionalized in the Ethiopian private presses. It is argued in this thesis that this situation has a negative effect to the growth and development of the private press.

G. Robertson and A. Nicole (2002) state that “notwithstanding the large and increasing number of legal restraints on the media, it still have power to damage reputation by falsehood, invade privacy and partisan campaigns. The unavailability of legal aid effectively deter all but the intrepid or wealthy from taking action for libel”.

Jenny McKay (2006) in her book entitled **The magazines hand book** states that “one unarguable benefit of the existence of the codes is that journalists who are asked to do things they feel uneasy about can try quoting the codes as a reason for refusing”. By so doing journalists can invoke codes of conduct to protect from rogue editors.

In countries like South Africa, India, Britain and Australia the private presses have a self-regulatory framework that makes them accountable to the public. There are press councils, press complaints commissions, press ombudsman, ethics panel and other regulatory institutions that regulate the behavior of the private press.

Therefore, this research will assess the challenges and prospects of establishing self-regulatory frameworks by the private presses in Ethiopia.

## **1.2 Objective of the Study**

The general objective of this research is to examine the state of existing and non-existing self-regulatory frameworks and institutions that govern the behaviors and practices of the private presses in Ethiopia with a view to discuss the challenges and prospects.

The specific objectives of this research are:

- To find out which of the larger private newspapers have a set of code of conducts.

- To evaluate the code of conducts.
- To evaluate the complain handling procedures of the private press, if there are any.
- To find out whether journalists working in private presses know and understand the code of conducts.
- To identify the major problems that hinders the institutionalization of self-regulatory frameworks.
- To assess the gaps created due to the inexistence of code of conducts that curbs the behaviors of private press journalists.
- To put forth recommendations that might help for institutionalization of self-regulating bodies.
- To discuss the role of professional associations as assets of self-regulation in the Ethiopian media.

### **1.3 Significance of the Study**

The research will have the following significances:

- Help private presses to consider and design a code of conduct.
- Motivate private press journalist to adhere to higher professional and ethical standards.
- Support private presses to establish a viable press association that regulates their conduct.
- Make the private presses accountable to the public.

### **1.4 Research Questions**

The research questions that this study attempts to answer are:

- Do private presses in Ethiopia have ethical code of conducts or rules of etiquette?
- Does the inexistence of free press associations affect the standard and quality of ethical reporting?
- Do private presses have a mechanism to handle complaints of individuals who allege they are aggrieved by their reporting?
- What are the major challenges for establishing free press journalist associations and press councils?

### **1.5 Limitations of the study**

The research attempted to examine the practice of self-regulation of the private media in a bid to apprehend the prospects and challenges of establishing self-regulatory bodies in Ethiopia. Most of the private press the researcher has visited are not welcome to provide information to researchers albeit they spear-head the movement for the right to access information. Hence, they gave the researcher a challenge to obtain the relevant information.

The interviewees provided almost the same answer for certain questions like their attitude towards professional associations which in turn compelled the researcher to exclude redundancies.

Shortages of sufficient reference materials and relevant literature on the topic have also been delimiting factors.

### **1.6 Scope of the study**

The scope of the study is circumscribed to the private press. This is because the government press is controlled by a government administrative body. Press self-regulation presupposes the existence of an independent press. The media self-regulatory

bodies are usually established by the independent media practitioners. But it is unlikely to the state-owned media to be part of such regulatory instruments. In democracies, government owned media are transformed into public media. However, this is not a likely scenario for the Ethiopian state-owned media at present.

### **1.7 Organization of the study**

The thesis follows the standard outlines of master's thesis papers at Addis Ababa University and consists of five chapters. Chapter one presents a general background of the study, research objectives, significance of the study, research questions, limitations and organization of the study.

Chapter two squarely focuses on the status of the freedom of the expression and freedom of the press in the Ethiopian legal regime. It also deals with the essence and concept of self-regulation of the press with a view to pinpoint the benefits accrued from such practice.

The methods, procedures and sampling techniques employed in the research are the corpus of the third chapter.

Chapter four entirely discusses the core findings of the study in light of the introductory chapters and the theoretical perspectives in chapter two. The chapter forwards the results of the data gathered through in-depth interviews and document analysis. The practices of self-regulation of the private press as well as the prospects and challenges of establishing a viable self-regulatory body will be discussed in this chapter.

The last chapter, chapter five, will focus on the conclusion and suggested recommendations based on the outcome of the research.

## CHAPTER TWO

### REVIEW AND DISCUSSION OF RELATED LITERATURE

#### 2. Self-Regulation and Freedom of Expression

##### 2.1 Freedom of expression and freedom of the press

Freedom of expression and freedom of the press are considered fundamental human rights under various international legal regimes. Dahl (1998:48) states that basic human rights "are among the essential building blocks of a democratic process of government". Under the rubric of these basic human rights, there are freedom of speech, expression and of the press, freedom of religion, freedom of assembly and association. These rights are treated as inalienable and natural rights.

The right to free expression was enshrined as a fundamental human right in 1948 when the United Nations (UN) General Assembly developed and adopted its Universal Declaration of Human Rights (the UDHR). Article 19 of the same Declaration states that: "Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

The right to freedom of expression is a necessary prerequisite for progress both on democracy and on the realization of other human rights (ARTICLE XIX, 2006: 16). Freedom of expression has tremendous significance both at individual and national levels. At an individual level, it is a key to the development, dignity and fulfillment of every person. By exchanging ideas and information freely with others, people can gain an understanding of their surroundings and the wider world, enabling them better to plan their lives and practice their trades. At the national level, freedom of expression is a

necessary precondition for good government, and thus also for economic and social progress (ARTICLE XIX, 2006: 21). Albeit the right to express ideas and opinions is lucidly accorded to ‘everyone’ and through any ‘media’, the freedom of the press or media is not specifically mentioned under article 19 of UDHR. However, since the media (print, radio,etc) of a country is one of the main tools through which different publics speak to each other, it is generally assumed to be entitled to the individual right to free expression (Berger, 2007:8). Hence, media freedom can be seen as the extension of free expression.

The Windhoek Declaration of 1991 asserts that a free press is essential to democracy and a fundamental human right in Africa. Article 1 of the same declaration states:

Consistent with article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation, and for economic development

This declaration is aimed at applying article 19 of the UDHR to African conditions.

The freedom of the press has a paramount importance to the society. The Nobel Prize Economics Laureate Amartya Sen in his article ‘What is the point of press freedom?’ (2004) contends that press freedom can enrich human lives; enhance public justice and even help to promote economic and social development. He further asserts that even if media can cause harm through unethical and distorted reporting, the advantages it brings outweigh the disadvantages. In a democracy, free debate about and between the various political parties exposes their strengths and weaknesses, enabling voters to form an opinion about who is best qualified to run the country, and to cast their ballot accordingly. Media scrutiny of the government and the opposition help expose

instances of corruption or other misconducts, and prevents a culture of dishonesty from taking root. Freedom of expression also promotes good government by enabling citizens to raise their concerns with the authorities. If people can speak their minds without fear, and the media is permitted to report what is being said, the government will have the opportunity to become aware of their problems, and can take the necessary measures to address them.

Free speech also guarantees that new policies and legislation are carefully considered. Through public debates, members of the public with helpful and constructive opinions on a subject can make them known, presenting the government with a “market place of ideas” from which to choose the best suggestions. Free debate about new legislation also helps to ensure that the law eventually adopted enjoys the support of the population making it more likely to be respected (Berger 2007:21-22).

Cognizant to the benefits of the freedom of expression and for other reasons almost all democratic countries have enshrined the freedom of expression in their laws and constitutions. Ethiopia is also not an exception. The Federal Democratic Republic of Ethiopia (FDRE) Constitution (1995) in its Article 29 bestows recognition to the freedom of Expression and freedom of the press. The constitution provides:

Article 29. Right of Thought, Opinion and Expression

1. Everyone has the right to hold opinions without interference.
2. 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 writing or in print, in the form of art, or through any media of his choice.
3. 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 inferred from the above provisions the constitution has provided a full recognition to the freedom of expression and freedom of the press.

Considering the free flow information, ideas and opinions as an essential element to the functioning of a democratic order, the constitution further provides that “the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions” (Article 29(4) of the constitution).

According to the above constitutional provision the right to freedom of expression has a bundle of rights. It includes ‘the rights to hold, impart, receive, seek information and ideas in any form.’ This provision is the replica of the UDHR principle on freedom of expression. Freedom of expression also relates to the right of the media to access ideas and information. The ability of the media to effectively discharge its duty is in good measure dependent on its access to ideas and information through interviews of officials and reading government documents (Andargache,2004:3). Although the FDRE constitution grants recognition to the principle of access to information, currently there is no law that enforces the provision (Amogne,2005). The Ethiopian press proclamation in its Article 8(1) states: “Any press and its agents shall, without prejudice to rights conformed by other laws, have the right to seek, obtain and report news and information from any government source of news and information” (Ethiopian Press Law, Proclamation No.34/92, 1992). Despite such stipulation the law does not put any sanction on those officials who fail to comply with the provision. But the draft press law, which is not yet ratified by the lawmakers, includes detailed provisions pertaining to the right to access government information. The constitution further provides:

“All international agreements ratified by Ethiopia are integral part of the law of the land,”and that: “The fundamental rights and freedoms specified in this chapter [ Chapter 3 of the constitution on fundamental rights and freedoms ] shall be interpreted in a manner conforming to the principles of the UDHR, international covenants on Human Rights and international instruments adopted by Ethiopia”(FDRE Constitution, Article 13(2), 1995).

### 2.1.1 Permissible Limitations on Freedom of Expression

It is quite obvious that freedom whatever it might be, without restriction is anarchy. On top of this freedom of the press is not the only value the society sought to protect, there are a number of personal and communal values that need protection. The free press organization ARTICLE XIX (2006:39) asserts, “While the freedom of expression is universally recognized as one of fundamental importance, it is therefore accepted that the right is not absolute”. It further states that certain important public and private interests may justify action by the authorities that interferes with or limits the exercise of the right.

A system of free expression can be successful only when it rests upon the strongest possible commitment to the positive right and the narrowest possible bases for the exception. And any such exception must be clear-cut, precise and readily controlled. Otherwise the forces that press towards restriction will break through the opening and freedom of expression will become the exception (Emerson, 1970:87).

Restrictions on the freedom of the press are recognized on international legal documents and in the constitutions of almost all states. The Universal Declaration of the Human Rights and International Covenant on Civil and Political Rights, which grant maximum freedom of expression contain certain restrictions on the exercise of these rights.

The test, which is found in a similar form in all the major human rights instruments, includes three parts: first, the interference must

be in accordance with a law [national]; second, the legally sanctioned restriction must protect or promote an aim deemed legitimate in international law; and third, the restriction must be necessary for the protection or promotion of the legitimate aim (ARTICLE XIX, 2006:40).

Despite the fact that ICCPR and the UDHR clearly stipulated the grounds for restriction of freedom of expression, the application varies from one country to another. Some countries like Ethiopia interpret the limitation grounds widely. As per Article 29(6) of the FDRE constitution the grounds for limiting the freedom of expression are “to protect the well being of the youth and the honor and reputation of individuals.” This article also prohibits any propaganda for war and the public expressions intended to injure human dignity. These limitations justify the lawmakers to issue laws that are aimed at protecting the well being of the youths, honor and reputation of individuals and the peace and security of peoples. An example of such subsidiary laws is Art.17(2) of proclamation 34/92 which provides: “ The importer, distributor and vendor, other than a person who permanently imports exclusively for his personal use, shall be liable for any criminal or civil offence arising from such press product”. Furthermore, the Ethiopian Broadcasting Proclamation (Proclamation No.557/2007,2007) provides: “Broadcasting Advertisement interrupting any programme whose transmission time is up to 20 minutes and children’s program is prohibited “. With regard to laws issued to protect the honor and reputation of individuals, proc.34/92 compel press products to be free from any defamation and false accusation against any individual. The Ethiopian penal code also contains provisions on defamation and its penalty.

## 2.2 Self-Regulation of Presses: A Conceptual Framework

In many countries there are formal laws that regulate the behavior of journalists which are developed by parliament and enforced by prosecuting authorities. However journalists also encounter a second body of rules that are developed and enforced by independent organizations or delegated under legislation to regulatory bodies (Pearson, 2004:329). Example of the latter could be India, South Africa and Britain. In South Africa “newspaper journalists are subject to the jurisdiction of the press ombudsman”(Kruger, 2004:36). According to Kruger (2004) the ombud’s office falls under a founding members committee among whose members are representatives of journalists unions, editors’ forums, the Newspaper Association of South Africa, and magazine and community press owners. “Anybody can complain to the ombud, on condition that they waive their right to legal action” (Kruger, 2004:37). When there is a contravention of the code an offending newspaper can be ordered to publish a finding – no fines or other punishments can be meted out. The ombud deals with the editor on behalf of his or her newspaper, not individual journalists. Parties who are dissatisfied with the ruling of the ombud can lodge an appeal to an appeal panel (Kruger, 2004:37).

The media are spreading ever wider across the world: They become more pervasive and gain more influence, yet the public perception in many areas of the world is of a decline in the ethical standards of the media (Nyamnjoh: 2005). Moreover, 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& Petheram, 1998).

Self-regulation of the press is a framework that the industry through its own representative establish a non-statutory tribunal that arbiters the behavior of its members in line with certain professional standards.

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. The unavailability of legal aid effectively deters all but the intrepid or wealthy from taking action for libel...(Robertson & Nicole, 2002:675)

The formal laws that are enacted by the parliament do not regulate all acts of the media and sometimes these laws may compromise the freedom of press.

Historically, in democracies the media played a watchdog role of exposing malpractices of officials and were usually seen as the antagonist of the incumbent government. Hence, allowing the interference of the government to regulate the media compromised the freedom of the press by introducing laws that sometimes severely punished journalists that wrote a story against the rulers.

The idea of self-regulation is predicated upon the fact that disputes over media content and behaviors of practitioners should be resolved by some independent but non-legal body. Gordon and Kittos (1999:38) say that any limitation of the freedom of expression by outside forces is dangerous for several reasons: "It opens the door to any would-be determiner of "right" or "correct" expression, it assumes that media people cannot make their own decisions".

The media have 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 idea of self-regulation is emanated from

the fact that intervention from the government or other organs will compromise or jeopardize the activities of the free media. As seen in many African countries, governments pass different laws that are aimed at strictly regulating the conduct of the media however, such laws pose an obstacle to the freedom of the press. Due to this the media should be regulated by the members of the media practitioners themselves. That is why Article 9 of the Declaration on the Principles of Freedom of Expression in Africa states: “Effective self-regulation is the best system for promoting high standards in the media”(Banjul Declaration on Freedom of Expression in Africa, 2002).

The International Federation of Journalists asserts that:

Media must accept scrutiny of their own affairs, for scrutiny is the sanction which journalists hold over others. This scrutiny is not to be directed by the government, but through structures which provide for democratic accountability on behalf of the public for whom they broadcast and publish. The scope and effectiveness of self-regulation in itself is a benchmark of public confidence in journalism (IFJ, 1999:4).

### **2.3 Self-regulatory bodies**

The freedom of the press is not without responsibility. The press has a duty to serve the public properly and it should also be accountable to the public. The conventional wisdom is that a free press can abide no governance except that self-imposed. The press in democracies regulate themselves through code of conducts that define their professional standards. The appointments of press ombudsmen, establishing ethics panels and press complaint commissions are some ways of inter-media regulatory frameworks. The tradition of self-regulation varies from country to country. . In some countries the press ombudsman is appointed by individual media houses to handle complaints from the

public. In other countries like South-Africa the press ombudsman regulates the industry as a whole. In countries like Norway, Sweden and Britain press a complaints commission is in charge of entertaining complaints of the public against the media. Hence, it regulates the industry as a whole.

The press can be improved if there are formal channels for public comment and criticism and if professionals have standards against which they can make individual decisions. Press councils observe the work of the press, comment and criticize. So they have a role to play, both for the journalist and the press themselves on defending press freedom and improving professional standards, and for the public in opening a channel for complaints about press treatment and making the press accountable. Press council will be more elaborated in the last section of this chapter.

In Ethiopia, there are laws – both press and criminal codes – that strictly regulate the conduct of the media. The professional associations are also at a nascent stage to introduce self-regulatory frameworks. However, the draft press law first came up with an idea of establishing a statutory press council that can regulate the behavior of the presses despite serious criticism from certain media and other civil societies. The criticisms however poured down due to the fact that the draft press law envisaged establishing a press council whose members are appointed by the traditional enemies of the press - government. Pertaining to this issue the editor –in- chief of the Amharic weekly ‘Addis Neger’, Abiy Teklemariam, supports the establishment of such a press council. What he worries is it must be staffed with people from the industry and the government should not interfere in the activities of the press council (personal interview, 17 March, 2008).

## 2.4 Code of Conducts/Ethics

MacDonald and Petheram (1998:79) state:

There are many ways in which the media can offend without straying beyond the law: inaccuracy, lies, distortions, bias, propaganda, sensationalism, trivialization, lapse of taste, vulgarity, sexism, racism, smears, character assassination, deception, invasion of privacy

There are ethical issues that are circumscribed under journalists' moral judgment and out of the jurisdiction of the legal machineries. These ethical issues can be addressed by introducing code of conducts which would serve as guidelines or standards for journalists while exercising their profession.

Codes of conducts are "introduced to reassure the public that a profession has standards of practice and to imply, at least, that professionals who transgress those standards will be disciplined" (Frost, 2000:100). Code of conducts, if properly enforced, could inhibit journalistic malpractice and provide that journalists be accountable for their action. There are generally two types of codes: those that are developed by media houses (in-house codes) and those that are developed by professional associations. In the latter case the code will be applicable to all media in the country.

Gordon and Kittos (1999:56) in their book 'Controversies in Media Ethics' say, "One of the hallmarks of profession (as distinct from an occupation or trade)- or a field with pretensions to professionalism- is that it has a code of ethics, often with teeth to enforce it". Many media scholars contend that lacking codes among others is one of the causes of excluding journalism from the lists of professions. Having codes of ethics and enforcing journalists to abide by them, like other professions, can help journalism to be taken as profession. In similar vein, Ronning (2000:61) states that codes have been seen

and developed as part of a process giving journalism a professional status. MacDonald (1998:78) adds that:

One way of asserting professionalism is to have self-regulatory councils and codes of practice. These have come in to being in an attempt at self-regulation in the face of public criticism and also in an attempt, it might be suggested, to gain or maintain public credibility, and to establish journalism as a profession.

There are many codes of ethics in the mass media fields. Within the media, codes serve several purposes. Perhaps the least important, overall, is to ensure that standards are set internally, rather than having either the courts or legislatures take on their responsibility. More important, code of ethics can provide an ideal standard by which the industry can evaluate its own performance and – on a more personal level- against which individual practitioners can measure their own values and performance. It also keeps attention directed towards principles that are particularly important as guidelines for appropriate behavior (MacDonald, 1998: 62).

Developing a code of conduct also increases media accountability to the public. Codes may provide reasonable standards and guidelines that help the public discuss, debate and measure the media's performance. Based on this the public can express reasonable demand and criticism against the media. Code of ethics also plays significant roles in protecting the freedom, integrity and identity of journalism (Campbell, 2004:148).

The importance of codes in African countries is very high due to the fact that there is no much freedom of the press (Mwaura, 1994). This would play a role in mitigating pressure of interference from different actors. "If African journalists observed professional ethics, governments, individuals, groups, organizations and other pressure

groups would find it very difficult to intervene and interfere with the practice of the profession” (Mwaura, 1994:113).

Code of conducts can also provide a reference point that can be invoked to protect workers in the media from internal pressure that could force them to violate their own conscience. Written codes also help acquaint media neophytes with some of the key ethical issues and principles they will face as practitioners, and increase their understanding of professional values.

There are arguments that are forwarded against the efficacy of code of conducts in improving professional standards. Moore (1999:16) says, “Even when there are codes, there is no assurance that the journalists supposedly bound by them are even familiar with their provisions and even less likelihood that they will abide by them even when they have read them”. Against codes, it is claimed that most are platitude, drawn up merely to improve public relations. Furthermore, a code is useless because it cannot cover all the problems which a journalist will encounter. Codes are where editors rationalize and idealize their practices (Macdonald and Petheram, 1998:79).

Other opponents of codes also contend that formal code of conducts will be used against the media in legal battles as evidence that employees have behaved negligently in violating their own standards of ethical deportment.

## **2.5 Principles of Media Ethics**

The fundamental principles of media ethics are usually enshrined in code of conducts. Some principal underlying values in codes throughout the world, according to Keeble (2001:14), are fairness, the separation of fact and opinion, the need for accuracy linked with the responsibility to correct errors, maintaining confidentiality of sources, upholding

journalists' responsibility to guard citizens' right to freedom of expression, recognizing a duty to defend the dignity and independence of the profession, protecting people's right to privacy; respecting and seeking after truth, struggling against censorship, avoiding discrimination on grounds of race, sexual orientation, genders, language, religion, or political opinion; avoiding conflict of interest (particularly with respect to political and financial journalists or editors holding shares in companies they report on).

Although there is a tremendous amount of issues that can fall within the ambit of media ethics, the fundamental media ethics are, among others, independence, truth, impartiality, fairness, decency, accuracy and responsibility. Some writers, like Kruger (2004:12-3), adds accountability.

However, in congruence with the focus of the research, the discussion will be circumscribed to: Independence, Accuracy, Fairness and Balance and Responsibility.

### **2.5.1 Independence**

The concept of independence is highly intertwined with credibility of the media. If the activities of journalists or their institution are perceived by the public as the forerunner of the interest of certain groups, the credibility of the media would be ruined in the eyes of the public. The media are susceptible to influences from different groups for various reasons.

Independence is a major journalistic ethical foundation that should be given emphasis. This is due to the fact that credibility is very crucial for building the image of a given media house in the eye of the public. Kruger (2004:13) states,

Our credibility is massively affected by any perceived or real conflict of interest. We are unable to work if audiences discount our reporting because they see it as influenced by considerations

outside of journalism, such as any personal, commercial or political motives.

Independent media are media that are free from any external influence such as governmental, economic and political pressure. Article 2 of the Windhoek Declaration states: “By an independent press, we mean a press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals” (Windhoek Declaration, 1991).

According to Retief (2002:22) independent media remain free of associations and activities; seek out and disseminate competing perspectives without being unduly influenced by those who would use their power or position counter to public interest. Hence, journalists are expected to keep themselves a reasonable distance away from activities that may compromise their integrity or damage their credibility.

Commercial, proprietor, and governmental interferences are believed to be the major factors that affect the independence of journalism. In the case of Ethiopia partisanship is highly observed both in the state and the private media. The state media reflect the interest of the government while some of the private newspapers also have their own hidden agendas. At times the private media are party-affiliated and instruments to reflect the interest of their owners and some segment of the society. Stating the practice of the private presses in Africa, Dare (1996:50) reiterates, “What operates for the most part is an instrumental press that tends to espouse causes that advance the interests of its proprietors or their ethnic groups, often times with scant regard to the public interest.”

Serving the public interest is the duty of a good journalist. To accomplish this s/he must remain independent from any engagement that adversely affects journalism.

The independence of the media can also be compromised by the act of proprietors who have their own interest apart from the public. They may exert undue influence on their employees for the sake of commercial or political ends. Invoking articles from the code of conducts, if any, by employees, can mitigate this problem.

Conflict of interest is the other issue that has nexus with independence. Hence, journalists are to guard themselves against professional conflicts like party partisanship, receiving offers and invitations. Because such practices may compromise the independence of the media. Kruger (2004:95) reiterates:

Independence is one of the fundamental principles of journalistic ethics because it sets up a defense against conflicts of interest and competing loyalties. It says publicly that our work is guided by no allegiance except that to professional standards and the audiences...Journalists must remain free of association and activities that may compromise their integrity or damage their own or their organization's credibility.

Therefore, the media and journalists should not compromise their independence in order to boost their credibility in the eyes of the public.

### **2.5.1 Fairness and balance**

The concept of fairness and balance as qualities of reporting involving two or more parties seems to have surfaced in the profession of journalism as a result of media's declining partisanship and journalists' apparent failure to stick to the standard of objectivity. "Journalists began wanting to be professionals, and developed a view of

themselves as impartial observers of events, faithfully reporting the facts” (Kruger, 2004: 76).

The principle of fairness and balance requires journalists to provide a chance to contending parties to forward their voice regarding any controversial or conflicting matter. According to Frost (2000:36) a fair and balanced report should give all sides of the argument a fair hearing and both sides of the story should be presented equally.

Fairness and balance are not completely one and the same. Desbaratas (1996) as cited in Abdi (2004:5) defines fairness as follows:

Fairness requires a balanced presentation of the facts in a news story, and all the substantial opinions in a matter of controversy. It precludes distortion of meaning by over-or under-emphasis, by replacing facts and quotations out of context, by headlines not warranted by the text.

According to the above quotation the concept of fairness and balance are inextricably inseparable to keep the story impartial. For Fico et.al (2005:17), “Fairness in journalism usually refers to whether relevant sides in a conflict are included in news coverage, while balance usually refers to the evenness with which such conflict sides are treated relative to one another in that coverage.” Hence, while fairness refers to entertaining two conflicting ideas, balance deals with the proportionality of the emphasis provided to the two sides of the story.

### **2.5.2 Responsibility**

The freedom of the press is not without its concomitant obligation. It is compelled to be responsible to society for carrying out certain essential functions of mass communication in contemporary society (Siebert et al.1963: 74).

In many democratic countries the libertarian theory of unrestrained freedom of the press has been questioned because of alleged irresponsible practices of the libertarian press. In the United States, for instance, even before World War II the demand for special social responsibility from the media was felt. The concern was that “the media was too concerned with sensation, lacked depth, and was not concerned with journalistic excellence any more” (Retief, 2002:15). In 1942 the chancellor of the University of Chicago, Robert Maynard Hutchins, was commissioned to study the state of the American media. His specific task was to determine whether the freedom of the press was in danger. Having conducted the research the commission concluded that the freedom of the press was in danger for three reasons:

- The press had increased in importance and visibility
- The few who ran the press had not provided a service adequate to the needs of society
- The minority had sometimes engaged in society-condemned practices which, if continued, would lead inevitably, to government regulation or control (Retief, 2002:13-16).

The Hutchins Commission scrutinized the efficiency of the free presses without any responsibility and came up with a recommendation that the press should have responsibility to serve the interest of the public. The commission listed five demands which contemporary society requires of its press:

- The press should provide a truthful, comprehensive and intelligent account of the day’s event in a context which gives meaning;
- It should serve as a forum for the exchange of comment and criticism;

- It should project a representative picture of the constituent groups in society;
- The press should be responsible for the presentation and clarification of the goals and values of the society
- The press should provide full access to the day's intelligence (Siebert et.al, 1963:87-90).

In democracies the free press serves as a conduit for the public to exercise its right to freedom of expression. In the contemporary world the large section of the society much depend either directly or indirectly on information supplied by the media. Hence the media should function responsibly to serve the public interest.

Cognizant to the necessity of responsible journalism many of the journalistic code of conducts include the principle of responsibility in their code of practice. The editorial policy of Fortune newspaper (2003) in its first article states that:

The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the public and enabling them to make judgments on the issue of the economy and related issues. Our journalists who abuse the power of their professional role for selfish motives or unworthy purpose are faithless to that public trust. Fortune was made free not just to inform or serve as a forum for debate but also to bring an independent scrutiny to bear on the force of power in the society, including the conduct of official power at all levels of the government.

The practice of the profession in Ethiopia witnesses that there are irresponsible journalists that do not contribute to the welfare of the society. Some of the private newspapers are making a trend of merely opposing the government in various policies without bringing alternative solutions. The agendas set by such newspapers are not predicated upon the

public interest, rather they are loaded with certain selfish political or other interests. Such practice was also common in the 1994 Rwanda genocide. In such instances the media have contributed to aggravate the ethnic conflict instead of appeasing and mitigating the conflict.

### **2.5.3 Accuracy**

Accuracy is another of the ethical issues addressed in the profession of journalism. Journalists depend on sources to get and disseminate information to the wider public. The principle of accuracy dictates that journalists should make a maximum effort to ensure that the information they get is accurate.

Readers expect that the information they are being fed is properly sourced, so journalists have a moral obligation, if they are unable to guarantee accuracy of information, to at least ensure the reader or viewer is made aware of the source of any story and therefore the part it plays in the truth of the story. Because knowing the identity of the source may help readers to judge on the accuracy of the information they get from a newspaper. It is the journalist's job to give them the information they need to make a rational decision, not to take the decision to the consumer.

Frequently, inaccurate information is printed in newspapers because of the fierce competition by media houses to be the first releaser of certain information. MacDonald (1998:56) says, "Accuracy as a requirement is threatened, first, by the competitive practice of journalism". Other times it is simply sloppy journalistic craft that is the reason for inaccurate information.

## **2.6 Press councils and press ombudsman**

Establishing press councils is not a recent phenomenon in many countries that have a free and well-developed press. The press industry exercise self-regulation by establishing press councils or press complaints commissions that are either with a legal backing (statutory press councils) or non-statutory councils that are established through the volition of media owners and journalists.

The prime functions of these press councils are to increase the accountability of the press to the public that it serves. According to Day (2003:48) press councils are composed of the cross section of the community and the media that are designed to investigate complaints against the media, investigate the charges, and then publish their findings. In countries where there are press complaints commissions the public who are aggrieved by the activities of the press will lodge their complain and the commission investigates and either upholds or rejects the complaint. If the complaint is upheld the press would be obliged to print the decision of the commission in the newspaper. Therefore, the press should form certain mechanisms that would enable the public to lodge their complains. The way complaints are handled and resolved may build or damage credibility, which is the cornerstone for the existence of media institutions.

According to the South African media scholar Kruger (2004:35) the accountability of the media does not mean allowing others to dictate what journalists do. Rather the accountability of the media means:

- being prepared to take criticism and explain decisions;
- acknowledging and rectifying mistakes;
- being open about what we do and how we do it; and

- developing a set of standards for behavior and methods of dealing with those who transgress.

In democracies, journalists are left to regulate themselves and anything else would eventually land up in the hands of the government. The former chair person of the British press complaints commission, Lord Wakeham, says: “The case of self regulation rests on the premise that in complex democratic societies self imposed rules are likely to carry a great moral authority, and consequently, to work with greater effectiveness than externally imposed rules” (as quoted in Kruger, 2004:35).

The experience of South Africa shows that newspaper journalists are subject to the jurisdiction of the press ombudsman that replaced the South African press council in 1997. The ombudsman office is made up of representatives of journalists union, editor’s forums, the newspaper association of Southern Africa, and magazine and community press owners. To ensure that no potential conflict of interest may arise, media companies also raise the funding. Regarding the working procedure of the South African press ombudsman office, any body can complain to the ombudsman, on condition that they waive their right to legal action and their case should show a prima facie contravention of the code of the ombudsman (Kruger, 2004:36-7).

Press councils exist also in other African countries. In Ghana, Article 166 of the constitution provides for institutional protection of the media against governmental abuse and interference by creating the National Media Commission. This body has a responsibility of media independence and must work to ‘insulate the state-owned media from government control. It also mediates public complaints against media and has a responsibility of ensuring “high journalistic standards” (Berger, 2007:38).

R.Frost in his book Media Ethics and Self-Regulation (2000:103) identifies three types of enforcing body for codes of conduct and ethical issues in newspaper and broadcasting that can be set-up. They are: voluntary regulatory body, voluntary regulatory body with statutory powers, and statutory tribunals. The first type of the enforcing body is a voluntary regulatory body that is usually set up by the industry to consider complaints. This body may also be a lobbying body for the industry and have other functions such as training, standards and promotion. The only power these bodies have is to ask newspapers to publish their adjudications so that newspapers would be obliged to publish any criticism within their columns. In Sweden the regulatory bodies are composed of representatives of editors, journalists and proprietors, while in Britain, the press complaints commissions are set up only by proprietors. Many councils include members of the public to balance the self-interest of the industry.

The second types of regulatory bodies are voluntary regulatory bodies with statutory powers. Unlike the non-statutory voluntary regulatory bodies, these councils have statutory authority to fine or punish the transgressors. The Indian press council falls under this category. The code of conduct in these circumstances has the support of law and some section of the judiciary is usually used as a court of appeal. "Fines, or strict instructions about how and where in a publication the council's finding should be used, are standard punishments". The punishment element and right to appeal against a decision of the regulatory body by a journalist or publication add strength to this system that does not exist in the solely voluntary bodies.

A statutory tribunal is the third kind of regulatory bodies. These bodies do have statutory powers to investigate and punish. Frost says: “Such tribunal would have contained at least one judge and would have been closer to courts of law than the arbiters of professional morals than the voluntary bodies can claim”. A statutory regulatory body is one which is set up under statute; its membership is selected according to criteria laid down by law and its method of hearing complaints and punishing offenders is also laid down by statute.

The draft press law of Ethiopia also envisaged establishing a statutory regulatory body despite harsh criticism from the stake holders (Berger, 2007:35). Article 38 of the draft press law (2003) envisages to establish a press council that have a mandate to make recommendations regarding the press, as well as to prepare and entertain complains regarding a code of ethics. The 29 members of the press council would be drawn from the federal government, association of journalists, journalists, publishers and the society at large. This law provides a significant power to the government since the powers and responsibilities of the council and the appointment of members and the working procedure of the council is determined by the council of ministers. The passing of such laws might reduce the freedom of the press. Kasoma reflects on the proliferation of new press laws: “Most of these laws were being introduced in the form of media or press councils enacted by parliament which contained clauses which virtually negate press freedom (Kasoma, 2000:10). Hence, governments might establish press councils in order to regulate the media harshly.

Besides establishing regulatory bodies to regulate press and entertain the complaint of the public against the press, some newspapers have gone to the extent of hiring press

ombudsman or public readers. The press ombudsman is hired to investigate questionable journalistic conduct and recommend action (Day, 2003:47). They respond to complaints from irate citizens or the subjects of news coverage; at other times, they act on their own initiative.

According to Day, proponents of the ombudsman system contend that the ombudsman can most effectively funnel reader complaints, reduce the likelihood of libel complaints, help cement a paper's relationship with its readers, serve as the liaison with the public and elevate the ethical awareness of the staff. Opponents of the ombudsman as a self-regulatory tool argue that too much self-criticism is destructive of corporate self-esteem. They also add that employing ombudsmen are expensive luxuries (Day, 2003:47).

Therefore, the self-regulatory bodies have a potential to promote the freedom of the press and at the same time they can push the press to be socially responsible. Such frameworks could also persuade governments to shy away from issuing repressive laws to regulate or control the media.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1. Introduction**

The focus of this research is to study the existent and non-existent practices of self-regulation of presses in the Ethiopian media environment with a view to apprehend the prospects and challenges of establishing media self-regulatory bodies like those established in some other African countries.

This chapter of the research delves on discussing the different methodologies, methods and data gathering techniques employed in the study. It also discusses the research design and data analysis procedures the research pursued pertinent to the theory discussed in the preceding chapter. The methodological approaches are discussed in tune with the theoretical frame work and their relevance to the goals and aims of the study.

#### **3.2 Data Gathering Techniques and sources**

##### **3.2.1 Main Approach**

The research method employed in this research is broadly qualitative and based on document analysis and interviews. Data was gathered from primary and secondary sources. Primary sources were key informants and key documents (such as the constitution of Ethiopia, press laws, civil and penal codes, international human rights instruments, and in-house media code of conducts), while the secondary sources consisted of such material as books and commentaries on the Ethiopian press laws.

Qualitative research is committed to see the social world from the actor's perspective. 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). By employing this methodological approach, a contextual assessment of relevant Ethiopian laws and in-house code of conducts of some media houses was made that have direct relevance to media self-regulation. Beside this, individual in-depth interviews were conducted. In assessing the extent of the practice of self-regulation among selected Ethiopian newspapers, this research will strive to show some concrete evidences by exploring the practices in some media houses with a view to apprehend the prospects and challenges of self-regulation.

### 3.2.2 Key Informants

The researcher conducted semi-structured in-depth interviews and informal discussions with people who are the major actors in the press industry. In-depth interviews were conducted with journalists of the private and government press editor in chiefs, media owners and representatives from media professional associations. The informants have different outlooks with regard to establishing self-regulatory frameworks in the Ethiopian press. The interviews provided valuable information pertaining to the practices, prospects and challenges of self-regulation of presses in Ethiopia. The fact that the interviewees are composed of people from the various sectors of the industry like the private and government press, professional associations, owners and editors gives a general picture about the research topic. For instance, the editor in chief and deputy editor in chief of the Ethiopian Herald newspaper are interviewed from the government newspapers. Pertaining to the private press editors and deputy editors of the surveyed media houses are interviewed in addition to journalists working there. For more information refer to the list of interviewees (appendix x).

### 3.2.3 Individual In-depth Interviews

The researcher employed individual in-depth interviews with journalists, editor in chiefs, owners and representatives of media professional associations in a bid to apprehend the existent and inexistent practices of self-regulation in the Ethiopian presses.

Lindlof (1995:5) 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”.

A purposive selection of interviews was made so as to ensure the views of different bodies concerned with how the press should regulate itself. The interviewees provided their views, among other things, regarding code of conducts, professional associations, establishing a press council, and public complaint handling procedures. Hence, these interviews are used to frame themes that have been discussed in the subsequent chapter.

Babbie and Mouton (2001) have outlined the advantages of in-depth interviews in that they provide a wealth of detailed information; the rapport between the interviewer and the respondent makes it easier to approach certain topics that might be difficult to discover in other approaches. Schroder et al. (2003: 153) also explains that individual interviews prevent the “spiral of silence” impacts, contentious outlooks and experiences from being expressed in a group perspective. Therefore, the interviews in consortium with legal documents pertaining to press self- regulation would help to provide a general highlight to the prospects and challenges of self-regulation in Ethiopia.

Accordingly, the researcher has conducted a series of semi-structured individual in-depth interviews with various actors in the press industry. The interviewer prepared interview questions in advance, but was free to modify the nature and focus of the questions based upon the perception of what seems more appropriate in the context of the conversations.

#### 3.2.4 Legal documents and other materials

It is imperative to scrutinise the Ethiopia legal regimes pertaining to the freedom of the press before delving on discussing practices, prospects and challenges of press self-regulation. Various legal instruments were explored to examine the conduciveness of the legal milieu to establish self-regulatory frame-works. Therefore, the FDRE constitution, civil and penal codes and the press laws of the country were exhaustively explored. Similarly, the 2003 draft press law that envisaged establishing a statutory press council has been thoroughly discussed and the revised version of the draft law have been included as well.

The in-house code of conducts of some media houses also constitutes the corpus of documentary analysis. The researcher has strived to gather some in-house code of conducts with a view to make practical and live discussion on attempts of self-regulation in the press and what purposes do the code of conducts serve.

Needless to say that in the course of writing the thesis various academic literature and commentaries on the Ethiopian press laws were consulted.

#### 3.2.4 Data Presentation and Analysis

The researcher has pursued a qualitative methodology to gather data. Hence, the presentation will be explanatory and the analysis interpretive based on the objectives of

the study. The individual in-depth interviews were recorded and notes were taken during the discussions to further strengthen the recorded materials. The data were then transcribed to capture the main ideas into the words of the participants. Finally, the responses were categorized depending on the purpose and objective of the research and finally were thematically compiled to analyze and examine the practices, prospects and challenges of press self-regulation in Ethiopia.

## CHAPTER FOUR

### DATA PRESENTATION AND ANALYSIS

#### 4.1 Introduction

In Ethiopia the private press began to appear after the downfall of the Dergue Military regime and the introduction of the press legislation in 1992. Prior to this period the imperial and military regimes did not allow the operation of the private press in the country. The government was the sole owner of the means of public information and used the media to extend its power and legitimacy, to control the population, and to stifle public awareness (Desalegn and Meheret, 2004:xxii).

The private press was allowed when the transitional government passed press legislation which turned out to have a dramatic impact on the country's media. According to Desalegn and Meheret (2004:xxii) a few news magazines had already started to appear soon after the fall of the Derg in 1991, but the "process of deregulation of the print media was accelerated by the new legislation, which allowed citizens or businesses to publish and distribute private newspapers, magazines, journals, periodicals and other news sources". In the dawn of this legislation many private newspapers began to operate in the media industry albeit most of them were short lived due to different reasons. The major reason for this scenario was the inability of the press products to withstand the competition emanated from the enormous presses (speech by Bereket Simon, former Minister of Information, October 21, 2003). The large number of papers on the market meant stiff competition, limited sales and low levels of advertising revenue. However, Kifle Mulat alleges that the 1992 repressive press law that severely punished these flourishing press products in the veil of defamation, dissemination of false information

and threat to national security has contributed for the disappearance of some press products (speech by Kifle Mulat, former chairperson of Ethiopian Free Journalists' Association, October 21, 2003). Despite this allegation there is a broad agreement, especially among people in the media, that the press law of 1992 has opened the door to the growth of the private press in the country (Shimeles, 2000).

Currently, there are many newspapers that disseminate information on various issues to the public. These are owned by the state and privately. There are 64 newspapers on the Ethiopian media market with limited readership (Ministry of Information, April 2008). In Ethiopia, tabloidization was most clearly underway in the first decade of press liberalization. The contents of most of the newspaper have not been addressing serious public issues but rather exchanging rumors and political sensationalism. This is still the case with some newspapers, but perhaps less today than ten years ago. Kasoma (1997:299) states:

The rate of truth telling in Africa's newspapers, particularly those behaving as political oppositions, is extremely low. The newspapers are full of exaggeration; basing their reports on flimsy hear-say; making headlines cry 'wolf'; quoting sources out of context; not giving people against whom allegations are made a fair hearing; downright .

Many private newspapers in Ethiopia have been accused of writing sensational reports and mixing upon opinion and facts, biased and unbalanced due to lack of experience and professionalism as well as political clientilism.

Before embarking upon presenting and analyzing the practices of self-regulation of presses in Ethiopia, it is imperative to examine the legal environment that surrounds the operation of press activity for the following reasons. First, there is a nexus between legal regulation and self-regulation. Self-regulation is meaningless if there are repressive

media laws and communication policies in a given country. In other words, there must be a conducive legal environment for the effective functioning of self-regulatory bodies. Second, formal laws usually put minimum standards to regulate the behavior of societies and at the same time these standards can also serve as a source for setting professional ethical standards. Most societies have the culture to determine the ethical standards by which their presses should be guided. This is to say that laws usually formulate the minimum standard of behavior expected from the press community and acting contrary to the minimum legal standards would most likely result in punitive measures. While codes of conduct emphatically provide the most aspired higher ethical standards, formal laws put minimum standards. Thus, legislations may serve as a springboard for formulating self-regulatory ethical standards and their subsequent enforcement. Third, legal standards can fill the lacuna felt in the ethical standards. Fourth, many issues are sometimes addressed simultaneously in laws and ethics e.g. privacy, defamation and naming of children in some circumstances. Therefore, an introductory discussion of the relevant legal framework is of utmost importance to understand the content and processes of self-regulation of the presses.

Against this backdrop, the following section will explore the Ethiopian legal environment pertinent to press activities. Subsequently, the practices of self-regulation in Ethiopian private presses and the challenge it faces will be discussed.

#### **4.2. Legal Frame work**

The Revised 1955 Constitution of Ethiopia introduced the idea of freedom of expression for the first time in the country. Article 41 of the revised constitution stipulated, “freedom of speech and of the press is guaranteed throughout the empire in accordance with the

law.” Hence, it seems that this old constitution provided explicit recognition to freedom of speech and of the press. However, freedom of the press was only a matter for the state/empire press. Private newspapers were not allowed to operate.

Like that of the emperor, the Dergue’s constitution of 1987 enshrined provisions assuring Ethiopians freedom of expression and of the press. Article 47(1) of this very constitution declares, “Ethiopians are guaranteed freedom of speech, press...” Furthermore, Article 47(2) reads: “the state shall provide the necessary material and moral support, for the exercise of these freedoms”. However, such provisions were in vain since the freedom of the press and expression was not practically exercised due to the repressive regime and party control of the media and the pervasive censorship that accompanied the operation of the press.

#### **4.2.1 Freedom of Expression and Limitations under the FDRE Constitution**

The 1995 Constitution guarantees the rights of citizens to freedom of expression. Article 29(2) of the constitution states:

“Everyone has the right to freedom of expression without any interference. The 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 media of his choice.”

Hence, by virtue of Article 29 of the constitution the right to freedom of expression has a bundle of rights within it. One of these is the ‘right to hold ideas’ in recognition of which Article 29(1) of the constitution stipulates: “Everyone has the right to hold opinions without interference.” This very right shields person from being coerced by the state to divulge what opinions they are suspected to hold.

The right to freedom of expression is not circumscribed to holding, imparting and receiving “information or factual data, but extends to ideas such as opinions, criticisms and speculations (Andargachew, 2006:3).” This allows the public and journalists to forward their ideas and opinions freely. Pertaining to the means of imparting and receiving ideas and information Article 29(2) of the constitution succinctly allows “either orally, in writing, or in print, in the form of art, or through any media of his choice.”

The ability of the media to undertake its duty and functions as a Fourth Estate largely depends on the degree of rights to access information and ideas. Cognizant to this, Article 29(2) (b) of the constitution provides that freedom of expression “shall specifically include access to information of public interest.” According to this particular provision access to information is allowed only when “Public interest” so requires. However, it does not define what constitutes “Public interest”. Commenting on this provision ARTICLE XIX (2004:4), an international organization working for the freedom of the press, states:

It does not define “Public interest” and it will presumably be up to the authorities, at least in the first instance, to decide on what information is of public interest and what is not. This term is susceptible to wide interpretation, creating a window for potential abuse and denial of access to information.

On top of this, the right belongs to the ‘press’ which means it is not granted to individuals.

Concerning the practice of accessing government information Dessalegn and Meheret (2004:xxii) state:

A major problem facing the free press is government discrimination and harassment. There is open and deliberate discrimination by the government which has taken the form of refusing to give information to privately owned papers and not inviting any of them to press conferences or newsworthy official events. Although the 1992 [Press]

legislation acknowledges the right to information and states that the press has a right to information from government agencies, this is denied in reality.

They further add that the press conferences given by the prime minister in the last ten years (i.e. before 2004) have always excluded the privately owned presses, and the media controlled by the government are given preferential treatment. This is poor practice and forces private press journalist to do their job unprofessionally. A journalist who is denied to cover the press conference by the prime minister or any government official may resort to secondary sources which in turn may cause inaccuracy and distortion. However, after 2005 the Prime Minister's press conference has been opened for the private press as well. According to Bereket Simon: "The prime minister's press conference is now open to the independent press which shows changes from both the government and the independent press and that government is opening and the press is being professional and ethical"(Hallelujah, 2007:75). Getahun Amogne (2005:86) also states:

Government-owned or affiliated media get better access to information than the privately owned media. Most journalists feel that the government media get such a privilege because officials feel that government journalists do not report against the government, and it is easy to manipulate their stories.

Hence, such practices in the part of government officials is contrary to the constitution of Ethiopia and other international human right instruments that are ratified by Ethiopia.

#### **4.2.2 Constitutional Limitations on Freedom of Expression**

The 1995 Constitution of Ethiopia puts certain limitations on the freedom of expression. Article 29(6) states that: " Legal limitation can be laid down in order to protect the well-being of the youth, and the honor and reputation of individuals." It further continues:

“Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.” The limitation shall be imposed through laws “ which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed.”

Putting limitations on the freedom of expression is not generally a violation of the right to freedom of expression. Rather the point at issue is: What are the preconditions that must be met to impose the limitations? The International Covenant for Civil and Political Rights (ICCPR, 1976) states that the exercise of the right to seek, receive and impart information and ideas carries within special duties and responsibilities. It may, therefore, be subject to certain restrictions, but these shall only be such as are provided by law and necessary:

- 1) For respects of the rights and reputation of others;
- 2) For the protection of national security or of public order (ordre public), or of public health or morals (ICCPR, 1976: Article 19)

According to the afore-stated provision, the most commonly used restrictions on freedom of expression are justified by the need to protect the rights and reputation of other people, national security, public order and public health. Here it is worth mentioning that these limitations are generally believed to protect the individual and collective interests of people, and hence they are acceptable in a democracy.

Generally, the present government of Ethiopia has expressed its commitment to the right to freedom of expression as well as work for media development.

### **4.2.3 Press Proclamation 34/1992**

This is the first legislation that fully recognizes freedom of the press and freedom of expression. This is understood from the preamble of the proclamation that states: “ The existence, promotion and expansion of a free and strong press are prerequisites for the full translation in to practice of freedom of expression (Preamble of proc. No. 34/92). Accordingly, the purpose of this enactment is to “ issue the appropriate law providing for the freedom, rights and duties of the press” (Preamble of proc. No. 34/92).

Article 3 of the press law recognizes freedom of expression and to this effect it rules out Censorship and any restriction of a similar nature. This is a great leap forward for the press precisely because the previous regime has handcuffed the press through censorship which defeats the purpose of freedom of expression.

Despite the fact that it recognizes the freedom of the press, the press law prescribes the content of the press products and dictates what the objectives of the press organizations are. Article 4 states that: “Press stands for the pursuit of fundamental freedom, peace, democracy, justice, equality and for the acceleration of social and economic development”. This provision impliedly dictates that the content and the objective of any press organization should be in congruence with the above-mentioned values. Commenting on the African press laws Kasoma (2000:83) states that African press laws are “mainly prohibitive than facilitative. They are negative precepts which forbid the press and journalists from certain action and not positive regulations which give the press and journalists greater capability to perform their functions”. This is true in the case of Ethiopia press laws. For instance, the different form of penalties listed under the press law, penal code and civil code of the country poses a chilling effect on

journalists. Journalists will always be preoccupied with the consequences of their act ignoring their duty to inform the public.

Regarding who can engage in press activity, the press law permits any person who has an Ethiopian nationality (Article 5(1) of Proc. No 34/92). The DPL includes more detailed provisions in a restrictive approach than the existing law, in matter of right to engage in press activity. Article 5 of this proposed law states that any person who is an Ethiopian national, and who is residing in Ethiopia may carry on any press activity. When one looks at it comparatively the existing law includes better provisions than the DPL in matter of individual and organizational right to participate in any press activity. While Articles 5 of the existing law bans only those who are foreign nationals (including Ethiopian origin), article 5 of the DPL adds the phrase “who is [not] residing in Ethiopia” to the existing restriction.

Moreover, any person who is going to embark on press activity should register in accordance of the relevant law and should get a license issued by the Ministry of Information (Article 6&7 of Proc. No. 34/92). Registering and granting license by the executive arm of the government may compromise the freedom of the press due to the fact that government is usually seen as a threat to presses that play adversary roles. The most restrictive provision of part two of the DPL is shown in Article 10, which states the “conditions for Issuance Refusal and Cancellation of a Certificate of Registration”. According to this provision the MOI and the Regional Bureaus of Information are granted the power to deny a certificate of press registration when the applicant fails to meet the requirements listed above and by other reasons stated in Article 10(1-4). In most

democratic countries such measure is provided to be taken by the independent judiciary rather than placing the entire decision making process in the hands of the government. This is because the government may use such routine and red tape bureaucratic procedures as a means of hindrance when feels the objective of a given press organization will operate against its policy and political interest.

What is surprising about this press law is the Right of Reply provision which is incorporated under Article 9. It states: “Where any information or matter concerning any person is reported in a press, such person shall have the right to reply in the press in which the report appeared”. This provision provides unfettered right to any person whose story is reported on any press product. This in turn discourages and compromises the editorial independence of the press. Although such provision might render a chance to readers of the press to express their views and make the press accountable to the public, it should be narrowly construed to give the right to reply to those who question the accuracy of the story. Otherwise the editorial independence of the press will be highly compromised by entertaining all trivial replies. One possible reason for this clause is that the government wants to secure that it has a right to reply in the private newspapers whenever it is being accused. The right to reply is a generally accepted ethical principle in the press throughout the world. Newspapers which reject the right to reply to a person who has been accused in the columns are not very highly valued ethically.

The 1992 press law, welcomed with enthusiasm as a sign of democracy and freedom of expression, became in practice one of the instruments of controlling the private press, due to several prohibitive and sweeping articles that it contains. Because of its lack of clarity, it has exposed journalists for imprisonments besides financial penalty. However,

the government has drafted a new press law to replace the existing one. The draft proclamation i.e. Law on Mass Media and Freedom of Information, has made certain improvements with regard to the right of reply.

Part four of the 1992 press law is devoted to list down acts that would entail responsibilities on the press. The press is responsible to ensure the lawfulness of the contents of press products. Article 10(2) of the press law makes any press duty bound to ensure that any press product it circulates should free from:

“Any criminal offence against the safety of the state or of the administration established... any defamation or false accusation against any individual, nation/nationality, people or organization; any criminal instigation of one nationality against another or incitement of conflict between peoples and any agitation for war.”

When such liabilities occur the responsibility lies on the concerned editor, journalist, or publisher. Beside this, the press organization is also “jointly liable for any criminal acts committed and/or any civil damage caused by the press” (Article 14(1) of Proc. No. 34/92). There are also various provisions which make the press liable in the civil and criminal codes of the country. Such repetitive restrictions on the media may result in a chilling effect on freedom of expression. The DPL relies on the use of criminal prosecutions, civil litigation and other extraordinary judicial remedies for its enforcement. For example, Article 44 authorizes the prosecutor to exercise prior restraint and suspend publications, which is totally prohibited in most countries. This article implies a subjective standard for the prosecutor in which he or she need only show that “[the person] had reasonable belief”.

The draft press law does not set the applicable standard of proof in a press prosecution. Mere allegation of criminal misconduct against the press defendant is

enough for a successful criminal prosecution or civil action. Indeed, it appears that once criminal charges are instituted the burden of proof is shifted to the press defendant to prove his/her innocence. Moreover, under the draft law, neither truth nor accuracy in reporting offers a valid defense, nor a press defendant can claim a qualified privilege for publication.

In similar vein, Chapter IV of the penal code of Ethiopia (2005) deals with participation in crimes relating to the mass media with a view to 'ensuring freedom of expression while preventing abuse'. Article 42(2) of the penal code defines crimes related to the mass media as " [Crimes] which are committed by means of newspapers, books, leaflets, journals, posters, pictures, cinemas, radio, or television broadcasting, or any other means of mass media". Crimes relating to the mass media may be committed " against the honor of other persons, public or private safety or any other legal right protected by criminal law, and are committed where communication is made to the public through the mass media" (penal code of Ethiopia, 2005: Article 42(3) ). For instance, in the aftermath of the 2005 Ethiopian election the government jailed many journalists accused of treason. In this particular case the applicable law was the penal code than the press law.

With regard to liability, the penal code lists down the liable persons in order. For instance, when a crime is committed through periodicals the registered editor in chief or the deputy editor in chief would be liable; where such editor in chief was not qualified or ceased to function as editor in chief, the publisher will be liable (Penal code of Ethiopia, 2005: Article 43(1)(a&b)). Hence, the penal code puts the liability in order starting from the editor in chief to publishers and printers.

The penal code also includes defamation and invasion of privacy as criminal matters albeit these matters are treated as civil matters in democracies. The Ethiopian legal regime imposes severe punishment for acts of defamation. If a journalist is liable for acts of defamation, he/she will face both civil and criminal sanctions i.e. fine and imprisonment. Hence, fear of such consequences might make journalists to shy away from writing investigative and critical stories against the government officials and institutions.

### **4.3 Press Self-regulation in Ethiopia**

#### **4.3.1 Press Council**

Self-regulation of the press has become the order of the day in many democratic countries beginning from the second half of the 20<sup>th</sup> century (Bertrand, 2003). The essence of press self-regulation is emanated from fear of state laws that are usually seen as unfavorable to the press industry and the need for press accountability to the public (Frost, 2000). There is also another substantial reason for self-regulation of the press, namely that the press is a fourth estate and thus needs room to pose criticism that is not within the limits that the three other estates have decided.

The practice of media self-regulation is also slowly growing in Africa. For instance, according to Berger (2007:132) the media of Zambia is now regulated by a non-statutory, voluntary self-regulating council called the Media Council of Zambia (MECOZ). This council has drawn up a code of ethics that sets out the journalistic standards that its members are expected to follow.

MECOZ is responsible for enforcing compliance with the code and may impose the following penalties on the person who breach the code: a reprimand, a demand that the error corrected within two years, a demand that an apology be published within a specified

time or a demand that compensation be paid to the complainant (Berger 2007: 132).

Similar independent media councils have been set up in for instance Kenya, Ghana and Tanzania (Berger, 2007).

The major criticism or complaint leveled against press product of various developing countries including Ethiopia is that they are wanting in a sense of responsibility and professional conduct. Kasoma (2000:82) contends: “The unethical and irresponsible use of press freedom was, clearly, leading African government to a repeat clampdown of the press which would itself lead to retrogression of the democratic process and, possibly, cause Africa revert to democracy”.

Self-regulation of the press takes the form of drafting code of conducts that serve as a professional standard to be pursued by those practicing the profession. Establishing a press council is another form of regulating the press. The press council is usually an independent body with representatives from various areas of society and handles complaints from the public on behalf of the entire press. It sometimes has the power to award licenses and undertake similar acts. It also strives to defend freedom of the press and work for the avoidance of repressive laws that undermine the freedom of the press.

Press councils:

“strive to help the press assume all its functions in society and thus to mobilize public opinion in support of its fight for independence. Who exactly is going to do that job and how? On those two points, the initiators of press councils rarely agree” ( Bertrand 2003:110).

The idea of establishing a press council was introduced by virtue of Article 38 of the 2003 draft press law prepared under the auspices of the Ministry of Information.

According to this provision the purpose of the press council is:

“ to consult government and make recommendations regarding the press for government decision on issues pertaining to the constructive role of the press on the political and social life of the state and on other matters that concerns the press” (Article 38 of the draft press law, 2003).

Moreover, the press council is also mandated to entertain complaints raised against the press and resolve through arbitration based on the code of ethics (Article 38 of the draft press law, 2003). One can learn from the wording of this provision that the role of the press council is serving as an ancillary institution of the government. Because as per Article 38(4) of the draft press law “the power and responsibility of the press council, election of members and the working procedure will be determined by the directives issued by the council of ministers”. The power to determine the powers and responsibilities of the press council should be left to the industry. Since a press council is usually seen as a voluntary institution established by the press itself, government should not usurp such powers from the industry.

Article 38(3) of the draft press law stipulates the number and composition of members of the press council envisaged by the draft press law. Hence the press council is composed of people from “journalists association, Journalists and publishers and the society”. The number of people in the press council is 29 and large number of members will be represented from journalists association (Article 38(3) of the draft press law, 2003). By virtue of Article 38(2) of the draft press law, the powers of the press council are:

- To prepare code of conducts and working guidelines that would be implemented on all presses.
- To investigate complaints against the press and render decision adhering the code of conducts

- To correct or rectify malpractices in the press and find sustainable solution to the problems
- To follow up and find solutions to avoid developments that would hamper the right of the press to get information, impede editorial independence and the free flow of information and exchange of ideas among the public.

According to Bertrand (2003) the task of a press council should, among other things, permanently monitor the evolution of media and publicize any unethical trends, watch the government's communication policies, serve as a forum for an ongoing debate of issues pertaining to mass communication and should take some interest in journalism training and media research.

Establishing a statutory press council by the government evoked diverse criticism from journalists. The editor in chief of the widely read newspaper- The Reporter – Amare Aregawi-ardently opposed the establishment of the statutory press council because he argued the press council should be established voluntarily by the industry itself without government interference (personal interview with Amare Aregawi, May 5, 2008). He further adds that the role of government should only be circumscribed to encouraging the press industry and media professionals' associations to establish a press council. However, Abiy Teklemariam, editor-in-chief of the Amharic weekly 'Addis Neger' does not concur with Amare Aregawi due to the fact that "Establishing press council presupposes presses that have at least some consensus among themselves...but the press and its practitioners are extremely polarized and lack consensus especially after the 2005 Ethiopian election" (personal interview with Abiy Teklemariam, March, 17, 2008). He adds: "The problem begins from who is a professional journalist [...] The media practitioners despise each other...For example go and ask about who is Abiy [...] and they will not tell you he is a journalist rather they will tarnish your name". Hence if there

is no consensus among the press “the statutory press council” is not a grave idea. “Rather the council should be composed of media professionals and should be an independent institution that defends the freedom of the press and arbitrate public complaints against the press amicably” (personal interview with Abiy Teklemariam, March, 17, 2008). At any rate it is unlikely to establish an independent and non-statutory press council given the polarization of interest among the private presses in Ethiopia, according to Abiy.

Amid these hot debates, the 2007 draft law on Mass Media and Freedom of Information has totally excluded provisions pertinent to establishing a statutory press council. Now it is up to the press industry to establish a self-regulatory body by its own volition.

Dejene Tessema, editor in chief of the government owned newspaper-The Ethiopian Herald, asserts that:

“in the current situation no independent and vibrant press council can be established. First, the private presses do not agree each other due to various reasons. Second, the government presses also take the other extreme position supporting the government. Hence, fake council might be established either by the government or any other party but not the bona fide one” (personal interview, June 3, 2008).

The polarization of the private and government press, the existence of weak and fragile journalists’ associations, the disagreement among the private press and financial deficiency make the possibility of establishing voluntary self-regulatory bodies in Ethiopia very remote.

Tigist Yilma, owner and managing editor of the private weekly newspaper ‘Capital’ states that:

The government requested the media owners to establish a voluntary media council that could regulate the behavior of the media and

journalists in it. But due to time constraint and polarization of the media owners and fierce market competition the media owners could not arrive at consensus. First of all the media should establish a common value to form such councils. But all the media strive to control and win the market. There are so many media houses that come to the picture after liberalization of the press law. And until the real and strongest media are identified, it is very difficult to form a self-regulatory institution (personal interview with Tigist Yilma, April 4, 2008).

Immediately after the liberalization of the press, there were myriad number of presses but gradually the number has decreased and the real and strong presses are shining out. Hence, these presses have a potential to establish an independent press council, according to Tigist.

Part of the causes for failure of establishing a voluntary and viable press council in Ethiopia is lack of understanding among media owners and journalists about the essence and function of a press council. Regarding this point Amare Aregawi states:

The idea of establishing press council is not materialized because most journalists do not understand the concept of self-regulation. That is why they become the subjects of police, prosecutors and judges. Secondly, there is no a united and strong journalists association. The so-called media professional associations are not independent and highly politically charged. Rather than reaching on consensus on the essence and function of press self-regulation they [the stake holders] quarrel on the ownership dichotomy of private and government media. Hence they should disregard the question of ownership and whether it is government or private they should respect ethics and ethics can be our common denominator (personal interview with Amare Aregawi, May 5, 2008).

### **4.3.2 Code of Ethics/conducts**

At the beginning of the 21<sup>st</sup> century, the ethics code constitutes an element of journalistic self-regulation that is essential, though not sufficient by itself. It stands together with ombudsman, press council and other media accountability systems ( Grevisse, in Bertrand, 2003:63).

In many professions ethical issues can be addressed by introducing code of conducts which would serve as guidelines or standards for professionals while exercising their

profession. For instance in the legal profession there are Advocates', Judges and Prosecutors code of conducts that should be adhered while they practice their profession. Violation of provisions in the code of conduct may entail liability.

In similar vein, Article 2(2) of the Ethiopian Press Proclamation (1992) defines a "journalist" as any person who is engaged as an editor, reporter, cartoonist...exercising such professional activity as seeking, receiving and dissemination of news and information." The Criminal Code, too, under its chapter dealing with "Legally Permitted Practice" states that a person may not be held punishable for offences committed while engaging in activities not prohibited by rules governing his job unless this is a serious offence committed through carelessness. The same provision cites Article 65 of the civil code pertaining to penalties arising from such offences as holding good, as appropriate.

Under the chapter dealing with offences committed during the discharge of professional duties, the civil code states in Article 2031 that whosoever undertakes an activity within the limits of set rules and regulations shall abide by the code of conduct. Article 2059 of the civil code (1960) states, "a person, who intentionally or by negligence, supplies false information to another commits an offence where he is bound by the rules of his profession to give correct information". So the Ethiopian legal system envisages the existence of code of conducts that guide the practice of professionals and every professional is duty bound to act in congruence with the code of conduct.

In the media industry, press houses have also developed their own code of conducts and ethical guidelines in a bid to work in line with high professional standards. However, Nyamnjuh (2005) states: "Having code of ethics is not synonymous with being ethical in practice, nor does it necessarily lead to the development of an ethical conscience".

The researcher has conducted a survey on eight private media houses to check whether they have developed in-house code of conducts or not. The particular media houses were selected because they are regarded among the most important private media outlets in Ethiopia. Four of them responded that they have code of conduct either as a draft or in its full-fledged form.

### **The Status of Code of Conducts in Some Selected Private Media Houses in Ethiopia**

<b>Name of the media house</b>	<b>Code of conduct</b>	<b>Accessibility of the code of conduct to practitioners</b>	<b>Participants in designing the code of conduct</b>	<b>No. of Circulation figures (Source, MOI, April 2008)</b>	<b>Year of Adopting the code</b>	<b>Year of Establishment</b>	<b>Remark</b>
Fortune	Yes	Yes	Managing editor and editor in chief	7,000	2003	2000	
Guardian	Yes	Yes	Manager of the press	2,000	2007	2006	
Sub-Saharan Informer	Yes	No	Owner and editors	1,500	2002	2001	
Daily Monitor	No	-----	-----	1,880	-----	1993	Daily
Capital	No	-----	-----	5,000	-----	1998	
Addis Admas	Yes	No	Editor in chief	31,000	2007	2001	Draft code of conduct
Addis Neger	No	-----	-----	20,000	-----	2007	
Reporter	No	-----	-----	22,000	-----	1995	

Those media houses that do not have a code of conduct express the need to develop such a code. The editor-in-chief of ‘Addis Neger’ states that:

“Currently, we have not developed code of conduct for the staff due to the fact that we have worked together for a long period of time as professional journalists. We resolve ethical issues through discussion when the need arises. But currently, since we are employing new staffs we felt the need to develop code of conduct

that can serve as professional and ethical guidelines” (personal interview with Abiy Teklemariam, March, 17, 2008).

Most of the private presses in Ethiopia do not have the tradition of preparing code of conduct as an institutional standard. Journalists interviewed for this research expressed that ethical issues are usually resolved through oral discussion with colleagues and in editorial meetings. Each of the newspapers has an editorial meeting once in a week where they discuss about the publication and contents of the newspaper. Hence it is in this particular meeting that pertinent ethical issues and dilemmas are raised and discussed (personal interview with Abera Weldekidan, editor in chief of ‘ The Daily Monitor’, May 2, 2008). A senior reporter working for the ‘Guardian’ newspaper shares what is stated by Abera. He says that:

“ The editor in chief questions the respective journalist who wrote the story if there is alleged violation of certain journalistic ethics, and the journalist would give an explanation on the issue at hand and the editor in chief arrives at a decision in consultation with the journalist. Such issues are usually raised during the editorial meeting” (personal interview with a senior reporter of the ‘Guardian’ April 24, 2008).

Hence, the practice demonstrates that most of the ethical dilemmas are resolved through discussion with colleagues and the editor in chief. However, given the fact that there is no adequate training in media ethics and a lack of the educational background in journalism among the editor in chiefs and journalists, it may not always be safe to rely much on the decision of editor in chiefs for all sorts of ethical decisions.

Literature written on the role of code of conducts in a given media house shows that the existence of code of ethics can protect journalists from undue pressure coming from media owners and rough editor in chiefs. In this regard, the Munich Declaration of the

Duties and Rights of Journalists (1971) states: “The journalist’s responsibility towards the public exceeds any other responsibility, particularly towards employer and public authorities”. Although the declaration dates back to 1971, it is typically reflected in recent proclamations of journalism responsibilities as well.

Amare Aregawi comments that the inexistence of a code of conduct is the result of the underdevelopment of the Ethiopian press. He further states:

The Ethiopian press is created but it has a poor background. The press is not institutionalized and journalists come from the profession of teaching, public relations and the like. The tragedy of the Ethiopian press is manifested when the press is liberalized. The first groups that opened press is the cadre of dergue, who are fired from office- when they are fired from Herald [government newspaper] they opened ‘Tobia’ and ‘Ethop’ [private Amharic Newspapers that are closed by the government in the aftermath of the 2005 Ethiopian election]. So they joined the profession in anger not from freedom. That is why we are paying the price. So these parties do not need a code of conduct; rather they are using the press as their instrument of expressing their anger and grievance.

The lack of sufficient training in journalism in general and media ethics in particular has also contributed to the underdevelopment of ethical guidelines in media houses. Tigist Yilma, owner and managing editor of the ‘Capital’ newspaper admits the necessity of a code of conduct in her media house and to this effect she has employed media consultants and received input from the staff (personal interview with Tigist Yilma, April 4, 2008).

#### **4.3.3 A Critical Appraisal of the Code of Conducts**

The need for professional code of conducts has been felt in almost all media houses that have been visited by the researcher. Some of the media houses have recently started developing codes of conduct. However, most of the codes of conduct are imposed on journalists without their active participation by media owners and chief editors. The

active participation of journalists in developing codes of conduct will have a paramount importance in increasing their legitimacy and strict adherence.

Regarding access to the codes of conduct by the practitioners the situation needs some improvement. Except the 'Fortune' and 'Guardian' newspapers journalists, the codes of conduct are not accessible in other media houses which in turn entails excessive power to editor in chiefs to decide on all ethical controversies. Hence, if it is not accessible to journalists the mere existence of the codes of conduct does not play any role in influencing the behavior of the practitioners.

#### **4.3.3.1 Fortune**

In 'Fortune' code of conduct has served as an institutional standard since 2003. The code was developed by taking experiences of the Washington Post, BBC World and the World Federation of Journalists' code of conduct (personal interview with Tamrat Gebregiorgis, Managing editor of Fortune, April 25, 2008). The code is comprehensive and covers many ethical issues regarding practicing the profession. The code of conduct is provided to new employees with their contract of employment and the provisions on the code bind the employees. Violation entails punishment to the extent of terminating the contract of employment (Personal Interview with a reporter at Fortune, May 15, 2008).

The contents of the code of conduct of 'Fortune' (2003) discuss ethical issues like responsibility, independence, truth and accuracy, impartiality, fairness, reporting political activities, conflict of interest, gifts, ticket, accountability and confidentiality (for more information consult the appendix). This particular code of conduct/ editorial policy seems very comprehensive and addresses most of the typical ethical issues faced by practicing journalists.

Some principal underlying values in codes throughout the world, according to Keeble (2001:14), are fairness, the separation of fact and opinion, the need for accuracy linked with the responsibility to correct errors, maintaining confidentiality of sources, upholding journalists' responsibility to guard citizens' right to freedom of expression, recognizing a duty to defend the dignity and independence of the profession, protecting people's right to privacy; respecting and seeking after truth, or political opinion; avoiding conflict of interest (particularly with respect to political and financial journalists or editors holding shares in companies they report on). The code of conduct developed by the Fortune newspaper includes all ethical elements listed down by Keeble. With regard to reporting political activities Fortune's code of conduct prohibits a reporter to report or to give news judgment in such affairs if he/she is a candidate for public office, or has a close relative in the political campaign or organization. This provision avoids the possibility of conflict of interest or the appearance of a conflict of interest. The code of conduct also provides an ethical guideline pertaining to separating news report and opinion. This is a prevailing problem in many of the private presses in Ethiopia. Usually, it is a daunting task to readers to separate the news story from the opinion of the journalist if these two elements are not clearly identified. At times, headlines are often opinionated and this may cause an accusation for bias.

With regard to Independence, the code provides "We should not accept anything nor pursue any activity that might compromise or seem to compromise our integrity" (Fortune code of conduct, 2003). Forming business relationship with a news source or making news decision of that investment is also unethical in Fortune. Beside this accepting any kind of gifts, free trips and travel tickets are also contrary to ethical

journalism, according to the code. This prohibition keeps the independence and credibility of media houses.

Truth and accuracy are also addressed in the code of conduct. “Every effort must be made to assure that the news content is accurate, free from bias and in context, and all sides are presented fairly”. The code states that significant errors of fact as well as error of omission should be treated promptly and prominently. It further provides that “Headlines should be fully warranted by the contents of the articles they accompany” (Fortune code of conduct, 2003).

Pertaining to fairness the code provides that:

We should at all times show respect for dignity, privacy, rights, and well being of people encountered in the course of gathering and presenting the news. We respect the right of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of our news reports. Persons publicly accused should be given the earliest opportunity to respond, and we should not communicate unofficial charge affecting the reputation or moral character without doing so.

Despite the comprehensive and detailed nature, the code has not addressed ethical issues like discrimination, reporting children and victims of sexual assault which are widely addressed in most codes of conduct in other countries. It also seems necessary to include some ethical guidelines with regard to covering ethnic, religious and sectarian conflict in a country where there are frequent conflict on such matters.

#### **4.3.3.2 Sub Saharan Informer**

The preamble of the Sub Saharan Informer’s code of conduct begins with a statement:

These principles of the Sub Saharan Informer are a model against which news and editorial staff members could measure their performance. This has been formulated in the belief that The Sub

Saharan Informer newspaper and the people who produce it should adhere to the highest standard of ethical and professional conduct.

One could understand from this preamble that this code of ethics is anticipated to serve as a guideline to the media practitioners working in the Sub Saharan Informer newspaper. However, two of the reporters interviewed in this media house responded that they have never seen the code of conduct. “I heard that there is a code of conduct in the media house but I see no one having or referring it since I was employed here. When there are certain ethical controversies we usually discuss [them] during the editorial meeting” (personal interview with Simegnish Yekoye, a reporter working for Sub Saharan Informer, April 12, 2008). Hence, the code of conduct does not serve as an institutional standard. Samson Haileyesus, deputy editor in chief of the Sub Saharan Informer, states: “Since all of us are young, we could understand each other and resolve ethical controversies through discussion and dialogue” (personal interview, April 12, 2008).

Pertaining to the content of the code of conduct, the major ethical issues addressed are responsibility, accuracy, integrity, and independence. Beside these, ethical principles like the public right to know, bias, fairness, impartiality, honesty, the right of correction, plagiarism, conflict of interest and financial investment are dispersed here and there (for more information refer to the appendix).

The Sub Saharan Informer’s code of ethics “guards against inaccuracies, carelessness, bias or distortion through emphasis, omission or technological manipulation” (Sub Saharan Informer Code of Ethics, 2006). It also acknowledges substantive errors and corrects them promptly and prominently. The code also encourages the newspaper to serve as a forum for the exchange of comment and criticism, especially

when such comment is opposed to its editorial position. It also requires the separation of editorials and expressions of personal opinion by reporters and editors. On top of this, the newspaper strives to reasonably reflect, in staffing and coverage, its diverse constituencies. This provision is progressive in the sense that it is loaded with giving recognition to the existence of pluralistic society in Ethiopia.

The code also prohibits journalists' and the staff to accept gifts from news sources and newsmakers. It further states: "Involvement in politics, demonstrations and social causes that would cause a conflict of interest, or the appearance of such conflict, are strictly forbidden" (Sub Saharan Informer Code of Ethics, 2006). Similarly, the code prohibits the involvement of staff members in financial investment which could create a conflict of interest.

What is interesting about this code of conduct is that it encourages journalists not only to criticize malpractices of government officials and private organizations but also matters regarding their own media institution and its personnel. This, if practiced, might increase its accountability and transparency to the public.

The ethical guidelines need further explanation or definition; otherwise it is difficult for those new practitioners who have not received training on media ethics to comprehend the meanings. For instance, under the provision dealing with responsibility it reads: "The good newspaper is fair, accurate, honest, responsible, independent and decent. For Sub Saharan Informer truth is its guiding principle" (code of conduct of Sub Saharan Informer). Therefore, clarity and accessibility of the code to journalists may increase its implementation.

Finally, if the provisions in the code of ethics serve as an institutional standard in the media houses, it would have a spillover effect on upgrading the ethical decisions of journalists.

#### **4.3.3.3 Guardian**

The 'Guardian' newspaper's code of conduct has two sections that deal with provisions regarding employees' relationship with the publishing company i.e. Awash Media Network S.C. This media house came in to the media scene in 2007.

The preamble of the code of conduct puts duty on any journalist working in 'Guardian' "to understand and implement professional ethical standards that are recognized by professionals of free presses in any country". This seems absurd given the absence of sufficient education and training on media ethics in the context of Ethiopia.

Kasoma (2000:43) states:"

The professional performance of journalists very much depends upon how well educated and trained they are for the task. Journalism is such an exacting profession that it is not right to expect journalists with little or no education and training to perform well.

The core ethical issues addressed in this code of conduct (2007) are; responsibility, accountability, decency, accuracy and conflict of interest (for more information refer to the appendix). However, ethical issues like the duty of rectifying errors, impartiality, independence and truth are incorporated under the above mentioned core ethical matters.

The code of conduct is provided to all employees during the contract of employment as part of the contract. Any person who violates the provisions under the code of conduct will face administrative sanctions (personal interview with Andualem Desta, deputy editor in chief of the 'Guardian' newspaper, April 18, 2008). Andualem adds that the

professionals in the 'Guardian' strictly implement the code of conduct. However, a reporter interviewed for this research expressed that there are unfair pressures from the editor when unfavorable stories are written about advertisers or persons who have some kind of relationship with the owners of the media house. "Although the editor believes that the stories are newsworthy, he tries to persuade us not to offend the interest of the owners" (personal interview with Yonas Abiy, a reporter working in the 'Guardian' newspaper, April 18, 2008). Despite such practice, a provision on the code of conduct states: "Any journalist shall not work to serve or run the interest of advertisers, organizations or any other user of the newspaper".

Turning back to the contents of the code of conduct the first section deals with accountability and responsibility. Accordingly, journalists have the right to constructively criticize all segments of the society by relying on sufficient evidence. Comments and facts should also present separately according to this code of conduct. It also gives due recognition to rectify errors or mistakes when they are committed.

Impartiality and fairness are also among the ethical standards incorporated under this particular code of conduct. Accordingly, a journalist is required to be dispassionate when he reports controversial stories. The newspaper shall also entertain diverse views reflected by different segment of the society. The code also provides an ethical guideline with regard to conflict of interest. Hence, journalists are required to abstain from political campaigns and demonstrations if it appears to cause conflict of interest.

Finally, the code prohibits journalists to take any form of gift from news sources and other parties.

#### **4.3.3.4 Addis Admas**

Addis Admas developed a draft code of conduct for journalists in 2007. It is developed by the editor in chief and the deputy editor in chief of the media house (personal interview with Yonas Kassa, deputy editor in chief of Addis Admas newspaper, April 28, 2008). The codes are given for journalists for comment and adding their inputs according to Yonas. The focus area of the paper is infotainment (information and entertainment).

Pertaining to the substance of the code of conduct it addresses ethical issues like accuracy, balance, fairness and independence. Journalists have an ethical obligation not to receive any gifts and benefits from their news sources. Discrimination and bias based on ethnic, religion, color and gender lines are ethically wrong, according to the code.

The code also requires journalists to present news stories and opinions separately. It further goes saying that all facts as well as opinions should be supported by reasonable evidences.

Generally, in a way of comparison the code of conduct developed by Fortune is more comprehensive and detailed than others. Most of the codes are transplanted from other countries and are devoid of journalists' participation when they are adopted. In effect, the codes of conduct did not exert reasonable effort to take into consideration the ethical values of the Ethiopia society. Moreover, the codes do not separately put the rights and duties of journalists. A close scrutiny of the surveyed codes of conduct demonstrate that except the Guardian the rest enumerated the ethical guidelines in such a way that the ethical standards are

meant for the institution rather than the individual journalists. Put differently, the ethical duties and rights of the journalists are not clearly laid down.

On the other hand, the codes of conduct have also failed in covering some core ethical issues with regard to reporting children, sexual violence, gender issues, discrimination, reporting court proceedings, and sensitive religious and ethnic issues. Hence, this entails ethical dilemmas when reporting the afore-stated issues and consequently journalists of these presses won't have ethical standards for reference with respect to reporting such issues. .

#### **4.3.4 Complaint Handling Methods**

One of the practices of media self-regulation is entertaining the complaint of the public. People who are subjects of a story on press might get offended due to mistakes, unethical reporting or for other reasons. Hence, the media houses should open themselves to criticism and comments from the public.

The Ethiopian press law that deals with the right of reply stipulates: “Where any information or matter concerning any person is reported in a press, such person shall have the right to reply in the press in which the report appeared” (Article 9(1) of Proclamation 34/92). The same provision coerce a press such report appeared to give the person concerned the opportunity in due time to make a reply “ proportionate to the report and in such manner that those who knew about the original report can readily notice the reply” (Article 9(2) of Proclamation 34/92). This very provision does not qualify the reasons that enable persons to exercise their right of reply. Hence any person whose story appeared on any press product can automatically exercise his right of reply irrespective of the correctness of the original story appeared. Although this provision facilitates the

resolution of disputes between a person whose story is reported and the press institutions amicably, it jeopardizes the editorial independence of the press which is provided in the constitution. Hence, the reply should be at least in response to statements which are false or misleading and which breach a legal right of the claimant; and it should not be permitted to be used to comment on opinions that the reader does not like.

Most importantly, a right to reply should be voluntary than prescribed by law. Here the inescapable problem is the inexistence of a media self-regulatory institution that mediates or arbitrates these kinds of scenarios. A press complaint commission is the best option to entertain such matters. The practice, however, shows that the right of reply is not strictly practiced by most of the media outlets. “Any party whose story appeared in our publication can exercise his right of reply if it proves that our story is incorrect and if the editor in chief believes necessary”(personal interview with a reporter of the Sub Saharan Informer, March 3, 2008). The journalist adds that if is a comment on the story appeared in the newspaper, it may be published, by weighing the relevance and reasonableness of the comment, in the ‘Readers Opinion Column’.

The right of reply is not granted automatically as of right for every person whose story appeared in the newspaper.

First of all, we request the subject of the story to express his say while we write the original story and if he declines we do not give him another chance unless he proves that the story is incorrect and in such circumstances we write corrigenda in our next edition (Personal Interview with Abera, editor in chief of the daily Monitor newspaper, May 12, 2008).

Despite the fact that the Ethiopian press law succinctly provides for the right of reply for any person where any information or matter concerning him is published, the

press has not given legitimacy to this particular provision and the practice is not in compliance of the provision. Even some of the editors in chiefs understand the provision as if it is the 'Right of Correction'. This is epitomized by the following quotation from Amare Aregawi's interview:

We go beyond the law – the law gives recognition to the right of reply if you only make error. However, although we don't make any error, we invite the public to comment for the sake of opening discussion. We go extra-mile and give them a chance. We give priority for those who write against what we have written to diversify views (Personal Interview with Amare Aregawi, Owner and editor in chief of the 'Reporter' Newspaper May 5, 2008).

Here it reminds me the debate in the discipline of law regarding the theory of Legal Instrumentalism. This theory contends that law can serve as an effective instrument to bring a change in social behavior. The opponents of this theory argue that law cannot serve as an effective tool to bring the expected change in social behavior unless it acquires public legitimacy. The opponents further argue that in order to be legitimate, laws should be developed in consultation with the public. Hence, the right of reply enshrined in the Press law (1992) is devoid of legitimacy from the side of the media industry and in effect the implementation is very minimal.

However, the draft press law (2008) has made certain amendments on the right of reply. Article 38 (Right to Correct or Respond) of the Draft press law (2008) stipulates: "A person whose honor and good name has suffered through a factual report in a mass media outlet has the right to respond in the same mass media outlet free of charge". According to this provision the person, before exercising his right to correct or respond, should believe that his honor and good name has suffered through a factual report. The response provided by the 'victim' should be "related to the report, appropriate and of

legal content” (Article 38(1)(c) of the 2008 Draft press law). If such person is deprived of the right to respond under this provision, he may petition to court to compel the editor or the publication to issue the response (Article 38(2) of the 2008 draft press law).

Article 38(5) of the 2008 draft press law further states that the provisions under this article do not preclude the application of Article 2049 of the Civil code (1960) of Ethiopia which states:

Art. 2049. (1) Where defamation is committed by way of publication, no liability shall be incurred where the defendant has acted without intent to injure and without gross negligence, provided that at the plaintiff’s request he publishes immediately a withdrawal and an apology.

Art. 2049. (2) where defamation is committed by way of periodical which appears at intervals of more than one week, the plaintiff may require the withdrawal and apology to be published immediately in a periodical of his choice.

According to the above provision, a press will be exempted from liability of defamation if it proves that it acted without intent to injure and without gross negligence and by publishing immediately a withdrawal and apology at the request of the plaintiff. Sub article two of the same provision gives a discretionary right to a plaintiff to choose the periodical in which the withdrawal and apology appeared if the defamation is committed by a periodical which is disseminated at intervals of ore than one week. Hence, if the press product is released once in a month, the press will be compelled to put the withdrawal and apology in another periodical incurring additional cost.

#### **4.3.5 Professional Associations**

Establishing an association is one of the constitutional rights in the context of Ethiopia. Article 31 of the FDRE (1995) constitution provides “Every person has the right to freedom of association for any cause or purpose”. By virtue of this very provision forming any organization or association for any legitimate purpose is given for every person as of right. Moreover, Article 4(2) of the press proclamation (1992) provides that a press shall, among others, have the right to express opinions on various issues, forward criticisms on various issues and undertake other activities for the accomplishment of its purposes, and to establish a trade union or any organized body in order to execute its powers and duties. Similarly, Article 4 of the draft press law (2008) provides: “Journalists have the right to organize in professional associations of their choice”. Hence, the Ethiopian legal regime fully grants the freedom of association.

In a democracy, state administration is only one of the diverse institutions operating alongside one another including political parties, or organization and associations. In this regard, Article 9(2) of the constitution (1995) dealing with the supremacy of the constitution stipulates that: “all citizens, organs of state, political organizations, other associations as well as their officials have the duty to ensure observance of the constitution and obey it”. This provision reflects the concept of pluralism in the sense that these diverse institutions bear the responsibility not only to obey the constitution but also to ensure its observance.

Having discussed the underlying legal background pertaining to establishing professional association in Ethiopia, the researcher will make a modest attempt to reflect the configuration of professional association in the Ethiopian media milieu. There are

several media professionals associations in Ethiopia. The known ones are the Ethiopian Free Journalists' Association (EFJA), the Ethiopian Journalists' Association (EJA), Ethiopia Media Women's Association (EMWA), Ethiopian Environment Journalists Alliances (EEJA), Ethiopia National Journalists Union (ENJU), Ethiopian Sport Journalists Association (ESJA), and Ethiopia Volunteer Anti- AIDS Media Professionals (EVAMP) (personal interview with Wondwesen Mekonnen, Chairman of EFJA, May 24, 2008). Beside these there is an association called the Ethiopian Free Press Journalists' Association In Exile led by the former chairperson of EFJA, Kifle Mulat. This happened after the division with in EFJA in the aftermath of the 2005 election.

Media professionals associations can make a substantial contribution to the development of media and the profession as a whole. However, Kasoma referring to the experience of Sub-Saharan countries in the 1990's, contends that professional associations played a minimal role to resolve the three major problems he pinpointed: playing the role of the opposition, being extremely sensational and advocate, and massive use of anonymous sources (Kasoma, 1992).

The experience of many democracies witness that the professional associations strive to promote the standard and values of the profession and defend the freedom of the press. They design a code of conduct for their members as a minimum standard of ethics to be pursued by members. They also provide trainings to upgrade the knowledge and skills of their fellow members. However, in Ethiopia media professionals associations suffers from lack of the expected membership due to various reasons ranging from financial incapacity to division in political lines. Kasoma (1992) states:

In some countries, journalists have been unable to agree on a single body to control journalistic practices and this has resulted in

separate bodies for the independent and the government press. In Zambia, for example, journalists from the independent press broke away from the the Press Association of Zambia (PAZA) to form their own Zambia Independent Media Association (ZIMA) claiming that PAZA was dominated by journalists from the government media.

What Kasoma states about Zambia also reflect the situation in Ethiopia. There is no unity and collaboration among the associations themselves due to divisions in line with some political ideology. “Ethiopian journalists associations were not organized based on the principles of journalism for the development of the industry and the profession, or for the realization of the freedom of expression, but were rather a collection of journalists with similar political or personal attitude” (Hallelujah Lulie, 2007: 71). For instance the EJA and ENJU is portrayed associations that support the incumbent government and most of their members are journalists who are working in the state media. EFJA on the other hand is assimilated with government opposition and most of the members are coming from the private press. Shimelis (2000) describes the rapport between EJA and EFJA as:

A further demonstration is the division between the government controlled print medium and those in the private press, a division which has found its concrete expression in the founding of two rival associations ( the Ethiopian Journalists’ Association vis-à-vis the Ethiopian Free Journalists’ Association) waging a non-conventional war of words. Consequently, a univocal partisan press has been left to reign at the expense of a pluralistic press representing a wide spectrum of opinions.

Despite this, independent professional organizations are proliferating like ESJA, EWJA, EEJA, and EVJAC. However, these new associations are primarily established to mainstream particular issues in the media like environment, gender, HIV and the likes (Personal Interview with Yonas Kassa, member of EEJA and deputy editor in chief of

‘Addis Admas’ newspaper, April 28, 2008). Hence, striving to consolidate the profession of journalism as a whole is not their primary agenda.

Most of the interviewees of this study are not members of the professional associations functioning in Ethiopia. The common reasons forwarded by them are lack of independence and political affiliation either with the ruling party or the opposition.

Nyamnjoh (2005:83) states:

Journalists themselves have not been very enthusiastic about accepting their common calling. They do not hesitate to exaggerate the differences between the trained and the untrained, those who work for the official media and those in the private press. The splits, squabbles and instability witnessed among newspaper proprietors, and journalists in most countries over the past ten years mean that the press has been more preoccupied with internal wrangles than with a concerted effort to pool resources to fight for better laws and on behalf of persecuted journalists.

There is also internal wrangling within the association themselves to assume power and due to various reasons. This is epitomized by the recent division within the Ethiopian Free Journalists’ Association leadership.

Kasoma (2000) also asserts that the serious conflicts between government and the independent press which have rocked Africa could be mitigated if journalists created responsible bodies like press councils that could enforce journalistic ethics. It is the absence of strong associations and self-regulatory bodies that compel governments to enact laws aimed at strictly controlling the free press.

The existence of strong and viable professional associations is a prerequisite for the establishment of a press council. This is due to the fact that the professional associations are indispensable elements for the establishment of a press council since they are considered as the representative of media practitioners. Tamrat Gebregiorgis, managing

editor of Fortune states: “ the professional associations are the reflection of the press. The Ethiopian press is in its nascent stage, there are only few trained professionals, no true and independent professional associations” (personal interview, April 25, 2008).

The researcher had a chance to attend the discussion forum among journalists and professional associations which is prepared under the auspices of PACT Ethiopia. The discussion agendas were the draft press law, establishing press council and forming an umbrella professional association. But the associations as well as individual journalists could not reach at a consensus in almost all the issues. For instance, EJA supports the integration of the Freedom of Information Act with the Press law. But EFJA vehemently opposes this. And they agree on almost no points.

Finally, Wondwosen reiterates the major problems facing the Ethiopian professionals association as:

The challenges confronting the potentials of Ethiopian associations are many and diverse – both internal and external. The internal challenges relate to lack of regular general assembly, accountability, individual journalists’ social and professional problems; collective agreements, better environment for media development; permanent structures of the unions, vision of association leaders, project plans; capacity for lobbying union development skills. The external challenges facing associations are four-fold, namely legal, socio-political, human resource and economy issues (Personal Interview with Wodwosen Mekonnen, Chairperson of EFJA, May 24, 2008).

The problems within and among the professional associations and the weaknesses as well as polarization among the private presses pose a substantial problem to establish a self-regulatory bodies in Ethiopia. As can be discerned from the above discussions it is the common efforts and activities of these parties that can establish press council or other self-regulatory body. On top of this the code of conducts developed by some of the

individual media houses will become more effective if there is a common/national code of conduct developed by a self-regulatory body. By so doing, if the private presses start to perform their activities ethically and responsibly it would bring a spill over effect on the government owned presses. In other words, the government press will also strive to be fair and responsible and consequently the gulf and animosity between the two presses will be minimized.

## **CHAPTER FIVE**

### **CONCLUSION AND RECOMMENDATIONS**

In a nutshell, findings of the study provided adequate evidence to warrant the following conclusions. The Ethiopian legal regime provides full recognition to the freedom of the press and freedom of expression as can be discerned from the constitution and the international instruments ratified by the country. Although the constitution provides for the freedom of the press, the previous (1992) and subsequent (2008) press proclamations seem to deviate from the constitution by infringing the freedom of the press envisaged under the constitution. This is epitomized by the enactment of the draft press law that in some regards restricts the fundamental freedom of the press.

Journalism is not an end in itself but only the professional means by which reporters and editors serve the public interest and trust. The purpose of the code for ethical journalism is to contribute to on-going efforts by professionals and practitioners towards excellence and commitment to the use of standard practices; encourage journalists to develop a collective capacity for advocacy, so as to effectively articulate the needs of the constituencies they serve.

Observing ethics is the cornerstone of an effective media sector. Also maintaining editorial independence in both government and private media is crucial for the free flow of information. To this end, a self-regulatory body should draw a national level Code of Conduct that governs both the private and public media which will be put in place by the practitioners themselves.

Pertaining to establishing self-regulatory bodies of the press, the 2003 draft press law envisages the formation of a statutory press council that faced a staunch criticism from the industry. However, the government has avoided that very contentious provision from the draft press law presented for discussion in this year (2008) leaving the matter to be dealt by the press itself.

Self-regulatory bodies play dual roles in the media industry. They defend the freedom of the press and struggle forces that inhibit the freedom of the press and freedom of expression. This is the major lacuna in the Ethiopian press industry in the face of legal and extra legal pressures from the government and other forces which will consequently hamper the freedom of the press. For instance, the lack of such strong forces/associations that can unequivocally represent the interest of the press is manifested when the draft press law is presented for discussion. Secondly, the press in Ethiopia has not been performing its activity responsibly and professionally. The press in its activity may not undertake its responsibility appropriately. In these scenarios the press should be accountable to the public. Hence, the press should establish a voluntary self-regulatory body that entertains complaint from the public. The government presses should also be transformed in to the public media and be subjected to the jurisdiction of self-regulatory bodies. If such institutions are not established in the short run, the media will be subjected to devastating penalties of courts. The public cannot also support the media if they fail to be accountable to the public.

Some of the media houses visited by the researcher have developed in-house code of conducts and editorial policies that can serve as a standard of ethics for the practicing journalists. These codes are intended to serve as a guideline to media professionals in the

press. A journalist who violates the ethical principles enshrined in the code of conducts will be subjected to penalties. This is one form of accountability. But such codes should be developed with the participation of journalists and be accessible to journalists. It is also sound to lay down a common code of ethics for the whole media than individual codes for each media house. The press complaints commission could initiate such a common code. At any rate, the press complaint commission would need a common code to go by when judging complaints. On top of this, new and fresh journalists should also be given chances to attend editorial meetings where usually discussion on ethical controversies takes place. Such meetings may enable them learn some of the core ethical principles in the profession.

The private presses in Ethiopia are facing many problems to practice responsible journalism and to overcome their responsibility towards the public due to internal and external factors. The internal factors can be cited as lack of adequate knowledge on media ethics, dearth of sufficient training and trained journalists, financial problems, lack of unity, absence of a viable professional association and lack of ethical guidelines. The external factors are cited as repressive legal regime, insufficient market, and discrimination by government.

There are manifestable problems within the press since the aftermath of the 2005 Ethiopian election. The presses are divided along political lines and see each other as adversaries. This in turn poses a substantial obstacle on establishing a voluntary self-regulatory body that could regulate the press. To make things worse, there are also divisions among the professional associations along political lines. Hence, the chasm among private and government journalist as well as within the private press make the

establishment of a self-regulatory body remote at the moment. This is due to the fact that the presses and their associations are the corpus element for the establishment of press councils and other self-regulatory bodies.

## REFERENCES

- Abdi Ali. 2004. Theoretical Framework and Guidelines for Fair Reporting. A paper presented at the national capacity building and sensationalisation workshop for civic and election journalists: January 26-27, Addis Ababa, Ethiopia.
- Andargachew Tiruneh. 2006. 'Media Law in Ethiopia.' Unpublished paper.
- ARTICLE XIX.2004. A Briefing Note on the Draft Ethiopian Proclamation to Provide for the Freedom of the Press. [Internet] Available at [www.article19.org/pdfs/analysis/](http://www.article19.org/pdfs/analysis/)
- ARTICLE XIX. 2006. Central Asian Pocketbook on Freedom of Expression. London.
- Babbie, E. & Mouton, J.2001. The practice of Social Research. London: Oxford University Press.
- Berger, G. 2007. Media Legislation in Africa: A comparative Legal Survey. South Africa: Paarl print.
- Bertrand, C,J.(ed.) . 2003. an arsenal for democracy: Media Accountability Systems. New Jersey: Hampton Press, Inc.
- Bryman, A. 1984.Social Research Methods. New York: Oxford University Press.
- Dadge, D.2003. Ethiopia: IPI Comments on the Ethiopian Draft Press Law. ( Internet: [http://www.freemedia.at/cms/ipi/publications\\_detail.html](http://www.freemedia.at/cms/ipi/publications_detail.html)? Accessed on 13/05/08.
- Dahl, Robert. (1998) On Democracy. USA:Yale University Press
- Day, A.L.2003. Ethics in Media Communications: Cases and Controversies. Canada: Wadsworth Group.
- Dessalegn R.& Meheret A.2004. Democracy Assistance to Post-Conflict Ethiopia: Building Local Institutions? Working Paper 27, Netherlands Institute of International Relations 'Clingendael' in Cooperation with Forum for Social Studies. Addis Abeba: Unpublished.
- Draft Ethiopian Press Law (2003).
- Emerson, T. 1970. The System of Freedom of Expression. New York: Random House
- Fico, F. etal. 1999. Partisan and Structural Balance in local television election coverage. Journalism and mass communications Quarterly 79.
- Frost, C. 2000. Media Ethics and Self-Regulation. Great Britain: Pearson Education Limited.

Gauthier, C.C.1999. “Right to Know, Press Freedom, Public Discourse,” in *Journal of Mass Media Ethics*. Vol.14, No.4, PP.197-212. USA: Lawrence Erlbaum Associates.

Getahun Amogne. 2005. *Public Access to Government Information in Ethiopia: An Assessment of Public Information Practice in Selected Government Institutions*. Faculty of Journalism and Communications, Addis Ababa University: Unpublished M.A. Thesis.

Gordon, D.A & Kittross M.J.(2<sup>nd</sup> ed.) 1999. *Controversies in Media Ethics*. New York: Addison –Wesley Longman Educational Publishers Inc

Hallelujah Lulie. 2008. *A Political History of the Private Press in Democratic Ethiopia 1997-2007*. Faculty of Journalism and Communications, Addis Ababa University: Unpublished M.A. Thesis.

IFJ.1999. *The Role of Media in Promotion of Human Rights and Democratic Development in Africa*. Brussels.

International Covenant on Civil and Political Rights (1976).

Kasoma,F.P. (1995a).*The role of the independent media in Africa’s change to Democracy*, Sage Publications.

Kasoma, F.P.2000. *The Press and Multiparty Politics in Africa*. Finland: University of Tampere.

Keeble, R.2001. *Ethics for Journalists*. London. Rutledge

Kieran, Matthew (ed) . 1998. *Media Ethics*. Great Britain: TJ International Ltd.

Krüger, F.2004. *Black, White and Grey Ethics in South African Journalism*. Cape Town: Double Storey Books.

Lindolf, T.R. 1995. *Qualitative Communication Research Methods*. London: Sage.

MacDonald,B & Petheram, B.1998. *Key guide to Information Sources in Media Ethics*. London: Mansell Publishing Limited.

Mckay, J.2006. *The Magazine Handbook*. Great Britain: Cromwell Press.

Meron Berhane. 2006. *The Ethiopian Media Law with Particular Reference to the Broadcasting Proclamation No. 78/1999*. Faculty of Journalism and Communications, Addis Ababa University: Unpublished M.A. Thesis.

Ministry of Information.2008. Monthly statistical data about press products which circulate beyond the confinement of one region from 10<sup>th</sup> March to April 8<sup>th</sup>,2008.Internete:www.moi.gov.et, accessed June 4, 2008.

Moore, R.L (2<sup>nd</sup> ed.). 1999. Mass Communication Law and Ethics. New Jersey: Lawrence Erlbaum Associates, Inc.

.Mwaura, P.1994. 'Ethics and Protection of journalists IN Kasoma, P.F (ed) (1994). Journalism Ethics in Africa. Nairobi:African Council for Communication Education.

Negarit Gazette.1992. A Proclamation to Provide for the Freedom of the Press, Proclamation No.34/92., Year 47, No. 1. Addis Ababa, Birhanenaselam Printing Enterprise.

Negarit Gazette.2004.The Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No.414/2004. Addis Ababa, Birhanenaselam Printing Enterprise.

Negarit Gazette.1955.Revised Constitution of Ethiopia, 1955, Year 15, No. 1. Addis Ababa, Birhanenaselam Printing Enterprise.

Negarit Gazette.2007. A Proclamation to Provide for the Systematic Management of Broadcasting Service, Proclamation 557/2007,. Addis Ababa, Birhanenaselam Printing Enterprise.

Negarit Gazette. 1995. Constitution of Federal Democratic Republic of Ethiopia, Proclamation No.1/1995. Year1, No.1. Addis Ababa, Birhanenaselam Printing Enterprise.

Negarit Gazette. 1987. Constitution of Peoples' Democratic Republic of Ethiopia, Proclamation No.1/1987.Year 47, No.1. Addis Ababa, Birhanenaselam Printing Enterprise.

Negarit Gazette, Gazette Extraordinary.1960. Civil Code of the Empire of Ethiopia, Proclamation No.165/ 1960, Year 19, No.2. Addis Ababa, Birhanenaselam Printing Enterprise.

Nyamnjoh, B.F. 2005. Africa's Media: Democracy and the Politics of Belonging. Pretoria: UNISA Press.

O'Malley, T& Soley,C. 2000. Regulating the Press. London: Pluto Press.

Pearson, M.2004. The Journalist's Guide to Media Law: Dealing with Legal and Ethical Issues. Sydney: Allen & Unwin.

Retief, J. 2002. media ethics: an introduction to responsible journalism. Cape Town: Oxford University Press.

Robertson,G and Nicole, A. 2002. Media Law. London: Penguin Books.

Ronning,H.2001. Media Ethics: An Introduction and Overview. Oslo: Juta

Sandbrook,R. 2000. Closing the Circle: Democratization and Development in Africa. Toronto: Between the Lines.

Sanders, J& Carey,P. 2004. Media Law. London: Sweet & Maxwell Limited.

Schroder,K et al..2003. Researching Audience. London: Arnold.

Sen, Amartya. 2004. What is the Point of Press Freedom? Unpublished Article.

Siebert, F.S et.al. 1963.Four Theories of the Press.USA: University of Illinois Press.

Shimeles B. 2000. Survey of the Private Press in Ethiopia: 1991-1999. Addis Ababa: Forum for Social Studies

Universal Declaration of Human Rights (1948).

UNESCO. Windhoek Declaration. 1991. [Internate]. Available at:  
[http:// www.unesco.org/webworld/fed/temp/communication\\_democracy/windhoek.htm](http://www.unesco.org/webworld/fed/temp/communication_democracy/windhoek.htm)

## **Appendix 1: List of persons interviewed**

1. Abiy Teklimariam: Editor in chief of Addis Neger. March 17, 2008.
2. Abera Weldekidan, Editor in chief of the Daily Monitor. May 12, 2008.
3. Amare Aregawi: Editor in chief and owner of Reporter, Director of HAPI. May 5, 2008.
4. Andualem Desta, Deputy editor in chief of the Guardian. April 18, 2008.
5. Degene Tessema, Editor in chief, the Ethiopian Herald. June 3, 2008.
6. Samson Haileyesus, Deputy editor in chief of the Sub Saharan Informer. April 12,2008.
7. Tamrat Gebregiorgis, Managing editor and owner of Fortune. April 25, 2008.
8. Tigist Yilma, Managing editor and owner of Capital. April 4, 2008.
9. Wodwossen Mekonnen: President of EFJA, journalist. May 24, 2008.
10. Yonas Kassa, Deputy editor in chief of Addis Admas. April 28, 2008.
11. Abreham Dereje, reporter for ‘Addis Zemen’ news paper. June 3,2008.
12. Biruk Girma, journalist for the ‘Daily Monitor’ news paper. May 12, 2008.
13. Simegnish Yekoye, reporter for the ‘Sub Saharan Informer’ news paper. April 12, 2008.
14. Dereje Tegenaw, Journalist for the ‘Reporter’ newspaper, May 7, 2008.
15. Bezawit Seyoum, reporter for the Reporter newspaper, , May 7, 2008
16. Yonas Abiy, reporter for the ‘Guardian’ newspaper. April 18, 2008.
17. Melkamu Belay, reporter for ‘Addis Admas’. April 22, 2008.
18. 11 journalists from the private press and 2 journalists from government press seek anonymity.

## Interview questions for editor –in –chiefs of the respective media houses

1. Does your media house have an in-house code of conduct?
2. What are the major sources for your code of conducts? Are they transplanted from other countries or developed by you?
3. Who are the major actors in developing the code of conducts?
4. How do journalists get access to the code of conducts?
5. What are the uses of the code of conducts?
6. Does your media house strictly implement the principles/provisions incorporated in the code of conduct?
7. How do reporters resolve certain ethical dilemmas while practicing journalism?
8. Have you ever encountered complain from your readers on ethical reporting?
9. How do you resolve it?
10. Do you have complain handling procedures? How do you rectify mistakes if you uphold and accept complaints?
11. What is your attitude towards the practice of press self-regulation in Ethiopia?
12. What is your attitude towards establishing press council as a regulatory body of presses? Are there any initiatives?
13. The new draft press law states that the government should establish the press council. What problems does it entail? What is your take on this issue?
14. Do you think that reporters abide themselves by your in- house code of conducts?
15. How do you respond when there is unfair pressure/interference from the owner of the media you work in? Do you invoke provisions from the code of conduct or editorial policies?

16. What do you consider the largest ethical challenge for your newspaper?
17. Is your media institution a member of any media association? If not why? What is your opinion about establishing a free press council and press complaint commission or press ombudsman? What are the challenges? Is there any initiative from media owners to establish a non-statutory self-regulatory institution?
18. How do you reconcile commercial pressure and the public's right to know in the selection of contents in your paper? Is there any guideline?

## Interview Questions for journalists

1. What purposes does the code of conduct serve?
2. Do you discuss ethical issues with colleagues?
3. Can you invoke provisions from the code of conduct to resist unethical pressure from the owner or editor in chief?
4. When did you get the code of conduct? Is it part of your contract of employment?
5. Is the code of conduct clear enough to understand? What are the core ethical issues addressed in your code of conduct?
6. What measures or penalties would be taken when the code of conduct is violated?
7. Are you a member of any of the professional associations? Why/ Why not?
8. What is your attitude towards the code of conduct?
9. Have you ever compelled to report a story that you consider unethical or in unethical way? Have you resisted? Where do you often complain in such scenario?
10. What is your attitude towards establishing press council in Ethiopia? What significance will it have for journalists?
11. Have you taken any training/course on media law and ethics? Is your code of conduct easy to understand? Should it be revised? What more ethical principles should be included?
12. How does the newspaper you work for rectify errors when complained from readers or the public?
13. Does your newsroom climate encourage the discussion of ethics of controversial cases?

# GUARDIAN NEWSPAPER CODE OF CONDUCT

(Translated from Amharic)

## I. PREAMBLE

Cognizant to the fact that 'Guardian' is a private newspaper, any journalists who work for this newspaper shall understand the basics of professional ethics that are applicable in any free press countries. All staff members shall also understand their relationship and responsibilities towards the owners of the media house i.e. Awash Media Network S.C.

## II. Fundamental Principles of Professional Ethics

### A. Responsibility or Accountability

In any countries professional standard, a good newspaper or work of a journalist is expected to be balanced, accurate, truthful, responsible and work independently and freely.

Any newspaper or journalist has a duty to constructively criticize malpractices of government officials and all segment of the society through corroborated evidence. A journalist has also a duty to publish information on what goes on in society and to uncover and disclose matters which ought to be subjected to debate and criticism. Realizing the importance of such highest professional and ethical standards in our country, any journalist working for 'Guardian' newspaper is expected to adhere these standards.

## **B. Accuracy**

Journalists working for 'Guardian' shall refrain from disseminating/reporting false or inaccurate stories. While practicing the profession, you shall refrain from slanting truth, carelessness whether negligently or deliberately.

Since it is part of the professional ethics, when substantial errors or mistakes are committed you shall acknowledge and correct them promptly and prominently.

When complaints are presented in writing on issues published on the newspaper, we shall entertain the views of the complainant proportionate with the previous writing.

A person who seeks to reply on controversial issues reported on other newspapers shall not be entertained. If the issue reported concerns the public, we shall express our views in a balanced matter.

Reporting stories without truthful and concrete evidences that can cause damage on reputation of individuals, companies and which can subsequently cause loss for companies are strictly prohibited.

It is strictly prohibited to publish stories that can incite tribal, ethnic and religious hatred.

Articles that encourage tolerance, understanding, unity and integration are welcome.

We shall ensure the presence of sufficient evidences and check whether the news are balanced or not before publishing stories on the newspaper.

### **C.Decency**

Any journalist working for 'Guardian' shall report news or events free from partiality.

No matter how the issues are controversial, as much as possible, the presentation shall not support one and condemn the other. The newspaper shall also be expected to be open to ensure that all ideas are entertained equally.

Editorial opinion, comments, analysis and news selection shall not be aimed at supporting or opposing any party. Rather they should reflect truth and the public interest.

During news reporting a journalist shall give priority for the public interest than his personal or institutional interests.

Any journalist shall not undertake his duty to run or promote the interests of advertisers or others.

Any journalist working for 'Guardian' shall reflect his conviction on any discussions with colleagues or editorial meetings to upgrade the quality of the newspaper. Matters regarding the institution or its personnel shall be reported with the same vigor and candor as it would other institutions and individuals.

'Guardian' or journalists working for it shall not refrain from reporting the truth to maintain the interest of the public or the newspaper.

#### **D. Conflict of Interest**

Any journalist working for 'Guardian' shall not form any special relationship with their sources or other parties. Concerning these parties, he shall not enter into any binding obligations.

Unless it is acceptable in the profession, journalists shall not receive any gifts from their sources or other parties. The Company shall cover all expenses that are necessary to perform/undertake their duties.

Any person or journalist working for 'Guardian' shall refrain from any social or political activities that are contrary to the objectives of the newspaper and causing conflict of interest.

Any person or journalist working for 'Guardian' shall respect and implement the above stated fundamental principles of professional ethics.

## **Editorial Policy of Fortune**

### **A Statement of Principles**

**March 2003**

#### **PREAMBLE**

Fortune is a newspaper published and distributed by Independent News & Media Plc., a private publisher. It is created with a view that it can contribute to the general economic prosperity of not only Ethiopia, but also other countries in the region as a whole. It believes in the creation and growth of a vibrant private sector that helps bring such prosperity.

It promotes individual accumulation of wealth through legitimate manner. Hence, it aims in popularizing the crucial role a free enterprise system plays in a society. It also recognizes the positive role other stakeholders play to the growth of such sector. As a media organization and a newspaper, it understands its role in collecting and disseminating information relevant to its purpose of existence, in addition to being a forum for constructive debate and exchange of opinion.

In doing so, it promotes a journalism that demands of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist's singular obligation. It believes that our staffs involved in the editorial process of Fortune carry obligations that require them to perform with intelligence, objectivity, accuracy, and fairness.

In no instance shall individual interests conflict or appear to conflict with staff members professional duties at Fortune. The integrity of this newspaper evolves from the integrity of each member of the staff.

To this end Fortune sets forth this Statement of Principles as a standard, encouraging the highest ethical and professional performance.

## **RESPONSIBILITY:**

The primary purpose of gathering and distributing news and opinion by Fortune is to serve the general welfare by informing the public and enabling them to make judgments on the issues of the economy and related issues. Our journalists who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust.

Fortune was made free not just to inform or serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict.

We should neither accept anything nor pursue any activity that might compromise or seem to compromise our integrity.

## **TRUTH AND ACCURACY :**

Good faith with the reader is the foundation of good journalism. Every effort must be made to assure that the news content is accurate, free from bias and in context, and that all sides are presented fairly. Truth is our ultimate goal. Editorials, analytical articles and commentary should be held to the same standards of accuracy with respect to facts as news reports. There should not be any excuse for inaccuracies or lack of thoroughness. Thus, significant errors of fact, as well as errors of omission, should be corrected promptly and prominently.

Objectivity in reporting the news is another goal that serves as the mark of an experienced professional. It is a standard of performance toward which we strive. We honor those who achieve it.

Our headlines should be fully warranted by the contents of the articles they accompany. Photographs should give an accurate picture of an event.

Partisanship in editorial comment that knowingly departs from the truth violates the spirit of journalism. We should recognize our responsibility for offering informed analysis, comments, and editorial opinion on public events and issues. We accept the obligation to present such material by individuals

whose competence, experience, and judgment qualify us for it. Special articles or presentations devoted to advocacy or the writer's own conclusions and interpretations should be labeled as such.

### **IMPARTIALITY:**

To be impartial does not require us to be unquestioning or to refrain from editorial expression. Sound practices, however, demand a clear distinction for the reader between news reports and opinion. Articles that contain opinion or personal interpretation should be clearly identified.

### **FAIR PLAY:**

We should at all times show respect for dignity, privacy, rights, and well being of people encountered in the course of gathering and presenting the news. We respect the rights of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of our news reports. Persons publicly accused should be given the earliest opportunity to respond, and we should not communicate unofficial charges affecting the reputation or moral character without doing so.

We recognize the public's right and encourage to voice its grievances against our reporting. We do encourage open dialogue with our readers.

### **ETHICS:**

Our editors, reporters, columnists, freelancers and all contributors must be free of obligation to any interest other than the public's right to know the truth.

1. Gifts, favors, special treatment or privileges can compromise our integrity. Nothing of value should be accepted.
2. Secondary employment, political involvement, holding public office, and service in community organizations should be avoided if it compromises the integrity of our journalists. We should conduct our personal lives in a manner that protects us from conflict of interest, real or apparent. Our responsibilities to the public are paramount. That is the nature of our profession.

3. So-called news communications from private sources should not be published without substantiation of their claims to news values.
4. We should seek news that serves the public interest, despite the obstacles. We should make constant efforts to assure that the public's business is conducted in public and that public records are open to public inspection.
5. We acknowledge the newsman's ethic of protecting confidential sources of information.
6. No reporter is allowed to show third parties (source, interviewee or any third party out of the editorial members of Fortune) stories before they get published. The editors could consider exceptions when the issue involves clarity of accuracy of stories.
7. Plagiarism is dishonest and unacceptable.

### **THOROUGH STANDARDS:**

**We, staff members of Fortune, are not to engage in outside activities which;**

(1) consist of or include services performed for any medium in competition with Fortune. The first obligation of staff members is to perform the duties for which we are employed by Fortune. Any outside employment should not put us in a possible conflict of interest.

(2) exploit our connection with Fortune. We should not use our connections with Fortune to receive any benefit or advantage in commercial transactions or for other personal gain. Example: it is improper to use Fortune letterheads to write a personal complaint to a merchant or public agency. In a personal complaint situation or business transaction, avoid any implication that you are acting for Fortune or threatening to use your newspaper connections for personal gain.

(3) are performed for any noncompetitive employer to the embarrassment of Fortune. In any such employment, a staff member's title or assignment at Fortune is not to be exploited.

There is a risk of conflict of interest or the appearance of such conflict of interest in work in publicity or public relations, whether paid or unpaid, in

involvement in boards of directors, committees, etc., even of charitable and/or boards and commissions having to do with public policy.

We should not serve as official scorers or contest judges or have oilier official involvement in an event Fortune is covering. Staff members faced with such invitations or personal interests should advise, as appropriate, the editorial council.

### **FREELANCING:**

Freelancing for publications not in direct competition with Fortune usually is permissible. Staff members writing or photographing on a continuing basis for a noncompetitive newspaper or magazine should advise the editorial council of such continuing relationships.

### **CONTESTS:**

Staff members may not enter articles or photographs published in the Fortune in contests that are not sponsored by professional journalistic organizations. An exception would be a contest of journalistic excellence sponsored by a foundation deemed by the appropriate editors previously listed to be free of commercial or sell serving interests.

### **INVESTMENTS:**

A stair member could embarrass Fortune business wise and exploit his or her connection with it by having a business relationship with a news source or by making news decisions of that investment. Staff members with investments or business interest in companies should avoid making news decisions that involve businesses in which he or she has a personal investment.

### **POLITICAL ACFIVITIES:**

Our profession demands impartiality. If a staff member is a candidate for public office, whether the office is nonpartisan or unpaid, or is working for pay or as a volunteer, in a political campaign or organization or has a close relative (spouse, parent, child, brother or sister) in a political campaign or organization, the staff member should not report on or make news

judgments about such a campaign or organizations if there is a possibility of a conflict of interest or the appearance of a conflict of interest.

A staff member should not display in the news or editorial departments candidate posters or placards supporting or denouncing a candidate, political party or public issue. To do so could give the impression, intended or not, of partiality. No staff member is allowed to impose one's personal subscription of religious or political view on any of the other staff.

We do recognize that these are issues that should be contained in our personal space.

### **RELATIONSHIP:**

A member of Fortune staff should not write or photograph or make news judgment about any individual related to him or her (spouse, parent, child, sibling or in-laws), or with whom the staff member has a close personal relationship.

### **TRAVEL:**

Free trips are prohibited except in the circumstances where only with the approval of the editorial council. Allowances and per diems involved in travel for news coverage or background information will be paid by Fortune. Staff members may not use their Fortune connections to solicit trips or special press rates or press fares from airlines or other transport or travel organizations, hotels, agencies and domestic or foreign governments. Staff members are to use common sense and discretion in emergency situations.

### **TICKETS:**

We pay our own expenses to cover the news. It is improper for staff members who are hot on assignment to attend events as nonpaying spectators or to accept free meals provided by news-source organizations. Free tickets or passes to sports events, movies, theatrical productions, fairs, circuses, and other events for which the public pays shall not be accepted by staff members and their families. When tickets to such events are delivered to a Fortune editor, the tickets should be returned with a letter courteously

declining them and with an explanation of our policy. Staff members who attend the events for professional reasons will pay for tickets and will be reimbursed by Fortune.

Nightclub admission or cover charges and costs of meals and other refreshments incurred in professional work (including for Restaurant Reviews) will be paid by Fortune. When it is socially awkward or even impossible to pay for a meal, refreshments or entertainment, a staff member should use good judgment in how far to go in insisting on paying. When someone insists on buying a staff member a meal or a drink, the staff member should try to reciprocate at a later date.

### **GIFTS:**

We accept no work-connected gifts of significant value. We do not accept free lodging, sample merchandise, special press rates or any other reduced rate or no-pay arrangements not available to the general public. Gifts of insignificant value - key chain, pencil holder, calendar, etc. that are produced and distributed to the general public as promotion materials - may be kept.

Gifts of significant value will be returned to the donor with an explanation of our policy. Where it is impractical to return a gift, it will be given to a charity. Gifts of liquor, wine and beer are considered of more than token value and may not be kept. Any gift item that is produced, distributed or on sale by the donor should not be accepted.

### **BOOKS, RECORDS AND SAMPLE PRODUCTS:**

Books and records sent to Fortune for review or sample products sent by manufacturers or agents for media exposure are considered to be news handouts or releases. They are not to be sold. The person to whom the review is assigned may keep a book, a record or a tape. Books and recordings not reviewed are to go to departmental editors, then to the managing editor's secretary. Staff members may then check out the material from the newsroom resource place. Periodically, the accumulated books and recordings will be sent to charity organizations.

Books of reference value (arts, science, architecture, medicine, etc.) that would be helpful to a reporter or editor dealing with such subjects may be kept in such specialists' files at Fortune. This includes the sample products.

### **MEMBERSHIPS:**

Staff members may not accept free or reduced-rate memberships in private clubs or other organizations when such memberships involve or appear to involve a staff members position at Fortune. Fortune will pay the costs when such memberships are considered by the editors to be necessary for news or editorial purposes. All staff members are required to disclose names of governmental and non-governmental organizations and their roles in them so as to avoid any appearance of conflict of interest in our ability to report. Fortune believes these guidelines should be easily understood. They are not intended to deter any staff member from participating actively in civic or charitable organizations, provided they have no impact on or connection with Fortune. The same applies to political organizations or government advisory boards for the average staff member - but news or editorial members would be expected to refrain if there was a connection with issues covered by our newspaper or if his or her superior did not provide prior clearance.

### **USE OF PRODUCTS:**

Because of their Fortune status, staff members sometimes are offered free or reduced- rate purchase of products, merchandise or services not available to the general public. Staff members should not take advantage of such offers. If there is felt to be a need for clarification, staff members should review the policy with an appropriate editor.

Examples of such products include cameras or other photographic equipment and supplies, automobiles, furniture, sporting goods, appliances and clothing. With the permission, as appropriate, of the editorial council, a staff member may use for a short time a product to test or evaluate it for news or feature articles or for photograph.

**OWNERSHIP OF WORK PRODUCTS:** Any material produced by a Fortune employee that is within the scope of his or her employment is considered 'work for hire,' whether or not published in Fortune, and copyright belongs to Fortune. Such material may not be sold, licensed, or otherwise authorized for republication except by permission of Fortune and on such terms as it may specify as copyright owner.

First and foremost, all materials by staff members, cartoonists, columnists and contributors of Fortune is deemed to be strictly the newspaper's property. This includes not only the fruits of their own and colleagues' work, but also information on plans for running items and articles on particular companies and industries and advertising schedules in future issues. Such material must never be disclosed to anyone outside the newspaper, including friends and relatives, viewing information as the newspaper's property should avoid a great many of the obvious pitfalls.

#### **CONTRIBUTIONS:**

Fortune does not contribute directly or indirectly to political campaigns or to political parties or groups seeking to raise money for political campaigns or parties, and it does not and will not reimburse any staff member for any political contribution made by him or her.

#### **CONFIDENTIALITY:**

Staff members should not use, directly or indirectly, for personal financial gain or other anticipated benefit, any information about Fortune which they obtained in connection with Fortune's employment. Further, employees should not disclose to anyone confidential information obtained in connection with Fortune's employment until such information has been made available to the public.

#### **ACCOUNTABILITY:**

All staff members will comply with Fortune's accounting principles, procedures and controls and no false, artificial or misleading entries in our books and records shall be made for any reason whatsoever.

No Fortune staff member will (a) issue or authorize any document that is false or misleading; (b) knowingly accept and treat as accurate a false or misleading document prepared by a person outside Fortune; and (c) knowingly make false or misleading statements to our external, internal or other auditors.

### **EDITORIAL COUNCIL:**

The editorial council is composed of the managing editor, the editor-in-chief and the editorial page editor, with the chairpersonship of the managing editor.

The above are standards of professional conduct for Fortune editors, reporters, columnist, cartoonists, contributors, freelancers, photographers, designers and staff members that already conforms to high standards of journalistic integrity. Though they cannot cover every circumstance or answer every question involving professional conduct, these standards set forth guidelines of honorable conduct and the tone for what is expected of everyone in the news, editorial and other departments.

Editors should make sure that columnists, contributors and freelancers whose work appears in the Fortune are not in violation of our policies.

These principles are intended to preserve, protect and strengthen the bond of trust and respect between all employees of Fortune and our readers

## **Sub Saharan Informer Code of Conduct**

### **Ethics in the Sub-Saharan Informer**

These principles of the Sub-Saharan Informer are a model against which news and editorial staff members can measure their performance. This has been formulated in the belief that The Sub Saharan Informer newspapers and the people who produce it should adhere to the highest standards of ethical and professional conduct.

The public's right to know about matters of importance is paramount. The newspaper has a special responsibility as surrogate of its readers to be a vigilant watchdog of their legitimate public interests.

No statement of principles can prescribe decisions governing every situation. Common sense and good judgment are required in applying ethical principles to newspaper realities as new technologies evolve, these principles can help guide editors to insure the credibility of the news and information they provide.

### **RESPONSIBILITY**

The good newspaper is fair, accurate, honest, responsible, independent and decent. For Sub Saharan Informer Truth is its guiding principle.

It avoids practices that would conflict with the ability to report and present news in a fair, accurate and unbiased manner.

The Sub-Saharan Informer aims to serve as a constructive critic of all segments of society. It reasonably reflects, in staffing and coverage, its diverse constituencies. It vigorously exposes wrongdoing, duplicity or misuse of power, public or private. Editorially, it advocates needed reform and innovation in the public interest. News sources are disclosed unless there is a clear reason not to do so. When it is necessary to protect the confidentiality of a source.

The Sub-Saharan Informer upholds the right of free speech and freedom of the press and respects the individual's right to privacy. It fights vigorously for public access to news of government through open meetings and records.

## **ACCURACY**

The Sub-Saharan Informer guards against inaccuracies, carelessness, bias or distortion through emphasis, omission or technological manipulation.

It acknowledges substantive errors and corrects them promptly and prominently.

## **INTEGRITY**

The Sub-Saharan Informer strives for impartial treatment of issues and dispassionate handling of controversial subjects. It provides a forum for the exchange of comment and criticism, especially when such comment is opposed to its editorial positions. Editorials and expressions of personal opinion by reporters and editors should be clearly labeled.

Advertising and promotional works are carefully differentiated from news.

The newspaper reports the news without regard for its own interests, mindful of the need to disclose potential conflicts. It should not give favored news treatment to advertisers or special interest groups. At the same time It takes cautions of the developmental hurdles it could cause because of its reporting in corporate and national development interests.

It aims to report matters regarding itself or its personnel with the same vigor and candor as it would other institutions or individuals. Concern for community, business or personal interests should not cause the newspaper to distort or misrepresent the facts.

The newspaper deals honestly with readers and newsmakers. It should keep its promises.

The newspaper should not plagiarize words or images.

## **INDEPENDENCE**

The newspaper and its staff are free of obligations to news sources and newsmakers. Even the appearance of obligation or conflict of interest are strictly avoided.

The Sub-Saharan Informer accepts nothing of value from news sources or others outside the profession.

Special favors and special treatment for members of the press must be avoided.

The Sub-Saharan Informer Journalists are encouraged to be involved in their communities, to the extent that such activities do not create conflicts of interest.

Involvement in politics, demonstrations and social causes that would cause a conflict of interest, or the appearance of such conflict, are strictly forbidden.

Financial investments by staff members or other outside business interests that could create the impression of a conflict of interest should be avoided.

.