



**APPLICATIONS AND CHALLENGES OF LEGAL TOOLS OF PRIVATE
MEDIA IN ETHIOPIA: THE CASE OF SHEGER 102.1 FM RADIO
STATION**

ABRAHAM TEKLE HAGOS

**A THESIS PRESENTED TO THE GRADUATE SCHOOL OF
JOURNALISM AND COMMUNICATION**

**IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
DEGREE OF MASTER OF ARTS IN JOURNALISM AND
COMMUNICATION**

**ADDIS ABABA UNIVERSITY
ADDIS ABABA, ETHIOPIA
JULY, 2019**

Addis Ababa University

School of Graduate Studies

This is to certify that the thesis prepared by Abraham Tekle, entitled *Applications and Challenges of Legal Tools of Private Media in Ethiopia: the case of Sheger 102.1 Radio Station* and submitted in partial fulfillment of the requirements for the Degree of Master of Arts in Journalism and Communication complies with the regulations of the University and notes the accepted standards with respect to originality and quality.

Signed by the Examining Committee:

Examiner _____ Signature _____ Date _____

Examiner _____ Signature _____ Date _____

Advisor _____ Signature _____ Date _____

Chair of department or Graduate Coordinator

ACKNOWLEDGEMENT

To begin, I am thankful to the almighty God for helping me to chase after my desire. My genuine gratitude also goes to my advisor, Teshager Sheferaw (PhD), who made my study possible with his support and advice. He was instrumental for the success of this study till the end.

I am also thankful to all the journalists who were willing to be interviewed. My especial gratitude goes to Zekariya Mohammed and Tefery Alemu for providing me useful information. I also pay my genuine gratitude for Sheger 102.1 Radio Station, EBA & EIO officials for providing me the necessary information without any bureaucratic impediments.

I would like to extend my gratitude to the Graduate School of Addis Ababa University and School of Journalism and Communication Graduate Studies Department for allowing me to carry out this study. Most importantly, my deepest gratitude also goes out to my family, my beautiful mom and my brothers for your undivided help and support. Your help and support have been important throughout my journey and I am indebted for that.

Finally, I would like to thank my dearest friends, all the *Beredo Bet* crew and especially Andy Gray (AKA: *Yeshelelew*) and Seifemichael for your amazing cooperation without you, of course, this study would have not been possible.

I am grateful to you all!

Table of Contents

ACKNOWLEDGEMENT	i
Lists of Appendixes	v
Abstract	vi
List of Acronyms & Abbreviations.....	vii
CHAPTER ONE	1
1. Introduction	1
1.1. Background of the study	1
1.2. Statement of the Problem.....	4
1.3. Objective of the study	6
1.3.1. Major Objective	6
1.3.2. Specific Objectives	6
1.4. Research questions.....	7
1.5. Significance of the Study	7
1.6. Scope of the Study	8
1.7. Limitation of the Study	8
1.8. Organization of the Study	9
CHAPTER TWO	10
2. Review of Related Literature.....	10
2.1. General Outlook and Characteristics of Broadcasting Media in Ethiopia.....	10
2.2. The Overall Reforms of Ethiopian Press Law After 1991.....	15
2.2.1. The Making of Broadcasting Media Regulations.....	18
2.3. Broadcasting Media Laws in Ethiopia.....	19
2.3.1. The Role of Broadcasting Media Regulations.....	21
2.3.1.1. Establishments and General Operation of EBA.....	23
2.4. Freedom of Expression and Legal Challenges on Freedom of Expression in Ethiopia.....	25
2.4.1. The Concept of Freedom of Expression and Pluralism of the Media	25
2.4.2. Freedom of Expression and Press Freedom in Ethiopia.....	28
2.4.3. Challenges of Applications of Legal Tools on Freedom of Expression in Ethiopian Media after 2000	30

CHAPTER THREE	37
3. Research Methodology	37
3.1. Introduction.....	37
3.2. Research Design.....	37
3.3. Study Area	38
3.4. Source of Data (Primary and Secondary Data Sources)	39
3.5. Research Participants and Data Collection Techniques.....	39
3.5.1. Research Participants	39
3.5.2. Data Collection Instruments.....	39
3.5.2.1. Interview Method	40
3.6. Data Analysis Method.....	40
3.6.1. Thematic Analysis Method	40
CHAPTER FOUR.....	42
4. Data Presentation and Analysis	42
4.1. Description of the Study Participant	42
4.2. Establishment of Sheger FM 102.1 Radio Station.....	42
4.3. The Role of the Station for the Socio-economic Development	44
4.3.1. Challenges and Relationship of the Station with EBA	46
4.3.2. Respondents’ Perspectives about Broadcasting Media Practice in Ethiopia	50
4.4. Implementations and Challenges of Broadcasting Media Laws and Policies	59
4.4.1. Legal and Policy Challenges of the station from its Establishment.....	66
4.4.2. Challenges of Anti-Terrorism Law	71
4.5. The Right to Access to Information and Freedom of Speech and Expression	75
4.5.1. The Right to Access to Information	75
4.5.2. The Right to Freedom of Speech and Expression.....	81
CHAPTER FIVE	86
5. Conclusion and Recommendation	86
5.1. Conclusion	86
5.2. Recommendation	89
Post Script	91

REFERENCES	93
Appendix I	99
Appendix II	101
Appendix III.....	103
Declaration	104

Lists of Appendixes

Appendix I: Interview Questions in English

Appendix II: Interview Questions in Amharic

Appendix III: List of key informants

Abstract

This study aimed at investigating the Applications and Challenges of legal Tools of private media in Ethiopia, taking Sheger 102.1 FM radio station as a case. In order to achieve the objectives of the study, a qualitative case study design was employed. The qualitative data was obtained using face-to-face in-depth interview from purposefully selected sample of one member of the top management and six journalists including to two former journalists of the radio station. In addition, four government officials from EBA and EIO are included in the study. Interview generated data were thematically analyzed to gain understanding and insight about the phenomenon under investigation and the meaning that participants give to their experiences.

The results of the study revealed that media helps the public to exercise ones constitutional rights freely about various issues of concern. The applications of international and local legal tools and instruments can echoes that citizens entertain their rights. However, despite the fact that there are various legal tools applied to promote the media practice, there exists a bigger gap between the implementations of the actual laws and the un-written laws or policies that are sanctioned by government authorities implies additional challenge on the sector. The highly restrictive and political intervention of state officials restricts independent media organizations not to provide credible information to the public. In addition, the acts of malpractice and media polarization are the result of lack of skilled manpower in the sector. The absence of equal treatment from state officials while accessing timely and accurate information is also additional challenge for journalists in the private media sector, and such act brought additional setback for development of freedom of expression and the press freedom in the country.

Therefore, based on the results of the study, the country's media situation requires due attention from different stakeholders for the sector to serve the public and the country better.

List of Acronyms & Abbreviations

ACHPR- African Charter on Human and Peoples Rights
Art. - Article
CDMING- Censor Department of the Ministry of Information and National Guidance
EBA- Ethiopian Broadcasting Agency
EBC- Ethiopian Broadcasting Authority
EBS- Ethiopian Broadcasting Service
EECMY- Ethiopian Evangelical Church Mekane Yesus
EIO- Ethiopian Institution of Ombudsman
ENN- Ethiopian News Network
EPRDF- Ethiopian People's Revolutionary Democratic Front
ERS- Ethiopian Radio Station
EWP- Ethiopian Workers Party
FDRE- Federal Democratic Republic of Ethiopia
HRW- Human Rights Watch
ICS- International Communication System
ICCPR- International Covenant on Civil and Political Rights
MCIT- Ministry of Communication and Information Technology
NLA- National Lottery Administration
ONLF- Ogaden National Liberation Front
OAU- Organization of African Union
PIAL- Press and Information Access Law
DW- Radio Deutsche Welle
RVOG- Radio Voice of the Gospel
RSF- Reporters Sans Frontieres
TGE- Transitional Government of Ethiopia
TWRS- Trans World Radio Station
UN- United Nations
UNESCO- United Nations Educational, Scientific, and Cultural Organization
UDHR- Universal Declaration of Human Rights
VOA- Voice of America
YD- Yemisirach Dimts
YDCS- Yemisirach Dimts Communication Services

CHAPTER ONE

1. Introduction

This part of the paper tries to describe the focus areas of the research. First, it explains the background to the study. Then, the statement of the problem is presented. Subsequently, the study states the research objectives and questions, significance and scope of the study followed by limitations and organization of the study in respective manner.

1.1. Background of the study

Media are the most important instrument in creation and dissemination of knowledge which are vital for the process of development in a certain country. Related to that, media regulations and management are keys to bring about the expected knowledge. Thus, a well-organized media can educate, inform, and entertain the society. However, its social and economic contributions to the development merely depend on the nature of the content delivered (Locksley, 2009). Similarly, as set out in the World Summit, UNESCO in 1948 pinpoints how vibrant and flourishing media could play a significant role for the country's democracy and development. According to the report, a society with information is considered as a developed society (Berger, 2007). In addition, the Ethiopian Broadcasting Proclamation No. 533 of 2007 also states that how media plays a significant role for the country's political, economic and social development as follows:

“Broadcasting service plays a significant role in political, economic and social development of a country by providing information, education and entertainment programs to the public” (Broadcasting Service Proclamation No. 533/2007, p. 3633).

Following the regime change in 1991, paramount changes have occurred in Ethiopian media landscape after EPRDF toppled down the military junta, Dergue, and took power. Due to that, EPRDF has made different reforms in the country's political system as well as the media sector. Along the different laws and policies laid by the then transitional government, the 1992 press law was one of them. The press law allowed citizens of Ethiopia the right to exercise freedom of expression without limitations and with some restrictions in order to protect the rights (Press Law Proclamation No.34/40. 1992). In addition to this, Ethiopia has signed various international

conventions regarding to freedom of expression and also ratified them in the FDRE constitution. Among them are found, the ICCPR in (1993) and the UDHR in (1994) respectively. So, these international laws become an integral part of the law of the land and shall also be interpreted in the country in accordance with the international instruments (Berger, 2007).

According to Berger, along with the declaration of Proclamation No.34/1992, the country accredited both the international laws in the following two years to endorse freedom of the press and expression. The endorsement initiates many to participate in the private media business. However, even before the declaration of the 1992 press law, quite a number of newspapers had appeared in the capital city because; the then transitional Government's Charter prohibits any kind of censorship. Subsequently, a proclamation which entirely deals with the establishment of broadcasting media was published in 1999 followed by the 2003 press law and the newly approved broadcast proclamation in the year 2007 are considered as the major political reforms made in the country. Furthermore, freedom of mass media proclamation No.590/2008 is also one of the major changes endorsed with regard to the mass media (Ellene, Mesfin, & Alemayehu, 2003; EPRDF Proclamation NO.590/2008).

Though the EPRDF government approved different proclamations in regard to the media, the June 1999 broadcasting proclamation allows privatization of the broadcasting agency. Following the 1999 broadcasting proclamation, *Sheger FM 102.1* came to the industry and became the first private commercial radio broadcasting media in Ethiopia, even though; EBA does not consider Sheger as the first commercial radio station because it has already gave other commercial license for Fana before the establishment of Sheger. However, so, Sheger Radio Station was founded in the year 2000 E.C (2007/08) after granted FM commercial license by the regulatory body EBA in April 2006 under the FM Commercial license of Adei-Tinsae and Kinetibabat Promotion Plc. According to the EBA official website release in 2011, after the 1999 proclamation of privatization of broadcasting media, there existed only five private commercial radio stations in the capital city (EBA, 2011). Even after to this date, there are only finger counted FM radio stations added to the sector competing to attract the interest of the public with the inclusion of the national broadcasters Fana FM 98.1 and FBC there are eight FM commercial radio stations broadcasting in Addis Ababa and to the surroundings (Ethiopian Media Mapping, 2017).

However, despite the opportunities created for the expansion of private broadcasting media in the country, different challenges related to the applications legal tools have affected the overall media environment. This is especially after the declaration of the many proclamations and provisions designed in the expense of the sector. Moreover, the overall political environment of the country has also added its share of negative contributions for the general media development to decline. This is when the ruling party EPRDF started major scrutiny on private media organizations as well as journalists after the declaration of the 2005 criminal code provisions. Thus, the government impedes many local, foreign based international and independent online news sites from production. According to the 2017 freedom house report, however, it makes it an offence and clearly prohibits any programs intended for transmission may not: “*maliciously accuse or defame individuals, nation/nationalities, peoples or organizations;*” on Art.30 (4c) of the Broadcasting Service Proclamation No. 533/2007, journalists were charged and media institutions were forced to make correction on their previous productions for the reasons of defamation and criticism of public officials (Freedom House, 2017).

Concurrently, the declaration of the 2009 anti-terrorism law has also inflicted additional challenges to the media industry development, even though; the 1994 FDRE constitution of Ethiopia guarantees freedom of the press, expression and free flow of information in clauses (3 and 4) of Article 29. Though, the law was allegedly designed for the purpose of addressing crimes related to armed insurgencies aimed at to the country, it has been used aggressively towards journalists for publishing information and conducting interviews with individuals labeled as terrorists. This is because; the government referred the act as an act of encouragement for terrorism and the law restrict such practice. In addition, not informing pre-planned terrorist attack before committed and/or miss-leading government officials about the issue is a capital offence and it is against the anti-terrorism law regulations. Therefore, it becomes quite customary to government officials to harass and intimidate critical journalists for violating the law. Furthermore, since all broadcast media sectors are under the control of the government, both private and governmental and most of the print publications face continual regulatory challenges. Due that, they rarely raise critical issues against the government that leads them being shut down or face imprisonment. Moreover, in a country like Ethiopia where state radio and TV are the only available sources of information, the government also has been accused of jamming international

radio stations like VOA and DW which could be an alternative source of information to the nation. There was also a time where the Amharic service VOA radio station labeled as a catalyst of genocide by the Ethiopian government (U.S. Department of State, 2010, Media and Telecoms Landscape Guide, 2011 and Freedom House, 2017).

This research does not intent to find out all legal related challenges of the sector as well as all the negative impacts that the country's political environment on the current private broadcasting media institutions, but it rather focused on a particular broadcasting media station's operation. Therefore, this study explores through the applications and challenges of legal tools that *Sheger 102.1 FM* radio station, has faced after its establishment since from the year 2000 E.C (2007/08). In addition, it also looks at the country's media practice and also some of the major political interventions or challenges hovering over the general broadcasting media sector in the country.

1.2. Statement of the Problem

The fact that media play a central role by informing the public about situations and happenings around the world, there exists a vigilant family acted via universal human rights in democratic legal rights of principles, declaration and standards of international co-operation to make sure its proper applicability of exercising the right to freedom of expression using media of any kind. However, its applicability varies between nations to nations; because, most nations have their own law and regulations which are not always equivalent to the international standards and institutions guaranteeing the applicability of these rights (Berger, 2007). It is indicated that:

“Most nation states have their own specific inflections in law and regulations, which are not always aligned to the international standards. Some countries also have their own institutions for guaranteeing or overseeing the applicability of these rights such as human rights commissions, public protectors or ombudsmen to advance rights in general, including freedom of expression and associated rights”(p. 7).

However, after becoming one of the fundamental democratic human rights, the right to freedom of expression developed and adopted by the UN General Assembly as part of (UDHR) through article 19 of the 1948 declaration. Based on the declaration, the right to freedom of expression has become an integral part of human rights for international institutions and courts and for

Ethiopia to ratify it in the constitution. Alike to the UDHR international right, the ICCPR is another international agreement which Ethiopia has also ratified in 1993. The agreements impose state parties to respect its provision and make use of the many rights included in the UDHR accordingly (Daniel, 2002 and Berger, 2007). Following the international agreements, the 1994 constitution of the FDRE government takes cognizance of the international law and guarantees citizens to have and practice those rights through media of their choice under Art.29. According to Berger (2007), the constitutionally ratified international agreement is expressed in the following terms:

1. Everyone shall have the right to hold opinions without any interference;
2. Everyone shall have the right to freedom of expression without interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through other media of his choice (Berger, 2007, p.27).

However, even though some improvements have been witnessed to the country's media environment, many still argue about the proper applicability or practice of this international agreement to the sector as well as the possibility of translating and implementing the actual laws into practice. Furthermore, in light of winning the 2010 national election comfortably, the government continues to abuse the democratic rights of citizens by taking total control of the media and puts journalists in jails, even though; both the international instruments and the country's constitution guarantee all the above rights. So the practice left the country without the option of entertaining independent information sources that talk about domestic political issues. Due the course, including to Sheger FM radio station, which was ordered by the then governing body EBA now EBA to cease its news rebroadcast from VOA in June 2009, some international news sit, websites, political blogs, foreign based satellite television services and local radio transmission or news rebroadcasting were blocked. Furthermore, from the many who were arrested against their rights, the most publicized cases of Eskinder Nega, Reeyot Alemu, Aziza Mohamed and the editor and the managing director of the now-defunct Muslim weekly *Ye Muslimoch Guday* opens a door for the international community to outcry over the miss-use of those international rights (Daniel, 2002, U.S. Department of State, 2010, Human Right Watch, 2017 and Freedom House, 2017).

According to Daniel, Human Right Watch and Freedom House (2002 and 2017), in Ethiopia the laws are written unequivocally parallel to the constitution and also based on the international standards. However, there are concerns on the manner of the applicability of all legal tools or instruments in practice. For example; Article 29 (3) of the FDRE constitution guarantees freedom of the press and the mass media as well as freedom of artistic creation in clause (a and b) where clause (b) of the Article reads “the opportunity to have access to information of public interest”. However, though; it doesn’t clearly define what the term “public interest” means. Due to this, they argued that the constitution is susceptible to any kind of interpretation and allows potential abuse and denial for the right to access to information on the interest of the station itself. So for the good of the sector’s interest, It is to the good interest of the sector, dealing with the term “public interest” in the constitution or classifying the scope of the term can avoid such confusions.

Therefore, this study investigated the application and challenges of legal tools of the sector and also looked into the political environment that challenges and suppresses the station’s development as well as the general environment of the private media sector operations.

1.3. Objective of the study

The focus of the study is Sheger 102.1 FM radio station which started its broadcasting in 2007. In light of this, the paper has the following general objectives and specific objectives.

1.3.1. Major Objective

The study attempts to investigate the applications and challenges legal tools of the private broadcasting media in Ethiopia in general taking Sheger FM 102.1Radio Station as a case particularly.

1.3.2. Specific Objectives

The specific objectives of the study are:

1. To examine the applications of legal tools of the general broadcasting media and the practice of the private sector in particular;

2. To explore the legal tools challenges on the selected private media experiences;
3. To investigate how the challenges of the legal tools manifest themselves in the content of the radio production(s); and
4. To investigate the methods, if any, used to tackle such challenges related with the application of the legal tools or instruments.

1.4. Research questions

The study answers the following research questions:

- What are the challenges of the applications of legal tools on the private media in Ethiopia?
- What are the impacts of these challenges on the media station's contents and on the general media practice in the country?
- What measures the radio station takes to solve the challenges?
- What are the pros and cons of the legal tools and the political interventions of the private media?

1.5. Significance of the Study

The out-come of the study aimed at investigating the applications and challenges of legal tools of the Private Radio Station, Sheger 102.1 FM. This study is expected to have practical implications to the sector. Generally, the study will contribute to the knowledge on the legal and policy issues of Ethiopian Private Media in general and informs the public, journalists in the field, and managers or owners in the sector about the practical challenges the station has experienced in terms of legal, policy and political environment. Therefore, the study may serve as an input for policy makers, to make practical measures in reforming policies and legal instruments that may help to alleviate the challenges. Apparently, it may as well:

- try to address the specific gaps in research regarding about legal and policy issues of Private Media, and
- Serve as a reference material and initiates other researchers to make a wider and comprehensive study for further research.

1.6. Scope of the Study

First of all, this study is designed to explore the legal and policy challenges of private media sectors in Ethiopia. In addition, it also looks into the practice and political environment surrounding the sector. Furthermore, it shows the fact(s) from the point of view of journalists, legal experts and authorities from the sector. Due to this, the study is limited to one selected private media station, which is *Sheger 102.1 FM*. The reasons I chose the station is entirely because; the radio station is the first private radio station of its kinds started broadcasting and believe it would be important to know the effects and impacts of such challenges. Thus, it focuses on the legal and policy challenges that the station has faced after its establishments.

1.7. Limitation of the Study

The researcher encountered a couple of challenges while conducting this study during the period of data collection and analysis. Though shortage of time is one of the major setbacks during data collection but, getting permission from the station's management and from EBA's Human Resource office was a bit of a challenge. One of the limitation deals with the refusal of the legal expert(s) of the station to give an interview and also rejecting to give out the station's editorial policy have limited the researcher's scope to gather enough data from the horse's mouth, but the researcher managed to get enough information from one of the managerial position interviewee regarding with legal matters. Moreover, despite their willingness to participate in the study, except a few of the journalists of the station give their consent to be mentioned by the name for fear of negative outcomes. In addition, the busy schedule of interviewee journalists' is also is another worth mentioning factor to be mentioned here. So the researcher invited two former journalists of the station to participate in the study. Finally, since the study follows a qualitative method approach, each interviewee's response has to be carefully recorded, transcribed, organized and analyzed in the study. Therefore, all the research findings of the study and other additional secondary sources regarding with the topic are included in this research paper.

1.8. Organization of the Study

The research thesis is divided into five chapters. Including the introduction and background of the study, chapter one outlines the statement of the problem, objective of the study, research questions, significant of the studies which are followed by the scope and limitation of the study respectively. Chapter two entirely deals with historical background and review of related literature. Chapter three presents the research methodologies that are used to collect the data while conducting the study. In chapter four the study presents data presentation and study analysis. The last part of the study is all about conclusion and recommendation of the thesis. In addition, after the end of collecting all the data from the respondents of this study, quite a lot of changes occurred in regard to media laws in the country. So the study added brief and additional information that could be able to explain the current media environment of the country under the title of post script.

CHAPTER TWO

2. Review of Related Literature

This chapter aims to give the general outlook of broadcasting media in Ethiopian by enlisting the major historical background and characteristics of the sector. And further, the study states the overall reforms of Ethiopian press laws and policies which are followed by the roll of media regulation and the general operation of the regulatory body after the EPRDF government took power in 1991. Moreover, the study gives the general overview of freedom of expression. And finally but most importantly, it give sample explanation about freedom of expression and press freedom in Ethiopia by giving emphasis on the challenges of legal tools on freedom of expression in Ethiopian media after 2000. Therefore the study:

1. gives a general outlook and characteristics of broadcasting media in Ethiopian media.
2. it looks into the overall reforms of Ethiopian media regulations and press law after 1991 which also include the making of the broadcasting media regulations as well. In addition, it provides a general overview of laws and policies of broadcasting media and tries to analyze the roll of the media regulations to the sector.
3. further, it tries to give the general concept of freedom of expression and pluralism of the media by giving emphasis on freedom of expression and press freedom in Ethiopia. And finally,
4. it gives a general emphasis on the challenges of legal tools on freedom of expression in Ethiopia that are impacting broadcasting media sector after 2000.

2.1. General Outlook and Characteristics of Broadcasting Media in Ethiopia

This part of the study explores through the country's broadcasting media operation background and provides general characteristics of the media during the three regimes. According to McLeish (2005), media broadcasting has an ideal power to hold the overall attention of the entire nation at ones and its importance is unquestionable for developing countries such as Ethiopia where the illiteracy rate is so high, especially; radio has the potential to reach millions. McLeish further enlists some of the benefits the broadcasting medium offers as follows:

“It acts as a multiplier of change, speeding up the process of informing a population, and heightening an awareness of key issues. It acts as a watchdog on power holders, providing contact between them and the public. It disseminates ideas. These may be radical, leading to new beliefs and values, so promoting diversity and change-or they may reinforce traditional values, so helping to maintain social order through the status quo. It enables individuals and groups to speak to each other, developing an awareness of a common membership of society” (p.11)

As it is clearly stated above in the history of print media in Ethiopia, the story is no different with regard to the broadcasting media sector. This is because; media broadcasting in the country shares the spoil of monopoly as that of the printing press. In Ethiopia, as Meron (2006) enlists, broadcasting has been the business of the Government which have maintains monopoly over it. According to Taffese, (1966), In Ethiopia radio broadcasting started even before becoming under the complete rule of the last Emperor, Haile Sellasie II and was also after the post- Italian occupation period in 1933 E.C. i.e. the broadcasting was completely under the control of the enemy, Fascist Italy. It is stated that during post-Italian occupation there were two radio stations, which were ERS and (ብስራተ ወንጌል ራዲዮ ጣቢያ) RVOG, broadcasting in Amharic language, but after Ethiopia chased out the Italian invading force Radio Ethiopia started its broadcasting in 1941. Whereas, before it was nationalized by the Dergue regime in 1980, Voice of Gospel radio station was owned by World Lutheran Federation (Gebremedhine, 2009).

Furthermore, the establishments of RVOG and YD were considered as part of the big radio project in Ethiopia. However, according to Lundgren (1983), after stopping its radio productions for few years, some individuals from Nordic countries committed themselves aiming to save the YD programs and its operation in exile from a neighboring country, Kenya. Moreover, using the establishment of RVOG as an advantage, the EECMY became the first African church joined in the missionary radio project. The basic policy of the RVOG was for the local churches to be responsible in their areas of programming and such negotiation was also initiated with the EECMY to take full responsibility in their domestic programming as well (Lundgren, 1983; Derese, 2005). According to Lundgren (1983), the EECMY was originally from Lutheran and Presbyterian Churches in Europe and North America and was also world’s second largest Lutheran Church in Ethiopia. However, after the fall of Dergue regime in 1991, the EPRDF

government renamed YD radio station to “Radio Ethiopia” and become a dominant state-owned radio station in the country until to date. Though the YD radio changed to Radio Ethiopia by EPRDF government, it was reinstated again in 1992 as YDCS and started a joint program within the structure of the EECMY, even though; the press laws do not allow religious organizations and political parties to run their own radio station in Broadcasting Proclamation, No 533/2007. Nevertheless, the production of religious programs is not prohibited in the country. Thus, YD radio broadcasts its social and spiritual programs using six Ethiopian languages and all programs are produced in Ethiopia and transmitted via TWRS (Tamrat, 2008).

In addition, though the country’s radio production has been almost solely controlled by the government so far, the EPRDF government currently has many radio broadcastings in different national languages, like: the Ethiopian radio, which broadcasts in Amharic, Afaan Oromo, Afari, Agnuaak, Nuer, Somali and Tigrigna languages are the government’s major news productions. Moreover, there are also regional, federal, as well as commercial and community radio station in the country to increase the number of broadcasting media institutions (Gebremedhine, 2009; Nigussie, 2014). According to Nigussie (2014), there are some FM commercial radio stations found in the country which are also controlled by the national and regional governments. But, as an external service, foreign languages like: English, French and Arabic are also used for broadcasting. Moreover, the FM commercial radio stations which have been sprung up in Addis Ababa, has limited their scope of production mostly on entertainment and advertisements but, the likes of FM Addis and Radio Fana, with different sound waves, are being scaled up in some areas to reach the larger public. In addition, some community FM radio stations are also found in Harar, Yirgalem, Hawassa and Jimma where Jimma, Hawassa and Haromaya radios are run by the city government and by the local universities respectively. The case of Bahir-dar University is not different form the aforementioned ones above (Nigussie, 2014).

Accordingly, in terms of the number of private commercial radio stations from EBA’s official release in 2011, there were five commercial radio stations found in the capital city of Ethiopia, Addis Ababa by using the proclamation that deals with the broadcasting services radio and television transmission broadcasting No. 1978/1999. However, according to the Ethiopian Media Mapping (2017), currently in Ethiopia including Fana FM 98.1 and fbc, which broadcast at

national level; there exist eight (8) FM commercial radio stations broadcasting in the capital city and the surroundings. The following are the list of private FM radio stations in Ethiopia: Zami FM 90.7, Sheger FM 102.1, Bisrat FM 101.1, Afro FM 105.3, Ahadu FM 94.3, Arki FM 97.6, Abay FM 102.9, and Lucy FM 107.8 (Ethiopian Media Mapping, 2017). However, from the commercial stations listed above a few, like Zami FM's Yegazetegnoch Kib Terepeza, Abay FM's phone-in and Sheger FM's Sheger Café, are able to entertain political issues boldly and raise social, economic, and public participation via telephone as well but, the rest of the stations focuses on music and entertainment. According to Ethiopian Media Mapping (2017) and Wazema Radio (2018), to homogeneity of the media contents make it feel like there is only one station on multiple frequencies.

Furthermore, the fact that the country's early history of broadcasting begins in the late 1920s, the fate of television production in Ethiopia is not different from that of radio production. This is because; citizens of Ethiopia have to depend on a single state television broadcaster ETV for over five decades after the actual television production began in 1963 that aimed to transmit the first inaugural opening of OAU meeting held in Addis Ababa. Moreover, together with the first TV production, regular television broadcasting was inaugurated on November 2, 1964 during Emperor Haile Sellasie I 33rd anniversary of coronation. But, with the help of the outside assistance called by the Ministry of Education in the areas of technology, programming and management, educational television introduced in the country in 1965. So, the introduction of the technology has brought the most significant change in Ethiopia's TV broadcasting service (Ministry of Information, 1966; Gartley, 1981; Mekuria, 2005; Wazema Radio, 2018). However, until or so recently that the EPRDF government loosens its grip on the country's broadcast media, the sector has been in a total control by the government. Although about 40 companies applied for license following the opportunity to establish private local media, according to the report of Wazema Radio (2018), only a few closely vetted groups and individuals known for their compliance and affiliation to the ruling party were licensed.

From that day forward, the Ethiopian Television ETV now EBC has accompanied Ethiopian radio station as a state broadcaster. Following that, in 1985 marking the 10th anniversary of the EWP, color transmission was introduced in the country. Though TV production began before Dergue time, the military Junta did not attempt to promote private ownership of the media or to

liberalize the broadcasting media from government control (Mekuria, 2005; Gebremedhine, 2009). According to Gebremedhine (2009), though the socialist government closed all doors for the promotion of private ownership or liberalizing the media, but both stations and their program contents and qualities showed considerable changes in terms of expansion due to the purchase or aided equipment imported from socialist countries. However, just like the rest of other media services, television production also used to serve the party as its own mouthpiece under harsh governmental control.

According to Nigussie (2014), though the change of government in 1991 has created a new chapter for the Ethiopian media since the Ethiopian government allows freedom of speech and the press in the 1994 constitution, but there was only one state-owned TV station which operates covering the country's ground. In terms of TV privatization, there was no one private television station broadcasting in the country up until the 2008 establishment of Oromia Television. Due to that, Ethiopian Television was the only television station broadcasting in the country, even though; there are some additional TV stations found in the eastern part of the country such as: Harar, Dire Dawa, and Somali owned by the respective regional states. However, with other TV companies operating as a government's propaganda tool in regional name and representation, including Fana Broadcasting, Walta Information Center and Dimtse Weyane stations respectively join the state's TV list and become the government's mouthpiece up until 2016, where a wave of privately owned TV channels join the market even if privatization of the industry was a slow process (Wazema Radio, 2018; Nigussie, 2014). According to Wazema Radio (2018), the 2016 has marked the beginning of the launching of several private channels with the second-country license broadcasting in the country (such as Kana, Nahoo, JTV, LTV, Ethiopian Broadcasting Service (EBS), and Ethiopian News Network (ENN) but except from broadcasting non-political issues, they are not allowed to discuss the country's politics at all. That is, if found they will face consequences like being shut down or their agents' licenses to be revoked.

Accordingly, the country's media broadcasting during the three regimes in Ethiopia: the Imperial reign, the Dergue regime and the EPRDF government, broadcasting through television and radio have been completely monopolized by government(s), except for a recent effort to provide license for some commercial and community radio stations and private TV stations. Thus,

regarding to the development of media broadcasting in Ethiopia, the country is far behind so far (Nigussie, 2014; Gebremedhine, 2009). In addition, as for Shimelis (2000), the broadcasting media is not the only media sector that suffers from the government control but also the country's media in general has suffered a lot. This is because; so far from the imperial time to date, the Ethiopian media environment has not changed its philosophy of handling public information rather has changed masters who applied the same method. Therefore, since from the introduction of these mass media technologies (Radio and TV) in the country in 1933 and 1963 respectively, the country's broadcast media can be characterized by its way of serving any of the ruling party as their own mouthpiece rather than serving the public with appropriate information. Though putting this in mind, there are also interesting and hopeful sign of encouragement seen in the country's broadcast environment where the ruling party EPRDF allows privatization of radio and television in its recent proclamation of Broadcasting Bill passed by the Ethiopian House of Representatives. This Bill of Broadcasting will bring the media broadcasting development challenges to their end with all the inconveniences that already has existed.

2.2. The Overall Reforms of Ethiopian Press Law After 1991

Reforms of Ethiopian Press Law is a movement, an action plan, rule to improve (someone or something) by removing or correcting faults, and also the act of amending defective, vicious, or depraved acts, etc. to put or change into an improved form or condition. This amendment or improvement is done by enforcing or introducing a better method or course of action taken to abandon evil ways and change them for the better. In other word, it is the act, process, or result of changing or altering something is known as the act of amending via the correction (Limpitlaw, 2016).

In Ethiopia during Haile Selassie and Mengistu regime; the media was entirely state controlled with no private or public service media as stated in the article of African media development interactive (Gebremedhine, 2009). This means that there is no independent media and there is also strong pre-publication and dissemination censorship on the media organization. With the passage of time, freedom of the press recognized in the 1955 revised constitution of Ethiopia where adopted as the first legal framework introduced the principle of press freedom in Ethiopia. Though, the Dergue regime remembered by its way of banning private press and allows its own

press to circulate in the country, but it also come up with another press freedom in 1987 (Gebremedhine, 2009). In light of that, freedom of expression was affirmed in the Transition Period Charter adopted on June 1991 by the transitional conference attended by representatives of almost all political parties, trade unions and other associations, including public figures for the development of pluralism broadcasting media in the EPRDF regime. This is especially after the overthrow of the Soviet-backed Dergue in 1991, the Ethiopian media environment changed as Ethiopia and its government has started a policy of allowing a measured progress towards the development of the private media in the country. Thus, the EPRDF government ratified a press proclamation that freed the print media from any censorship in 1991 and the transitional government introduced a new Constitution in 1995, with Article 29 providing for freedom of speech, expression and the media (Nigussie, 2014).

The constitution of Ethiopia, as has been set out reforms on rules and regulation of broadcasting media and freedom of expression aiming to make provision for certain rights to be subject to ‘internal’ limitations – that is, the provision dealing with rights contains its own limitations clause, setting out ways in which these internal limitations occur within a number of articles on the rights. The rights contained in the provisions are dealing with fundamental human rights and freedoms that contain parameters or limitations which are allowable in respect of those rights. Therefore, the Legal Framework for Freedom of Expression in Ethiopia, Article 19 of the declaration binding on all States as a matter of customary international law, guarantees the right to freedom of expression: “everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information”. Freedom of expression is one of the founding principles of international human rights law. Its significance in ensuring the vitality of democratic self- government is unparalleled (Limpitlaw, 2016).

Also, according to Gebremedhine (2009), reforms of Ethiopian Press Law and media law after 1991 alteration proposed or effected by constitutional amendment that aims to the realization of the right to freedom of speech and expression in the context of media. This is a law that aids broadcasting growth by improving the condition of the broadcasting system of Ethiopian via parliamentary or constitutional procedure. For example, after the demise of the military regime in 1991, the press and its freedom has shown remarkable change. The most important one is the

promulgation of the freedom of press which includes the right of expression without restriction and censorship. In addition, for the first time a press law is also codified. This changes in the legal and institutional sphere resulted for the proliferation of private press in the country soon after the formation of the TGE in 1992 (Mekuria, 2005; Nigussie, 2014). In addition, the government maintains several strategy on protecting press freedom through the Press Law which allows freedom of thought and expression in Article 29/2 of the Constitution: Everyone has the right to freedom of expression without 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. The EPRDF Government was, in fact, founded on its promises of enshrining democratic standards in its policy reforms and respecting human rights. This was followed by extensive constitutional embracement of human and democratic rights which, according to Article 13/2 of the Constitution where everything shall be interpreted according to the international principles adopted by Ethiopia. In doing so, the constitution also abolished censorship of any form. Due to that, the first few years of EPRDF rule actually tolerated a ‘wild’ private media environment with massive defamatory reporting devoid of facts and sources (Limpitlaw, 2016).

According to the newly formulated Broadcasting Service Proclamation (No. 533/2007) of EPRDF proclamation, which has repealed its 1999 counterpart provides for the establishment of national, regional and local transmission programs of public, commercial or community broadcasting in (Article 32/1-3). Accordingly, any national, regional and local transmission programs shall allocate at least 60% of their weekly transmissions to national programs and of the 60% of the national program, 40% shall be allocated to regional affairs in (Article 32/2). In addition according to Article 32/3, the rest of the 60% which is 20% of the transmission shall be allocated to issues related to local affairs. In doing so, the regulator seems to make a careful consideration of possible dominance of foreign media productions over local ones if commercial broadcasting services were allowed to use more percentage of the former. As a result, the profit making entities are made to be treated equally with other types of media in the amount of non-local or/and foreign productions they wish to use. In terms of commercial broadcasting, the Broadcasting Service Proclamation of Article 2/10 defined Commercial Broadcasting as the following: is a radio or television transmission service

established for profit by a legal entity with the purpose of informing, educating or entertaining the public. Therefore, all broadcasting in Ethiopia is regulated in terms of the Broadcasting Service Proclamation, No. 533/2007 (Proclamation 533) as well as by the Freedom of the Mass Media and Access to Information Proclamation, No. 590/2008 (Proclamation 590).

2.2.1. The Making of Broadcasting Media Regulations

In terms making broadcasting regulations, Article 47 of the Proclamation No. 533 empowers the Council of Ministers and the Ministry of Information, respectively, to issue regulations and directives necessary for the proper implementation of Proclamation 533. However, there are references to the EBA making certain directives or regulations itself, for example:

- In article 21, where the EBA determines additional criteria for evaluating applicants for a broadcasting service license.
- In article 27, where the EBA determines license fees.
- In article 43, in relation to election broadcasting scheduling. However, the actual extents of the EBA's powers are unclear and appear limited to specified issues rather than having general regulation-making powers.

Indeed, article 10(3) of Proclamation 533, which article deals with powers of the board of the EBA, specifies that one of the duties of the board is to 'review and submit to the Ministry of Information, for its approval, directives to be issued for the implementation of this Proclamation', making it clear that the Ministry of Information holds general directive- and regulation-making powers (Limpitlaw, 2016).

In terms of Independent broadcasting regulator and public broadcaster, the Ethiopian constitution set rules that are foundational to the country, institution or organization to which they relate. For example, you can have a constitution for a soccer club or a professional association, such as a press council. Such constitutions set out the rules by which members of the organization agree to operate. However, constitutions can also govern much larger entities, indeed, entire nations. The constitution of Ethiopia sets out the foundational rules for the FDRE. These are the rules upon which the entire country operates. The constitution contains the underlying principles, values and laws of Ethiopia. A key constitutional provision in this regard is the first paragraph of its

preamble, which states that among other reasons for adopting the constitution, the strong commitment of the peoples of Ethiopia ‘in full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development (Gebremedhine, 2009).

2.3. Broadcasting Media Laws in Ethiopia

This section contains a brief presentation and discussion of the principal of legal provisions and policies relevant for the operations of the media in Ethiopia accordingly. According to Limpitlaw (2016), since the purpose of implementing laws and policies in a country is to protect people from unpleasant situations. So, laws and policies of broadcast media in Ethiopia are also the system or set of broadcasting rules made by the government to regulation, binding custom or practice of private and governmental broadcasting organization, and the government having the legal and political rights to make rules and regulation to its citizen for enjoying civil and political liberty. Laws and policies are ways of enjoying political independence or freedom of speech without any outside domination and to enjoy personal freedom that is not subject to the control of another or not determined by anything beyond its own nature of being. In addition, laws and policies of broadcast media would allow government to pass laws in accordance with the provisions of a limitations clause that applies equally to all rights. It makes the ambit of the rights and the grounds for limitation much clearer for the public because there are no specific limitations provisions that apply to each right separately (Limpitlaw, 2016).

The constitution of Ethiopia makes provision for constitutional supremacy. Constitutional supremacy means is that the constitution takes precedence over all other law in a particular country, for example, legislation or case law. It is important to ensure that a constitution has legal supremacy. This mean, if a government passed a law that violated the constitution which was not in accordance with or conflicted with a constitutional provision, such law could be challenged in a court of law and could be overturned on the ground that it is ‘unconstitutional’. Article 9(1) of the constitution specifically states that the constitution is the supreme law of the land and any law, customary practice or a decision of an organ of state or public official which contravenes this Constitution shall be of no effect. Interestingly, article 9(2) also provides 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 to obey it. This reflects, therefore, that the constitution is binding for the state, citizens and private entities.

Under legal provisions of the 2008 proclamation to Provide for Freedom of the Mass Media and Access to Information (Proclamation No. 590/2008), the proclamation on Anti-Terrorism (Proclamation No. 652/2009), the proclamation on Broadcasting Services (Proclamation No.533/2007), and the proclamation to Provide for the Registration and Regulation of Charities and Societies are analyzed in such a way that the articles that are believed to have implications on the exercise of the mass media take prominence. Moreover, the topical elements of the editorial policy for government media are highlighted. Therefore, the constitution of Ethiopia which is regarded to the fundamental rights and freedoms would allow government to pass laws limiting the rights. This is done in accordance with the provisions of a limitations clause that applies equally to all rights. It makes the ambit of the rights and the grounds for limitation much clearer for the public because there are no specific limitations provisions that apply to each right separately.

According to Limpitlaw (2016), a proclamation to Provide for the Freedom of Mass Media and Access to information No. 590/2008 which is referred as Press and Information Access Law (PIAL) was passed in December, 2008 after years of remaining as a draft. While, generally, in line with the 1995 constitution with its abolition of censorship and provisions for freedom of the mass media, it is not at all free from controversies. Some areas of concern in the document relate to restrictions of cross ownership and severity of penalties on breaches of the law. Moreover, regarding cross ownership, the Press and Information Access Law, under its Article 7 (1&2) stipulates that a person with effective control, direct or indirect, over a nationwide broadcaster or a licensee for an area with a recorded population of more than 100.000 inhabitants “...may not exercise direct or indirect effective control over another company holding such a license and servicing the same or an overlapping market” (Gebremedhine, 2009).

2.3.1. The Role of Broadcasting Media Regulations

Media regulation is the control or guidance of mass media by governments and other bodies. This regulation, via law, rules or procedures can have various goals like; intervention to protect a stated public interest or encouraging competition and an effective media market or establishing common technical standards. The national framework relevant for media presents a collection of several legislations collectively known as the media or broadcasting laws of Ethiopia. The law regulates the realization of the right to freedom of speech and expression in the context of media and the role of law in ensuring and regulating its exercise, diverse media laws centering at anti-monopoly and anti-oligopoly with democratic legitimacy since media outlets are important for national security and social stability (Limpitlaw, 2016).

The transitional government formulated a constitution which has made clear provisions, among other tenets of democracy, for freedom of thought and expression. Article 29/2 of the constitution declared that “everyone has the right to freedom of expression without 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 (FDRE constitution, 1995; Limpitlaw, 2016). The EPRDF government was, in fact, founded on its promises of enshrining democratic standards in its policy reforms and respecting human rights. This was followed by extensive constitutional embracement of human and democratic rights which, according to Article 13/2 of the constitution shall be interpreted conforming the international principles. According to Limpitlaw (2016), the first few years of EPRDF rule actually tolerated a ‘wild’ private media environment with massive defamatory reporting devoid of facts and sources.

The constitutional provision of the freedom of press in the FDRE is incorporated under the broad provision that guarantee the freedom of expression and the freedom of the media under the proclamation number, Article 29(2) as follows:

- this freedom applies to all persons and not just to certain people, such as citizens. Hence everyone (both natural persons and juristic persons, such as companies) enjoy this fundamental right.

- the freedom is not limited to speech (oral or written) but extends to non-verbal or non-written expression. There are many different examples of this, including physical expression, such as mime or dance, photography or art.
- Article 29(2) specifies that everyone has the right to freedom of expression ‘without any interference’, thereby signaling a constitutional disapproval of interference as a general rule.
- Article 29(2) specifies that the right to freedom of expression includes the ‘freedom to seek, receive and impart information and ideas of all kinds’. This freedom of everyone to receive and impart ideas and information is a fundamental aspect of freedom of expression, and this article effectively enshrines the right to the free flow of information. Thus, the information rights of audiences, for example, as well as the expression rights of the media, are protected. This right is important because it also protects organizations that foster media development. These organizations facilitate public access to different sources and types of information, particularly in rural areas that traditionally have little access to the media.

Article 29(3) states: 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. This provision needs some detailed explanation.

- Article 29(3) specifically mentions and guarantees the freedom of the press and other mass media. This is an important protection for journalists, editors and publishers and producers of the media.
- Further, this freedom prohibits ‘any form of censorship’. This sounds like a significant right but the limitations on this right provide a lot of room for restricting media freedom (as is clear from other provisions in this chapter).

Article 29(4) states: In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions. This provision needs some detailed explanation.

- Article 29(4) specifically mentions the ‘free flow of information’, which is one of the few references to freedom of information in the Ethiopian Constitution.
- Article 29(4) also specifically makes mention of the need to ensure that the press has ‘operational independence’, which is presumably a reference to it being independent from the state.
- Lastly, article 29(4) talks about the need to ensure the capacity of the press to entertain ‘diverse opinions’. The issue of diversity is critically important when considering the press as a whole, and therefore the ‘legal protection’ of the press, which is ostensibly guaranteed under article 29(4), is significant.

The proclamation number, 590 Art 1(4) also puts clearly as freedom of the mass media is constitutionally guaranteed. Censorship in any form is prohibited. And Art 1(2) states legal restriction of freedom of the mass media as, restrictions on the freedom of the mass media shall only be made by laws issued in accordance with the constitution; and unless and other wise stipulated by expressed provision of laws enacted in accordance with the above article. Administrative measures that impair freedom of the mass media are forbidden. So, in terms of legislation governing the broadcast media in Ethiopia, it is generally regulated via the Broadcasting Service Proclamation, No. 533/2007 (Proclamation 533) and as well as by the Freedom of the Mass Media and Access to Information Proclamation, No. 590/2008 (Proclamation 590).

2.3.1.1. Establishments and General Operation of EBA

The Broadcasting Service Proclamation, No. 533/2007 and the Freedom of the Mass Media and Access to Information Proclamation, No. 590/2008 governs the establishment of the regulatory body EBA. So, as a result of the Proclamation No.533 of Article 4 EBA establishes whose objective, in terms of article 6, is ‘to ensure the expansion of a high standard, prompt and reliable broadcasting service that can contribute to political, social and economic development and to regulate same’. Article 8 of the proclamation provides the EBA to be made up of a board, a director general, and a deputy director general and necessary staff. Accordingly, the EBA board members are appointed in terms of article 9(1) of Proclamation 533, ‘the number of members of the board shall be determined by the Government’.

In terms of article 9(2), members of the board are to be drawn from different institutions and parts of the society and are appointed by the government on the recommendation of the Minister of Information. In terms of article 9(3), the director general of the EBA is a member and the secretary of the board. In terms of article 12(1), the director general is appointed by the government on the recommendation of the Minister of Information and the board is also accountable to the Ministry of Information via Article 9(4). Further, Article 14 of the Proclamation No. 533 states that the budget of the EBA shall be allocated by the government as well (Limpitlaw, 2016).

Moreover, the general operation of the regulatory body guided via article 7 of Proclamation 533. So, the EBA's main functions in relation to broadcasting include:

- Ensure that a broadcasting service is conducted so as to contribute to social and economic development
- Issue, suspend and cancel broadcasting service license.
- Determine the site, coverage area, standards and types of instruments and capacities of broadcasting transmitting station.
- Control illegal transmissions
- Plan, permit, control and lease the use of radio waves allocated for broadcasting
- Prescribe technical standards for broadcasting services and equipment
- Determine broadcasting services-related complaints
- Determine and collect license fees for broadcasting services
- Pay the appropriate fee for broadcasting radio frequencies allocated by the concerned organ – that is, the state organ responsible for allocating frequencies for different services (the organ is not specified but it is clearly not the EBA).

Therefore, the general introduction of the country's press law is to declare a free press operation without any censorship and any restrictions should be guided according to the laws that are clearly declared. This is because; the Ethiopian constitution has a superior power over all other laws. Similarly in terms of policies for Ethiopian broadcasting media, the government sets the rules and laws that have legal and political rights to its citizen for enjoying their civil and political liberty as well. In addition, all the rules and regulations of the media law have a role of

satisfying the interest of the public based on the Broadcasting and Mass Media Proclamation terms accordingly.

2.4. Freedom of Expression and Legal Challenges on Freedom of Expression in Ethiopia

The following part of the study deals with the general concept of freedom of expression and the legal challenges of Ethiopian media experience since from the wake of 2000:

2.4.1. The Concept of Freedom of Expression and Pluralism of the Media

Freedom of expression is an act of operation that are unrestricted to speak out political rights, spoke the language with freedom, the quality of being frank, open, or outspoken. It is the way expressing and transmitting self-emotions and feelings freely on socio economic and development issues with freedom (Merriam Webster, 2018).

According to the (1995) FDRE constitution, freedom of expression is the act of transmitting, telling, speaking, and publishing materials about socio economic, environmental based issues, knowledge, information, idea, opinion, thoughts, facts and details freely. All these can be done via broadcasting media and press media (in the form of sound or images printed materials, writing statement, radio or television) to make things clear to the public about the country's socio- economic and environmental issues. The information can be used to analyze, reasoning, discussion or plan about socio economic and environmental development. People must express things without any form of restraint and from the power of domination and without biased style. And also, from whatever binds, confines, entangles, or oppresses and freed the expression of the people from political influence of any. Let citizens to be in the form of freestanding, independent, self-governing, self-ruling, separate, and sovereign in a free way with the absence of external rule. People must be helped to enjoy their civil and political liberty as well as their political independence. Because; the pyramid of free expression and the free flow of information and pluralism of the media comprises a crucial prerequisite for achieving and maintaining a country's democracy (FDRE Constitution, 1995, Article 29/2).

Accordingly, mass media institution is an organization which has a mission to contribute to the process of development and democracy. It needs to practice the principles of pluralism because; the media's development impact the plurality and transparency of good governance and its function inspire changes to the behaviors of individuals, groups and organizations with the aim to create a more empowered society. In addition, it plays key role for the development of a given country by providing access to information on a plural media environment across an array of a wider diffusion of knowledge within a country (Locksley, 2008). Furthermore, according to Robert and Gene (1998), freedom of expression and information can serve as a weapon for minority interests. As long as individual are entitled to voice their disagreement with the majority group views and try to find public support, those majority group views cannot claim an exclusive position in the political process which is destined to bring about decisions based on consensus or compromise is reached. In addition, the government also benefited from this free debate and discussion because that makes it be aware of what its subjects are about and to respond to the needs and desires of its public accordingly.

According to UN Commissioner for Human Right (2008), media pluralism is a necessary condition for freedom of speech and contributes to the development of informed societies where different voices can be heard. The freedom of expression has always been an important factor in the context of universal human rights. The scope, content and limits on the freedom of expression are in most cases defined by constitutions and specific laws relating to human rights and the freedom of expression in particular. Freedom of expression has been provided by the UDHR, ICCPR and ACHPR. Freedom of expression and freedom of information—the freedoms “to hold opinions without interference and to seek, receive and impart information and ideas” are basic human rights as set out in the 1948 UDHR Article 19. Since then, international and local human rights standards have acknowledged that freedom of speech must be accompanied by media freedom and media pluralism in which to tell something that is private or secret to many people, across a wide area of the ground, over a broad area to make widely known on the issues of socio economic and environmental aspects of a given country without the ruling Government influence the legal and political rights influence on rights of citizen. Robert and Gene (1998) assert that the free flow of information as a result of recognition of press freedom has myriad function in general: Firstly, information is necessary to make rational judgment. This means that

meaningful and democratic decision making on one hand and public ability realistically to perceive and respond to the world. On the other hand it requires widespread of availability of information of general interest. Secondly, freedom of information is considered as ‘the key to world peace’ and its totalitarian system because the evils of propaganda will highly decrease if the concerned people are given all the information necessary to evaluate it for itself.

According to FDRE Constitution of 1995, Article 29 of the FDRE constitution provides for the ‘Right of Thought, Opinion and Expression’ in the following terms:

- 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, 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.
- 4) In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.
- 5) Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.
- 6) These rights can be limited only 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. Legal limitations can be laid down in order to protect the well-being of the youth, and the honor and reputation of individuals.
- 7) Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law (FDRE Constitution, 1995).

So, the concept of freedom of expression and pluralism of the media is the act of expressing ones feeling and thought freely in any form of communication medium about different issues that can

contribute a lot to the country's development and democracy. In addition, since media pluralism is seen by the international as an integral part for freedom of speech and expression and as a universal human rights, it also used as a tool to bring an informed society whose voices are heard. This is because; the scope, content and limits on the freedom of expression are in most cases defined by constitutions and specific laws relating to human rights and the freedom of expression in particular as well. So, allowing freedom of expression and the press to the sector bring a free flow of meaningful information to the public and also bring peace and stability to the country.

2.4.2. Freedom of Expression and Press Freedom in Ethiopia

Despite the degree of freedom of expression and the press varies in the world, it traced back as a modern institution since from the reign of Emperor Menelik period where it has been shaped and more developed at the time of Emperor Haile Selassie I. The change has been seen particularly after the Italian occupation and onwards. Even though this is the case, the press freedom in Ethiopia passed more than a century with full of storms and stresses and serious violations (Getahun, 1993). In addition, the fact that media is an important sources of information, its uneven distribution neglect the vast majority of the people in rural areas. Though such right is recognized by the constitution as fundamental right, the extent of liberty granted for the press in the constitution is not fixed. It is difficult to draw boundary to the term freedom, but the government has taken control of the press and use it to satisfy its own interest. So, in each regimes of Ethiopia, freedom of expression and the press were highly characterized by its way of strong censor where governments use it as their own propaganda tool by prohibiting the private owners' involvement (Gebremedhine, 2009).

Moreover, when we go back to the imperial period, the press and Freedom of press was highly restricted and hardly guaranteed. However, compared to the 1931 constitution, the 1955 revised constitution incorporated the provision that legitimize the Freedom of press within the wider freedom of expression. Yet, the right was also subject to a constitutional restriction and the exercise of the freedom of expression is under condition that could not endanger public order and the right of others or the masses. This is no different during the military regime which assumed power in 1974, where it comes up with a very strict censorship

law throughout its reign till 1991 though; the 1987 constitution of the Dergue gave recognition to freedom of expression on Article 47. But, the practice took thousands of youth lives, who could have a lot to contribute to the country's development, with unprecedented state sponsored terror forwarded by various political parties that tried to challenge the regime. However, the right was given juridical recognition in the 1995 revised Constitution of modern Ethiopia in Article 41 (Makuria, 2005 & Nigussie, 2014). According to Nigussie (2014), the current EPRDF government has put freedom of the press in its constitutional frame in the nation's history of the press in 1992 and freedom of expression for the first time was issued in the Transitional Charter (the Transitional Charter of Ethiopia, 1991 article 1(a). i.e. the right to freedom of expression was extensively provided in the 1995 FDRE constitution.

In accordance with the above, after the EPRDF government promulgated freedom of expression in its 1995 constitution and the proclamation of the Press Freedom Bill, hundreds of new and private newspapers and magazines stormed the capital city, Addis Ababa. In addition, according to research work made by Population Media Centre (2006), with the exclusion of television, the 1991 change of government has been given a unique place in the history of Ethiopian journalism. This is because; pre-published censorship was outlawed that led to the publication of different press and press ownership permitted to private citizens which once had been monopolized by the ruling government(s) of any (Solomon, 2016). Moreover, since the press and the media printed and non-printed press are an important source of information, the medium are predominantly government owned and concerned within a few urban centers. In this regard, printed press and radio where the private press institution has relatively better engagement and has unevenly distributed between urban and rural areas. Due to that, the vast majority of the magazines and newspaper distribution have limited outreach and covers the needs of those few urban populations with major cities of country, primarily Addis Ababa. This is uneven distribution towards few populations and the people in rural area, also more or less similar to non-printed media sources (Gebremedhine, 2009).

In addition, though, the constitution provides citizens to uphold any political views and express themselves in a peaceful and responsible manner, freedom of expression in Ethiopia or elsewhere entails legal restrictions that are provided in the constitution and/or other relevant proclamations. Due to that, a few of the violent speeches that were held in this country had ended up in chaotic

situation where lives were lost and public and private properties were damaged affecting the economy, peace and stability. Furthermore, the problem of uneven distribution and asymmetrical share of printed and non-printed press is due to a small number of private press institutions which lacks the financial and technological advancements. In addition, the high cost of printing materials for publication and distribution (the government fail to subsidy papers and printing materials) are other problems that aggravated the challenge. These also include the low quality and biasness of information contents made out by the printed and non-printed media sources of the country which lacks independence and creditability. That is, the country's press lacks to reflect the social and democratic needs of the people (Sendek News, 2003; Alene&Worku, 2016). Alene and Worku (2016) also indicated that the general challenges that discourage the developments of Ethiopian media of both existing and emerging is due to administrative, constitutional, political and legality related constraints are the major once.

2.4.3. Challenges of Applications of Legal Tools on Freedom of Expression in Ethiopian Media after 2000

Since this study deals with some of the challenges of the applications of legal tools of the private media in Ethiopia, it also looks into some of the major setbacks that hinder the right to exercise freedom of expression using the broadcasting media in relation to the different reforms of proclamations made to govern the sector. In doing so, Sheger FM 102.1 radio station was selected as the study center. And this is because; the station is the first private radio station in the country which was founded in 2000 following the establishment of the governing body EBA and after the 1999 promulgation of the broadcasting proclamation which allows the privatization of the broadcasting media organizations. Therefore, this study enlists the significant legal and policy challenges that the sector has experienced after the wake of 2000 (2007/08).

As it clearly stated in the background of this study above, different proclamations were published regarding press law and freedom of the press and expression after EPRDF government claim the country's power in 1991. Because of those media proclamations, freedom of expression and the press freedom Ethiopian media landscape showed a considerable development unlike the previous two regimes. Accordingly, following the 2003 press law major political reforms were made in the country that deals with the broadcasting and mass media sector like: the 2007

broadcast proclamation, the 2008 freedom of mass media proclamation and also the 2009 anti-terrorism law are the major changes endorsed to the media's freedom. However, Alene and Worku (2016), enlist their view of Ethiopian press freedom and challenges that are hovering around over the sector. According to them, freedom of the press is recognized as one of the fundamental rights of citizens and a key for other rights to exist under the constitution of the different regimes of Ethiopia. However, even if freedom of the press is not the mother of all freedoms, it has faced many challenges throughout in its journey because the term "freedom" by itself is not clearly stated and the extent of liberty granted for the press is not also predetermined in the constitution:

The word freedom is not clear cut, it is vague term. The extent of liberty granted for of the press in the constitution is not fixed. That is, it is difficult to draw boundaries to the term Freedom. Because of this many government including Ethiopian government have taken control of the press to use it in their own interests. The wide restrictions which have a power to suppress freedom of press are imposed by government. This is because of the extent and limits of this freedom are not clear. Such limitation may have the potential to circumscribe or endangered this fundamental right of the press" (Alene and Worku, 2016, p.4817).

Similarly, even if the government of Ethiopia is stipulated freedom of press related policy in the FDRE constitution and press law, it is incompatible in practice with the constitution under different legal provisions the government puts on. This means that the government puts high censorship and publication that imposes the rights unlike to the constitution (Solomon, 2016). Although, according to the International Committee to Protect Journalist Report (2013), Ethiopian government has continued to threaten, prosecute, and imprison writers and journalists. Furthermore, the EPRDF government has used its tight grip to restrict information and limit the freedom and growth of the independent press. The government has arbitrarily imposed restrictions on the distribution of broadcast and print licenses, the content and editorial position of news outlets, the freedom of movement of journalists, the accreditation of international journalists, and domestic access to international broadcasts and Internet content (International Committee to Protect Journalist Report, 2013).

Moreover, Ethiopia has all the necessary instruments to promote such rights but every right certainly entails a certain level of legal responsibility and accountability for the promotion of democracy in this country. Relatively today, the public has started to speak out against bad governance, rent seeking and other social evils with expectations that change is eminent through time. What is to be achieved tomorrow, however; needs to start today. But, journalist has been under a tremendous pressure from the beginning of Haile Selassie reign and the military government, but in 1995 the censorship and any form of related constraints of the press of freedom were abolished when the FDRE government adopted freedom of expression and information in the constitution under Art 29. Following after freedom of expression granted, many newspaper and magazine were increasingly mushroomed (Solomon, 2016).

However, this does mean that all the direct and/or indirect forms of influence to the sector come to an end. Regardless of all the above influence, the media has a paramount potential to play a role to increase, shape and reflect the public opinion at large. This is because; press has the key to promote peace, maintain order and safe the rights and freedom of citizens. In addition, it fight injustice, promotes democratization and good governance by playing an effective role in the decision making process (Solomon, 2016). Nevertheless the government have taken control of the press and use it for their own interests with wide restrictions that suppress freedom of the press. Due to this, the extent and limits of this freedom are not clear and it may have the potential to topple down the fundamental right of the press. According to Solomon, (2016), using their rights quite a few numbers of private newspapers and magazines flourished, however; instead of focusing on the major editorial principles of journalism, they ended up serving political groups and parties that oppose the political order.

In addition, the right of freedom of expression was highly abused and became an instrument to sensational, biased and unverified news that exceed the constitutional limits which were mentioned earlier. Though, the promulgation of the press law and broadcast proclamation added further legal instruments to the development of press freedom in the country. Regrettably enough, most of these legal instruments were either genuinely misunderstood or deliberately twisted to indicate the absence of freedom of expression in Ethiopia. On the other hand, it is difficult to conclude that the larger public in the country has understood its constitutional rights to practice the freedom of expression. Thus, as based on the traditional understanding that has

been transmitted from generation to generation keeping silent is considered as a matter of good manners and traditional ethics. So, many still believe that as the Amharic proverb goes “zim bale aaffe zimb aygebabetim (flies do not intrude into closed mouth) and silence is golden (zimita work new) to stay silent. These were proverbs that the previous regimes used to silence the public so that they can continue to press and repress the public to make them believe what they could not have believed under normal circumstances (Solomon, 2016).

Moreover, Ethiopian rulers well recognized the power of the media service and used it as their mouthpieces since from, for instance, the other Amharic weekly, Berehanena Selam, launched in 1921. During that time, it was even Emperor Haileselassie’s (who reigned from 1930 to 1974) own initiative that indeed stood in the praise of his Majesty. In addition, nothing less can be said about radio that came in 1935 and television that actually kick-started by televising the 33rd anniversary of Emperor Haileselassie’s coronation. Similarly, the era of Dergue from (1974-1991), was a period when state control and repression of media operations mounted with official censorship introduced against all forms of media products, and private media were not allowed to exist. So, the Marxist regime owned the entire media to utilize them as its propaganda machinery. Henceforth, post 1991 Ethiopia under the current EPRDF led government, has arguably responded positively to the new global political development following the end of the cold war even if, the repression continues over the press freedom. Accordingly, it opened a political space for parties and other organizations which had long opposed the military junta, Dergue to become legitimate and recognized players in the country’s political arena (Joireman, 1997).

However, then after showing a positive start, the EPRDF has also used the state media, private news outlets under party patronage, federal and regional security services, and officials to intimidate independent journalists. Due to this, journalists face frequent summons by the police followed by interrogations and criminal prosecutions when found reporting sensitive issues like that of allegations of human rights abuses or criticism of government authorities. Further, journalists are prosecuted under punitive and poorly defined statutes for contents published several years before the penal code and the anti-terrorism legislation. Moreover, independent journalists from various parts of the country who are attempting to investigate allegations of human rights abuses face restrictions and intimidation by local authorities. Because of this, many

journalist who are the eye and ear of the public is arbitral detained without fair trial by the anti-terrorism law. Due to this freedom of the press violation, many writers who are aiming to practice their constitutional rights with the period's different regime faced so many challenges along the journey (Solomon, 2016). In addition, for HRW, Ethiopia is on a deteriorating human rights trajectory as parliamentary elections approach in 2010. The playing field for civil society activity shrank dramatically in 2009 following the restrictive legislation passed recently and by the group the law was described as one of the most restrictive found anywhere in the world (http://www.ifex.org/international/2010/01/21/hrw_world_report_.pdf).

Though, the Ethiopian government has persistently denied the allegations of dominating the sector, the treatment of writers, journalists, and bloggers are the critical human rights issues of to date in the country. The issue includes, lack of press freedom, arbitrary detention, an inability to access information, suppression of peaceful association and assembly, and restrictive laws and policies regarding the internet and digital technologies. The government has particularly been very critical of reports compiled by Human Rights Watch but the Rights Group's claims to find evidence of war crimes and crimes against humanity but, the government responses with counter claims of disproving the allegations through detailed investigations where it accused HRW of being a propaganda tool for political dissent such as ONLF terrorist groups (http://www.mfa.gov.et/Press_Section/Press_Statement_26_November_2008.htm). In addition, in its 2008 Human Rights Report, the US State Department expressed concern on government harassment and threatening of both local and international journalists for critical reporting. It also reported incidents of harassment and arrest over a controversial hit-and-run trial of a pop artist famous for his political lyrics. In addition, according to Freedom House (2007), starting from 2006 the government monitored access to some websites and blogs was blocked, including news websites run by members of the Ethiopian Diaspora who were critical of the government." (<http://www.unhcr.org/refworld/docid/4871f602c.html>.)

According to Price*et.al* (2009), tolerating media freedoms at the beginning of his leadership, helped the image of Meles as one of Africa's new leaders presiding over a democratically inclined developmental state. However, despite its promising start, the development of Ethiopia's private press has suffered significant setbacks. Government hostility has been expressed through strong media denunciation of the allegedly irresponsible behavior of the private press as well as

the detention of journalists. According to Limpitlaw (2016), the concentration of media ownership in the private sector is yet another problem. If the mass media are dominated by a few corporations, the risk for bias and interference with editorial independence increases. The organization and content of media are subject to centralized political or state bureaucratic control. Media should exist primarily for their audience and not for media organizations, professionals or the clients of media. Therefore, to reduce the lack of connection with any other having power to interfere with its citizens, laws, or policies to cause or allow (someone or something) to stop having or being affected by something unpleasant, painful, or unwanted without the domination, control or domination of another. Which mean, an organization determined by anything beyond its own nature.

However, according to Limpitlaw (2016), the report acknowledges the improvement of the new press law that was passed in 2008 from its draft stage. It, nevertheless, the space for independent media activity in Ethiopia remains severely constrained. Despite of the fact, freedom of press is a precondition for achieving a true democracy but, its practice is limited to the Ethiopian private media during the EPRDF-led government due to its repressive nature. In addition, in a country where there is no press freedom, there is no democracy. The problem of freedom of the press in Ethiopia arises from two major challenges. Firstly, the concept of the term freedom of the press is vague that there is no precise set of rule that fix the extent of liberty which guarantee the press and limit government intervention over its freedom. Secondly, the freedom of the press is challenged by the absence of democracy and democratic system. In addition, for Limpitlaw (2016), the country's press problem is a critical issue of constitutional and legal constraints over its freedom as well as political and systematic problems of democracy. And similarly for Alene and Worku (2016), including many other problems that affects the private press development in Ethiopia, legal and policy challenges are the major constrains of private media in Ethiopia after 2000.

To sum up, radio broadcast, that was started at the time of Emperor Haile Selassie-I and continued to the socialist military regime, Dergue and the current EPRDF led government, has gone through various developments. Radio broadcasts during the former two successive governments were entirely state-owned and mainly used for propaganda with little emphasis on a development agenda. Moreover, issues related with freedom of expression and establishing

private media was absolutely impossible. The role of the media and journalists was perceived as agents that are used to promote the needs and interests of the government in power. However, the media landscape began to be changed when the current government took over power from the military junta in 1991. The major developments include ratifying various international legal instruments related to press freedom, freedom of speech and expression by the 1995 constitution of the Federal Democratic Republic of Ethiopia. Article 29 of the constitution, in particular, protects these rights and ensures the opportunity for access to information of interest to the public and prohibiting censorship. Consequently, various broadcast proclamations and amendments which led to the establishment of private radio broadcast, press law and other legal frameworks, and the opening of regional radio stations with different languages becomes apparent on the basis of the constitution. The passage of these laws and policies created a favorable legal environment and encouraged the public to participate in the sector.

Despite these positive and progressive developments, however, the government has been criticized of restricting the private media and journalists in exercising the full rights of holding opinions and freedom of expression enshrined in international legal instruments and the constitutions of the country. The media related policies and laws have been continually criticized on including articles that directly restricts the contents of the media, to prosecute the media and journalists and limited the freedom of media. The presence of such articles enabled the government to impose restrictions, censor the contents of media, and suppress anti-government sentiments. In addition to these articles, some legal instruments played their role in further restricting the functioning of the private media against to the constitutional rights of press freedom and freedom of expression. The anti-terrorism law, in particular, has been subjected to criticisms from the local and international media stakeholders as it led to the arrest and prosecution of journalists and media personnel, which many authors believed is against the international declarations that Ethiopia ratified and made part of the country's law through its constitution. Therefore, freedom of expression, speech, and mass media are important human rights that are guaranteed in various international human right declarations and conventions and, therefore, peoples have the right to hold and express opinions and the right to access to information.

CHAPTER THREE

3. Research Methodology

3.1. Introduction

This study aims to analyzing the applications and challenges of legal tools of private media in Ethiopia. So, the next part of the study entirely deals with the methods that are used to conduct the study.

Methodology is concerned with the logic of scientific enquiry; in particular with investigating the potentialities and limitations of particular techniques or procedures. The term pertains to the science and study of methods and the assumptions about the ways in which knowledge is produced (Grix, 2004:32).

Therefore, this section explains what research design mean and outlines the key elements of the research design including the research area, which is *Sheger 102.1 FM* radio station, and the interview groups.

3.2. Research Design

Research design is a systematic way of methodological approach that is applied while collecting accurate information for interpretation (Gupta, 2007). Research designs are plans and the procedures for research that indicates the worldview assumptions of the researcher and the planned sequence of the entire process of the methods of data collection, analysis and interpretation (Gupta, 2007; Creswell, 2009):

A research design designates the logical manner in which individuals or other units are compared and analyzed; it is the basis of making interpretations from the data. It also is the plan, structure and strategy of investigation conceived so as to obtain answers to research questions and control variance (Gupta, 2007, p.74).

Creswell (2009) further indicated that the nature of the research problem or issue being addressed, the researchers' personal experiences, and the audiences for the study are important issues to consider in selection of a particular research design. In addition, translating the general

scientific model into a practical research operation is a challenge for a research operation method, because; it will refer to the entire process of planning and carrying out during a research study. However, it is a plan that is designed after an observation made and data are collected accordingly; so as to generate an empirical and logical drawing of conclusions and knowledge as well (Gupta, 2007).

The study, therefore, followed a qualitative research method to gather in-depth information to gain understanding and insights related to the meaning that individuals make out of their experiences. According to Howitt and Cramer (2011), qualitative study method follows deep investigation of knowledge. Hence, the method was employed as it focuses on the description of the qualities (or characteristics) of data and provide a more complete understanding of the subject matter of the research. More specifically, this study primarily followed a qualitative case study research design to deeply examine the problem of the research. According to Lodico *et al.* (2010) case study research is a form of qualitative research that endeavors to discover meaning, to investigate processes, and to gain an in-depth understanding of an individual, group, or situation.

Research design describes the logical sequence which connects the empirical data to the study's initial research questions and to its conclusions. Hence, the reason for me to use this research design is because; the purpose of qualitative approach method is a method that deeply investigates the challenges that the broadcasting media has been experiencing since from its establishment. In addition, the study looks into the impacts that the challenges has brought to the sector. In other word, the study used a qualitative research methodology in order to investigate the problems from the perspective of the study subject of the selected private broadcasting media.

3.3. Study Area

The research was conducted on Sheger 102.1 FM Radio Station located in Addis Ababa Ethiopia. The Station was founded in 2000 E.C (2007/08) after granted FM commercial license by the regulatory body, Ethiopian Broadcasting Agency (EBA) in April 2006. The station is privately owned under the FM Commercial license of Adei-Tinsae and Kinetibabat Promotion

plc. Hence forth, the station has just celebrated its 10 years of anniversary recently in October 2017.

3.4. Source of Data (Primary and Secondary Data Sources)

This research design method was conducted in one of the country's private broadcast media sector, *Sheger FM* Radio Station to investigate the challenges related to the applications of legal tools. Data for the study were collected mainly from the primary sources. According to Gupta (2007), primary data collection is the original investigation of the researcher him/her self for the very first time whereas the secondary data collection is a way of using the information collected by others and include them in the research to be performed. The primary data were collected from the top management and journalists of the radio station selected and a legal expert in the private media section directorate of the Ethiopian Broadcast Agency through face-to face in-depth interview.

3.5. Research Participants and Data Collection Techniques

3.5.1. Research Participants

The informants of this study includes one legal expert and one public relation director of Ethiopian Broadcasting Authority (EBA), one member of the management of the radio station under investigation, four journalists who have served long in the station and two newly employed journalists are under investigation that includes other two former journalists of the station. Hence, long service was used as inclusion criteria in the study because such participants are able to provide rich and historical information on the issue. The same manner is also applied to the other four new and former employees as well. The participants of this study were selected purposefully in order to gather rich information from on the subject of the study.

3.5.2. Data Collection Instruments

This study used an in- depth interview method to gather relevant data from the respondents. The method enabled the researcher to elicit firsthand information through face-to-face discussions with the respondents on the issue under investigation. It also enabled to understand the phenomenon from the participant's own perspectives.

3.5.2.1. Interview Method

As a methodological approach, case studies may focus on an individual, a group, or an entire community and may utilize a number of data technologies such as life histories, documents, oral histories, in-depth interviews and participant observation (Berg, 1998). So, qualitative study knowledge is also generated between humans mainly through conversations and interview method. According to Cohen, Manion and Morrison (2000), Interview method is “an interchange of views between two or more people on a topic of mutual interest, sees the centrality of human interaction for knowledge production, and emphasizes the social situations of research data” (p. 267). Cohen et al. (2000) further indicated that interview method is not only a data collection tool but also enable participants of the study, both the interviewer and interviewee, to discuss their interpretations of the world in which they live, and to express how they regard situations from their own perspective.

Thus, since interview is a widely known qualitative data collection tool which used to gather in-depth information from participants of the study, face to face interview was conducted with participants of the study. Therefore, semi-structured interview schedule was prepared by the researcher to gather rich information through eliciting views and opinions of the participants. Thus, the qualitative data that was obtained from participants of the study was tape recorded using digital recorder. Interview was conducted in Amharic language and then transcribed in to English language.

3.6. Data Analysis Method

The method that was used to analyze the data obtained from qualitative interview method is thematic analysis. So, all the responses from the respondents literally outlined in written form and copied down, organized into themes and analyzed using narratives.

3.6.1. Thematic Analysis Method

As one part of the qualitative analysis methods, thematic analysis approach method is the most commonly used analysis which is adopted by newcomers to qualitative study. Thematic analysis, according to Braun and Clarke (2006), is a method of organizing qualitative data, synthesizing them, identifying patterns or themes and descriptions. Although thematic analysis method does

not require detailed theoretical knowledge, it is selected as it is flexible and provides a more accessible form of analysis (Howitt & Cramer, 2011). Therefore, using a thematic analysis method the responses of each case were written verbatim and transcribed accordingly. Then, the major themes were identified based on the literature and the data obtained. The narratives of the participants was organized in to the identified themes and presented qualitatively in words.

CHAPTER FOUR

4. Data Presentation and Analysis

This section of the study presents the interpretation and analysis of the research. In doing so, the main purpose of this part is to show the applications and challenges of legal tools of private media in Ethiopia taking Sheger 102.1 Radio Station as a case. The qualitative data collected from the respondents of EBA, the station and EIO were organized and thematically analyzed in different categories. The thematic category of the analysis is divided in six major topics, four sub-topics and three minor sub-topics. Therefore, the analyses of the study are listed below as follows:

4.1. Description of the Study Participant

Since the study uses in-depth interview method to collect data from the respondents, four long serving journalists of the station and two newly employed journalists were involved in the study. In addition to the above six working journalists for the station, the study also includes two former journalists who used to work for station. In addition, one top member of the station also participated in the study. From all the above interviewees, only two journalists gave their consent for their name to be mentioned in the study additional to the latter one. Moreover, EBA's top managers participated as key informants of the study. One of them is law and Advertisements Director of the authority and the second one is Expert of Broadcasting Media Regulatory and Capacity Building for the regulatory body. Furthermore, due the course of the analysis the study requires additional information from another source. So the study includes one Communication Director and another Directorate of Law and Research Department executives from EIO as additional informants. Therefore, all together a total of thirteen respondents participated in this study during the period of April 20, 2018 – April 20, 2019.

4.2. Establishment of Sheger FM 102.1 Radio Station

As it was stated above in the introductory part, the study presents a brief description about Sheger Radio Station, but the following brief explanation would give a more convenient outlook about the station's establishment and the path it took to join the media industry. In addition, it

enlists some of the major elements that are contributed to organize the station. According to a magazine entitled Enawera (Let as Talk) which was prepared by the station's journalist, Zekarya Mohammed, in its 10th year anniversary of establishment, the birth of Sheger 102.1 FM radio station was FM Addis 97.1 radio station and it took the ambitious characteristics of three individuals (Abebe Baltcha, Meaza Birru and Tefery Alemu) who were keen to organize a private broadcasting media organization (Zekariya, 2017).

In the early years of the 1990, the Ethiopian Radio Station was about to start the first ever FM radio production in the country and opened the door for potential customer applicants in request for airtime. During the same period, the then managing director of the Ethiopian Radio (ER) Fekade Yemirru and Abebe Baltcha met in a certain dinner reception and discuss the possibility of having the airtime, knowing that how Meaza and Tefery are capable and professional they were when they used to work in the station. During in their discussion, Fekade informed Abebe that ER would grant them an airtime if they could fulfill all the justifiable procedures that are required from. Convinced enough by the persuading power and financial support of Abebe, they started to prepare the required procedures including program proposals that can enable them to get the airtime and submitted to the ER office, even if; both were not happy with the job at hand and have no intention of going back to the industry. After evaluating the proposal, ER granted them the airtime in the station and “ጫዋታ” (Chewatta) program started to air live every Saturday afternoon from 1:00 pm-8:00 in August 1993. They broadcast the program using a small studio found in a building in front of the National Stadium. The magazine reminds that the decision brought back both Meaza and Tefery to the profession they adore the most (Zekarya, 2017).

Henceforth, what was started as an airtime production in FM 97.1, they went on to establish the first private broadcasting radio station, Sheger 102.1 FM, in the country. Though Sheger has celebrated its 10th years of media production anniversary in 2017, the road to success was not easy. According to Zekarya, let alone achieving the dream of organizing a private broadcasting media with lack of financial strength, there was not even a law that governs the privatization of broadcasting media in the country. However, understanding how the broadcasting service plays a significant role for the country's political and socio-economic development, the government of Ethiopia revised the existing law of the sector. Due to that the regulatory body EBA was established based on the Broadcasting Service Proclamation, No. 533/2007 Article 4 and 6 with

the objective of ensuring the expansion of a high standard, prompt and reliable broadcasting service that can contribute to political, social and economic development of the country as well as regulating the sector. After the establishment of the then Ethiopian Broadcasting Agency (EBA) now Ethiopian Broadcasting Authority (EBA) in the mid 1990's, the right to organize a private broadcasting media guaranteed in the country. Following that, a joint formed firm, Adei-Tinsae and Kinetibabat Promotion plc, applied for a broadcasting license to become the first private FM Commercial radio station. Following that, Sheger 102.1 FM radio station was organized after granted FM commercial license by the regulatory body EBA in April 2006. Sheger started its first radio transmission in October 4, 2007 and went on broadcasting its programs for 18 hours daily and 126 hours in the week covering 250 km area surroundings of the capital city, Addis Ababa (Zekarya, 2017).

4.3. The Role of the Station for the Socio-economic Development

Since media encompass and addresses a wide range of issues, its role is beyond covering only certain elements of contents. According to Limpitlaw (2016), media plays the role of public representatives against the government and stand in a position between the public and also the government. In doing so, together with other organs of civil society, a strong and independent media can play the role of exerting pressure on agencies of power to work for a better democracy and socio economic development of the country.

According to Tefery, Sheger radio station plays the same role just like others do in the sector by stating that “*they do not add anything to what was already there before*”. He stated that Sheger as one of the broadcasting media organizations believes everyone is entitled and has the constitutional right to get proper information, putting in mind that their station is happy and always loves to provide the public the right and the best information. For him, it is a pleasure to see that people are satisfied with the information they get from and refer them as one of the best for its vital contribution to the country's socio-economic development. However, he opt to label the station as a media organization that provides bricks of information to the society and build the nation as other stations claimed to be. He expressed “we feel satisfied when the society is informed and learn about situations that are going on in the country but, restrain ourselves from

claiming to be the best that contributes a lot to the country's development as others claimed to be (personal interview, May 06, 2018).

According to Gezaheng Fikereselasse, Broadcasting Media Regulatory and Capacity Building expert, to inform, to educate and to entertain the public are the three most important roles that media plays for the country's socio-economic development. Due to this, it is the authority's attention that Sheger radio station is in the right track while addressing their institutional roles than the other private broadcasting media institutions. He explained "as per to the point of view of our department, their overall media operation is based on the rules and regulations of the law that are set to govern the sector. So the authority so far is comfortable in terms of media contents as well as on their program productions" (personal interview, May 8, 2018). However, despite the fact that the authority is pretty much comfortable with the overall operations of the station, they sometime found weak links in their media productions. He said that in spite of their good practice of entertaining different views of the public, there are times where they found the station broadcast unbalanced or one-sided and biased information to the public. In the interest of the good practice of the sector, the free flow of information and thoughts entertaining various views are acceptable however; influencing the public view with biased information can jeopardize ones good image and makes them no different from others. According to him, there are times where the authority ordered the station to cease ongoing programs for the good of the country and for the well-being of the public. However, he said that except from what is stated above the station is playing an exemplary role to the sector while addressing the roles that are expected from a certain media institution relative to the others.

The fact that media could play a lot to one's country socio-economic development is unquestionable, accordingly Sheger as one of the media organization has also its own role to add. According to Tefery all Sheger Radio Station's family knows the role of the media clearly, however; because of the media contents that the station forward to the public, anyone could be critical and question the station's role to address the issue in the sector. But, the role of the station towards achieving the expected change is as equal as the others operating in the sector. Accordingly, he said that the station exactly knows what to provide to the public, because; they know they have great number of listeners that can enable them to identify how they are doing well or else lost their truck through the process. However, except from some minor incidents, the

authority itself gives approval to the station that they are on the right track. In addition, he said that the actual intention of their organization is to bring about a well informed society and help the country to reach to the level of greatness while creating a general awareness towards the public. So it can be understood from the discussion of the two informants of the station and from EBA that somehow agreed upon on the role that the station plays for the socio-economic development of the country in terms of content orientation and its exemplary role towards the sector.

4.3.1. Challenges and Relationship of the Station with EBA

Since this study is conducted to find out all the challenges that the radio station has been facing so far from its establishment in the year 2000 E.C (2007), it also explores through the challenges of the station and journalists have encountered and give a general overview about the relationship that the station have with the authority in regard to media operation.

From the point of view of most of the informants of Sheger Radio station, not a single journalist from the station was asked to stand before the court for violating the law. However, they said that not prosecuted by the court does not justify that they have never faced challenges in their operation because; not to speak the reality for fear of the government is the mother of all the challenges. According to Tefery Alemu, several challenges could be considered during the process of media productions and because of those challenges it becomes hard to do or deal with difficult situations and implementing the organization's policy. He said fear of the government, feeling of dislike or unwanted by the officials and more importantly bias perspective of the government could be raised as an ideal source of the challenges or problems. In addition, for the sake of political benefit or lack of proper knowledge, government officials create policies and sanction them by law that forces many to complain because; it makes it hard for them to conduct their job or to satisfy the public's need fairly and accurately. Similarly, lack of enough training, experience, professionalism, having proper information or unwilling act of public officials to give out information or giving privileges to state media organizations also could be considered as additional source of the problems. He expresses:-

In addition to what has been stated above, there are no published books or references that are distributed among private organizations that demonstrates the laws and policies of the sector from my experience with others. Due to this, we cannot implement our institutional policies as they were planned and this makes it difficult for our journalists to speak out the reality. This fear of the government challenges the organization and hinders our journalists' efforts, plans, etc. to achieve more from the industry. In fact we fail to speak out the reality sometimes for fear of the unwritten laws and policies of the government; however our Sheger is not biased but rather a mediator in its media production. To this, never in the history of the station, journalists were accused of wrong deeds so far, but if so; it is up to the station to stand before and deal with the existing problems. All in all, I would say that our relationship with EBA is formal as well as professional (personal interview, May 6, 2018).

According to the two former journalists of Sheger radio station (anonymity is maintained) stated that they had faced plenty of challenges while conducting their journalistic duty. The informants stated that there exists a contradiction between the actual law on the ground which states about editorial policy and the need for editorials because; most of the editorials give priority for the so called positive news stories. However what is found out there, from the perspectives of the reality, is grievance, lack of equality, poor quality of management and commitment as well as mal-administration. Due to these obstacles, it is hard to inform the public the right information (personal interview, May 8, 2018). Sharing the idea of the two informants, Beyene Wolde, junior journalist of the station, also added that the existence of gate keepers (referring to EBA) is another worth mentioning challenge that affects the media operation to speak out the reality freely. He said “gate keepers categorize both the media institutions, referring private and governmental/public, as an ally or an enemy. To this manner, once labeled as an enemy the chance of getting equal treatment is under risk” (April 28, 2018).

Though, the above listed problems are worth mentioning challenges that affects the overall media operation in the country, it can be understood from the discussion that the government and its politically affiliated officials suppress the sector for political benefits, even though it has been claimed that formal and professional relationship exists between. To this manner, Gizaw Tesefaye claimed that EBA does not categorize any broadcasting media organizations as an

enemy or as an ally. He said EBA's relationship with the station is normal and professional like the other private and governmental/public broadcasting sectors for the authority. This is because; the work of the authority and the regulatory methods are entirely depends only on the rules and the regulations that governs the sector. Thus, whatever mistakes committed by either party, should be judged accordingly. Due to this manner, the regulatory body conducts yearly conference and looks for each and every gap observed from the monitoring office report(s) and discuss on the matter with the organizations at equal terms. Thus, he refused to accept the claim that the authority has put a tight hand on the commercial broadcasting sectors than state media because the fact is vice versa:

I do not think the authority has put a tight hand on the private broadcasting stations, because; our biggest challenge comes when we are dealing with governmental/public institutions. The reason for this is that they usually do not accept and resist the offices' comment. However, one of the jobs of the authority is to regulate the sector without separation in accordance with the laws and policies formulated from the broadcasting media law proclamation. So it is entirely up to them to act accordingly because; it is not our job to distribute references for what has already been existed. Therefore, whenever mistakes committed by either of them, we follow the same pattern that works for all equally since we do not have any ground for such kind of separation. To that, we strive hard and aim forward to bring better media environment in the country and for the media organizations to accept the change because; the society expect a lot from them (personal interview, May 8, 2018).

Gezaheng stated that EBA has professional as well as practical relationship with Sheger radio station including with others in general. According to him, their office has the job of regulating as well as a responsibility to create convenient environment to the sector. During the process, journalists from both sides found breaching the laws and regulations of the sector. Whenever mistakes are found, EBA does not apply different regulatory methods that benefits one than the other(s). Thus, the country's broadcasting media laws are treating both equally and fairly. This is because; EBA is organized to monitor the overall operations of the sector based on its constitutional rights and to make corrections if mistakes are found in the process. However, though, he cannot confirm the exact number of journalists found guilty of violating the law, but

journalists from commercial sectors marginalized the rate when the authority conducts its regulatory duty.

The station and EBA has good relationship towards one another under the guidance of the constitutional rights of the sector. And it also stated that the authority treats the sector equally, even if; journalists from the private sectors mostly found operating against policies and regulations of the broadcasting media laws. However, it has been stated that the authority has a relationship based on a common understanding with both broadcasting media organizations in general and a better relationship with Sheger radio station in particular. To the matter of the case Gezaheng stated that most of the private broadcasting media institutions lack financial strength because they are new to the industry. Due to that, they do not employ a well-qualified or professional manpower to the level of requirement. To that, he shared that including Sheger radio station, not so frequently of course, and other private organizations have shown a gap in their media operation. Because of that, most of them tend to get information from internet related news sources and others. However, with all the inconveniences of the sector, he believes that the authority has a common understanding and a better relationship with the station than the other privately owned organizations, in spite of; committing some minor mistakes during production.

So, it can be understood from the discussion that the authority has a job of making sure that everyone play by the rules and regulations of the sector in order to bring a convenient broadcasting media environment in the country. Thus, due to that EBA is working hard to bring a better broadcasting media environment in the country through applying the basic rules and regulations that are designed to govern the broadcasting media sector in general. Furthermore, the fact that most of the country's private broadcasting media institutions are new to the industry they may not be financially strong. Though, it is not the job of the authority to make sure whether or not media organization to get hold of the rules and regulations of the sector, since everything is stated in the media law, however; the authority is also obligated by its mandate to monitor the sector using the actual laws of the proclamation rather than unwritten laws. The finding clearly shows that both are found in the state of denying one another. Given this, no matter the problems are higher than their existence, addressing the problems is expected from them in general.

4.3.2. Respondents' Perspectives about Broadcasting Media Practice in Ethiopia

To the majority of the informants of this study, the nature of the country's broadcasting media operation is under the influence of individuals, referring to journalists, media organization owners and government officials, who lacks the proper knowledge and the professionalism that the sector required but rather holds the experience. However the case, the informants said that the current nature of the broadcasting media environment in Ethiopia shows great progress, in terms of exercising the rights as well as in number compared to the previous two regimes before. Though the sector has improved a lot than it was before, but the level of broadcasting information to the public freely and expressing ones thought on socio-economic and political issues across a wide range of area is still inadequate and far from the global freedom of expression principles.

However, for Tefery Alemu, the country's media problems are far from the above stated points. He said government officials do not even know the extent that the sector requires to create a sustainable and convenient media environment in the country. Such practice is shared by journalists from both sides of the organizations. This is because; journalists are seen abusing their rights of freedom of expression wrongly and misuse their rights whenever given the constitutional privileges to act upon the sector's ethical point of view. According to him, lack of enough experience, knowledge or professionalism violates the role of the media organization and it is also against the constitution of the right to freedom of expression and of human rights (personal interview, May 6, 2018).

According to Zekariya Mohammed, a journalist from Sheger Radio Station, the Ethiopian media environment is under the influence of the governing party EPRDF. He stated that in a country where formal system is formed to govern the sector, where the laws are clearly stated in the constitution and also the governing body is there to regulate the operation, media organizations are forced to become mouth-pieces of the government via the un-written laws or systems as if it looks like the property of the governing party. He said there may be three governing bodies (legislative, executive and judiciary), but they are one and the same in their operation. The case of the general media environment of Ethiopia is also in the hands of un-written media systems

and laws that are contrary to the formal constitution. He expresses the following as some of the problems of the sector:-

The three governing bodies are the flip-side of one coin. Because of that, you don't have a place to go and whenever you raised an issue that irritates them they would react by any means. On this behalf, they would react positively when you raised an issue that supports them, but if the issue is sensitive that irritates them you will be asked and harassed for that. In addition, as a journalist it is our civic and professional duty to raise an issue about the current affairs in the country. In order to support our case, we can invite an educated person with a great insight about the issue and who also has the professional duty to share his/her understanding. But, if the respondent raised an issue that affects them there exists a problem to you or the institution as well. So, in their eyes we made a mistake and that makes it an offence. Thus, human beings always make mistakes by default, but whenever they make a mistake they expected us to make the same mistake as well. In other word, *"whenever they make mistakes that are out of a quotation and we broadcast that, it would be considered as a serious offence in their own quotation"* (Zekariya Mohammed, April 20, 2018).

According to a journalist (anonymity maintained) let alone most of the journalists do not have the knowhow to exercise their rights and act accordingly, the authority officials fail to provide them the necessary support as the policy formulated by the government based on the current global nature of media and the right to freedom of speech principles. In addition, government officials make it so difficult for journalists and media organizations to exercise their political right through the act of making their personal thoughts and feelings with the media of their choice and this affects the state and quality of being free to put out their skills and also knowledge (personal interview, April 28, 2018).

Accepting the fact that the country's media environment is relatively better now than the previous two regimes, Gezahegn argued that all broadcasting media organizations get their lawful and constitutional protection from the constitution equally. However, though, the right to freedom of expression and the right to freedom of the press are guaranteed in Ethiopia, many are still seen abusing it in regard to the role that the media should play for the countries socio-

economic and democracy development. He said not responsible enough, governmental/public media institutions are too extreme in their media production and use the medium for government political propaganda mouthpiece. Not only has this made them pro-government organizations but also playing the role of government. Simultaneously, the issue is not different in the private media institutions side. This is because; they mostly concentrate on contents which beds on gossips, hearsays and falsified facts rather than playing a watchdog role to the society. He expressed:-

Not only they are against from their initial stance but they also tend to be destructive and extreme in their media productions. In addition, there are only finger counted media institutions played the role of good journalistic practice, but most of them are standing far from the ethical consideration that the profession requires and marginalizing each other by pointing fingers towards each another. So, I can say that this is the true version of media practice in Ethiopia (personal interview, May 8, 2018).

The fact that mass media is a medium of communication that is designed for journalists to express their thoughts, feelings, etc. by speech, writing and it is also an act of expressing oneself using their rights of freedom of expression. But, the general working environment of the current media practice in Ethiopia needs a thorough investigation, even though; the current tendency, in terms of the current reforms of the EPRDF government, most of the broadcasting media organizations are willing to be critical of the government is something to appreciate and part of the good journalistic practice. However, the lack of professional knowledge is clearly observed on journalists who join the sector without having proper training but possess experience only.

According to one journalist of the station (anonymity is maintained) media polarization has greatly affected the country's media environment practice (personal interview, April 26, 2018). According to him, both the media organizations (private and public/governmental) are the major causes for the problems of polarization that are surrounding the sector. The informant said that such practice affects and it becomes a big challenge for the sector. Governmental/public media organizations are busy supporting everything what the government says or do, while the private organizations stand against the government's measures. In between, confused enough to select from, the audience is searching for other alternatives for neutral information. Thus, if the

problems do not get attention sooner and journalists from the two sides do not focus on serving the truth to the public, it would be difficult for them to gain the trust out of the audience. Two of the informants of the station's former journalists (anonymity is maintained) stated that including to lack of professionalism and polarization of the media, journalists are not ethical or responsible enough to do their job. Furthermore, the issue of independence is the major challenge for journalists in Ethiopia and hidden and self-censorship is also the major constraint to the broadcasting sector. According to them, citizen journalism is spreading throughout the country where anyone can produce news using social media. In addition, they claimed that the problems to the sector in terms professionalism is better now than it was before the opening of School of Journalism and still the help from the government officials' of the sector is limited or none. They expressed "the government, NGO's, media managers and the school journalism have a wide range of responsibility to bring about professionalism to the country's broadcasting media environment" (personal interview, May 8, 2018).

According to Tefery and Zekariya, the authority lacks the general experience to govern the sector because; most of who are assigned to the position has come from different fields of study. Due to that, they can't manage to perform as expected from them and don't have the knowhow to govern the media environment. They said that there are times where private media sectors are forced to support the government's ideology without their consent and contrary to the law and policy of the constitution. According to them, this unjust and forceful act of intrusion applied by the authority officials is the true version of unprofessionalism and lack of basic knowledge about the broadcasting media sector (personal interview, April 20 and May 6, 2018). However, particularly for Zekariya, the root cause of the problems to the sector is the general media system that governs the broadcasting media environment. Because of that; all of the media operation is under the good will of individuals assigned to regulate the sector. Furthermore, he strongly claimed that such unlawful practice is not the general work of the governing body EBA but rather a certain individual(s) taking order from others working behind the curtain. He further stated that the role of the governing body is to regulate the broadcasting sector with a system designed at hand based on the constitution but, certain individual(s) become the system and run the broadcasting sector against constitutionally declared laws. He said:-

As a media organization and after investing a lot to work in the sector, the very thought of that you are in the hands of individual(s) is really painful. Furthermore, what makes it more painful is that knowing that they would be disappointed with the contents of your program and would use their divining power to stop you. This is when you absolutely know that the law can govern your overall operation under the roof of ethical point of view. As a media institution it is common to make a mistake, but we should be judged according to our constitutional rights and the law rather than by individual(s) good will (personal interview, April 20, 2018).

According to Beyene Wolde, the legal and political rights of citizens are the cause of the problems of broadcasting media practice in Ethiopia (personal interview, April 28, 2018). He stated that citizen especially journalists are not enjoying their civil and political liberty to express themselves freely and the private broadcasting organizations charged when carrying out on their principal planning and operation. Due to that, the private broadcasting sectors are almost becoming subordinate to the government policy when planning ahead, because; they are being overpowered by government officials. So, it makes it difficult for them to function in a professional manner and to conduct through. In addition, since the working environment for journalists is to engage, to give, pass and to express free information, values, etc as possible, however the playground given for the sector is not at the manner of the rights. He stated that the right to freedom of speech and the political rights to express ones thought freely are restricted by the un-written laws and/or by individuals who are working for the office.

Government officials' intervention and the implementation of unwritten laws on the media contents has been the routine practice in Ethiopia. The majority of the informants of this study say that state officials demand news stories and productions to be about development as well as journalists to be developmental journalists. This forceful act of intervention suppress ones rights, it is against the right to freedom of expression and it will also frustrate the good practice of journalism as well as organizations. This is especially when the intervention comes from the regulatory body. Zekariya held the view that there is no relationship between the actual existence of the private media organizations and developmental journalism, if and so the entire media content productions are predetermined beforehand. He said that government puts pressure on the media via officials in the name of development. During the process, there could be investments

or sabotages and the job of journalists is to find out that and report it to the public. He said “when you do that they do not like it but rather they demand you only to report development related productions. Thus, either there is no free practice of democracy or our constitutional rights of freedom of expression or responsibility is greatly violated” (personal interview, April 20, 2018).

Similarly, Gezaheng Fikereselasse questioned the application of developmental communication method to be practiced by the media organizations. He said that the government of Ethiopia applies developmental communication based journalistic practice to the sector where it imposes all media organizations to promote and broadcast about development issues. However, that the actual principles aimed to be working in the country and the overall media practice is far from each other, because; developmental journalism is not only about reporting the good things of the matter. On the other hand, accusing the private sectors lack of accuracy during media production, he said most of them fail in their duty to inform the public with concrete or factual information but rather involves against the good practice of journalism and also the right to freedom of expression. Because of that, not only they do not outline clear and vibrant information to the public, but also concealing themselves under the umbrella of the right to freedom of expression to deceive the public with wrong information.

However, Gizaw Tesfaye argued that the broadcasting media sector in Ethiopia shows a significant change after the establishment of the regulatory body EBA in 1999. He stated that due to the constitutional rights, the law protects the private broadcasting media organizations so as to manage their own institutional structure(s) by themselves and follow the broadcasting media procedures based on the primarily material in the interest of the private media and the broadcasting policy. According to him, everything is done in accordance with what is written in the constitution where it allows everyone has the right to express oneself without censorship and the right to freedom of the press. Aiming to address and promote those rights, the broadcasting proclamation was also promulgated as well. So there is no organization or an authority has the right to interfere in the managerial or internal affairs of the broadcasting media structure. He expressed “for better practice of the rights, our office has taken multi-dimensional tasks to improve the sector. So the country’s media landscape is better now than it was before and the

privates are working alongside with state media organizations” (personal interview, May 8, 2018).

In fact the sector has shown remarkable change over the years especially after the establishment of EBA. However, Zekariya claimed that the entire system that governs the broadcasting sector is a deceiving system and because of that the country’s journalistic practice is greatly affected. He said most of the legal systems designed for the best interest of the sector are ideally there, but what work behind the curtain are unwritten laws or policies that are designed to support the ruling party’s political strategies. According to him, the rules and regulations are not democratic in their sense, because; they are highly politicized for the best interest of the political system and are not representative too. In addition, the unwritten laws or systems do not tolerate simple mistake(s) made by media practitioners. So in order for the sector to improve and to bring a better journalistic practice in the country, the government has to strive hard for the actual system to work and let everyone to participate equally in the general affairs that are related to the country. This is because; a good journalistic practice is a way of addressing the public in equal perspectives and it adds credibility as well as balance to the sector.

In addition, for Tefery the overall nature of Ethiopian media environment and its practice is full of unethical actions. He said, the profession requires proper engagement, but there are some media organizations and journalists operate contrary to that. However, he claimed that Sheger is working hard to be the ideal figure in the society via addressing the public the right information and to be productive citizens who acted upon the rights and obligations. Thus, unlike from other similar broadcasting stations, he claimed that Sheger has many listeners and followers because many are comfortable with the station’s media contents. He expressed:-

when you are working for the media, it is not right to call a spade is a spade, a drunk is drunk or an addict is an addict because; words like those are belittling and should not be used in the field of journalism. As a responsible media institution, we are against such act and above all it is not advisable to report violence and unethical in terms of the good practice of journalistic principles, because such act of biasness is a sign of lack of experience and the goodwill of a modern society. So being mediator in media production makes everyone’s life peaceful and is one of the station’s basic principles (May 6, 2018).

According to the two top executives of EBA, the overall system that governs the broadcasting media sector is applied in accordance with the constitution and EBA treats all institutions equally. However, the issues behind the Ethiopian broadcasting media environment practice is not related to the system that governs the sector rather the choice of providing falsified information to the public. They said that such practice is not new to the sector, but currently most of the private broadcasting media organizations took it as a habit of informing and feeding the public falsified information and gossips without concrete evidence. Due to that, the respected profession is abused by those who are greedy enough to benefit from. In addition, the lack of a well-established educational centers in the country could also be additional source of the problem. So unlike to the good practice of journalism in the country, most of the private broadcasting stations are seen deviating from the law and policy orders and act otherwise. Not only such act is one of the challenges of the sector but it is also unethical of the good practice of journalism. According to the informants, the current unrest that are surrounding the country is a worth full example that the media has contributed to the matter. Thus, media institutions should be careful in their media productions that could provoke the public and should play the role of maintaining any violence and disturbance. This is because; reporting an incident that had happened in a certain university or city, ridiculing, insulting or defaming organizations and/or individuals without concrete fact will put additional influence on the public and lead them to the act of violence. In addition to this, they asserted that there are no major incidents that could be inferred as setbacks to the industry as well as from Sheger radio station.

According to the broadcasting proclamation No. 533 of Article 30/4c of 2007, it makes it an offence and clearly prohibits any programs intended for transmission may not: “*maliciously accuse or defame individuals, nation/nationalities, peoples or organizations;*” (Broadcasting Service Proclamation No. 533/2007, p. 3648). In addition, it can be understood from the discussion that the public/governmental media organizations concentrate on feeding the public with developmental media productions whereas the privates are busy providing falsified information to the public. However, though, from the point of view of the authority concerned, the general broadcasting media environment of the country is better and the station is on the right track.

Apart from the above stated problems of the sector and where the station is labeled as the station found on the right track and a mediator, claims made by the authority and the station, in its media contents related to the good journalistic practice, Gezaheng discloses the following as the view of the authority related to the general media productions of the station. According to him, Sheger radio station has lots of program contents that reach to the public seven days in a week. The programs include entertainments, hard issues (which are national & current), socio-political issues and news are front runners. The station entertains two live programs which aired every Tuesday and Sunday mornings. During each transmission, they invite government officials and elite scholars or individuals to discuss on the current and burning issues of the country where listeners can involve and ask questions via a call in Thursdays' program. In addition, he mentioned that they also broadcast local and international news contents Sheger Be-maleda (ሸገር በግለሰብ) in the morning and Ye-sheger worewotch (የሸገር ወረዳቸ) night in the afternoon where they try to be more critical and balanced than the other private organizations. However, he stated that there are times where the station loses its balance in their media productions, but relatively to the other private media broadcasters they have more quality and listeners as well. Furthermore, he expressed his view of the station's contents as follows:-

In addition to the above, they also tend to inform the public with past Ethiopian history and cultural heritages. So I could say that they are not a station, who is fully concentrates on showbiz, music or entertainments, but rather they are a station which concentrates on the socio-political and burning issues. Moreover, I can boldly say that they have great quality than the other broadcasting organizations, but that doesn't mean that there is no problem in their productions. To mention some cases, local organizations and individuals forwarded a complaint by claiming that the station broadcast falsified information about them. When that happened and when we believe the complaint needs attention we contact them to make corrections on the media contents and they act accordingly (personal interview, May 8, 2018).

In fact, the overall media environment of Ethiopia has changed in the after-math of the downfall of the dictatorial regime Dergue in 1991 and also the broadcasting media sector has changed after the establishment of EBA where it allows the privatization of broadcasting media. However, apart from the opportunities created to the sector, it has experienced wide range of

challenges throughout its journey so far. Though, the sector shows improvements and it has claimed that state officials do not interfere in the internal affairs of the media organizations, it can be understood from the discussion that there exist a robust concern affecting the sector as well as the general media in the country in terms of lack of professionalism and knowledge, the lack of implementations of the actual laws or policies and the unnecessary interference of government officials. In addition, avoiding the un-published rules and regulations that are governing the general broadcasting media sector would bring a massive change to the sector and the general press in the country. This is because; since the importance of the law and policy are unquestionable to govern the sector, there could not be a change if the actual law and policy of the broadcasting media doesn't get attention with respect to their implementation. Therefore, it is entirely up to each and every broadcasting media institutions to play and work hard to bring the expected change that the sector requires.

4.4. Implementations and Challenges of Broadcasting Media Laws and Policies

The existence of some kind of understanding between the private press and the government is fundamental to the status of the press. In countries like Ethiopia, where the forms of democracy are experimental and the concept of professional communication novel, the journalist is suspect. The private press itself is suspicious of the government. The private press is, in fact, like an acrobat continually walking a tightrope, and it is considered as predisposed to offending the authorities, in spite of being careful and tactful. In addition to this mutual suspicion between the two, the growth of the independent press is retarded by such practical problems as limited literacy rate, lack of qualified personnel, high poverty level, and financial difficulties (Shimelis, 2000, p. 56).

After accredited Article 19 of the 1948 UDHR in the 1994 constitution as Article 29, the then transitional government of Ethiopia (EPRDF) accepted and guarantees freedom of the media and free flow of information in clauses (3) and (4) of the constitution. The Article includes, individual's human rights where human beings express ones thoughts and ideas freely without any restrictions as well as limitations whatsoever via the media of their choice. However, after

showing a significant turnaround in the first decade of the ratification of the constitution, the country's press environment in general and the media rights have started to decline after the implementation of additional provisions to the sector. This is especially after the EPRDF government introduced the proclamation of the 2005 criminal code provision a year before the 2015 national election and after the implementation of the 2009 Ethiopian Anti-Terrorism Law proclamation. Because both imply major challenges on the sector, the general media has been affected greatly and through the process Sheger also share the spoil of the challenges. Thus, the study enlists the following statements and cases as part of the challenges of the sector as well as the station's.

According to Tefery Alemu, rather than the broadcasting law that governs the industry there were no other laws or policies proclaimed by the constitution during the establishment of Sheger radio station. He said, when the station joins the industry the authority issues them the license based on the proposal and guidelines that fit the criterions to start media productions, but through time the authority come up with different working plans, laws and policies to govern the sector. According to him, those laws and policies were not implemented related to the entire listeners' interest in terms of content preparations and program productions but for the interest of the ruling party. However, Gizaw Tesfaye said that each and every law and policy of the broadcasting sector are entirely prepared to serve the nation's interest and are set from the FDRE constitution. According to him, most of the private broadcasting institutions are working to the maximum of their capacity to serve the public interest and it is the authority's responsibility to create a convenient media environment by implementing the actual law and policy. In doing so, not only giving license but also the government have the responsibility to check the broadcasting operation according to their proposed plan too. This is because; an agreement was made between the authority and broadcasting media sectors, TV and Radio, to work based on the initial plans. Based on the agreement, the authority has the regulatory power to check whether or not the media stations are working for the socio-economic developments of the public and the country. He expressed:-

I could say most of, but not all of the private sectors are working even better than the governmental institutions on their social and economic responsibilities. However, there are some who didn't even follow their initial program proposal and concentrate only on entertainments and related issues. However, the general environment of the sector is improving and the laws are applied correctly. In addition, with all the inconveniences of some, the private organizations are doing better for the country's socio-economic development and their political participation is improving as well (personal interview, May 8, 2018).

Any commercial broadcasting organization is established to make profit from the sector and for the purpose of informing, educating and entertaining the public. In addition, according to the Broadcasting Service Proclamation No. 533/2007, it is proclaimed that media organizations have the responsibility of participating in the country's political and socio-economic development by providing the right information which is vital for the public. Similarly, the authority has constitutional right and powers ensuring the service contribute the elements of developments. To this manner, media organizations shall work for the political and socio-economic development of the public and the authority shall govern the sector based on the actual laws and policies.

According to Beyene Wolde, even if the government gives official permission concerning to the broadcasting laws and policies, there is lack of implementing the regulations in accordance with the promulgated constitution. He said the laws and policies are designed to reach the mass of the people to provide equal opportunity for many in the act of making ones thoughts, feelings, etc. In addition, it is an act, process, or instance of representing ideas using a medium and while exercising the right to freedom of expression of being expressive via speech, writing, or some other methods. However, in a country where everything is under the control of the government and whenever many unwritten laws and policies are implemented in the place of the original, it is better to attribute to oneself and hoping for the things to change. He added "no matter how you try to be professional government officials would not cut you a slack even to a simple mistake committed by you. Thus, one should act based on the polarized political systems of the party" (personal interview, April 28, 2018). This shows that either the officials have no tolerance or they are under the control of the political system that lacks the ability or flexibility to satisfy the need that the sector requires.

A journalist from the station (anonymity is maintained) appreciated the systems or set of rules made by the government of the country. However, he claims that there are un-written laws or regulations that govern or acted upon contrary to the prescribed or formally recognized laws and regulations in the sector. Because of these binding or enforced laws and regulations that are applied by the regulatory body or officials (to be said) are becoming such customs, practices, or rules are also becoming common laws which control the media existence via enforcement. This is, though, it especially makes it hard to those who work tirelessly to succeed or win the competition and get the public's heart by providing the right information in their operations. Sharing the informant's statement most of the interviewees claimed that the laws are considered as a means of redressing wrong doings made by the stations in the eyes of the agency is unjust as well as they are repressing or controlling mechanisms designed to limit the broadcasting media rights in favor of government media organizations. It has been stated above that the sector is run by, refers to media organizations and the regulatory body, individuals that lack the input to practice in the media, government's intervention using unwritten laws or policies for the sake of political profit also threatens and suppress the sector's development.

In addition, according to the two former journalists of the station (anonymity is maintained) stated that when journalists from the government/public broadcast organizations write biased statements in favor of the government, the authority fail to make a correction by arguing that they have operated based on the laws and regulations. Whereas, when the private broadcasting stations write a statement that criticized the government, the un-written law acted upon immediately and forced them to make a correction on the content in the expense of operating beyond the actual laws and regulations. Due to this, the private's are not using their rights of freedom of speech, expression of ideas, opinions, etc. as per to the constitution and to perform better. The informants stated:-

In the 1994 EPRDF constitution and in the 1992 press law, the government formulated a law that guarantees freedom of expression and the right to access to information. But, both rights are not implemented correctly and even to that the government fails to recognize this concern. Thus, private stations are continuously complaining on the un-written laws governing the sector and blame governmental organization officials for not providing proper information which are vital for the socio-economic development of the

country. This shows that the actual principal and operating laws formulated to the sector are not working in accordance to the constitution. So, the government should be strict enough in implementing its own laws and regulations in practice and the regulatory body should treat the private and governmental broadcast organizations equally (personal interview, May 8, 2018).

Related to the above notion, Gizaw Tesfaye stated that the implementation of the broadcasting laws and policies are set in accordance with the constitution. The authority issues broadcasting licenses after evaluating the program proposals and the organizational structures whether or not they include: political, social and economic issues that benefit the public in their initial plans. Based on the preliminary proposals and structures, the authority keeps an eye on their operational ability and evaluates the quality of skilled manpower in their disposal. To this end, there is a healthy relationship between journalists and media organizations where the authority operates without further interference in their media productions. To this manner, the authority grants them the license to start working. However, they have responsibilities to prepare and submit the organizations' editorial policy and implement their operational plan under the terms and conditions of the country's constitutional rights. He said that most of the broadcasting media stations are working in accordance with the law and policy of the constitution, even though; some privately owned stations operate beyond the law and policy of the sector. But, never in the history of the authority, broadcasting organizations are closed and journalists prosecuted because the authority lacks the heart to tolerate. Furthermore, he stated that no officials have involved in the organizational structure of the private broadcasting rather than working hard for the sector to be normal and to stay at its optimum level. The difference that has been witnessed between media organizations and the authority is the case of trusting one another. However, media organizations should respect the constitution and function accordingly, whereas the authority should apply the actual law and policy to avoid the ambiguity between.

Though the authority's executive claimed that media organizations are free from government interventions in their media operation, Zekariya Mohammed insisted that each and every law and policy about the sector are open to interpretations. He said that the EPRDF government created unwritten laws and policies to regulate the sector after or so the party becomes strong and stable in its power. According to him, the source of these challenges rest under the general working

systems that are applied behind the actual rules, laws or/and policies. Due to that, when an organization working in accordance with the actual rules and regulations set by the government and entertaining nothing but informing the public, one should be free from legal challenges, but some individuals playing the cards mostly concentrates on serving the ruling party interest. He added “because of your contents or ideas people would be disappointed (ሰዎቹ ይቆጣሉ) but not the laws or the regulations even though; one is guaranteed freedom of expression by the constitution. So it is better not to disappoint those individuals” (personal interview, April 20, 2018). Though he criticized the general working systems, but he said that those tightropes mostly applied on other media institutions rather than against Sheger from the experiences that he shared with others. He expressed the reasons as follows:-

Since they know us better, which we are not anti-government station, they have never used those laws and policies against us except from some exceptions. This is even when we sometimes broadcast media contents with anti-governmental information. The actual reason for this to happen is that they know the profile of our station and they know we do not have certain motives to disfigure the EPRDF’s image. Here of, it requires knowing your tendency to exercise them against you. The other thing, in the eyes of the party’s officials, Sheger has a double face. For some, the station is viewed positively because they believe that the station is working as a bridge that links the old and new generation. Whereas for others, the station is viewed as a station hopping to bring the previous reign (የቀድሞ ስርዐት ናፋቂ) as they said (personal interview, April 20, 2018).

To the majority of the informants, the existing legal frameworks are very nice, but couldn’t serve both (governmental/public and private) journalists equally. This is because; most of the challenges of the sector are not related with the basics on the ground but rather with the implementation of unwritten laws and policies. Similarly, according to a journalist of the station (anonymity is maintained) all the challenges came from the polarized system of the unwritten guidelines that are governing the sector and also unethical act media organizations and journalists. He said that if they are ethically responsible and professional in their duties, the media will serve the public interest, act as a watch dog and play the role of fourth state. If not there could not be a better and vibrant independent media organization development in Ethiopia. In addition, the solution must also come from the government side to bring better media

environment in the country. For these to happen, the government has to apply the original laws and policies to the sector. Moreover, he said that the government should give consecutive capacity building trainings and should apply incentive mechanism methods (personal interview, April 26, 2018).

According to Tefery Alemu, not only the laws but also an authoritarianism that rules the country makes it difficult to function in the sector as easily as those of governmental organizations do. It is difficult for the private sectors to implement and provide a quality work because; there is something that blocks their path and impedes their progresses or achievements. In addition, the broadcasting authority is not cooperative enough for the media operation. Their work is not practical and coordinating, especially in the execution of learned broadcasting tasks or power of doing something competently. There is no legal and political rights of a citizen, citizens are not enjoying their civil and political liberty, journalists are not enjoying their political independence or freedom expression without the outside domination. Due to that, they are not enjoying their personal freedom while choosing contents for themselves and they are subject to the control or domination of the government which determined by anything beyond its own nature or being. He added “almost everything is determined by the choice of governmental actors or performers. Thus, because of those unjust laws and policies applied to the sector, the right to freedom of expression and the quality or state of being free are greatly breached” (personal interview, May 6, 2018).

It can be understood from the discussion that there exists a problem of trusting issue between the government and the privates because of the implementations of unwritten laws and policies to govern the broadcasting sector. Due to this, private organizations are complaining and urging the governing body to apply the proper laws and policies in accordance with the broadcasting proclamation in order to bring the expected change in the sector. However, as per to Gizaw Tesfaye, the work of the authority is not in the hands of few individuals or actors, but it is under the constitutional mandates given for the office. Though, there are problems that need attention from the authority side, but the powers and duties of EBA is under the members of the board but not individuals. He said that there is no such thing called authoritarianism in the work of the authority and the Board shall have the powers and duties to, “oversee the implementation of this Proclamation and the activities of the Authority, review the annual work programs and budgets

as well as the activity reports of the Authority; and review and submit to the Ministry, for its approval, directives to be issued for the implementation of this Proclamation” (Part 2(10) of 2007 Broadcasting Proclamation). Thus the broadcasting authority is working vigorously to bring about the expected change to the broadcasting environment on the issues of socio-economic development of the public and for them to get the actual service. However, though, the hard work is in progress from the media institutions and their journalists, there still are challenges on their operation like: having access to information, the right to freedom of expression, free the tax when importing equipment, providing initiatives is still not allowed, there is no fair distribution of income with regard to advertisement, poor capacity or ability of the organization to have enough information to broadcast and financial constraints are some of the major challenges of the sector. Due to that, they tend more on the information they get from the internet and international news. Thus, in order to address such problems our office is working on some structures and plans that could develop and build skill capacity and knowledge. As for the private sectors, they need to work hard to solve their financial problems, higher trained manpower and strive to their best to get news because; news is everywhere and it is up to the journalists and the stations to find that to feed the public with appropriate information. However, he argued that there are no polarized systems applied to the sector and all the systems, the laws and also the policies that are implemented to govern the sector are clearly outlined from the 1999 broadcasting proclamations. So, not solving ones internal problems and regard the general system as polarized system is not acceptable.

4.4.1. Legal and Policy Challenges of the station from its Establishment

It has been clearly stated above that the sector is affected by ethical violation and lack of professionalism. However, Gezaheng Fikereselasse stated that it is up to everyone’s responsibility to know the actual meaning of the term law means, because; ethical violation, lack of professionalism and not knowing institutional mandate are also included in it. He said, since one of the jobs of the authority is to evaluate the media operation, it also concentrates on bringing a well-balanced media productions practice to the sector. However, there are times where some media organizations broadcast highly controversial issues that can harm individuals or institutions’ image filled with hasty generalization issues. When such violations exist, the authority holds periodicals conference with the responsible parties and make corrections based

on the institutionalized mandate. According to him, it is the office's concern that the sector is still developing. Due to that, they never took major decision that led to suspend or cancel broadcasting license for mistakes made during productions. He added:-

Even though we tried our best to compromise things, complains are always coming to the office. This is because; not only the media professionals but also the societies behind the sector consider themselves above the laws and this is not healthy. However, since everyone is accountable to ones action, media organizations should also act together to solve the problems. If not the expected change and the level of the countries broadcasting sector stays to its infant stage. In addition, as a regulatory body of the sector, EBA is hoping for the solutions to appear sooner because changes require process and the negative issues around the sector are also part of that process (personal interview, May 8, 2018).

According to Tefery Alemu, in a country like Ethiopia where ones constitutional rights of freedom of the press is not respected, it is normal to experience legal challenges related to media productions or contents. So Sheger as a media institution also experienced a few so far from its establishment. According to him, there was a time when the station faces legal case with NLA that led to court. He said the station holds a program that presents music CDs to participants involving answer and question. However, NLA complained about the program because; they have the constitutional rights to entertain the practice. He said that their initial complaint was based on the merit given to them to award prizes, so it was wrong of the station to entertain that. So they stopped the program for failing to convince the court for the permission. In addition, he rose that there was also a time where the station's journalist accused of airing a program involving a certain organization but EBA has dropped the accusation and the program continuous to broadcast. However, except from some, most of the complaints against the station lack the substance or concrete evidence said Tefery. Additionally he stated the following:-

The authority has to know which program contents to control before sticking their nose in each and minor issues. Let say for example, playing somebody's music should not be considered as a bigger issue. This is because; since every singer has the constitutional right to sing, media organizations also have equal right to play the music of their choice.

Taking that in to account, the contents in the music should not be the real concern, but rather what problems does the music brought in the country, how does it wrongly influence the society or affects an individual(s) must be put in consideration. However, if the problems don't get attention it would affect the actual press law in the ground and continue to be a challenge for our media operation (personal interview, May 6, 2018).

One of the basic principles of EBA is to listen to complaints made by anyone believing ones rights and names are abused by the station because; the authority considers the media from the perspective of public properties when grants the license and during regulation times. According to Gezaheng Fikereselasse, all broadcasting stations are using the public property referred as radio spectrum or the air wave. So, since Ethiopia is a joint member of the International Communication System (ICS), it is up to the authority making sure whether or not the wave was managed for the good of the country. This is because; when the authority applies any kind of working systems, consulting with the neighboring countries is one of the requirements. Due to that, it is better to manage it for best interest of the publics' benefit, if not the authority is accountable for any misuse of the public properties before and after granting the license. However, since the sector is accessible to anyone with interest, experience or either with the intention of having wide range of listeners, they mostly broadcast inappropriate media productions. To this, complaints are filed against them and the authority interferes to solve the problem. However, if the case is in the hands of the court house, the authority does not have the mandate to involve and the legal case between the station and the NLA treated accordingly.

The management of the authority and the general media operation of the sector, including Sheger radio station, brought another key agenda that can be considered as good example of denial exist between. This is especially when one of EBA's executive boldly claims that no station has given the order to stop program production(s) rather than to make correction on media contents by the office. However, in addition to the legal cases between the station and the NLA, the researcher found out that EBA had ordered the station to cease programs in different occasions. This is when EBA has ordered the station to stop English news rebroadcast from VOA in 2009, which was aired for unspecified periods of time, and two Sheger Café programs following after the declaration of the double State of Emergencies in the country in 2016 and 2018 respectively.

Accordingly, Tefery Alemu said that the rebroadcast was not stopped because of EBA's order by then, but it rather stopped after the station's committee members agreed on the sensitivity of the issue and to lessen the negative consequences hovering around the country. He added "first of all the broadcast was not stopped because of EBA. Secondly, we never rebroadcast Amharic news from them because; we inform VOA that our station is not comfortable to rebroadcast the same news which originally comes from the country in our station" (personal interview, May 6, 2018). Nevertheless, the rebroadcast was original news from the world taken from VOA which was about war news in Somalia. During that time Ethiopian military force was in Somalia for a mission and the station rebroadcast new information reports from VOA that were not covered by any one of the governmental/public institutions. However, knowing how intense and sensitive the news was for family members of the Ethiopian soldiers, the decision made to stop the program. In addition, he said that EBA made them to stop two programs following after the declaration of the first and the second State of Emergency that takes place in the country in 2016 and 2018 respectively. Both programs are the weekly based Sheger Café transmissions hosted by the station's managing director Meaza Birru. He expressed:-

Even if we agreed to take out the program for the good of the country and for our good relationship with EBA, we agreed to broadcast business news with VOA. Though we stopped the news rebroadcast and agreed to broadcast business news, we also told them that we have limited time to add any more of their programs in the future. This is because; the numbers of local programs are many now and we don't have extra time for them. In addition, both of the State of Emergencies was the core for stopping the programs, Sheger Café. All in all, we didn't only stop the programs because we were told to do so, but we also believe that it can lessen the extra influence that our country was facing during that time (personal interview, May 6, 2018).

In Ethiopia, the right of thought, opinion and expression are declared as one of the democratic rights of citizens in the 1994 FDRE Constitution via Article 29. In addition, freedom of the press and other mass media rights are also guaranteed without any form of censorship in clause 3(a) of Article 29 as "prohibition of any form of censorship" is not allowed (FDRE Constitution, Art.29, 1994). However, contrary to the actual constitutional rights on the ground, Sheger radio station has stopped two of its programs from productions in due to different terms. However, the

authority claims that the office never took random measures without putting things into consideration listed in the constitution about censorship. According to Gezaheng Fikereselasse, the term censorship means evaluating and prohibiting media contents before production either in written form or reflecting ones thought via any of the media organizations. So EBA never cease programs in the expense of censorship before broadcasting and the case of Sheger is also dealt in the same manner. He said that reflecting or giving priority to ones country background, customs, societal values and also citizens' level of understanding in the media content is one of the roles of the media. According to him, VOA is an American Government's state radio station which tries to influence and prioritize the state's interest or policies to the rest of the world, but Ethiopia is a sovereign country with its own rituals, culture, legacy and many others. Due to this, the authority wants the country's media organizations to reflect those norms in their productions but not the ideology of other countries. So EBA gives out the order for the rebroadcast news to cease for those reasons. He maintained "information is everywhere and it is easy to get news in these days because; we are living in the world of information communication era. So it is not the right thing to rebroadcast or broadcast foreign country's media contents here in Ethiopia" (personal interview, May 8, 2018).

In fact, Ethiopia is a sovereign country with lots of norms and rituals are undeniable to anyone. However; the contribution of entertaining different ideas in the media content is vital for informing the public and will decrease the risk of taking sides on political issues for the country's media practitioners. In addition, the authority also gave order for the two Sheger Café programs to stop from production following after the declarations of State of Emergencies in 2016 and 2018. According to one of EBA's executive, the authority decided to stop the transmissions after the first part of the programs already broadcasted. In both occasions, the station's managing director Meaza Birru was hosting Ato Abdu Ali Hijjra and another AAU scholar before the declarations of the State of Emergencies. However, after investigating both programs contents and comparing it with the rules and laws from the State of Emergencies', the authority comes to an agreement to stop the programs. Based on the investigation, the guests were ridiculing the command post and government officials as well as reflecting biased and one sided statements to the matter. So not only this is an act of disobedience but also against the laws

of the declaration. Thus, EBA has ordered for the continued parts of the programs to stop in order to avoid the negative inconveniences.

Even though the right to freedom of the press and the media rights are guaranteed by the FDRE constitution, where no censorship is allowed, media organizations have to be responsible enough in their media contents that could endanger the nation and also the national security. This is because; the command post was declared by the parliament in order to bring peace and stability in the country, though; the informants of the station claimed that the contents of the programs were prepared aiming to address the public with the current situations rather than creating instability in the country. The fact that, no one benefits from confusing the public, endangering the national security and endangering the life of the society. So everyone should act together for the good interest of the nation.

4.4.2. Challenges of Anti-Terrorism Law

In 2009 the EPRDF government proclaimed a law aiming to address any armed insurgencies or attacks towards the nation. The law referred as, Anti-Terrorism Law, is found under Terrorism and Related Crimes proclaimed in accordance with Art.55 (1) of the Constitution of the FDRE government. However, the proclamation considered by many as an additional power used by the government to harass and arrest journalists and others believed to be rebellious against the government. According to Freedom House (2017), contrary to its actual purpose, the anti-terrorism law and other legal instruments used against journalists and bloggers who are critical of the government in their reporting's. Most of the journalists who were accused of publishing information or conducting interviews with government-designated terrorist groups and leaders have been accused of violating the law and for reporting on previous years' protests especially after the proclamation of the law and the declaration of the 2016 state of command. According to the Freedom House report, including other journalists who are arrested, a Somali journalist Aweys Mudey was found guilty of possessing information about an aimed operation by Shabaab to attack Ethiopia and sentenced to prison on February 2014 for 27 years, managing director of the now-defunct publication *Ye Muslimoch Guday*, Solomon Kebede, detained since from 2013 for his report about Muslim community protests on 2012 but latter released in 2016 and two other journalists from Radio Bilal were also convicted for their report on the Muslim protests are

good examples of the malicious use of the laws against journalists. However, according to the 2009 Ethiopian Anti-Terrorism Law proclamation Art.2 of clauses (6 &12) clearly states that, “any kind of publication about members of the terrorist groups is considered as an act of Encouragement of Terrorism. So who he/she is found guilty of violating the law is subject to prison. And, anyone who fails to inform a terrorist act before its commission to the police without a reasonable cause or gives false information is punishable by the law” (Anti-Terrorism Proclamation No.652/2009). Thus, it can be understood that the implementation of the anti-terrorism law creates negative atmosphere towards journalists and the media environment in the country.

Tefery Alemu, expresses his concern about how the 2009 anti-terrorism law can affect freedom of expression and the press rights that are governing the country’s broadcasting media sector. He stated that in the name of the anti-terrorism law the government blames the private sectors and charge journalists without concrete evidence or offence. This is because; some government officials become uncomfortable or offended with media publications that expresses the discontent feelings of the society. Thus journalists should not be regarded as terrorists because they inform the ill-feeling of the public in the media. He expressed “in my opinion the government uses the law to harass and imprison journalists with fake evidences. In fact, some media contents can initiate people to violence and conflicts, but the job of the journalists is to inform and shape the public with the right information” (personal interview, May 6, 2018).

From the personal perspective of Zekariya Mohammed, the law and its policies are instruments that are used to create tension, fear and confusion against journalists despite the fact that no broadcasting media organizations and journalists are accused of initiating people to violence and/or uprising. However, the FDRE government simply confiscates and put journalists in the name of the anti-terrorism law whenever some government officials become uncomfortable with the media contents. Unmistakably, the law was not designed to create such reactions from media practitioners however; it is open to many kind of interpretation and reading it by itself frightens them. He said that the law has a wide range of meanings and does not show why and how journalists are accountable for their action(s). Due to that and for fear of unnecessary consequences, journalists are forced to migrate and passed away in other countries. Thus, they fear to speak or write freely and inform the public with information that entertain personal

perspectives about political or other issues of the country via the press. He asked that how come a journalists' view in words or ideas become a terror and calling journalists a terrorist is an act of injustice by itself because; after recognizing them as journalists and call them terrorists worsen the problem. According to him, there are no news insights or ideas lead a country like Ethiopia to unrest or disturbance, but rather can be an issue of a major talk between individuals and the public. He stated "the law should be applied on those who act out of the profession to create violence and terror in the country. But, as for me, the nation's criminal laws are strong enough to fight the act of terrorism aimed at the country" (personal interview, April 20, 2018).

Two former journalists of the station (anonymity is maintained) viewed the anti-terrorism law as law that has lots of negative impacts on the enjoyment of the right to freedom of expression and information in the sector. They said Ethiopia recognized the right to freedom of expression and information by ratifying the International Covenant on Civil and Political Rights (ICCPR) in 1993. It also recognizes the right to freedom of expression and other scores of civil and political rights under its constitution in 1994. However, the 2009 anti-terrorism law contains overly broad and vague definitions of terrorism that are susceptible to misinterpretation and misapplication, which adversely affect the legitimate exercise of the right to freedom of expression and political opposition. In practice, the government of Ethiopia has used and abused the anti-terrorism law to stifle dissent and crack down on members of legal opposition parties, human rights activists, journalists, bloggers and the civil society who criticize the ruling party and its policies and practices. Although a proper application of anti-terrorism law is indispensable to counter threats of 'terrorism', the Ethiopian case demonstrates that the law can be misused as a tool of political repression. They added "Ethiopia should revise the existing anti-terrorism law and stop using it to stifle dissent, or it should be applied due to the manner of respecting the legitimate exercise of the rights to freedom of expression and information" (personal interview, April 26, 2018).

According to Gizaw Tesfaye, he does not fully address the overall implementations of the anti-terrorism law in other sectors, but he claimed to know that the law forbids any publications of media contents that are related with terrorism or terrorist designated groups. He said "I personally do not know the overall implementations of the law in other sectors, however; I know that the law puts sanction on media organizations not to broadcast news about terrorist related groups" (personal interview, May 8, 2018). This reminds Article 2(6) of the 2009 anti-terrorism

law proclamation that state, “any kind of publication or be it for the causes of the publication about members of the terrorist groups is considered as an act of Encouragement of Terrorism. So he/she is found guilty of violating the law is subject to prison and punishable accordingly (Anti-Terrorism Proclamation No.652/2009, P. 4831). Thus broadcasting media organizations should not entertain statements about terrorist designated groups because; the law considered the act as a promotion of the groups. So this shows that the law is also formulated to control media organizations and journalists from broadcasting news that initiates terrorism or conflict in the country. However, contrary to the FDRE constitution that allows freedom of speech and expression in Article 29, the law puts sanction or imposes restrictions on programs related with terrorist organizations. Concerning the entertaining of contents related to government-designated terrorist groups, Gizaw Tesfaye said that promoting news about OLF in the media, refereeing to the broadcasting media sector, is strictly forbidden by the law, but so far no broadcasting station in the country is found guilty or accused of publications in the act of promoting the name of terrorist group(s). He further stated that the authority did not use the law or its regulations to torture, to imprison, to close or confiscated private broadcasting media organizations as well as their journalists. He said the law is applied in accordance with what is stated in the proclamation and deny all the above accusations as false that lack concrete information.

The majority of the informants of this study believed that the broadcasting law, regulations or policies that are promulgated in the name of Anti-Terrorism Law are wrong because; the government imposes, establishes or creates a law that is something unwanted to the sector in a forceful or harmful way. To the informants, the law is used to force someone to accept something in contrary to the mass media and journalism rights and freedom. However, the authority claimed that the law is applied based on what is stated in the proclamation rather than the good will of government officials’. Therefore, it can be understood from the discussion that the law is open to many interpretation where it opens a room for different implementations. Due to that, the law affects individual’s moral during media productions using ones intuitive power freely without paying attention to the discontent feelings of government officials. This shows that the law lacks the effectiveness or the authoritative power than the officials who sanctioned the media operation by force rather than by the law. However, the regulatory body EBA executives strongly claimed that it is up to the authority’s mandate for the right implementation

of the law but not the individuals working for the authority. The responses from the respondents as well as from the authority's official suggest that there exists confusion and/or misunderstanding between about the actual implementation of the law. In fact, one can argue that the right implementation of the law to the media sector is not a high priority for the government to promote freedom of expression and the media in the country.

4.5. The Right to Access to Information and Freedom of Speech and Expression

4.5.1. The Right to Access to Information

Even though, access to information proclamation No.590/2008 clearly states that everyone has the right to seek, obtain and communicate any information held by the public bodies, the private media stations and their journalists are complaining about public PR officials for denying information to the private sector, while allowing governmental/public media organizations to have a full access to information. According to Alemayehu (2003), since freedom of expression and freedom of the press are taken as fundamental rights of human beings, it remains a controversial issue throughout the many parts of the world:

In the developing countries, freedom of expression, including freedom of the press, remains one of the most controversial areas of contemporary human rights law. Most constitutions in these societies contain languages which purport to grant citizens broad rights to freedom of expression, including the right to obtain, publish and disseminate information and ideas (Alemayehu, 2003, p. 104).

The majority of the informants explained that access to information No. 590/2008 proclamation is one of the rights of citizens proclaimed to suffice the public's information needs. However, the FDRE government has dominated much of the private and governmental/public media organizations and this has affected them to exercise their rights of freedom of expression freely. In addition, lack of getting information has become one of the great challenges for journalists and for the private broadcasting media organizations in Ethiopia. According to Beyene Wolde, because the government has been dominating much of the private media sectors, the independent or private media sectors have faced many difficulties when accessing information. Due to the

dominant power of the government, the private media organizations fail to exercise their rights and to disseminate the right information to the public. He said that the opportunities given for the private sectors and for governmental/public media organizations is not equal. This is because; public bodies prefer to give information to their own. He expressed “the right to access to information should govern all equally. However, not only this has affected the station’s further development but it also looks like that the government is applying a law that works differently to both institutions” (personal interview, April 28, 2018). A journalist of the station (anonymity is maintained) supported the view of Beyene that the broadcasting media is dominated by the government and authorities are not willing to give out the right information for private media because; they are favoring and supporting the government broadcasting media institutions. He added “the government stakeholders not willing to give the right information to the private media institution. They are dominated by the government media institutions because they are favored more than the private sectors” (personal interview, April 26, 2018).

It is clearly stated in the above discussion that getting information from public officials is a major problem for the private media institution because PR officials deny them and allow their own institutions. As for the two former journalists of the station (anonymity is maintained) the country’s legal instruments promote freedom of access to information, but those political appointed officials manipulate the law. They said that all the legal instruments, proclamations, manuals, and guidelines seem to be smart by their contents and the rights are guaranteed there in principle however; the problem comes when it proceeds to implementation. They said that most of the private media journalists do not get equal chance to make interview with government officials as easily as the like. This is because; most of the officials want to make an interview with or give permission to the selected state media organizations to attend the program. According to them, the cause of the problem is the mandated body that governs the sector. They said that since there are no day to day follow ups and corrective measures taken from the mandated body, those individuals who become bottle necks for accessing information can twist the law in the manner of their interest. The fact that the problem needs progressive follow ups and measurements to taken from the concerned body, but if not, the problem cannot be solved easily. They expressed:-

Trying to get the right information in time and balance the public grievances with the information that we get from the public offices is a major problem that we have experienced being as a journalist. This is because; public PR officials intentionally deny us the information but accept state and government affiliated media organizations with an open arm to access information. In the eyes of governmental service providers, the state media sectors are considered as an ally while the private media sectors are considered as their enemy in terms of their category. All in all, we have no complaint to actual laws but with their implementations and with government officials (personal interview, April 26, 2018).

So it can be understood from the discussion that governmental/public broadcasting media organizations, their journalists and also government affiliated media organizations have the support as well as the permission from the public PR officials when accessing information. This is because; some government affiliated PR officers determine who is to get the information based on their personal preference. In addition, the intervention of the PR officials has affected the private sectors' development and led them to work under the level of their best skill and knowledge that they believe they have acquired. Since the working environment of the broadcasting media is dominated by the government and the public bodies are willing to give the right information to their preference, it shall be hard to create a better broadcasting media environment in the country.

According to Zekariya Mohammed, in Ethiopia the right to get information is entirely depends on individual(s) or government official(s) who hold(s) the information, but not according to the constitutional rights or the systems that were designed to govern the sector. He added “when you want to get information from a certain governmental organization, everything depends on the person behind the desk. This is because; no one holds them accountable for misusing the designed working system that treats all in equal terms” (personal interview, April 20, 2018). In addition, he stated that some officials, whether they are in the country or abroad, are willing to give the required information at a time of enquiry but others deliberately hide the information when asked and the issue has become hard on the private sectors. He said such act by its nature is contrary to the proclamation that guarantees Freedom of the Mass Media and Access to Information Proclamation No. 590/2008 that privileged both equally. According to the 2008

proclamation of No. 590/2008 of Article 3 of 12(1) “all persons have the right to seek, obtain and communicate any information held by the public bodies, except as expressly provided for by this proclamation” (Access to information proclamation, No. 590/2008). No matter how the private media are trying to inform the public with the right information, government stakeholders are not willing to give the right information whenever asked or take sides and pushed the private sectors away in favor of governmental broadcasting organizations. This shows that either there is another law that the privates’ are not aware or pushes them aside or public officials have developed a sense of fear that allowing information will bring criticism towards the government and expose its administration.

As for Tefery Alemu, it is clear to anyone to see that there is a big difference between the media institution during accessing information from public bodies. He said that the sector needs a major reform since both institutions are organized with the same intention of informing the public with the right information. However, whenever there is a certain meeting to be held or statements to be given from the government, public PR officials deliberately avoid giving the information to the private sector(s). In order to solve the problem, their station, Sheger, has approached the ministerial office about the issue and to find a solution. However, he said that rather than showing them the list of names of the media institutions that are selected to attend the program, they never provide them reasonably acceptable answers that explain the omission. According to him, since the working formality to access information is the same for all the sector’s media organizations found in the country, the spoil of rejecting information to the privates’ is highly seen from the regional government PR officials equally as that of the federal government public bodies (personal interview, May 6, 2018). Accordingly, the majority of the informant said that they do not have any problem with the actual statement of the law but rather with its implementations and the unnecessary intervention of public officers who deliberately fail to provide the service. They claimed that not only Sheger radio station faces the problem, but also other privately owned broadcasting media organizations have serious problems while accessing information from public institutions after they witness similar experience of their friends.

Knowing the importance of the law and addressing the problems is the job of the regulatory body, Gizaw Tesfaye and Gezaheng Fikereselasse said that there are developments and EBA is working hard to solve the problem of access to information. According to them, the regulatory body is providing enough information to the private sectors now; however solving the problem is still requires rigorous work in the future. This is because; the country's media operation is not as free as the western countries and to their level of attainment. So solving the problem of access to information takes time despite the fact that all media institutions have equal rights of getting information based on the media laws of the access to information proclamation. However, most of the private media organizations issued complaints to the office by stating that they have faced bureaucracy from state officials when trying to access information and prefer state media organizations than them for the service. According to them, Sheger radio station is one of the many private broadcasting media organizations which similarly share the spoil of inequality when accessing information from governmental offices. Thus, such practice affects the media environment of the country and the media organizations' rights to freely broadcast information to the public (personal interview, May 8, 2018). In addition, Gezaheng stated that some of the state officials do not know whether or not giving information to all media institution is part of their responsibility even if; freedom of the press is guaranteed by the press law where citizens have the right to obtain, publish and disseminate information and ideas. According to him, the problem of getting information is a serious issue and is becoming a general notion in the country. He said not only public officials but also the entire society lacks a sense of openness to share information between one another and this is because there is a poor culture of sharing and giving information in the society. So the problem is not only up to the media institutions but also from the society where the state officials comes from. He stressed "as part of the society journalists as well as their media institutions reflect the general view and idea of the society. So they equally share the blame for the problem to exist" (personal interview, May 8, 2018).

As it stated above, getting enough information is one of the major problem of Ethiopian media where the governing body of the sector aware of the case. However, one of the officials of EBA said that all media institutions have equal rights to access information, but he claimed that it is not the authority's mandate to involve in the matter. According to Gizaw Tesfaye, the mandated body to solve the problems of the right to access to information is given for the Ethiopian

Institution of Ombudsman (EIO) or to the Ministry of Communication and Information Technology (MCIT). Therefore, if one is refused to access information from the public PR offices within 30 days of request, it is their right to file a complaint to governing body (personal interview, May 8, 2018). The need for to file a complaint is supported by the constitution that states, “any person who is aggrieved by the decision of the public relation officer under this part may lodge his appeal to the concerned head of public body within 30 days from the day decision is made” (Article 3 of 31(1) of 2008 Proclamation, No. 590/2008). Thus the PR officer shall give a decision within 10 days after the appeal is lodged by any one. Furthermore, Gizaw insisted that the authority treats everyone equally without any sense of separation at all but he claimed that the lack of access to information problems are not related or connected to EBA. Accordingly, he said that since it is the media problem, the office has conducted a research and come up with a solution to solve the problem. Based on the study, the regulatory body has prepared four different structures that can facilitate the right to access information. However, the structures are not yet granted by the governing body but it is the authorities believe that when the structures are granted the problems will get the solution.

It is to everyone’s attention that a free media could contribute a lot to the country by informing the people about issues of importance that can shape the view of the public. To do so media organizations need to have equal information access to promote the view of the government, the society and also different issues of the country. In addition, solving the problem of access to information and to create positive relationship between public PR offices and the media is given to the office of the ombudsman (EIO). However, so far no media organization or journalists approached the office of the ombudsman to accuse those PR officials who refuse to give information. According to the officials of EIO, Zewedu Wondem, Communication Director for EIO and Temesgen Kidane, Directorate of Law and Research Department, claimed that neither media organization nor journalists accuse the body who refused to give information to them until the day of conducting this interview in the center or organization. According to the informants, most journalists do not like to involve themselves in a certain situation, so they look for other options to get information, or they do not trust the job of EIO to solve their problems of accessing information from state offices (personal interview, April 20, 2019).

Therefore, it can be understood from the above discussions that private media organizations have problems of accessing information from public PR offices. And to the majority of the informants, state PR officials prefer to give information to governmental/public media institutions where they exclude the private sectors. As for the informants, those individuals have unlimited power to hide and hold back information from the private media organizations. Due to that, many are complaining and point their fingers on the broadcasting authority or government stakeholders who are working for the state. In addition, it is stated that journalists, government officials as well as the society lack the good practice of sharing information and hold democratic discussions on issues. Furthermore, some public officials did not know the fact that providing information is worthy enough to protect their organization. This is because; providing information during enquires is another way of protecting the name of the organization from unnecessary insults and accusations. Moreover, it is stated that the regulatory body is working hard to solve the problem of access to information even though; the mandated body to solve the matter is in the hands of the EIO. Accordingly, the bureau of the ombudsman claimed that no media organization or journalists have approached them seeking for help rather than looking for other options to get information.

In order to increase the role of the media, to create awareness in the society and to build a democratic discussion, all the concerned parties have to work hard for the right implementations of the law. In doing so, state officials should know it is their responsibility to give information when asked. If not, the presence of the law on paper does not bring the expected changes to the sector unless and otherwise applied properly.

4.5.2. The Right to Freedom of Speech and Expression

The United Nations' of the 1948 UDHR clearly states that freedom of the press as one of the most important freedoms in a democratic society. So freedom of the press or freedom of the media is the freedom of communication and expression through mediums of any including various electronic media and published materials are also the rights of the citizens. Alene and Worku (2016), puts freedom of the press as “freedom of the press means the right to print and publish without any illegitimate restriction from the state or any public authority” (Alene and Worku, 2016, p.4819). Similarly, for Tefery Alemu freedom of expression is clearly stated in the

1994 FDRE Constitution of Article 29 where everyone has the right to express oneself using anything including the media. He said that the entire operation of the station is parallel to what is stated in the constitution. So it is the station's constitutional right to agree or disagree with the applications of laws and policies of the sector. However, there are times when the station broadcast a certain past history or news, heart breaking names or/and insults follow the production from some government officials. According to some government officials, the station is referred as an institution that dreams of the previous reign (የድሮ ስርአት ናፋቂ). Sickened enough by the name given to the station, he said that reporting and broadcasting news or histories related to the country is not a crime but it rather creates awareness towards the society. He expressed:-

I don't see any crime in reporting the country's past history. One of our station goals is to inform, to shape and to create awareness about Ethiopian history. But, what we get is criticism and belittling. However, we are a media station organized to tell news and more. It is not our job to follow each and every wrong claim made about our station and change our media productions. There is this saying by Afar people "the camels are already gone but the dogs are still barking (ውሾች ይጮሃሉ ግመሎች ግን ሄደዋል)" (personal interview, May 6, 2018).

The EPRDF's government lack of support and continuous suppress towards the private sector is one of the challenges to exercise freedom of the press and expression in the country. According to a journalist of the station (anonymity is maintained), neglecting and suppressing the work of the private media operations are common practice of FDRE government officials. This is because; the government has dominated the sector where it creates a sense of hostility or lack of understanding towards one another. This unjust dominance power of the government is empirical evidence that the right to freedom of expression and the press is not fully exercised in the country that forced journalists to work under self-censorship to avoid unnecessary prosecutions. Due to this, the private's lose the competitive power to be successful. He stated "some of the broadcasting laws as well as state officials exert the supreme and determining power on the private media institutions that can affect their rights and freedom of expression and also their development (personal interview, April 28, 2018). To the matter of the issue, a Penn State Law Review statement by Tracy J. Ross stated the following as how the government of Ethiopia dominated the media, especially after the 2005 national election and media crackdown in the

country. According to the review, following after the 2005 election, the country's political and social development started to deteriorate. Accusing the private press for becoming the mouthpieces of the opposition parties and other offences, journalists are jailed and the government started scrutinizes all media operations. Due to that, the press environment became more restrictive and many journalists were jailed and fled the country and started self-censorship to avoid any kind of prosecutions.

For the two former journalists of the station (anonymity is maintained) the principal planning and the operating functions of the broadcasting media is clearly stated on the constitution. According to them, Article 29 of the 1994 FDRE Constitution, which deals with freedom of expression and the press, is a direct copy of Article 19 of the 1948 UN declaration of UDHR where all democratic rights are fully guaranteed. Based on the constitution, all the internationally accepted democratic rights of human beings to express ones thought without total bias and to be provided the necessary protection is guaranteed with. However, because of the state officials' biased activity during the application of the law, regulation and/or principles to the sector, have forced independent media institutions to broadcast media contents in subordinate of the government. Due to this strong power of the government, the act of expressing ones emotion and feeling becomes a challenge to the independent media organizations not to enjoy their rights of political independence as well as their personal freedom. In addition, their operation is subject to the control of the ruling party. So for fear of imprisonment journalist determined to follow contents that have chosen by government officials. They expressed "as far as we know, journalists do not have any protection from the law as well as from the governing body. So the private broadcasting media journalists are working for the sake of living, kememote Yeshalale Mesenbete Bilen Newe Yemineseraw (ከመጥቅት ይሻላል መሰንበት ብለን ነው የምንሰራው)" (personal interview, May 8,2018).

Furthermore, according to Zekariya Mohammed, one of the challenges of the application of the rights to freedom of expression and press rights in the country is the dominant power of the government on the media sector. The government of Ethiopia wants only for its voice to be heard than others to speak freely. He said that the country's media operation and implementation of the actual laws and regulations are different in theory and practice. Since Article 29 gives equal institutional independence and legal protection for all who holds different opinion than the

government, the government restricts journalists and media organizations for entertaining different views in their productions. However, he said Sheger family on the other hand, referring to the owners and the management of the station; provide undivided support to their editors and journalists for mistakes made during media productions and takes total responsibility for them. He expressed:-

The act of showing acceptance, encouragement and protection given by your institution makes journalists to believe that there is someone who approves your work and also watches your back. And such kind of value is more than the economic benefits. Contrary to that, the act of resentment, an inequality and lack of protection made by the government officials and the authority makes you believe that there is no any law and justice to help you. In addition, it makes you believe that the rules and regulations applied by the government are more restricted on the freedom of private media institutions and your rights of expression is limited (personal interview, April 20, 2018).

Thus, it can be understood from the discussion that the ruling party gives unnecessary privilege and also advantages to government media stations based on their political affiliation. Because of this, the private sectors are left without having the presence of someone or somebody who could play the cards equally or better. So they avoid themselves from being an easy target to the government's plot in their media productions because they do not get equal legal protection just like state owned media institutions. Therefore, in Ethiopia, the privates' are not freely exercising their rights of freedom of speech and expression without the outside force domination.

According to Gizaw Tesfaye and Gezaheng Fikereselesse "the right to freedom of the press, speech and expression proclamation in Ethiopia is directly copied from the 1948 UDHR declaration and when the Ethiopian constitution promulgated in 1994, freedom of speech and expression also declared as a basic human right in Article 29" (personal interview, May 8, 2018). They said, along with the constitution the working environment of the authority and all the laws and policies are designed in accordance with what is stated in the international declaration. Similarly, the country's broadcasting laws are also adopted from the working rules and regulations of the many other countries in the world. Due to this, everything is the same and so far the authority has not encountered major problems regarding to the laws that are applied to the

sector. However, for the informants, the existed problems of freedom of expression and the press in the country are not about the laws that are applied to govern the sector. They argued that the problems appeared during the application of the rules and regulations of the laws. Governmental institutions, which are organized to the serve the sector and the public to exercise their rights, lack the ability and enough manpower to function properly rather than the intervention of public officials. However, the fact that the majority of the informants of this study blamed government officials or individuals for their unnecessary intervention, two of the authority officials deny the claim by stating that the source of the problem is institutional but not the unnecessary involvement of individuals. Moreover, they said that since the laws have international background, there are also different institutions organized to make sure these rights work in the country. Due to this, it is up to the media organizations, especially the private sectors, to work hard whether or not to practice their rights of freedom of speech and expression freely because; the regulatory body is working hard to solve the problem and support the broadcasting media organizations to exercise their rights equally.

Therefore, it can be understood from the discussion that freedom of expression is the quality or fact of being expressive to reach the mass of the people. Thus, the development of freedom of the press and expression in Ethiopia is still found in its infant stage even if it is clearly stated in Article 29 of the 1995 FDRE constitution. This mean, the working environment for freedom of speech in the current Ethiopian broadcasting media sector and for the journalists is not to the standards of the UDHR of human rights. Thus, many are complaining a lot for their voice to be heard because; not only is it the right of media institutions to entertain different views and opinions via media but also enables citizens to get information about additional knowledge from the many aspects of different issues in the country. Though, the governing body is working hard to find a solution for the problem, the government and its officials should open the door for the media organizations and journalists to entertain their views using the media. However, if the government's intervention continuous, there shall not be a change to the sector.

CHAPTER FIVE

5. Conclusion and Recommendation

5.1. Conclusion

The main purpose of this study is to investigate the applications and challenges of legal tools of the private media in Ethiopia taking Sheger FM 102.1 radio station as a case. The study was conducted in Sheger Radio Station, Ethiopian Broadcasting Authority and Ethiopian Institution of Ombudsman in Addis Ababa. From the findings obtained from participants of the study, the following major conclusions were drawn.

It was noted from the responses of study participants that media plays vital role in the socio-economic development of a nation by informing, educating and entertaining the public with the intention of contributing to create an informed society. International legal instruments related to media in general and local legal tools including the FRDE constitution and press and broadcast related policies and proclamations in particular also echoes that citizens have the right to hold opinions, thoughts, to express their views freely and access to free information. The opening of various government and private broadcast media stations and the press in Ethiopia is regarded as a positive contribution of the media and press related legislations and proclamations in Ethiopia.

On the other hand, despite the progresses and guaranteeing the rights to hold opinions, thoughts, to express their views freely in laws, the objective of using media for social development and creating an enabling environment to freely exercise these inherent human rights is yet ensured in Ethiopia today. The study also found out that the government formulated laws which entertain the right to freedom of expression to the media institution, but the government's regulatory body EBA lacks to provide the real support to the private sectors as the law printed or as the policy formulated by the government. So, the laws and policies of the sector should be respected for the good of the public as well as the nation.

The finding also suggested that the media practice in Ethiopia is polarized between pro-government media and pro-opposition party media stations, while the right of the mass or the public to access accurate and timely information is jeopardized. The historical legacy of the

government media serving the purpose of the government in power rather than the public interest in Ethiopia seems continued. Nevertheless, Sheger FM radio station claimed that they are trying to take the middle line where it tries to inform the public with the right information that avoids a sense of ambiguity and biased statements while aiming to link the old and the present generations.

Although various legal tools that promote the functioning of the media environment in Ethiopia, the gap in practice is one of the greatest challenges that the sector is persistently facing. Consistent inspection and control practices of the government on private media contradict with the rights of free speech stipulated in legal instruments. The watchdog attitude and inspection of contents, field inspection and periodical surveys of the EBA led private media to function in a restricted environment, which in turn restricts the interest of the public to gain accurate information. In addition, problems of independence, self-censorship particularly on political issues is reported as another challenge of journalists in private media that restricts independent and professional reporting.

Apart from problems of implementation of the existing media laws, the practices of hidden or un-written laws and intervention of the government and its officials controls the operation of private media rather than the formally passed laws. The finding implies that the government is not ready to entertain other views different from its own, which also has an implication on media stations and journalists to restrict themselves on their reporting where it increases sense of self-censorship to journalists.

Access to information from government officials is challenging for journalists in the private media sector. This is mainly due to the influence and failure of state officials giving the right information when requested. Most of PR officials tend to open their door to give information to governmental/public and to government affiliated media organizations than the private sectors. However, the study found out that no media organization approached the mandated body complaining for solutions when rejected information. Such practice is additional setback to exercise the right to freedom of expression and freedom of the press. One of the important findings of the study was related to the gap in professionalism and experience of media regulatory body and journalists. The highly restrictive political system may contribute to the

influx of ill skilled practitioners who lacks professional standards in government regulatory sector/offices, public and private media stations as well. Again, lack of professionalism affects the practice of journalism and the accuracy and credibility of information. Therefore, the overall media environment of Ethiopia is under the operation of individuals (owners, journalists and regulatory body officials) who lack the expertise that the profession requires.

Although EBA is required to regulate the media sector in accordance with the mandates given by the nation's laws, the study further revealed that the agency gives much emphasis to the written and un-written laws of the government to control private media sector instead of placing the interest of the public, freedom of equality, speech and expression. The press laws set by the EPRDF government provide legal protection to all, but in practice the law do not give the expected protection for the private media sections rather than for state media. The study also found out that the government punishes the private media using unwritten or unpublished laws and policies while exercising the right to freedom of expression using the media of their choice. In addition, the effort of the authority to solve the problem is found to be weak or not enough.

All together, the study found out that the role of the media is vital to create awareness in the public and to build developed nation especially when it is guided by local and international legal instruments to enhance the development of freedom of expression and the press. However, the study found out that the regulatory body lacks to give the proper support to the sector, even though; the government formulated the laws that are entertaining those rights. In addition, the study found out that media polarization is affecting the sector greatly. Furthermore, the watchdog attitude and continuous inspection restricts media organizations and journalists not to provide accurate and timely information to the public. Moreover, the problem of implementation of the actual laws and lack of access to information hinders the sector's development.

Concurrently, all the above conclusion and findings of this study are drawn from the study questions. Therefore, all the major and specific questions are fully addressed in this study.

5.2. Recommendation

Since media have vital roles to play in the society, to inform, educate and entertain the public are the most important roles that are highly stated. In addition, its undivided role to the country's socio-economic development and political affairs are worthily highlighted. However, it is useless if or not the mentality of the society did not change towards the sector and to use it properly. This is because; the society's awareness is the core for all the transformation that a country requires to achieve and to make use of the changes better. So to bring those expected changes and use them properly, the sector needs strong support from the government and the respected public servants for the media to serve the public without any limitation. For instance, in developing countries like Ethiopia where the prices of broadcasting materials are expensive, the government has to find a way to lessen tax related payments of media equipments in order to upgrade the standard as well as to have increased number of media related training centers in the country. Because of that different problems have been witnessed during media productions and publications. Thus, rather than those who are trained to be journalists, other individuals from related filed of studies and department sectors are working as journalist practitioners and media officers. Not only this is contrary to the laws and policies of the sector, but it is also against the fundamental principles of the media working environment. So in order to bring out responsible professionals to the sector, the government has to improve the quality of journals and trainings. In addition, the education and the training have to be supported with practical experience.

As for the journalists, they need to take additional trainings that could increase their technical skills so as to attract the market and also to be competent as well. So journalists have to empower themselves with education, ethics and has to be passionate enough to work for the sector. Similarly and from the point of view of government officials, the authority has to take new standardize assuring and monitoring methods and also trainings that would enable them to acquire a more professional skills in order to govern the broadcasting sector professionally. Moreover, the government has to allow broadcasting media organizations to form a cooperate association just like that of the banking industry. If so, they would be strong because unity can bring a robust environment to the media environment and as well as benefits them all at equal terms. In addition, the authority has to concentrate on media productions which are unprofessional and illegal doings by avoiding itself from involving on the silly mistakes

committed by media organizations and journalists. Therefore, it is better for them to break the negative interactions and especially with the private broadcasting media organizations. Similarly, media organizations also have to be responsible in their media productions and have to guide their journalists to act as professionals as possible because the sector requires professional journalists.

The government, in terms of the application of the actual laws and policies, should work hard for the right implementations of laws and policies in accordance with the constitution. Hence, the regulatory body officials should treat the public/governmental and private media organizations equally while applying the each and every regulations rather than applying the unwritten laws or legal entities to govern the sector. The other thing is that the government has to promote the right to speech and expression and freedom of the press to capitalize the sector because; entertaining different voices can eliminate the negative environment that are surrounding the industry and can create an informed society in general. In addition, the government also has to use the provision of the anti-terrorism law to its actual purpose that to fight terrorism related acts. In doing so, state PR officials have to concentrate on the rights to easy access to information because; it will develop the mentality of citizens as well as avoid the pessimistic image of the public institution. Moreover, media organizations have to adopt a sense of fighting spirit when their constitutional rights are violated by government officials regarding to access to information. This is because; there is a mandated body organized to hear their voice and solve the problem of the lack of access to information.

All in all, in order to create a better broadcasting media environment in the country, hard work, commitment and cooperation are expected from the concerned parties from the sector and other related organizations so as to bring the expected change to the sector. On top of this, all the media institutions and state organizations have to stand together by adopting all the negative and positive circumstances or/and odds to work collectively to take the country to the level of greatness and to create a more democratic state.

Post Script

“No journalists are in jail now”. In the 2019 annual World Economic Forum, which was held in Davos, Switzerland, the Ethiopian Prime Minister Dr. Abiy Ahmed said that there is no single journalist in jail in Ethiopia at the moment.

The purpose of writing this post script is to show that there are major changes taken to address the sector’s problem in the past 12 months. However, during the period of conducting this study in the early stages of 2018, the general media in Ethiopia has been under the massive influence of the EPRDF’s government where journalists, local and international media organizations of any were under strict controls especially after the proclamation of the 2005 criminal code which was referred as media crackdown in Ethiopia, even though; freedom of expression and the press are guaranteed in the country via Article 29 of the 1994 FDRE constitution. In addition, the government has tightened its grip on the general media environment in the country after the proclamation of the 2009 anti-terrorism law. The law criminalized critical journalists and reporting media outlets via the media also face restrictions on coverage by controlling their media contents which launches critics on the government or officials. In addition, international or foreign based online news sites and broadcasting media organization, such as ESAT TV and OMN broadcasting from Amsterdam and US respectively, impedes by the EPRDF government. Thus, the study tries to enlist some of the major problems and challenges of the sector as how they are outlined in research parts.

However, the political environment that is surrounding the press and that challenges the democratic rights of people to speak freely and freedom of the press comes to an end and the general media looked set for profound change after the EPRDF government started a reform and assign Dr. Abiy Ahmed as the new leader of the party as well as Prime Minister of the country in early 2018. In addition, in terms of the media reforms, the sector is now under the process of changing the 2005 criminal code and the 2009 anti-terrorism law that bans freedom of the press. Furthermore, the authority allows media organizations to rebroadcast news that are directly taken from international media sources. According to Freedom House (2019), the country was ranked as one of the worst countries in the world for suppressing freedom of the media and freedom of expression before the change of the government. However, following after the change of a new

leader, the prime minister took vital reforms that are addressing the country's media environment compared to how it was a year ago. Due this, journalists are freed from the prison, exiled media organizations and also journalists return home and hundreds of opposition websites unblocked by the government. i.e. terrorist designated media institutions, like ESAT TV and OMN, are now opened and started their media operations in Ethiopia. The report further indicated that:

“Ethiopia is undergoing a potential transition, set off by the 2018 appointment of Prime Minister Abiy Ahmed following sustained antigovernment protests. Abiy has pledged to reform Ethiopia's authoritarian state, ruled by the Ethiopian People's Revolutionary Democratic Front (EPRDF) since 1991, and rewrite the country's repressive electoral, terrorism, and media laws” (Freedom House, 2019).

In addition, the current reform related to the general media and the level of media freedom improvement changes the view of the international's to rank the country 110th out of 180 countries, which is referred as the highest jump in a ranking of 40 places, in the world in respect to the World Press Freedom Index of 2019 according to French based Reporters without Borders, *aka* Reporters Sans Frontieres (RSF) release in 2019. The report says that no journalists are in prison now starting from the end year of 2018 and the start of the reform in Ethiopia for the very first time than it was a decade before (Reporters without Borders, 2019).

Therefore, it can be outlined that the right to freedom of expression and press freedom of the country are now better than it was a decade ago and also a year after the start of conducting this study.

REFERNCES

- Aadland and Fackler. (1999). the rise of a free and autonomous press developed. Ethiopia Press, Media, TV, Radio, Newspapers Ethiopia. (<http://www.pressreference.com/Co-Fa/Ethiopia.html>).
- Access to the Airwaves: Principles On Freedom of Expression and Broadcast Regulation,& Freedom of Mass Media and Access to Information (Press and Information Access Law, or PIAL), Addis Ababa: Berehanena Selam Printing Press.
- African Media Development initiative: (2018). Ethiopia Context: BBC World Service Trust.
- Alemayehu, G. (2003).A Discourse on the Draft Ethiopian Press Law.Published by Tsehai Publisher.
- Alene, A&Worku, D. (2016). Freedom of the Press under FDRE: The Challenges of Constitutionalism. (www.ijetst. DOI: <https://dx.doi.org/10.18535/ijetst/v3i12>)
- Berg, B. L. (1998). Qualitative Research Methods for the Social Sciences (4thed.). Allyn and Bacon.
- Cohen, L., Manion, L. and Morrison, K. (2000). Research Methods in Education (5thed.) Routledge Falmer
- Committee to Protect Journalists (CPJ).(2013). ‘Ethiopian Journalists in exile.’Retrieved from. (<http://www.ifex.org/en/content/view/full/90391>).
- Daniel, B. (2002).The Legal Framework for Freedom of Expression in Ethiopia.ARTICLE 19.GLOBAL CAMPAIGN FOR FREE EXPRESSION. Retrieved from: ([https://www.article19.org/data/files/pdfs/publications/ethiopia-legal frame work-for-foe.pdf](https://www.article19.org/data/files/pdfs/publications/ethiopia-legal-frame-work-for-foe.pdf))
- EM GRIFFIN, (2012). A FIRST LOOK AT COMMUNICATION THEORY, 6 edition, Published by McGraw-Hill Companies, America
- Ethiopia Media Mapping May, 2017 - Fojo Media Institute. Retrieved from. (<https://fojo.se/images/documents/.../Annex-2-Ethiopian-Media-Mapping-2017.pdf>)
- ETHIOPIA. Media and telecoms landscape guide. (2011). pdf
- Ethiopian Broadcasting Authority (EBA), (2011/12).‘List of authorized radio and TV stations in Ethiopia.’Retrieved from. (www.eba.gov.et/web/data/Broadcast/main.htm).
- Ethiopian Press Organization. (2008). The Bases and Future Directives of the Developmental and Democratic Philosophy of Our Media Work (Unpublished).

Eyerusalem, A. (2013) .Critical Analysis of Policy Implementation of The Freedom of the press : School of Social Sciences in the College of Humanities at the University of KwaZulu-Natal.

Federal Democratic Republic Government of Ethiopia. (1992). All forms of censorship and restrictions & right to expression in any media of private press choice .(Proc. No. 341 /1992).Addis Ababa: Berhehanena Selam Printing Press.

Federal Democratic Republic of Ethiopia (2007).Proclamation on Broadcasting Services (Proclamation No.533/2007). Addis Ababa: Berehanena Selam Printing Press.

Federal Democratic Republic of Ethiopia.(1992). Ethiopian Press Proclamation Law.(Proclamation. No. 34 (1992), Article 10:2; Article 29:6. (Negarit Gazeta 52nd Year No. 8). Addis Ababa: Berhehanena Selam Printing Press.

Federal Democratic Republic of Ethiopia.(1992). Freedom of the Press. (Proclamation No. 34/92). (Negarit Gazeta 52nd Year No. 8). Addis Ababa: Berhehanena Selam Printing Press.

Federal Democratic Republic of Ethiopia. (1999.). Proclamation on broadcasting & Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation and management. . Poclamation No. 178/1999, Negarit Gazeta 5th Year No. 62). Addis Ababa: Berhehanena Selam Printing Press.

Federal Democratic Republic of Ethiopia.(2007). (Proclamation No. 590/2008), Freedom of the Mass Media.

Federal Democratic Republic of Ethiopia. (2007). Proclamation No. 652/2009 on Access to Information the Proclamation on Anti-Terrorism .Addis Ababa: Berehanena Selam Printing Press.

Federal Democratic Republic of Ethiopia. (2007).Broadcasting Services and Registration and Regulation of Charities and Societies ,Freedom of Mass Media and Access to Information (Press and Information Access Law, or PIAL), Proclamation No.533/2007). Addis Ababa: Berehanena Selam Printing Press.

Federal Democratic Republic of Ethiopia.(2009). Proclamation on Anti-Terrorism. (Proclamation No. 652/2009), Addis Ababa: Berehanena Selam Printing Press.

Federal Democratic Republic of Ethiopia.(Proclamation, No. 590/2008).Article 29(2).

Freedom House (2017). Freedom of the Press. Ethiopia

- Gareth.L. (2009).The Media and Development. What's the Story? Published by THE WORLD BANK in Washington, D.C.95USA
- Gebremedhin.S. (2006). African Media Development Initiative Research Summary Report: Ethiopia: Research Findings and Conclusions. London: BBC World Service Trust.
- GebreMedhine.S . (2009). African media development interactive. Lambert academic publishing.
- Geoff. G., John R. & John T. (1992).Communication & Media Studies. An introductory course book. Published by Thomas Nelson and Sons Ltd.UK
- Getahun Kassa. (1993). Freedom of Expression. Addis Ababa University.Unpublished.4.
- Getaneh Mekuanint. (2013). “An Examination of Freedom of the Mass Media and Information Proclamation (590/2008) Vis-à-vis its Practices.”. Degree of Master of Arts in Journalism and Communication, Addis Ababa University
- Grix, J. (2004). The Foundation of Research. Publisher, Palgrave Macmillan, New York.
- Gupta, S. (2007).Research Methodology and Statistical Techniques. DEEP & DEEP PUBLICATIONS pvt.ltd., India/ New Delhi.
- Guy, B. (2007). Media Legislation in Africa: A Comparative Legal Survey. Published for UNESCO by the School of Journalism and Media Studies, Rhodes University, Grahamstown, South Africa. Retrieved from (<http://unesdoc.Unesco.Org/images/0015/01570/15707e.pdf>)
- Howitt, D. and Cramer, D. (2011). Introduction to Research Methods in Psychology (3rded.). Pearson Education Limited.
- Human Rights Watch World Report, (2001).Africa-Ethiopian.
- Human Rights Watch, (1994).‘Human Rights in Africa and U.S. Policy.’ A Special Report, London.
- Human Rights Watch.(2008). Government harassment and threatening of both local and international journalists for critical reporting. Retrieved from (<http://www.unhcr.org/refworld/docid/4871f602c.html>).
- Human Rights Watch.(2009). Analysis of Ethiopia s Draft Anti-Terrorism Law. Retrieved from (<http://www.hrw.org/node/84132>)
- Human Rights Watch. (2010). Human Rights Watch: World Report. Retrieved from (http://www.ifex.org/international/2010/01/21/hrw_world_report_2010.pdf)

- Human Rights Watch. (2017). Human Rights Watch | 350 Fifth Avenue, 34th Floor | New York, NY 10118-3299 USA | t 1.212.290.4700
- Human Rights Watch: (2018) Flawed Methodology, Unsubstantiated Allegations. Press Statement. Retrieved from (http://www.mfa.gov.et/Press_Section/Press_Statement).
- International Press Institute. (2013). Press Freedom in Ethiopia. IPI/WAN-IFRA PRESS FREEDOM MISSION REPORT.pdf
- Jan, Servaes. (2008). UNESCO. Communication for development and social change. SAGE Publications India
- Jemaneh & Yohanes. (2017)."TV Channels-Growing in Number, Less in Content". All Africa Ethiopia: TV Channels-Growing in Number, Less in Content. The Ethiopian Herald (Addis Ababa)
- John Gartley. (1980-81/1981).ELECTRONIC MEDIA IN ETHIOPIA. Published by Michigan State University Press.
- Joireman, S, Routledge T & Francis Group. (1997). Opposition Politics and Ethnicity in Ethiopia: We Will All Go Down Together in the Journal of Modern African Studies, 35, 3 (1997), pp. 387-407. UK: Cambridge University Press.
- Limpitlaw.J. (2016).Media Law Handbook for Eastern Africa volume one. Johannesburg. African media law expert and LINK Centre, Konrad Adenauer Stiftung (KAS).
- Lodico M.G., Spaulding D. T. and Voegtle K.H. (2010).Methods in Educational Research: From Theory to Practice, 2nd ed. Published by John Wiley & Sons, Inc
- Lundgren, M. (1983).Proclaiming Christ to His World. The Experience of Radio Voice of the Gospel 1957-1977, Geneva: LWF
- Mapping the Ethiopian Media. (2018). Mapping the Ethiopian Media. Wazema Radio briefing paper.
- Makuria, M. (2005).‘Ethiopian Media Landscape.’ EMMTI, Addis Ababa.
- McQuail, D. (2010). McQuail’s Mass Communication Theory, 6th edition, SAGE Publications, Washington D.C.
- Meron, B. (2006). “The Ethiopian media law with particular reference to the broadcasting proclamation No. 178/1999.” Unpublished MA thesis, Addis Ababa University
- Merriam Webster Dictionary. © 2018 Merriam-Webster, Incorporated.

- Ministry of Information, (1966). Patterns of Progress Mass Communication in Ethiopia, Addis Ababa: Ministry of Information
- Ministry of Information.(2006). Facts about Ethiopia. Addis Ababa: Mega Printing Enterprise
- Ministry of Information.(2007). Facts about Ethiopia. Addis Ababa: Mega Printing Enterprise.
- Nigussie M. (2011). The Press and Democracy in Ethiopia: A Content Analysis of Some Selected Newspapers: Andhra University, Vishakapnam, India (PhD Thesis)
- Nigussie. M.(2014). Media and Politics in Ethiopia: A Critical Analysis. Retrieved from (Ethiop.j.soc.lang.stud. 1(2), 74-95. eISSN: 2408-9532).
- Population Media Center Ethiopia. (2006). Ethiopian Mass Media Profile. Addis Ababa: PMC.
- Press Reference. Ethiopia Press, Media, TV, Radio, Newspapers Ethiopia. Retrieved from (<http://www.pressreference.com/Co-Fa/Ethiopia.html>, 8)
- Reporters without Borders.(2004). Third annual worldwide press freedom index. Retrieved from. (http://www.rsf.org/IMG/pdf/Af_index_Eng_2004.pdf).
- Robert & Gene. (1998). Attack on the press in 1997. New york: New York University press
- Rodeny, A. (1992). Free press in an open society. New York, random house.
- Schramm, (1963). The four theories of press. Cambridge press.
- Sendek news 6th year vol.289. (2003). World book of encyclopedia, 2001: 507)
- Shimelis.B. (2000). SURVEY OF THE PRIVATE PRESS IN ETHIOPIA: 1991-1999. FSS MONGROPH SERIES I.FORUM FOR SOCIAL STUDIES, Addis Ababa.
- Solomon.D.(2016). Freedom of expression in Ethiopia then & now.(2017). The Ethiopian Herald. Retrieved from (<http://www.ethpress.gov.et/herald/index.php/editorial-view-point/item/8680-freedom-of-expression-in-ethiopia-then-and-now>).
- Survey of Culture and Media, Ethiopia (2003), BACKGROUND DOCUMENTS COUNTRY STRATEGY ETHIOPIA 2003-2007. Retrieved from (<https://www.sida.se/contentassets/8e2f93d359814d95b59986fb55907017/13176.pdf>)
- Taffess, B. (1966).Journalism. For Ethiopian Journalist Club. First Edition, Published by Berhanena Selam Printing Press, Addis Ababa.
- Tamrat, T (2008). CHRISTIAN RADIO BROADCASTING IN ETHIOPIAN CHANGING POLITICAL CONTEXT: CASE STUDY OF YEMISIRACH DIMTS RADIO: Addis Ababa UNIVERSITY SCHOOL OF JOURNALISM AND COMMUNICATION.

- Tracy J., A Test of Democracy: Ethiopia's Mass Media and Freedom of Information Proclamation. Penn State Law Review. Retrieved from ([http://pennstatelawreview.org>articles>114pennstate.pdf](http://pennstatelawreview.org/articles/114pennstate.pdf)) April 8, 2018)
- Transitional Government of Ethiopia and The Constitution of the Federal Democratic Republic of Ethiopia (1991 & 1995). Transitional Period Charter of Ethiopia, Part One: Article 1 1991(Negarit Gazeta 50th Year No. 1). Addis Ababa: Berhehanena Selam Printing Press.
- Transitional Federal Democratic Republic Government of Ethiopia. Freedom of Press.(Proclamation No.1/19991 and No. 6/1991). Addis Ababa, Birhanesalam Printing Enterprise.
- U.S. Department of State.(2010). Diplomacy in Action. Ethiopia. Bureau of Democracy, Human Rights, and Labor. 2009 Country Reports on Human Rights Practices. Report
- United Nations.(1948). "Universal Declaration of Human Rights (UDHR)." Adopted and proclaimed by General Assembly resolution 217 A (III). Retrieved from (<http://www.un.org/Overview/rights.html>).
- US State Department (2008). Human Rights Reports: Ethiopia. Retrieved from (<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119001.htm>).
- World Press Freedom Index (2019), a cycle of fear (RSF Index). Retrieved from ([https://rsf.org>2019 world-press-freedom](https://rsf.org/2019-world-press-freedom))
- Yin, R. K. (2003).Case Study Research. Design and Methods (3rded.) Saga Publication, USA.
- Zewge, A. (2010). Understanding the Local Media Environment and International Media as Source for Local News: Five Ethiopian Newspapers in Focus. Faculty of Humanities, Department of Media and Communication, University of Oslo.

Appendix I

In-depth Interview questions for informants

- **For the managers/owner of the station**

1. As a media organization, what is your role within the society and how do you think your station viewed by the society?
2. How do you evaluate the implementation of the legal and policy frameworks and the media landscape environment of the country?
3. What are the major legal challenges your broadcast media experienced since its establishment?
4. What are the major challenges your media station faced from the 2005 anti-terrorism law of Ethiopia?
5. How the challenges you encountered do affect the broadcast media, its mission and programs...?
6. Have you seen changes in policy development/press law since your broadcast media established?
7. What strategies or coping mechanisms you used to solve/address the legal challenges you experienced?
8. How do you describe the extent of freedom given to your organization in terms of achieving its organizational objectives and goals?
9. Do you think the country's press law govern both private and government broadcast media differently? If yes, what are the main differences?
10. What do you think should be done in the future to achieve/bring a better media environment in/to the country?

- **For Journalists**

1. What are the major challenges that you face as a journalist in executing your duties?
2. Do you think that the existing press legal instruments promote freedom of access to information and expression?
3. What is your practical experience in relation to access to information and freedom of expression?
4. Do you think that difference existed between state or government and private media journalists in terms of access and the right to information, freedom of expression and protection from the existing legal frameworks?

- **For EBA experts**

1. How does the government (EBA) view the role of private broadcast media in the socio-economic development of the country?
2. What measures were taken by the government to promote freedom of expression and freedom of media in the country?
3. How do you see policy and practice of broadcast media in the country?

4. How do you see the relationship between private media and the government? Do journalists from private media have equal access with state/government journalists in accessing information from government offices?
5. How do you see the compatibility of Ethiopian press law with international standards on freedom of expression and media freedom?
6. What future plan your authority set up to create a better environment for media sector in general and for private media sector(s) in particular?
 - **For EIO experts**
1. Journalists from private media complain that they do not have equal access with governmental/public journalists in accessing information from government offices. Did any written or verbal complaint forwarded to your office?

Appendix II

ለጥልቅ አስረጃዎች (In-depth Informants) የቀርቡ ቃለ መጠይቆች፡፡

- የሚዲያ ተቋሙ ስራ አስኪያጅ/ ባለቤት

1. እንደ ሚዲያ ተቋምነቱ ድርጅታችሁ በህብረተሰቡ ውስጥ የሚጫወተው ሚና ምንድን ነው? በፖሊሲያችሁ ውስጥ የተካተቱት አላማዎቻቸው በህብረተሰቡ ዘንድ እንዴት ይታያል?
2. የሀገሪቱን የሚዲያ ምህደር እንዲሁም የህግና የፖሊሲውን ማዕቀፍ ተግባራዊነት እንዴት ይገመግሙታል?
3. የሚዲያ ተቋማችሁ ከምስረታው ጀምሮ ከሬድዮ ጣብያችሁ ይዘት ጋር ተያይዞ ህግን በተመለከተ የገጠሙት ዋናዎች ችግሮች ምንድን ናቸው?
4. በ 2005 ዓ.ም ከወጣው የፀረ-ሽብርተኝነት ህግ ጋር ተያይዞ የሚዲያ ተቋማቸው ያጋጠሙት ተግዳሮቶች ምንድን ናቸው?
5. የሚዲያ ተቋማቸው ተልእኮ እና ፕሮግራም ለማሳካት በሚደረጉት እንቅስቃሴ ያጋጠማችሁ እክሎች አሉ? ካሉስ ምንምን ናቸው?
6. የሚዲያ ተቋማችሁ ከተቋቋመበት ጊዜ አንስቶ በፕሬስ ህጉና በፖሊሲው ላይ ለውጥ እና መሻሻል አይታችኋል?
7. የፕሬስ ህጉን አስመልክቶ ለሚያጋጥማቸው ችግሮች መፍትሄ ለመፈለግና ለመቅረፍ ምን አይነት ዘዴዎችን ትጠቀማላችሁ?
8. የሚዲያ ተቋማችሁ አላማውንና ግቡን ለማሳካት ያለው ነፃነት እስከምን ድረስ ነው? እንዴትስ ትገልፁታላችሁ?
9. በሀገሪቱ ባለው የፕሬስ ህግ አተገባበርን አስመልክቶ በመንግስት እና በግል የሚዲያ ተቋማት መካከል ልዩነት አለ ብላችሁ ታምናላቸው? ካለስ ምን አይነት ዋና ዋና የአተገባበር ልዩነቶችን አስተውላችኋል?
10. በሀገሪቱ የተሻለ የሚዲያ ምህደር ለመፍጠርና ተግባራዊ ለማድረግ ወደ ፊት ምን ቢደረግ የተሻለ ነው ይላሉ?

- ለጋዜጠኞች

1. በጋዜጠኝነት ሞያህ/ሽ የእለት ተእለት ተግባርህን /ሽን በምትፈፅምበት /ሚበት ወቅት የሚያጋጥሙህ/ሽ ዋና ተግዳሮቶች ምንድን ናቸው?
2. በወቅቱ ያለው የሀገሪቱ የፕሬስ ህግ መረጃ የማግኘት እና ራስን የመግለፅ መብትን በተመለከተ እንዴት ታዋቀህ/ ታይዋለሽ?

3. መረጃ የማግኘት እና ራስን በነፃነት ከመግለፅ መብት ጋር ተያይዞ ያለህ ተጨባጭ ተሞክሮ ምንድን ነው?
4. መረጃን የማግኘት መብት፣ ራስን በነፃነት የመግለፅ መብት እና በህጉ ማጠቃለያ ከሌላ ማግኘትን አስመልክቶ በመንግስታዊና በግል የሚዲያ ተቋማት ጋዜጠኞች መካከል ልዩነት አለ ብለህ/ሽ ታስባለህ/ታስቢያለሽ?

• ለኢትዮጵያ ብሮድካስቲንግ ባለስልጣን ባለሞያዎች

1. ኢትዮጵያ ብሮድካስቲንግ ኤጀንሲ የግል የሚዲያ ተቋማት በማህበራዊና ኢኮኖሚያዊ እድገት ላይ የሚጫወቱትን ሚና እንዴት ይገልጻል?
2. የሚዲያ ተቋማት ነፃነትን ለማሻሻል መንግስት ምን አይነት እርምጃዎችን ወስዷል ይላሉ?
3. በሀገሪቱ የሚገኙ የሚዲያ ተቋማት እየተከተሉት ባለው የፖሊሲ አተገባበር ላይ ምን የታዘቡት ነገር አለ?
4. በግል እና በመንግስት የሚዲያ ተቋማት መካከል ያለውን መስተጋብር እንዴት ያዩታል? ከመንግስታዊ ተቋማት/ ቢሮዎች መረጃ ማግኘትን አስመልክቶ የግል ሚዲያ ጋዜጠኞች ከመንግስት ጋዜጠኞች እኩል ያላቸው መብት እንዴት ይገልጻል?
5. እራስን በነፃነት የመግለፅ መብት እና የሚዲያ ተቋማት ነፃነትን አስመልክቶ የኢትዮጵያ የፕሬስ ህግ ከአለማዊ ፕሬስ ህጎች አንፃር እንዴት ያዩታል?
6. የሚዲያ ተቋምን በተለይም የግል የሚዲያ ተቋማትን አስመልክቶ የተሸለፈ ምቹ የሥራ ሁኔታን ለመፍጠር የባለስልጣን መስሪያ ቤቱ ምን የነደፈው እቅድ አለ?

• ለኢትዮጵያ እንባ - ጠባቂ ማእከል ባለሞያዎች

1. ከመንግስታዊ ተቋማት/ ቢሮዎች መረጃ ማግኘትን አስመልክቶ የግል ሚዲያ ጋዜጠኞች ከመንግስት ጋዜጠኞች እኩል መብት እንደሌላቸው ይገልጻሉ። ችግሩን በማስመልከት እናንተ ጋር የደረሰ ቅሬታ አለ?

Appendix III

List of key informants

1. Zekariya Mohammed, a journalist from Sheger Radio Station April 20, 2018
2. Senior journalist for Sheger radio station (anonymity is maintained). April 26, 2018
3. Beyene Wolde: Junior journalist of Sheger Radio Station. April 28, 2018
4. Senior journalist for Sheger radio station (anonymity maintained). April 28, 2018
5. Tefery Alemu: Senior journalist and co-owner of the Sheger Radio Station. May 6, 2018
6. Two former journalists of Sheger radio station (anonymity is maintained). May 8, 2018
7. Two former journalists of Sheger radio station (anonymity is maintained). May 8, 2018
8. Gizaw Tesfaye Tola, Director of Law and Advertisements for EBA May 8, 2018
9. Gezaheng Fikereselasse: Broadcasting Media Regulatory and Capacity Building expert for EBA. May 8, 2018
10. Zewedu Wondem: Communication Director for EIO. April 20, 2019
11. Temesgen Kidane: Directorate of Law and Research Department for EIO. April 20, 2019

Declaration

I hereby declare that this thesis is my original work, has not been presented for a degree in any other university and that all sources of materials used for the thesis have been duly acknowledged.

Abraham Tekle _____

School of Journalism and Communication

July, 2019