A political requirement for creating and sustaining a viable democratic nation state is that among its unifying institutions, the mass media apparatus should have legitimacy and acceptance among the people. In a multi-ethnic federated democratic state where different languages, cultures, and media serve as unifying institutions for each autonomous national or ethnic group, the need to win both legitimacy and acceptance for one official information system calls for a policy capable of projecting considerable patience and appreciation of the dynamics of the principal human activities of information acquisition, storage, retrieval, interpretation, explanation, and dissemination, followed subsequently by information consumption, and digestion. Such activities form the complex and vital interconnecting web for communities, societies, cultures, and nations. In this sense, all human beings are information primary; communicating creatures that have developed many forms of communication by which myths, styles of living, mores and traditions have been passed from generation to generation and from one segment of culture to another. Without communications as the vital cohesive force, grouping of peoples into different societies, as may be classified by nationality, ethnicity, language, or other grouping criteria, would not be possible. It follows, therefore, that the cohesiveness of a society is directly proportional to the efficiency of its overall communications system. Such efficiency is achieved when a group has interacted long enough, within a temporal and spatial continuum, for it to congeal into a specific group with a specific ethnic name. Under the concept of the nation-state comprised of many such groups, the application of democratic imperatives will, invariably result in ethnic assertiveness with attendant conflict of interest. Managing and assuaging such conflicting interests, therefore, becomes a veritable challenge for a government that leads a multi-ethnic nation state.

Limitations of Communications Apparatus:

Stewardship of the overarching vital information expressed through governmental policies germane to the full constituency of a nation is, in fact, the very essence of government. Because there are, to date, no known models that have succeeded in deploying a communications apparatus capable of providing all information to all of its constituents at all times, such that all the people can make fully informed decisions about their collective destiny, the pyramidal arrangement of government with the elite at the top and the rank and file at the base is unavoidable. In an autocratic pyramidal system information management is simple. The flow of information within this model is unidirectional (top to bottom) and non-transparent in nature. On the other hand, the democratic pyramidal system is extremely complex, allows for transparency and reverse flow of information, and is guided by the principles inherent in the notion of the inverted pyramid, hence the concept of a government of the people, for the people, and by the people.

Public Policy (Information)

Procedures for the effective management of society necessarily incorporate a kaleidoscope of conflicting concepts, conditions, and items that require adjustment, containment, reduction, expansion, or some such alteration as deemed desirable by the governing body of the society, ostensibly in response to the needs or demands of the people.
people. Well intentioned and remedial in purpose, such procedures, as public policy, are formulated, prescribed, and implemented to treat identified symptoms of malaise observed in extremely complex societal environments. Regardless of intent, however, the inherent problematic nature of such procedures lies in the fact that they tend to be temporally fixed snapshot remedies. They are, in effect, human attempts at applying a measure of uniformity of social, political, and economic control over society, which is in constant motion driven by continuously changing human demands and natural predisposition for anarchy. To reign in this penchant for chaos, all societies depend on controls of one kind or other to govern human activity within a shared territory and socio-political system. In this respect, public policies may be considered instruments of governance designed to protect man from himself on one hand, and on the other, create more favorable conditions for higher life quality. Implicit in public policy, however, are notions of restraint and obligation that directly and indirectly affect the public and, by extension, the private conduct of every, otherwise free individual in society. Governing policies, therefore, may be seen as the use of temporary man-made artificial forces as mechanisms for arresting and redirecting the natural and continuous flow of free forces that determine and drive human nature.

Conflict between two forces, one aimed at countering another that is perceived as a problem, invariably results in the creation of a tertiary problem as a by-product. In turn, each problem caused in this manner calls for yet another remedial measure, and so forth. In effect, public policies are problem solving on one hand while on the other, they are problem generating. Where two opposing societal forces meet there is the inevitability of wear-and-tear brought on by friction and stress, which contribute to the weakening, and if left untended, the eventual breakdown into anarchy of the societal system. To prevent this, therefore, public policies are constantly strengthened when weak, adjusted and/or refocused when off the mark, or completely replaced when found to be obsolete. In each case, the formulation and implementation of a new policy automatically triggers a new problem that begs for attention. In this respect, it can be argued that all public policies function and dysfunction simultaneously.

It is, however, this very same conflict between man-made forces (control) and the natural forces (control) that provide the dialectic thrust against societal stagnation and/or degeneration, and ensure continuous societal evolution. An excellent metaphor for this phenomenon is the Chinese description of the process of walking. Walking, it is said, is a matter of allowing the body to fall in the direction of travel and then arresting the fall by placing one foot forward. By repeating the process continuously, travel in the desired direction is accomplished. The process, however, exposes the walker to the risk of stumbling, and even falling on occasion.

Analysis

The complex and ubiquitous nature of public policy present in all forms of governance requires analytical instruments and methods that are commensurate to the complexity of the relationship between general societal actors involved - the governors and the governed. Here, policy analysis is, in general terms, the application of problem-solving techniques to questions concerning (1) the expressed intentions of government relative to a public problem, and (2) those actions government officials take (or avoid) in attaining these objectives. Thirdly, it is a measure of the degree to which the relevant public accepts or rejects the prescribed actions of government officials.

Information and Communications Factors:

Critical to public policy analysis, therefore, is an appreciation of such elements as information knowledge, power, and communications, with an emphasis on the latter. Of equal importance is a whole range of concepts such as needs, security, and supply and demand, common good, advocacy, consensus, strategy, people oriented, elite oriented, and in so on. Added to these are actions involving decision-making, targeting, formulating, designing, and distributing, etc… all of which, in combination, generate data and information, and bring into being the instruments for the measurement and assessment of public policy within the general framework of the national government. Also critical, therefore, to public policy and analysis is an understanding of government itself as a social construction.

Government it can be argued in one sense is the human management of vital information, which is part of the glue that holds societies together. All life forms that live in societal arrangements being
information primary, the difference between mankind and other life forms lies in whether abstract manipulated information so necessary as the bonding agent for society is innate or learned. All indications point to the fact that with mankind, such vital information is not only learned but is also structured and institutionalize. The structuring and institutionalization of information, in effect, translates in culture, and each culture is the outcome of complex and abstract information transfer. This in turn results in learning how to adapt to a particular social and ecological niche through use of symbols that make something mean something else through the form of sounds or other abstractions. These abstract meanings are then assigned equally abstract values and become learned assumptions about such concepts as good and bad, beauty and ugliness, gentleman and savage Christian and heathen, and so forth. Values learned in this way tend to solidify and become guiding principles and/or customs with strong positive or negative influence over the formulation of public policy. Witness by way of example the former racial segregation policies of the United States and South Africa; public policies on monogamy and polygamy in predominantly Christian and Islamic societies respectively; etc…

Once formed into a collective, mankind resorts to the construction of complex societal mechanisms as bonding agents to hold the society together. Simultaneously mankind conducts his primary business consisting of the arrangement for a productive relationship with the physical environment in which he must live, and out of which he must collectively toil to extract the primary needs of food and shelter. To accomplish this with any degree of success he must first produce, acquire, store, retrieve, manipulate, disseminate, and consume a broad range of information that comprises the fabric of the complex interconnecting web of his society.

In this respect, the cohesiveness of the society is directly proportional to the efficiency of its overall communication system. Because of this purely logistical problem, no society is exempt from the pyramidal configuration, so far proven to be indispensable, for information management, which for all practical purposes expresses itself in the form of government with the elite at the pinnacle and the masses at the base. Under such circumstances, elite members of society who, as a consequence of a variety of social and institutional arrangements, have greater access to the means of production, intensification, and dissemination of vital information, can and do play pivotal roles in the orientation and function of their societies. It is, in fact, this very configuration that nurtures society's propensity for engaging in top-down rather than down-up procedures for public policy formulation in most, if not all, nations.

And in a more complex scenario, the same holds true for even the most developed of nations with sophisticated communications systems that make it possible for the constituents to know of a policy but not necessarily understand it. Critical to note here is the difference between “knowing” and “understanding” public policy. In the United States for example one can know of many different policies by simply reading the newspapers, watching television, or listening to the radio. These media place the facts at the citizen’s disposal. The distinction, however, is in understanding the rationale behind the facts and the manner in which they might affect one's life. To be understood in this way, the policies must be subjected to analysis with the proper tools and skills. Most people either did not have the time to devote to such detailed analysis or they lack the skills to do so, or both.

Trained public policy analysts, therefore, are indispensable for proficient government. Their work provides the basis for the indispensable dialogue between the government and the governed. By explaining and facilitating understanding of the rationale behind complex policies they serve as bridging points between the unavoidable and ubiquitous upright logistical pyramidal arrangement and the democratically sensitive notion of the inverted pyramid. The venues for such democratic interaction are, of course, the parliaments, congresses, and other such government forums where vigorous debate is encouraged and ultimately subjected to the democratic vote.

**My vision for Ethiopia in 2020**

In reflecting on my vision for Ethiopia in the year 2020 I have chosen to take the optimistic view. All things considered, Ethiopia has great potential for markedly improving her current socio-economic and socio-political conditions. It goes without saying that the country faces a difficult and steep hill to climb, but climb it can, and will. To do this, it must rid
itself of the language of fear, intolerance, and blind ignorance. The prevailing pessimistic discourse must be effectively replaced with the empowering language of confidence tempered with an appreciation of the inherent challenges of democratic imperatives. Understanding the democratic process will go a long way in the effort to climb the hill. If a proud nation with a proud history and proud people is to mean anything at all, Ethiopians must believe that they can, and will successfully climb the hill. On my part, I believe they can, but it will certainly not be a picnic. The pessimistic notion that Ethiopians are bogged down in a quagmire of problems never to emerge from them is repulsive to me. Examples abound of many nations throughout the world that have successfully extricated themselves from the dreges of poverty and misery. Why not Ethiopia? The peddlers of doom and gloom should not be allowed to gain the upper hand in defining Ethiopia to Ethiopians, and in deed to the rest of the world. To me, the Ethiopian glass is half full, not half empty.

By the year 2020 I envision Ethiopia will have made considerable progress up the hill, and will have become a progressive factor for peace, stability, and development in the region. If one believes that something cannot be accomplished, one will reach out for all the legitimate excuses in the world to justify failure with honor. However, if one believes something can be accomplished, one will use all legitimate excuses to succeed with honor. It is simply a matter of choice. I believe Ethiopia will achieve most of the goals set for year 2020.
Introduction

The topic "media and development in Ethiopia" is rather broad in scope. It would be futile to assume that one could do justice to the topic in attempting to address it fully at such a forum that is by its very nature limited by time. Taking this problem into consideration, therefore, the present attempt is itself limited to giving some pointers to the ideas of media and development, their interconnection, the press in Ethiopia and the law that governs them. By way of conclusion, I have ventured some opinions that I considered necessary to raise.

Defining 'Media'

The word 'media' in English is plural in form, with 'medium' for its singular. As used in the present context the word is closely related to 'communication'. Given this relationship between the two terms, the title of this paper could as well be phrased as 'communication and development' (or 'development and communication'), 'development communication', or 'communicating for development'. While the singular form 'medium' can be applied to the activities of communication, the plural form 'media' is used to collectively refer to communications networks.

The word 'medium' (n the singular) is used to mean the following, as explained by Defleur and Dennis, 1994:634:

“Medium (plural media): Any subject or device used for communicating a message by moving physical information over distance or preserving it through time. The medium links the sender to the receiver. A medium may be as simple as a carved stone or as complex as a satellite-linked television system.”

Fayad E. Kazan (1933:15), using the plural form 'media', defines 'mass media' as follows:

"This term refers to technologically based media of communication whose messages are transmitted publicly by a private or a public organization to a large, heterogeneous and anonymous audience . . .

Other writers have simply defined 'media' as "the means employed in mass communication…"

Types and Classifications of Media

There are different types of media, and their classification varies accordingly. The most commonly known types are 'Print Media' and 'Broadcast Media'. Janda, Berry, and Goldman, in their book The Challenge of Democracy, defines 'print media' as follows:

“Print media communicate information through the publication of words and pictures on paper. Prime examples of print media are daily newspapers and popular magazines. Because books seldom have a large circulation relative to the general population, they are not typically classified as a mass medium.”

The same writers define 'broadcast media' as follows: "Broadcast media communicate information electronically through sound and images. Prime examples of broadcast media are radio and television.”

Although the most widely known types of media are the two mentioned above, the types have increased in number in our day. These types, which are in a different class from the two types mentioned above but which are considered as communications media, are, for example, the telephone, fax, computers and the internet, which latter uses information websites linked by television systems. Not only that, such modes or devices as music, film or cinema, as well as video cassettes, DVD, and CD are means of communication. However, although the telephone, fax or the
internet are certainly means of communication, they are not considered or classified as mass-media. They are rather considered as group media. Speaking of classification, media can also be categorized into 'national' and 'international' as well as 'regional' and 'local'. Considered from the vantage point of mass-media, ownership of media itself can be taken as one branch of media classification. While in many countries both print and broadcast media are chiefly classified as private and government-owned, most of the time, however, print media are privately owned while broadcast media fall under government ownership. Depending on the type of ownership, the types of information transmitted or communicated also vary. Depending, again, on whether the information communicated is transmitted through the private or government media, the effects or influences they have on their audiences (or receivers) vary accordingly. As a matter fact, the media owned by the private sector and those owned by governments differ in their aims and objectives.

### Defining 'Development'

The term 'development' has been historically defined in different ways and has undergone many changes. It is indeed difficult, even today, to speak of any single definition of development acceptable to all. Kazan, for example, gives the following definition of 'development':

“Development is a planned, organized, future-oriented, ecologically sound, dynamic and sustainable process aimed at actualizing the human potential and the material capacities of society efficiently so that people will be able to achieve high standard of quality of life, have control over themselves, over their destiny and over their social, political and material environment (Kazan, 1993:14).”

Kazan also points out that the meaning of 'development' largely accepted by the Western world, emphasizing the different ways in which it is conceived of, as follows:

The western paradigm of development contained several essential elements and premises. These were:

1. that, to achieve economic development, societies must develop a free enterprise and free trade system;
2. that societies aimed at development must also feature a free press and free flow of information;
3. that people in these societies should possess those values and attitudes that reflect the western middle class life style, which can be realized by individual efforts; and
4. that development mainly referred to economic productivity and growth and to the accumulation of consumer goods (Ibid.: 48).

As different from the Western world's conception and usage of the term development, different writers have proposed the following definitions. The first example is that of Inayatullah, who defines development as:

“Change toward patterns of society that allows a society a greater control over its environment and over its own political destiny and that enables its individuals to gain increased control over themselves.”

Rogers, for his part, has defined development as follows:

“A widely participatory process of social change and material advancement, including greater equality, freedom and other valid qualities for the majority of the people through their gaining greater control over their environment (Moemeka, 1994:10).”

A Working Committee of the International Broadcast Institute, which met in Germany, gives the following simpler definition of development: "The improvement of the well being of the individual and the betterment of the quality of his/her life.”

Andrew Moemeka, for his part, has defined development as follows:

“Therefore, though seen from different perspectives, development means one basic thing in all perspectives and to all people: a change for the better in the human cultural, socioeconomic, and political conditions of the individual and consequently of the society (1994:11).”

Rejecting the Western conception and definition of development, the same Moemeka has defined development in the following to say:

“Development is not really a matter of technology or of gross national product; more importantly it is a matter of increased knowledge and skills, growth of new conscience, expansion of the human mind, the uplifting of the human spirit and the fusion of human confidence (Ibid.).”
The Link between Media and Development

It may appear, on the surface, that media and development (or development and media) are two totally unconnected and separate entities, each with its own role and attributes. It is nevertheless not that much controversial that the two are linked, or interactive. To the extent that media are a means of communication [among people], it is possible to effect change in people's culture/life through communications media. Raising people's lives to a better or higher level is, consequently, a form of development. It is precisely because of this that we see a lot of controversy through the media. One reason why government control of the media, but more particularly of broadcast media, is coveted in many countries is because it is strongly believed that change could be successfully effected through them. It is also because of this effectiveness of the media why even in the area of print media government officials make relentless efforts, through such varying means as promulgating stringent and inflexible laws, censorship, excessive penalties to bring privately owned print media under the ownership of their supporters and control their operations. Especially because the free press is one through which people's freedom is expressed, while at the same time serving as a mechanism of censure against governments, it is not something that governments regard lightly.

The free press, or the print media, is a forum commonly shared by the people and governments conducting dialogue. The free press, therefore, is a forum through which both governments and people exchange their respective ideas and opinions regarding national, social, economic and political concerns or issues. Although broadcast media are under the control of governments in most of the world's countries, they, too, are expected to be, much the same way as the print media, a means for the two-way flow of information as opposed to unidirectional flow, as through a water pipe.

Much the same way that the media bring about change in and influence people's or their audiences' views and attitudes, they also influence each individual's identity, personality, mode of life, culinary habits, modes of dressing, health, and life in general, etc. The media change people favorably for the better and, depending on the kind of information they transmit, they can also affect people negatively.

The following two citations are examples of the negative and positive effects of the media, respectively:

"The effects of the media may be bad, claim some critics. They warn us that mass communication may be doing things to us that we really do not want. Some say that media content makes us more violent, weakens our moral character, controls our beliefs, attitudes and opinions, leads us to buy things we do not need, and heavily influences many of the decisions that we think we make independently". (Defleur and Dennis, 1994:20)

An example of the good effects of the media is the following:

"Other analysts claim the media are forces for good in society. They say that the media enrich our lives and bring us all closer together, provide us with satisfying and stress-relieving entertainment, and make us more aware of important public issues and problems. These analysts maintain that the media help us understand social problems, enlighten us politically, improve our aesthetic tastes for good music and theater, and aid in rooting out corruption or incompetent government officials". (Ibid.)

Of late many writers are of the position that the media must be used for the purpose of bringing about development and progress, creating a confident personality, freedom and improved quality of life. It appears, then, that today's topic for discussion has been formulated "Media and Development" for this reason. Many writers today say a lot about the utilization of the media for development. Still many others have published and disseminated works on 'development communication' as the core of their arguments. The proponents of 'media-for-development' argue that the exchange of ideas and the flow of information must have as their end the processes and objectives of development, stressing, however, the notion of the human aspect of development. Andrew Moemeka, citing Rosario Braid has the following to say:

"In a very broad sense, development is the art and science of human communication applied to the speedy transformation of a country (economic growth, modernization, industrialization, etc.) and the mass of its people (self-actualization, fulfillment of human potential, greater social justice, etc.) through the identification and utilization of appropriate expertise in the development process that will assist in increasing participation of the intended beneficiaries at the
masses towards these goals. The very models of broadcasting imported from the west confirmed the notion of heavily concentrated media systems physically and structurally located close to the centers of political and military power, employing technologies equipped only for one way communication.” (Kazan, 1994: 49)

Underscoring the importance of the link between development and the media, Moemeka says the following:

“In broad terms, the ultimate objectives of national development (urban and rural) are economic growth, equitable distribution of facilities and of benefits, national cohesion, and human development. These are also, in broad terms, the ultimate objectives of development communication, even though because of the importance attached to intelligent understanding of development issues, development communication gives the pride of place to human development (Moemeka, 1994).”

Given all these arguments, then, there seems to be no room for doubt that the media, which are the big channels through which flows information, can serve the agenda of development.

The Media in Ethiopia

In Ethiopia, both the broadcast media and the print media, which constitute the two major types of media, have been in existence since the days of the late Emperor Haile Selassie. Regarding the broadcast media, Ethiopian radio and television, both of which were started by the benevolence and reformist enthusiasm of the same Emperor, have been operating for the last many decades—without any significant competition—until our day. Today as well, the broadcast media in Ethiopia still are under the ownership and control of the government and the political party that is in power. The conditions under which the broadcast media still operate today point to the government's monopolistic hold on this sector of the media. Although laws have been promulgated to privatize the broadcast media with the attendant provisions for their regulation by the government, there are, to the best of my knowledge, no privately owned and run broadcast media in Ethiopia. A few days back I watched something on Ethiopian Television about a television network called Blue Nile TV, but it is not very clear to me as to whether the said network is private or government.

Even if the broadcast media were to be privatized, it will be quite a long time before they make their effect or influence felt among their audiences. Moreover, even if private broadcast media existed, we need to understand from the outset that they would focus on the needs and wishes of their audiences.

It would not be far from the truth to assert that government broadcast media have room for the participation of the people. This is especially true of Ethiopian television, about which one can hardly say it serves as a common forum both for the government and the public. If there ever was a situation whereby the Ethiopian Television has a participatory as well as popular dimension, one can only point to the meager air time it allows to the different political organizations and individuals during times of elections. Even this participatory aspect of the station is questionable.

Although I have more to say later on the issue, I think that the time has come for Ethiopian Television, as one component or branch of the broadcast media, to take a pause and make a critical review of itself. I think it would be good if it asked itself such questions as the following and attempted to gather some information and data by way of finding answers to the questions: Do the people follow the programs that we transmit or don't they? How are things with our operation? Are we making differences or not? Are our programs acceptable to our audiences in those areas that our transmission reaches, particularly at a time when alternative television
networks have made headway into many areas and places? Moreover, it behooves Ethiopian television to ask itself which of its programs the public likes and willingly follows, and which ones it doesn't, and try to understand the reasons for either or both, for the present in which we live demands answers to such questions.

Regarding radio programs, it appears that Radio Fana and FM Addis 97.1 enjoy better responses from those audiences who have access to their transmission. Although I personally may not have used these stations for any purpose, it is my estimate that both Radio Fana and FM Addis 97.1 are more open to popular participation than their counterpart, Radio Ethiopia. The more participatory they become the more they gain in popularity.

Today, thanks to satellite dishes, foreign or international broadcast media play a big role in Ethiopia, particularly in urban centers. The power of TV Africa, which was allowed to operate in Ethiopia for some time some two years ago, to arrest the attention of many TV watchers and virtually become a source of addiction to many a youth is still fresh in our memory. When we turn our attention from the major broadcast media and focus it elsewhere, what we find is the electronic media. In this respect, too, we see that these electronic media, or international computer information websites, are attracting both the attention and time of very many people. As much as these websites provide good information, they are also replete with much worthless information and trashy programs that poison the tender minds of children and the youth. These networks are engaged in some kind of information invasion or war, the magnitude of which it is hard to pin down. Our country certainly is not immune to this kind of information invasion perpetrated by these international networks. It may be the case at present that these networks have not as yet started knocking on everybody's door, but the time for such a thing to happen is not that far. This invasion of information today has assumed many forms. No less powerful than the international networks, the assault perpetrated through music, film or cinema, video, DVD and CD, whether positive or negative in its effects, all constitute another component of the media with their own respective influences.

When we look at the print media as it exists in our country, the major component is what is known as the free press. And the main outlets of this component are daily and weekly newspapers and magazines. Since 1983 [E.C.] private newspapers and magazines have been circulating in encouraging numbers. This is as good as it could be. However, if, along with this encouraging proliferation of the private print media the question of freedom of the press is not given due consideration as part and parcel of the media themselves, one cannot dare to speak of the print media in Ethiopia as having been given the attention it deserves. For this reason, we should now focus on this aspect of the problem of the print media.

As we can understand from the mode of operation prevailing around the world today, freedom of the press is both allowed/respected and restricted on the basis of constitutions, special press laws and penal codes.

Looking at the situation in Ethiopia historically, in the first ever constitution issued in the country, namely the 1930 Constitution, we find the following provision regarding the individual's privacy:

**Article 26:** Except where the law permits, no person has the right to censor the personal correspondences of any Ethiopian citizen.

Next came the Revised Constitution of 1955. We find the following two provisions in this Constitution:

**Article 41:** Freedom of speech and the press is guaranteed throughout the Empire in accordance with the law.

**Article 42:** Correspondences shall be subject to no censorship, except in time of declared emergency.

Following the 1955 Revised Constitution, the major legal code regarding freedom of the press and the attendant restrictions is the 1957 Penal Code, also issued during the reign of Emperor Haile Selassie. We find in this Code restrictive and punitive provisions regarding freedom of the press under several articles. This 1957 Penal Code has been replaced and superseded by a new Criminal Code [that came into force on the 9th of May 2005].

Coming to the present, the laws concerning freedom of the press are the Charter of the Transitional Government of Ethiopia, issued in 1991, and the Proclamation on Freedom of the Press, issued in 1992. Incidentally, the Proclamation on Freedom of the Press, which was issued as Proclamation No. 34/1992, is the one that still operates today. As we all know, it is to be remembered that drafts to revise this Proclamation had been prepared and debated in 2003. However, since Proclamation No. 34/1992 is the one...
We find the following provision under Article 19 of the 1948 Human Rights Declaration, which Ethiopia has committed itself to respect in the Charter of the Transitional Period:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

After our country committed itself to upholding the principles of human rights articulated in the 1948 Human Rights Declaration and, accordingly, included those in the Charter of the Transitional Government, it has, for the first time in its history, issued a special law regarding freedom of the press, namely Proclamation No. 34/1992. As it has been pointed out above, according to international practices, freedom of the press is respected and protected in accordance with the laws of constitutions and special press laws. Because constitutions are by their nature documents embodying only basic or essential rights and freedoms. Therefore, specific issues should be addressed by specific laws in accordance with the principles articulated in constitutions and it is necessary to issue specific laws that do not violate the basic freedoms and rights, including the attendant restrictions, provided for in the constitutions. Issuing specific laws, not only with regard to freedom of the press but also the different issues addressed in constitutions, is not only necessary but it also cannot be procrastinated for any reason.

Looking now at Proclamation No. 34/1992, the reasons for issuing the Proclamation, as they have been clearly articulated in the Preamble, are as follows:

- Whereas, freedom of expression is guaranteed by the Transitional Period Charter of Ethiopia;
- Whereas, the existence, promotion and expansion of a free and strong press are prerequisites for the full translation into practice of freedom of expression;
- Whereas, free press, not only provides a forum for citizens to freely express their opinions, but also plays a preeminent role in the protection of individual and peoples' rights and the development of democratic culture as well as in affording citizens the opportunity to form balanced views on various topical issues and to forward their opinions on the directions and operations of government;
- Whereas, press can play this role only when appropriate conditions are created under which it can operate freely and responsibly without any censorship and restrictions of similar nature;
- Whereas, to this effect, it is necessary to issue the appropriate law providing for the freedom, rights and duties of the press;

When we get to the details regarding freedom of the press, Article 3 of the Proclamation has the following to say:

1. Freedom of the press is recognized and respected in Ethiopia.
2. Censorship of the press and any restriction of a similar nature are hereby prohibited.

In the Proclamation's Article 4, regarding purposes of the press, we find the following provisions:

1. Press stands for the pursuit of fundamental freedom, peace,
democracy, justice, equality and for the acceleration of social and economic development.

2. Accordingly, press:
   a. Gathers and disseminates news;
   b. Expresses opinions on various issues;
   c. Forwards criticisms on various issues;
   d. Participates in forming public opinion by employing various other methods;
   e. Undertakes other activities necessary for the accomplishment of its purposes.

Rights to Engage in Press Activities

Regarding the rights of the press to have access to and disseminate information, Part III, Article 8, sub-articles /1/ and /2/ have the following to say:

1. Any press and its agents shall, without prejudice to rights conferred by other laws, have the right to seek, obtain and report news and information from any government source of news and information.

2. Any press and its agents shall have the right to disseminate news, information and other products of press in their possession.

However, the right to seek, obtain and report news and information is not given without limitations. Accordingly, Article 8/3/ places limitations on the right to seek, obtain and disseminate news and information under the following five conditions:

Article 8/3/: Sub-articles 1 and 2 of this Article shall not apply to:

   a. Information designated as secret by the Council of Representatives or the Council of Ministers;
   b. Information which is secret by virtue of other laws;
   c. Unless the court decides otherwise, information relating to any case heard by a court in camera;
   d. Information relating to a case pending before any court;
   e. Unless the person concerned consents, information which is private to a victim of a crime.

The other provision relates to the right of the publisher or editor of the press not to disclose his source of information, which is stipulated in Article 8/4/a. However, this right, too, comes with limitation, as provided for under Article 8/4/b as follows:

The court may order the publisher or editor of the press not to disclose his source of information in the case of a crime committed against the safety of the State or of the administration established in accordance with the Charter or of the national defence force, constituting a clear and present danger, or in the case of proceedings of a serious crime, where such source does not have any alternative and is decisive to the outcome of the case.

Duties/Responsibilities of the Press

The 1992 Press Proclamation was not limited to providing for press rights. It has also imposed duties and responsibilities on the press. Accordingly, Article 10 of the Proclamation, under the heading "Ensuring the Lawfulness of the Contents of Press Products," has stipulated the following responsibilities:

1. Every press has the duty to ensure that any press product it circulates is free from any content that can give rise to criminal and civil liability.

2. Without prejudice to the generality of sub-article 1 of this Article, any press shall have the duty to ensure that any press product it issues or circulates is free from:
   a. any criminal offence against the safety of the State or of the administration established in accordance with the Charter or of the national defence force;
   b. any defamation or false accusation against any individual, nation/nationality, people or organization;
   c. any criminal instigation of one nationality against another or incitement of conflict between peoples; and
   d. any agitation for war.

With regard to the duties and responsibilities stipulated under Article 10, sub-articles 1 and 2, the Proclamation has further stipulated in sub-article 3 as to where the responsibility of carrying out the duties specified under sub-article 2(a-d) lies. Accordingly, if the failure to carry out any one of the duties specified under sub-article 2(a-d) has been committed by a periodical press such as a newspaper, magazine or journal, the responsibility lies with the concerned editor, journalist or publisher; if the failure is found to be that of a press product other than those specified in sub-article 3(a), the responsibility lies with the publisher; if the press-product in violation of the specified duties happens to involve press products disseminated by radio or television, the responsibility lies with the
concerned journalist and program editor.

Where any such failure of carrying out any of the duties specified under Article 10, sub-articles 1 and 2 has been proven, it has been stipulated in Article 20, sub-article 1 that the editor of the newspaper, or the program editor, or the publisher shall, without prejudice to the liabilities and penalties under the Penal Code, be punishable with imprisonment for not less than one (1) year and not more than three (3) years or with a fine not less than Birr ten thousand (Birr 10,00) and not more than Birr fifty thousand (Birr 50,000), or with both such imprisonment and fine.

Concerning penalty, Article 20, sub-article 2 of the Proclamation stipulates that a proprietor, publisher or editor-in-chief of a press engaged in press activities without the required registration and license, as stipulated under Articles 6 and 7 of the Proclamation, shall be punishable with imprisonment not exceeding two (2) years or with fine not exceeding Birr ten thousand (Birr 10,000). And Article 20, sub-article 3 stipulates that in the event of failure on the part of the press to carry out the duties specified under Articles 10-14 of the Proclamation, the proprietor, publisher or editor-in-chief shall be punishable with imprisonment not exceeding one (1) year or with fine not exceeding Birr five-thousand (Birr 5,000) or with both such imprisonment and fine. Finally, the same Article 20, sub-article 4 is a general stipulation concerning penalty. According to this stipulation, whosoever violates or obstructs the implementation of the Proclamation, otherwise than is provided for under sub-articles 1, 2, and 3 of Article 20 shall be punishable in accordance with the Penal Code. This sub-article can be considered simultaneously with Article 19 of the Proclamation, which provides for the duty of the government to cooperate with the press. Article 19 stipulates that Government officials shall have the duty to cooperate with the press in furtherance of the principle that the people have the right to know about the operations of government and the accountability of government officials. As we have already seen in Article 8 of the Proclamation, because the press has the right to have access to and to disseminate information, it appears that the provision under Article 19 was found necessary in order to implement the rights provided for under Article 8. Accordingly, then, any person who, in contravention of the law, denies access to information or obstructs the implementation of the Proclamation shall be punishable in accordance with the relevant provision of the Penal Code, as stipulated under Article 20 (4).

As we have already seen above, the penalty stipulated under Article 20 (1) of the Proclamation is applicable without prejudice to the liabilities and penalties under the Penal Code. This kind of multiple liability/penalty has the effect of intimidating on people who might be interested in engaging in press activities, while at the same time forcing those already in the business to cease their activities, or to impose unnecessary censorship upon themselves from sheer fright.

Our particular focus on Article 20 of the Proclamation, which concerns the liabilities of the press, should not blind us to Article 14 of the Proclamation, which stipulates that the civil damages caused by the press shall be punishable in accordance with the relevant laws laid down in the Civil Code as well. Consequently, it transpires that, in the event that any given press product violates the Proclamation, the journalist, editor-in-chief, or the publisher is punishable on three fronts: first, in accordance with the Penal Code; second, in accordance with the provisions of the Proclamation concerning penalty; third, in accordance with the laws laid down under the Civil Code, or by paying restitution or compensation in accordance with the Commercial Code, in addition to which the person liable for the damage must, at his own expense, issue a retraction or amendment. In fact, if in accordance with Article 16 (1) of the Proclamation, a court of law prohibits the dissemination of the press product, or rules for its confiscation or destruction within a fixed time, the penalty due to the offender could be four-pronged.

Considered in terms of the number of people or agents to be held accountable for criminal offence, sub-article 2 (a) and (b) stipulate that, in addition to the editor-in-chief or the publisher of the press product, the press organization shall be named for joint liability for any criminal acts committed and/or any civil damages caused by the press. While this provision becomes applicable when the press is held liable in accordance with either the Penal Code or the Civil Code, to hold the press organization jointly liable with the journalist, editor-in-chief or the publisher strikes one as a rather surprising procedure. In the first place, organizations given legal personality by the law should be held responsible for criminal offence in only those few cases clearly stipulated under the law. Second, a person is responsible for any criminal offence only when he deliberately or inadvertently
commits a crime clearly forbidden by law or fails to do what the law requires him to do, or when he is found a partner or abettor in crime, whether in intention or in action. Simply put, a person is penalized for a criminal offence when he is found guilty of violating the law and his guilt has been proven in a court of law. In the absence of such procedure, to hold a press organization jointly liable in a criminal offence is rather an unusual procedure.

The provision under Article 14 (2) of the Proclamation, concerning compensation for civil damages, is not to be taken lightly either. The stipulation, especially, holding the press organization liable to paying compensation up to double the capital of the press registered (having regard to the seriousness of the damage) if the press is a profit-making organization, is rather a heavy-handed measure, in that it discourages people from engaging in press activities, or forces those already so engaged to cease their activities.

Provisions of the Criminal Code

There are several provisions relating to the press in the Criminal Code of 2005. There are many such provisions relating to the press in the "General Part" of the Criminal Code. Of those provisions from No. 1-237 under the "General Part" of the Criminal Code, particularly relevant to the press are No. 32 and Nos. 42-47. There are also similar provisions relevant, in various degrees, to the press in Part II ("Special Part") of the Criminal Code, which covers the provisions from 238-733.

Finally, in Part III of the Criminal Code, that is, Nos. 734-865, and among those provisions known as "Violation of Regulations", there are provisions relating to the press.

Generally considered, the new Criminal Code comes replete with stringent provisions relating to freedom of the press.

Our country had taken several encouraging steps forward during the Transition Period, that is, in 1991, as well as at the time of issuing the 1992 Proclamation to Provide for Freedom of the Press. Granted that our country still has a long way to go before human rights and constitutional freedoms, including freedom of the press, are fully realized and respected. Yet, I do not think it would be wrong to say that the country has come quite a considerable way in terms of at least adopting various international human rights laws and incorporating them in its own national laws. In this regard, the steps Ethiopia took in terms of adopting the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, and the African Charter on Human and Peoples’ Rights, and incorporating them in its national laws is not something to be regarded lightly. However, our problem is not lack of laws, but one of implementing those laws.

Among those international human rights instruments that Ethiopia adopted and incorporated in its own national laws, the International Covenant on Civil and Political Rights has the following provisions under Article 19:

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

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
   a. For respect of the rights or reputations of others;
   b. For the protection of national security or of public order (ordre public), or of public health or morals.

Article 29 of the Constitution of the Federal Democratic Republic of Ethiopia, which came into force two years after the issuance of the 1992 free press Proclamation, has included freedom of the press under the general title "Right of Thought, Opinion and Expression":

Article 29: Right of Thought, Opinion and Expression

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any medium 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 honour and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.

7. Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

One of the reasons for the claim that our country, after the issuance of the 1992 free press proclamation, has indeed come a long way as regards the promulgation of laws is the inclusion in the Constitution of the provisions under Article 29. It is obvious for one who looks closely that Article 29 of the Constitution of the Federal Democratic Republic of Ethiopia has been taken verbatim from the International Covenant on Civil and Political Rights.

Considered from the vantage point of Article 29 of the Constitution and the International Human Rights and Freedom instruments, which Ethiopia adopted and incorporated in its national laws, the Ethiopian press law which has been operative since its issuance in 1992, is an instrument long overdue for change. In spite of this, however, this law is still in effect 11 years after the Constitution entered into force in 1995. Attempts were made in 2003 to revise the Press law, but nothing has been heard in this regard since then. It would be difficult to say that the draft laws that were on more than one occasion presented for debate had actually been thoroughly scrutinized against the backdrop of Article 29 of the Constitution as well as the International Human Rights Instruments that Ethiopia adopted and incorporated in its national laws. Therefore, if for no other reason than ensuring the genuinely democratic nature of the press proclamation that will replace Proclamation No. 34/1992, everyone should do their level best to see to it that we would not be moving regressively after having made considerable progress in terms of promulgating viable laws. We shall next touch upon some of the issues that need serious deliberation, come the time for the issuance of the next press proclamation.

1. The requirement of work permit or license for press activities, far from endowing the press with freedom, actually serves to put the press in shackles and condemn it to obscurity. Considered in general terms, providing for freedom of the press means nothing other than liberating the press from the shackles of censorship and licensing, for as we see from the experiences many democratic countries, freedom of the press has dispensed with the requirements of licensing. Prohibiting censorship, on the one hand, and requiring licensing for press activities, on the other, is tantamount to endowing the press with half-freedom rather than the full freedom it both deserves and requires. It is therefore imperative that we all advocate for the rejection of licensing requirements in press activities.

2. The power of the office of the Prosecutor as well as that of the Ministry of Information to deny or revoke press license and to enjoin press products, etc. is an issue that needs serious consideration. In order that we may enjoy freedom of the press, the role of these executive organs of the Government should be looked into seriously.

3. We need extreme caution when it comes to handling freedom of access to information, duty of providing information as well as confidential documents. Ethiopia should be very careful in making sure that it has first put in place laws governing those documents considered confidential or secret before revising and entering into force its press laws, if only to spare itself the effort of doing things all over again. It is equally important to seriously consider the laws relating to the issues of access to information and duty of providing information.

4. We also need to think seriously about the laws pertaining to penalty. Care must be taken to make sure that the multiple penalties provided for under the press law and the Criminal and Civil Codes will not cast doubt on freedom of the press rather than endowing it the freedom it deserves.

It has now been 11 years since Ethiopia’s choice to move along the road of democracy has been
officially proclaimed. Since one of the criteria by which a given system of governance is judged to be democratic happens to be the existence of the right to freedom of expression and access to information, it is important to make the necessary effort to ensure that the press law that would replace the 1992 Press Law would actually be a press law of a democratic system.

Any such press law as envisioned to be democratic should be tested for correspondence or accord with international human rights and freedom instruments and criteria before it is adopted and goes into force. The press law to be issued in such a way should be found capable of contributing to the building of a democratic system, as it has often been proclaimed in words.

Before leaving the domain of the issues that I raised above as needing our attention, I would like to add the following points:

- Imposing licensing requirements on press activities has no less adverse effect on freedom of the press than censorship. Since any press law that requires licensing to engage in press activities tends toward being a dictatorial press law rather than deserving of the label ‘democratic law’, the licensing requirements presently in force need to be abandoned.

- The limitations placed on freedom of the press should be only of the kind that prevent the violation of other people's rights and freedoms, that are necessary to protect the honor and reputation of individuals, the well-being of the country, the peace and security of the people, or the public's health and morals, all of which may result from the abuse of the freedom so granted. Any limitations other than the kinds enumerated above will only serve to remove the press law from the category of democratic laws and place it squarely in the category of dictatorial laws. For this reason, care must be taken in promulgating press laws.

- We must, as much as possible, fight against the possible interference of the office of the State Prosecutor and the Ministry of Information in their capacity as executive organs of the Government. If we grant the power of denying, prohibiting, and revoking press license to the Ministry of information and, similarly, the power of prohibiting the publication or the dissemination of press products to the State Prosecutor, etc., the envisioned press law, rather than being a democratic one will tend toward being a dictatorial law. Care should be taken to prevent this as well.

- Finally, over and above the fact that a press law that includes different kinds of multiple penalties in its provisions only serves as a source of intimidation, it also forces journalists to impose censorship on themselves merely to avoid liability and punishment. We all know that censorship can be imposed both directly and indirectly. Therefore, promulgating a press law that is focused more on responsibilities and penalties rather than on freedom and, then, claiming that it will help us build a democratic system is nothing more than an exercise in simulation. Because such stance on our part will only turn the envisioned law into a dictatorial rather than a democratic law, we need to be careful in this respect as well.

Media and Development in Ethiopia

Looking back now at the history of our mass-media, there is no question in my mind as to the doubtfulness of our ability to use the media in the service of development. In my estimate, the history of our media and the way we have been managing them so far has been in the main propagandistic and political in essence, which I believe it still is today. To be sure, using the media for development or endowing the media with developmental orientation requires a well-considered and mature, as well as stable political system; it requires a well-considered and mature constitutional system; it requires the prevailing of a democratic system. I think we still have a long way to go before we claim that these conditions have been fully met. While granting that political changes have been made in our country on more than one occasion, one could not dare say the same about the existence ever of well-considered constitutional, political or democratic systems to speak of with confidence.

Our mass-media can only be seen and considered within the framework of this unsettled or unordered system of ours. The freedom of the press that we witnessed as of 1991 and the press products that began gleaming in its aftermath and are now on a course of fluttering out can only be viewed and assessed within the purview of the same unsettled political and constitutional system. Leaving out for the moment the broadcast media that have been under the control and monopolistic ownership of State and focusing on the press and its products, we find that it would be difficult to say that their focus for the last 15 years has ever been on development. As I have pointed out above in passing, their attention was absorbed by political issues and senseless bickering; so are they to this day. Especially since before the elections of last May (2005) as well.
as during and after the elections, because of the discord between the Government and the private press that resulted from the various differences and misunderstandings surrounding the issues, we are now at that stage where the parties involved have been imprisoned, while law suits have been brought against others. Unless one claims that the Government has been attempting to disseminate information, lessons, and knowledge relating to development through the broadcast media that it owns monopolistically and through the press products that it also owns, I think it would be difficult to say that our media were development-focused ever. Even after all this has happened, we are still in the dark about our orientation regarding freedom of the press; and we still do not know what kind of press law is in the making.

As I have attempted to point out above, one of the most important factors necessary for the building of a democratic system is free press. Free press constitutes the free market of ideas; free press is a common forum for the Government and the people whereby they exchange ideas and engage in dialogue. Free press is the mouth-piece of the people as it also is that of the Government. Although free press mainly focuses on doing away with censorship and license requirements, the freeness of the free press lies in the very censorship it imposes on the government. Free press helps the Government to mend its ways, subject itself to its own scrutiny, and assess and evaluate itself periodically, while at the same time it serves as the instrument by means of which it feels and measures the heartbeat of the people. Consequently, in order for the media to actually help in the country's development process, it is necessary to ensure the prevailing of freedom of the press.

The limitations or restrictions placed upon freedom of the press must be only those whose necessity cannot be denied, which have world-wide acceptance and which have been thoroughly and carefully tested. Most above all, care must be taken to ensure that the restrictions imposed on freedom of the press do not stifle and destroy the very freedom that the press is supposed to enjoy.

Unless the broadcast media are made to open their doors to private investors and in this manner are turned into open sectors for investment, it is very doubtful that the country's development process can be helped or facilitated through their use as they currently stand.

Those media under State ownership and control must open their doors to the people's participation, for only this participatory nature of theirs is sure to help facilitate the country's development process.

Summary/Conclusion

- The question of what ought to be done in order to usher in and solidly establish a stable and enduring political, constitutional and democratic system in Ethiopia, I think, is a matter that requires extensive deliberation. Everyone also needs to discuss and generate ideas as to what needs to be done in order to surmount all of our other problems and focus on the country's development.
- I think it would be difficult for us to focus on our development where the stability of our political, constitutional and democratic system has not yet been ensured. Before embarking on our project of development we need constitutional peace, democratic peace and political peace to prevail.
- When we have achieved a stable system of governance, we can then coordinate our media activities with our development plans and be able to focus all our efforts in that direction.
- When accommodation, tolerance, equality, mutual respect and unity prevail, then only can we use our media for purposes of attaining our development goals.
- For in such a situation, in the event of problems created due to absence of accommodation, and due to mutual disdain and intolerance, then the role of our media would be that of mitigating the problems thus created and putting out the flames of discord.
- When we are able to rid ourselves of political wrangling and perpetual propagandism, then only will our media be able to focus on development activities.
- It is expected of our journalists to be imbued with professional ethics, be respectful of the law, be able to provide the people with balanced and genuine information, to stand on the side of truth, and to function with integrity. Since, in this respect, the existing media-training centers, as well as those to be created in the future, will have a lot to contribute, they are expected to render themselves capable of accomplishing the tasks awaiting them.

Finally, I think we need to take stock of the history of our media, our utilization and management of them, and the results they have yielded so far. I also think that we need to undertake extensive study on the issue of how this tool we call "media" could be used for development purposes in the future. Finally, I think we would all agree on the question of carrying out further research, on the basis of the discussions following this presentation, with the view to enabling our media to play a role in facilitating development.
Vision

My wishes for Ethiopia twenty-two years from now, in the year 2020 E. C. could be summed up as follows:

To see Ethiopia as a country in which democracy and peace have prevailed, where freedom of the press is respected, where the rule of law and justice reign supreme, where its peoples live in freedom, equality, fraternity and unity, a country completely freed from poverty and dependency.

REFERENCES