The New Ethiopian Hate Speech and Disinformation Prevention Proclamation: A Sign for Fracture of the Promises of the Reform?

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ABSTRACT

This article studies the new Hate Speech and Disinformation prevention and suppression proclamation No. 1185/2020 that the government of Ethiopia endorsed recently. Contrary to the promises of Reform by Prime Minister Abiy Ahmed in 2018, the Law that has been ratified in 2020. The study employed the method of 'Qualitative Case study' with 'Evidence of Effect' and Realist approaches to the systematic review of literature on Ethiopian Reform and the procedures followed to ratify the draft Bill. It analyzed the draft bill document as a case study reflecting the current state of media freedom in Ethiopia. Supported by some key informant interviews, related literature on media pluralism, press freedom, news reports, and International Organizations such as Human Rights Watch and UNESCO on Hate Speech and Disinformation Proclamation are examined. The result shows that PM Abiy Ahmed has been very ambitious in early actions and decisions in the reform process. However, the internal political crises created polarization in the contents of various media and compelled the draft Law's ratification. The Document of the Proclamation Lacked Clarity in the definition of terms. As a result, it created misunderstandings in the implementation and justifications of the ratified proclamation, as disinformation is only one element of different types of misinformation. It is also unclear why the proclamation repealed the article it assumed to repeal in the Criminal Code of the Federal Democratic Republic of Ethiopia, while there are other related articles. Furthermore, the Law will suppress press freedom and media pluralism which are potential democratic ideals as the country is heading for a democratic political transition. Therefore, to minimize government indiscretion, policymakers must reexamine the substance and drafting of the Law to close the gaps.

Keywords
Hate speech, disinformation, reform, press freedom, election

INTRODUCTION

Ethiopia has undergone innumerable reforms mainly after the coming of PM Abiy Ahmed to the power in April 2018. from the reformist groups of Oromo Democratic Party (ODP), one of the

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coalition parties of EPRDF. The reform followed permanent revolutionary protests by youths against TPLF regime, the dominating party in EPRDF. Since then, we have witnessed some of the changes that the reform had promised. Right in his first Speech by which he has addressed the members of the parliament, PM Abiy has tried to explain the problem of the EPRDF in the history of its leadership and pointed out some of the issues needing potential changes in the reform. His speech, which some have witnessed it as a shift in political discourse (Chekol, 2019), however, was emanated from his own and his teams' initiatives, though some disagreements were created among the group on sharing power at regional and federal level.

After securing power, one of the promises as part of the reform was declaring media and information freedom. In this way, he released journalists and dozens of political prisoners including opposition party officials from jail. This decision seemed to assure that he is going to make a way for multi-party democratic system, the road that has never been taken under the administration of the former Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) that was subjugated by Tigrayan People Liberation Front (TPLF) ruling elites. Nevertheless, that initiative has not been continued as political pressures from different ethnic based interests are continued to make the prime minister sandwiched in between providing answer to Oromo questions, the cause of the protest that brought Abiy to the power.

An additional challenge to the protest was the political radicalism on the social media with a mix of hate speech and disinformation that needed urgent solution at the time. Recently, hate speech and disinformation in the digital media has become a problem of the world that led to widespread physical harm offline. protests groups such as Qerroo of the Oromo and Fano of the Amhara, which were largely organized along ethnic identification (Workneh, 2020, p. 1). The political question that Abiy has never touched or is not like to even consider during his administration was the question of Oromos about their interest from Addis Ababa City. Now, the interest discourse' shifting to the claim of Addis Ababa as Oromo land, and need to be ruled by the Oromos, the extreme view that many Ethiopians feared about.

This question was a political question that need a response based only on political dialogue. In spite of heading into an authentic political change, based on honest national dialogue, Abiy preferred to change its party from ethnic based coalition party (EPRDF) to Prosperity Party, the party under which, as he argues, parties from minority groups which are kept constant as serving TPLF, the dominating party in EPRDF, are going to secure the power based on the number on their seats equitable to the number of their population. Afterwards, there were various attempts of reforms undertaken by PM Abiy Ahmed. For instance, restructuring of ministers and empowerment of women, establishment of peace ministry, release of political prisoners and economic reforms (Jima, 2021, pp. 1-18). Relatively, opening the ways for freedom of information and press freedom that led to the foundation of various media outlets right after his reign could also be considered as one indicator of the reforms.

However, the political reform situation has not lasted long with the same temper (Chekol, Moges, & Nigatu, 2021); and the decision of Abiy has brought another political disintegration among political elites particularly from the Oromos and Amhara. As many of the Amhara need PM Abiy's program for unity, changing the structure of ethnic federalism into regional federalism, to buckle the ethnicization of politics, majority of the Oromo political elites from the opposition party, disapproved his political program with a mistrust that he was planning to secure power for a long period of time. As a result, the measure that considered as new opportunity of democratic transition and consolidation (Endaylalu, 2022) by scholars and some hopeful people has quickly dimmed out.

From then on, the political disintegration that has basically been caused by this change has ill-informed the media discourse from traditional mainstream media to alternative, regional ethnic media and social media, and necessitated the proclamation of hate speech and disinformation and suppression that has been named as "Proclamation No 1185/2020, Hate Speech and Disinformation Prevention and Suppression Proclamation". This was a regulatory response as some scholars have argued that sphere of social media sites has recently become one of the channels of hate speech everywhere because of its unregulated user-generated content (Chekol, Moges, & Nigatu, 2021). The action was not actually good news for Ethiopia and Ethiopians, partly because of its direct and

indirect negative effects on press freedom and information pluralism, and partly because of its consequences on rupturing Abiy's promises in of the reforms in the early time of his reign.

The first thing that the proclamation has overlooked was the idea of media pluralism. Of course, it is very difficult to define media pluralism within this specific context of critiquing the proclamation. Media pluralism is different things for different groups. For some it means a plurality of media outlets. This can be indicated by having multiple types of media and multiple units of each media, and the existence of a range of print, broadcast, satellite, and Internet content providers can also represent pluralism (Valcke et al., 2015). For other observers according to these authors, pluralism means plurality in ownership, that is, a range of owners and different types of ownership. For others, it is indicated by the existence of public service as well as private commercial firms so some content is provided by an organization(s) without direct individual economic self-interest(s)

For others, media pluralism can simply be seen from the internal pluralism, the idea that to what extent the content of the media production brings much broader issues of different interests including the interest of the opposition political parties and civil society including the minorities. After the reform, few of the media which are associated with ruling party have best performed in building the image of Abiy and its administration. On the other hand, external plurality is directly associated with how much different media platforms including alternative media from Diaspora which are using crowd funding such as OMN (Oromia Media Network) and which are owned privately, and as a result, act independently like LTV Ethiopia operate freely in the country.

It is how much these media are opening rooms for the elites from opposition and minority groups, entertain their issues, use media as a liberal public space, leaving the role played by the social media apart. Some TV channels use Facebook to reach various audiences through the online platform. However, mainstream TV channels which are supporting the reform and Abiy's administration outshined the role played by the alternative media particularly in communicating the changes to the international audiences since these TV channels were operating with a relative degree of freedom compared with the private media outlets supported by the crowd funding. This influenced international institutions and political organizations to give support for Abiy's administration. For instance, the Nokoko journal in its podcast on current African issues have cited what has been written by Financial Times and published on February 20th, 2019 in its second podcast that is discussed in between Logan Cochran and Hone Mandefro. The extract reads as,

> Prime Minister Abiy has "overseen the swiftest political liberalization in Ethiopia's more than 2,000-year history. He has made peace with Eritrea; freed 60,000 political prisoners, including every journalist previously detained; unbanned opposition groups once deemed terrorist organizations; and appointed women to half his cabinet. He has pledged free elections in 2020 and made a prominent opposition activist head of the electoral commission. In a country where government spies were ubiquitous, people feel free to express opinions that a year ago would have had them clapped in jail." (Pilling and Barber, 2019).

This is important description by Financial Times and of course it was true that these changes have happened a few months after the Prime minster came to power. However, these changes have not been sustained to the expectations of the majority from Amhara and Oromos as many of the basically rooted political questions were left an answered. This situation has polarized the contents of media especially that of the alternative media I mentioned and other media organization which are echoing the voices of extremists from both sides, from the unionist side and federalist forces mainly from the opposition parties. This political polarization forced the government of Ethiopia to regulate media through the Bill of Hate Speech and Disinformation Prevention Proclamation No 1185/2020. This review article is, therefore, intended to examine the ways that are followed to develop and ratify the draft Bill and its side effects on the suffering of the freedom of the press. It examines by posing questions that why the government of Ethiopia rushed to endorsing the Bill where there are various tools available to fight hate speech and disinformation. To achieve what it intends, this paper poses the following three questions.

1. What are the ways that have been followed during the period of the reform to seize attentions of the national and international community with respect to Press freedom in Ethiopia?
2. How Hate speech and disinformation are defined in the Bill, and what are the defects of the definitions?

3. What possible consequences do the Hate speech and Disinformation Prevention law has on press freedom and freedom of expressions.

METHOD

This study applies 'a qualitative case study method' to systematic review of the draft law of hate speech and disinformation document of 2020. The method of case study is popular with practitioners as a tool for evaluation and organizational learning (Baskarada, 2014, p. 1). To support the argument in the analysis of the document, 'Evidence of Effect' and Realist approaches to systematic review of literature has been employed. A literature review of a mature topic addresses the need for a critique (Ramdhani et al., 2014). Systematic reviews of scientific literature promise to make sense of a specific subject by considering relevant papers (Mauro, Greco, & Grimaldi, 2019, p. 1437). The endorsed draft Bill of Hate Speech and Disinformation Prevention Proclamation has been thick described as a case study. During the process of research, the investigator may collect qualitative documents (Creswell, 2014). Case study research has grown in reputation as an effective methodology to investigate and understand complex issues in real world settings (Harrison, Birks, Franklin, & Mills, 2017). The researcher employed case study for it paves the way in-depth analysis of a document (the ratified bill in this case). The endorsed Bill is considered a document ready to be analyzed. In this way, the methodology used in this article is a Qualitative Document Analysis (QDA). The framework underpinning a QDA method contributes to the coherence and credibility of the study (Wood et al., 2020).

Systematic reviews are effective in synthesizing what the collection of studies are showing in a particular question and can provide 'Evidence of Effect' that can inform policy and practice (Snyder, 2019, p. 334). The 'Evidence of Effect' in the context of this study shall be understood as any confirmation that can be drawn from different literatures about PM Abiy's roads to reform and the new law of Hate speech and Disinformation and its overall effect to the development of democracy in general and freedom of the press in particular. In addition, realist review is also commonly used to evaluate policy in practice and looks to answer the question of what works for whom, under what circumstances/conditions, and how (Xiao & Watson, 2019, p. 100). Therefore, to proof that PM Abiy Ahmed's promises are fractured, different literatures, documents, news articles about the way reform has been undergoing, reports of international organizations, the document of the ratified draft Bill of Hate Speech and Disinformation Prevention have been systematically analyzed. The combination of qualitative case study and systematic literature reviews has assisted the researcher to make the method more realistic in pursuing for tangible facts and possible consequences of the case of the study.

Key Words of the Study

Hate speech

Hate speech seems to be an everyday language of the present time. However, the definition of the concept is not as clear as we could contemplate it. Literally, it is the intersection of multifaceted incongruities (Santuraki, 2019), and this makes difficult to give straightforward defintion to the concept. Brown (2017) explored the building blocks of the concept of hate speech, namely (1) speech, (2) classes or groups of persons identified as protected characteristics (3) emotions, feelings, and attitudes of hate or hatred. Then he argued the phrase 'hate speech' has more than one meaning. Brown (2017) explains that,

> The term 'hate speech' could mean something like speech or other expressive conduct which insults or degrades or defames or negatively stereotypes or incites hatred, discrimination or violence against persons or groups of persons based on their race or religion or sexual orientation or gender identity or disability and which is intimately connected with feelings, emotions or attitudes of hate or contempt or despise (pp. 164-165).

For Brown (2017), this definition was not straightforward. He argued hate speech can mean variety of things as professionals in different disciplines conceptualize it differently. He briefly discusses different contexts in which the term 'hate speech' could be defined. For instance,

Psychologists look at hate speech using insights from their professional experience working with victims of hate speech. Sociologists have sought to understand the relationship between hate speech and group dynamics. Linguists have investigated the extent, nature and origins of dehumanizing metaphors used in hate speech.

Additionally, political scientists and cultural ethnologists have employed the techniques of discourse analysis to assess uses of the term 'hate speech' in public and political discourse, including in newspaper articles on politics, in political discussion on the Internet, in political meetings, and in parliamentary debates. Accordingly, for Brown (2017), discourse analysis looks upon the term 'hate speech' not as something with a universal, trans-contextual meaning, but as a term that is used by people whose discourse is embedded in particular social practices, psychological states of mind, institutional structures, cultural environments, ideologies, and political hierarchies and conflicts. Therefore, the main idea here is that we must first understand something of these contexts in order to understand the many meanings of the term 'hate speech as the meanings of derogatory words are culturally specific. Accordingly, Brown (2017, p.612) finally concludes that while there is no universally accepted definition of hate speech, as a platform, we define the term to mean direct and serious attacks on any protected category of people based on their race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability or disease. Likewise, Warner and Hirschberg (2012) confirm that it was very difficult to detect hate speech since it is different things in different contexts.

On the other hand, Fish (1997) argues that multiculturalism does not exist; boutique multiculturalists will always stop short of approving other cultures at a point where some value at their center generates an act that offends against the canons of civilized decency as they have been either declared or assumed. In this sense, boutique multiculturalism is characterized by its superficial or cosmetic relationship to the objects of its affection. Boutique multiculturalists admire or appreciate or enjoy or sympathize with or (at the very least) "recognize the legitimacy of" the traditions of cultures other than their own; but boutique multiculturalists will always stop short of approving other cultures (Fish, 1997). More precise definition from law are specific to certain jurisdictions and therefore do not capture all forms of offensive, hateful speech. These arguments tell us that it is more difficult to design regulatory frameworks for hate speech and actions towards regulating may suffer lack of wisdom to justify. What is more, it has been also indicated that several nations have resorted to legislations aimed at regulating the use of social media considering the negative consequences of fake news and hate speech (Santuraki, 2019, p. 141); however, considering the interests behind some of the domestic legislations is a room of concern for they are restricting the freedom of expression.

Disinformation

On this complicated world, we cannot live in our own. To lead our life successfully, we often rely on the information available to us from different sources to update ourselves. However, all information we come across are not useful to our life. In this sense, I can simply define disinformation as any information that is not useful for one's usage actually because of various reasons. The reasons are diverse and may not as such simple to list. How information will become equally useful for different groups, parties, people and a nation? We may cast disinformation for information of fake, fabricated and therefore, false or trying to deceive people. But how can we defend if it is true and can serve the interest of some groups within the conception of the overriding public interest and journalistic and individuals' freedom of expression? These questions make the idea of disinformation confusing as hate speech does. Anyways, it is necessary to view some literatures in order to conceptualize it.

To begin with, Luciano Floridi (2011, as cited in Fallis, 2011), a foremost philosopher of information, conceptualize disinformation on three accounts, but it counts as disinformation things that clearly are not disinformation. Fallis (2011, p.206) then explained that, for Floridi, the *first account* has to fulfill the criteria of (1) false information is not information and information is "well-formed, meaningful and truthful data". In this way, information must be true. (2) The process of information is defective and disinformation arises at a time. This directly deals with semantic distortion in information's' lifecycle. In his *second account*, he points out that (3) the Source is aware of its nature, in that when we come across a false semantic content, that is misinformation and if a

source is aware of that, may speak of disinformation. In the *third account* (4), he argues that disinformation is purposefully conveyed to mislead. Therefore, in this sense, disinformation" is simply misinformation purposefully conveyed to mislead the receiver into believing that it is information.

Other scholars, however, casted Floridi's recent account "narrow", and brought different types of disinformation such as visual disinformation, true disinformation, side effect disinformation and evolutionary disinformation (Fallis, 2011). Therefore, Fallis concluded that none of Floridi's account captures the critical characteristics of disinformation. Hence, it may not be possible to give an account that captures everyone's intuitions about disinformation as he argues. Because of the generality and broadness of the terms used to conceptually define disinformation, and the contextual problems I have explained at the beginning, it becomes very difficult to regulate disinformation with government regulations.

Beyond flaws within the definition, it is also very crucial to consider conspiratorial elements in the contents of political institutions social media pages. How can we examine the disinformation proclamation that is already passed by Ethiopian government?' Who is responsible for politically oriented disinformation that are written on social media that has limited elements of truth value? Could it be difficult to identify hidden conspiracies among political parties in Ethiopia who are running to win 2020/21 election? Having these uncertainties in mind, in the following section, an effort is taken to examine the content of Ethiopian Hate speech and Disinformation Proclamation that is ratified in 2020.

FINDINGS AND DISCUSSION

The Road to Hate Speech and Disinformation Proclamation

Before substantiating my argument with some tangible ideas, I would like to take you to the road that has been taken to ratify the Ethiopian Hate Speech and disinformation proclamation of 2019. Right after considerable political reforms the prime minster has pursued, the international communities were very optimistic to the changes that will take place in the near future under the administration of PM Abiy, as he also was very confident as we observed in his first speech. Hence, they started to give attention for political changes in general and the situation of press freedom and peace in particular. To attract very much attention of the international community, the government of Ethiopia decided the 26th global celebration of the World Press Freedom Day to be celebrated in Ethiopia on 2-3 May, 2019. It is publicized, jointly, organized by UNESCO, the Government of the Federal Democratic Republic of Ethiopia and the African Union Commission, the international conference will be held at the Headquarters of the African Union in Addis Ababa and will be focused on the role of the media in elections and democracy.

The decision by the Government of the Federal Democratic Republic of Ethiopia to host World Press Freedom Day was announced following a meeting between Markos Tekle, the then state minister of foreign affairs of the Federal Democratic Republic of Ethiopia and Ana Elisa Santana Afonso, UNESCO Liaison Office Director in November 2018 (UNESCO, 2019). UNESCO's Assistant Director-General for Communication and Information, Moez Chakchouk, welcomed Ethiopia's decision to host the event, stating that this "illustrates the Ethiopian government's commitment to democratic reforms, especially in the media sector, which has opened up the space for media freedoms and for strengthening the respect for human rights in the country including online freedom of expression.

The media forum was held with a theme of "Media for Democracy: Journalism and Elections in times of Disinformation," and brought together more than 2,000 participants from over 95 countries during the celebration (UNESCO, 2019). It reported the occasion as follows;

> The celebration started with a joint media forum held at the United Nations Economic Commission for Africa to discuss the challenges and opportunities for the media in the age of disinformation. In a forum, the participants underscored the need for mainstream media to be more critical of fact-checking during election periods as disinformation has been threatening the bases of African democracy. The forum stressed the significance of critical journalism to be factually correct in an era where disinformation seems to create alternative realities and threaten the basis of democracy in Africa (UNESCO, 2019).

The media forum critically pointed out the present problem in Africa and anticipated the problem of disinformation for which critical journalism and factual information has been highlighted as a solution to the present problem. However, the Ethiopian government did not give due attention neither to the theme of the forum "Media for Democracy" nor to the specific solutions suggested by the participants to get out of the problems of disinformation. This can be taken as a sign of the fact that the government of Ethiopia is not ready for changing the media environment as to pragmatically solve the existing problems in the country.

To give much coverage for this dramatic event, Abiy ordered all government media to collect public opinion as a media campaign that takes place at least for a week the celebration date to come. I, myself, had the opportunity by OBN to be interviewed about the situation of press freedom in Ethiopia. I gave my opinion as a professional and pointed out that the change is very encouraging and need a commitment from the government to sustain this good democratic ideal. At the time, I was very pessimistic and I did not hold in reserve to express my views about the fact that there is much to work on it in the future.

After the celebration, it has been reported by many media that Journalists from across the world have gathered in Addis Ababa, Ethiopia, for a three days conference and celebrate the World Press Freedom Day. In a forum, the participants underscored the need for mainstream media to be more critical of fact-checking during election periods as disinformation has been threatening the bases of African democracy. The forum stressed the significance of critical journalism to be factually correct in an era where disinformation seems to create alternative realities and threaten the basis of democracy in Africa.

Over the past year, Ethiopia has undertaken dramatic changes to open up media and use it for promoting democracy. A lot of significant policy and a shift in practice have taken place over the recent years. Another journalist of Anadolu Agency Website, Addis Getachew Tadesse has reported the occasion with the news head which reads, "Ethiopia receives praise for improving media conditions". He has outlined with quotation of "I hope Ethiopia will be ranked in the top 20 for press freedom, 'says UN agency head". It was really a great change. However, it should have sustained without any hesitation from the government.

There was bad news for journalists and professionals we come across at almost the same time. The government is working on drafting rules and regulations that could curb hate speech. The issue of hate speech and disinformation proclamation has been drafted and undergoing discussion on the contents while these changes were happening and sings were being sung about the achievements. I, with my two friends from Addis Ababa University, have been invited to Fana Broadcasting Corporate (FBC), radio stream, to discuss about the essence of hate speech and the drafted proclamation. There was a fear among us that the suppression is to follow soon after the celebration of the world press day in Ethiopia. Though it was bad news for us, we were genuine in commenting and giving our professional critique about hate speech in general, and on the drafted proclamation in particular.

The Driving Reason for the Endorsement of Hate Speech Proclamation

The time from April 2018 was very critical time for the government as well as the people of Ethiopia. It was the time when the political situation of the country was on a crossroad. After more than six years of public protests mainly in Oromia regional state, the Protest that has been commonly known as 'Qerroo Protest', the EPRDF has brought Prime Minister Abiy Ahmed from Oromo People Democratic Organization (OPDO), one of the coalition parties that formed the EPRDF to the fore in the craving for political changes. At the time, it was believed that this young leader would change the political situation of the country through responding to the political questions underlying the struggles of the protesting groups. PM Abiy sought one of the ways the government would respond to the political needs of the people is to democratize every media outlet. He declared that his government would not jail journalists, everybody can express his/her idea using mainstream or social media platforms.

The change has reaped people unprecedented civil and political liberties. Following the change, different media outlets have been licensed and started working in the country. However, expressions of political differences based on ethnic, religious differences and economic interests through the media, (TV channels through their Facebook pages) have been feared to aggravate the

situation. The hate speech and fake news have been disseminated on social media having effects on what is disseminated in the mainstream media as well. The government has understood that this situation would negatively affect its move for the changes in the political reform. Hence, it was this situation that forced the government to draft and endorse the Bill. Whatever, it is more important to discuss the content of the document to giving more emphasis to the problems that could be observed in the draft law since it has an effect on the freedom of expression.

The Document of Hate Speech and Disinformation Proclamation

The definitions of terms in the draft law lack precision. The draft proclamation defines 'Hate Speech' as a "speech that promotes hatred, discrimination or attack against a person or an identifiable group, based on ethnicity, religion, race, gender or disability" (Article 2(2)), whereas it defines 'Disinformation' as a speech that is false, is disseminated by a person who knew or should reasonably have known the falsity of the information and is highly likely to cause a public disturbance, riot, violence or conflict (Article 2(3)).

Consequently, the definition of hate speech seems to be narrowed to speech that could have potential to incite violence, discrimination or hostility apparently from the scholarly conceptualization of hate speech. This makes the conception of hate speech loose and its validation in due process of justice very mysterious. Additionally, the definition of hate speech is not narrowly limited to speech promoting violence and discrimination as is required under international law. Scarcely defining it shall help the government to hunt those who are alleged to misbehave towards others in the process of political struggle in Ethiopia. What is more, generalizing the definition by explaining everything about it shall also undergo characterizing dozens of expressions of their ideas as hateful

The document also includes new, hazily worded online, broadcast and print activities subject to criminal punishment. It criminalizes the "dissemination of disinformation" defined as speech that is knowingly "false," without defining this concept. How misinformation becomes disinformation, for instance, if the information is alleged 'disinformation' from the receivers' side without 'verification' of it, in case that information has an element of truth remained untouched. The other very important problem of 'disinformation prevention' proclamation is its ignorance of the problematic nature of social media as a site for political discourse. Politicians may use to express their political views on their own social media pages and it is not reasonable to assume that these politicians' express truth and facts for political philosophies which are very tough to agree upon.

The document also includes articles prohibiting "dissemination" of hate speech that would allow for criminal punishment of someone who merely shares or reports information. The draft law aims at promoting tolerance, civil dialogue, and mutual respect among citizens (Article 3(2), (3)). But it is not clear how the law intends to achieve especially the latter. The draft law's definition of "speech" as "the act of disseminating information through spoken words, writing, visual images and pictures, sculptures and by other means" also furthers uncertainty (see Article 2(1)).

The draft law repeals Article 486 of the criminal code that protects the government and public officials from false rumors and charges that would distort public opinion, or incite hatred or public disturbance including religious, ethnic, and political acts of violence. It is not clear why the drafters chose to selectively repeal Article 486 while similar provisions such as Article 485 (alarming the public) and Article 813 (alarming announcements, news, and publications) remain in the Criminal Code. This change is not directly change in essence of the law that protects public officials, it is a preference made by the drafters to provide hollow by which they hunt for people individuals on the red line.

Generally, the draft missed to follow positive and broader approaches in order to bring changes to the minds of future generations. It could have considered its negative effects on freedom of expression for it is staffed with provisions that seem open to abuse by law enforcement organs against freedom of expression. Projecting on the opportunity to establish media education at all school levels as an enduring strategy of prevention of hate speech and disinformation should have also been considered as media literate individuals will work on making rational choice to produce and consume what content on the social media.

Whatever the decision taken by the government, the approval of the Bill derived various negative reactions from journalists, institutions, and human right organizations in different sections

of the world alike. For instance, New Delhi Times reported that Ethiopia approves controversial law curbing hate speech. Rights Group Calls New Law in Ethiopia a threat to Freedom of Expression as it is reported on VOA (Solomon, 2019). Similarly, Ethiopia Insight on its online page has critically analyzed the drawbacks with the endorsed hate speech and disinformation law. According to Alemu (2020) who expressed his emotion, but critical of the Bill, "Narrow hate speech law will not broaden minds". He described the draft proclamation as "*replete with provisions that could impinge on freedom of expression, while a more comprehensive approach is needed to tackling the normalized dissemination of divisive propaganda*".

Furthermore*,* Reporters Without Boarders (RSF) also said there had been no significant improvements to harsh media laws, which had been supplemented by a "vaguely-worded" law on hate speech and disinformation (as cited in BBC News, 2021), indicating the hanging of relative press freedom that the Ethiopian media environment (social media, mainstream) have once assumed from 2018 onwards. There is a historical cause rooted for the current argument on the media environment in the country. That is the media in Ethiopia are weak and have been ineffective in stimulating public debate on key political, social and economic issues in general (Lie & Mesfin, 2018, p. 18), partly due to related laws that restrict freedom of expression. These authors have indicated that the private press supplies alternative sources of information to the public and disseminates the views of the oppositional political parties. Likewise, the social media would do the same thing to the need for publics' sources of information. As a result, it is regularly subjected to intense intimidation, persecution, targeted detention and deliberate disruption by the government.

Moreover, even before the approval of the Bill, Human Rights Watch (2019) has warned Ethiopia for the Bill threatens free expression. It indicated that "if approved, the Hate Speech and Disinformation Prevention and Suppression Proclamation could significantly curtail freedom of expression". The reason that was highlighted by Human Rights Watch was that the use of hate speech laws around the world shows that authorities have often abused them for political purposes. The government should instead adopt a comprehensive strategy to address incitement to violence, discrimination and hostility, and invoke non-punitive measures to address hate speech. This should include regular public messaging from the prime minister and other public figures about the dangers of hate speech, programs to improve digital literacy, and efforts to encourage self-regulation within and between communities. Other bodies including journalists have criticized the Ethiopian government for its rush into such decision before effectively utilizing different range of tools at its disposal to counter hate speech that do not entail criminalizing protected speech.

Certainly, Prime Minister Abiy Ahmed has started these efforts as he addresses the people on different national and international occasions. For instance, he has tried to address the issue of hate speech in his Noble Prize Lecture, December 10, 2019 as follows.

> We are creating an Ethiopia that is second to none in its guarantee of freedom of expression. We should avoid the path of extremism and division, powered by the politics of exclusion. Our accord hangs in the balance of inclusive politics. The evangelists of hate and division are wreaking havoc in our society using social media. They are preaching the gospel of revenge and retribution on the airwaves. Together, we must neutralize the toxin of hatred by creating a civic culture of consensus-based democracy, inclusivity, civility, and tolerance based on Medemer(synergy) principles. The art of building peace is a synergistic process to change hearts, minds, beliefs and attitudes that never ceases.
> — *H.E. Prime Minister Dr. Abiy Ahmed*, Nobel Peace Prize Lecture, December 10, 2019

This initiation of the Prime minister should have been sustained and institutionalized before ratifying the Bill. He should have gone for making an agreed up on policy before law. He should have also followed the broader ways. Journalists and other concerned bodies should have discussed the pros and cons of the draft law on matters of freedom of expression until they reach up on consensus. His lecture note tells us that he has golden options in his mind, but he chooses regulation of the case only through passing law, the fact that this communicates what he thinks about future freedom of expression rights of journalists apart from what he tells us. He should have projected on educating young generation about media diversity and tolerance to counter the dissemination of Hate speech and disinformation on different media outlets. Media and information literacy may be particularly useful in addressing the consequences of democratized, unfiltered user-generated content and understanding the consequences of algorithms on modes of diffusion

(Jakubowicz, 2015). Hence, before providing legal Bills, the government should have built a system that recognizes diversity.

Consequences of the endorsed Law

Whatever way followed by the government of Ethiopia to endorse the Law, now we have Hate speech and disinformation proclamation No. 1185/2020 endorsed and critiqued as one of the signs of the crackdown of the freedom of expression in Ethiopia. The endorsement of the law neither followed appropriate ways to make decisions on this sensitive issue of the rights of the people of Ethiopia to use social media for expression of their ideas, nor it was the fierce urgency for the country. Public intellectuals through different media outlet, critiqued that at least the government could have prepared public debates on pros and cons of the endorsement of such laws that restrict press freedom and free flow of information in the society. The draft law was necessitated for the fear of media coverage of the 2020 election that was postponed to 2021 due both to Covid-19 as to government officials, and to the political unrest that followed the miscarriage of peaceful political transition from 2018-19. Nevertheless, it was meant to suppress and perpetrate frustrations among individuals using social and other media that are neutral from mainstream politics and independently report news information from different angles.

The Ethiopian media environment is facing controversial regulations from the government. The present hate speech and disinformation law is also not far from this reality. Therefore, one would argue that the government needs to change the prior discourse of 'terrorism charges' into Hate speech and disinformation charges though the degree of its offense may vary. In this case, it is important to draw our attention to the past, particularly to the post 2005 elections, the time most newspapers opposed to the government were closed; several prominent journalists imprisoned on terrorism charges. Before the time of Ethiopian reform under PM Abiy, and until his decision to free all imprisoned journalists, Ethiopia was one of the highest numbers of exiled journalists in the world; according to Human Rights Watch (2019), it is also among Africa's leading jailors of journalists and has little independent media. The situation didn't change as more journalists and protesters are jailed amid July 2021 Ethiopian election. Oromia media Network journalist, Melese Diribsa is under custody for more than a year, a suppression that forced OMN to close its studio in home country. What is more, the suppression of telecommunication and mobile users in Western and southern Oromia has been undergoing for more than year is another sign of toughest government action on peoples' right of information.

PM Abiy seemed to miss his own chance of transforming the people in a peaceful way in his way for 2020/21 national Election. During the post conflict period, what he should have rushed for is neither war with guerilla fighters in the south-west after the call he made for peace discussion, changing the name or restructuring of the party (EPRDF) he leads nor to quick elections, to towards democratic ferments, economic "rehabilitation" but a more controlled and gradual approach to liberalization, combined with the immediate building of governmental institutions that can manage these political and economic reforms. As UNESCO, an international organization promoting human rights activism, a future without hate would be created by educating the younger generations. That is to mean institutionalizing the reforms could have been accomplished in various service sectors through his reformist group soon after he gave the positions for his ministers.

CONCLUSION

In a society that has last so long under the leadership of the authoritarianism, people would not feel free when they enter into a democratic setting. They have to exercise democracy through open public dialogues for the transition to take place. The government should open ways through which democratic and fundamental human rights proliferate. Unless, repression makes some portion of people anxious mainly who are conscious of their freedom, their political goals and interests that may, sometimes, appear very ambitious causing more conflicts and unprecedented hate speeches to be perpetrated. This could potentially affect the weight of the actions from both sides and the media environment in a present situation, contrary to what has been speculated when Abiy Ahmed secured the office of the prime minister. Now, we have no guarantee that the detention of journalists and flee to the outside will end. I give two reasons for my assertion. The first is the hate speech and disinformation law that was passed to suppress journalists; and the second is generally

because of the political economic situation that constrained journalists to counterbalance the dispersion of fake news and hate speech through responsible journalistic practice in mainstream channels.

To conclude, therefore, even though the Hate Speech and disinformation and suppression law could be taken for granted, as legally institutionalizing the press freedom and its regulatory boundaries, it can also be considered as a sign of the fractures in the promises of the political reform that has the government of Ethiopia followed since 2018. It is an act of the illegitimate control of the liberty of expression. Some liberals see hate-speech regulation as a justifiable part of the effort to help rid society of discrimination and subordination based on such characteristics. However, this needs critical insight because hate speech is not viewpoint-neutral. Like those who favor sweeping regulation, it is crucial to think hate speech can cause serious psychological harm to those at whom it is directed. In order to minimize government indiscretion, policy-makers must reexamine the substance and drafting of the law in a bid to close the gaps.

References

Alemu, G. (2020, January 24). *Narrow hate speech law will not broaden minds*. Ethiopia Insight. https://www.ethiopia-insight.com/2020/01/24/narrow-hate-speech-law-will-not-broaden-minds/

BBC News. (2021, June 8). *Ethiopia profile - Media*. https://www.bbc.com/news/world-africa-13349401

Brown, A. (2017). What is hate speech? Part 2: Family resemblances. *Law and Philosophy*, *36*(5), 561-613. https://doi.org/10.1007/s10982-017-9300-x

Chekol, M. A. (2019). A shift of political discourse: Critical discourse analysis of ethiopian prime minister Dr. Abiy Ahmed's inaugural speech. *Advances in Sciences and Humanities*, *5*(5), 128-137. https://doi.org/10.11648/j.ash.20190505.13

Chekol, M. A., Moges, M. A., & Nigatu, B. A. (2021). Social media hate speech in the walk of Ethiopian political reform: Analysis of hate speech prevalence, severity, and natures. *Information, Communication & Society*, 1-20. https://doi.org/10.1080/1369118x.2021.1942955

Creswell, J. W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches* (4th ed.). SAGE Publications.

De Mauro, A., Greco, M., & Grimaldi, M. (2019). Understanding big data through a systematic literature review: The ITMI model. *International Journal of Information Technology & Decision Making*, *18*(04), 1433-1461. https://doi.org/10.1142/s0219622019300040

Endaylalu, G. A. (2022). The grand missed opportunities for change in the modern ethiopian political history: Lesson to be learnt for contemporary democratic transition. *International Relations and Diplomacy*, *10*(1), 33-49. https://doi.org/10.17265/2328-2134/2022.01.003

Fallis, D. (2011). Floridi on disinformation. *Etica & Politica / Ethics & Politics*, *13*(2), 201-214. http://hdl.handle.net/10077/5802

Federal Democratic Republic of Ethiopia (2020). *Hate Speech and Disinformation Prevention and Suppression Proclamation* (No.1185/2020). https://www.lawethiopia.com/index.php/volume-3/6504-hate-speech-and-disinformation-prevention-and-suppression-proclamation

Fish, S. (1997). Boutique multiculturalism, or why liberals are incapable of thinking about hate speech. *Critical Inquiry*, *23*(2), 378-395. https://doi.org/10.1086/448833

Harrison, H. C., Birks, M., Franklin, R., & Mills, J. E. (2017). Case study research: Foundations and methodological orientations. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, *18*(1). https://doi.org/10.17169/fqs-18.1.2655

Human Rights Watch. (2019, December 19). *Ethiopia: Bill threatens free expression*. https://www.hrw.org/news/2019/12/19/ethiopia-bill-threatens-free-expression

Jakubowicz, K. (2015). Trends in media pluralism. In *World trends in freedom of expression and media development* (3rd ed., pp. 66-100). UNESCO Publishing. https://unesdoc.unesco.org/ark:/48223/pf0000261065

Jima, A. O. (2021). Vicious circle of Ethiopian politics: Prospects and challenges of current political reform. *Cogent Social Sciences*, *7*(1), 1893908. https://doi.org/10.1080/23311886.2021.1893908

Lie, J. H. S., & Mesfin, B. (2018). *Ethiopia: A political economy analysis* (NUPI 2018-04 [1582164]). Norwegian Institute of International Affairs. http://hdl.handle.net/11250/2496505

Pilling, D. & Barber, L. (2019, February 21). *Ethiopia's Abiy Ahmed: Africa's new talisman*. Financial Times. https://www.ft.com/content/abe678b6-346f-11e9-bb0c-42459962a812

Ramdhani, A., Ramdhani, M. A., & Amin, A. S. (2014). Writing a literature review research paper: A step-by-step approach. *International Journal of Basic and Applied Science*, *3*(1), 47-56. http://digilib.uinsgd.ac.id/5129/

Santuraki, S. U. (2019). Trends in the regulation of hate speech and fake news: A threat to free speech? *Hasanuddin Law Review*, *5*(2), 140. https://doi.org/10.20956/halrev.v5i2.1625

Snyder, H. (2019). Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*, *104*, 333-339. https://doi.org/10.1016/j.jbusres.2019.07.039

Solomon, S. (2019, December 20). *Rights group calls new law in Ethiopia a threat to freedom of expression*. VOA. https://www.voanews.com/a/press-freedom_rights-group-calls-new-law-ethiopia-threat-freedom-expression/6181387.html

UNESCO. (2019). *World Press Freedom Day 2019: Final report* (CI-2019/WPFD/1). UNESCO Publishing. https://unesdoc.unesco.org/ark:/48223/pf0000368964

Valcke, P., Sükösd, M., & Picard, R. E. (Eds.). (2015). *Media pluralism and diversity: Concepts, risks and global trends*. Palgrave Macmillan. https://doi.org/10.1057/9781137304308

Warner, W., & Hirschberg, J. (2012). *Detecting hate speech on the World Wide Web*. In *Proceedings of the Second Workshop on Language in Social Media* (p. 19–26). Association for Computational Linguistics. https://aclanthology.org/W12-2103

Wijaya, B. S. (2022). On the corruption of communication: A theory of deception. *Studies in Media and Communication, 10*(2), 129-144. https://doi.org/10.11114/smc.v10i2.5500

Wood, L., Sebar, B., & Vecchio, N. (2020). Application of rigour and credibility in qualitative document analysis: Lessons learnt from a case study. *The Qualitative Report*, *25*(2), 456-470. https://doi.org/10.46743/2160-3715/2020.4240

Workneh, T. W. (2020). Social media, protest, & outrage communication in Ethiopia: Toward fractured publics or pluralistic polity? *Information, Communication & Society*, *24*(3), 309-328. https://doi.org/10.1080/1369118x.2020.1811367

Xiao, Y., & Watson, M. (2017). Guidance on conducting a systematic literature review. *Journal of Planning Education and Research*, *39*(1), 93-112. https://doi.org/10.1177/0739456x17723971