

# THE CONSTRUCTION OF A MEDITERRANEAN PERSPECTIVE IN MEDIA POLICY: COMMON VALUES FOR CONTENT REGULATION IN MENA AND EU COUNTRIES

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Are the communications regulatory regimes in the Middle East/North Africa region moving towards the adoption of European-style audiovisual policies? Broadly yes, but with important exceptions, say the authors. This article analyzes the actions of the 24-member Mediterranean Network of Regulatory Authorities, and then examines the individual cases of authorities in Lebanon and Morocco. The authors find evidence of movement towards European-style regulatory harmonization and integration in the region; however, uncertainties about the future remain, especially with respect to transparency and accountability.

## INTRODUCTION

The Middle East and North Africa (MENA) region has historically been one of the main areas of strategic interest for the European Neighbourhood Policy. After 1995, relations between European countries and their Southern Mediterranean neighbors entered a differentiated stage with the launch of the Barcelona Process and the implementation of the Euro-Mediterranean Partnership.<sup>1</sup> In 2008, the Partnership was transformed into the Union for the Mediterranean (UfM). The main goal was to boost regional integration, retaining and reiterating principles and purposes expressed since the beginning of the Barcelona Process, such as the transformation of the Mediterranean into a zone of peace and stability, the creation of a free trade area, the strengthening of democracy and the promotion of intercultural dialogue.<sup>2</sup>

This process coincides with a general trend of extending European policies towards its external borders and to prioritize regional integration with neighboring countries. EU audiovisual policy is a

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<sup>1</sup> Established by the Barcelona Declaration that was adopted at the first Euro-Mediterranean Conference of Foreign Ministers (Nov. 27-28, 1995), by the 15 EU members and 12 Mediterranean partners: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Palestinian Authority, Syria, Tunisia, and Turkey. European Union, "The Barcelona Process," accessed Aug. 4, 2014, [http://www.eas.europa.eu/euromed/barcelona\\_en.htm](http://www.eas.europa.eu/euromed/barcelona_en.htm).

<sup>2</sup> Union for the Mediterranean, *Final Statement*, treaty document, Nov. 3-4, 2008, accessed Aug. 4, 2014, <http://ufmsecretariat.org/wp-content/uploads/2012/09/dec-final-Marseille-UfM.pdf>.

good example.<sup>3</sup> In the Mediterranean case, the Euromed Audiovisual program has become an essential tool to promote cooperation between the two shores. Besides, the Audiovisual Media Services Directive (AVMSD) shows the same trend in the regulatory field. In this scenario, there emerges an initiative of some EU national regulatory bodies, which have led to cooperation with the southern neighbors, playing a key role in the efforts to achieve shared principles in media regulation. This article analyses the actions of the Mediterranean Network of Regulatory Authorities (MNRA), created in 1997 by the French Conseil Supérieur de l'Audiovisuel and the Audiovisual Council of Catalonia, with the participation of regulatory authorities from Greece, Italy, and Portugal. Currently, MNRA has 24 members.<sup>4</sup> From an analysis of subjects discussed in MNRA meetings, we can identify similarities with the European model of regulation based on values such as the independence of the regulatory authorities, the protection of minors, and pluralism.

However, how do MENA countries face these initiatives? Do they consider that EU policy has influenced media regulation in the Mediterranean basin? Do these regulators view the Mediterranean Network as a shared project? And beyond the declarations of intentions, do they adopt the common criteria in practice? This article aims to answer these questions from the analysis of two cases: Lebanon and Morocco. These are two of the first Arab countries that liberalized their media sectors, and set up regulatory authorities for broadcasting – the Conseil National de l'Audiovisuel (CNA) and the Haute Autorité de la Communication Audiovisuelle (HACA), respectively. But the CNA and the HACA are also representative cases because of major differences in their structure, decisions, and accountability.

This article is structured in two parts: first, it studies the declarations adopted by the MNRA and whether there is a relation with EU policy; second, it analyses the Lebanese and the Moroccan regulatory authorities. Considering previous studies on media policy and regulation in the European context and others focused on MENA countries, this article is based on qualitative document analysis. In addition, some interviews with representatives of the regulatory authorities have been undertaken in order to understand the influence of the Mediterranean agreements on their actions.<sup>5</sup>

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<sup>3</sup> Carmina Crusafon, "European Media Policy and International Relations: The Case of EU Audiovisual Policy," in *Communication, Mediation and Culture in the Making of Europe*, ed. Juliet Lodge and Katharine Sarikakis (Bologna, Italy: Il Mulino, 2011), 177-198.

<sup>4</sup> The MNRA includes regulatory authorities from 21 countries or regions, some of which have more than one: Albania, Bosnia-Herzegovina, Croatia, Cyprus, France, Gibraltar, Greece, Israel (two authorities), Italy, Jordan, Kosovo, Lebanon, Malta, Morocco, Mauritania, Montenegro, Portugal, Republic of Macedonia, Serbia, Spain (one national regulator and two regional authorities of Catalonia and Andalusia), and Turkey.

<sup>5</sup> This article includes results of p Ricardo Carniel Bugs, *Los organismos reguladores del audiovisual y sus actuaciones en la zona euromediterránea. La protección de los menores, los derechos humanos y la diversidad cultural en Francia, España, Líbano y Marruecos*, doctoral dissertation, Universitat Autònoma de Barcelona (2013), developed in the framework of the research project "The Social Construction of the Euro-Mediterranean Space in the Media: The Information in Press and Television" (CSO2008 - 01579), funded by the Spanish Ministry of Science and Innovation (2009-2012), in which the authors of this article had participated as researchers. This study has been extended with a new research project "The Social Construction of Inter-Mediterranean Space and Their Correlations in the Agenda Setting of the Media. The Information in Press and Television," funded by the Spanish Ministry of Economy and Competitiveness (2013-2015). Researchers (in alphabetical order): Hesham Abu-Sharar, María Luz Barbeito, Zhou Bouzidi, Ricardo Carniel Bugs, Carolina Cerdà-Guzmán, Lluís Costa, Carmina Crusafon, Olga Del Río, Lucrecia Escudero, Natalia Fernández, Elisabet García, Juan A. García Galindo, Víctor Gutiérrez, Nouredine Harrami, Carmen Martínez, Patria Román, Fernando Sabés, Susana

## THE MAIN PLAYER IN THE REGION

The Mediterranean Network of Regulatory Authorities (MNRA) was launched in 1997 as a supranational platform for discussion, exchanges of information, and research on topics related to audiovisual regulation.<sup>6</sup> Its 24 members hold annual meetings, at which representatives from institutions such as the Palestinian Territories, European Commission, European Parliament, and Council of Europe (European Audiovisual Observatory) attend as observers. After a decade of debates, since 2008 the MNRA has focused its efforts on achieving some principles of content regulation in order to protect minors, fundamental rights, and human dignity, and to monitor the accuracy of information in the media. These concerns are reflected in the four Declarations that we will analyze here.

Since its launch, the main goal of the MNRA has been to consolidate a space of mutual support between independent regulatory bodies. Considering the structural variety of regulators, the network constitutes, on the one hand, an important platform for political persuasion, for expanding powers, and for ensuring a high level of autonomy. On the other hand, discussions have shown – despite the specificities of each nation – that regulators face similar problems in the supervision of a sector in continuous transformation. Thus, the annual meetings have prioritized issues such as the classification and signalization of programs (Athens, 1998), anti-concentration rules of media ownership (Lisbon, 1999), the analogue switch-off and digital terrestrial television (Naples, 2000), the challenges of satellite TV (Nicosia, 2004), the monitoring of audiovisual content in a convergent context (Paris, 2005), and the representation of women in the media (Istanbul, 2010), among others. The association has also analyzed the support of Mediterranean culture through the distribution of audiovisual products (Barcelona, 2007), or diversity in multicultural societies (Granada, 2009). In parallel, the regulators made progress in discussions on how to harmonize the various legal frameworks, which is crucial for regional integration.

Unlike the European Platform of Regulatory Authorities (EPRA), MNRA statutes contemplate the possibility of reaching agreements or common positions. In this way, in 2008 MNRA members developed the first shared principles of content regulation for the Mediterranean media.<sup>7</sup> The Declaration on Audiovisual Content Regulation was based on preserving fundamental values and respecting the rule of law. The document sets up what would become the three main axes for regulatory action, which are interrelated: compliance with fundamental rights with emphasis on human dignity, the protection of minors, and the accuracy of information including plurality of views.<sup>8</sup>

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<sup>6</sup> Mediterranean Network of Regulatory Authorities, “The MNRA,” accessed Aug. 4, 2014, <http://www.rirm.org/en/presentation-rirm>.

<sup>7</sup> According to Juan Montabes, former president of MNRA in 2009-2010, “The main challenge of MNRA, and I believe it can be extended to other platforms and forums in which agencies are represented [from] different countries, is to reach consensus on topics and issues that are addressed from different points of view for each authority.” Personal interview with Ricardo Carniel Bugs, 2013.

<sup>8</sup> Text adopted at the 10th Plenary Assembly, Reggio Calabria, Italy, Oct. 2-3, 2008.

On the first axis, the regulators made a commitment to ensure that audiovisual content will: respect human dignity, privacy, image, honor, and reputation of people; not incite degrading behaviors or practices, hatred, xenophobia, or discrimination of any category; not exploit the inexperience or credulity of vulnerable people; and promote the cultural diversity of Mediterranean societies, in the spirit of mutual respect and understanding. Some programs were also banned for supporting violence, terrorism, and other illegal practices, or actions that violate the 3rd Geneva Convention relating to prisoners of war.<sup>9</sup>

For the second axis of regulation, protecting minors, it was agreed that pornography and extreme and gratuitous violence must be broadcast using a coding mechanism, preventing free access by children and adolescents. Audiovisual media services were urged to avoid content that could incite violent behaviors or consumption of drugs, as well as to broadcast alerts (easily identifiable by people with visual or hearing impairments) before showing content harmful to the development of children. The text also includes the intention to promote content that educates children about tolerance and respect for human rights.<sup>10</sup>

The third axis of the Declaration focuses on the accuracy of information and the pluralism of opinions. Mediterranean authorities have said that freedom of information implies an obligation for the exactitude of that information by professionals and media, while freedom of expression entails respect for pluralism and fundamental rights.<sup>11</sup> Thus, regulators assume the role of watching over the accuracy of information and the right of reply, and rectifying misleading information.

Those principles became the backbone of the MNRA's work, and they were reinforced in subsequent agreements. In 2009, Mediterranean authorities adopted a second Declaration, concerning the protection of young people and the fight against violence in the media.<sup>12</sup> It set four strategies: to define a common signalization during programs for young audiences; to provide systematic information to parents about the dangers of TV for children under the age of three; to create a list of child protection experts and organize training activities in member countries of the network; and to launch a Mediterranean Alliance for media literacy and for educating parents, teachers, and children.<sup>13</sup>

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<sup>9</sup> Mediterranean Network of Regulatory Authorities, *Declaration of the Mediterranean Network of Authorities on Audiovisual Content Regulation*, treaty document (2008), accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/143.2.Declaration%20regulation%20audiovisual%20content\\_MNRA\\_EN.pdf](http://www.rirm.org/medias/_documents/en/143.2.Declaration%20regulation%20audiovisual%20content_MNRA_EN.pdf), 2.

<sup>10</sup> *Ibid.*, 3.

<sup>11</sup> *Ibid.*, 4.

<sup>12</sup> Text adopted at the 11th Plenary Assembly, Granada, Spain, Oct. 1-2, 2009. Pornography is one of the major concerns of Mediterranean regulators, according to Abdel Hadi Mahfouz, chairman of the Lebanese Conseil National de l'Audiovisuel: "There is a lot of violation made by satellite channels and we have no power on it. [...] The Lebanese channels respect the principle of protection of the children. There is no pornography in the TV but we receive the pornography by the European satellite channels." Personal interview with Ricardo Carniel Bugs, 2013.

<sup>13</sup> Mediterranean Network of Regulatory Authorities, *Declaration of Intent Concerning the Protection of Young Publics and the Fight against the Violence in the Media*, treaty document (2009), accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/186.2.RIRM\\_Declaration%20of%20intent\\_protection%20of%20young%20publics\\_EN.pdf](http://www.rirm.org/medias/_documents/en/186.2.RIRM_Declaration%20of%20intent_protection%20of%20young%20publics_EN.pdf), 2.

The following year, the MNRA members made an assessment after the adoption of the two declarations. On the one hand, the promotion of media literacy had already inspired actions, such as a seminar with experts,<sup>14</sup> and the Memorandum of Understanding with the Permanent Conference of the Mediterranean Audiovisual Operators (COPEAM) that brings together the broadcasters of the region and independent professionals.<sup>15</sup> However, on the other hand, regulators said that the common criteria for signaling programs were still in a developmental stage.<sup>16</sup>

In 2011, the MNRA adopted a third statement related to reality shows. Because of the risks these shows may present for the participants and the public, the regulators commit to promote dialogue between media professionals and civil society, as well to strengthen the safeguards for vulnerable audiences, especially taking into account human dignity.<sup>17</sup> Three essential criteria were agreed for the reality shows: do not create situations that may damage the fundamental rights of the human being; signalize the programs properly; and inform the public about production means, shooting conditions, and selection of participants.<sup>18</sup>

The fourth MNRA Declaration was adopted in late 2012 and addressed the fight against gender stereotyping in media. For this mission, a working group was created with three goals: “Adopt indicators and assessment tools that identify sexism and discriminatory stereotypes in the audiovisual media, especially in information, fiction and entertainment programmes as well as in advertising; Promote studies and research using a collaborative approach that evaluates evenly gender discrimination in audiovisual content; Initiate an active and voluntarist collaboration with the audiovisual media by means of co-regulation in order to effectively fight against gender stereotypes in programmes.”<sup>19</sup>

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<sup>14</sup> Seminar on Media Literacy and the Protection of Children. Malaga, Spain, June 2010.

<sup>15</sup> Protocole d'Entente entre le Réseau des Institutions de Régulation Méditerranéennes (RIRM) et la Conférence Permanente de l'Audiovisuel Méditerranéen (COPEAM), *The Memorandum of Understanding expresses the intention to work in alignment with the Union for the Mediterranean. Mediterranean Network of Regulatory Authorities and Permanent Conference of the Mediterranean Audiovisual Operators*, treaty document (2010), accessed Aug. 15, 2014, [http://www.rirm.org/medias/\\_documents/fr/179.1.Protocole%20Entente%20RIRM-COPEAM%20FINAL.pdf](http://www.rirm.org/medias/_documents/fr/179.1.Protocole%20Entente%20RIRM-COPEAM%20FINAL.pdf).

<sup>16</sup> The participants said that various criteria are employed and different levels of signalization are applied for the same program in many countries. They conveyed their wish to engage in common thought on the subject, proposing the creation of a working tool on the criteria in use for the classification of fiction, TV series, and music videos broadcast in various countries. Mediterranean Network of Regulatory Authorities, *Final Communication, 12th Plenary Assembly of the Mediterranean Network of Regulatory Authorities*, treaty document (2010), accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/183.2.Press%20Release%20Istanbul%202010%20\\_EN%20-Final.pdf](http://www.rirm.org/medias/_documents/en/183.2.Press%20Release%20Istanbul%202010%20_EN%20-Final.pdf).

<sup>17</sup> Mediterranean Network of Regulatory Authorities, *Declaration Related to Reality Shows*, treaty document (2011), accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/187.2.D%C3%A9claration%20related%20to%20reality%20shows%20en%20final.pdf](http://www.rirm.org/medias/_documents/en/187.2.D%C3%A9claration%20related%20to%20reality%20shows%20en%20final.pdf), 1.

<sup>18</sup> This Declaration also urged producers of programs to prevent degrading situations through codes of conduct, to consider social and ethical responsibilities, to analyze the process of selecting candidates, and to monitor the psychological state of the participants. Ibid.

<sup>19</sup> Mediterranean Network of Regulatory Authorities, *Declaration on the Fight against Gender Stereotyping in the Audiovisual Media*, treaty document (2012), accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/209.2.Declaration%20on%20the%20fight%20against%20gender%20stereotypes\\_Lisbon\\_%2023%20November%202012.pdf](http://www.rirm.org/medias/_documents/en/209.2.Declaration%20on%20the%20fight%20against%20gender%20stereotypes_Lisbon_%2023%20November%202012.pdf), 1.

An analysis of the four Declarations shows that they are interrelated and reiterate priority principles, such as the safeguard of fundamental rights and human dignity (including avoiding sexism, respecting laws, and promoting intercultural dialogue); the control of content unsuitable for children and adolescents; the accuracy of information; and the free and pluralistic expression of opinions. The documents indicate as well that those subjects and stances are similar to European guidelines. But it should be noted that the representatives of regulators in the Mediterranean region don't consider that the European Union wants to "export" its model to the other countries. In any case, they agree on ideas of "inspiration" or "sharing."<sup>20</sup>

In this context, two additional aspects should be mentioned: first, EU audiovisual policy is a clear example showing that member states are still keeping major issues under national sovereignty. Second, the EU audiovisual regulation also indicates that supranational solutions are still far from being optimal.<sup>21</sup> Nevertheless, it can be said that the EU audiovisual policies set guidelines that meet different interests and are adopted abroad, such as in the Mediterranean case.

### CASE STUDY: LEBANON AND MOROCCO

In this section we will analyze two Mediterranean cases: Lebanon and Morocco – the first in the Mashreq and the second in the Maghreb, regions that make up the Middle East and North Africa (MENA). These are the first two Arab countries that liberalized their audiovisual media sectors and set up regulatory authorities for broadcasting – the Conseil National de l'Audiovisuel (CNA) and the Haute Autorité de la Communication Audiovisuelle (HACA), respectively. In both countries, the audiovisual laws exhibit an evident inspiration from French legislation, including basic principles like a "free audiovisual communication" and the creation of independent authorities to regulate the media. But, in practice, there are substantial differences between the French model of the Conseil Supérieur de l'Audiovisuel (CSA) and the authorities included in this study.

One such difference concerns the accountability of regulators. We studied the 2008-2011 period to identify regulatory actions in Lebanon and Morocco. But, unlike most European regulators, in that period CNA and HACA were not required to submit regular reports of their activities to political leaders. Without a formal document listing each regulator's actions, it was necessary to seek other sources such as the decisions published in the official journal of each country, documents available on websites, and even news reports. Thus, in the following sections we will gather significant aspects

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<sup>20</sup> For Ahmed Ghazali, former chair of the Moroccan Haute Autorité de la Communication Audiovisuelle (HACA), it is quite normal that Moroccan jurists and legislators were inspired by models that exist in Italy, France, or Belgium for creating the Moroccan authority, because of the traditional proximity between Morocco and Europe. He also said that European policy exerts some influence, but at the same time, regulators in Morocco and Israel were called to contribute to the debates about the reform of the Transfrontier Television Directive. In other ways, the chair of the Lebanese Conseil National de l'Audiovisuel (CNA), Abdel Hadi Mahfouz, has a more critical view on the matter. He said that Europe is not so strong to exert this influence considering the main general problem, which is the "Americanization" of the audiovisual. Personal interviews with Ricardo Carniel Bugs, 2013.

<sup>21</sup> Karen Donders, Caroline Pauwels, and Jan Loisen, eds. *The Palgrave Handbook of European Media Policy* (New York: Palgrave Macmillan, 2014).

about the development of each country's respective audiovisual sectors and analyze their regulatory authorities, within the constraints imposed by the lack of mechanisms for accountability.

### *Lebanon*

In a region where there are still some dictatorships, Lebanon is considered a free country, but it faces difficulties involving sectarian divisions and a confessional (mix of religion and politics) system of government.<sup>22</sup> Among Arab countries, Lebanon was the first to allow private radio stations, while in 1959 Lebanese entrepreneurs launched the Compagnie Libanaise de Télévision (CLT), the first Arab broadcaster not directly operated by a government, but still under state control that banned content that contradicted public health, morals, or religious groups, or enhanced the image of a politician or political parties.<sup>23</sup> Until the mid-1970s, the television landscape had two private channels, but gradually – and conditioned by the civil war<sup>24</sup> – the government assumed the direction of TV. So unlike that in most Mediterranean countries, Lebanese television was not born under a state monopoly, but moved from private to political control. This situation took a new turn in 1994 with the adoption of the Loi N° 382 sur la Diffusion Radiophonique et Télévisée (hereinafter Act 382-94), which again allowed the entry of private capital in the sector, making it the first law for the liberalization of broadcasting in the Arab world.

Lebanon was also the forerunner in creating an audiovisual authority. Act 382-94 instituted the Conseil National de l'Audiovisuel (CNA). Nevertheless, the legislation does not grant the necessary status to the Council, but establishes it as a piece of the licensing process.<sup>25</sup> The CNA is composed of ten members, five appointed by the Council of Ministers and the other five by the Parliament,<sup>26</sup> chosen from citizens with prominence in the intellectual, literary, scientific, or technological fields. Members serve a three-year term, which is renewable, and are subject to guidelines to avoid conflicts of interest. Although there are legal provisions in order to ensure the autonomy of the CNA members, the same law undermines the structural independence of the council. For example, the CNA drafts its internal rules, but these rely on the approval of the Minister of Information. The CNA does not have legal personality (the capability of having its own legal rights and duties), or financial and administrative autonomy, and the Act has no allusions to independence. On the contrary, the CNA is attached to and operates from the offices of the Ministry of Information.

From Act 382-94 and one Resolution adopted the following year,<sup>27</sup> it is clear that the main functions of the Audiovisual Council are concerned with the operating authorizations of media services. The board evaluates whether license applications meet the requirements and informs the Ministry of

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<sup>22</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser, and Sarah Mallat, "Mapping Digital Media: Lebanon," report, Open Society Foundations, May 2012, accessed Aug. 4, 2014, <http://www.opensocietyfoundations.org/reports/mapping-digital-media-lebanon>.

<sup>23</sup> Nabil H. Dajani, "The Changing Scene of Lebanese Television," *Transnational Broadcasting Studies* 7 (Fall/Winter 2001), accessed Aug. 4, 2014, <http://tbsjournal.arabmediasociety.com/Archives/Fall01/dajani.html>.

<sup>24</sup> Lebanon's Civil War lasted from 1975 to 1991. The end of the conflict began with the Ta'if Agreement in 1989.

<sup>25</sup> Loi N° 382 sur la Diffusion Radiophonique et Télévisée, Chapter 5, Articles 17-21.

<sup>26</sup> The same mechanism is used for appointments to the Constitutional Council of Lebanon.

<sup>27</sup> Resolution n. 65, Nov. 15, 1995, modified by the Resolution n. 47, May 27, 1997.

Information, recommending for or against authorization; also, it makes advisory reports on the conditions imposed on each category of radio and TV (*les cahiers des charges* in French), monitors compliance and proposes to the Minister sanctions for the breaches detected. Another section of the Act says that the CNA can exercise “censorship” over broadcasters, at the request of the Ministry of Information and through its departments.<sup>28</sup> But the text doesn’t specify what kind of control should be carried out, nor the corresponding means or procedures. Moreover, CNA decisions are not binding, so the Council of Ministers can ignore its recommendations. This corroborates a lack of legal guarantees for the independence of the regulator. Even though CNA members claim they don’t suffer political interference,<sup>29</sup> the regulatory body is limited to advisory tasks, so its role as an independent regulator is highly questionable.<sup>30</sup>

Furthermore, verifying the activities and decisions of the CNA is not an easy task because the body does not even have its own website. According to Ayish, the last known report of the Lebanese Audiovisual Council was in September 2005, which described several breaches regarding audiovisual content.<sup>31</sup> However, this document was not available to the present authors.

Some decisions of the CNA are published in the Official Gazette of the country,<sup>32</sup> but we only found actions related to the authorization of radio and TV channels. In this official source, there was only one decision, published in 2010, linked to content regulation. The Council speaks about a report on foreign radio stations that could be operating illegally, without an authorization. Additionally, CNA said that the stations were broadcasting pro-Israel programs, with content insulting the Palestinians and inciting religious conflict among the Lebanese population. The Council recommended to the government to take measures to stop such services, seize the equipment, and require compliance.<sup>33</sup>

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<sup>28</sup> In a first breach, with a recommendation by the CNA, the Minister of Information can declare the temporary suspension of media services for up to three days. Repeated breaches can be penalized by the interruption of activities for up to a month. These decisions fall on the Council of Ministers, by the recommendation of the Ministry of Information and the CNA. In addition, the law provides that if the Minister of Information convenes the Audiovisual Council for deliberation, but its members have not met within 48 hours, the Minister can decide without consulting the CNA.

<sup>29</sup> The chairman of CNA, Abdel Hadi Mahfouz, said the following about the Council: “[It] has a lot of independence. That’s why [it] is completely different from all other Arab councils. Perhaps it is because Lebanon is a country where there is a lot of liberty of expression and our law is better than the French law. There are lots of similarities but we are more independent. But we don’t have executive power.” Personal interview with Ricardo Carniel Bugs, 2013.

<sup>30</sup> One example is the Loi n° 531 sur la diffusion via satellite of 1996, which prohibits content harmful to public order and morals, the instigation of sectarian conflicts, or offensive to religious beliefs. Also prohibited is political content without prior permission of the Council of Ministers. Thus, the law not only ignores the CNA, but it contradicts the principle of technological neutrality established in Article 4 of Act 382-94, and gives the regulatory power over audiovisual content via satellite directly to the Minister of Information. He may propose to the Council of Ministers sanctions that can include revocation of licenses.

<sup>31</sup> Noha Mellor, Mohamad Ayish, Nabit Dajani, and Khalil Rinnawi, *Arab Media. Globalization and Emerging Media Industries* (Cambridge, UK: Polity Press, 2011), 76.

<sup>32</sup> See the portal site Al-yarida al-rasmiyya al-Yumhuriyya al-Lubnaniyya, at <http://www.pcm.gov.lb>.

<sup>33</sup> Lebanese Republic, Complaint Referred to the American Radio Sawa, the British BBC, Radio France International and Radio Monte Carlo Doualiya, no. 36, July 29, 2010.



As an additional source for our methodology, we searched the sites of the Ministry of Information and the National News Agency (NNA).<sup>34</sup> Both mention the audiovisual authority in some press notices, of which we highlight two. The first was “Sayegh Against Horrible Media Shows That Hurt Children.” Without giving details, the notice says that the Minister of Social Affairs requested the CNA to urge all media to stop broadcasting content with violence against children.<sup>35</sup>

The second was a controversial case related to a talk show broadcast by the private TV channel LBC that could incite sectarianism, especially about Sunni-Shiite strife. According to the news story, Hezbollah demanded the intervention of the authorities and the CNA, complaining about content that could provoke “unacceptable grudges.”<sup>36</sup> It was not possible to verify, through official sources, the outcome of this case or the position of the audiovisual council. However, according to some online media, the CNA sent a warning to the broadcaster and stated that it would examine the content of the show.<sup>37</sup>

Four other press notices refer to the Audiovisual Council and content regulation. In one of them, the chairman of CNA demanded maximum objectivity in media coverage of the conflict in Syria.<sup>38</sup> Another notice reported on a meeting between representatives of the Ministry of Information, the CNA, and the media, with the latter being called upon to apply “self-censorship” and reflect a climate of stability that contributes to the economic interests of the country.<sup>39</sup> The third press notice dealt with the chairman of the CNA defending, to the president and political representatives, the role of the Council in mitigating political discourse in order to moderate the rising political tensions in the country.<sup>40</sup> A fourth notice addressed the statements of a Member of the Lebanese Parliament that, on the one hand, positively highlighted “the position adopted by the Council on certain television programs contrary to public morals,” but on the other hand, claimed that the CNA exercises “a sort of veiled blackmail against the media, when approaching the moment of license renewal.” The

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<sup>34</sup> Being a news agency attached to the Ministry, we can consider NNA an “official” source.

<sup>35</sup> National News Agency of Lebanon, “Sayegh Against Horrible Media Shows That Hurt Children,” May 19, 2010. It was not possible to check if the request had consequences.

<sup>36</sup> National News Agency of Lebanon, “Hezbollah: ‘Kalma el nass’ Stirred Unacceptable Grudges,” Oct. 16, 2010.

<sup>37</sup> The Daily Star (Lebanon), “Kalam An-Nas’ Episode Content Draws Criticism,” Oct. 16, 2010, accessed Aug. 15, 2014, <http://www.dailystar.com.lb/News/Lebanon-News/2010/Oct-16/59697-kalam-an-nas-episode-content-draws-criticism.ashx#axzz12hQCQLMm/>. In 2006, the same TV channel faced a similar situation when a satirical show included a parody of the Hezbollah leader Hassan Nasrallah. According to the news story, the CNA stated that it would take disciplinary measures if the broadcaster did not apologize. Nayla Razzouk, “Lebanon: Protests over TV Hezbollah Parody,” Middle East Online, June 2, 2006, accessed Aug. 4, 2014, <http://www.middle-east-online.com/english/?id=16632/>. However, according to Dabbous-Sensenig, the Ministry of Information did not accept the recommendation of the CNA and did not impose sanctions on the operator, claiming issues of freedom of expression. Dima Dabbous-Sensenig, “Arab Public Broadcasting: Regional Synthesis and Comparative Analysis,” in *Public Service Broadcasting in the MENA Region: Potential for Reform*, white paper, Panos Paris Institute and Mediterranean Observatory of Communication (2012), accessed Aug. 4, 2014, <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>, 85.

<sup>38</sup> National News Agency of Lebanon, “National Media Council: To Handle Syrian Events Objectively,” Apr. 15, 2011.

<sup>39</sup> National News Agency of Lebanon, “Daouk Says: Liberties Safeguarded,” June 21, 2011.

<sup>40</sup> National News Agency of Lebanon, “National Dialogue Features High on Sleiman’s Talks,” Aug. 18, 2011.

politician also said that certain measures of the Council were “dangerous to freedom of expression because they violate civil liberties.”<sup>41</sup>

In turn, at the website of the Ministry of Information the only mention to the regulatory council appeared in the news section in 2011. The text was about a CNA report on four TV channels (LBC, OTV, MTV, and Future). According to the report, three programs broadcast forbidden content during children’s protected time and without proper signalization.<sup>42</sup> The fourth program was a political talk show in which some participants used offensive language against Syrian President Bashar Al Assad. In the CNA’s opinion, that could incite conflict and endanger the stability of relations between the two countries, which is described as an offense in the Lebanese Penal Code.

Thus, although there are indications that the CNA sanctions audiovisual content that is contrary to public morals, unsuitable for children, or offensive to religious or political groups, while ensuring the objectivity of information, the lack of transparency and accountability surrounding this audiovisual regulation does not allow us to verify how often the Council monitors programs, the amount or type of breaches, or its decisions about the irregularities identified.<sup>43</sup>

### **Morocco**

The Kingdom of Morocco has a different trajectory compared to Lebanon. The country’s first public television broadcasts were on Radiodiffusion et Télévision Marocaine (RTM) in 1962. The sector’s first private initiative was Radio Médi 1 in 1980, and in 1989 the company 2M Soread launched the first pay TV channel via terrestrial waves in the Arab world. However, in 1996 the state bought a 68% stake in the firm, taking control because it was facing economic problems.<sup>44</sup> After Lebanon, and with Jordan, Morocco was one of the first Arab countries to liberalize its audiovisual sector.<sup>45</sup> A decree-law repealed the state monopoly and determined that further legislation would define the conditions imposed on media services operated by private management.<sup>46</sup> In 2004, the media’s legal framework was codified in Loi n° 77-03 relative à la communication audiovisuelle, which entered into force in 2005 and regulates private and public broadcasting.<sup>47</sup> However, the expectations generated by the new

<sup>41</sup> National News Agency of Lebanon, “Harb: National Audiovisual Media Council Dangerous for Civil Liberties,” Oct. 23, 2011. The text does not explain to what measures the complaint applied.

<sup>42</sup> The Council defined these cases as a “national disaster,” saying that the programs violated the legal and ethical foundations of Lebanese society with the dissemination of content that represents a risk to social values and public morality, such as language offensive to the dignity of women, and inciting drug use or homosexuality. Lebanese Republic, Ministry of Information, “A Report by the National Audiovisual Council about Four TV Series Warns about the Shameful Offence to Lebanon’s Arab and International Relations,” press release, Oct. 26, 2011, accessed Aug. 4, 2014, <http://www.ministryinfo.gov.lb/ar/News/Politics/Details.aspx?NewsItem=7bb699f2-51e9-44cb-a238-24369799669e>.

<sup>43</sup> In addition, some experts claim that the CNA does not take responsibility for certain aspects of audiovisual legislation, such as breaches of programming quotas. Dabbous-Sensenig, 91.

<sup>44</sup> This channel has had a great impact on the Moroccan audience. Bouziane Zaid, *Public Service Television Policy and National Development in Morocco: Contents, Production and Audiences* (Saarbrücken, Germany: VDM Verlag Dr. Müller, 2010).

<sup>45</sup> Naomi Sakr, *Arab Television Today* (London: I.B. Tauris, 2007).

<sup>46</sup> Kingdom of Morocco, Décret-loi n°2-02-663 portant suppression du monopole de l’État en matière de radiodiffusion et de télévision. Bulletin Officiel du Royaume du Maroc (BORM) 5040, Sept. 19, 2002.

<sup>47</sup> Kingdom of Morocco, Dahir n°1-04-257, 07/01/2005, portant promulgation de la loi n° 77-03 relative à la communication audiovisuelle, BORM no. 5288, Feb. 3, 2005.

law on media plurality have not yet been confirmed in practice. Until 2012, the private radio stations in Morocco were licensed only for thematic or regional. Also, all TV channels are directly managed by the state.<sup>48</sup>

Unlike the Lebanese CNA, Morocco's regulatory authority does have executive power and other features closer to the French model. The Haute Autorité de la Communication Audiovisuelle (HACA) was established in 2002 by a royal decree. Although King Mohamed VI had previously declared that the HACA would be created as an independent institution,<sup>49</sup> in its fundamental rule the authority does not have legal personality and the only mention of its autonomy refers to it as a "particular institution" with the necessary means to fulfill its mission with complete impartiality.<sup>50</sup> Various tasks were assigned to the HACA, such as advisory reporting to the monarch and the public authorities, managing the authorization processes for media services, monitoring compliance with the laws and rules imposed on media licensees, ensuring pluralism of opinions and ideas, supervising programming and advertising criteria, overseeing content, and applying sanctions (among others).

Decision-making belongs to a board composed of nine members. The chair and four members are designated by the King, two members are appointed by the Prime Minister, and the other two are appointed by the chairs of the two legislative chambers. There are no specific requirements to take the position, and members serve for a five-year term, renewable once.<sup>51</sup> No explicit rules are observed on the tenure of board members or the conditions under which they could be dismissed before the end of their term. The Council draws up its internal rules, which must be approved by the King after consultations with ministers and the President of the Moroccan government. There are controversial issues regarding the financial autonomy of the HACA. The HACA proposes a budget that must be approved by the Prime Minister, who sets the maximum amount of the subsidy that the government furnishes to the regulator. With the adoption of the Audiovisual Communication Act 2005, the role of HACA was reinforced, especially in the process of licensing and media business issues, in accordance with the rules of media ownership and pluralism. Concerning audiovisual content, the

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<sup>48</sup> In 2009, the Moroccan regulatory authority (HACA) rejected five applications for commercial terrestrial television services, using the precarious situation of the advertising market to justify its decisions.

<sup>49</sup> Kingdom of Morocco, "Discours de S.M. le Roi Mohammed VI à l'occasion du troisième anniversaire de l'accession du Souverain au Trône de ses glorieux ancêtres," press release, July 20, 2002, accessed Aug. 4, 2014, <http://www.maroc.ma/fr/discours-royaux/discours-de-sm-le-roi-mohammed-vi-%C3%A0-l'occasion-du-troisi%C3%A8me-anniversaire-de>.

<sup>50</sup> Kingdom of Morocco, Dahir n° 1-02-212 portant création de la Haute Autorité de la communication audiovisuelle. BORM 5036, Sept. 5, 2002, updated by Dahir n° 1-03-302 (Nov. 11, 2003); Dahir n° 1-07-189 (Nov. 30, 2007); and Dahir n° 1-08-73 (Oct. 20, 2008). In mid-2011, the approval by referendum of the new Moroccan Constitution opened a new perspective. Title XII of the Constitution concerns good governance, an ambit in which the new Constitution attributes the exercise of independence by public institutions dedicated to regulatory functions (Article 159). The mention of independence should allow significant changes for the HACA, such as the elaboration of its own operating rules. See Kingdom of Morocco, Dahir n° 1-11-91 du 27 chaabane 1432 (29 juillet 2011) portant promulgation du texte de la Constitution. BORM n° 5964 bis, July 30, 2011.

<sup>51</sup> This term is conditioned by rules of incompatibility with other public positions or employment (other than university teaching and research) or other gainful activity likely to limit the regulator's independence. The HACA is superseded by the Conseil Supérieur de la Communication Audiovisuelle (CSCA) and the Direction Générale de la Communication Audiovisuelle (DGCA). The first one is the decisions-making body, and the second is the body responsible for the administrative and technical structure of the regulator. Therefore, when we talk about the composition of the regulatory authority, and the decisions and regulatory actions of HACA, we actually refer to the CSCA.

HACA can enforce the criteria applied to media services, monitor programming, and apply sanctions for the breaches detected.

The accountability of the HACA may be considered “partial.” The authority doesn’t publish regular reports of its activities,<sup>52</sup> but it usually publishes its decisions in the country’s Official Journal and on its website, along with thematic reports or studies. From these resources, we identified activities related (according to the regulator) to the limits of freedom of expression and communication.<sup>53</sup> These actions mainly concern the protection of minors, advertising and sponsorship rules, and the ethics of programs, with emphasis on the accuracy of information and political pluralism.

For the HACA, protection of children and adolescents is associated with the safeguarding of public morals and decency. In 2008, the regulator detected inappropriate content on a program aired by Hit Radio Maroc, in which the presenters used pornographic language.<sup>54</sup> For a similar reason, the main public TV channel, Al Oula, was charged a financial penalty (about €25,000) because of obscene expressions used by a commentator during the broadcast of a football match. The regulator also found irregularities in three additional radio broadcasts. Chada Radio received a warning because of a program that encouraged young people to cheat on exams; and Radio Plus Marrakesch and Radio Plus Agadir were sanctioned for failing to preserve the dignity of a child, who had to describe the sexual abuse he had suffered in a report.<sup>55</sup>

On the commercial communications during the period analyzed, three radio stations were penalized because of content irregularities. The regulator identified covert or clandestine advertising, or breaches of the rules of sponsorship.<sup>56</sup> There were no recorded penalties against television channels, although two TV spots were discontinued because of inappropriate content.

Regarding diversity in the audiovisual media, we found a 2011 press release about a change in the monitoring system of programs, in order to include aspects of cultural and linguistic diversity. The notice said that a specific sector would provide quantitative data on linguistic diversity for integration into regular reports. The creation of a glossary in four languages (Amazigh, Arabic, French, and

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<sup>52</sup> Since the new Constitution of Morocco was adopted in 2011, this practice should change. Article 160 says that all institutions that are considered independent, including the HACA, must submit an annual report of its activities to Parliament.

<sup>53</sup> When asked if the regulator applies MNRA principles in practice, the former chair of the HACA, Ahmed Ghazali, said that this “was a bit inverted the equation,” that is, the principles agreed at the MNRA were previously included in Moroccan law and the regulator works to promote them like other Mediterranean regulators. In addition, Ghazali said that the HACA is able to integrate other agreements if necessary. Personal interview with Ricardo Carniel Bugs, 2013.

<sup>54</sup> The radio station was penalized via suspension for four hours a day, during 15 consecutive days, and it was required to announce the resolution of the HACA complaint in its programming. In 2010, the same operator was charged a fine of DH 70,000 (about €7,000) and lost one year of its broadcasting license because of content considered immoral and that could hurt the sensitivity of listeners. Haute Autorité de la Communication Audiovisuelle (Morocco), *Décision du CSCA n°38-08 du 24 septembre 2008 relative à l’émission “Libre Antenne” diffusée sur HIT RADIO*, Sept. 24, 2008, accessed Aug. 4, 2014, [http://www.haca.ma/html/pdf/38\\_08\\_VF.pdf](http://www.haca.ma/html/pdf/38_08_VF.pdf).

<sup>55</sup> This penalty was DH 30,000 (about €3,000) and the suspension of the program for a week.

<sup>56</sup> Radio Atlantic and MFM Radio were fined 20,000 DH (about €2,000) and DH 120,000 (about €12,000) respectively. Chada Radio was sanctioned with temporary suspension – an hour a day, for seven days – plus a fine of DH 35,000 (about €3,500).

English) was announced, classifying and standardizing the terminology commonly used in the Moroccan media sphere.<sup>57</sup>

In the field of ethics and accuracy of information, we have identified four regulatory actions. In 2008, the public TV channel 2M received a formal notice because of the cancellation of a program without prior notice or reasons.<sup>58</sup> The same operator got another sanction for breaking the rules of objective information. After erroneously reporting the name of a newspaper with litigation, 2M had to broadcast a correction. In 2011, Radio Luxe was penalized because of comments considered defamatory, accusing a politician of buying votes without providing evidence or sources. Another warning was sent to 2M because it identified a criminal suspect, breaking the rules of judicial process coverage.

The highest number of HACA actions was in the field of pluralism in media content. In 2008, the main public operator SNRT was notified due to lack of pluralism in content.<sup>59</sup> The next year, the regulator exponentially increased its analysis of programs, publishing quarterly reports on pluralism in the news, two semiannual reports on pluralism of information in magazines, and a specific report on pluralism during the municipal elections. The last document shows that the only breach identified in these elections was that Radio Atlantic gave no space for any political party during the campaign. In addition, during the voting, the station stated that a candidate could have bought votes.<sup>60</sup> Once again, the public entity SNRT got a formal notice because it didn't respect the criteria for pluralism in its programming.

In the same way, the two most important TV channels (Al Oula and 2M) were denounced by five labor unions. The complaints claimed that the public operators promoted an "informative blackout" on the coverage of a national strike in the education sector. The HACA concluded that 2M had fulfilled its obligations, unlike Al Oula which broadcast only the government's point of view. Afterwards, the audiovisual authority sent a new warning to Al Oula, after the channel denied a turn to speak to a political party. Also in 2009, political pluralism criteria were reiterated when the

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<sup>57</sup> Haute Autorité de la Communication Audiovisuelle (Morocco), "Mise en place d'une nouvelle structure interne et élaboration d'un glossaire, dédié à la Diversité culturelle et linguistique," press release, Mar. 15, 2011, accessed Aug. 15, 2014, <http://www.haca.ma/newsDetail.jsp?version=&idInfo=619>. We have not been able to find the glossary on the HACA website.

<sup>58</sup> "Mise en demeure" is the prior step before the sanction. The program addressed a Parliamentary investigation into the deaths registered during some protests. The HACA considered deprogramming to be an unjustified decision. Haute Autorité de la Communication Audiovisuelle (Morocco), *Décision du C.S.C.A n°33-08 du 06 août 2008 relative à la déprogrammation de l'émission du 09 juillet 2008 "Moubacharatan Maakoum" diffusée par la société Soread-2M*, Aug. 8, 2008, accessed Aug. 4, 2014, [http://www.haca.ma/html/pdf/33-08\\_Moubacharatan\\_Maakoum\\_VF.pdf](http://www.haca.ma/html/pdf/33-08_Moubacharatan_Maakoum_VF.pdf).

<sup>59</sup> The SNRT was urged to fulfill its public service obligations, after broadcasting only the government's version of a story concerning the involvement of two people in terrorist acts. Those involved denounced the story as an attack on human dignity and the presumption of innocence, and as a violation of rules on the coverage of litigation; they then claimed the right of reply. The HACA recognized the errors of the broadcaster, but did not authorize the response of those affected. Haute Autorité de la Communication Audiovisuelle (Morocco), *Décision du C.S.C.A n°41-08 du 24 septembre 2008 relative à la demande de réponse ou de mise au point par messieurs Mustapha El Monatassim et Mohamed El Marouani*, Sept. 24, 2008, accessed Aug. 4, 2014, <http://www.haca.ma/html/pdf/Decision%2041-08%20vf.pdf>.

<sup>60</sup> Haute Autorité de la Communication Audiovisuelle (Morocco), "Rapport sur le pluralisme dans les médias audiovisuels en période des élections communales 2009," report, June 12, 2009, accessed Aug. 4, 2014, [http://www.haca.ma/pdf/Rapport\\_elections\\_communales\\_VF.pdf](http://www.haca.ma/pdf/Rapport_elections_communales_VF.pdf). We found no evidence on whether the radio station was penalized.

Moroccan regulator approved the new *cahiers des charges* of the three state-owned operators: SNRT, SOREAD-2M, and MEDI 1 SAT, as well as Radio Médi.

In 2010, HACA introduced new levels of analysis in the monitoring reports. In addition to political pluralism, the studies went on to also record the speaking time occupied by women, the language (Arabic, French, Tamazight), and territorial representation. On its website, HACA published two quarterly reports regarding the news bulletins and a half-year report about other news programs.<sup>61</sup> However, in contrast to this concern for political pluralism, this year we found one of the hardest – and most controversial – decisions by the HACA regarding content. During a talk show on Radio Mars, a guest expressed “hope” for a “Republic of Morocco.” The regulator found that the opinion threatened the monarchy, one of the constitutional pillars of the country. Although the radio station reacted immediately, interrupting the program and diverging from the opinion of the interviewee, the HACA imposed a suspension of the station for 48 hours, plus a fine of DH 57,000 (about €5,700) and the broadcasting of the sanction statement.<sup>62</sup>

In 2011, the bill of a new Constitution for Morocco was submitted to a popular referendum. Before the vote, the HACA published specific recommendations for the guarantee of freedom of expression and pluralism of opinions in the media. From the analysis of the programming, the regulator considered positive results, with the balanced participation of various political, institutional, social, and other groups.<sup>63</sup> Shortly thereafter, the country started a new political campaign for parliamentary elections. The HACA updated proportionality criteria to ensure political pluralism and the rules regarding honesty and neutrality of information during the elections and the counting of votes.<sup>64</sup> On the one hand, the program analysis showed satisfactory results on political pluralism but, on the other hand, a huge disparity in gender (with over 90% of the speaking time occupied by men). The HACA also lamented the lack of effort by public operators to include captioning or sign language in the political content in order to benefit people with hearing impairments.<sup>65</sup>

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<sup>61</sup> The reports cover the first half of 2010, but there is no record if other reports were made in the second half of that year.

<sup>62</sup> Haute Autorité de la Communication Audiovisuelle (Morocco), *Décision du CSCA n° 35-10 du 17 jomada ii 1431 (1er juin 2010) relative à l'émission (Mag Mars) diffusée par le service radiophonique (Radio Mars)*, June 1, 2010, accessed Aug. 5, 2014, [http://www.haca.ma/html/pdf/Decision%20CSCA%203510%20MAG%20MARS\\_VF.pdf](http://www.haca.ma/html/pdf/Decision%20CSCA%203510%20MAG%20MARS_VF.pdf).

<sup>63</sup> Haute Autorité de la Communication Audiovisuelle (Morocco), “Rapport final relatif au respect de l'expression pluraliste des courants de pensée et d'opinion dans les médias audiovisuels pendant la période de consultation référendaire de 2011,” report, June 30, 2011, accessed Aug. 5, 2014, [http://www.haca.ma/pdf/HACA\\_ref2011\\_full\\_def2.pdf](http://www.haca.ma/pdf/HACA_ref2011_full_def2.pdf).

<sup>64</sup> Haute Autorité de la Communication Audiovisuelle (Morocco), *Décision du CSCA n°46-11 relative à la garantie du pluralisme politique pendant la période des élections législatives générales (2011) dans les médias audiovisuels*, Oct. 11, 2011, accessed Aug. 5, 2014, [http://www.haca.ma/html/pdf/Decision%20CSCA%204611%20legislatives%202011\\_VF.pdf](http://www.haca.ma/html/pdf/Decision%20CSCA%204611%20legislatives%202011_VF.pdf).

<sup>65</sup> Haute Autorité de la Communication Audiovisuelle (Morocco), “Rapport de suivi de période électorale 2011 de les médias audiovisuels marocains,” report, Nov. 24, 2011, accessed Aug. 5, 2014, <http://www.haca.ma/pdf/Rapport%20final%20legislatives%202011.pdf>.

## CONCLUSIONS

Beyond good relations in the region, in the last 18 years the regional integration with Southern Mediterranean countries has been a priority goal for European Union foreign policy. Aligned with this policy, audiovisual regulatory bodies on both shores have launched their supranational platform, the Mediterranean Network of Regulatory Authorities. The initiative has brought together authorities from different contexts, but with similar challenges. Therefore, regulators consider the platform a good opportunity for sharing problems as well as possible solutions. All members come on an equal footing, so MENA countries consider the Mediterranean Network a good forum for expressing their points of view about media regulation. In the same way, the network gives political and institutional support to the role of independent regulators in each country.

Besides the exchange of experiences, MNRA members make commitments to consolidate shared principles of content regulation, which favors the movement toward regulatory harmonization and the integration process in the region. In the past five years, four Declarations have been adopted by Mediterranean regulators, prioritizing the protection of minors, the respect of fundamental rights and human dignity, and the ethics of the programs, with emphasis on the accuracy of information. From these three axes come other highlighted guidelines related to pluralism, gender equality, and intercultural dialogue. Although there are many elements in common with EU audiovisual policy, and the network itself was initially created by European regulators, there is no single opinion on the persuasion that the EU could exert on Mediterranean media regulation. For some regulators, European policy may have served as a model for Southern countries; but for others, European countries contribute their experience like the Mediterranean countries do, in order to agree on shared values.

However, the analysis of regulatory cases overseen by authorities from Lebanon and Morocco indicates substantial differences, both in the configuration of an independent regulator as well as in the application of common criteria for content regulation. Regarding the level of autonomy of the authorities, the Moroccan regulator is closer to the common features of European bodies, such as the competencies, powers, and guarantees of independence of its members. His Lebanese counterpart has his work limited to advisory tasks, so that major regulatory decisions remain in the hands of powerful political leaders. In both cases, one of the main differences from European regulators is the lack of transparency and accountability for the authorities. In the period analyzed, CNA and HACA were not obliged to submit to political power or to publish regular reports on its activities.

In the case of the Moroccan regulator, its accountability could be considered “partial” because of the absence of such reports, although the regulator does publish its decisions in the Official Journal of the country and on its website, along with other resources such as reports or studies. In turn, in Lebanon we found less transparency. The CNA also publishes, in the Lebanese Official Journal, its views related to authorizations for media services, but it was not possible to find actions concerning content regulation. This finding could be explained by the political and/or democratic traditions of each country, but it is very important to improve the transparency of the regulators. Public

accountability should be the main mechanism for verifying if regulatory actions are actually protecting the audience and the public interest.

Despite those gaps, this analysis indicates that regulators work in accordance with some principles agreed upon within the MNRA. Concern for minors during protected programming time and the classification and signalization of programs constitute a field that receives much attention from the regulators. Nevertheless, we verified other actions that go in the opposite direction to the precepts of the MNRA. One example is HACA's sanction of a Moroccan radio station, charging a harsh penalty because of the opinion of an interviewee who favored the republican system of government. This type of decision calls into question the criteria used by the authority for regulating the limits of freedom of expression. As well, in the period considered by this study, we found very few actions regarding cultural diversity or gender stereotypes, which are highlights of MNRA agreements and fundamental aspects for dialogue and mutual understanding among nations and cultures.

Having answered our research questions, we can conclude that the Mediterranean network has taken remarkable steps in the last five years. Up to now, we can consider that MNRA was successful in bringing together such diverse countries, consolidating a new regional space of political debate and, most importantly, reaching formal consensus on principles for audiovisual media content in these countries. In a region with non-supranational laws, these agreements are settled on globally-recognized general precepts, such as human rights and cultural diversity, and they represent the intention of the regulators to move towards the harmonization of legal frameworks. There are still uncertainties concerning the future, though. The MNRA members and their governments need to increase collaboration, negotiations, and commitment, in order to consolidate specific criteria that in turn must be applied unequivocally to media content. Only then can they move forward, achieving a real Mediterranean perspective in relation to audiovisual media content regulation.



## BIBLIOGRAPHY

- Carniel Bugs, Ricardo. *Los organismos reguladores del audiovisual y sus actuaciones en la zona euromediterránea. La protección de los menores, los derechos humanos y la diversidad cultural en Francia, España, Líbano y Marruecos*. Doctoral dissertation, Universitat Autònoma de Barcelona (2013).
- Crusafon, Carmina. "European Media Policy and International Relations: The Case of EU Audiovisual Policy." In *Communication, Mediation and Culture in the Making of Europe*, edited by Juliet Lodge and Katharine Sarikakis, 177-198. Bologna, Italy: Il Mulino, 2011.
- Dabbous-Sensenig, Dima. "Arab Public Broadcasting: Regional Synthesis and Comparative Analysis," In *Public Service Broadcasting in the MENA Region: Potential for Reform*. White paper, Panos Paris Institute and Mediterranean Observatory of Communication (2012). Accessed Aug. 4, 2014, <http://iwsaw.lau.edu.lb/publications/documents/PSB-Book.pdf>, 37-189.
- Daily Star, The (Lebanon). "Kalam An-Nas' Episode Content Draws Criticism," Oct. 16, 2010. Accessed Aug. 15, 2014, <http://www.dailystar.com.lb/News/Lebanon-News/2010/Oct-16/59697-kalam-an-nas-episode-content-draws-criticism.ashx#axzz12hQCQLMm/>.
- Dajani, Nabil H. "The Changing Scene of Lebanese Television." *Transnational Broadcasting Studies 7* (Fall/Winter 2001). Accessed Aug. 4, 2014, <http://tbsjournal.arabmediasociety.com/Archives/Fall01/dajani.html>.
- Donders, Karen, Caroline Pauwels, and Jan Loisen, eds. *The Palgrave Handbook of European Media Policy*. New York: Palgrave Macmillan, 2014.
- European Union. "The Barcelona Process." Accessed Aug. 4, 2014, [http://www.eeas.europa.eu/euromed/barcelona\\_en.htm](http://www.eeas.europa.eu/euromed/barcelona_en.htm).
- Haute Autorité de la Communication Audiovisuelle (Morocco). *Décision du CSCA n°33-08 du 06 août 2008 relative à la déprogrammation de l'émission du 09 juillet 2008 "Moubacharatan Maakoum" diffusée par la société Soread-2M*, Aug. 8, 2008. Accessed Aug. 4, 2014, [http://www.haca.ma/html/pdf/33-08\\_Moubacharatan\\_Maakoum\\_Vf.pdf](http://www.haca.ma/html/pdf/33-08_Moubacharatan_Maakoum_Vf.pdf).
- . *Décision du CSCA n° 35-10 du 17 jourmada ii 1431 (1er juin 2010) relative a l'émission (Mag Mars) diffusée par le service radiophonique (Radio Mars)*, June 1, 2010. Accessed Aug. 5, 2014, [http://www.haca.ma/html/pdf/Decision%20CSCA%203510%20MAG%20MARS\\_VF.pdf](http://www.haca.ma/html/pdf/Decision%20CSCA%203510%20MAG%20MARS_VF.pdf).
- . *Décision du CSCA n°38-08 du 24 septembre 2008 relative à l'émission "Libre Antenne" diffusée sur HIT RADIO*, Sept. 24, 2008. Accessed Aug. 4, 2014, [http://www.haca.ma/html/pdf/38\\_08\\_VF.pdf](http://www.haca.ma/html/pdf/38_08_VF.pdf).
- . *Décision du CSCA n°41-08 du 24 septembre 2008 relative à la demande de réponse ou de mise au point par messieurs Mustapha El Mouatassim et Mohamed El Marouani*, Sept. 24, 2008. Accessed Aug. 4, 2014, <http://www.haca.ma/html/pdf/Decision%2041-08%20vf.pdf>.
- . *Décision du CSCA n°46-11 relative a la garantie du pluralisme politique pendant la période des élections législatives générales (2011) dans les médias audiovisuels*, Oct. 11, 2011. Accessed Aug. 5, 2014, [http://www.haca.ma/html/pdf/Decision%20CSCA%204611%20législatives%202011\\_VF.pdf](http://www.haca.ma/html/pdf/Decision%20CSCA%204611%20législatives%202011_VF.pdf).
- . "Mise en place d'une nouvelle structure interne et élaboration d'un glossaire, dédié à la Diversité culturelle et linguistique." Press release, Mar. 15, 2011. Accessed Aug. 15, 2014, <http://www.haca.ma/newsDetail.jsp?version=&idInfo=619>.
- . "Rapport de suivi de période électorale 2011 de les médias audiovisuels marocains." Report, Nov. 24, 2011. Accessed Aug. 5, 2014, <http://www.haca.ma/pdf/Rapport%20final%20législatives%202011.pdf>.
- . "Rapport final relatif au respect de l'expression pluraliste des courants de pensée et d'opinion dans les médias audiovisuels pendant la période de consultation référendaire de 2011."

- Report, June 30, 2011. Accessed Aug. 5, 2014, [http://www.haca.ma/pdf/HACA\\_ref2011\\_full\\_def2.pdf](http://www.haca.ma/pdf/HACA_ref2011_full_def2.pdf).
- . “Rapport sur le pluralisme dans les médias audiovisuels en période des élections communales 2009.” Report, June 12, 2009. Accessed Aug. 4, 2014, [http://www.haca.ma/pdf/Rapport\\_elections\\_communes\\_VF.pdf](http://www.haca.ma/pdf/Rapport_elections_communes_VF.pdf).
- Kingdom of Morocco. “Discours de S.M. le Roi Mohammed VI à l’occasion du troisième anniversaire de l’accession du Souverain au Trône de ses glorieux ancêtres.” Press release, July 20, 2002. Accessed Aug. 4, 2014, <http://www.maroc.ma/fr/discours-royaux/discours-de-sm-le-roi-mohammed-vi-%C3%A0-loccasion-du-troisi%C3%A8me-anniversaire-de>.
- Lebanese Republic, Ministry of Information. “A Report by the National Audiovisual Council about Four TV Series Warns about the Shameful Offence to Lebanon’s Arab and International Relations.” Press release, Oct. 26, 2011. Accessed Aug. 4, 2014, <http://www.ministryinfo.gov.lb/ar/News/Politics/Details.aspx?NewsItem=7bb699f2-51e9-44cb-a238-24369799669e>.
- Mediterranean Network of Regulatory Authorities. *Declaration of Intent Concerning the Protection of Young Publics and the Fight against the Violence in the Media*. Treaty document (2009). Accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/186.2.RIRM\\_Declaration%20of%20intent\\_protection%20of%20young%20publics\\_EN.pdf](http://www.rirm.org/medias/_documents/en/186.2.RIRM_Declaration%20of%20intent_protection%20of%20young%20publics_EN.pdf).
- . *Declaration of the Mediterranean Network of Authorities on Audiovisual Content Regulation*. Treaty document (2008). Accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/143.2.Declaration%20regulation%20audiovisual%20content\\_MNRA\\_EN.pdf](http://www.rirm.org/medias/_documents/en/143.2.Declaration%20regulation%20audiovisual%20content_MNRA_EN.pdf).
- . *Declaration on the Fight against Gender Stereotyping in the Audiovisual Media*. Treaty document (2012). Accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/209.2.Declaration%20on%20the%20fight%20against%20gender%20stereotypes\\_Lisbon\\_%2023%20November%202012.pdf](http://www.rirm.org/medias/_documents/en/209.2.Declaration%20on%20the%20fight%20against%20gender%20stereotypes_Lisbon_%2023%20November%202012.pdf).
- . *Declaration Related to Reality Shows*. Treaty document (2011). Accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/187.2.D%C3%A9claration%20related%20to%20reality%20shows%20en%20final.pdf](http://www.rirm.org/medias/_documents/en/187.2.D%C3%A9claration%20related%20to%20reality%20shows%20en%20final.pdf).
- . *Final Communication, 12th Plenary Assembly of the Mediterranean Network of Regulatory Authorities*. Treaty document (2010). Accessed Aug. 4, 2014, [http://www.rirm.org/medias/\\_documents/en/183.2.Press%20Release%20Istanbul%202010%200\\_EN%20-Final.pdf](http://www.rirm.org/medias/_documents/en/183.2.Press%20Release%20Istanbul%202010%200_EN%20-Final.pdf).
- . “The MNRA.” Accessed Aug. 4, 2014, <http://www.rirm.org/en/presentation-rirm>.
- Melki, Jad, Yasmine Dabbous, Khaled Nasser, and Sarah Mallat. “Mapping Digital Media: Lebanon.” Report, Open Society Foundations, May 2012. Accessed Aug. 4, 2014, <http://www.opensocietyfoundations.org/reports/mapping-digital-media-lebanon>.
- Mellor, Noha, Mohamad Ayish, Nabit Dajani, and Khalil Rinnawi. *Arab Media. Globalization and Emerging Media Industries*. Cambridge, UK: Polity Press, 2011.
- National News Agency of Lebanon. “Daouk Says: Liberties Safeguarded,” June 21, 2011.
- . “Harb: National Audiovisual Media Council Dangerous for Civil Liberties,” Oct. 23, 2011.
- . “Hezbollah: ‘Kalma el nass’ Stirred Unacceptable Grudges,” Oct. 16, 2010.
- . “National Dialogue Features High on Sleiman’s Talks,” Aug. 18, 2011.
- . “National Media Council: To Handle Syrian Events Objectively,” Apr. 15, 2011.
- . “Sayegh Against Horrible Media Shows That Hurt Children,” May 19, 2010.
- Protocole d’Entente entre le Réseau des Institutions de Régulation Méditerranéennes (RIRM) et la Conférence Permanente de l’Audiovisuel Méditerranéen (COPEAM). *The Memorandum of*

- Understanding expresses the intention to work in alignment with the Union for the Mediterranean. Mediterranean Network of Regulatory Authorities and Permanent Conference of the Mediterranean Audiovisual Operators.* Treaty document (2010). Accessed Aug. 15, 2014, [http://www.rirm.org/medias/\\_documents/fr/179.1.Protocole%20Entente%20RIRM-COPEAM%20FINAL.pdf](http://www.rirm.org/medias/_documents/fr/179.1.Protocole%20Entente%20RIRM-COPEAM%20FINAL.pdf).
- Razzouk, Nayla. "Lebanon: Protests over TV Hezbollah Parody." Middle East Online, June 2, 2006. Accessed Aug. 4, 2014, <http://www.middle-east-online.com/english/?id=16632/>.
- Sakr, Naomi. *Arab Television Today*. London: I.B. Tauris, 2007.
- Union for the Mediterranean. *Final Statement*. Treaty document, Nov. 3-4, 2008. Accessed Aug. 4, 2014, <http://ufmsecretariat.org/wp-content/uploads/2012/09/dec-final-Marseille-UfM.pdf>.
- Zaid, Bouziane. *Public Service Television Policy and National Development in Morocco: Contents, Production and Audiences*. Saarbrücken, Germany: VDM Verlag Dr. Müller, 2010.