

LEBANON

RESTRICTIONS ON BROADCASTING

In Whose Interest?

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SUMMARY

Lebanon's airwaves had long been unregulated, with scores of unlicensed private broadcasters that ranged in political diversity from the radio station of the Lebanese Communist Party to the television station of Hizballah. One prominent Lebanese government official who requested anonymity told Human Rights Watch that the broadcasting community included fifty-two television stations and over 120 radio stations for a population of three million. "Before the [civil] war in Lebanon, we had only one official television and radio station. Then we had seventeen years of chaos. During this period, every militia and semi-militia started broadcasting," he said. Some of the stations grew to become well-established, multimillion-dollar enterprises, but all of them remained unlicensed because there were no laws or administrative mechanisms for obtaining licenses. "The war was on the streets, and now it's on the air. The [media] had to be reorganized," the official remarked.

The first step in the process of reorganization was the enactment of a broadcasting law in 1994. The law recognized, commendably, the freedom of the audiovisual media and "the pluralistic nature of the expression of ideas and opinions." It also ended the state's legal monopoly of the airwaves, and paved the way for the licensing of privately owned radio and television stations. Because the government sought to reduce the large number of existing stations,¹ any licensing process was bound to be controversial. The state had to allocate limited frequency bands for radio stations and television channels among the large number of existing, competing private broadcasters. It thus was particularly important that the licensing process be equitable and transparent, with decision making power in the hands of independent regulators untainted by political interests. In addition, Human Rights Watch interprets Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Lebanon is a party, to require that the state exercise regulatory power in a manner that ensures freedom of expression for broadcasters and listening audiences alike, including the right to disseminate and receive information, ideas and opinions from a diversity of sources.

The implementation of the broadcasting law prompted sustained public protest in Lebanon. In September 1996, the cabinet (also known as the council of ministers) granted broadcasting licenses to four television stations, all of them reportedly linked directly or indirectly to leading government officials and pro-Syrian political figures. Television stations that were notably critical of government policies were not licensed. The cabinet's decision was made more controversial because one of the licensed stations, parliament speaker Nabih Berri's National Broadcasting Network (NBN), was not yet on the air. The cabinet also licensed eleven FM radio stations, but only three of the stations were authorized to broadcast news and political programs, one of them NBN radio, like its television counterpart not yet operational. No privately owned stations were licensed to broadcast on the AM radio band. Government officials defended the cabinet's decisions, stating that the licensed stations were those that had submitted the strongest applications and were the most viable financially. But Mohammed Obeid, general director of the ministry of information, conceded in an interview with *The Washington Post* that the selection of the stations to be licensed was, in part, a "political decision."

Critics had a different view, voicing concern that media pluralism — the dissemination of a diversity of information, ideas and opinions — was about to disappear in Lebanon. They charged that members of the pro-Syrian political establishment in Lebanon had "licensed themselves" and denied licenses to stations that were critical of the Hariri government and Syria's dominant role in Lebanese affairs. A lawsuit challenging the licensing decisions, filed with the Council of State on behalf of some stations that were not licensed, claimed that since 1993 the objective of those in power had been "to pass a multimillion-dollar deal for themselves and to silence the opposition." The lawsuit noted that families and close political associates of leading government officials would reap enormous financial gain from the annual advertising revenues of their licensed stations.

¹Assessment of the technical capacity of Lebanon's airwaves is beyond the scope of this report and the expertise of Human Rights Watch.

Strengthening the argument that the government was intent on stifling critical news and commentary about foreign and domestic policy was the cabinet's decision to prohibit the broadcasting of both news and "direct and indirect political programs" by the many unlicensed radio and television stations that were allowed to remain on the air, initially, until November 30, 1996,² and the decision to permit only three of the eleven licensed FM radio stations to broadcast news and political programs. The definition of political programming is so broadly worded in a 1996 decree that it effectively excludes the stations from airing any program concerning the government's foreign or domestic policies. "Outside regimes are unhappy with the amount of media freedom in Lebanon and are attempting to muzzle political commentary," was the analysis provided to Human Rights Watch by a leading human rights activist. Some Lebanese viewed the outcome as in Syria's interests because the only stations permitted to broadcast news and political programs were not known to be critical of the government of Hafez al-Asad and the Syrian role in Lebanon. A major shareholder in one television station which was not licensed told Human Rights Watch that he had been advised by a Syrian intelligence operative to "go to Syria" to appeal for a license, which he refused to do.

While it is widely acknowledged that states have the authority to regulate broadcasting through a licensing system, freedom of expression, including expression of a range of political opinions, must not be sacrificed in the process. In Lebanon, the fact that the sole decision-making power to license television and radio stations rests with the Hariri cabinet, without the oversight of any independent regulatory agency, raises serious concerns about the fairness and impartiality of the licensing process.

The Lebanese government, if it is to regulate broadcasting with a view to protect and foster freedom of expression, has a duty to regulate neutrally with respect to the political, ethnic, or religious profile of broadcasters. It also has a duty to ensure that regulations do not unnecessarily inhibit the free exchange of ideas and information, including the reporting of news, political analysis, and other programming of a political nature. If the licensing process effectively excludes independent stations, or stations with political views divergent from those of the ruling powers — creating a public perception that government officials are "licensing themselves" to the exclusion of others — then the presumption of a serious violation of the right to free expression is justified.

Human Rights Watch is concerned that the government's licensing process has had the effect of restricting media pluralism and freedom of expression. Stations that were notably critical of government policies were not licensed or, if licensed, were prohibited by law from broadcasting news and political programs. We believe that the state's licensing regime must be overhauled in order to ensure that the decision making is fair and impartial, and that the "pluralistic nature of the expression of ideas and opinions," as envisioned in Lebanon's broadcasting law and as required under international human rights law, is protected.

Other restrictions on the content of broadcasts, included in the 1994 broadcasting law and the 1996 broadcasting decree, also conflict with internationally recognized norms of free expression. Article 19(3) of the ICCPR allows restriction of expression only in limited circumstances, namely in the interest of "respect of the rights or reputations of others" or "the protection of national security or of public order (*ordre public*) or of public health or morals." Such restrictions must be "provided by law" and be "necessary." Human Rights Watch is aware of no persuasive justifications offered by the Lebanese government to support the restrictions on the broadcasting of news and other information about public events. In particular, the following restrictions create an unacceptable infringement on the right to free expression:

- The creation of two categories of private radio and television stations — those that may broadcast news and political programming, and those that may not — is unjustified discrimination among broadcasters, and restricts the freedom of broadcasters to impart, and listeners to receive, information about public affairs.
- Similarly, limiting the licensed stations that are permitted to air news to a thirty-minute daily broadcast is an unreasonable restriction on information dissemination, in the absence of any compelling justification by the

²This deadline was later extended by the government for an unspecified period. As of this writing, the unlicensed stations have not yet been ordered to shut down.

state. The right of licensed stations to broadcast news programs at whatever length they see fit is an integral aspect of their freedom of expression.

- Other sweeping content restrictions include the ban on live broadcasts of unauthorized political gatherings and certain religious events, and the prohibition of broadcasting “any matter of commentary seeking to affect directly or indirectly the well-being of the nation’s economy and finances,” and any material that “promotes a relationship with the Zionist enemy [the State of Israel].” Such broad and vaguely worded proscriptions appear designed to stifle dissemination of a wide range of news, information, and ideas, well beyond the restrictions permissible under Article 19(3) of the ICCPR.

Taken together, the restrictions on the content of broadcasting and the outcome to date of the licensing process provide persuasive evidence that the government’s intention is to restrict media pluralism and curtail free expression.

Human Rights Watch sought the views of the Lebanese government on a variety of issues raised in this report. As of this writing, we have not received a reply from the government to our detailed letter of January 13, 1997, which is included in the appendix of this report.

RECOMMENDATIONS

To the Government of Lebanon

- Ensure that the power to issue broadcasting licenses is in independent hands.
- Establish a broadcasting regulatory authority that is independent of the executive branch of government, and ensure that its members are protected from dismissal for arbitrary reasons and from other possible pressures that would compromise their independence.
- Empower an independent broadcasting authority to design licensing procedures and regulatory mechanisms that ensure non-discrimination in the awarding of licenses, and access to the airwaves for a diversity of information and views, including news and political opinions. This body should:
 - promptly review the 1996 licensing process, with a view to correcting any favoritism or discrimination in the granting of licenses;
 - publish licensing standards by which decisions in this regard will be wholly transparent; and
 - invite renewed applications, and review these in a timely manner, making public the reasons for approval or denial of applications, including the reversal or ratification of previous licensing decisions.
- In the interim, permit all currently licensed, and all unlicensed but currently operating, radio and television stations to broadcast news and political programming, and to broadcast news programs at whatever daily length that they deem appropriate.
- Amend the 1994 broadcasting law and the 1996 broadcasting decree to eliminate sweeping content restrictions, including prohibitions on live broadcasts of certain religious events and unauthorized political gatherings; “commentary seeking to affect directly or indirectly the well-being of the nation’s economy and finances;” “propagandistic and promotional” news and political programs; and material that “promotes a relationship with the Zionist enemy.” In addition, the government should eliminate vaguely worded content restrictions, such as the prohibition on “incit[ing] sectarian or religious chauvinism” and the requirement of “preservation of the supreme national interest,” which invite public authorities to stifle free expression in the name of the law.

- Permit private radio broadcasting on the AM band, unless there are compelling reasons, consistent with international standards and made public, to limit broadcasts to state-run radio.

To the European Union

- Raise Lebanon's compliance with Article 19 of the International Covenant on Civil and Political Rights in negotiations between the European Commission and the government of Lebanon concerning the EU-Lebanon Association Agreement.
- In bilateral and multilateral meetings with Lebanese government officials, discuss the issues and recommendations raised in this report, and emphasize the importance of independent regulation of private radio and television broadcasters in order to ensure freedom of expression.
- In bilateral and multilateral meetings with Lebanese government officials, urge the lifting of the ban on the broadcasting of news and political programs that applies to all unlicensed radio and television stations, and to some licensed radio stations, and other content restrictions in violation of Lebanon's treaty obligations as a party to the International Covenant on Civil and Political Rights.

To the Clinton Administration

- In bilateral meetings with Lebanese government officials, discuss the issues and recommendations raised in this report, and emphasize the importance of independent regulation of private radio and television broadcasters in order to ensure freedom of expression.
- In bilateral meetings with Lebanese government officials, urge the lifting of restrictions and bans on the broadcasting of news and political programs, and other content restrictions in violation of Lebanon's treaty obligations as a party to the International Covenant on Civil and Political Rights.

To Lebanon's International Donors, including the U.S. and Multilateral Lending Institutions

- Convey to the Lebanese government donor support for a process of media regulation that is consistent with international human rights standards regarding freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds.
- The World Bank, other international financial bodies, and private companies investing in Lebanon should call for equitable and transparent licensing of the private broadcast media, with decision making power to be in the hands of independent regulators in order to ensure the dissemination of a diversity of information and ideas. The Lebanese government should be made aware that these are essential elements of good governance.

INTRODUCTION

Despite Lebanon's small size,³ radio and television stations proliferated during the 1975-1990 civil war, many of them launched by various militias and sectarian groups. These stations later continued to operate under private ownership, but they remained unlicensed and there were no laws or administrative procedures for the stations to obtain licenses. The large number of unregulated stations led one journalist to characterize Lebanon as "the Wild West of the broadcasting world" and "the launch pad for anyone with a coat hanger and a satellite dish to set up their own television station."⁴ The only licensed stations were Radio Lebanon of the Lebanese Broadcasting Station, founded in 1937 and now part of the Ministry of Information, and Télé-Liban of the government-owned Lebanese Television Company (LTV), which was established in 1959.

There were several false starts to reorganize the broadcast media in the early 1990s,⁵ but the government did not take action until late 1994, when parliament passed Law No. 382 to regulate television and radio broadcasting. The law was signed by President Elias Hrawi and Prime Minister Rafiq Hariri on November 4, 1994. It enshrined the principle of freedom of the audiovisual media, adding that such freedom was to be governed by the rule of law.⁶ The broadcasting law essentially revoked the monopoly held by Télé-Liban and Radio Lebanon over licensed broadcasting in Lebanon, and laid the legal groundwork for the operation of privately owned television and radio stations. It made clear that frequency bands for television channels and radio stations were a state monopoly, available for lease to Lebanese joint-stock corporations.⁷

³With a land area of 10,230 square kilometers, Lebanon is about one-third the size of Belgium, and 80 percent of the size of the state of Connecticut in the U.S. The widest point from east to west is eighty-eight kilometers, and the country's average width is fifty-six kilometers. Running roughly parallel to the flat Mediterranean coastline are the Lebanon Mountains, which extend 169 kilometers from Tripoli in the north to the Litani River in the south. The mountain range provides a formidable north-south physical barrier, with peaks rising to heights 3,360 meters at al-Qurnat as-Sawda, southeast of Tripoli, and 2,695 meters at Mount Sannin, northeast of Beirut.

A country's size and geographic features are two of the variables that determine, in engineering terms, the spectrum that may be allocated for radio and television broadcasting. Depending upon the amount of power being used, a television or FM radio station that broadcasts from a mountaintop typically has a great "line of sight" and potential broadcast range. Conversely, an audience far from a station or separated from it by mountains may be unable to receive its broadcasts. For AM radio, "line of sight" makes less difference, but the topography near the transmitter and antenna affects the station's range.

⁴Jan Millichip, "Lebanon Pulls Plug on Rampant 'Coat-Hanger' Piracy," *The Independent*, October 2, 1996. Millichip put the number of radio stations at over one hundred, and the number of unlicensed television stations at thirty-eight to fifty-seven. No one interviewed by Human Rights Watch in Lebanon was able to confirm the precise number of unlicensed stations.

⁵See Middle East Watch and the Fund for Free Expression, "Lebanon's Lively Press Faces Worst Crackdown Since 1976," July 1993, pp. 32-33.

⁶Article 3 of the law states: "The video and audio media are free. The freedom of the media is exercised within the framework of the rules of the constitution and the laws in effect." Here, and throughout this report, quotations from Lebanon's 1994 broadcasting law, and the 1996 decree that implemented the law (see below), are unofficial translations by Human Rights Watch from the original Arabic.

⁷Article 9 and Article 12.

The law required that stations apply for licenses, which would be valid for sixteen years, and specified that licensing decisions would be made by a decree of the cabinet (also known as the council of ministers), part of the executive branch of government.⁸ The National Council for Video and Audio Media (NCVAM), an advisory ten-member body established by the law, was to assist the cabinet in its decision making, although the NCVAM had no power to grant broadcasting licenses. Half of the NCVAM's members are appointed by parliament and half by the cabinet, with all of them serving three-year terms. The NCVAM was formed in 1995, and its lack of independence emerged as a major issue in 1996 (see below).

The broadcasting law also set forth a patchwork of diverse and potentially conflicting broad principles that were to be taken into consideration in granting licenses. Among these were "respect of ... the freedom and rights of others, the pluralistic nature of the expression of ideas and opinions, the objectivity of news and events broadcasts, the preservation of public order, the needs of national defense, and the exigencies of public welfare."⁹ The law also imposed a special requirement with respect to Israel, stating that stations may not broadcast anything that "promote[s] a relationship with the Zionist enemy."¹⁰

Despite the law's explicit declaration concerning freedom of the media, it created two distinct categories of television and radio stations: those that would be permitted to broadcast programs, including news and political programs, to all regions of Lebanon (Category 1 stations), and those that would be authorized to broadcast programs to all regions of Lebanon with the important exception of news and political programs (Category 2). Political programming is defined as follows: "Programs that discuss domestic or foreign policies and issues of public concern related to the work of ministries, all public authorities and institutions, and municipalities, their relationship with citizens and with each other, and the behavior of their employees."¹¹ The law did not specify a rationale for imposing such sweeping content restrictions on the Category 2 stations.¹²

Television and radio station owners told Human Rights Watch that they had expected immediate implementation of the law, given the language in the statute concerning the two-month "grace period" that was granted to stations operating without licenses.¹³ The owners waited for directions from the government about licensing procedures, but no action was taken until 1996.

⁸Article 16.

⁹Article 7.

¹⁰Article 7.

¹¹Decree No. 7997 (1996), Chapter 3, Programs. See below for additional information about this decree.

¹²Article 10. The creation of Category 2 stations was opposed by parliamentary deputies led by Hussein Hussein, who unsuccessfully attempted to amend this provision of the law. Mr. Hussein told Human Rights Watch that he believed the government's aim has been to decrease the number of stations authorized to broadcast news and political programming. Interview, Beirut, November 5, 1996.

¹³Article 50 stated: "Television and radio establishments already operating before the enactment of this law are granted a two-month grace period to present license applications after the Ministry of Information's announcement of its acceptance of applications. The Government may extend the grace period of the completion of the application dossier. These establishments may operate and pursue their work until issuance of a licensing decree or until a license is refused. In the latter case it is granted another grace period to liquidate its operations."

IMPLEMENTATION OF THE BROADCASTING LAW

"Many of my friends told me that this battle would tarnish my image, but I believe that it is a battle that must be waged and the state must succeed in regulating the media. I believe that we have succeeded."

—Prime Minister Rafiq Hariri, January 1997.

On February 29, 1996, President Hrawi issued Decree No. 7997, which was designed to implement the provisions of the broadcasting law. The decree specified the legal, financial, and managerial requirements for privately owned stations seeking licenses; outlined technical and program requirements; set forth advertising regulations and licensing fees; and provided a list of the documents to be submitted with licensing applications. The decree reiterated some of the guiding principles set forth in the 1994 broadcasting law, and included supplemental, vaguely worded restrictions on content to which licensed stations must adhere, including the following:

- "Not broadcasting any matter or commentary seeking to affect directly or indirectly the well-being of the nation's economy and finances."
- "Not broadcasting and not transmitting any matter seeking to inflame or incite sectarian or religious chauvinism, or seeking to push society, and especially children, to physical and moral violence, moral deviance, terrorism, or racial and religious segregation."
- "Not broadcasting any slander, disparagement, disgrace, defamation, or falsities about natural or juridical persons."¹⁴

Restrictions on News, Political Programs, and Live Broadcasts

The decree specified and limited the type of programs that licensed television stations were permitted to broadcast. Stations that received authorization to broadcast news would be limited to a maximum of 280 hours of locally produced news annually, and no news broadcast could exceed thirty minutes.¹⁵ The decree further required that news and political programs conform to "presentation in an objective manner, the preservation of the supreme national interest, and the respect for laws in force," and distinguish "between that which is news and objective on the one hand, and that which is propagandistic and promotional on the other." Stations violating these guidelines face prosecution under Lebanon's penal code.

The decree also sharply restricted live broadcasts of political gatherings. While it permitted broadcasting of events and celebrations "of a general national nature," it categorically banned live broadcasts of "any celebration of a political nature not licensed by the relevant authorities." Because of the ban on public demonstrations that has been in effect in Lebanon since August 1993, this provision of the decree in effect ensures that stations may not broadcast, live, Lebanese citizens attempting to exercise their internationally recognized right to freedom of assembly.¹⁶

Similar restrictions applied with respect to live broadcasts of religious events. Those that commemorate publicly observed religious holidays were permitted, but other special religious events would be allowed only "in exceptional circumstances" and with the prior approval of the cabinet.

¹⁴Chapter 1, General Rules.

¹⁵Chapter 3, Programs.

¹⁶A ban on all demonstrations by a decree of the cabinet has been in effect in Lebanon since August 1993. In response to public demands, the parliament recommended on September 14, 1993, that the cabinet lift the ban. On September 18, 1993, the parliament's recommendation was rejected, and the cabinet reiterated the categorical ban on demonstrations.

Operating Stations Denied Licenses; News and Political Programs Banned

By June 1996, sixty-three radio and television stations submitted applications for broadcasting licenses, according to Sami Shaar, president of the NCVAM, which reviewed the applications.¹⁷ He told Human Rights Watch that the NCVAM relied on Law No. 382 and Decree No. 7997 to evaluate the applications.¹⁸

On September 17, 1996, the cabinet granted broadcasting licenses to four television stations, all of them partly owned by, or linked indirectly through shareholders to, leading government officials and other political figures. Eleven radio stations were licensed to broadcast on the FM band, but only three of the stations were permitted to broadcast news and political programming. The definition of "political programming" in the 1996 broadcasting decree is so broadly worded that it effectively excludes the stations from airing any program concerning the government's foreign or domestic policies.¹⁹ In a supplemental and equally controversial move, the minister of information announced that the unlicensed radio and television stations were "banned from broadcasting [news] reports and direct and indirect political programs" as of September 18, 1996.²⁰ It was also reported that the minister informed the unlicensed stations on September 24, 1996, that "they are not allowed to relay news and political programs relayed by Arab and international stations and received through satellites."²¹ Estimates of the number of radio and television stations affected by this decision range from thirty-seven to fifty-seven television stations and one hundred to 150 radio stations.²² Stations that were notably critical of government policies were not licensed or, if licensed, were not authorized to broadcast news and political programs.

¹⁷Article 19 of the broadcasting law charges the NCVAM with "the study of licensing requests presented to the Council of Ministers and which are transmitted to it from the Minister of Information," "confirmation that the request meets the requirements of law," and "offering to the Council of Ministers its advisory opinion on whether to grant the licensing request or to refuse it."

¹⁸Interview, Beirut, November 12, 1996. NCVAM member Antoine Karam also attended this meeting.

¹⁹The decree defined political programming as follows: "Programs that discuss domestic or foreign politics and issues of public concern related to the work of ministries, all public authorities and institutions, and municipalities, their relationship with citizens and with each other, and the behavior of their employees." (Chapter 3, Programs.)

²⁰Statement of Information Minister Farid Makari reported by Radio Lebanon, September 17, 1996.

²¹Beirut Radio Lebanon, September 24, 1996, citing Information Minister Farid Makari.

²²No one interviewed by Human Rights Watch in Lebanon was able to offer an exact number of the radio and television stations on the air.

The three licensed television stations said to be directly linked to government and political figures are: Future Television, reportedly owned by relatives and close political associates of Prime Minister Hariri; Murr Television, owned by Gabriel Murr, the brother of Interior Minister Michel Murr, Saudi Prince al-Walid bin Talal,²³ and several government ministers,²⁴ among other shareholders; and the National Broadcasting Network, a station that is not yet on the air but is to be launched by speaker of the parliament Nabih Berri.²⁵ The fourth licensed station is the Lebanese Broadcasting Company International (LBCI), ranked as Lebanon's most widely viewed television station.²⁶ LBCI was established by the Lebanese Forces, a Christian militia, in the mid-1980s. Its current owners include Pierre Daher, the station's general manager since its inception, and, reportedly, a number of pro-Syrian politicians, including Minister of Health Suleiman Franjiyyeh and parliamentary deputies Issam Fares, Nabil Bistanni, and Michel Faroun.

Two of the television stations not licensed were New Television (NTV) and the Independent Communications Network (ICN), both described as "overtly oppositional in their political coverage" by the independent, Beirut-based Lebanese Center for Policy Studies.²⁷ NTV, established in 1991, is worth about \$21 million, according to its general manager.²⁸ The station's chairman is Tahseen Khayat, a businessman from Sidon, the home town of Prime Minister Hariri. Khayat is known as a critic of the prime minister. ICN, founded in 1992, is also well-financed and regularly aired political commentary critical of the Hariri government. In April 1993, the station was ordered closed indefinitely by court order; it went back on the air six months later.²⁹ Manar TV — Hizballah's station and the fifth largest in Lebanon in terms of revenue, according to *The Independent* — was also denied a license.³⁰

²³The broadcasting law states that shareholders of television and radio stations must be Lebanese citizens (Article 13). Gabriel Murr confirmed to Human Rights Watch that Prince al-Walid bin Talal owned shares in Murr Television. He said that the prince received his Lebanese citizenship by a special decree because his mother was a Lebanese citizen married to a Saudi citizen, and showed a Human Rights Watch representative a copy of the citizenship decree but refused to provide a copy. (Interview, Beirut, November 11, 1996.) Under Lebanese law, if a Lebanese woman marries a non-Lebanese, neither her husband nor her children are entitled to Lebanese citizenship.

²⁴Faris Buwayz, minister of foreign affairs; Eli Hubayqah, minister of hydroelectric resources and electricity; and Druse leader Walid Jumblatt, minister of the displaced, reportedly "represented" through his political advisor Ghazi Aride. The names of the ministers were provided to Human Rights Watch by Gabriel Murr. (Interview, Beirut, November 11, 1996.)

²⁵Nabih Berri is one of the three members of Lebanon's ruling "troika," representing Shia Muslim interests. Since Lebanon's independence in 1943, the speaker of parliament has always been a Shiite. The other members of the troika are Prime Minister Hariri and President Hrawi.

²⁶Reuter, "Lebanon TV Station to Beam by Satellite from Rome," January 23, 1996.

²⁷"Switching off the competition," *The Lebanon Report*, No. 3, Fall 1996, p. 9.

²⁸Telephone interview with Khalil Abu Shawarb, October 11, 1996. He added that NTV has twenty-five shareholders and working capital of \$10 million.

²⁹For details about the closure, see Middle East Watch and the Fund for Free Expression, "Lebanon's Lively Press Faces Worst Crackdown Since 1976," July 1993.

³⁰Manar has about \$10 million in capital, a Hizballah spokesman told Human Rights Watch. (Telephone interview, September 30, 1996.) As of October 2, 1996, both Manar Television and Hizballah's Voice of Light radio station (also not licensed) were allowed to resume broadcasting until the Israeli military occupation of south Lebanon ends, but the stations were permitted only to broadcast news and political programming related to the resistance against Israel. The Hizballah spokesperson told Human Rights Watch that Syrian president Hafez al-Asad had intervened with President Hrawi to effect this special arrangement.

In a demonstration of the still highly charged religious sensitivities in Lebanon, Lebanese Maronite Christians complained to the government about Manar remaining on the air while Télé-Lumière — a Catholic television station that does not air overtly political or news programming but features religious talk shows and news from the Vatican — was forced off. They told Human Rights Watch that President Hrawi intervened in parliament on Télé-Lumière's behalf, and arranged for the station to air for twelve hours daily, using Télé-Liban's airwaves.³¹ They said that the other twelve hours would be shared by two other religious organizations, the Supreme Shiite Council and Dar al-Fatwa Islam, a Sunni group.³² Supporters of Télé-Lumière also told Human Rights Watch that they were irate with the government for eliminating every television and radio station belonging to the Assembly of the Catholic Patriarchs and Bishops headed by the Maronite Patriarch, Cardinal Nasrallah Sfair. They said that six Catholic denominations and seven other Christian denominations were attempting to form a coalition in order to secure a station for themselves.³³

Of the eleven radio stations licensed to broadcast, only three of them were authorized to air news and political programs: Radio Orient, owned by Future Television; National Broadcasting Network radio, which will be established by Nabih Berri; and Radio Free Lebanon, which was formerly owned by LBCI and currently is owned by a consortium of investors. No private stations were licensed on the AM radio frequency, based on the recommendations of the government's Television and Radio Regulatory Committee (see below). Critics charged that the government violated the broadcasting law by monopolizing the AM frequency, noting that the law did not reserve the AM frequency for the state and that Decree No. 7997 made no mention of the AM frequency.³⁴

Two of the oldest radio stations in the country were affected by the cabinet's decisions. Voice of the People, which is owned by the Communist Party and critical of government policies, was denied a license. Voice of Lebanon, formerly owned by the Phalange party and also critical of the government, was licensed but was not permitted to broadcast news and political programs.³⁵ Both stations had large listening audiences.

³¹The station incorporated as non-profit organization on October 15, 1996, after it was denied a license on September 17, 1996. The station does not accept advertising.

³²Human Rights Watch was unable to reach anyone at the Shiite group for comment, and the Sunni group did not have any comments when contacted by Human Rights Watch.

³³Interviews, Beirut, November 12, 1996.

³⁴In a letter dated January 13, 1997, and in a meeting with Lebanese ambassador Riad Tabbarah in Washington, D.C., on January 22, 1997, Human Rights Watch asked the Lebanese government to explain the rationale for this decision. As of this writing, we have not received a response.

³⁵Sheikh Simon El-Khazen, the chairman of Voice of Lebanon, showed a Human Rights Watch representative a copy of the license that the station had been granted in 1976 to broadcast on the AM frequency. He said that the station was founded that year by the Phalangist party, but that it recently had reincorporated to become more diversified. He contended that the government and the courts never withdrew the station's license, but that in the licensing evaluation process it was treated in the same manner as the unlicensed stations and that its previous license was ignored. He also noted that Voice of Lebanon has a \$3 million annual budget and 200 employees. Interview, November 5, 1996.

When then-Minister of Information Farid Makari announced the names of the stations granted licenses, he indicated that the cabinet's decision was based on the report of the NCVAM, and that the cabinet "accepted the NCVAM's legal opinion and decided to license the establishments that have fulfilled the legal conditions [of the broadcasting law and the decree]."³⁶ NCVAM members told Human Rights Watch that it was merely a "coincidence" that stations closely tied to the most powerful Lebanese government officials received the bulk of the licenses, explaining that these stations had submitted the strongest applications.³⁷ A senior Lebanese government official who requested anonymity told Human Rights Watch that the stations granted licenses were "basically the major stations that are commercially viable." But Mohammed Obeid, general director of the ministry of information, conceded in an interview with *The Washington Post* that the selection of the stations to be licensed was, in part, "a political decision."³⁸

The minister of information also announced that the unlicensed stations had to liquidate their assets and close by November 30, 1996. In what perhaps was a conciliatory gesture, he said too that those denied licenses had until the end of November 1996 to submit new applications addressing deficiencies noted by the NCVAM. "If these institutions correct the mistakes in their files and lodge new applications...they might be granted licenses if there was still room [for them to go on air]."³⁹ Exactly what the government intended was unclear.

As of this writing, the situation remains at a stalemate. Information Minister Bassem al-Sab'a announced on November 30, 1996, that the unlicensed stations would not be ordered to close at midnight, as had been threatened. He said that the broadcasting law would be "implemented under a new mechanism to be studied...in the few coming days."⁴⁰ Despite this hiatus, the unlicensed stations continue to be barred from broadcasting news and political programs, and the information minister warned them that the government was intent that this prohibition be respected.⁴¹ He reiterated the warning in February 1997, and said that legal measures would be taken against violators of the law.⁴²

The quarterly *Lebanon Report*, published by the Beirut-based Lebanese Center for Policy Studies, described the situation this way:

[A] new status quo appears to have been put in place, and observers expect it to last for some time: non-licensed stations remain on the air but cannot broadcast news programs, which are a source of advertising revenues. This, and uncertainty as to the future, have also prevented non-licensed stations — particularly television stations — from up-scaling their programming, which has further reduced

³⁶Radio Lebanon, "Lebanon Licenses 15 Radio and TV Stations," September 17, 1996, as reported by BBC Monitoring Service: Middle East, September 19, 1996.

³⁷Interview with NCVAM president Sami Shaar and member Antoine Karam, Beirut, November 12, 1996.

³⁸John Lancaster, "Lebanon, With a Nudge From Syria, Is Leaning on Once Outspoken Media," *The Washington Post*, January 31, 1997.

³⁹Reuter, "Ban on Lebanon TV and Radio Goes Into Effect," September 18, 1996.

⁴⁰Reuter, "Unlicensed Lebanon Media Get New Lease on Life," November 30, 1996.

⁴¹Radio Lebanon reported the following on November 28, 1996: "Minister al-Sab'a warned that if some sides violate the law and the publicized governmental measures, particularly regarding broadcasting news and political programs on unlicensed television and radio stations, the Ministry will be compelled to implement the laws governing violations."

⁴²Beirut Radio Lebanon, February 13, 1997, as reported in FBIS-NES-97-031, February 13, 1997.

revenues and lost the stations much of their audience. This state of limbo, while not entirely to the government's advantage, is far more to the disadvantage of the non-licensed stations.⁴³

For his part, Prime Minister Hariri maintained that implementation of the broadcasting law was a success, and had "not harmed anyone." He said that the measures taken by the government were designed "to build serious media institutions capable of enhancing culture and civilization," and added:

⁴³"Free to be quiet." *The Lebanon Report*, No. 4, Winter 1996, p.9.

That is my plan for the media, but I have been fought much. Many of my friends told me that this battle would tarnish my image, but I believe that it is a battle which must be waged and the state must succeed in regulating the media. I believe that we have succeeded. In 1997 Lebanon will witness the birth of a group of major media institutions with the highest level of technical and technological qualifications to contribute seriously to the development of science and culture in the country.⁴⁴

THE REACTION IN LEBANON

"There are less restrictive, and more democratic, means of controlling the audiovisual media in Lebanon. But Hariri is schooled in the Saudi way of doing politics and does not tolerate criticism."
—Lebanese journalist, October 1996.

The cabinet's decisions on September 17, 1996, generated an outpouring of public criticism in Lebanon. Many Lebanese interviewed by Human Rights Watch, including station owners and critics of the Hariri government, acknowledged that there was a need to reorganize and regulate the broadcast media. They recognized the authority of the state to regulate broadcasting through a licensing system, but stressed that freedom of expression, including expression of a diversity of political opinions, should not be sacrificed in the process. They objected strenuously to the fact that the sole decisionmaking power to license television and radio stations rested with the Hariri cabinet, without the oversight of any independent regulatory agency.

The chairman of one independent television station told Human Rights Watch that the broadcasting law was being used to "muzzle the opposition," and that "this was its political goal."⁴⁵ One of the owners of another unlicensed station charged that the government's goal was "to limit political opposition, decrease the number of stations, and monopolize the advertising market which generates millions of dollars."⁴⁶ A lawsuit challenging the licensing decisions claimed that since 1993 the objective of those in power in Lebanon was "to pass a multimillion dollar deal for themselves and to silence the opposition."⁴⁷ It noted that the government's reorganization and licensing, if allowed to stand, will produce enormous financial gain for the families and close associates of government officials, in the form of annual advertising revenues that their stations will receive.⁴⁸

⁴⁴Interview in *al-Sharq al-Awsat* (London), January 20, 1997, as reported in FBIS-NES-97-014, January 20, 1997.

⁴⁵Interview, Beirut, October 31, 1996.

⁴⁶Interview, Beirut, November 15, 1996.

⁴⁷The lawsuit was filed with the Council of State on September 18, 1996, on behalf of ICN, NTV, al-Mashreq, CVN, Voice of Lebanon and Voice of the People. It requested relief from the court to stop the application of Decree 7997, and to declare the decree void and illegal because it violates Lebanese and international human rights law.

The Council of State reviews draft legislation and certain categories of decrees, and provides advisory but nonbinding comments to the government. It also functions as a court of law in cases challenging government administrative decisions.

⁴⁸Station owners interviewed by Human Rights Watch put the total annual advertising income at stake at US\$400 to \$500 million. The president of NCVAM disputed this amount in an interview with Human Rights Watch, saying that the total annual revenue did not exceed \$150 million.

Others suggested to Human Rights Watch that the licensing decisions reflected Syrian and Saudi influence on the Hariri government. "Outside regimes are unhappy with the amount of media freedom in Lebanon and are attempting to muzzle political commentary," a lawyer and human rights activist told us. "What is being done is only in Syria's interest," said a prominent critic of the Hariri government who has consistently criticized what he terms the Syrian "occupation" of Lebanon. A shareholder of one television station that was not licensed told Human Rights Watch that he had been advised by a Syrian intelligence operative to "go to Syria" to appeal for a license, but that he refused to do so. "Mr. Hariri wants total political control. Although he is Lebanese, his methods are very Saudi, very undemocratic," said the chairman of a radio station that was not licensed.⁴⁹ A prominent Lebanese journalist agreed: "There are less restrictive, and more democratic, means of controlling the audiovisual media in Lebanon. But Hariri is schooled in the Saudi way of doing politics and does not tolerate criticism," he said in an interview with Human Rights Watch.⁵⁰ Prime Minister Hariri is widely known to be particularly sensitive to criticism of his controversial multibillion-dollar development plan for Beirut and the activities of Solidere, the private real estate company that is carrying out the rebuilding plan.⁵¹

Critics have also focused on the fact that the cabinet, without any form of independent oversight, had the sole discretion to select the stations to be licensed. A complaint frequently heard by Human Rights Watch was that government officials, and the speaker of parliament, had "licensed themselves." Critics also pointed out that the NCVAM is merely an advisory body, and that it is not independent because the overwhelming majority of its members are close to the prime minister or the speaker of parliament. In addition, council members serve three-year terms but, according to Lebanese attorneys, the law does not specifically protect them from dismissal during their tenure.⁵²

The controversy about the government's denial of licenses to long-established stations was heightened by the decision of the cabinet to license the National Broadcasting Network's television and radio stations, which were not yet established. Owners of operating stations told Human Rights Watch that they believed that their application files were subjected to closer scrutiny than those of the two stations that were not yet operating but granted licenses. "If ICN [television station] is not in compliance with the law, then how can NBN comply with the law's technical rules when it does not even exist?" asked ICN chairman Henry Sfair.⁵³

⁴⁹Interview, Beirut, November 5, 1996.

⁵⁰Telephone interview, October 8, 1996.

⁵¹Prime Minister Hariri is a shareholder in Solidere, a billion-dollar joint-stock company. Allegations against the company include expropriation of property in downtown Beirut for its rebuilding projects; not paying fair market value for property taken under eminent domain; and using force to evict current residents from occupied buildings. On September 18, 1996, for example, police armed with rifles accompanied dozens of Solidere workers who were attempting to demolish an occupied residential building on Avenue Fouad Chehab in downtown Beirut. According to Lebanese lawyer Muhammed Mugarby, who represents the owner of the building, the police and Solidere did not have legal authority to carry out such activities and a summary order for eviction was at the earliest stages of legal proceedings at the time of the assault.

⁵²See Chapter 5 of Article 20, Law No. 382.

⁵³Interview, Beirut, October 31, 1996.

Human Rights Watch put this question to Sami Shaar, president of the NCVAM, and he replied that Law No. 382 granted the licensed stations one year to comply with the provisions of the law and correct any deficiencies.⁵⁴ Critics responded that this illustrated the inequitable nature of the law, in that it allowed for the licensing of a start-up station, providing it with a one-year grace period to comply with the law, while operating stations were not granted a similar period to bring their establishments into full compliance with every requirement of the law.

Capacity of the Airwaves Disputed

Critics of the licensing decisions also complained to Human Rights Watch that the government had underestimated the capacity of Lebanon's airwaves, seeking to keep the total number of television and radio stations to a minimum.⁵⁵ They disputed the findings of the Television and Radio Regulatory Committee (TRRC),⁵⁶ which in January 1996 issued a technical report that recommended the licensing of five privately owned television stations and ten privately owned FM radio stations, in addition to state-owned television and radio. The TRCC also recommended that only the state should broadcast on the AM radio band.⁵⁷

Critics claimed that the TRCC report was based on political considerations, not scientific and technical factors, and maintained that the airwaves could accommodate more than six television stations if all VHF and UHF frequencies were put to use. For example, Henry Sfair, the chairman of ITN television, insisted that the technical capacity of the country's airwaves was easily two to four VHF television stations, and twelve to fourteen UHF television stations.⁵⁸

Former Minister of Information Michel Samaha told Human Rights Watch that there had been discussions in parliament about the number of stations that the government should license, but that these deliberations had nothing to do with the technical capacity of airwaves. He cited his own disagreement with Prime Minister Hariri about the number of stations that should be licensed, and said that the prime minister's preference was four rather than ten television stations.⁵⁹ Earlier in 1996, the news agency Reuter reported other remarks made by former minister Samaha:

He said that when he was minister, he was told to draft a report that the airwaves could take only three private television stations and state-run Télé-Liban. "They insisted I should not refer either to French

⁵⁴Interview, Beirut, November 12, 1996. Article 32 of the law states in its pertinent part: "The licensed corporation shall have one year upon its learning of the decision of the Council of Ministers to establish itself in accordance with legally imposed requirements. The government may allow for a grace period if necessary. Its right to a license shall automatically lapse if it does not present within one year a request for an examination and confirmation of its adherence to the management, artistic, and financial requirements of the license."

⁵⁵Assessment of the technical capacity of Lebanon's airwaves is both beyond the scope of this report and the expertise of Human Rights Watch. We do note, however, that media pluralism is certainly more difficult to ensure when the number of broadcast frequencies is extremely limited. When this is the case, however, licensing schemes can be implemented to maximize pluralism, for example by dividing airtime on the same frequency between different licensees, or by permitting some form of joint ownership of licenses.

⁵⁶Pursuant to Law No. 382, the TRRC was designed as an eleven-member technical committee charged with study of the technical aspects of television and radio broadcasting operations. Its recommendations are presented to the minister of information and the NCVAM.

⁵⁷Reuter, "Beirut's Mass of Private Media Outlets Must be Cut," January 9, 1996. Human Rights Watch asked the Lebanese government to provide us with a copy of the TRRC report. As of this writing, our efforts to obtain a copy of this report have been unsuccessful.

⁵⁸Telephone interview, February 3, 1997.

⁵⁹Interview, Beirut, November 5, 1996.

experts or international organizations,” Samaha said in a lecture. “When ‘they’ could not divide up the four stations among themselves, they raised the number of stations to be authorized to six,” he added.⁶⁰

Prime Minister Hariri has countered such allegations by charging that the critics simply are attempting to obstruct the state’s effort to regulate the media. “My views on the question of the media have been greatly distorted,” he said in an interview in January 1997, and elaborated as follows:

⁶⁰Haitham Haddadin, “Lebanon Media Cutback Seen as Attack on Freedoms,” Reuter, March 3, 1996.
Human Rights Watch/Middle East 17 April 1997, Vol. 9, No.1 (E)

I am all for freedom and democracy, and very truthfully so, but there are those who, during the [civil] war, set up information media well in excess of the country's technical capabilities as regards waves. We introduced a regulating law they did everything to obstruct it. Whenever we tried to implement it they raised their voices claiming that freedom was in danger. On the contrary, we want freedom. The proof is that we have not harmed anyone.⁶¹

Organizing Protests

The cabinet's licensing decisions added another issue to the agenda of groups in Lebanon that have been particularly critical of the economic and social policies of the Hariri government. In response to public protests planned and organized by a broad opposition coalition, including trade unionists through the independent General Confederation of Lebanese Workers (CGTL), authorities deployed the police and army to disperse demonstrators who attempted to take to the streets in October and November 1996.

On September 25, 1996, hundreds of people — including parliamentary deputies, politicians, trade unionists, academics, and representatives from the broadcast media — attended a "National Meeting for the Defense of Freedoms" at the Riviera Hotel in Beirut. One of the organizers told Human Rights Watch that 300 delegates had been invited, but that over 2,500 people attended. A forty-seven-member national committee was selected, with responsibility for organizing additional meetings and peaceful demonstrations. On September 30, the committee announced plans for a sit-in on October 3 outside the ministerial palace in downtown Beirut, where the cabinet meets every other week. Police did not permit the sit-in, and hundreds of protesters "briefly marched" in the capital, according to Reuter. On October 9, several hundred demonstrators again were blocked by police from another planned sit-in outside the prime minister's office. "Hundreds of armed police took up positions in the area," Reuter reported, and clashes broke out when they attempted to storm police barricades. "The protesters hit police with sticks from their banners and were clubbed by police rifle butts," the news agency said.⁶²

Given the determination of Lebanese authorities to enforce the ban on public demonstrations, a two-day freedom of expression festival was planned for November 2-3, 1996, as an alternative to a demonstration. The festival, held in Antelias, north of Beirut, was organized by individuals and organizations, including the nongovernmental Association for the Defense of Rights and Freedoms, and sponsored by ICN and NTV. A Human Rights Watch representative attended as an observer. At the entrance to the festival was a large poster quoting Article 19 of the International Covenant on Civil and Political Rights in Arabic, French and English. Some 600 to 700 people arrived in the first hours of the festival and heard a succession of speakers — including parliamentary deputies, lawyers, and representatives from unlicensed radio and television stations — criticize the broadcasting law and express broader concerns about increasing restrictions on freedom of expression and association. Reuters estimated that over 2,500 people attended the two-day event.

⁶¹Interview in *al-Sharq al-Awsat* (London), January 20, 1997, as reported in FBIS-NES-97-014, January 20, 1997.

⁶²Reuter, "Police, Demonstrators Clash in Beirut," October 9, 1996.

Conference organizers called for transfer of the authority for licensing the audiovisual media from the cabinet to an independent body, and urged that licensed stations be monitored to ensure that they provide a diversity of opinions and time for opposing points of view. They also called for a delay in the implementation of the audiovisual media law and for stations not licensed in September 1996 to be permitted to resubmit their applications. The issue of broadcasting freedom was linked to demands in other areas as well, such as abolition of prior licensing of the printed press, and prior censorship of public fliers, theater, arts, and cinema; cancellation of the 1993 decree prohibiting peaceful public assembly; and lifting restrictions on freedom of association.⁶³

Following the festival, a group of ten parliamentary deputies submitted on November 12, 1996 a draft law that would postpone the shutdown of unlicensed stations until April 30, 1997, and allow them to broadcast news and political programs during this time.

On November 15, 1996, hundreds of activists from trade unions, professional associations, women's groups, and Muslim and Christian political parties, as well as media representatives and current and former members of parliament, convened again in Beirut, at the Coral Beach Hotel, for a follow-up to the Riviera Hotel meeting that was held in September. Speakers called for the licensing of the broadcast media by an independent council. Trade unionist Elias Abu Rizk, president of the General Confederation of Lebanese Workers, called for a nationwide strike and protest demonstrations on November 28, 1996 — two days before the unlicensed stations were to be closed down — and read the declaration of principles that had been formulated by participants. In addition to a range of political and economic demands, the declaration called for freedom of speech and expression, and advocated repeal of the decree against public demonstrations, support for the draft law extending the deadline for unlicensed radio and television stations to be off the air, and reevaluation of the broadcasting law.

Ban on Demonstrations Enforced

The day before the scheduled strike and demonstrations on November 28, 1996, Interior Minister Murr reminded citizens that the 1993 ban on public demonstrations was still in effect: "There is a standing decision taken by the government banning demonstrations and this decision is still valid today." He warned: "The task of the army and security forces is to maintain security in the country and they take the measures needed for this task."⁶⁴ That evening, several hundred journalists and university students held a candle-light vigil outside the parliament building to mark the end of a three-day sit-in by journalists protesting the broadcasting law.⁶⁵

In Beirut on the day of the strike, "[t]roops in helmets and battle gear patrolled the capital and manned dozens of checkpoints, checking identity documents and sealing off parts of the city," Reuter reported, adding that troops were on patrol in other major cities as well.⁶⁶ And, according to Agence France-Presse (AFP), "[a]rmy troops and police set up barricades on roads to prevent access to the capital and other major cities."⁶⁷

AFP also reported that about one hundred protesters managed to gather near UNESCO square in Beirut, the site where the demonstration was scheduled to take place, "only to be dispersed by around fifty club-wielding soldiers who chased them down the narrow alleys in the neighborhood." The news agency continued:

⁶³On March 1, 1996, Human Rights Watch wrote to Prime Minister Hariri, protesting restrictions on peaceful assembly, and on August 7, 1996, we wrote to Interior Minister Murr about practices by his ministry that have prevented independent nongovernmental organizations from obtaining legal status. *See* the appendix of this report for copies of these letters.

⁶⁴Andrew Tarnowski, "Troops Deployed in Beirut on Eve of Protest," Reuter, November 27, 1996.

⁶⁵"Army deployed in Beirut on eve of general strike," Agence France-Presse, November 27, 1996.

⁶⁶Andrew Tarnowski, "Army Patrols Beirut as General Strike Starts," Reuter, November 28, 1996.

⁶⁷Nayla Razzouk, "General strike fizzles in Lebanon," Agence France-Presse, November 28, 1996.

But the demonstration then grew to more than 1,000 people roaming the small and heavily populated alleys, fleeing anti-riot and army forces....The security forces finally charged into the crowd, beating ... with their clubs [the demonstrators], a number of passers-by and a handful of journalists.⁶⁸

One AFP journalist was a victim of mistreatment by police, and witnessed security forces interfere with the work of two colleagues:

At least eight demonstrators were arrested while this AFP correspondent was clubbed on the shoulder by an anti-riot policeman, thrown violently against a police car and kicked. A Saudi television cameraman and a photographer for the Arabic-language newspaper *al-Hayat* had their cameras confiscated.⁶⁹

The interior minister said later that security forces had exercised "discipline." He added that the government was "open to dialogue" but "not under pressure."⁷⁰

INTERNATIONAL HUMAN RIGHTS STANDARDS

"[P]ublic order in a democratic society requires the guarantee of the widest possible circulation of news, ideas and opinions as well as the widest access to information by society as a whole. Freedom of expression constitutes the primary and basic element of the public order of a democratic society, which is not conceivable without free debate and the possibility that dissenting voices be fully heard."
—Inter-American Court of Human Rights Advisory Opinion OC-5/85 November 13, 1985

It has long been recognized that the state has a legitimate interest in regulation of the broadcasting industry through a licensing system that allocates frequency bands for radio stations and television channels. The "traffic cop" role of government in allocating broadcast frequencies for radio and television is widely recognized. In this role, governments select and license entities to use particular frequencies, undertaking this effort to ensure clear reception, satisfy technical standards, and prevent mutual interference among broadcasts within and across national borders. The selection of one candidate for a broadcast license over another determines control of the channel, and the government's choices may influence or determine the content that is aired. In some countries, various doctrinal criteria for granting broadcast licenses, such as preventing one set of interests or viewpoints from dominating the airwaves to the exclusion of others, also justify the government's choices.

Precisely because radio and television are the most powerful channels for mass communication in modern society, state regulation can raise important concerns about freedom of expression, including obstacles to the dissemination of a wide spectrum of views, and the right to receive information, ideas and opinions from a diversity of sources. From a human rights perspective, the exercise of regulatory power over the broadcasting industry must be compatible with the provisions of Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Article 19 provides:

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

⁶⁸Nayla Razzouk, "General strike fizzles as army breaks up Beirut protest," Agence France-Presse, November 28, 1996.

⁶⁹Nayla Razzouk, "General strike fizzles in Lebanon," *op. cit.*

⁷⁰Nayla Razzouk, "General strike fizzles as army breaks up Beirut protest," *op. cit.*

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputation of others;
- (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Governments have a duty to both broadcasters and listening audiences to ensure that the freedom to seek, receive and impart information and ideas of all kinds, as required by Article 19, is guaranteed. In addition, these freedoms should be ensured “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” as required by Article 2 of the ICCPR. A government may not use broadcast licensing schemes to discriminate against applicants because of their religion or political views, any more than a government is entitled to permit only its political supporters to use the streets for peaceful public assembly. Media pluralism therefore entails both access to broadcasting media by all parts of the community and the broadcasting of a diversity of views. The Lebanese government’s actions in September 1996 to regulate television and radio broadcasting are in violation of international human rights standards in several important respects.

Lebanon’s 1994 broadcasting law, which ended the state’s legal monopoly on the airwaves and paved the way for the licensing of privately owned radio and television stations, recognized the freedom of the media, and “the pluralistic nature of the expression of ideas and opinions.” The cabinet’s implementation of the broadcasting law, however, left the country with only four licensed privately owned television stations, all of them linked directly or indirectly to leading government officials and pro-Syrian political figures. In addition, only three of the eleven radio stations granted broadcasting licenses are permitted to air news and political programs. The stations not awarded licenses were allowed to continue operating — for an unspecified period, as of this writing—but were barred from broadcasting news and “direct or indirect” political programs. Taken together, these decisions provide persuasive evidence that the government’s intent is to restrict media pluralism and curtail free expression, particularly as it relates to political reporting and commentary about its foreign and domestic policies.

The Lebanese government, in regulating broadcasting in such a way as to protect and foster freedom of expression, has a duty to be neutral with respect to the political, ethnic or religious profile of broadcasters. It also has a duty to ensure that regulation does not unnecessarily inhibit the free exchange of ideas and information, including the reporting of news, political analysis, and other programming of a political nature. If the licensing process effectively excludes stations with political views divergent from those of the ruling powers—creating a public perception that government officials are “licensing themselves” to the exclusion of others—then the presumption of a serious violation of the right to free expression is justified. Human Rights Watch believes that the fairness and impartiality of the state’s licensing regime is compromised because decision making is in the hands of the cabinet. We recommend that the government establish a broadcasting regulatory authority that is independent of the executive branch, in order to ensure that decision making is untainted by political considerations and that the “pluralistic nature of the expression of ideas and opinions,” as envisioned in Lebanon’s broadcasting law and as required under international human rights law, is protected.

The broadcasting law and decree also raise conflicts with internationally recognized norms of free expression in their attempts to regulate and restrict the content of broadcasts. Article 19(3) of the ICCPR allows restriction of expression only in limited circumstances, namely in the interest of “respect of the rights or reputations of others” or “the protection of national security or of public order (*ordre public*) or of public health or morals. Such restrictions must be “provided by law” and be “necessary.” These exceptions are narrowly framed. Restrictions to protect national security, for instance, are permissible only in serious cases of political or military threat to the entire nation.⁷¹ The burden of

⁷¹Nowak, Manfred, *U.N. Covenant on Civil and Political Rights, CCPR Commentary* (Strasbourg: N.P. Engel, 1993), p.

demonstrating the validity of the restriction rests with the state. Similarly, the concept of public order can be used to curb expression in order to prevent an imminent threat to the peace, disorder or crime. In the absence of compelling justifications along these lines by the government of Lebanon, the following restrictions create unacceptable infringements on the right to free expression:

- There is no justification for discriminating between different categories of private radio and television stations — between those that may broadcast news and political programming and those that may not. This provision restricts broadcasters' freedom to impart, and listeners' ability to receive, information about public affairs. The provision discriminates between political "haves" and "have-nots." Whatever its ostensible purpose, this restriction can too easily be abused to stifle competing or challenging views and to exert pressure for support of government policies and officials.
- Nor is there a compelling or even persuasive reason to limit those stations that may air news to one thirty-minute broadcast daily. This limits unreasonably, and for no valid public purpose, the dissemination of information.
- Other sweeping content restrictions include the ban on live broadcasts of unauthorized political gatherings and certain religious events, and the prohibition of broadcasting "any matter of commentary seeking to affect directly or indirectly the well-being of the nation's economy and finances," and material that "is propagandistic and promotional," or "promotes a relationship with the Zionist enemy [the State of Israel]." Such broad and vaguely worded proscriptions appear designed to stifle dissemination of a wide range of news, information, and ideas, well beyond the restrictions permissible under Article 19(3) of the ICCPR.

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Human Rights Watch/Middle East

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