Editorial

Katharina Nötzold*
Communication and Media Research Institute
University of Westminster

For more than a decade, Arab media has been undergoing a profound transformation. Undoubtedly Al Jazeera has become the most visible and best-known symbol of this trend, something which is also reflected in the large output of literature about the station in particular (Miles, 2004; 2005; Nawawy, 2003; Nawawy and Iskandar, 2002) and about 'The Al-Jazeera phenomenon' (Zayani, 2005), its effect (Seib, 2008) and its place in the Arab television landscape (Sakr, 2001; 2007). And whereas the plethora of new satellite channels may be the most visible signs of that change in a once dull and heavily regulated media environment, other media such as the internet, social networking sites, blogging (Loewenstein, 2008) and mobile phones have become commonplace in Arab cities. Lynch (2006) sees in that development the opportunity that a multitude of opinions creates the basis for an Arabic public sphere that will shape the future of (governance in) the Arab world. Bloggers have reported incidents of police brutality in Egypt, or the recent appearance of a video clip showing a member of Abu Dhabi's ruling family torturing an Afghan, which would never have been covered in the traditional state-owned media; now these reports find their way not only to Western media outlets and advocacy groups but were also reported on in mainstream media in the Arab world and resulted in discussions about misuse of power. Moreover, legal provisions that allow the distribution of licences for new TV stations and newspapers, and the creation of so-called Media Free Zones in several Arab countries, contribute to the impression that the once tightly guarded Arab media market is experiencing not only economic but also political liberalization. These examples may justify the expectations and hopes which several observers and policy makers had pinned on the democratization potential of Al Jazeera and Co., especially in the early days of their emergence.

Yet despite these new developments, incidents in several Arab countries with regard to freedom of speech, and annual reports about trials of journalists, the arrest of bloggers, closure of newspapers and appeals by advocacy groups against these measures suggest otherwise. Some of the crackdowns on Arab journalists are justified by anti-terror legislation and state emergency laws that characterize the

legal systems of several authoritarian countries in the region. Closer scrutiny reveals the continued restrictive nature of most media laws in the Arab world, which continue to have an impact on those media workers who dare to approach or even overstep these legal boundaries. At the same time, and despite these drawbacks, ethical reporting has become an important topic on the Arab media agenda.

And although it might be simple to pick on restrictive legislation in the Arab world, Western countries have also come in for criticism for restricting personal and media freedom in the aftermath of the 9/11 terror attacks. This had several outcomes and effects on reporting, some imposed through legislation and some self-imposed. In the attacks' aftermath several media outlets such as the *New York Times* 'rallied around the flag' and quoted mainly official sources about weapons of mass destruction that supported the reasons given for invading Iraq in 2003 without questioning the origin of sources or doing any investigative reporting, a failure for which the newspaper later apologized. Yet the damage was done. These restrictions had effects on the work of journalists, especially with regard to protecting their sources. Journalists who had reported on terror networks and cited material from security agencies suddenly found themselves targets of house searches by authorities. In Germany, for example, the house of a journalist was searched in order to locate among his material the source for information leaked from a security agency. It was only later that the Federal Supreme Court ruled it unlawful for the police to search the offices of journalists in order to find the source of information leaks.

At the same time, Western media news outlets realized that they are no longer the main source of information for critical audiences in the Arab world. Whereas during the first Gulf War, in 1990, Arabs were tuning in to CNN due to a lack of information on Arab channels, CNN's influence in the region soon waned with the increased output and credibility of Arab news media and the internet. The growing discontent with American and Western policies in the Arab world, and a perceived anti-Americanism on the Arab street that accompanied the build-up to the wars in Afghanistan and Iraq, has led to the creation of new media outlets on all sides. Several policy-makers in the West believed that they could win back Arab 'hearts and minds' by resorting to public diplomacy tools and establishing Arabic-language stations, such as US-sponsored Alhurra TV and Sawa Radio, BBC Arabic Television or the Arabic service of Deutsche Welle TV, to name just a few. Having in mind the original reason for their creation, especially in the case of the US-sponsored outlets, it may not be surprising that their success has been limited. Hafez (2008) points out that Arab audiences are used to mistrusting their own government's propaganda and he rhetorically asks why they should now put their

trust in those US-backed media that are set up as barely disguised propaganda tools.

To discuss these and other related topics, the Arab Media Centre of the University of Westminster's Communication and Media Research Institute invited media practitioners, media freedom advocates and media scholars from around the world for a conference entitled 'Journalism Testing Legal Boundaries: Media Laws and the Reporting of Arab News', which was held on 20 June 2008 in London. The full proceedings of the conference can be found online at www.westminster.ac.uk/arabmedia.

This themed issue of *Westminster Papers in Communication and Culture* is another outcome of this conference. For it we selected a cross-section of contributions that highlight or reflect different sides of legal aspects of reporting Arab news. These include articles on both traditional and new media in the Arab world. At the same time, this volume encompasses legal developments in Western countries affecting reporting about Arabs and Muslims.

First, Aziz Douai sets out to discuss the impact of the new independent press that has emerged in Morocco in the past decade, despite unchanged, restrictive press laws. Their emergence was seen as creating a counter-weight to the traditional press, which had been perceived as partisan and prone to self-censorship when it touched on sensitive political issues in Moroccan politics such as criticizing the king or dealing with the issue of the Western Sahara. In analysing the discourse in two of the new breed of independent newspapers, Douai concludes that they criticize the partisanship of the established papers, yet at the same time they have developed a different kind of partisanship themselves by taking up oppositional stances. By doing this, they put themselves in the line of fire and in conflict with the existing restrictive press laws. In that light, Douai discusses the prospects for reforming Moroccan press codes.

Representative of recent developments in several Western countries, Lawrence McNamara argues from a legal(istic) point of view that Australian counter-terrorism laws have considerable effects on both public discussion and access to information. It has become increasingly difficult for journalists to investigate issues of public interest that might collide with demands of national security. Besides looking at journalists, McNamara focuses also on media lawyers, who play an important role in advising journalists on what can or cannot be published. By extension, these tougher laws affect the basis of public discourse that is essential for any functioning democracy.

Moving further afield, Arab news has also become a venture for non-Arab broadcasting agencies, sponsored by Western governments in an effort to get their

messages across to the Arab audience. This endeavour, however, may not be as simple and straightforward as several policy makers had initially envisaged. Taking US satellite station Alhurra ('the free one') as an example, William Youmans highlights the legal regulations and guidelines that govern the American government's international broadcasting ventures. Contradicting the station's name, the satellite broadcaster faces many tight regulations, especially with regard to editorial policies that are dictated by domestic political interest and actors. This leads Youmans to declare that the policies surrounding Alhurra compare to similar top-down approaches governing the media by many Arab governments. At the same time this impedes the establishment of Alhurra as an independent and credible network and explains the negligible influence it has throughout the Arab world.

Returning again to the Arab world, Pawel Krzysiek points out that Arab regimes have developed alternative legal strategies to cope with challenges of globalization that also encompass media freedom to a certain degree. By creating so-called Media Cities in Dubai, Jordan and Egypt, which are characterized by more entrepreneurial and editorial freedom than media outside these zones, these countries hope to receive a sizeable share of the pie of Arab media production. On the surface, Arab governments appear to be answering demands for more media freedom, yet the rule of law on the ground remains unpredictable and erratic. Krzysiek analyses how these regimes retain control over Media Cities' tenants by various legal means, such as vague laws over ownership and censorship. He argues that, in this way, Arab regimes prove very adaptable to accommodate economic and political needs to their own end.

Meanwhile Arab citizen journalism developed from adopting the new blogging technology for voicing alternate viewpoints. This phenomenon puts the authorities of authoritarian regimes under pressure and also poses a challenge to the more traditional mainstream media. Naila Hamdy describes how bloggers have challenged Arab governments by using legal loopholes to their advantage, and how the authorities have reacted in inconsistent ways to that new challenge. This is due to a lack of specific legal provisions that govern internet content. Focusing on Egypt, Hamdy provides ample evidence that the exposure of recent political incidents, such as calls for strikes or the exposure of police brutality, comes as a result of action by bloggers, something that the authorities would like to quell. At the same time, the government promotes the internet and IT-related businesses as means to enhance Egypt's economic future, something which makes it legally difficult to control internet access and citizen journalism.

Finally, *Westminster Papers in Communication and Culture* intends to serve as a platform for debate and to provide a forum for arguments and counter-arguments over hot topics related to current issues. Staying within our themed approach to reporting

Arab news, and borrowing the motto from Al Jazeera's programme entitled 'One Opinion and the Opposite Opinion', we have opened our pages to differing views on the Arab States' Satellite Charter. Without much debate, these 'Principles for Organizing Satellite TV in the Arab World' were agreed on 12 February 2008 by Arab ministers of information during a meeting in Cairo. This meeting was convened at the request of Egypt with the support of Saudi Arabia. This non-binding document, adopted by all member states of the Arab League with the exception of Lebanon and Qatar, requires satellite television broadcasters in the region to adhere to a set of principles laid out in the document. Failure to do so may result in 'withdraw[ing], freez[ing] or not renew[ing] the work permits of media which break the regulations'. It is widely seen by its critics as a measure to rein in satellite stations such as Al Jazeera that report critically on Arab governments and their allies.

Hussein Amin, Professor of Journalism and member of the Board of the Egyptian Radio and Television Union (ERTU) is one of the authors who drafted this charter. He argues here that, like their Western counterparts, Arab satellite stations have to adhere to regulations in order to preserve social harmony and cultural authenticity.

Arguing against the introduction of the charter is Hani Shukrallah, who works as a journalist in Egypt and is the executive director of the Heikal Foundation for Arab Journalism. He sees this charter as another attempt by authoritarian Arab regimes to stifle critical journalism in the Arab world.

Last but not least a word on behalf of the editor. *Westminster Papers in Communication and Culture* has a new editorial board. We thank the previous board for establishing this journal and for their hard work, and we promise to keep up the high standard of this publication. With a new board new ideas come to the fore and we will introduce some of them in future issues. We hope you will enjoy reading this themed issue on 'Media Laws and Arab News' and we will be happy to receive your feedback.

* This issue has been co-edited with Maha Taki, University of Westminster.

References

Hafez, K. (ed.) (2008) *Arab Media. Power and Weakness*, New York, London: Continuum.

Loewenstein, A. (2008) *The Blogging Revolution*, Carlton, Vic.: Melbourne University Press.

Lynch, M. (2006) *Voices of the New Arab Public: Iraq, Al-Jazeera, and Middle East Politics Today*, New York: Columbia University Press.

Miles, H. (2004) *Al Jazeera: How Arab TV News Challenged the World*, London: Abacus.

Miles, H. (2005) *Al-Jazeera: The Inside Story of the Arab News Channel that is Challenging the West*, New York: Grove Press.

Nawawy, M. and A. Iskandar (2002) *Al-Jazeera: How the Free Arab News Network Scooped the World and Changed the Middle East*, Boulder, CO: Westview Press.

Nawawy, M. (2003) *Al-Jazeera: The Story of the Network that is Rattling Governments and Redefining Modern Journalism*, Boulder, CO: Westview Press.

Sakr, N. (2001) *Satellite Realms: Transnational Television, Globalization and the Middle East*, London: I.B. Tauris.

Sakr, N. (2007) *Arab Television Today*, London: I.B. Tauris.

Seib, P. (2008) *The Al Jazeera Effect: How the New Global Media Are Reshaping World Politics*, Washington, DC: Potomac Books.

Zayani, M. (ed.) (2005) *The Al-Jazeera Phenomenon: Critical Perspectives on New Arab Media*, London: Pluto Press.