

## **TRUST, WEB AND SATELLITE TV NETWORKS**

François-Xavier de Donnea  
Minister of State, M.P.(Belgium)

INTRODUCTION : THE PROCESS OF BARCELONA; SCOPE AND LIMITS.

Since the publication in 1996 of the "Clash of Civilizations " of Samuel P. Huntington and especially after the attacks of 9/11/2001 against New York and Washington, the question of how to promote trust and dialogue between cultures, religions and civilizations has been a very crucial and controversial issue.

This issue is especially important for peaceful, harmonious and efficient cohabitation and co-operation around the Mediterranean sea and more broadly between the Western and Muslim worlds.

The European Union has not waited for 9/11 to launch ambitious co-operation programmes and to intensify the dialogue with its Mediterranean neighbours. Fortunately so !

Building good Euro-Mediterranean relationships constitute in my view the most delicate challenge which the European, North African and Middle Eastern chancelleries will have to face together in the next decades. Peace, security, prosperity and quality of life of 600 to 700 million people are at stake.

Improving Euro-Mediterranean and Euro-Islamic relationships must of course be underpinned by a fight against poverty and economic development South and East of the Mediterranean sea. But it also implies deep changes of mentality all around it. This requires dialogue, combat against ignorance through education and information of public opinions, better socio-economic integration of the Mediterranean immigrants in Europe. Last but not least, the peaceful solution of the Israeli-Palestinian conflict, the pacification of Iraq and the normalization of the relationships between the West and Iran are also vital to achieve that goal.

In 1995, the EU has launched an ambitious "Euro-Mediterranean Partnership" better known as the "Barcelona Process". It is based on three pillars whose objectives are:

- definition of a common zone of peace and prosperity through a reinforcement of dialogue on political and security issues;
- gradual creation of a free trade area to integrate more and more the Mediterranean partners in the European economic system;
- creating stronger links between the people of the Region through social, cultural and human partnership to develop mutual understanding and co-operation between civil societies.

In April 2002, the EU and its Mediterranean partners launched the "Action Plan of Valencia" to give a new momentum to the Barcelona Process and, in particular, to establish new tools of dialogue and confidence building in its framework. The most important are :

- a consultative Euro-Mediterranean Parliamentary Assembly; it consists of delegates of the national parliaments of the 35 partners and of the European Parliament;
- a "Euro-Mediterranean Foundation for the Promotion of Dialogue between Cultures and Civilizations"; it is the Anna Lindh Foundation seated in Alexandria;
- the development of inter-university co-operation.

The important confidence building measures of the Barcelona Process must be warmly welcomed and supported ! They will bring political, cultural, academic and religious elites closer together.

#### BUILDING TRUST BETWEEN THE POPULAR MASSES.

But will they be sufficient to fight the "Clash of Ignorances", to build trust between the popular masses, to disarm the obscurantists, the xenophobes and racists of all kinds present in all the countries around the Mediterranean ?

Unfortunately, I am afraid the answer is no !

Today trust and dialogue between people of different civilizations is essentially either furthered or impeded or undermined by the audio-visual media which have the capacity to broadcast all over the Planet : the Web and the satellite TV networks.

They are today the most efficient tools which should be used to promote dialogue and understanding between the popular masses. Their contribution to positive or negative intercultural relationships is more especially important as they do not only influence them between different states, but also between ethnic or religious groups within multicultural countries. This characteristic gives them a greater strategic importance for trust building policies than media with a purely national or regional audience.

For instance, in Belgium, TV programmes produced outside of the country have a greater influence than national media on some immigrant communities.

Unfortunately, too many web sites North and South, East and West of the Mediterranean propagate hate, racism, islamophobia, anti-Semitism, jihad ...

The Belgian Center for Equality of Chances and Fight against Racism notes in its last report that it registers an increasing number of complaints against web sites containing photos and texts inciting to racism and anti-Semitism. These sites are of course creating damages as well to those they seek to excite as to those against which they are hostile.

A recent and very preoccupying trend is to use the web to send on a large scale mails that incite to hate and discrimination against people belonging to immigrant communities. One example occurred in Antwerp in 2003 with the proliferation of e-mails to put people on their guard against misdemeanours perpetrated by Moroccans in Antwerp. The messages were totally false and had no other aim than inciting to racial hate.

But some satellite TV networks are also skidding more or less gravely or regularly ! One of the most recent and best known examples concern Al Manar, the TV network of the Libanese Hezbollah and the Iranian TV Sahar 1, which were forbidden to broadcast in France and some other European countries since the end of last year. Both networks had broadcasted serial stories with grave anti-Semitic contents. For instance, the serial story "the Blue Eyes of Zahra ", which features a "Zionist ship kidnapping young children to use their organs for medical research".

Examples of skidding by other networks are unfortunately numerous. The Transatlantic Institute and Proche-Orient.info, both based in Brussels, have monitored three networks in February 2005 : Al Alam (Teheran), ART Iqra (Jeddah) and Al Jazeera (Doha). All three have programmes in Arabic.

The conclusion of this monitoring was that "The three networks under review, in their own manner and style, convey extremist messages to audiences around the world". The messages are not necessarily conveyed by the journalists themselves. For instance, Al Jazeera primarily models its programmes around debate forums, in which the public serves as the main conduit to convey the message : live studio audiences directly deliver violent points of view. Al Alam also tends to use debate forums with violent audience participation. Iqra relies more heavily on sermons to deliver extremist messages.

Questionable or outright condemnable messages on these networks concern hatred of the West, Europe and America, Jihad, women, Jews and anti-Semitism. The most extreme examples concerned the justification of beheading of hostages in Iraq, the glorification of some terrorists, justification of crimes of honour against women and female circumcision...

The number of viewers in Europe who participate in the programmes via telephone demonstrates that these networks have a genuine audience extending well beyond the Arab and Muslim world. Of course they also have a big impact on the Arab World itself : a recent poll made by Sigma Conseil shows that the international Arab networks represent 30% of the audience in Morocco, Algeria and Tunisia (56 % in the latter country). This corresponds to 19 million viewers, against only 16 million for French networks whose audience is decreasing. The remaining market share is going to the local media.

#### FREEDOM OF SPEECH VS. CYBERCRIMINALITY

It is obvious that the international community should take steps to stop the propagation of hate and racism on the web and on the mass media.

This raises of course delicate issues. As well technical as legal and ethical.

Technical issues : it is not easy to control at all times the whole production of web sites. The web counts nowadays about three billion pages. Monitoring TV programmes is also a time consuming and expensive activity.

Besides, the issue also has legal and ethical dimensions : one must respect the freedom of the press and encourage the diversity of the media. They are indispensable for democracy. They are an essential aspect of freedom of speech which is one of the basic principles of the European Convention for the Protection of Human Rights.

But freedom of speech is not an absolute right. The notion of abuse of right is also quite legitimate : we cannot tolerate speeches which propagate hate or violence. This is also the view of the Council of Europe which has been preoccupied for the last ten years with the challenges raised by the new technologies of communication. It has been looking for means to ensure the coexistence on the web of freedom of information and respect for human rights. The great principles of the European Convention on Human Rights also apply to the worldwide web.

However the defence of freedom of speech is confronted with the development of crime on line.

In order to harmonize national legal provisions designed to fight cybercriminality, two legal instruments have been adopted by the Council of Europe :

the Convention on Cybercriminality, first international treaty on penal infringements on the web and its additional protocol aiming at fighting against racist and xenophobe messages on the web.

Since 1981, Belgium has adopted a legal framework to repress racist, xenophobe or anti-Semitic propaganda, as well as infringements inspired by hate. Because they are inspiring violence and discrimination they can be considered as an abuse of right. In addition specific provisions concerning the web have been taken by the Belgian Law of 11/3/2003. It allows to restrict the free movement of a service of the information society provided by a supplier established in another member State of the EU a.o. on behalf of the fight against the incitement to hate for reasons of race, sex, religion, nationality and against the attacks on the dignity of the human person.

The Belgian legal system stipulates that the providers of access to the web can be held responsible for racist texts on their server if the authors are not known or located outside Belgium. This indirect responsibility has had the result that providers of access have taken self regulating measures. The Belgian Association of Providers of Web Services (ISPA) committed itself to communicate racist texts to the police and to take corrective measures at its request.

It would be important to have such legislation adopted on all sides of the Mediterranean to promote trust between the surrounding populations.

#### EUROPEAN LEGISLATION AND TRANS-BORDER TELEVISION.

The prohibition from inciting to hate or violence for reasons of race, nationality or religion is also one of the great principles of the European legislation on the audio-visual industry as stipulated by article 22bis of the EU Directive "Television without Borders" and art. 7 of the Convention on Trans-Frontier Television adopted by the Council of Europe.

In France the "Conseil Supérieur de l'Audiovisuel" (CSA) has to see to it that "the programmes do not contain any incitement to hate or violence for reasons of race, sex, morals, religion or nationality". Such incitements are misdemeanours penally sanctioned.

According to the above-mentioned EU directive, all TV networks broadcasted on the territory of the EU are dependent upon the jurisdiction of one and only one Member State. The TV broadcasting services which are not established in any Member States but which are broadcasted in Europe depend upon the jurisdiction either of the State which grants the satellite frequency used, or of the State upon which the satellite capacity depends.

France is concerned in the highest degree by the application of these criteria because the satellite operator Eutelsat, incorporated in France since 2001, broadcasts about a hundred extra-European networks in the EU, most of them without authorization in any Member State. There are also a few networks authorized in the U.K., Germany and Holland.

Since February 2004, the French CSA has started a co-operation with Eutelsat to identify the unauthorized networks and to regularize their status. Today the work is not yet finalized.

Thanks to a French law of 9/7/2004 concerning the electronic communications and the audio-visual communication services, the CSA now has the power to ask the "Conseil d'Etat" to order a satellite operator to stop or suspend the broadcasting of a

network depending upon its jurisdiction and which violates fundamental principles common to all EU Member States such as :

- safeguarding public order;
- protection of childhood and adolescence;
- absence of incitement to hate for reasons of sex, morals, religion or nationality.

These European and national legislations made it possible to forbid Al Manar in France (Dec. 2004) and in the Netherlands (March 2005). Sahar 1 was sanctioned in Bosnia in 2004 and recently forbidden in France.

The European Platform of Regulatory Authorities (EPRA) is also more and more concerned by this issue : the control of programmes with respect to the incitement to racial hate was on the agenda of its last meetings in Istanbul (14/10/2004) and Sarajevo (May 2005).

The Commission of the EU is also mobilizing itself to curb abuses of certain satellite networks. Under the auspices of Mrs. Viviane Reding, Commissioner for the Information Society, the Presidents of the Regulatory Authorities of the EU Member States have met in March 2005, with the problem of the incitement to hate by extra-European programmes on their agenda.

They have decided to :

- exchange information on the networks authorized in the EU;
- establish a restricted forum on the web for the use of the regulators and the EU Commission.

They also expressed the wish to co-operate with the regulatory authorities of third countries and especially with the Mediterranean ones.

The EU Commission has stated that it will take this issue into account in all the aspects of its policy, especially in the framework of its policy of pre-adhesion, the Process of Barcelona and its neighbourhood policy.

## CONCLUSIONS.

Due to the progress of technology, the control of the supply of television services and of web sites can no longer be apprehended from a national or territorial perspective.

International co-operation will be more and more crucial, not only to curb skiddings or misdemeanours of some broadcasting networks or on the web, but also to promote their use as major, if not "the" major players in developing dialogue en trust between cultures, religions and civilizations at the level of the large popular masses.

International co-operation is essential a.o. to :

- establish guidelines to determine from when on a programme can be considered to be inciting to hate and violence;
- organize co-operation between legislative and regulatory authorities;
- interconnect data bases and information on television networks and suspect web sites.

A conference will be organized in Liverpool in September 2005 By the E.U. Commission in the framework of the revision of the EU directive "TV without Borders".

As you can hear, important legislative and regulatory progresses have been achieved by the Council of Europe, the EU and its Member States to better monitor, control and sanction the providers of web sites and broadcasting services who are feeding

the "Clash of Civilizations" instead of fighting the "Clash of the Ignorances of the Other".

But the EU, the Council of Europe and their Member States should not stand alone in this combat. Their efforts should be joined by all members of the international community, but especially by the other Members of the Organization for Security and Co-operation in Europe (OSCE) and by the members of the Organization of the Islamic Conference (OIC).

This last organization, which is not a religious organization, has as one of its main goals "to take any measure to promote peace and international security founded on justice".

Turkey (also member of the Council of Europe) and the Central Asian Member States of the Community of Independent States are members both of the OSCE and of the OIC. They could play an important role to establish a co-operation between the Council of Europe and the OSCE on the one hand and the OIC on the other hand to realize a better international control of the web and of the audio-visual mass media. This would substantially contribute to dialogue and trust between civilizations.

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