

[FR] Al Manar TV Soap Opera Continues

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On 19 November, following the order handed down by the Conseil d'Etat on 20 August (see IRIS 2004-9:11), the Conseil supérieur de l'audiovisuel (audiovisual regulatory body) signed an agreement with the Lebanese television channel Al Manar, which has close links with Hezbollah and is broadcast by the Eutelsat satellite. Under the terms of the agreement, the channel "must not infringe personal dignity, incite practices or conduct punishable under French criminal law, must respect the political, cultural and religious tendencies of European people, must not incite hatred, violence or discrimination on grounds of race, gender, religion or nationality, must not portray violent acts against civilian populations in a favourable light, must not broadcast footage that contravenes the provisions of the Geneva Convention relating to the treatment of prisoners of war, must not broadcast programmes likely to jeopardise public order, must not encourage discriminatory or xenophobic attitudes, and must provide an honest portrayal of situations of conflict" in news programmes. Moreover, in view of the specific nature of the channel, the CSA has only granted it a licence for one year, at the end of which its possible renewal will be considered. Two weeks later, after members of various associations and the opposition had criticised the agreement with the channel, the CSA identified "several programmes likely to constitute serious infringements of the undertakings made by the Al Manar channel in the agreement". For example, in a press review broadcast on 23 November 2004 and later repeated, a speaker introduced by the channel as "an expert in matters relating to the Zionist entity" said: "In recent years, we have seen Zionist attempts to transmit dangerous diseases such as AIDS through exports to Arab countries". In light of these breaches, the CSA decided to issue Al Manar with a warning that it should respect its obligations under the law and the agreement. It also decided to make another urgent application to the Conseil d'Etat, requesting that it order Eutelsat to stop broadcasting the channel. As expressed by the CSA President in an opinion published in the Le Monde newspaper on 1 December, the Al Manar debate illustrates "the difficulty of regulating at international level". Other channels pose the same problems and the CSA cannot "curb this stream of images on its own without legal means". Back in the summer, when the Electronic Communications Act was voted on, the CSA had asked for direct authority to stop the transmission of channels from outside the EU. However, it had only been granted the right to submit such a request to the Conseil d'Etat (Art. 42-10 of the Act of 30 September 1986 as amended by the Act of 9 July 2004). In response to the CSA's request, a Government-supported bill aiming to empower the Minister

of the Interior, the Prime Minister or the CSA to ban channels that broadcast racist or anti-Semitic material, was tabled with the National Assembly. The Minister for Culture, meanwhile, wrote to Viviane Reding, requesting that, at their next meeting in Brussels, the Ministers for Culture and Communication should discuss "the answers that the European Union can and should bring to the serious problems posed by the transmission in Europe, by non-European media, of material that incites hatred and racial violence". A French MEP has told the Commission President that he believes the "Television Without Frontiers" Directive needs to be amended because it is no longer suitable. None of these moves seem to have put off the channel which, despite the CSA's warning, has continued to broadcast programmes that contravene its obligations and incite racial hatred. The CSA therefore did not wait for the Conseil d'Etat's interim order (expected on 11 December) and, on 7 December, instigated sanction proceedings against the channel, which could lead to the unilateral termination of the agreement. Nevertheless, this procedure will probably take between four months and a year to complete, since it involves several stages (hearing of both parties, meetings, etc). The soap opera therefore continues...

