

Arab Satellite Broadcasting Charter:

Principles for Regulating Satellite Broadcasting Transmission In the Arab World

Unofficial Translation

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Preface

Underscoring the objectives of the Common Arab Action outlined in the “The League of Arab States Charter”, the founding document that reflects the collective Arab will,

Emanating from the League of Arab States Council documents and decisions at the summit level, outlining a comprehensive vision for the supreme interests of the Arab world and a common perspective for human development and modernization in all fields,

Reflecting the text and spirit of “The Pledge and Solidarity Document’ and the “Development and Reform Path” statement issued by the League at the summit level in its ordinary 16th session in Tunisia,

Addressing the group of decisions and documents on modernization and development of the Common Arab Action, particularly those issued in Sharm el-Sheikh 2003, Tunisia 2004, Algeria 2005, Khartoum 2006, Riyadh 2007, in addition to those stated by the Council of Arab Ministers of Information, in particular, the Arab media strategy to face challenges of the 21st century; the Arab Media code of ethics; the Framework document for the integration of media and cultural policies in the Arab world and the international related charters, particularly those issued by the World Information Summit,

In pursuance to the accelerating progress of media, its technology, facilities and services and the development of its capacities and potentials, in a bid to balance and develop equity among the different media technologies and functions to able to assume its responsibilities towards social modernization and development under a growing regional and international competitiveness,

Being keen on the sustainable progress of the satellite Arab media in terms of form and content,

Due to the generic development and growing technological progress in the field of media and communication since the very first inception of satellite and transnational broadcasting,

Attempting to provide the largest number possible of programmes and services to maintain the Arab identity and the Islamic culture and values and to highlight the Arab contribution to human civilization,

Maintaining the media message that should be respected and developed by the Arab satellite channels,

Interacting with the rest of the world, being part of it and wanting to promote understanding among different cultures, dialogue and communication among different civilizations, in accordance to the international and Arab related charters and documents,

Wanting to provide the frameworks and principles required for organizing broadcasting and audio visual satellite reception in the Arab world, in congruence with related international developments and approach towards organizing satellite audio visual broadcasting and reception,

The following principles shall be considered a framework for organizing satellite broadcasting in the Arab world:

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Arab Satellite Broadcasting Charter: Principles for Regulating Satellite Broadcasting Transmission in the Arab World

Article (1)

This document aims to regulate broadcasting transmission, rebroadcasting transmission and reception in the Arab world, to ensure the right to express opinions, preserve Arab culture and promote cultural dialogue through satellite broadcasting.

Article (2)

The next terms shall have the following definitions and meanings in this document:

- **Satellite transmission:** All kinds of broadcasting including transmission; encrypted and/or non-encrypted broadcasting for all sounds, pictures and/or any other presentations, or signals or writing of any kind apart from personal communication through satellites for the purpose of interacting with the public or any other groups, target audience and general audiences. This also includes the individual's right to choose by himself/herself the time and the location of receiving the transmission.

- **Satellite broadcast entity:** It is also called the audio-visual entity and it means any natural or legal person or any other party that works in the field and being responsible for any transmission of audio visual satellite signals. Its structure shall fulfill the principles and provisions stated in the state law to establish such an entity. Any act of satellite broadcasting or preparations for such broadcasting shall be upon its own initiative and responsibility, including compiling, producing, purchasing, storing, scheduling the broadcast materials or any other materials that falls under the intellectual property rights and related legislations.
- **Broadcasting service:** Preparing or providing access to programmes, including any other audio visual material within the broadcasting definition.
- **The programme:** Any materials prepared or transmitted through satellite broadcast equipment for the purpose of being received by the public or the general audiences. It includes all audio and/or visual materials prepared by broadcasting entities or produced by them. This broadcast includes audio-visual transmission or the availability of the satellite signals or any preparatory work for such satellite broadcast, including work of audio visual production, programmes of all kinds, audio visual materials resulting from compiling, storing, scheduling and retransmission in signals prior to the transmission of the programme. The programme is specifically what is transmitted or prepared materials valid for audio visual transmission such as cultural, educational and other related works and entertainment segments and all whatever artistic performance in programmes, programme series, entertainment and sports events and other materials, pictures, signals, sounds and writings prepared for transmission or being transmitted.
- **Satellite retransmission:** Satellite retransmission of broadcast without any change by satellite broadcast entities or stations.
- **Satellite retransmission entity:** It is also called the audio visual retransmission entity and it is meant to be any natural or legal entity or any party that fulfils the conditions of the state law and functions according to the principles outlined in this document and the state law, whenever it works in the field or is responsible for any act of retransmission according to the previous definition.
- **The satellite retransmission service:** It is the audio visual rebroadcast or retransmission or availability according to the previous definition of satellite transmission.
- **The satellite or transmission or satellite retransmission or television transmission license:** It is the permission issued by the state authority for the applicant who seeks to establish a satellite broadcast transmission station or satellite rebroadcast transmission station.
- **The licensee:** Any natural or legal entity licensed by an Arab state authority to establish and operate broadcast transmission, rebroadcast transmission, distribution or sale of any of these services.
- **The authorization:** It is issued by an Arab authority in any Arab state for a natural or legal entity to authorize him to import, trade, manufacture, assemble or commercially deal in the devices and/or equipment used in satellite broadcast transmission or satellite rebroadcast transmission as well as receiving satellite broadcast transmission.

- **The authorized:** Any natural or legal entity who receives an authorization to practice any activities related to importing, trading, manufacturing, assembling or commercially deal in the devices and/or equipment used in satellite broadcast transmission and in receiving the satellite encrypted transmission or non the encrypted transmission.
- **Earth station:** Any fixed or mobile terrestrial facility established for the purpose of transmitting and receiving broadcast signals through satellites, apart from any business dealing with tracking, telemetry and control facilities.
- **The wavelength:** It is the frequency bandwidth occupied for the purpose of the broadcast of audiovisual materials.
- **The channel:** It is the frequency bandwidth used by the licensee for the purpose of broadcast of audiovisual materials.
- **Frequencies:** In the field of satellite broadcasting, frequencies are allocated bandwidth from the spectrum for satellite broadcast of audio visual materials and are allocated according to the International Telecommunication Union (ITU).
- **Encrypting:** It is the communication technology control systems of the broadcast services used to make broadcasts accessible, banned or suspended.
- **The state of origin:** The state of origin is considered any member state in the League of Arab States that fulfils any of the following conditions:
 1. The state offering the licence.
 2. The state that hosts within its territory any of the administrative headquarters (the central administrative headquarter of the station) or the programme production headquarters (the headquarters of the administration that issues decisions related to programmes, production or broadcast) to the transmission or retransmission entities or to one of the offices of the transmission or retransmission entities where most of its employees work. If the two headquarters (the administrative and the programme production) are equal in numbers of persons, the state of origin shall be the state that has the central administrative headquarters on its territory.
 3. The country that hosts within its territory the uplinking facilities for the satellite broadcast signals or the country that uses its facilities in the uplinking transmission for the satellite broadcasting, including media free zone cities.

Article (3)

These principles apply to the transmission entities in any of the member Arab states in the League of Arab States, as well as to any entity which practices any acts or activities related to satellite broadcast transmission or satellite rebroadcast transmission from or directed to the Arab states territories, providing that they have a representative office or offices in any of them.

The principles also apply to all those who operate any work or work activities dealing with the offering satellite broadcast transmission or satellite rebroadcast transmission such as the transferring, the distribution and/or anything else if this work or work activities is located in any Arab country.

The satellite broadcast transmission or satellite rebroadcast transmission entities, or the service providers or any related satellite broadcast transmission entity or project established in any of the Arab territories as in the following cases:

- a. If it has a terrestrial station in any of the Arab territories/countries.
- b. If its legal entity has been established in any of the Arab countries or has its central headquarters in it.
- c. If the decisions related to the content of the broadcast programme that is transmitted to be received by Arab audiences was taken from the headquarters that are established in any of the Arab countries.
- d. If it hosts the largest number of employees who work in the headquarters that are established in any of the Arab countries.

Article (4)

The satellite broadcast transmission or rebroadcast transmission entities and service providers shall abide by the following general rules:

1. The publicity and transparency of information and the protection of the public right to receive accurate information.
2. Protection of free competition in the field of satellite broadcast transmission services.
3. Protection of the rights and interests of the audiences of the satellite broadcast transmission services.
4. The assurance of offering full-scale services to the public.
5. Assurance for not jeopardizing social peace, national unity, public order and general propriety.
6. To abide by the regulations of the satellite broadcast transmission and satellite rebroadcast transmission services and the norms established according to the principles here within and that stated in the Arab Media Code of Ethics.

Article (5)

The satellite broadcast transmission or rebroadcast transmission entities and service providers shall adopt the following rules and regulations in terms of the broadcast content that is transmitted:

1. It shall abide by freedom of expression as the cornerstone of Arab media, provided that such freedoms are practiced with full responsibility, for the protection of the supreme interests of Arab countries and the Arab world. The entities shall respect the rights of others and the commitment to media professionalism and ethics.
2. It shall adopt the principle of national sovereignty for each of the Arab states over its territory, to provide each Arab country member in the League of Arab States with the right to introduce other related detailed laws and regulations upon its own discretion.
3. It shall adopt the principle of the jurisdiction of the state of origin -- without violating the right of any person or entity to resort to the complaint and dispute resolution bodies organized by this document -- with due respect to this principle that serves as a legal guarantee or safeguard for the satellite broadcast

- transmission or rebroadcast transmission entities and service providers of all kinds and their operators, in addition to the fact that this principle ensures an arbitration body for the future of this service.
4. It shall adopt the principle of the freedom of receiving satellite broadcast transmission and satellite rebroadcast transmission, in other words, the Arab citizen shall have the right throughout the Arab territories of any member states of the League of Arab States to receive any kind of satellite television transmission coming out of the territories of the League of Arab States members without imposing unjustified restrictions on satellite broadcast retransmission and Television materials.
 5. It shall ensure the Arab citizen's right to view the major national, regional and international events including national figures or teams through a free to air or encrypted signals regardless of the ownership of these sports events rights, whether inclusive or exclusive.

Article (6)

The satellite broadcast transmission or rebroadcast transmission entities and service providers shall adopt the following rules and regulations in terms of the broadcast content that is transmitted:

1. To respect human dignity and the rights of others in all the forms and the content of satellite television programmes and the services provided.
2. To respect individual privacy and to abstain from any violations in any way.
3. To avoid inciting hatred based on ethnic, colour, racial or religious discrimination.
4. To prohibit the satellite broadcasting transmissions material that would incite violence and terrorism and to differentiate between them and the resistance of occupation.
5. To refrain from describing crimes of all forms and kinds as an alluring act or portraying the perpetrators as heroes or justifying its motives.
6. To consider the professional ethical codes in conducting dialogues and to respect the right to respond for concerned parties.
7. To consider the rights of people with disabilities in receiving the media and information services that are suitable to them in order to promote their inclusion in their societies.
8. To protect children and youngsters from all that would abuse their physical, mental and ethical growth or would incite corruption of their manners or indicate and encourage wrongdoings and negative behaviour.
9. To comply with the religious and ethical values of Arab society and maintain its family ties and social integrity.
10. To refrain from insulting God, revealed religions, prophets, *mazhabs* (religious sects), and religious symbols.
11. To prevent from satellite broadcasting transmission and satellite broadcast programming any materials that would include obscene scenes or dialogue or pornography.
12. To eliminate from satellite broadcasting transmission or satellite retransmission any material that would promote smoking and/or alcohol drinking, but rather highlight their dangers.

Article (7)

The satellite broadcast transmission or satellite rebroadcast transmission entities and/or service providers shall adopt the rules and regulations related to Arab identity in all broadcast programming, with particular reference to the following:

1. It shall be committed to maintaining Arab identity against the negative impact of powers of globalization and the orientations and the frame reference of the Arab world.
2. Enriching the character of the Arab citizen, promoting its national integrity and intellectual, cultural, social and political development and promoting the Arabic language.
3. Abstention from broadcasting anything that would contradict with or jeopardize Arab solidarity and promoting pan-Arab cooperation and integration.
4. Objectivity, honesty and respect for the dignity and national sovereignty of states and their people, and refraining from insulting their leaders or national and religious symbols.
5. Commitment to highlighting Arab talents and qualifications, particularly those acknowledged or awarded internationally, to prove that the Arab world is rich with creative and innovative human resources and to encourage youngsters to follow the successful Arab examples.
6. Obligation to using the latest technology available in broadcasting audiovisual programmes and materials to ensure the Arab nation's right to spread its culture, civilization and attitudes towards the ongoing issues.
7. Assurance to honesty and accuracy of the broadcast data, information and news, using correct first hand information, investigating them in all forms of media and being committed to editing any wrong or incomplete information presented, while retaining the right of response for the person, the state or the agency beholder of such right.

Article (8)

Notwithstanding the right to establish thematic advertising channels that do not fall under the provisions of this article, the broadcast and rebroadcast agencies shall be committed in terms of its advertisements with the following:

1. Commitment to explicitly announce the beginning and end of any of the advertising slots and to clearly separate it from the program presented.
2. Obligation to inserting an interlude between each two-advertisement slot during the screening of films, programs, children's programmes or news programmes.
3. Duty to clearly and frequently show the word 'advertisement' in the advertisements inserted in programmes.
4. Considering international standards in terms of the proportion of advertisements inserted versus the total time of broadcast per day.

Article (9)

The satellite broadcast transmission or the satellite rebroadcast retransmission entities and/or service providers shall adopt, in terms of its audiovisual broadcasts and its target and general audiences, all the rules, regulations, conditions and patterns set out by the

concerned parties, or pursuant to the domestic legislations in each of the Arab states concerned with issuing licences, with specific reference to the following:

1. To abide by a set schedule put forth by the committee responsible for monitoring programme content, that will be established in order to make sure that the time slots and any restrictions are observed in the programmes or any audiovisual materials or works of satellite broadcast that are not suitable for children. They shall be aired at a late hour when children are most likely not watching television.
2. To be committed to put a clear and proper rating for the programme before the beginning of the programme to describe the kind of following audio visual materials, the age group excluded from watching it, its suitability for the age group, and whether or not family guidance is advised and/or other ratings suitable for the programme content.

Article (10)

It is prohibited for any natural or legal entity to practice any satellite broadcast transmission or satellite rebroadcast transmission act to provide any related services without receiving a satellite broadcast transmission or satellite rebroadcast transmission licence from the proper authority in any of the member states in the League of Arab States. These entities must fulfil all the terms and conditions and recognize and adhere to the rules and regulations established herein and the domestic conditions set out by each Arab country for its territories and free zones.

Article (11)

The satellite broadcast transmission or the satellite rebroadcast transmission entities shall be entitled to the following rights, and shall not violate any other rights or procedures enforced by any other laws to maintain these rights or to prove any violation against them or termination to such violation:

a. Rights related to transferring or availability:

The satellite broadcast transmission or the satellite rebroadcast transmission entities enjoy the exclusive right to authorize, ban, connect, transfer or provide access to any of their audiovisual programmes to the target and/or general Arab audience by any means or form. Such exclusive rights extend to permitting, banning, connecting or transferring or accessibility in public places whether in return of entry fees or free of charge.

b. The right to alter or edit:

The satellite broadcast transmission or the satellite rebroadcast transmission entities shall be entitled to the exclusive right of authorizing or banning the altering of their audiovisual programmes or editing them in any way or form, either directly or indirectly. Such rights extend to cases of altering or editing for purposes other than those previously declared for such activities.

c. Distribution right:

The satellite broadcast transmission or the satellite rebroadcast transmission entities shall be entitled to the exclusive right of authorizing or banning imports or exports or

distribution of the original copies or other copies from the audiovisual fixed programmes to the target and/or general audiences.

d. The right to transmission upon alteration:

The satellite broadcast transmission or the satellite rebroadcast transmission entities shall be entitled to the exclusive right of authorizing or banning any rebroadcast or transmission or their audiovisual programmes upon altering them in any way or form.

e. The right to make the altered audiovisual programmes accessible:

The satellite broadcast transmission or the satellite rebroadcast transmission entities shall be entitled to the exclusive right of authorizing or banning the availability or any of its programmes to the public, upon alteration of these programmes by any means possible. Such rights include the public's right to access these programmes in the place and time of their choice.

f. The right of use

The satellite broadcast transmission or the satellite rebroadcast transmission entities shall be entitled to the exclusive right of permitting or banning any use of its audiovisual or live or recorded programmes in any form or way.

Article (12)

The satellite broadcast transmission or the satellite-rebroadcast transmission entities shall respect in the member states the principles and frameworks herein and shall work on adopting and enforcing them.

Article (13)

Members of the League of the Arab States shall adopt in their domestic legislations all necessary measures to fix any violation by the parties referred to in the subject document according to the principles herein, in particular the satellite broadcast transmission or the satellite rebroadcast transmission and related service providers on their territories, even if they operate through special status or free zones with special legislation or any other legislations.

The following acts are considered violations to the subject document:

1. Any party that practices the satellite broadcast transmission or the satellite rebroadcast transmission and/or related service providers without a licence from the proper authority in accordance to the principles stated in this document shall be subject to seizure of all the equipment and machines used, removing the traces of such violation and doubling the sanction in case it is repeated.
2. Any party licenced to practice any of the activities stated in this document, including satellite broadcast, rebroadcast and related service providers that violates the principles, standards, regulations or conditions herein, or any others set out by the enforcement agencies.
3. In all cases, if the concerned authority in the member state that issued the licence or was informed of any violation to the provisions of the domestic law or those

stated herein, it has the right to withdraw the licence or not to renew it for a certain period according to its own discretion.