



ARTICLE 19

GLOBAL CAMPAIGN FOR FREE EXPRESSION

COMMENTS

on the

draft Palestinian Law on
National Council for Audiovisual

London
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1. Introduction

These Comments contain an analysis of the draft Palestinian Law on National Council for Audiovisual (draft Law), along with some specific drafting suggestions.

The Palestinian National Authority has recently committed itself to revising its framework for media regulation and, in particular, to adopting new laws governing broadcasting (the audiovisual law), the Palestinian Broadcasting Company, the Wafa news agency and the press. It has tasked a team of local legal experts with preparing these laws and the Ministry of Information has formally asked UNESCO for assistance in this work. Work has been ongoing on the broadcasting law (the draft Law currently being analysed) for some time.

Toby Mendel, Law Programme Director, ARTICLE 19, undertook a mission to the Occupied Palestinian Territories (OPT) under the auspices of UNESCO from 1-7 December 2005 to discuss the new media law developments. This mission included extensive meetings with the legal experts drafting the law and these Comments are in response to a request from these experts for written input into the draft Law. These Comments are based on a translated version of the draft provided to UNESCO on 14 December 2005.¹ The translated version of the draft Law is provided in Annex 1 for reference purposes.

These Comments are based upon general international standards regarding freedom of expression, as encapsulated in ARTICLE 19's *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation* (the ARTICLE 19 Principles),² a set of guidelines based on international practice, comparative constitutional law and best practice in countries around the world.

2. Comments on the Draft Law

2.1 General Comments

ARTICLE 19 very much welcomes the draft Law which includes a large number of very positive provisions and which, if adopted, would represent the most progressive broadcasting law in the Arab world. A very concerted effort has been made in the draft Law to ensure that the regulation of broadcasting is put on an independent footing and that the right to freedom of expression is guaranteed. This is reflected, for example, in the provisions relating to the establishment of the National Council for Audiovisual Media, including the appointment of members of the Council, as well as numerous provisions directly protecting various freedoms, such as the right to keep confidential sources of information and to be free of prior censorship.

At the same time, we are of the view that the draft Law could still be further improved and that some additional provisions would be helpful. Some of our more important comment relate to the need for the following:

- clearer principles to guide broadcast regulation;
- a narrower definition of what constitutes a broadcaster;
- further guarantees for the independence of the Council, in particular in relation to the appointment of members;

¹ ARTICLE 19 takes no responsibility for the accuracy of this translation or for comments based on mistaken or misleading translation.

² London, April 2002.

- substantially more detailed provisions relating to licensing; and
- more developed provisions on a Code of Practice for Broadcasters.

The following Comments are provided in the same order as the Articles in the draft Law.

2.2 Chapter One: Definition and General Laws

Article 1: Definitions

By-and-large, the definitions conform to internationally accepted usage. The definition of broadcasting, however, is very broad and could be understood to include an unduly wide range of means of communication. A more limited definition would be the following:

Broadcasting means the dissemination of broadcast programming, including through terrestrial transmitters, cable, satellite or any other medium, for public consumption and for simultaneous reception, whether or not by subscription, through a radio and/or television broadcast receiver or other related electronic equipment, but does not include communications internal to a private organisation or government body, such as closed circuit television or internal address systems, or Internet communications.

Article 2: Goals of the Law

This Article includes a positive statement of the overall goal of the law. At the same time, certain key phrases, commonly understood to encapsulate the essence of a free media, such as ‘independent’, ‘pluralistic’ and ‘serving the public interest’ could further enhance this provision. It could, for example, read as follows:

This law aims to promote an independent, pluralistic audiovisual media, and to organise and ameliorate its ability to serve the public interest within a general political environment based on democratic principles.

Article 3: Scope of Law

This Article, which provides for the application of the law to all broadcasters, public and private, is uncontroversial.

Article 4: Rights and Protected Principles

As we understand it, the reference to the National Authority in this Article refers to all of the bodies covered by the operation of this law, including both official bodies, such as regulators, and private broadcast media. In our view, a very different set of principles should govern official actors and, in particular, the Council, as the key broadcast regulator, on the one hand, and private media, on the other.

These provisions are both too onerous in respect of private media and, at the same time, insufficiently onerous in respect of the regulator. For example, while it is quite appropriate to place an obligation on the regulator to ensure that the broadcasting sector as a whole raises “awareness of the society on the important role of women”, this could be understood in an unduly limiting way in reference to private media. Clearly, not all private media should be required to do this. Similarly, private media should not all be expected to “support and provide administrative, legal, technical programs or legislation aiming on children and their development and prioritizing such initiatives”.

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On the other hand, a number of principles that might apply to broadcast regulation are missing from the list in Article 4. A more complete list of the principles or objectives of broadcast regulation might be the following:

- (a) to uphold the constitution, as well as human rights, democracy and the rule of law;
- (b) to protect and promote freedom of expression;
- (c) to encourage creative national broadcasting, including by licensing all three types of broadcaster, namely public, private and community;
- (d) to promote a diverse range of quality broadcasting services which serve all language and cultural groups;
- (e) to enhance the public's right to know through promoting pluralism and a wide variety of programming on matters of public interest;
- (f) to prevent monopolisation of ownership and promote fair competition in the broadcasting sector;
- (g) to promote accurate, informative and balanced programming;
- (h) to encourage the provision of quality educational programming;
- (i) to promote the widest possible geographic distribution of broadcasting services, including by licensing national and local broadcasters;
- (j) to develop and promote broadcasting reflecting national culture and identity;
- (k) to promote the appropriate use of new technology; and
- (l) to enhance the overall financial and competitive viability of broadcasting in the OPT.

Article 5: Ownership of Media Means

This Article envisages that any person, party or private institution might own a broadcasting outlet. This presumably includes political parties. In many countries, political parties are not permitted to own a broadcasting outlet, and all licensed broadcasters are required to be politically impartial and balanced in their news and current affairs programming. This serves to ensure that this crucial medium is not used to skew political power.

Article 6: Editing Programs and Broadcasting

This provision is very welcome, protecting the independence of programme editing and dissemination.

Article 7: Restriction or Pre-monitoring of Media Works

Another very welcome provision, this Article prohibits prior-censorship of broadcast programming.

Article 8: Independence of Media Means

This Article, which protects in a general manner the freedom of expression of broadcasters in accordance with the constitution and subject to law, is again very welcome.

Article 9: Maintaining Secrecy of Source of Information

Another welcome provision, this Article protects the right of journalists not to reveal their confidential sources of information.

Article 10: Restriction or Monopolization of Practicing Media Works

This Article seeks to prevent undue monopolisation of the broadcasting sector through a very general prohibition on monopolisation of the media and a much more specific prohibition on anyone who owns more than 50% of the capital of one media outlet from owning more than 15% of another outlet.

Undue concentration of media ownership is a huge and growing problem in many countries and it is very welcome that the draft Law seeks to address this problem. At the same time, we

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believe that these provisions could be clarified. First, it should be made quite clear, if this is not already the case in the original Arabic version, whether these rules apply only within the broadcasting sector or whether they apply across all media, including the print media. Second, some consideration should be given to differentiating between different types of media, including radio and television. It might be reasonable, for example, to allow one person to own up to one each of a newspaper, radio and television station but not to engage in multiple cross-ownership between these sectors or multiple ownership within one sector (on the same basis as is presently provided for in the Article).

Article 11: Public Institutions Working in Audiovisual Media

This Article defines which bodies are considered to be broadcasters (“working in the field of audiovisual media”), including three types of broadcasters – general scope broadcasters, specialised broadcasters and subscription broadcasters – as well as three other types of actors – Internet companies working in the area of broadcasting, broadcast production companies and film/video producers.

It is not clear what the purpose of defining the three different types of broadcasters is, as the draft Law does not appear to distinguish how each will be dealt with, for example in terms of licensing. It would be preferable, and more consistent with the approach of other countries, to distinguish instead between public, commercial and community broadcasters. The Council will presumably not license the first category (public) and it may be necessary/desirable to put in place different processes, and different fee structures, for licensing commercial and community broadcasters.

We consider it to be very problematical to define the three other types of actors as broadcasters. While it is true that some broadcasting content can be received over the Internet, this is relatively limited, even in the most developed countries, and, so far, no established democracy has sought to regulate this as broadcasting. There are numerous problems with this, including what qualifies as broadcasting – given the unduly broad definition of broadcasting, noted above, even a private website with a few home videos could be defined as a broadcaster and subjected to licensing – and the near impossibility of regulating the Internet in this way without very seriously restricting the right to freedom of expression.

The main rationale for licensing broadcasters – that they make use of a limited public resource, the airwaves – does not apply to any of the other three actors defined as broadcasters. Furthermore, it is the act of disseminating programmes to peoples’ homes, not the production of broadcast material, which justifies licensing. Finally, a very different regime applies in most countries to the film/video sector, which focuses more on classification than licensing.

Article 11(3) provides for foreign broadcasters to open branches or offices in accordance with a bylaw issued under the draft Law. It is unclear what this authorisation extends to. On the one hand, foreign broadcasters should be free to open local offices with the purpose of collecting information for dissemination through their services licensed in other countries. On the other hand, these broadcasters should be required to compete with local broadcasters for local broadcasting licences, if they are allowed to obtain them at all.

Article 11(4) provides that cooperation between local and international media is restricted to agreements between them, which must be in accordance with the governing laws. The second part of this is unnecessary, since it goes without saying that everyone must operate in

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accordance with the law. The first part is unduly restrictive since it should be up to the respective local and international media to decide what form their cooperation will take.

Article 12: Responsibility of the Institution Activities

This Article provides that the owner is responsible for the activities of his/her media outlet. This is uncontroversial.

Recommendations:

- Consideration should be given to rewording the definition of broadcasting so that it is clear and narrow, along the lines of the suggestion above.
- Consideration should be given to including reference to some key words relating to media freedom in the statement of the goal of the law, along the lines suggested above.
- Article 4 should be revised. If it is to apply to both regulatory bodies and broadcasters, the set of principles should be narrower and more appropriate to media outlets, and a separate section setting out principles governing broadcast regulation, along the lines suggested above, should be added. If it is to apply only to regulatory bodies, which we suggest would be preferable, it should be amended to include some of the suggested principles set out above.
- Consideration should be given to prohibiting political parties from owning broadcast outlets or at least to restricting the number of such outlets that any one party may own, for example to one. As noted below, broadcasters should also be placed under an obligation of impartiality and balance in their news and current affairs programming.
- Consideration should be given to honing the anti-monopoly provisions to take into account different types of media, both by sector – print, radio, television – and size – community, regional, national.
- The definition of bodies working in broadcasting should be revised. Consideration should be given to differentiating between public, commercial and community broadcasters. Internet providers, production companies and film/video operators should not be included in this definition.

2.3 Chapter Two: National Council for Audiovisual Media

Article 13: Establishment of the Council

This Article, which establishes the Council as an independent body with all the necessary legal powers to achieve its objectives, is welcome.

Article 14: Independence of the Council

This provision reinforces the independence of the Council, prohibiting interference with its work, and is thus a very positive provision.

Article 15: Location of the Council

This Article stipulates that the Council shall be located in Jerusalem, with a temporary location where the National Authority may decide. It is uncontroversial to set out the location of such a council.

Article 16: Appointing the Council

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This Article provides for formal appointment of the nine members of the Council by the President of the National Authority. From among the nine, three are chosen by the President, three by the legislature and three from among journalists, women's organisations and university media professors, presumably again by the President.

This approach, which is an adapted French model, is designed to share the power of appointment among different sectors of society. However, it would appear to give too much power to the President and to fail to take into account the possibility that, as at present, the President and legislature might be dominated by one party, undermining any balance it seeks to ensure. Furthermore, the three sectors of society identified – journalists, women's organisations and media professors – appear to be rather arbitrary and are not reflective of society as a whole.

Consideration should be given to other possible approaches here. For example, social sectors could be identified for all of the appointments, as in the President appoints three members, for example one each from the legal profession, from among engineers and from among youth organisations (these are only illustrative examples; the sectors listed need to be based on Palestinian society). Alternatively, different social sectors could be mandated to nominate candidates for possible appointment (still by the President and legislature).

Another approach would be to share the power of appointment differently between the legislature and President, for example with the legislature nominating members (again perhaps from a list of different social sectors) and the President appointing.

The process could also be required to be open and allow for public participation, for example, in the form of providing comments on a shortlist of candidates, which would further ensure democratic appointments.

Article 17: Duration and Renewal of Membership

This Article provides for staggered appointments to the Council. It is perhaps clear in the original Arabic, but Article 17(2) as translated does not make it clear that the third to be replaced should be those who have been on the Council for the longest (which will work out to six years after the first rotation).

Article 18: Rights and Duties of the Members

This Article provides, among other things, for the independence of members and also for them to work full-time on the Council. The latter should be reconsidered. Members of such councils are not normally full-time but, rather, meet relatively rarely to exercise an oversight function. Some of the staff may be full-time.

Article 19: Vacancy of Membership in the Council

This Article protects the tenure of members and provides for dismissal only in limited cases. Article 19(1)(b), however, is very vague, providing for dismissal where the member is 'not eligible' to carry out the duties. At a minimum, this should be protected in the same as in Article 19(1)(d), where a two-thirds vote of the other members is required for removal. Furthermore, it should be clear that members who have been subject to removal may appeal this to the courts.

Article 20: President of the Council and the Vice President

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This Article, which provides for the appointment of the President and Vice-President of the Council and sets out their duties is uncontroversial.

Article 21: Meetings of the Council

This Article provides for meetings of the Council to be held every two weeks. This is extremely frequently and it is to be doubted that such frequent meetings will be necessary for an oversight body overseeing such a small media market. The comment provided on Article 18 is also relevant here.

This Article also provides for the Council to set its own rules relating to meetings. While this is generally appropriate, it may also be necessary to set out some very general rules relating to meetings in the actual law, such as quorum for a meeting and the basis upon which decisions are made (normally by majority vote with the President having a deciding vote in case of a tie).

Article 22: Functionalities and Specializations of the Council

This Article sets out the duties of the Council and is, for the most part, uncontroversial. Article 23(3) refers to “standards of ethics, codes of media work, code of ethics” and also “coherence with the national values principals of ethics”. This is repetitive and could be confusing. It would be better for the Council simply to establish one Code of Practice for broadcasters (or one for each sector, radio and television). This is elaborated on in more detail below, under Chapter Three. Article 23(4) suggests that the Council should prepare laws in the media sector. Normally, this is done by ministries, albeit with input from the council. Consideration should be given to merging Articles 23(6) and (8), both of which deal with the allocation of frequencies, and the right to use them, to broadcasters. Also, it should be made clear that the role of the Council is limited to dealing with those frequencies allocated for broadcasting uses (as opposed, for example, to those allocated for telecommunications uses).

Article 23: Appointment of Committees

This Article provides for the appointment of committees by the Council and is uncontroversial.

Article 24: Administration of the Council

This Article provides for the appointment of a General Director of the Council by a unanimous vote of the members, as well as the appointment of Council staff. It may be unrealistic to require a unanimous vote of the members to appoint the General Director. The draft Law should also set out the conditions under which the General Director may be removed, for example, upon a two-thirds vote of the Council. Article 24(2), in English translation, uses the term ‘seconded’ to refer to employees. The Council should not be required to absorb employees from other parts of the civil service but should, rather, be allowed to hire independent and qualified people as staff.

Article 25: Council’s Budget

This Article provides for an independent budget for the Council and is uncontroversial.

Article 26: Consideration of the Council’s Money as Public Money

This Article stipulates that the Council’s money is public money and is uncontroversial.

Article 27: Resources of the Council

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This Article provides for various sources of revenue for the Council, including “fees set according to the laws” and “financial penalties which are imposed by this law”. If the fees referred to are those paid by broadcasters for the privilege of using a frequency, this is quite appropriate and, indeed, a good source of funding. The financial penalties, however, presumably refers to the penalties that may be imposed for breach of the law, for example, as provided for in Article 39 on broadcasting without a license. To the extent that the Council is involved in setting these fines – it is not clear from the draft Law whether or not this is the case but, in our view, the Council should have this power – it should not also benefit from those fines, since this would involve it in a conflict of interest.

Article 28: Auditing the Accounts of the Council

This Article provides for the accounts of the Council to be externally audited by both an outside legally approved auditor and the Ministry of Treasury. While the former is uncontroversial, it is not clear why the accounts would need to be audited twice, the second time by an executive branch of government, which would provide all sorts of opportunities for interference with its work.

Article 29: Exemption

This Article, which exempts the Council from paying various taxes, is uncontroversial.

Additional Comments

Rules of Incompatibility

In many countries, certain individuals are prohibited from being appointed as members of the broadcast regulatory body. Such prohibitions often apply to individuals with strong political connections – elected officials, senior members of political parties – to individuals with vested interests in the broadcasting or telecommunications sector, and/or to those with serious criminal records, particularly involving crimes of dishonesty. These prohibitions are an important way of safeguarding the independence of the regulator and they should apply to both members of the Council and the General Director.

Annual Report

The mechanisms in the draft Law to ensure accountability of the Council are weak and one important mechanism, in particular, is missing, namely the requirement to table an annual report. The draft Law should set out in some detail what should be included in the annual report and this should be required to be tabled either before the legislature or some other multi-party body. It should also be required to be published and disseminated to interested stakeholders. A possible list of items to be included might be as follows:

- (a) a copy of the auditor’s report;
- (b) a statement of financial performance and of cash flows;
- (c) the budget for the coming financial year;
- (d) a description of the activities of the Authority during the previous year;
- (e) information relating to licensing, complaints and research;
- (f) a description of any sanctions applied by the Authority and the decisions relating thereto;
- (g) information relating to the Broadcasting Frequency Plan;
- (h) an analysis of the extent to which it has met its objectives of the previous year;
- (i) its objectives for the coming year; and
- (j) any recommendations in the area of broadcasting.

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Recommendations:

- Consideration should be given to providing more protection for the independence of the Council in relation to the manner of appointing members, as recommended above.
- It should be clear that the replacement of one-third of the members of the Council every two years automatically applies to those who have been on the Council the longest (which will revert to six years after the first set of appointments for eight years has lapsed).
- Article 18, providing that members shall work full-time for the Council, should be reconsidered.
- Article 19(1)(b), providing for dismissal of members who are not eligible to carry out duties, should be reconsidered altogether or, at a minimum, be triggered only by a two-thirds vote of the other Council members, and members should be able to repeal any order for removal to the courts.
- Article 22, providing for meetings of the Council every two weeks, should be reconsidered in favour of meeting as necessary but not less than a specified number of times per year, say six times.
- Consideration should be given to adding basic rules relating to meetings, as suggested above, to the draft Law.
- The Council should be tasked with preparing only one Code of Practice for broadcasters, not several as is currently implied by Article 22(3).
- The requirement that the appointment of the Managing Director be unanimous should be reconsidered and rules on the removal of the Director should be included in the draft Law.
- Staff of the Council should not be required to be drawn from other parts of the civil service.
- The Council should not benefit financially from fines which it imposes.
- The Ministry of Finance should not be involved in the audit of the Council's finances; it is sufficient for this to be done by a credible firm of external accountants.
- Rules on incompatibility should be added to the draft Law, prohibiting certain individuals from being appointed as Council members.
- The draft Law should provide for the preparation, by the Council, of an annual report to be published and tabled before a multi-party body.

2.4 Chapter Three: Broadcasting

Article 30: Rights of Channels, Waves, and Frequencies

This Article grants the Council exclusive authority over broadcasting frequencies, which is an important power relating to its licensing authority.

Article 31: Licence to Broadcast

This Article, which prohibits broadcasting without a license and sets certain conditions on licences – such as their duration and non-alienability without the prior approval of the Council – is uncontroversial.

Article 32: Licensing Conditions and Annulment

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This Article provides for licensing by the Council. Article 32(4) provides that the Council may cancel a licence if the licensee breaches the conditions of the licence, provided that time is given to rectify the breach or to appeal the decision. Breach of licence conditions is a complex matter which can range from a very minor breach – such as failing to meet the local content requirements by a small margin – to more serious breaches – such as persistently exceeding power ratings. It is of the greatest importance that the Council have a range of sanctions available to allow it to respond appropriately to every breach. These should include the power to issue a warning, to require broadcasters to carry a message stipulated by the Council, to order broadcasters to do or to desist from doing certain things, to impose fines, to suspend, in whole or in part, the broadcasting schedule of a licensee and, ultimately, to terminate the licence. It is not enough just to give the Council one power, that of cancellation, although we note that, pursuant to Article 38, it also has the power to issue a warning.

Article 32(6) provides that, when the licence expires, the Council shall decide how to dispose of the equipment. This is not appropriate; the owner should be free to dispose of his/her property as he/she sees fit, provided that no buyer may be able to use, for example, transmission equipment without the appropriate licence.

Article 33: Use and Change of Frequencies

This Article, which prohibits the use of frequencies which have not been assigned and allows the Council to change the assigned frequencies, is uncontroversial.

Article 34: Broadcasting on Behalf of Other Stations

This Article allows rebroadcasting material from other stations as long as their approval has been obtained and is uncontroversial.

Article 35: Broadcast in Arabic

This Article provides that Arabic language stations must broadcast at least one-half of their material in Arabic. This seems rather a modest requirement and it might be more appropriate to require them to ensure that at least 50% of their programmes are produced in Arabic-speaking countries in the region.

Article 36: Broadcast of Material Related to Palestine

This Article requires all broadcasters to ensure that at least 20% of their programmes are produced in Palestine or relate to Palestinian issues. Again, it might be appropriate to require at least 20% to simply be produced in Palestine. Otherwise, broadcasters may be able to meet this requirement by purchasing foreign material on Palestine without actually disseminating any Palestinian voices over the airwaves. Furthermore, it might be appropriate to give the Council the explicit power to set licence conditions over this amount, where appropriate.

Article 37: Commercial Conditions

This Article stipulates that advertisements should not be offensive or indecent, or “contain any hurt or damage for other products”. While the former is uncontroversial, it is common advertising practice to compare one’s product favourably with other, similar products, which may be found to breach the latter rule.

Broadcasting Frequency Plan

In many countries, the broadcast regulator is given the general task of preparing a broadcasting frequency plan, which sets out the long-term plan regarding allocation of frequencies to broadcasters, including such things as which types of broadcasters should be

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allocated what proportion of the frequency spectrum and so on. This helps to ensure a planned rather than simply *ad hoc* approach to the allocation of frequencies. For example, in the OPT, there is at present only one national broadcaster, the public broadcaster. The Council may wish to reserve for future use a set of frequencies adequate for one national television and radio broadcaster.

Additional Comments on Licensing

In general, the provisions on licensing in the draft Law are very brief and underdeveloped. Licensing should be open and fair, but it is also the key means by which public policy in the area of broadcasting can be promoted. As it stands, the draft Law takes advantage of only a few of the opportunities licensing presents to implement public policy.

Fair and Competitive Approach

The draft Law should require licensing processes to be fair. Where possible, these should be based on open competition for available frequencies, with clear criteria set out in the law for deciding between competing applicants. Where this is not possible, the Council should publish a clear set of minimum conditions for obtaining a licence. Possible criteria for deciding between competing applications or for deciding whether or not an applicant meets the minimum conditions for obtaining a licence are:

- (a) the technical capacity of the applicant to deliver a quality service, taking into account the nature of the proposed service;
- (b) the nature and extent of the financial resources of the applicant and the financial viability of the proposal;
- (c) the effect of licensing the proposed service in terms of concentration of ownership, cross ownership and fair competition;
- (d) the promotion of the widest possible diversity of programming, taking into account the demand and the need for that service, and the broadcasting services already being provided in that area;
- (e) the need to promote locally produced programming which serves the needs and interests of the people of Palestine; and
- (f) the need to promote broadcasting produced in the different regions and by different groups in Palestine.

These criteria allow for the promotion of a number of different policy goals including promoting diversity of content in the airwaves and broad access by Palestinians to the airwaves, as well as preventing undue concentration of ownership.

The draft Law should also specify clearly what information is required to be provided on a licence application. This might include the following:

- (a) the ownership structure;
- (b) the sources of finance and the proposed financial plan over the period of the licence;
- (c) the organisation and management structure, including the personnel and expertise available to deliver the service;
- (d) the programme schedule or, in the case of a cable or satellite service, information about the channels proposed to be provided within the basic service, as well as any other channels which may be purchased; and
- (e) the technical facilities for delivery of the service.

These categories of information relate to the criteria for deciding between competing applications but are also relevant even in the absence of a competitive process.

It may be thought that this is excessively detailed and that the Council is able to look after these matters itself. However, it is essential that the law ensure that the Council is accountable, as well as independent, and one way to do this is to curtail the scope of its activities by setting out clear rules like this in the primary legislation.

Renewals

The draft Law fails to address the issue of licence renewal. It is expensive and time-consuming to set up a broadcaster and most broadcasting laws include a general presumption of renewal of the licence subject to compliance with the law and licence conditions. The renewal provides for an opportunity for the Council to review the performance of the broadcaster and to make recommendations for better compliance with the rules where necessary.

In exceptional cases, the law should also provide for non-renewal of a licence, for example where the frequencies are being reallocated to another type of broadcaster (for example, to a national network).

Licence Conditions

The draft Law should include more detail on licence conditions. General licence conditions, for all broadcasters, should include a requirement to keep a master recording of all broadcasts for a certain period of time – say 28 days – in case of complaints regarding these broadcasts. The draft Law should also provide for the establishment in advance of a clear fee structure, taking into account the size and type of broadcaster (for example, the area serviced, radio or television, and so on).

The draft Law should also provide for specific licence conditions, but subject to certain rules. Such conditions, for example, might refer to the requirement to carry a nightly news broadcast or to carry a higher percentage of Palestinian programming than the 20% stipulated for all broadcasters. One would expect more onerous conditions, for example, to apply to a national broadcaster. At the same time, the Council cannot simply apply any licence conditions it wishes to. Such conditions should be required to serve the guiding principles for broadcast regulation, noted earlier in these Comments (but which are not yet found in the draft Law).

Breach of the Law or Licence Conditions

The draft Law should make it clear that adherence to licence conditions should be monitored both directly by the Council and by the general public via a system of complaints, including in relation to breach of the Code of Practice (see below). As noted above, the Council should have the power to impose a range of different sanctions for breach of the law or licence conditions.

Code of Practice

The draft Law should include more prescriptive provisions relating to the development and application of a Code of Practice for broadcasters. A complaints system should be envisaged and the law should include some detail as to what areas the Code should cover. These might include:

- (a) balance and impartiality in news and current affairs programming and the duty to strive for accuracy in these programmes;
- (b) protection of children;
- (c) classification of programmes, including films, according to the recommended age of viewers;
- (d) the terms, conduct and editing of interviews;

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- (e) the use of covert recording and subterfuge;
- (f) keeping within accepted boundaries of taste and decency, including in relation to the portrayal of sexual conduct and violence, and the use of strong or abusive language;
- (g) the coverage of crime and anti-social behaviour;
- (h) distinguishing between factual material and comment;
- (i) the treatment of religion, ethnic minorities, women and men, minors and disadvantaged groups;
- (j) respect for privacy; and
- (k) the use of subliminal images or sounds.

As with licence criteria, the Code of Practice is a means for implementing broadcasting policy, as well as promoting high standards in the media. The requirement of impartiality, the first on the list above and referred to above, is an important means of ensuring a balanced playing field during elections.

Recommendations:

- The Council should have at its disposal a range of graduated sanctions for breach of the rules.
- The Council should not have the power to determine how to dispose of the equipment of a broadcaster whose licence has lapsed.
- Consideration should be given to requiring broadcasters to carry 50% programming from the region, rather than simply in Arabic, and 20% locally produced programming, rather than simply programming about Palestine, both of which might be produced in Europe or North America.
- Consideration should be given to removing the prohibition on advertising that may hurt other products.
- Consideration should be given to providing for the Council to prepare a broadcasting frequency plan.
- The draft Law should provide for an open and generally competitive process for licence applications, setting out the criteria upon which licence competitions will be decided, as well as the information required to be provided in an application.
- The draft Law should provide for a presumption in favour of licence renewal, subject to compliance with the law and licence conditions. This may be overruled in certain circumstances, where this is in the overall public interest.
- Additional general licence conditions should be set out in the draft Law, in accordance with the recommendations above, and the draft Law should also provide for specific licence conditions, subject to certain constraints.
- The draft Law should provide for monitoring of compliance with the law and licence conditions both directly by the Council and indirectly by the general public via a complaints system.
- More developed provisions on the Code of Practice should be included in the draft Law, along the lines recommended above.

2.5 Chapter Four: Punishment

Article 38: Violation of Licensing Conditions

This Article provides for the Council to issue warnings to broadcasters who breach their licence conditions. See the comment on Article 32 in relation to this issue.

Article 39: Broadcasting Without Licence

This Article provides for fines and confiscation of equipment for those who broadcast without a licence and is uncontroversial.

Article 40: Implementation of Penalty Laws

This Article, in English translation, provides that the punishments provided for in Palestinian law will be imposed where the present law does not mention punishment. It is not clear what the implications of this are.

2.6 Chapter Five: Closing Laws

Article 41: Joining to Agreements and Conventions and Abiding by Them

This Article provides for the Council to assist in the signing of broadcasting conventions and is uncontroversial.

Article 42: Emergency Situation

This Article provides for the continuation in force of the system envisaged in the draft Law in case of emergency. This is an important protection for the work of the Council, given the frequent emergencies that face the National Authority.

Article 43: Implementation of the Governing Laws in the Case of Conflict

This Article, which provides that the authorities should respect this law when applying other laws and that, in case of conflict, this law should dominate, is progressive and welcome.

Article 44: Internal Regulations

This Article provides for the Council to develop necessary regulations relating to its functions, which are then passed by the Cabinet of Ministers. This is a positive provision.

Article 45: Issuance of Decisions to Manage Work

This Article provides the authority for the Council to put in place the necessary arrangements to allow it to get on with its work until the Cabinet of Ministers adopts the regulations referred to in the previous Article, and is a welcome provision that will allow the Council to begin work immediately.

Article 46: Justice System Domain

This Article, which provides that the courts are the place to settle disputes between the Council and others, is uncontroversial.

Article 47: Conservative and Transitional Laws

This Article continues in force all previous actions and decisions in the area covered by this law for one year and allows operations to continue until new orders or instructions have been issued. More thought should be given to how to bring existing broadcasters, which have been licensed in an *ad hoc* and inconsistent manner, under the umbrella of this law. It would be better to specify that existing broadcasters continue to operate but subject to the rules set out in this law, including that their term of licence (see Article 31(3) of the draft Law) starts to run from the day the law comes into effect.

Article 48: Issuance of Regulations and Orders

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This Article, which provides for the Cabinet of Ministers to issue necessary regulations within eight months of the draft Law coming into force, is uncontroversial.

Article 49: Annulations due to Conflict

This Article, which provides that all rules in other legislation that conflict with this law are annulled, is uncontroversial.

Article 50: Enforcement and Execution

This Article provides that the draft Law shall become operational thirty days after it has been passed. This is an unrealistically short time for the institutional arrangements to be put in place. Three to six months would be more appropriate.

Recommendations:

- The draft Law should include more detailed provisions on how to bring existing broadcasters under the umbrella of the new law.
- Consideration should be given to providing for between three and six months for the institutional arrangements under the new law to be put in place.

**Draft law National council for audiovisual
No () for year**

President of the executing committee for the Palestine Liberation Organization
President of the National Palestinian Authority

In accordance to the authorities designated us under the article (41) for the initial modified law;

And after looking at the law Number (3) for year 1996 with regards to wire and wireless communication;

And law number (9) for year 1995 in regards to printing and publication;

And the decisions Number (33) for year 2005 to transfer the affiliation of Palestinian radio and television commission to the minister of information;

And the decisions number (22) for year 2005 to transfer affiliation of general inquiry commission to the ministry of information;

And decision (21) for year 2005 to transfer affiliation of Palestinian News Agency (WAFA) to the minister of information to minister of information;

Decision of ministers' council number (182) for year 2004 with regards to licensing radio, Television, Satellite, and wireless broadcasting;

Decision of ministers' council number (213) for year 2004 in organizational structure for the ministry of information;

And order for administration and organization of the ministry of information number (25) for year 1966;

The following has been published:

Chapter one
Definition and general laws

Article (1)
Definitions

Below words and phrases will have their own meaning if the inference does not show otherwise?

The National authority: Palestinian National Authority

The Ministry: ministry of information or any ministry in-charge on audiovisual media

The Minister: minister of information or any minister in-charge of audiovisual media

The media: meant by this law the audiovisual media

Audiovisual media: it is what could be broadcasted from human production to the public in the form of pictures, audio, or signs and others through channels and frequencies; and broadcasting equipment and networks; and other medium and ways of communication.

Broadcast: sending works or programs, or radio and television commercials, through electromagnetic waves or through satellite or other technologies or other means despite its description or nature, which allows the public to receive through all the technical means in all its names excluding from this the international information network

Broadcast license: the private permission to establish a station for broadcasting radio and television which includes its own certain specifications for broadcasting and the way it should operate.

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Television Channel: periphery of private broadcast which is used through television broadcasting and uses its own logo and its name differentiate it from other channels

Wave: is the frequency used in the radio transmitter devices;

Frequency: a group of electromagnetic waves used for radio or television broadcasting;

Television or radio institution: the cerebral person who organizes the operation of the television broadcasting and broadcast to the public or sells to other parties for the purpose of broadcasting

The programs: all media material which is broadcasted, aired, or all other services which different institutions broadcast or air;

Compilations: all the audiovisual items saved (taped) on the technological means despite the type of the tapes, records, CDs, DVDs or other material;

Announcement: any public announcement which aims to encourage selling, buying or renting a product or service; the expression of a cause or idea or transmission of an insight by the announcer and permitting a specific time for broadcasting in return for a specific fee.

Article (2)

Goal of the law

This law aims toward the rise in the audiovisual media, organize and ameliorate its functionality within an environment of general politics leaning on the democratized principals.

Article (3)

Scope of law

This law is applicable to all bodies' public and private working in the audiovisual media.

Article (4)

Rights and protected principles

The National Authority commits the national media council in protecting and achieving the following principals:

- 1- Freedom of expression and opinion in anyway of expression, and respect for pluralism; cultural and linguistic diversity; and the opinion and the other opinion;
- 2- Freedom in accessing news and information regardless of its source, way of receiving, sharing, and publication and broadcasting in all ways without any restriction according to the legislations of the law;
- 3- Respect the "human mind" and their dignity, without touching on their freedom or damage of their private lives;
- 4- Reinforcement of justice, equality, human rights, rule of law principals including:
 - a. Protection of women rights and assurance of participating in media while maintaining a good and positive image.
 - b. Raising awareness of the society on the important role of women and banning all forms of racism or violence against them and care for them through different programs
 - c. Protection of children rights and respect for their being from all what could be shown from audio or visual works;
 - d. Support and providing technical, legal and administrative flexibility for any media programs or projects prioritizing children.
 - e. Support and provide administrative, legal, technical programs or legislation aiming on children and their development and prioritizing such initiatives

- f. Standing by and supporting special needs groups (disabled) through different programs to achieve their positive acceptance in the community
- 5- Providing the right environment for intellectual, technical, scientific and cultural creativity

Article (5)

Ownership of media means

Ownership of media means is the right for any person including parties and private institution, also the production and broadcasting media material right in its nature, goals, and programs

Article (6)

Editing programs and broadcasting

Independence of editing programs, broadcasting, and spreading it to the public is ensured by this law

Article (7)

Restriction or pre-monitoring of media works

Pre-monitoring or censorship on the media works is restricted regardless of its origin according to this law.

Article (8)

Independence of media means

- 1- Media enjoys protection as specified by the constitution and prohibits injury or stop of its operations;
- 2- Media practices its operations in total freedom, transparency, responsibility, independence with the frame of the governing laws.

Article (9)

Maintaining secrecy of source of information

Media have the right for maintain secrecy regarding their sources of information and keep the identity of source provider's secret.

Article (10)

Restriction or monopolization of practicing media works

- 1- it is restricted to monopolize the media works practice, and it is dealt with all investors according to equality principals, and equal opportunities
- 2- it is not allowed for the same person owning more than 50% from the capital of a media institution, to invest in another institution not exceeding 15% of its capital

Article (11)

Public institutions working in audiovisual media

- 1- Companies or institutions local and foreign working in the field of audiovisual media are established according to the procedures which is specified by this law and the laws related
- 2- The following institutions are considered to be working in the field of audiovisual media:
 - a. Television and radio institutions

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The television and radio institutions are categorized according to the following:

1. Radio or television institutions which broadcasts visual or audio programs including news and political programs
2. Radio and television institutions which broadcasts the specialized audio or visual programs
3. Radio or Television coded institutions which is only accessible by subscribers
 - b. Internet institutions and companies working in the fields of audiovisual
 - c. Radio and television production institutions and companies
 - d. Cinematography, movie, commercial, and documentary production companies and institutions
- 3- It is allowed for radio and televisions foreign broadcasting stations to open branches or offices according to the bylaw issued in accordance to this law
- 4- Cooperation between local and international media institutions is restricted between the agreement signed between each other and does not conflict with these governing laws.

Article (12)

Responsibility of the institution activities

The owning party for the media is responsible in from of the law and all the activities of the institution and its operations

Chapter Two

National council for audiovisual media

First: establishment of the council and its functions

Article (13)

Establishment of the council

According to this governing law, a council is established called (the national council for audiovisual media), and it enjoys legal entity and administrative and monetary independence; and it has the right to own current and fixed assets; undertake all legal actions including drawing contacts and acceptance of gifts, funds, support, and donations. It also has the right to prosecute according to these governing laws.

Article (14)

Independence of the council

The council is independent in its media works, no authority on it except the law, and it is forbidden to interfere with its activities or influence its decisions

Article (15)

Location of the council

The head of office of the council will be located in Jerusalem, and the temporary location will be where the national authority decides on. It is permitted to establish branches and office in any other place inside or outside Palestine

Second: administrative procedures

Article (16)
Appointing the council

The national council for audiovisual media consists of nine members, including the president, with the specialization, experience and qualifications are assigned by a letter issued by the president of the national authority on the basis of the following:

- 1- Three members are chosen by the president of the national authority
- 2- Three members are chosen by the legislative body
- 3- Three members are elected from journalists, women organizations, media professors in universities;

Article (17)
Duration and renewal of membership

- 1- The members of the first council are assigned according to the following order:
 - a. Three members are assigned for a period of eight years
 - b. Three members are assigned for a period of six years
 - c. Three members are assigned for the period of four years
- 2- One third (1/3) of the members are replaced every two years on individual basis and in the same way they were chosen;
- 3- All members with expired contracts will continue to do their tasks until they are replaced by new members.

Article (18)
Rights and duties of the members

- 1- The members enjoy working independently and impartially when dealing with the different authorities
- 2- Members are required to be committed full time to work for the council
- 3- It is not allowed for the president of the council or for any other member to have a personal interest – directly or indirectly – in the contracts signed with the council or for its account, or those that enter into the activities done by the council.
- 4- The administration of salaries, rights, and awards for the president and members of the council according to the bylaw issued by the cabinet of ministers.

Article (19)
Vacancy of membership in the council

- 1- The membership is considered vacant under one of these conditions:
 - a. Resignation
 - b. Not eligible to carry out the duties
 - c. Death
 - d. Dismissal: if a member violates the governing rules of this law or any other regulations issued in its regard, and this is done based on a unanimous decision of two thirds (2/3) of the members;
 - e. Absence without legitimate notice from three consecutive meetings or five unexcused absences in the year.
- 2- If a member occupies another position for any reason a new member is assigned for the remaining duration of the member.

Article (20)

President of the council and the vice president

- 1- The council elects in its first meeting a president and a vice president. The vice president undertakes the role of the president in the president's absence
- 2- The president undertakes the following roles:
 - a. Heads the meetings of the council
 - b. Represent the council in front of others, and signs on behalf of the council within his jurisdiction;
 - c. Representation of Palestine in regional and international audiovisual media conferences;
 - d. any other matters specified by the law or bylaw issued in its regard

Article (21)

Meetings of the council

- 1- The council holds its regular meetings once every week (two weeks) by an invitation from its president. It is permitted to hold an emergency meeting requested by the president or the person assigned to deputize him when he is absent, or on the request of four of its members
- 2- The council sets its own internal system to regulate and steer its operations while highlighting the special procedures in its meeting and the way decisions have been taken.

Article (22)

Functionalities and specializations of the council

The council will take on the task of developing the audiovisual media and its performance in the context of general policies and governing laws through:

- 1- Involvement in drawing and implementing general policies in the field of audiovisual media;
- 2- Encourage partnership and coordination of initiations between public, private, and international media;
- 3- Establishment of standards of ethics, codes of media work, code of ethics, while ensuring its coherence with the national values principals of ethics;
- 4- Preparation of the laws and rules and publication of instructions related to the media industries
- 5- Establishment of the regular budget for the council and putting forward for the cabinet of ministers for approval;
- 6- Issuance of licenses and providing necessary permissions in coordination with designated entities;
- 7- Following up on the operations of the institutions working in media and what is broadcasts from radio or television programs;
- 8- Regulating the use of frequencies between all parties, and the issuance of licenses for use according to this law and bylaw issued for it, within the limits of the international rules;
- 9- Receiving complaints related to the media works from the citizens and the media institutions and resolve them;
- 10- Reinforcing the independence of the media institutions and ensuring its freedom;
- 11- Keeping the basis of free and honest competition between the different media institutions and dealing with them according to principals of justice and equality

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- 12- Observance of the quality of the media programs and its diversities
- 13- Any other matters that are related to achieving the goals of this law

Article (23)

Appointment of committees

The council has the right to appoint any consulting committee or permanent or temporary working groups from within the council or outside it or both, if deemed necessary to execute any work within the activities of the council. The council also assigns its duties and ways of its operations.

Article (24)

Administration of the council

- 1- The council has a general director, who is appointed by a unanimous decision of the members; this decision also defines the director's general allowance; the organizational structure of the council further defines the general director role specializations, duties, and jurisdictions; the director general will be responsible in front of the council on the good functionality of work assigned to her/him;
- 2- The council is seconded enough employees, the organizational chart specifies the job description, tasks, grades, levels, salaries, of the staff and how they are assigned and end their services.

Third: monetary procedures and auditing

Article (25)

Council's budget

- 1- The council has its own independent budget within the budget of the national authority
- 2- The council prepares at the end of each fiscal year a financial and administrative report on the activities done during the fiscal year ended according to the stipulated rules in the internal regulations
- 3- The fiscal year of the council starts the first of January and ends the thirty first of December of each year

Article (26)

Consideration of the council's money as public money

The current and fixed assets of the council are public money and are collected according to the law of collecting fiscal money valid in Palestine

Article (27)

Resources of the council

- 1- the resources of the council consists of:
 - a. the council's expenditure from the national authority's budget

- b. direct return from services or investment
 - c. donation, gifts, support for the council
 - d. loans set by the cabinet of ministers
 - e. fees set according to the laws
 - f. financial penalties which are imposed by this law
 - g. any other sources specified by the cabinet of the ministers
- 2- the monetary sources are considered according to this rule of law from the sources of the public treasury

Article (28)

Auditing the accounts of the council

- 1- The council organizes its records and accounts according to the principals of the unified accounting in Palestine
- 2- The council assigns an outside legal auditors or more auditors to monitor and audit its accounts
- 3- The council has to be transparent with the auditors and allow the right to look at all the books, registrars and records. Furthermore, the auditor has the right to access all necessary information and reports to complete the job
- 4- The council's books and journals are audited by the ministry of treasury and department of administrative and monetary monitoring
- 5- The deposit and sources of the council are transferred to its special account, under the supervision of the ministry of treasury

Article (29)

Exemption

- 1- The council is exempted from taxes and custom fees on equipment, machinery, raw material, additional parts, extensions, and all what is needed to do its work;
- 2- The council is exempted from fees or taxes on land and lines needed to establish channels; or establish its services; or to construct buildings; or the required constructions to manage the lines or supervise them;
- 3- No governmental department public, or private institution; or any individual is exempted from the fees, returns, rent, and use for the services provided by the council except what is decided by the board of the council and its rules from the exemptions.

Chapter three
Broadcasting

Article (30)

Rights of channels, waves, and frequencies

Television channels and radio frequencies and all waves and channels are the exclusive privilege of the authority. It cannot be sold or given off only with a license issuance under the agreement of the council and according to the conditions put in place by the council.

Article (31)

Licence to broadcast

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- 1- It is forbidden for any individual to practice any radio or television broadcasting activities without having the license issued by the council according to these laws;
- 2- The license to broadcast identifies the equipment, the location of the broadcast area and the ways they are used;
- 3- The licenses are for a period of ten years for the television institutions and five years for the radio stations renewable starting from the day the institution is allowed to broadcast or radio;
- 4- The licenses issued according to this law are specific to an individual and could not be given off or deal with it without having the prior approval from the council.

Article (32)

Licensing conditions and annulment

- 1- Application forms, prepared by the council, are submitted by the designated entities. The council has the right to issue the license if all the conditions are provided, while the council cannot reject issuance of license without stating the reasons for the rejection;
- 2- The terms of the licensing specifies how it is categorized and the permission to broadcast and rebroadcast and handled according to the bylaws issued according to this law;
- 3- It is forbidden to do any modifications to conditions, specifications, or claims issued for the licensing, except by a written consent from the council;
- 4- The council has the right to cancel licensees if the licensee violates any condition of the license. It is essential that reasons and justification for cancellation are clearly identified, and adequate time is provided for the licensee to correct or take any law action necessary to object to the decision.
- 5- The council reserves the right in terminating the license if the licensee did not commence any broadcasting within a year after acquiring his broadcasting license, or if the licensee stops broadcasting or re-broadcasting a period exceeding ninety days with a specific year.
- 6- The council determines, when the license expires, how the equipment are to be used, and the licensees agree by writing to refrain from the use of these equipment until a final decision is reached.

Article (33)

Use and change of frequencies

- 1- It is forbidden for any person or entity to use any frequencies or channels for broadcasting that are not specified to be used by the license issued from the council specifying the terms and ways of using these frequencies and channels;
- 2- The council reserves the right to change frequencies or waves given to the licensees if it deems necessary for technical reasons or to improve signals provided that the licensee is informed eighty days prior to date of change

Article (34)

Broadcasting on behalf of other stations

The private or public; local or foreign television or radio institutions could broadcast or rebroadcast any movie, news, series, competitions, matches, activities, or any other media items on behalf of local or foreign channels provided they have the prior approval of the concerned channel.

Article (35)

Broadcast in Arabic

All media institutions working in the media field are required to broadcast, rebroadcast, show, or announce what is considered 50% from the time of broadcast in the Arabic language except those stations which use another language for television broadcasting

Article (36)

Broadcast of material related to Palestine

All institutions working in the media field are required to broadcast, show, or announce 20% of broadcasting material which is produced in Palestine or related to Palestinian news or issues.

Article (37)

Commercial conditions

Commercials that are broadcasted by the public institutions in the media field should not contain any offensive or indecent material, considered as health hazard, touches on moral and decent rights of the others. Moreover, it should not contain any hurt or damage for other products.

Chapter four
Punishment

Article (38)

Violation of licensing conditions

The council has the right to direct warning messages to any media institution that is in violation of the licensing terms mentioned in this law or the lists for it, and has the right to alert in case of redoing the same violation.

Article (39)

Broadcasting without licence

All who carry out broadcasting, re-broadcasting, audio, show, or any other way without having the license are penalized with a fine not less than 10,000 Jordanian Dinars, and the council has the right to confiscate all the equipment and filming equipment and other items.

Article (40)

Implementation of penalty laws

The punishment Palestinian laws are implemented in all cases where the script of this law does not mention

Chapter five
Closing laws

Article (41)

Joining to agreements and conventions and abiding by them

- 1- The national authority works on joining conventions and agreements related to audiovisual media
- 2- The national authority abides by all the international agreements and conventions related to the media and in which it is part of, and works on implementing it.

Article (42)

Emergency situation

The laws mentioned here are functional if an emergency case was declared and should not be interrupted. Furthermore, it is not allowed to undergo any activities with the intentions of jeopardizing the jurisdiction of the council or any of its members, or forbid it from doing its duties according to the law.

Article (43)

Implementation of the governing laws in the case of conflict

All government parties including ministries and commission or different authorities should take note of this law when relating to any other laws or legislations regardless of its nature. In the case of conflict in the script of those laws or legislations with this law then the latter should be the one to be enforced.

Article (44)

Internal regulations

- 1- The council places the internal financial, administrative, and technical regulations that it deems necessary in order to achieve the goals and purpose it was set for including the organizational chart which is issued on behalf of the cabinet of ministers.

Article (45)

Issuance of decisions to manage work

The council issues the necessary decisions to manage work. These decisions should not conflict with the governing laws and that is until internal regulations such as the financial, administrative, and technical are issued.

Article (46)

Justice system domain

The Palestinian courts are the rightful state for any conflict that may arise between the council from the institutions or companies working in the media industry local or foreign, or which arose from any agreement concerning the media activities between a Palestinian and a foreigner company.

Article (47)

Conservative and transitional laws

- 1- It is considered that all the actions, decisions, and behavior that were conducted under the existing valid legislations prior to the invalidity of the law are considered just and taken into account, provided that both coincide with this law in a period not exceeding a year from expiry date.
- 2- Operations continue with any orders, instructions, or regulations issued prior to the expiry of this law, until another set of instruction, lists, or laws are issued under according to this law.

Article (48)

Issuance of regulations and orders

The cabinet of ministers issues the orders and regulations necessary to execute the governing of this law, and that is done within a period not exceeding eight months from the date of expiry of the law.

Article (49)

Annulations due to Conflict

All rules mentioned in any legislation which conflicts with the rules of this law, are annulled from the date of enforcement of this law

Article (50)

Enforcement and execution

All specialized parties, all who are concerned, should execute the rules of this law; this law is operational after a period of thirty days from the date of publication in the Palestinian proceedings.

Published in city on the date / /

Mahmoud Abbas
President of the national Palestinian authority