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CENSORSHIP AND FREEDOM OF THE PRESS UNDER CHANGING POLITICAL REGIMES

Palestinian Media from Israeli Occupation to the Palestinian Authority

Hillel Nossek and Khalil Rinnawi

Abstract / This article examines the Palestinian media in the West Bank and Gaza Strip in order to understand how censorship functions in an environment of changing political realities and the impact of censorship on matters related to freedom of the press. These questions are examined both in relation to the period of Palestinian self-governance under the Palestinian Authority (PA), and under the period of Israeli military (administrative) rule. Primary research questions include: How and to what degree have the Palestinian media changed under the two different systems of rule? To what extent do new Palestinian media organizations advance freedom of expression as part of the PA's development? If freedom of the press has not developed, why is this so, and what does this say about the PA's political structure? This case study of the Palestinian media before and after the periods of self-government suggests some important conclusions in the general context of media research and media relations with political authorities, and the use of censorship and other regulatory systems. The article examines the formal legal processes practised that have advanced or hindered the PA's development, and determines the particular type of political system to which the PA belongs. However, the most interesting question to emerge is whether boundaries of freedom of expression in Palestinian society have significantly changed – legally or in practice – as would be expected following the liberation of territories from foreign occupation and the subsequent creation of a new regime.

Keywords / censorship / Israel / Palestinian media / press

Introduction

In August 1978, Israeli security forces entered the *al-Quds* newspaper offices to search for banned documents, and ordered the editor to close the newspaper for two days. In August 1998, three armed persons connected with the Palestinian Authority's (PA) 'Preventive Security Forces' entered the *al-Quds* offices, and ordered the editor to suspend the newspaper's work for the next two days. The newspaper apparently intended publishing an article critical of the PA. The incident ended with the article not being published. The similarities between the two cases serve as an indicator of the similarities in how two regimes at different times (the Israeli military and the PA) dealt with the Palestinian media.

The importance a society attributes to freedom of expression and its derivative, freedom of the press – as defined by that society's value system, political

culture, constitution and laws – essentially serves as a cornerstone that defines the political regime. The degree of press freedom in a society, and the priority awarded to such freedoms compared to other values, is a good indicator of the substance of a given political regime and relations between civil society and the government.

One of the most common means for a government to control the press is through the mechanism of censorship. Democratic and non-democratic states alike have a tendency to use censorship. While democratic regimes use the mechanisms of censorship against external enemies and usually for limited time periods of national crisis and wars, censorship mechanisms in totalitarian regimes tend to be focused both internally and externally and aim mainly at safeguarding the regime rather than protecting society or the state.

The Israeli occupation of the West Bank and Gaza Strip that began in 1967, and the subsequent military regime established, brought into effect restrictions on freedom of the press. The military censorship apparatus was chiefly responsible for enforcing these restrictions. By 1993, the Oslo Accords led to the introduction of new systems and new relationships between the ruling authority, Palestinian civil society and the media. In keeping with interim agreements between Israel and the Palestine Liberation Organization (PLO), power was transferred to the newly established PA, which adopted new laws, rules and regulations for media operating within its jurisdiction (Najjar, 1997).

The main aim of this article is to ascertain the difference between the relationships that the PA as a regime had with Palestinian media organizations compared to the relationship of the Israeli military regime with these organizations. It also seeks to establish how these new relationships contribute to promoting freedom of expression as part of the PA's development as a regime.¹

The article addresses these issues through drawing upon theoretical frameworks dealing with government–media relations in general, and censorship and government control of the media in particular. We use empirical data relating to these relations as well as to censorship in western democracies, Israel and in neighbouring Arab states. Using the categories suggested by Limor and Nossek (2001), we compare censorship of Palestinian media under the Israeli military regime and censorship under PA rule. The results of this comparison allow us to determine which media model (or models) best describes the PA's relationship with the media: the Israeli model, the western liberal-democratic Anglo-European model, or the model found in neighbouring Arab states.

Theoretical Framework

Political science generally treats censorship as an expression of governmental social control, or more specifically, of governmental media control (Siebert et al., 1963). A continuum of three basic models of these relations has thus developed: the totalitarian model, the continental European democratic model and the American democratic model. Generally speaking, the distinctions between these models lie in the division of responsibility between the political institution and media organizations (Limor and Nossek, 1995).

At one extreme of this continuum is the totalitarian model, most clearly

exemplified by the former Communist regimes, and characterized by a perception of the media as a tool of the government or the 'Party' (McQuail, 1994). Under such regimes, the government appropriates responsibility for publication from the media. Every word printed or broadcast undergoes strict censorship before entering the public sphere. Censorship is carried out by state-appointed editors and by physically placing censorship officials, whose authority and directives stem from the political leadership, outside the editorial offices (Darnton, 1991).

At the opposite end of the continuum lies the American democratic model – the social responsibility model, which typically assigns the media with the bulk of the responsibility (Nerone, 1995; Siebert et al., 1963). Publishers and editors are responsible for ensuring that the media under their direction do not carry any material that violates the law, jeopardizes national security or offends moral standards. Failure to comply with these norms may result in legal proceedings if the publication of particular material is considered directly responsible for damage to national security. This model is tailored to the American constitutional system, where civil rights, such as freedom of the press, are anchored in the First Amendment to the Constitution (Lahav, 1985; Peterson, 1963).

The continental European democratic model combines remnants of pre-democratic/authoritarian regimes at the normative or legal level with modern democratic standards at the practical level (Limor and Nossek, 1995). This model suggests a balance between individual and collective rights characterized by a running dialogue between government and media institutions (Lahav, 1985; Limor and Nossek, 1995; Nossek and Limor, 2002).

Besides these models we also have the developmental model (McQuail, 1994), which is found chiefly in developing countries, particularly new states in Africa, South America and South East Asia created after the Second World War. According to this model, the media are expected to facilitate the advancement of declared national goals, with most emphasis on unifying the nation and promoting social integration. The state reserves for itself the right to intervene and limit the function of the mass media, which includes the use of legal censorship mechanisms, subsidies and direct media controls (Caspi and Limor, 1992, 1999).

The Siebert et al. (1963) and the McQuail (1994) models have run into criticism, especially in recent times. In the American context, the criticism of these models is that they were formulated within the context of the Cold War, and were a normative rather than an analytical research tool. Nowadays, it is argued, they are irrelevant in terms of the new international relations scene, the new global media environment, the extent of nation-state media control, and the relationship between the media and the nation-state (Nerone, 1995).

Curran and Park (2000) add another criticism regarding the applicability of these models to the Third World. They argue that western models of state–media and society–media relations are irrelevant for understanding these relations in the context of non-western societies and non-western democratic regimes. This argument is also valid with regard to the developmental model, which assumes that these developing countries have merely entered a

transitional phase in the nation-building process, which will end with the democratization of these media systems, as they follow the path established by the western democratic societies. Needless to say, the revolutions and political turmoil in Africa, South America, the Middle East and, of course, Eastern Europe clearly testify to the irrelevancy and invalidity of these models.

In practice, there are three different ways in which each type of media censorship can be applied (Limor and Nossek, 1995, 2001; Nossek and Limor, 2001, 2002): (1) the external mode, which refers to censorship implemented through written laws, regulations or other legal and formal tools; (2) the consensual mode, which concerns various permanent or ad hoc agreements and arrangements between government or other bodies and the media, and whose aim is to prevent the publication of damaging material without needing to resort to legal means and without imposing the burden of responsibility solely on the media, and (3) the self-internal mode, referring to the form of voluntarily applied censorship that the media impose on themselves.

Mass Media in the Arab World

According to the research literature on the subject of mass communication in the Arab world, the media in most Arab states are a combination of the totalitarian model, with its high degree of political control over the mass media, and the developmental model, where the mass media are an instrument of the state, used in the process of nation building and development (Boyd, 1993; Hamadi, 1991).

Media structure and policy in most Arab states are determined by the political elite, where the mass media are directly centralized in the hands of the state regime leadership (Rinnawi, forthcoming). In other Arab states – such as Jordan, Kuwait and Lebanon – where parts of the mass media are privately owned, to a large extent the state leadership still enjoys the same control as with the first group. Mass communication in this part of the world is used by the state regime as an instrument to mobilize and control the people according to the direction and interest as determined by the leadership. Consequently, the state–media relationship in the Arab world can be characterized as a control system where the state wields either direct or indirect control over the mass media.

Palestinian Media under Israeli Rule (1967–93)

The Israeli media model in the West Bank and Gaza Strip (the Occupied Territories) from 1967 to 1993 closely resembles the pre-democratic authoritarian model. Israel's military regime in the occupied territories imposed on the Palestinian mass media in the West Bank two regulations of the former British regime prior to the creation of the State of Israel: the 1933 Press Ordinance and the 1945 Emergency Regulations that established the censorship mechanism.²

Prior to the Oslo Accords, Palestinian newspapers represented various political groups and interests. Ownership and economic support for the media in the Occupied Territories involved four main political powers: Jordan, the PLO, the Israeli government and the Israeli Communist Party, which sought a

binational solution to the Israeli–Palestinian conflict. The Palestinian media focus was on the struggle for freedom against Israel, which it saw as the ‘Occupier’. Because of this external focus, the media engaged less in communicating internally oriented criticism of routine Palestinian issues. Moreover, internal self-censorship appears to have been practised by the Palestinian media, particularly with regard to non-political matters. The apparent aim of this self-censorship was to prevent Israel from gaining insights into the weaknesses within Palestinian society (Al-Hosari, 1993).

There is no doubt that self-censorship had a very negative effect on the Palestinian journalist as well as the Palestinian press. Najjar (1993: 45) notes:

Internal divisions that weakened the Palestinian community under British and Jordanian rule still divide journalists today. Even the dangers of the Israeli long-term occupation have not scared journalists into unity. The daily scramble for performance under bad economic and professional conditions occasionally threatens the morale of journalists and impedes their performing their jobs to the best of their abilities. While the AAJ [Association of Arab Journalists] has been an effective political force that ensured the nationalist direction of journalists, the association has paid more attention to inter-Palestinian politics than to the professional needs of journalists.

From 1967 to 1993, Palestinian media in the Occupied Territories were limited to print and characterized by several major trends. The number of publications grew from one newspaper in 1968 to more than 40 in 1990. The rise in number of publications is attributed to the greater perceived importance of the media’s role by the different Palestinian factions. The rate of publication also increased, typically with an initial phase of sporadic, tentative printing followed by increasing regularity and frequency. A greater variety of content found in all newspapers indicated a trend of differentiation and specialization of the press (Shinar, 1987). Because of the recurrent publication of slanderous material, spotty crosschecking procedures of content and questionable political appointments to positions involving the press, Palestinian journalists have protested the lack of a professional code of ethics, and continue to do so today. A series of inherent, mainly economic problems tested the ability of the Palestinian press to function during this period.³ Finally, newspaper editorial staff tended to become more flexible when dealing with obstacles and limitations precipitated by military occupation and censorship.

There were three basic types of Palestinian media ownership during the period under Israeli military rule: (1) media wholly owned and controlled by Palestinian political parties inside and outside the PLO, and therefore lacking in independence; (2) independent media indirectly controlled and partly funded by either the Jordanian regime or the PLO; and (3) media wholly owned and managed by the Israeli military regime.

Most Palestinian media during this period were owned by political parties based outside the Occupied Territories and therefore not under Israeli military regime jurisdiction.⁴ The first newspaper published in the Occupied Territories at the start of the Israeli occupation was *al-Quds* in 1968. At its inception, local Palestinians were suspicious of the paper because it was considered a mouthpiece of the Jordanian government.⁵ Nevertheless, *al-Quds* was the sole

Palestinian daily in operation during the first four years of Israeli military control, and quickly became the dominant newspaper in the West Bank and Gaza Strip.

In 1972, evidence of the realization by PLO leaders of the mainstream Fatah faction of the full significance of the media's power was reflected in the decision to establish two new dailies in the territories, *al-Fajr* (The Dawn) and *al-Sha'ab* (The People), with editorial offices in East Jerusalem. For the next 20 years following the appearance of these two newspapers, a raft of new publications emerged, initiated by the PLO's various political factions.⁶ These publications appeared chiefly because of a media vacuum that needed to be filled. This influx of newspapers was also a consequence of the Palestinian leadership's strategy to use the media as a tool in the struggle against the Israeli occupation and simultaneously to use the media in internal political struggles with other parties for support from the Palestinian population in the Territories. As a result, even private newspapers were not fully independent, but rather indirectly and partially financially dependent on the PLO, which was based in Jordan at the time.

Palestinian Media after the Oslo Accords (1993)

The immediate impact of the Oslo Accords on the Palestinian 'media map' described in the previous section was the transfer of political control from Israel to the PA, with a consequent reorganization of ownership and loyalties, and the appearance of (Palestinian) government-controlled electronic and print media. Mainly as the result of economic instability, most of the media organizations in the West Bank and Gaza Strip subsequently fell under direct or indirect PA control, making it virtually impossible for media to effectively organize independently. The Palestinian private sector had little incentive to invest in media enterprises,⁷ and so the media had little choice but to become financially dependent on the PA.

Even groups that sought to form independent media organizations needed external financial support to survive. Consequently, the PA came to subsidize almost all Palestinian newspapers with a steady and reliable flow of paid advertisements, official notices and tenders, creating a situation where the PA became a major advertiser whose patronage no Palestinian publisher could afford to lose.

Thus, we can classify the media in PA-controlled areas in the Oslo era according to four types: (1) non-independent media wholly owned and controlled by the PA, e.g. Palestinian radio and television and the *al-Hayat al-Jadida* newspaper; (2) independent media indirectly controlled by the PA through supporters who form part of the PA, e.g. the *al-Ayyam* newspaper; (3) almost independent media, depending to a small degree on the PA for financial support, e.g. the *al-Quds* newspaper; and (4) wholly independent media receiving no financial support from the PA, e.g. some weekly newspapers, private radio and television stations.

The establishment of the PA led to the emergence of new technologies on the 'media map', as new media technologies forbidden under Israeli military

rule were introduced. The Palestinian media in the West Bank and Gaza Strip would no longer be restricted to print alone, and would include radio and television for the first time.

Electronic Media

In 1994, immediately following the implementation of the Oslo Accords, the Palestinian Broadcasting Corporation (PBC) was established.⁸ The importance Yasser Arafat attributed to the PBC is evident from the fact that the Palestinian leader established it while he was still in Tunis, appointing a PA police chief and PA spokesman to its directors (Araf, 1996). The PBC's task was to manage the official broadcast media, consisting of one radio and television station.

Additionally, groups of Palestinians began to operate radio and television stations in the West Bank. These private broadcast media reached the airwaves months before their official counterparts, and their immediate success among the Palestinian public was attributed to their entertainment content, as opposed to the politics of their rivals. Unlike the official PA media, however, these private enterprises depend on advertising revenue to survive.

Print Media

In November 1994, *al-Hayat al-Jadida* (New Life) became the first daily newspaper set up in Ramallah by the PA itself. A second daily, *al-Ayyam* (The Days), was established in Ramallah in December 1995 by Akram Haniya. Although a private venture, *al-Ayyam*'s content is practically identical to the official PA newspaper because of Haniya's close relationship to Arafat, and his official position on the PA Higher Negotiations Committee with Israel. *Al-Quds*, the only Palestinian newspaper still published in Jerusalem, is considered the third major newspaper in the West Bank and Gaza Strip. These three dailies constitute the mainstream Palestinian press and their content is identical on any day of the week. They can therefore be called official newspapers, not publishing opinions or news items that could potentially offend the top PA echelons.

The PA also issued licences to the Islamic fundamentalist movements, Hamas and Islamic Jihad, to publish the weekly newspapers *al-Watan* (The Homeland) and *al-Istiqlal* (Independence), respectively. These more militant movements do not recognize Palestinian agreements with Israel and were therefore closed subsequent to confrontations with the PA. The weekly *al-Risala* (The Message), published out of Gaza since 1997, is the only opposition newspaper regularly available in Palestinian areas.

The PA also established services for the various media organizations with 10 press service offices in Palestinian areas. Furthermore, Palestinian media professionals belong voluntarily to either the Federation of Palestinian Journalists or to the Union of Palestinian Journalists, two organizations created to protect journalists' rights.

Findings: Comparing Palestinian Press Censorship under the Two Regimes

In order to compare censorship and freedom of the press under Israeli occupation and the PA, we use the categories suggested by Limor and Nossek (2001), which examine the formal and informal implementation of methods of censorship, elaborated with empirical findings from both periods (see Table 1).

The following subsections examine the most important categories shown in Table 1, only in greater detail.

Constitutional, Legal and Institutional

Constitutional refers to censorship based on written law and it allows for institutionalized imposition of limitations upon the media. Legal refers to whether the imposition of censorship is legitimized by legal means. Institutionalized implies the institutionalization of censorship – is it managed by an institutionalized body or organization, an ad hoc body or even one or more individuals?

Media Laws of the Israeli Military Regime

Two laws are relevant to censorship of Palestinian press under Israeli military rule: the Press Ordinance of 1933 and the Emergency Regulations of 1945. Added to this were military regulations focusing on the distribution of print materials, Jordanian occupation laws, restrictions and other means of limiting and preventing journalists from carrying out their professional work (Benvenisti, 1983).

According to the 1933 Press Ordinance, which is still in effect in Israel today and enforced in the West Bank and Gaza Strip by the Israeli military regime, a licence is required in order to publish a newspaper. In the case of newspapers published in the West Bank and Gaza Strip, the licence could only be obtained from the Israeli military regime. Newspapers published in annexed East Jerusalem required authorization from the Israeli Ministry of the Interior. The Israeli authorities could refuse a licence, or even revoke a licence that had already been granted if the newspaper was deemed harmful to state security or public safety and order. In practice, Israeli officials enjoyed wide authority to perform censorship even before publication, through the granting of publishing licences, and more importantly, through the threat of revoking them. The Israeli regime in the West Bank and Gaza Strip used two other legal methods to limit the freedom of expression of the Palestinian media. However, details of these are beyond the scope of this article. Essentially, their results were similar to the method already referred to: to censor using post facto censorship, the banning of publications from abroad (i.e. the Arab world), the arrest/harassment of media professionals, and the issue of ‘emergency’ regulations.

In addition to the emergency regulations, the Israeli military administration could issue military orders in the West Bank and Gaza Strip banning the printing of any material containing political statements. Armed with these

TABLE 1
Comparison of Freedom of the Press and Censorship before and after the Oslo Accords

Criterion	Israeli Occupation		Palestinian Authority	
	Freedom of the Press	Media Control and Censorship	Freedom of the Press	Media Control and Censorship
<i>Constitutional:</i> Censorship based on written law and how the law allows for institutionalized limitations on the media.	No positive constitutional realization	British Mandate Press Ordinance and Emergency Regulations	Positive constitutional enactment	No legal control and no censorship by law
<i>Tactics:</i> Is censorship carried out by direct or indirect means?	Appeal to foreign organizations	Directly on media content and publishers ^a	Appeal to domestic organizations	Indirectly through ownership and economic measures ^b
<i>Target:</i> Against whom is censorship imposed or pressure applied to prevent publication of information? i.e. owner of the information, the media professional, advertiser, distributor, etc.?	Censor and court	Newspaper owners	PA in general and Ministry of Media in particular	All
<i>Level:</i> In which social spheres (political, economic, etc.) are pressures exerted to prevent publication of information?	Judicial	Legal	Political	Political, economic, social, etc.

Continued

TABLE 1

Continued

Criterion	Israeli Occupation		Palestinian Authority	
	Freedom of the Press	Media Control and Censorship	Freedom of the Press	Media Control and Censorship
<i>Medium:</i> Does censorship apply to all mass media, a specific medium, specific channels or a specific media organization?	All	All	All	All
<i>Motive:</i> Is censorship motivated by moral-ideological factors (political, religious, etc.) or interests (party, economic, etc.)? Does it concern the entire Palestinian population or specific groups?	Struggle against occupation	External Israeli rule over the territories, no internal politics or other groups ^c	Struggle for democratization, liberalization	Internal groups ^d
<i>Benefactor:</i> Who benefits (government, companies and individuals) from censorship? Is someone meant to benefit from censorship?	Palestinians	Israel ^e	Opposition groups	Arafat and group ^f

Continued

TABLE 1

Continued

Criterion	Israeli Occupation		Palestinian Authority	
	Freedom of the Press	Media Control and Censorship	Freedom of the Press	Media Control and Censorship
<i>Success</i> : What is the relative success of censorship in preventing the publication of material the ruling powers deem to require censorship?	Partial	Partial	Partial	Almost full

^aThis included controlling materials before publication and punishing those media who violated censorship regulations by closing newspapers, arresting journalists and using different sanctions directly against the media institutions.

^bThe PA exploits the dire economic constraints faced by Palestinian media by providing or withholding subsidies in the form of paid advertisements from the PA and quasi-governmental organizations in a manner designed to control the media.

^cCensorship prevented publication of materials that could incite the Palestinian population or segments of it against the Israeli occupation or which presented Israel or any of its allies in an unfavourable manner.

^dPA censorship affects the entire population – especially opposition groups – by preventing publication or broadcasting of material that could incite the population or parts of it against the PA and its rule.

^eThe state of Israel and its military occupation regime.

^fThe PA leadership, officials or any other interest groups related to the PA or its partners inside or outside PA-controlled areas.

regulations, the military authorities limited and revoked distribution permits, banned distribution, confiscated published materials and prosecuted Palestinians found in possession of banned publications.

Censorship laws were consistently supported by the Israeli Supreme Court, whose decisions consistently legitimized censorship practices towards the Palestinian media. This is evidenced through Israeli Supreme Court decisions based on Defence Regulation 94(2) of the 1945 Emergency Act. In the Supreme Court case 2/79, *El Assad v. the Interior Minister*,⁹ the Court ruled that the interior minister had correctly used his authority in refusing to grant a newspaper licence, arguing that the publisher was active in 'the Palestinian National Front', an arm of the PLO, and was also an editor of the *al-Talia* newspaper, belonging to the Communist Party, whose distribution was forbidden in the Territories. In another case, the Court ruled that the Israeli authorities were not required to inform those requesting a publishing licence of the arguments for not granting it, nor were they required to provide them to the court (Supreme Court case 81/322, *Dr Najor Makhoul v. Jerusalem Area Authority*).¹⁰

Under this system, Palestinian editors were required to submit all material intended for publication to the censor's office twice every night. Entire items or sections were banned. Leaving blank spaces was forbidden, as it would indicate that censorship had occurred. The Israeli authorities usually returned censored items after midnight, causing severe time-and-copy distribution constraints. The general argument against the censor's office was not the technical requirement to submit material, since in principle this rule applies to all publications and foreign correspondents in Israel (although for Palestinians, this policy applied to all content while for non-Palestinian journalists it applied to particular issues, usually security related). The main concern was over the actual issues that the censors defined as 'security', which the Palestinian editors regarded as political and legitimate issues (Benvenisti, 1983; B'Tselem, 1989, 1990/1; Article 19, 1988, 1992). Several examples can illustrate this, especially with regard to the first Intifada (1987–93). They are taken from the 1990–1 Hebrew Report by B'Tselem (The Israeli Information Centre for Human Rights in the Occupied Territories).

The report states that in some cases the censor had banned items from appearing in the Palestinian press, even though they were actually literal translations of articles approved for publication in the Israeli press in the Hebrew language. The censor even banned materials calling for a non-violent solution to the conflict. For example, in April 1991, the Israeli censor banned an article by the editor of *al-Fajr* titled 'To Choose between War and Peace', calling for negotiations between Israel and the Palestinians. In September 1991, an item about torture based on a series titled *Know your Rights* published by the human rights organization al-Haq, was banned by the censor when presented for publication in the newspaper *al-Talia*.

Media Laws of the PA Regime

Unlike the regulations under Israeli military rule, not one PA law legitimizes any kind of formal censorship apparatus within the PA areas. However, a series

of laws regulate the freedom of the press and publication inside PA areas. In its unilateral declaration of independence from Israeli rule of 15 November 1988, the PLO included constitutional provisions to protect freedom of expression, declaring that the state of Palestine would safeguard Palestinians' 'Political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. . . . Governance will be based on principles of social justice, under the aegis of a constitution which ensures the rule of law and an independent judiciary' (Palestine National Council, 1988). Similar safeguards for the press are found in the Draft of the Temporary Constitutional Law for the Palestinian National Authority (PNA) in the transitional period. The law, which was drafted by the Legal Committee of the Palestine Legislative Council (PLC), stipulates that 'Every person shall have the right to freedom of thought, conscience and expression' (Article 22). However, it does not extend protection against administrative interference to all forms of media: 'The freedom of the press, printing, publication and media are guaranteed. Censorship of the press is prohibited, and no newspaper shall be subject to warnings, suspension or closure through administrative action' (Legal Committee of the Palestinian Legislative Council, Draft of the Temporary Constitutional Law for the Palestinian National Authority in the Transitional Period, 1996).

In 1995, the Palestinian Law for Press and Publication was adopted to replace the military regulations of the Israeli period. This law contains 51 articles that closely resemble many of the articles in the 1993 Jordanian Press and Publication Law, and establishes the conditions for press licensing, publishing, operating printing presses, research centres and printing books; describes the role of the authority and the legal system, and prescribes punishment for 'press crimes'. This law also regulates advertising and the distribution and importation of publications. Although some argue that this law concentrates too much power in the hands of the PA Ministry of Information (Najjar, 1997), it is extremely broad and open to interpretation. Consequently, the very problematic point in this law is its vagueness, lending itself to repressive interpretation.

The use of vague terms allows the Ministry to impose wide and oppressive interpretations, which inhibit the transfer of information. These terms are peppered throughout the 1995 Press Law (Najjar, 1997). The Palestinian Centre for Human Rights (PCHR) also criticized the power wielded by the Minister of Information. Under Article 49, the minister of information may issue secondary legislation to execute the provisions of the Press Law, and all other competent authorities are empowered to enforce the law, as stipulated by Article 50.

The 1995 Palestinian Press Law is rather brief on the issue of access to information for members of the press. Article 6 stipulates that officials will facilitate the mission of journalists and researchers to examine programmes and projects, but says nothing regarding whether members of the press can request government materials, or if they can probe into the workings of government by asking government departments for documents needed for investigative reporting. In this regard, the PA's past record on restricting media access to the

deliberations of the Legislative Council is not encouraging, but the fact that Council members have sided with the media suggests the potential for greater openness.

Until now, the PA has not enacted legislation to regulate the broadcast or electronic media operating in PA-controlled areas, apparently due to the PA's ulterior motive of safeguarding for itself the power to close down a radio or television station without accountability.

The PA's first assertion of control over the Palestinian media occurred about three months after the authority was established. On 28 July 1994, the management of the daily *An-Nahar* was informed that it could not distribute in PA-controlled areas.¹¹ *An-Nahar* was far more aggressive than *al-Quds* in its critical coverage of the PA, including reports of corruption among Palestinian leaders and giving coverage to opposition parties. The paper never regained its circulation, and its public image was severely damaged. Immediately after *An-Nahar's* closure, *al-Quds* reduced its own coverage of opposition parties, avoided the publication of dissenting viewpoints in its op-ed pages, and began to rely heavily on dispatches sent from Wafa – the official news agency of the PA.

Concerning Institutionalization

Is censorship institutionalized – i.e. is it managed by an institutionalized body or organization, an ad hoc body or even one or more individuals?

Under the Israeli military administration, an official censorship office would issue decisions and could be summoned to court to explain and defend those decisions. The military censorship apparatus dealing with publications in the West Bank and Gaza Strip still applies media censorship inside Israel and with regard to foreign correspondents. (For more information about the censorship in Israel, see Limor and Nossek, 1995; Nossek and Limor, 2001, 2002.)

Unlike the Israeli military regime's censorship regulations and the Israeli Military Censorship Office, the PA has no office or ministry specifically focusing on censorship. However, it does impose some form of censorship in areas under its rule, and even in Area 'C' (where security remained under Israeli responsibility). The aforementioned examples indicate that most censorship is either self-censorship or covert censorship. Occasionally, however, PA tactics would indicate that censorship has occurred at the whim of certain figures within the authority who are displeased with an individual journalist, certain publications or television stations.

An example of how this works we can find in the following incident. On 11 February 2000, Palestinian intelligence officers interrogated Khaled Amayreh, editor-in-chief of the weekly *Akhbar al-Khalil*, regarding an editorial criticizing PNA refugee policy. Amayreh was threatened with the closure of his newspaper if he continued to write critical articles. On 22 March 2000, a news crew from France 2 television was confronted by Palestinian police at the southern entrance to the city of Bethlehem, where welcoming ceremonies were to take place for Pope John Paul II. Because of earlier clashes between Palestinians and the police, the officers forbade the crew from filming, confiscated a videocassette

and searched their equipment vehicle for other cassettes. On 1 June 2000, police reportedly ordered the closure of the Bethlehem-based television station al-Mahd, without explanation, and arrested its owner, Samir Qumsiyyah. The raid may have been in response to a letter Qumsiyyah sent to the authorities, protesting the PA's recent clampdown on West Bank broadcasters.

Target and Medium

Against whom is censorship/pressure applied to prevent publication of information? Does censorship apply to all mass media, a specific medium, specific channels or to a specific media organization?

To prevent the publication of information, the Israeli military authorities imposed formal and informal censorship on all parties involved in the Palestinian media process: from the owner of the information to the media distributor. Similarly, PA officials usually impose informal censorship on all persons involved in the media process.

Level and Content

In which social spheres (political, economic, legal or others) are pressures exerted to prevent publication of information? To what kind of content (news, entertainment, advertising and culture) is censorship applied?

Under Israeli military rule, most censorship pressure occurred in the political and military sphere. No economic, religious or moral censorship was formally applied by the Israeli military censor. Israeli censorship did not operate/censor media content on the basis that it did not fit the norms, values, or religious nature of traditional Palestinian society, unless these issues concerned the control of the Palestinian population and territory.

The PA period saw censorship in all spheres of society, predominantly in the political sphere. This has been a recurring criticism of the PA, its leaders and officials, Yasser Arafat, his family and PA political decisions and actions. Strong political censorship was evident with regard to coverage of the peace process, especially regarding PA actions relating to agreements with Israel that were unpopular with the Palestinian public or opposition groups. The most important case was the 1998 closure of the Hamas newspaper *al-Risalah* (The Message) due to its constant attacks on the peace process. There is also considerable censorship in the moral-religious sphere. A popular private television station in the Tulkarem district was closed in October 1997, after the station broadcast pornographic movies during late night programming.

Motive, Benefactor and Success

What is the relative success of censorship in preventing publication of material? Is censorship motivated by moral-ideological factors (political, religious, etc.) or interests (party, economic, etc.)? Does it concern the entire Palestinian population, or specific groups? Who benefits from censorship (government, companies, individuals)?

Generally, it seems that despite the strict censorship under the Israeli military regime, information still continued to flow within the West Bank and Gaza Strip, as was demonstrated during the first Intifada. During this uprising, the Israeli military froze the operations of many Palestinian newspapers, but this did not prevent the Palestinian people from being very well informed about events. Furthermore, during the Intifada, the Palestinian leadership dominated communication with the Palestinian people, which included the extremely effective use of banners that reached every corner of the West Bank and Gaza Strip.

It is very difficult to determine how successful PA censorship was in controlling the flow of information in Palestinian areas. There is no doubt that an informal and non-institutionalized PA censorship apparatus, utilizing legal and covert methods, has successfully prevented the dissemination of materials deemed undesirable by the PA leadership. In the period just prior to the most recent Intifada, the PA almost succeeded in establishing control over virtually all Palestinian media thorough its strict censorship apparatus. On the other hand, several factors have combined to make it difficult for any regime to control the media and flow of information in society, particularly as a result of satellite broadcasting and the Internet. Importantly, Palestinians in the West Bank and Gaza Strip are exposed to the relatively open Israeli media, and therefore to Israeli perspectives (many Palestinians there understand Hebrew) as well as to the perspective of Arab media from surrounding Arab countries.

Discussion and Conclusion

These findings provide an interesting picture containing two principal axioms concerning the relationship between political regimes and mass communication. Although the political regime ruling the Palestinian territories has switched entirely from an Israeli military administration, which lacked legitimacy from the indigenous population or the international community, to a self-ruling PA, that (at least initially) enjoyed both indigenous and international legitimacy, the media have in effect remained unchanged. Moreover, the two administrations (Israeli and Palestinian) have found ways to control the mass media within their areas of jurisdiction. Formal media regulations are only one means to control the mass media. A wide variety of methods exists, allowing the political regime greater ability to control the mass media within its jurisdiction.

Thus although the PA has no explicit censorship law, and enjoys a relatively progressive press law, the practice of state-media relations provides many examples of censorship. Paradoxically, one might therefore ask under which regime has the press enjoyed greater freedom?

The Palestinian media under Israeli military occupation functioned in an extremely complicated reality characterized by a lack of Palestinian sovereignty. Military and political conflict and tension were the key characteristics of the relationship between the Israeli military governors and all segments of the local Palestinian population, including the media. The military censorship apparatus was the most significant tool used by Israel in this relationship, and significantly influenced the function and development of the Palestinian press at this time,

especially hindering the production, distribution and reading of Palestinian newspapers in the West Bank and Gaza Strip.

The PA could have adopted one of the existing media models already discussed, as a basis for the formal relationship between the ruling authority and the media: the totalitarian model (which is partly implemented in neighbouring Arab countries), the American model or the European model (which is partly implemented in Israel) or the developmental model. The model currently in existence in Palestinian areas is a combination of the American model on a formal level and a developmental model on the practical level.

The main practical result of the transition from Israeli military rule to that of the PA has been the definition of the 'enemy'. Under Israeli censorship, the PLO was seen as the enemy and all support for it was a threat, which meant that the pro-PLO political message was immediately censored. Under PA rule, Palestinian groups opposed to the Oslo Accords or other agreements between the PA and Israel became the enemy. Consequently all opposition to the Oslo Accords could be defined as incitement. Thus, we find a kind of symmetry between the censorship mechanisms of the Israeli military and those of the PA.

Meanwhile, however, circumstances have changed, raising new issues of importance for Palestinian media. Under Israeli occupation, the issue of globalization was irrelevant to the Palestinians. However, with the rule of the PA, the threat of foreign media content to Palestinian values and morals has become important. As such, how the PA addresses media challenges posed by Islamic fundamentalism and globalization is now a relevant topic and a potential subject for further research.

Our examination of the legal aspects of freedom of the press and censorship mechanisms under Israeli occupation and PA rule indicates that the formal legislation under the Israeli military resembles the practices of non-democratic regimes, while the PA's laws formally protect freedom of the press. However, if we look at how the respective laws and regulations were implemented, we find a completely different picture. The actual relationship between the PA and Palestinian media is one of harsh (and sometimes violent) control via censorship that is not subject to any kind of judicial or public oversight. As such, the PA interprets its vague press law to impose control on media content through legal and formal forms. As no current PA law legitimizes the existence of a formal censorship organization or mechanism for pre-publication censorship, actual censorship takes place through self-censorship and post facto publication. The PA has at its disposal indirect and covert means of imposing its will on media institutions and journalists, including arrest and violence against media professionals if they fail to toe the line.

One of the most important consequences of how the PA functions towards the media and journalists, and the central point of this article, is the creation of significant self-censorship among Palestinian journalists as a result of fear of repercussions from the PA. In this manner, the PA's severe actions as well as the economic, social and political pressures exercised on the whole media production process, in combination with the privileges and the rewards the PA grants to 'good' journalists and media institutions, create a kind of 'carrot and stick' policy that ultimately encourages wide-scale self-censorship. Consequently,

despite the fact the PA's media laws are rooted in liberal-democratic values, they function in a de facto manner far removed from expressing those values.

This case study of the Palestinian media before and after the period of self-government suggests some important conclusions in the general context of research on the media and media relations with political authorities, and the use of control methods such as censorship and other regulatory systems. We found that the presence or absence of formal regulations and censorship apparatus does not change the reality of controlling and suppressing the mass media. Similarly, an indigenous political power may be more effective than an external power, such as the Israeli military administration, in exerting control over the mass media operating under its jurisdiction. Finally, it is difficult to forecast what kind of media model will evolve under the PA, in this presumably pre-state transitional period. Although we cannot confidently indicate the nature of a future relationship between the political regime and the media in a future Palestinian state, our findings do suggest some basic indications of the future Palestinian media model.

Notes

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1. The case of censorship regarding Arabic newspapers inside Israel is a separate issue beyond the scope of this article. However, there is a clear connection between censorship applied to newspapers established in East Jerusalem and those in the West Bank and Gaza Strip, as we discuss further. As such, we deal with the two types of Arabic newspapers as one case and compare censorship and freedom of the press during the Israeli military occupation period in the West Bank and Gaza Strip with the period of the PA since its establishment in 1994.
2. Ironically, these laws and rules were adopted by the Jordanian regime that controlled these areas in the period between the British Mandate withdrawal and the Israeli Occupation in 1967.
3. Aside from the poor journalistic standards, inadequate professional human resources are one of the most significant problems faced by the post-1967 Palestinian press. Another problem is the private ownership of the press in an economically weak market, preventing the employment of qualified personnel. Accordingly, West Bank journalism has been typified by moonlighting on the part of both journalists, who must engage in additional work in order to make a living, and teachers, accountants and civil servants who do journalistic work during their free time. Finally, the low circulation of the Palestinian newspapers increased the economic problems of the press organizations.
4. Except *al-Quds* and *al-Nahar*, which were the only two private newspapers.
5. In this period there was tension between Jordan and the PLO in the aftermath of Black September during which Jordan took military action against PLO forces.
6. Such as *al-Bayader* (The Barn), *al-Ushua' al-Jadid* (The New Week), *al-Awdah* (The Return), *al-Wahda* (The Union), which was supported directly and indirectly by the PLO mainstream Fatah. *A-Talia'a* (The Pioneer), *al-Shir'a* (The Mast) and the monthly *al-Kateb* (The Writer) were considered as the organs of the Communist Party. *Al-Mithaq* (The Covenant) and *al-A'hd* supported by the Popular Front, *a-Durb* (The Road), supported by the Democratic Front, and finally *Huda al-Islam* were considered the organ of the Islamic movement. In 1983, and following the shifting of *al-Quds* from the Jordanian line to the line of mainstream PLO, a quasi-independent daily newspaper appeared under the name *al-Nahar* (The Day). From its early inception, *al-Nahar* was pro-Jordanian, indicating that all of the political actors sought to be represented in the media of the Territories.

7. This is due to two primary reasons. First of all, there is the dilemma of the lack of substantial financial stability necessary in order to establish media organizations. Second, the lack of realization of just how significant the media truly are for both knowledge and as a means of financial capital and gain.
8. The PBC, one of the first authorities to be established by the PA, was more of a political than a professional entity. Everyone employed in this authority were PA officials, and this authority was affiliated with and controlled by the Office of the President, Yasser Arafat.
9. CA 2/79, *El Assad v. the Minister of Interior*, 34(1) PD 505.
10. CA 81/322, *Dr Najor Makhoul v. Jerusalem Area Authority*, 37(1) PD 789.
11. The technical reason was that it had not applied for a permit to distribute in the autonomous areas of Gaza and Jericho (Taha). No other newspapers were required to obtain this permission (Muhsin, 1995). A few days before the closure, An-Nahar was supporting the Jordanian–Israeli peace agreement, which called for a Jordanian role in the administration of Jerusalem whenever the negotiations on Jerusalem begin.

References

- Al-Hosari, R. (1993) *The Palestinian Press between the Past and the Future*. Ramallah: Muwaten.
- Araf, S. (1996) 'Two Voices, One Head', *Musaf Ha'aretz* 2 February: 45–6 (in Hebrew).
- Article 19 (1988) *Journalism under Occupation: Israel's Regulation of the Palestinian Press*. London: Library Association Publishing.
- Article 19 (1992) *Cry for Change: Israeli Censorship in the Occupied Territories*. London: Library Association Publishing.
- Benvenisti, M. (1983) *Israeli Censorship on Arab Publication*. New York: Fund for Free Expression.
- Boyd, D. (1993) *Broadcasting in the Arab World*. Philadelphia, PA: Temple University Press.
- B'Tselem (1989) *Violations of Human Rights in the Occupied Territories*. Jerusalem: B'Tselem.
- B'Tselem (1990/1) *Violations of Human Rights in the Occupied Territories*. Jerusalem: B'Tselem.
- Caspi, D. and Y. Limor (1992) *The Mediators: The Media in Israel 1948–1990*. Tel-Aviv: Eshkol Institute/Am-Oved/The Hebrew University (in Hebrew).
- Caspi, D. and Y. Limor (1999) *The In/Outsiders: The Media in Israel*. Cresskill, NJ: Hampton Press.
- Curran, J. and M.J. Park (2000) 'Beyond Globalization Theory', pp. 3–18 in J. Curran and M.J. Park (eds) *De-Westernizing Media Studies*. London: Routledge.
- Darnton, R. (1991) 'The Viewpoint of the Censor', *Berlin Journal – 1989–1990*. New York: Norton.
- Hamadi, A. (1991) *Mass Media in the Arab World: Trends and Challenges*. Cairo: Al-Farabi Press.
- Lahav, P. (1985) 'Conclusion: An Outline for a General Theory of Press Law in Democracy', pp. 339–60 in P. Lahav (ed.) *Press Law in Modern Democracies*. New York: Longman.
- Limor, Y. and H. Nossek (1995) 'Military Censorship in Israel: Anachronism in a Changing World or a Model of Coexistence between Press and Government in Democracy', *Leipziger Jahrbuch Zur Buchgeschichte* 5: 281–302.
- Limor, Y. and H. Nossek (2001) 'Censorship of the Invisible Hand – Economic Censorship in Israel', *Kesher* 29: 98–110 (in Hebrew).
- McQuail, D. (1994) *Mass Communication Theory*, 3rd edn. London: Sage.
- Muhsin, I. (1995) 'Official Announcement in Gaza on the Issue of the Palestinian Press and Publication Law', *Al-Quds* 22 July: 4.
- Najjar, O. (1993) 'Dear Israeli Chief Censor, . . . Sincerely Yours, The Palestinian Editor-in-Chief': Censorship as Negotiation of the Definition of Reality', paper presented to the International Communication Division, Association for Education in Journalism and Mass Communication, Kansas City, August.
- Najjar, O. (1997) 'The 1995 Palestinian Press Law: A Comparative Study', *Communication Law and Policy* 2: 41–103.
- Nerone, J.C. (ed.) (1995) *Last Rights: Revisiting Four Theories of the Press*. Urbana and Chicago: University of Illinois Press.
- Nossek, H. and Y. Limor (2001) 'Fifty Years in a "Marriage of Convenience": News Media and Military Censorship in Israel', *Communication Law and Policy* 6: 1–35.
- Nossek, H. and Y. Limor (2002) 'Normalization of an Anomaly: Military Censorship in Israel',

- pp. 65–96 in H. Nossek (ed.) *Israel at the Beginning of the 21st Century: Society, Law, Economics and Communication*. Tel Aviv: Tcherikover (in Hebrew).
- Palestine National Council (1988) 'Palestinian Declaration of Independence', *Journal of Palestine Studies* Vol. XVIII, No 2, Issue 70: 213–16.
- Peterson, T. (1963) 'The Social Responsibility Theory', pp. 73–103 in F. Siebert, T. Peterson and W. Schramm (eds) *Four Theories of the Press*. Urbana and Chicago: University of Illinois Press.
- Rinnawi, K. (forthcoming) *Instant Imaginings. McArabism and al-Jazeera – Transnational Media in the Arab World*.
- Shinar, D. (1987) *Palestinian Voices: Communication and Nation Building in the West Bank*. Boulder, CO: Lynne Rienner.
- Siebert, F., T. Peterson and W. Schramm (eds) (1963) *Four Theories of the Press*. Urbana and Chicago: University of Illinois Press.

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