

From defending "cultural exception" to promoting "Cultural Diversity": European cultural policy and the Arab World

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- *In this article, I will argue that European cultural policy has important implications for culture not just within the European Union, but outside of it as well. Specifically, a case will be made that EU cultural regulation has a positive spillover effect on neighboring Arab countries, and has proved crucial for supporting Arab voices and creative talent which are often neglected, if not suppressed, by their own governments at home.*

Trade agreements, the EU, and "cultural exception"

In September 1993, as part of an ongoing debate to regulate world trade and limit restrictive trade practices, such as imposing tariff barriers and quotas on foreign imports, a group of French lobbyists succeeded in placing the issue of cultural products at the centre of the GATT agenda. The Europeans, led by the French, demanded that trade in audiovisual products be left outside the GATT agreement, arguing that cultural products cannot to be equated with other commercial products. The driving motor behind this call for a "cultural exception" was based on a belief that, without imposing restrictions to check the flow of (cheap and competitive) American products onto European markets, European culture and identity would be threatened. The outcome of the dispute, though not conclusive, was that audiovisual products were to be left out of the treaty which was

concluded by the end of 1993. It is in the light of the upcoming new round of talks scheduled to conclude by 2005, that the present paper makes the case, from an Arab perspective, for the importance of a continuous and distinct treatment of culture and cultural products in world trade agreements.

EU cultural policy

Although the central role of the European Community (or EC) and its institutions was initially economic (i.e., the creation of a common market), its role eventually came to include a wider range of societal goals. The growing concern about the impact that a free market approach could have on the social and cultural aspects of European society led to the inclusion of a "cultural article" in the 1992 Treaty of the European Union. This was done despite early disagreements over the competence of the EC to legislate in a sector that, "arguably...is not economic or not wholly economic in the way other commodities are"¹. This "cultural article", among other things, asserts the Community's commitment to "contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore"². The EC commitment to European culture was reiterated a few years later when a new provision, Article 16, was introduced in the 1997 amendment to the Treaty on European Union (the Treaty of Amsterdam or ToA). This article emphasises the "importance of public services generally and the ability of Member states to provide such a service as they see fit"³. The Protocol attached to the ToA concerning public service broadcasting (or PSB) stresses the importance of PSB for the Member States who maintain the prerogative to fund

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and regulate their public service broadcasting.

The importance assigned to cultural matters within the European Community, an importance which first caught worldwide attention during the "cultural exception" debate introduced during the GATT negotiations in 1993, and which increasingly manifested itself in the development of EC cultural policies in the last decade (including the regulation and funding of PSB) – is not without its problems. On the one hand, there is a considerable amount of tension between the various policies that the EC enacted. A "hierarchy" of policies within the EC exists, "with the longer established policies and those which provide legal basis for action, such as liberalisation of services, competition policy and the rules regarding state aid, taking precedence over less well-established areas such as cultural policy"⁴.

On the other hand, the protectionist approach to culture raises important questions about *what type of national culture* is in need of protection. As supporters of cultural deregulation have argued, and often rightly so, cultural protectionism in the name of protecting national culture and identity and countering the effects of (mostly US) "cultural imperialism" has often been premised on the existence of some sort of cultural *unity* in nation-states. Thus a dominant cultural constituency (or dominant versions of Englishness, Frenchness, Italianness, and so on) is seen to be in need of protection. Such protectionism, supporters of deregulation argue, may actually lead to an internal regulation of cultural identity that also suppresses ethnic and cultural diversity within nation-states⁵. As I will discuss later on, the issue of cultural imperialism when discussing Arab media and cultural policy becomes even more problematic, and can easily betray a decision on the part of regulators (mostly in authoritarian regimes) to legitimise further controls on programming and consequently to restrict political debate among citizens in the Arab world.

I next turn to the specific issue of media regulation as part of the EC's general cultural policy, discussing briefly the rationale for the "cultural exception", media regulation in the 21st century, and the role of PSB in promoting (European) culture.

Rationales for (continuing) media regulation in the 21st century

The underlying belief behind much of European cultural policy and the call for a "cultural exception" in world trade agreements is that the media have a cultural dimension and that media products cannot be equated with other commercial products. Media products, indeed, are not "like pigmeat or banking services. They carry the baggage of forming part of our culture, of being perceived as having moral implications, of being associated with concepts of public service and, finally, of being the objects of important rights set out in national and international instruments"⁶.

This above-mentioned quote from Goldberg points to the 3 dimensions involved in the argument for cultural protection: the distinction between media products and other commercial products, the importance of broadcasting as a public service for a country's culture and national identity, and the intricate relationship between the media and universal human rights established by national and international conventions and treaties (freedom of expression, freedom of access to information, etc.)

To start with, the traditional view which considers information and media products largely as a socio-cultural resource was the foundation of the argument defended by France, the country at the forefront of the protectionist lobby during the 1993 GATT negotiations. By contrast, American negotiators defended a newer market-oriented view of cultural products, seeing them as just another commodity to be bought and sold in the free market⁷. With no lack of empirical evidence and statistics to support the traditionalists' view about the dominance and competitiveness of (cheap) American cultural products in a global market, European protectionism – whether through imposition of tariffs on cultural imports or the imposition of elaborate systems of quotas and subsidies – was seen as a must in order to prevent "all the globe [from becoming] Disneyland"⁸.

Second, the importance of public service broadcasting, both as a promoter of national identity and diversity (in programming), is still championed by the Europeans despite the abundance of programming via commercial cable, satellite channels, and other new media. PSB regulation would indeed seem to remain justifiable despite the obsolescence of the spectrum scarcity argument in an age of fibre optic, digital compression, and multi-channel cable and satellite offerings. This is mostly so because commercial considerations make private broadcasters

address relatively affluent members of the audience (i.e., consumers), while neglecting the needs of audiences that are either too poor, too linguistically or culturally diverse, or too geographically dispersed to be attractive to advertisers and programme makers⁹. Commercial media output, moreover, has been generally found to shun serious public affairs programming which is considered by many to be vital for the formation of an intelligent, informed citizenry in a functioning civil society. From an EU perspective, if European identity is to be promoted, only a well-funded and regulated public broadcaster in each of the Member States can be relied upon to correct the imbalance of commercial media output (mostly between the US and Europe), while maintaining and promoting the distinct language and cultural identity of each of the Member States .

Finally, it should be noted that, since the 1982 UNESCO report on the global culture industries, there has been an increasing understanding of the inter-relatedness between universally recognised human rights, such as those enshrined in the Universal Declaration of Human Rights, and media structures controlling the production and distribution or flow of information on a global level. The 1982 UNESCO report, now two decades old, sounded the alarm concerning the threat to global cultural diversity posed by the predominance of major Western (mostly American) media corporations and news agencies, and called for measures to be taken to create a balance in cultural production and exchange, including the creation of news agencies in developing countries. More recently, the 2001 UNESCO Universal Declaration on Cultural Diversity reasserted in its preamble the necessity to respect and affirm cultural diversity, especially in light of the challenge posed to it by "the process of globalisation...[and] the rapid development of new information and communication technologies". The 2001 Declaration, most importantly, stresses the importance of cultural diversity, not only as a fundamental human right, but also - along with dialogue and cooperation – as being "among the best guarantees of international peace and security". In this respect, it is worth quoting both articles 4 and 6:

Article 4: The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to

minorities and those of indigenous peoples...

Article 6: While ensuring the free flow of ideas by word and image care should be exercised that all cultures can express themselves and make themselves known. Freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge, including in digital form, and the possibility for all cultures to have access to the means of expression and dissemination are the guarantees of cultural diversity.

Media systems and cultural diversity in Arab countries

Having reviewed briefly the reasons justifying the "cultural exception" stance adopted by Europeans in world trade agreements, as well as the concomitant need to continue supporting and regulating European PSB as an important tool for the promotion of national identity and diversity, and the support lent to these positions/measures by international conventions on human rights, I next turn to a brief examination of media systems in the Arab world. The aim of such a review is to provide a backdrop for a further discussion on the role of the European "cultural exception" in promoting cultural diversity not only within the EU but also in the Arab world.

Describing public service broadcasting in Africa, Marc Raboy wrote that it was a "distant ideal, not a working reality"¹⁰. Indeed, in a situation common to most ex-colonies in Africa and the (Arab) Middle East, most existing broadcasting systems were originally set up by the French or British colonials. They were thus far from being democratic and were indeed a poor imitation of public service broadcasting in France and the UK. Moreover, when these institutions were later taken over by local (nationalist) elites upon independence, they were largely turned into instruments of social mobilisation and political control¹¹. This was mostly the case in those countries where revolutionary regimes took over (e.g. Egypt, Syria, Iraq, Libya, Algeria, Sudan, and South Yemen) and where the broadcast media were heavily subsidised in order to promote the revolutionary ideals and the official line of the government. In other Arab countries (mostly the Gulf countries and the rather stable monarchies of Jordan and Morocco),

broadcasting was also entirely government-controlled, though "less intensely and aggressively political, (...) less interested in active social engineering of the masses and therefore (...) less intrigued with the media as tools for social change"¹². Though the content of the broadcast media in this second set of countries was more entertainment-oriented and less politically motivated, news and public affairs programming remained tightly controlled, and extolled the achievements and virtues of top government officials, to the exclusion of debate and political participation. Finally, Lebanon stands out as a unique case, with television being introduced as a pure commercial enterprise as early as 1959 (some Arab countries did not witness the introduction of television until 1975). However, despite some variations in the Arab broadcasting systems and regimes, all Arab broadcast media shared a common characteristic: whether revolutionary or purely commercial, they were regulated by the same laws that regulated the press in Arab countries. Such press laws were detailed in their listing of an entire range of restrictions and prohibitions (e.g. criticising the head of state, a neighbouring country, or the Islamic religion, threatening national security, etc.). However, these press laws did not address the specificity of the broadcast medium, and consequently, there was no active policy or special mandate for the broadcast media to provide universal access, to cater for disadvantaged populations and minority cultural interests, to foster pluralism of opinion, or to provide a wide range of programming to help create an informed citizenry.

The situation did not change with the introduction of the first law on private broadcasting in the Arab world. The 1994 Lebanese Broadcasting Act recognizes the importance of the respect of human dignity, freedom of expression, and pluralism of opinion. The Act, however, suffers from several omissions, the most serious of which concerns the role of public service broadcasting. The Act, which was the culmination of a 5-year effort to solve the issue of unregulated broadcast media after the end of the Civil War, simply deferred discussing the fate of the state-owned television (or Tele Liban) to later on. Nine years later, no legislation concerning the mandate, regulation, restructuring, or funding of public service broadcasting has been introduced. Tele Liban, at some point, had to shut down for a few months for lack of funding and a clear government policy towards it.

This neglect of the role of the public broadcaster, especially for a (still) highly fragmented society emerging from a bloody civil war, is quite alarming. Not only is it emblematic of the absence of a tradition of public service broadcasting in Arab countries in general, it stands in total contradiction to the experience of other countries with political and media systems in transition. For instance, the Lebanese approach to public service broadcasting is a far cry from the South African experience (with all its shortcomings), where the media, especially PSB, have been seen as instrumental in turning a society founded on racial segregation into a more democratic, integrated one. It is also different from the East European experience, especially in the EU accession countries and democracies in transition that have legislated (at least on paper) for a public service broadcasting, and have committed themselves, at least in principle, to the creation of PSB that is independent of the government and serves the public interest¹³.

The Lebanese experience could have served as a model for the introduction of the concept of public service broadcasting, in addition to the introduction of legal private broadcasting into the Arab world. Instead, it was a missed opportunity: by totally neglecting the role that PSB can play in rebuilding a fragmented society, by passing legislation for private broadcasting that is deficient in its content requirements (as we shall see below), and by circumventing some of the positive aspects of the law during the implementation process¹⁴, post-Civil War governments demonstrated the continuing effort by the state to exercise political control over the media, even as these were being privatised, to the exclusion of any attempt to address and promote issues of diversity (ethnic or religious) which is the cornerstone of a modern, peaceful, multicultural nation-state.

The Lebanese Broadcasting Act of 1994 and the "promotion" of national production and cultural diversity: living "in denial"

In this section, I examine the content requirements of the Lebanese Broadcasting Act (hitherto referred to as the 1994 Act or the Act), specifically as regards the protection and promotion of national cultural production. Article 7

(Paragraphs 3 and 4) of the 1994 Act stipulates that the granting of a license to an applicant is conditional, among other things, upon the applicant's commitment to develop the national cultural industry (by hiring local talent) and, more specifically, upon the fulfillment of quotas for local production as specified in the accompanying Guidebook for Operating Conditions (or Decree 7997).

Under a section titled "Minimal Broadcasting Hours and Compulsory Local Programmes", the Guidebook specifies that a minimum of 730 hours of "compulsory" local programmes should be broadcast per year. Considering that, according to the same Guidebook, a television station of the first category (i.e., with political programming) has to broadcast at least 12 hours a day, the percentage of "mandatory" local production amounts to approximately 16.6% of a station's yearly total broadcasting time. For a station that broadcasts 24 hours a day, the percentage drops accordingly by half and barely makes up 8.4 % of the total yearly output (see Table on local production quotas below).

Moreover, of the total compulsory 730 hours, 13 hours should be dedicated to drama or fictional programming, be it "inspired by Lebanese, Arab, or international history and

literary heritage". Since these 13 hours are not exclusively about Lebanese cultural heritage, the Guidebook adds that "the percentage of Lebanese programmes should make up at least 40% of these hours". In other words, a licensed private television station is required by law to produce no less than 5 hours and 12 minutes of locally produced drama *about Lebanon annually*. This compulsory number of hours, for a station broadcasting 24 hours per day, would make up 0.059% of its total broadcasting time per year. Not only were the quotas fixed ridiculously low and practically incapable of promoting locally produced programming, much less national culture and heritage, major unlicensed operating stations at the time of the passage of the Act were producing percentages of local production and local content significantly higher than those fixed by the Guidebook (sic).

Other compulsory locally produced programmes include series, news bulletins, game shows, children's programming, documentaries, sports shows, and so on. Converting the specified thematic breakdown of the mandatory 730 hours of local programming into percentages for a yearly output shows that, of the 16.6% of the yearly fixed minimum of local programming,

Assuming a daily broadcast of 12 hours, we end up with

Local production quotas according to Lebanese broadcast legislation:

MINIMUM HOURS OF YEARLY LOCAL PRODUCTION		% FOR A 12 HOUR DAILY BROADCAST	% FOR A 24 HOUR DAILY BROADCAST
TOTAL OF 730 HOURS/YEAR		16,6 %	8,4%
News	280 hours	6,39 %	3,19%
Variety shows, documentaries, regional developmental programming	166 hours	3,78 %	1,89%
Songs and music	129 hours	2,94 %	1,47%
Game shows	90 hours	2,05 %	1,02%
Plays	13 hours	0,29 %	0,148%
General drama series	52 hours	7,2 %	3,6%
<i>Lebanese drama*</i>	5,3 hours	0,118 %	0,059%

* Drama dealing specifically with Lebanese content, heritage, or history is already included, in terms of number of hours per year, in the general category "drama series". It is shown separately in this table to demonstrate the very low percentage allocated to Lebanese content *by law*.

the following percentages: 0.89 % goes to local drama/series, 6.39 % to local news, 2.94 % to songs and music, 2.05 % to game shows, and a remaining 4.08 % to sports, variety shows, documentaries, and development programming (e.g., agriculture, public health, etc). Finally, according to the same Guidebook, 20% of the compulsory 730 hours of local production, or 3.3 % of the total yearly output (always

assuming a daily broadcast of 12 hours) shall be dedicated to children and youth. This percentage of programming for children and youth is extremely low, especially considering that reconciliation and peace in Lebanon may be dependent upon the education of the younger generations and the instilling of the ideals of co-existence in a still highly fragmented, multi-confessional society.

Finally, since the programme quotas fixed by the Guidebook are given in absolute terms (or numbers of hours) and not expressed as a percentage of a station's total yearly output, all the above percentages, once again, can drop by half if a station broadcasts up to 24 hours a day (which is the case for most operating private stations in Lebanon). In either case, it is actually very hard to see how these mandatory, incredibly low quotas can effectively protect, much less promote or "develop the national cultural industry", as specified in the Guidebook of Operating Conditions. Indeed, with such a low number of compulsory hours of local production and content, it would be a miracle if any of the goals behind the quota system were achieved. The section of the Guidebook titled General Terms lists some of these goals:

To encourage Lebanese TV production, [to] thrive to highlight Lebanon's archeological, historical, artistic and cultural landmarks, and give full support to research and experiment in the arts with a view to ensuring creativity and innovation.

Contrasting the Lebanese content quota system with the French counterpart, one realises the degree to which the Lebanese system fails in protecting, much less promoting, local content and local productions. The French Audio-visual Law of 1986, which was supposedly used as a blueprint for the Lebanese Act ¹⁵, not only expresses the quotas of French programming in terms of a *fixed percentage* of the total output that is independent of the hours of broadcasting a year, but this percentage is almost

five times as great as the one fixed in the Lebanese Guidebook of Operating Conditions (assuming a 24 hour a day broadcast). For instance, Article 27 of the French Law, as amended on 1 August 2000, requires that 40% of all film and audiovisual productions be French. The percentage can climb up to 60% for specialised stations dedicated to the promotion of French culture. In the case of radio, not only should French songs make up 40% of the total broadcast, but also half of that percentage should be allocated to new talent or new songs. Finally, an added protection clause ensures that these French local productions have a prominent place (e.g. prime time) in the broadcasting schedule. By contrast, not only are the Lebanese percentages of local programming low, other content restrictions (e.g., scheduling time) are very lax or nonexistent, and actually make it possible for private broadcasters to eventually avoid producing local content altogether if they wished to, dealing a deadly blow to Lebanese culture, Lebanese artists and independent producers. For instance, while still respecting the letter of the law, Lebanese private broadcasters can schedule Lebanese programming late at night, and reserve the lucrative prime time slot for (cheap) popular US or Mexican commercial series. They can also replay old Lebanese series ad nauseam in order to fulfill the quota requirement, without having to produce any new local programming. Finally, it is possible for Lebanese broadcasters to make Lebanese programming in a *non-Lebanese* language, since nothing in the Act or the Guidebook specifies anything about the language to be used in all types of programming except for the news. Indeed, a recent content analysis found that most of the children programmes on one of the major Lebanese private television stations were not in Arabic. Instead, they were mostly in French or English. When Arabic children's programmes existed, they made extensive use of French or English, without attempting to include the Arabic translation in the subtitles ¹⁶.

Another problematic omission in the 1994 Act concerns religious broadcasting catering to the various confessions that make up the Lebanese population ¹⁷. The Guidebook does include the possibility of airing religious programmes, however a maximum total of 52 hours a year is allowed, and this is to be distributed among the various confessions according to "the principle of equality and the need to

preserve the requirements of public order and interest". Expressed as a percentage, 52 hours a year is 1.18% for an average of 12 hour broadcast per day and 0.59% for a 24 hour broadcast. Considering at least the 5 major confessional groups in the country (i.e. Sunnis, Shi'ites, Druze, Maronites, and Greek Orthodox), this could mean that each of these 5 groups can get as little as 10 hours of airtime during an entire year. For a "religious" country (as stipulated in the constitution) comprised of no less than 19 different religious communities, where politics and religion are inseparable components of one's identity (at least according to the state), it is hard to see how this requirement of "pluralism" in the broadcast media can be achieved by allocating one hour a week to religious programming relevant to all religious communities, unless the pluralism referred to in the Act is seen to mean everything but religious pluralism¹⁸. Considering that there is no other possibility foreseen by the Act to broadcast religious programming, and that the "forgotten" public broadcaster (i.e., Tele Liban) cannot be relied on to act in the public interest and provide a forum for all religious constituents in the country, the Act's protection of pluralism of ideas, on the one hand, and its practical prohibition of religious programming, on the other, seem to be quite irreconcilable, even paradoxical. One could argue that the 1994 Act is in tune with the post-Civil War, amended constitution's goal to abolish confessionalism, which is perceived to be the source of the country's ills. However, while the amended constitution recognizes the need to work towards that goal *in stages* (Article 95), the 1994 Act simply obliterates the need to address the issue/problem of confessionalism in the media. This is also a far cry from the South African experience, where important structural and content changes in the broadcast media were introduced to transform the state-owned network (SABC) into a public service broadcaster in order to parallel, if not prepare the ground for larger changes in the political system. South Africa also set up a Truth and Reconciliation Commission (TRC) to look into gross violations of human rights that occurred between 1960 and 1994. In other words, whereas the post-apartheid South Africa is attempting "to both look back and move forward"¹⁹, the Lebanese post-Civil War governments seem to prefer the "stick one's head into the sand" approach to media and society in general and hope that things will

somehow change for the better on their own.

As I have already mentioned, the 1994 Act, as it was repeatedly claimed, was modeled after the French audio-visual law (the Leotard Law of 1986). Though France is a secular country, the 1986 French Law allocates time for religious programming on its public channels. Article 56 stipulates that Sunday morning should be reserved for religious programming that caters to the major religious denominations in France. Expenses for making and transmitting such programming, moreover, are to be covered by the French public broadcaster.

The absence of any clause requiring Lebanese broadcasters to address "minority interests" is also in tune with the Acts' general rejection of the public broadcasting ideal of addressing diverse ethnic or religious groups. The situation is paradoxical in an additional manner with respect to Armenians, who constitute the country's largest ethnic/linguistic community. Like any of the country's religious groups (Armenians in Lebanon are mostly Armenian Catholic or Armenian Orthodox Christians), Armenians have the constitutional right to political representation in parliament, to set up their own educational and religious systems, and to resort to their own religious courts concerning civil matters /disputes. By contrast, the Broadcasting Act does not recognise their right to be represented in the Lebanese media.

Finally, concurrent with the absence of the concept of PSB in the Arab world, is the absence of independent regulatory bodies for the media. Unlike Western countries, where (relatively) independent bodies can be resorted to to check abuses and unfair representations in the media, most media issues or "infringements" in the Arab media are processed by the state. Even when regulatory bodies do exist (Lebanon again is a case in point), they are given very limited powers and act more like lapdogs of the government. Worse yet, through their "rulings", they - more often than not - provide a convenient cover up for what is essentially a politically-based decision. For example, the Lebanese National Audio-visual Council - set up in 1996 to license and monitor the private broadcast media in Lebanon - still does not have the budget, facilities, location, permanent staff and equipment to carry out its "monitoring" activities. Even if it did, its powers are minimal, while most of the decision-making authority regarding regulation of media content is

retained by the Minister of Information and/or the Council of Ministers.

The absence of the concept of public service broadcasting in media legislation within the Arab world is compounded by the absence of a civil awareness (on the part of regional NGOs and society in general) of the important role that can be played by PSB. This lack of awareness is especially alarming in an age of rapid privatisation of the broadcast media. With the wave of deregulation and satellite proliferation reaching and overwhelming the Arab world, we are witnessing a direct and sudden transition from government-controlled media to privately owned media. As a result, and unlike the case in the Western world where civil society is up in arms in defense of a dying breed (i.e., PSB), no similar defense has been undertaken in the Arab world. This is not to say, of course, that there is not a general dismay among the Arab populations about the predominance of tasteless, strictly commercial, non-pluralistic, and often blatantly sexist (even racist) programming on the mushrooming Arab satellite television industry²⁰.

To sum up, public service broadcasting (or PSB), whether in Europe or North America (especially in Canada), has been traditionally relied upon to include and give a voice to all segments of the population, regardless of differences in ethnicity, sex, religion, and so on. Moreover, independent bodies and councils were set up (with varying degrees of success) to keep these public media institutions at arms length from the government. It was believed that PSB was crucial to create a sense of common national identity and inclusion among all citizens of a democratic country, and to provide them with a common forum for debate. It was also believed that this inclusion could only be provided by media institutions that could act independently of market pressures and could therefore address those (usually non-affluent) segments of the audience that are usually neglected by private commercial media. As I have argued in this paper, there is no tradition of public service broadcasting in the Arab world. Government-controlled media predominate, the majority of which are concerned almost exclusively with political propaganda and social control, instead of political pluralistic debate and social integration. Even if one can find provisions against racial segregation in the text of some broadcast laws (e.g. the Lebanese Broadcasting Act of

1994), these remain ink on paper. Indeed, blatantly racist portrayals of Blacks in general and of Sri Lanki female guest workers in particular exist in the Lebanese media, and do not seem to be problematic for the authorities or the existing regulatory body (the National Audiovisual Council). By contrast, criticising one of the monotheistic religions or any Lebanese or Arab head of state or country can cost dearly.

EU cultural policy and the promotion of Arab cultural diversity: the spill-over effect

In the previous section, I discussed the failure of Arab government's legislation to actively promote cultural diversity and pluralism in the broadcast media. The situation is not different when it comes to promoting the national film industry. In Lebanon, for instance, it wasn't until very recently that the Ministry of Culture introduced, *for the first time*, a financial plan to support Lebanese cinema. In 2001, amid continuing budget restraints, it allocated 200 000 dollars to be distributed among 10 filmmakers. However, not only does the sum allocated barely cover 5 to 10% of the cost of each applicant project (the cost of an independent Lebanese film production is, on average, half a million dollars), the sum remained unpaid at the time of writing²¹. This lack of support, also characteristic of many other Arab countries, explains to a large extent why independent Arab film productions, compared with the dominant commercial Egyptian cinema, are very rare.

Moreover, the proliferation of Arab satellite channels is not leading to a proliferation of Arab fiction and documentary film productions. Instead, satellite stations continue to rely mostly on Egyptian stars in talk shows and Egyptian commercial drama series and films, at the expense of fostering diversity in Arab cultural production. In addition to the dominance of Egyptian film industry, one can find local television productions, but these are largely limited to quiz shows that are guaranteed to attract viewers, but have almost nothing to contribute in terms of cultural expression and exchange among the 22 Arab countries. Summarising the situation, one commentator wrote²²:

...In the 10 years since the first Arab satellite stations went on air, they don't appear to have achieved a lot. If the free flow of information and objective coverage of current

affairs are related to change, then the stations cannot pretend to have contributed to any sort of transformation... The crisis facing Arab satellite channels...is identical to that facing the Arab media in general, which ignores crucial issues that touch directly on people's lives in favor of others on which there is total agreement.

Whether in the area of broadcasting or film production, the quantity, quality and type of cultural production is not independent of the related governments' approach to cultural production and policy in general. Three major official "attitudes" towards cinema can be readily identified, though they are not necessarily mutually exclusive: to start with, authoritarian regimes make it difficult for independent filmmakers to deal with serious or politically sensitive subject matter (e.g. the Palestinian-Israeli problem and criticism of religious or political authorities) without censorship threatening the fate of the project. Second, many Arab states are simply too poor to give cinema any priority in the context of other social development programmes. Finally, there are governments or government officials who do not believe in the important role that can be played by cinema, and consequently are not willing to invest in that sector. Jean Cham'oun, the most prolific and renowned documentary filmmaker in the Arab world, whose films have won various international awards, quoted the Lebanese Minister of Finance as saying publicly that "cinema is not important" in order to justify freezing the newly introduced plan to give financial support to Lebanese independent filmmakers²³. Cham'oun, it should be noted, continues to be heavily dependent on financing from the European public sector in order to make his films. Indeed, eight of his 12 films were made possible through European co-financing coming mostly from the BBC, Channel 4, and ARTE. Another Lebanese filmmaker, Assad Fouladkar, whose latest fiction film was also a Lebanese-European co-production, and which won several awards in various film festivals, recently denounced the deplorable situation of filmmakers in the Arab world, describing Arab cinema as a dying breed, not only because of production problems, but also because of problems of projection in movie theatres (bad equipment, poor conditions, etc.). He also mentioned the Syrian government's desperate attempts to prevent movie theatres from shutting down through tax incentives²⁴.

For lack of a cultural policy aimed at promoting Arab voices

in their diversity, many Arab filmmakers are becoming increasingly dependent upon Western financing, especially from the public sector, in order to make their films. The director of the Film Department at the Lebanese Ministry of Culture conceded that the "token" financial support provided by the Ministry was aimed more at encouraging Lebanese filmmakers to seek external support, mostly through European co-production schemes²⁵. Indeed, a complete production team from ARTE (including several unit directors) was recently invited by the Lebanese Ministry of Culture to Lebanon in order to conduct a series of workshops. The workshops were aimed at training independent filmmakers, film instructors, and young film graduates about the co-production and exhibition/distribution methods of ARTE, and how to benefit from European expertise in the field. Indeed, one of the main problems accounting for the weakness of Arab cinema, despite the existence of talented filmmakers, is the lack of expertise in the area of production management and distribution²⁶. European co-productions, in the light of the above-identified problems facing Arab cinema, can offer a convenient solution to all parties involved: on the one hand, talented Arab filmmakers get the financing and the professional production staff needed for a quality production, and European public broadcasters get to fill their content quota requirements while simultaneously providing jobs for European film professionals and technicians, as required by law. ARTE, as a public service broadcaster, has a mandate to "conceive, to carry out, and to broadcast or have broadcasted, via satellite or any other means, television programmes of a cultural and international nature at a large sense, which will be able to foster understanding and approaching among peoples in Europe".

As a result of such a policy, more than a third of ARTE's programming is originating from other (i.e., non-German or non-French) European countries and other parts of the world²⁷. In a statement written by the president of ARTE/France and distributed recently during the ARTE workshop in Lebanon, Jerome Clement emphasised the growing importance of Euro-Mediterranean dialogue, and the need to work on making "the oriental and occidental coasts of our common sea better know each other". Such an openness to (Arab) countries situated on the other side of the Mediterranean is not new, nor is it to be seen in isolation

from a larger (mostly economic) EU plan involving neighboring countries (i.e. the Euro-Med Agreement). Indeed, the EU's commitment to audiovisual cooperation dates back to the conference that took place in Thessaloniki on 15 November 1997. This conference laid the foundations for a framework for cooperation, the Euromed Audiovisual Programme. Then, in September 1998, a follow up to this cooperation took place in Rhodes, with conference participants (i.e., Ministers of Culture of the Euro-Mediterranean Partners) invited by the Commission to "encourage regular exchanges of information as well as cooperation on the subject of regulatory and auto-regulatory questions in the audio-visual sector"²⁸. Finally, the objective of the more recent Rabat conference was to "go into more depth regarding the operational aspects of this cooperation", with the "the mandate of approaching questions of organisations and structures". The main conclusions of the Rabat conference recognised that the emergence of a EuroMediterranean audiovisual area, boosted by the Barcelona process, "would have not only cultural but also economical and political consequences". Most importantly, participants called upon "the 27 Euro-Mediterranean Partners to rally together in order to defend cultural diversity in the framework of the negotiations of the WTO", and recognised the need to create a "legislative and/or regulatory framework, in the two-fold aim of ensuring that general interests are defended and to face up to market insufficiencies and imbalances, with the concern of preserving cultural diversity"²⁹.

Conclusion

The conclusions of the Rabat conference, especially concerning the preserving of cultural diversity and the need to defend it during WTO negotiations, are worth examining. I have already mentioned the problems involved when invoking the "cultural exception" argument in order to justify the "protection" and continuing regulation of the audiovisual sector and cultural production in general. Protectionism, it should be noted, can take several forms, ranging from the imposition of tariffs on cultural imports (a position defended mostly by the French) to the banning of satellite dishes and Western cultural products, as is the case in several Arab or

Islamic states. The problem with protectionism as a justification for the regulation of culture is that, in many cases, the "culture" that is in need for protection from "other", transborder cultures (e.g. US commercial exports) is often a mono-culture at the level of the nation-state, and is the result of dominant hegemonic views and definitions of national identity. For instance, while justifying the ban of satellite dishes in Iran, the head of parliament explained how such a decision enabled the Iranians to "show the world that we [Iranians] are against foreign culture, that is we will never be subservient to that culture and invasion by foreigners"³⁰. Such "defence" may have some credibility when the culture being defended is a diverse culture that truly reflects the pluralist, multi-cultural make up of a nation-state. As critics of protectionism argue, and rightly so, governments championing cultural protection are often protecting dominant versions of a nation's identity (e.g., Frenchness or Britishness), which takes place at the expense of internal ethnic and cultural diversity³¹. In the case of the more authoritarian Arab or Islamic states, these governments often use or abuse the concept of "protectionism" in order to deflect discussion about repression of internal dissent at home by shifting the blame elsewhere, i.e. directing it at the US in most of the cases. Such claims to protectionism, indeed, remain vacuous and unconvincing in countries whose political systems and audio-visual policies do not recognise diversity in any of its form (political, religious, ethnic, linguistic, and so on).

To sum up, any call for cultural protection or exception is legitimate and more capable of winning support from all sides if what needs to be protected is not a culture, but the *diversity of culture*. The EU may have started the "cultural exception" debate from a narrow perspective (the French who wish to resist the "MacDonaldisation" of their culture). A more powerful approach, one that the EU seems to be increasingly adopting, may be to argue that what needs to be fought and regulated against is the pervasiveness of mono-culture, any mono-culture, be it at the level of the individual nation-state or on the transnational or global level.

Notes

1. GOLDBERG et al. (1998) *EC Media Law and Policy*. London: Longman, p. 18.
2. GOLDBERG et al., 1998, p. 17. For a detailed discussion of the "cultural article" and its possibilities and limitations, see Goldberg et al, pp. 17, 18.
3. HARRISON, J.; WOODS, L.M. (2001) 'Defining European Public Service Broadcasting', *European Journal of Communication*, Vol. 16, No. 4, December 2001, p. 478
4. This is to say nothing of the tensions existing between the EC on the one hand, and the Member States on the other, regarding the enactment and implementation of several EC policies and the proper scope of Community competence. For more details, see HARRISON i WOODS, 2001, p. 478. GOLDBERG et al. (1998) also argue that the role of the EC regarding cultural policy is complicated by the fact that the EC is not a "monolithic policy-maker", and that institutional conflicts do exist within the EC, with "different rationales for regulation being adopted by different institutional actors", p. 5.
5. THOMPSON, K. (ed) (1997) *Media and Cultural Regulation*. London: Sage Publications, p. 120.
6. GOLDBERG et al., 1998, p. 2.
7. Both views continue to be the topic of much debate concerning broadcasting in the EU. GOLDBERG et al., p.14.
8. WOOLLACOTT citat a THOMPSON (ed), 1997, p.126.
9. TEER-TOMASELLI, R. (1998). 'The Public Broadcaster and Democracy in Transformation', *Canadian Journal of Communication*", Vol. 23, No. 2, 1998.
10. RABOY, M. quoted in HEATH, C. (2001). 'Regional Radio: A Response by the Ghana Broadcasting Corporation to Democratization and Competition', in the *Canadian Journal of Communication*, Vol. 26, No. 1.
11. RUGH, W. (1987). *The Arab Press: News Media and Political Process in the Arab World*. Syracuse: Syracuse University.
12. RUGH, 1987, p. 123.
13. JACKEL, A. (2001). 'Romania: From Tele-Revolution to Public Service Broadcasting, National Images and International Image', in *Canadian Journal of Communication*, Vol. 26, No. 1.
14. DABBOUS-SENENIG, D. (2002). *Ending the War? The Lebanese Broadcasting Act of 1994*. Unpublished doctoral dissertation, Sheffield Hallam University, UK.
15. Ibid.
16. CHOUR, N. (2001). *Television in Lebanon, Like Father Like Son: A Reflection of the Lebanese System*. Unpublished Masters Thesis, American University of Beirut, p. 38.
17. Very briefly, the Lebanese constitution recognizes the existence of 19 different confessions or denominations belonging to each of the 3 monotheistic religions (Judaism, Christianity, Islam). The political system is also confessional (i.e., political power and representation is proportional to the size of each confessional community).
18. The Lebanese Broadcasting Act of 1994 (or Law No. 382), Article 7, Paragraph 2. See also Guidebook of Operating Conditions (or Decree No. 7997) , Chapter One. This is not to say, of course, that the output of the private televisions does not reflect the confessional identity of the major shareholders. See DABBOUS-SENENIG (2002).
19. KRABILL, R. (2001). 'Symbiosis: mass media and the Truth and Reconciliation Commission of South Africa', a *Media, Culture & Society*, Vol. 23, No. 5. For a discussion on the transformation of the SABC from a government-controlled medium serving the interests of a white minority into a public service broadcaster

mandated to serve the country's 11 official language communities, see TEER-TOMASELLI (1998).

20. SHUQAIR, M. (2002). 'The role-playing of Arab Satellite TV', in The Daily Star newspaper, 5 december 2002.
21. Ghassan Abou Chakra, Director of Film Department, Lebanese Ministry of Culture, interviewed on November 20th, 2002.
22. SHUQAIR (2002).
23. Jean Chamoun, interviewed on November 20th, 2002.
24. Assad Fouladkar, interviewed on November 11th, 2002.
25. Ghassan Abou Chakra, interviewed on November 20th, 2002.
26. Ibid.
27. ARTE (2001), 'ARTE: la chaine culturelle europeenne', published by ARTE G.E.I.E., Presse & RP
28. 2nd Audiovisual Conference of the Euro-Mediterranean Partnership, "A framework for the dialogue of images", Rabat, 14-15-16 September 2000.
29. Ibid.
30. BBC *Monitoring*, 16th June, 1995, p. 5.
31. THOMPSON 1997, p. 120.