

MEDIA IN LEBANON

Towards Enhancing Freedom of Expression



POLICY BRIEF

EXECUTIVE SUMMARY

Lebanese media institutions are an extension of sectarian politics and partisan public officials. Rather than creating an issue-based accountability and participation culture, media outlets are **the mouthpiece of political leaders and a powerful tool for sectarian incitement and polarization at the social, political, ideological, and socio-economic levels.**

While Lebanon's Constitution and ratified international statutes emphasize freedom of belief and expression, current governing frameworks make it impossible for citizens to access and influence the media industry.

Media, a cornerstone of civil society and democratic liberties, needs to be transformed to reflect public interests and enable public participation. However, this is hindered by three main challenges: a weak regulatory framework, lack of proper infrastructure for internet usage and speed, and a vague censorship policy in the hands of General Security.

With the advent of social media and increased demands for youth and civil society participation, there is an opportunity to deploy national and local efforts aimed at overcoming the monopoly over the media scene in Lebanon.

This policy proposal aspires to:

- **Create more credible, representative, and non-partisan media outlets;**
- **Redesign the laws and standards of governance for the media sector;**
- **Eliminating censorship and proposing alternative regulatory policies.**

Adoption and implementation of these policies requires a long-term process that starts by documenting and researching relevant tools and decisions, gaining the support of a maximum number of citizens, and pushing for reforms of media-related laws, regulations, and practices.

This policy briefs takes a first step in this direction by identifying a multifaceted approach focused on removing licensing and censorship restrictions to enhance freedom of expression, protect media practitioners, and facilitate the entry of new actors to the media industry in Lebanon.

This policy brief was developed by *Beyond Reform & Development*, part of BRD/I Group S.A.L., in close collaboration with experts, activists and civil society organizations.

Lebanon, 2012

FRAMING THE ISSUE

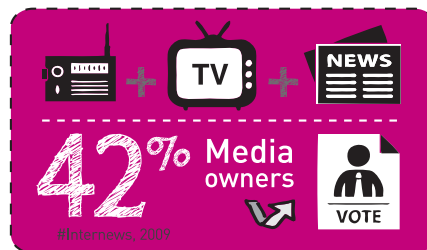
The Problem

Historically, Lebanon has been portrayed as a center of human rights and freedoms in the Arab world. Freedom of expression is enshrined in the Lebanese Constitution as well as in international treaties to which Lebanon is a party.

In practice, however, the country's media industry presents a different image, with serious threats to freedom of expression, lack of media objectivity, and constraints to the growth of independent media. Contrary to other Arab countries, the state does not control media outlets, and state media is among the least viewed. Instead, Lebanon has in place a number of media institutions that are an extension of its sectarian politics, a reflection of foreign interests, and a mouthpiece for public officials. There is a broad consensus that the Lebanese media is politicized, partisan, unrepresentative and unregulated, and used as a tool for political control and polarization.

In addition, a Censorship Bureau within General Security controls content and deprives citizens from access to various cultural, educational, and political sources of information. It also suffers from lack of clear regulations, poor management, and subjective content analysis.

DID YOU KNOW ?



Situation Brief

There are many challenges facing freedom of expression and independent media in Lebanon, including:

1. Media ownership and content is controlled by political figures.
2. Vague and outdated press and broadcasting laws lead to low accountability in media performance and the media sector in general.
3. Overlapping roles and unclear jurisdiction of public institutions and media regulating bodies.
4. Inefficiency of professional unions in protecting the rights of journalists and bloggers.
5. Inconsistent censorship system without clear standards and regulations, contributing to the restriction of rights.
6. Distribution of media ownership licenses highly dependent on political decisions.
7. Absence of access to information laws.

The Urgency

With the evolution of social media, Lebanese citizens display a strong interest and willingness to contribute more freely to media content, but are unable to do so. The rise in sectarianism and polarization calls for issue-based and citizen-centric media.

Opening up media spaces can reposition Lebanon as a true sanctuary of press liberties and freedom of expression. At the same time, an alternative and inclusive post-production regulatory framework is essential for enhancing the quality of media outlets and creating accountability mechanisms.

“ The continuous decline in the role of the media in Lebanon will lead to the decline of the role of the state, and consequently, to its death. ”

Abdel Hadi Mahfouz,
Director of the National Council for Media

LOOKING AT EXISTING POLICIES, LAWS AND PRACTICES

Despite the protection of freedom of expression and civil liberties in Lebanon's Constitution, this has not been institutionalized into proper frameworks to regulate and support media content. This section presents existing policies and their shortcomings. In assessing these policies, we used three key indicators that are essential for any policy option aimed at enhancing freedom of expression and improving the quality and performance of media institutions:

1. preserve press freedoms and civil liberties
2. protect media practitioners
3. enable entry to the media industry



Policy	Assessment
Law	
Practice	
Lebanese Constitution: Introduction & Article 13	<ul style="list-style-type: none"> → As overarching pieces of legislation, the Lebanese Constitution and International Declaration for Human Rights state that freedom of expression is a guaranteed citizen right. → However, they are not translated into existing laws and legal frameworks, and are therefore not enforced properly. → Nevertheless, they can be used to build arguments for suggested policy amendments.
1960 Press Law 1994 Broadcast Law	<ul style="list-style-type: none"> → The Press Law and Broadcast Law limit the creation of new media outlets by introducing a licensing system with extremely high fees. → They include vaguely formulated constraints and censorship mechanisms that result in random filtering of information, content, and ideas. → They allow financial control by the state and do not properly protect the rights of media workers and content developers.
Censorship Regulations	<ul style="list-style-type: none"> → Censorship regulations include vague and unclear mechanisms for censorship, resulting in subjective influence over the flow of information. → They enable a high level of state interference in the transmission of information.

Policy	Assessment
Law	
Practice	
Public Institutions' Jurisdictions	<ul style="list-style-type: none"> → There are highly complex and intertwined relationships between different institutions, causing an overlap in roles, responsibilities, and jurisdiction. → The Ministry of Information and regulating bodies (including the judiciary) reflect political and sectarian divisions in their management and in the distribution of licenses to media outlets. → Censorship bodies lack autonomy from political and sectarian influence, and lack clear orientations in censorship principles. → Media councils operate on a minimal basis due to limited funding and unclear roles.
Role of Media Unions	<ul style="list-style-type: none"> → A limited number of journalists are part of unions due to outdated procedures and restricted benefits, as well as the prevalence of partisan influence. → Unions do not have power or competencies to support journalists or monitor media outlets. → Heads of unions are assigned based on sectarian quotas.
Internal Governance of Media Outlets	<ul style="list-style-type: none"> → From ownership to hiring, content development, and internal governance, political parties and political figures are involved in overall media management, making media outlets inaccessible to the younger generation of media practitioners and aspiring media owners. → This affects content, transparency, and the politicized role played by existing outlets.

CONSIDERING POLICY OPTIONS

The following table describes policy options for enhancing freedom of expression through research and participatory consultations with stakeholders around the country. Each policy is based on different assumptions, has a specific objective and strategies, and presents both advantages and disadvantages.

“Media outlets should focus on solutions rather than transmitting negative messages and spreading despair.”

Dr. Arda Ekmekji,
Dean of the Faculty of Arts & Sciences
Haigazian University

Policy options	Assumptions	Objectives	Strategies	Advantages	Disadvantages	Experts' Take	Policy options
1 Reforming Media Legislation	→ Reforming press and broadcasting laws can guarantee freedom of expression and promote transparency and accountability in the media sector, while allowing new, non-politicized voices to enter the media sphere.	→ Pass a new media law with clear division of mandates among regulatory agencies, transparent decision-making mechanisms, and new licensing practices.	→ Support and advocate for a new media law through direct lobbying of decision-makers.	→ Creates a democratic means of regulating the media industry while protecting the rights of journalists and media professionals.	→ Long-term process that requires a clear lobbying strategy with no guarantee of proper implementation, particularly if the judicial system is weak.	“The continuous decline in the role of the media in Lebanon will lead to the decline of the role of the state, and consequently, to its death.” <i>Abdel Hadi Mahfouz, Director of the National Council for Media</i>	1 Reforming Media Legislation
2 Improving ICT Infrastructure and Internet Freedom	→ Improving the state of the internet will allow easy access to information, foster the growth of new and unconventional media channels, and enhance freedom of expression.	→ Provide basic infrastructure and a regulatory framework to empower newcomers to the media scene and protect freedom of expression.	→ Create a legislative framework to protect internet freedom, while improving broadband and telecom services.	→ Can lead to rapid change in the media sphere, promote freedom of expression, and expand access to information.	→ Faces resistance, specifically from government and public institutions, slowing down the change process.	“Improving internet infrastructure is the quickest and most efficient method we can use to achieve the change we aim for in the media sphere.” <i>Rouba Helou, Communication Expert and Journalist</i>	2 Improving ICT Infrastructure and Internet Freedom
3 Eliminating Censorship with Alternative Regulatory Policies	→ Eliminating censorship will encourage citizens to have constructive discussions about sensitive issues and limit the state's political interference.	→ Foster respect for freedom of expression to respond to citizen needs, aspirations, and main concerns.	→ Support campaigns against General Security censorship and propose legal reforms and decrees to eliminate censorship..	→ Can lead to concrete change in a short period of time, while creating a more open and tolerant environment.	→ Faces resistance from religious groups who will lose their control over cultural aspects, and from the existing political groups who will no longer have the ability to use censorship as a means to create sectarian balance.	“Internet censorship and media restrictions are increasing as a result of sectarianism and partisan interests, and there is a strong need to join efforts and speak up to change this reality.” <i>Ayman Mhanna, SKeys Executive Director</i>	3 Eliminating Censorship with Alternative Regulatory Policies

RECOMMENDING POLICY

Enhancing Freedom of Expression and Independent Media

The challenges to freedom of expression and the growth of independent media in Lebanon are complex, multilayered, and tied to the financial interests of political and sectarian groups. Addressing these challenges thus requires a multidimensional approach that draws on all three of the policy options mentioned above.

While all of the suggested policy options are important to enhancing free expression, this policy brief focuses on three critical pillars that are most urgent and actionable by civil society organizations (CSOs):

Pillar I

Open up media ownership by removing the monopoly over media through reforming media legislation, which includes licensing and ownership regulations. Current media licensing and ownership practices constrain the role of the media as platforms for free expression and meaningful exchange of information.

Pillar II

Eliminating censorship and proposing alternative regulatory policies. This offers citizens the means to engage freely with traditional and social media as a means of political participation, while alternative post-production regulations create accountability mechanisms for media outlets.

Pillar III

Improve internet infrastructure and speed to facilitate the growth of alternative media channels and expand the space for citizens to express their ideas.

“ *The rise of sectarianism and polarization calls for issue-based and citizen-centric media.* ”

This approach will advance freedom of expression and the growth of independent media by removing barriers to entry in the media industry, decreasing media monopolization in the hands of political figures, eliminating government censorship, and creating a more enabling environment for social and online media.

In the long run, complementary efforts should include:

- Modernizing outdated and sometimes contradictory media-related laws,
- Improving ICT infrastructure and access, and
- Preserving internet freedom.

THE WAY FORWARD

Pillar III

Open Up Media Ownership

Under current media regulations, it is extremely difficult for new television stations and newspapers to obtain licenses due to legal and financial barriers. The *Maharat Foundation* developed a draft law to reform the media sector in collaboration with other CSOs and non-governmental organizations (NGOs), which is being discussed within parliamentary committees. The proposed law includes a set of reforms, the most important of which is modification of licensing rules to foster the growth of independent media outlets. The current situation presents two challenges:

- During parliamentary committee discussions, it is important to **maintain the integrity of the law proposal** developed by civil society and prevent major changes that would dilute the impact of key reforms, particularly those related to media licensing and ownership.
- The **timeframe between concluding parliamentary committee discussions, placing the new law on the agenda of the General Assembly, and voting on it might be long**, especially since there is a backlog of 300 law proposals that Parliament has yet to vote on.

Pillar III

Eliminating censorship and proposing alternative regulatory policies

Vague censorship policies place ample discretionary powers in the hands of General Security's Censorship Bureau, which is influenced by religious institutions and political parties. CSOs have launched several campaigns criticizing the mandate of the Censorship Bureau and its decisions to censor movies, books, theater performances, and other forms of expression. These have included The Virtual Museum of Censorship and the web series *Mamnou3!*

The current situation calls for an approach focused on:

- Designing a policy **that respects freedom of expression** while taking into consideration the realities of the local context.
- Forming an **alternative and inclusive structure to oversee a post-production regulatory framework** instead of prior censorship.
- Convincing the executive branch to reform current censorship policies and practices.

Existing Anti-Censorship Efforts

- ➔ **SKeyes** is **exposing government censorship and fostering dialogue on this issue** through periodic reports, events, and the web series "*Mamnou3*" ("*Forbidden*").
- ➔ **MARCH**, a local NGO, has researched and compiled cases of government censorship in a "**Virtual Museum of Censorship**" (www.censorshiplebanon.org), among other awareness activities and publications.
- ➔ **Social Media Exchange (SMEX)** and **Ontornet**, among other NGOs, have launched a **campaign against the Lebanese Internet Regulation Act (LIRA)**, which has yet to be passed but which has in its current form high degrees of censorship over online content.
- ➔ The **media law** is currently being debated in **parliamentary committees**.

THE WAY FORWARD

Pillar III

Improve Internet Infrastructure and Speed

One of the main obstacles to better internet infrastructure is governance of the sector. There are overlapping responsibilities between the Information and Communication Technology (ICT) Strategy Coordination Unit within the Prime Minister's Office, the Ministry of Telecommunications, the state-run telecom provider OGERO, the Telecom Regulatory Authority, and the Office of the Minister of State for Administrative Reform (OMSAR). The government thus exercises a virtual monopoly over the internet sector. The main reason behind low internet speed is the weak infrastructure for broadband access. In light of these factors, civil society efforts should focus on:

➤ In the short term, **advocate improvements of the internet infrastructure** to the Ministry of Telecommunications and OGERO.




➤ In the long term, push for **restructuring governance of the internet sector** to liberate it from government monopoly.

Civil society can support existing initiatives to increase internet speed such as the **"Ontornet"** campaign demanding the implementation of affordable, high-speed internet across the country (www.ontornet.org) and the **"Broadband Manifesto"** issued by the **Internet Society-Lebanon Chapter** (ISOC, www.isoc.org.lb).

Existing Studies and Proposals on Media Governance, Censorship, and Media Reforms

- ➔ Recommendations from the **Internews Network**, published in 2009, are a solid starting point for **setting new internal governance standards for the media industry**.
- ➔ The **Heinrich Böll Foundation** presented recommendations for fighting censorship in a study titled **"Censorship in Lebanon: Law and Practice."**
- ➔ In 2011, the **Maharat Foundation** presented a **media law reform proposal** based on a consensual process that involved all major stakeholders in the media sector.
- ➔ The **Lebanese Association for Democratic Elections (LADE)**, in partnership with media entities and with support from the **European Union Afkar program**, launched a **code of conduct for Lebanese journalists**, which was signed but not endorsed as a binding policy.
- ➔ The **Arab Rule of Law Initiative** published a **study on the state of the media in Lebanon** highlighting limitations over ownership and content.
- ➔ The **International Press Initiative** published a report titled **"Media in Lebanon: Reporting on a Nation Divided"** describing how the media is a reflection of sectarian politics, but the recommendations were not translated into concrete initiatives.
- ➔ **OMSAR** developed in 2003 an ICT **strategy with seven pillars for reforming the ICT sector**.
- ➔ **ISOC** issued the **"Broadband Manifesto"** calling for better broadband connectivity.
- ➔ **Law Proposal Number 435** calls for **regulating and reforming the telecom sector**.
- ➔ **Ontornet** launched a campaign in 2011 calling for **faster internet speed**.

FUTURE ACTION

SHORT TO MEDIUM TERM			LONG TERM		
	National Level	Local Level	National Level	Local Level	
 Open Up Media Ownership	Expected Outcome	A new media law is passed that includes open media ownership with low financial barriers for new entrants		Grassroots community-level media outlets are created and spread across the country	
	Strategy	Build a coalition of CSOs, NGOs, and social media activists to monitor parliamentary committee discussions and General Assembly voting on the proposed law	Support the establishment of new local media outlets, and assist existing ones in expanding their reach and increasing their sustainability	Create a collaborative, inclusive, progressive, and sustainable media outlet that can contribute to elevating citizen concerns and issues	Foster networking between local media outlets to feed into a national outlet and share technical and financial resources.
 Eliminating Censorship with Regulatory Policies	Expected Outcome	A new regulatory framework to guarantee freedom of expression and curb censorship is developed and endorsed by a large number of stakeholders		Alternative regulatory policy reforms are adopted by the Cabinet, all types of censorship are eliminated, and a committee is formed to implement new regulations	
	Strategy	Develop a new inclusive regulatory framework to replace censorship policy, based on documented cases and practices by General Security's Censorship Bureau and benchmarks with other countries	Develop a social media platform that documents and exposes the government's censorship practices	Launch a campaign bringing together CSOs, NGOs, and social media activists to put pressure on government to adopt the policy and create a committee	Encourage local media outlets to expose and publicize government censorship practices
 Improve Internet Infrastructure	Expected Outcome	Internet speed is improved due to development of the network and infrastructure as well as the availability of the needed budget to sustain it		The internet sector is liberated and not monopolized by government, and the sector is organized within an effective governance model	
	Strategy	Leverage and strengthen existing campaigns by expanding outreach to other stakeholders such as the private sector, NGOs, and the media and use direct actions to call for faster internet	Organize and mobilize local stakeholders to increase pressure on local MPs, linking internet speed to local development	Research and recommend a governance model for the internet sector and increase pressure on government to liberate the sector through direct actions led by existing campaigns	Decentralize national campaigns to multiply their effects locally to increase internet access and speed at the local level

ILLUSTRATIVE ACTIVITIES

During the last decade, several initiatives have sought to further freedom of expression and independent media, including attempts to establish a code of conduct for journalists and legislative proposals to improve media regulations. These have yet to translate into concrete results. The advent of social media and its popularity among youth, coupled with an increase in online news agencies, are indicators of interest and readiness by citizens to play a more influential role in media. Removing licensing restrictions, curbing censorship, and improving the internet infrastructure are critical steps for Lebanon to open the media industry to new entrants and aspiring groups.

The following are suggestions for illustrative activities based on expert roundtables, interviews, and focus groups, which can be adopted by NGOs, CSOs, and CBOs to foster freedom of expression and independent media.

Illustrative Activities at the National Level:

- Expose documented cases of media censorship.
- Document and raise awareness on mismanagement of General Security's Censorship Bureau.
- Advocate for reforms aimed at curbing government censorship.
- Create a lobbying group of new aspiring media owners and content developers.
- Propose amendments to existing licensing and media ownership practices.
- Launch loan and incubator projects for interested new media owners.
- Monitor media performance and expose biased coverage and sectarian incitement.
- Establish a committee of experts to review and reform governance of the ICT sector.
- Support innovative television and radio programs that encourage freedom of expression.
- Initiate creative platforms to encourage dialogue and free expression on priority issues, including current censorship policies.
- Lobby MPs and parliamentary committees to review and endorse Law Proposal 435 for reform of the telecom sector.
- Increase pressure on government to enhance broadband infrastructure through creative direct action and alliances with international internet activists.

“ An alternative and inclusive post-production regulatory framework is essential for enhancing the quality of media outlets and creating accountability mechanisms. ”

Illustrative Activities at the Local Level:

- Link media freedoms and internet rights to basic standards of living and local development.
- Provide incentives for municipalities to start new media outlets focusing on democratic dialogue and local development issues.
- Showcase successful cases of local use of media and internet to raise awareness and influence the national agenda of MPs and Cabinet members.
- Advocate to improve internet speed and access.
- Encourage the dissemination of citizen-generated content online and via national news agencies.
- Help establish small online media outlets covering local issues.
- Invite municipalities to support media projects and purchase of new licenses.
- Lobby MPs to adopt new proposals to curb censorship and open media ownership to new entrants.
- Work with universities to establish media clubs.

ENGAGING WITH DIFFERENT STAKEHOLDERS

The suggested policy option must be endorsed by key stakeholders and policy-makers to be implemented. The influence that the various stakeholders yield on the decision-making process will determine how they should be engaged and the messages they should receive. Below is a list of stakeholders to be considered.

- President of the Republic
 - Cabinet of Ministers
 - Ministry of Information
 - Other Ministries
 - Parliamentary Committee on Media
 - National Council for Media
 - Political parties
 - Municipalities
 - ICT Coordination Unit at the Prime Minister's office
 - General Security
- International media associations
 - NGOs, CSOs, CBOs
 - International media agencies
 - Lebanese diaspora
 - Existing media outlets
 - New small media outlets
 - Bloggers
- Media development organizations
 - Syndicates of journalists & editors
 - Production companies & publishing houses
 - Academia & research institutes
 - Advertising agencies

Each of these entities requires a different strategy and approach to ally it with the suggested policy. The following table highlights the incentives for the key stakeholders to adopt or support the proposed policy. These incentives can form the basis for developing communication messages to persuade the stakeholders to take action.

Stakeholders	Incentives
Parliamentary Blocks and Committees	Rebuild trust and credibility with constituents and improve communication channels with them
Cabinet & Ministries	Improve civic engagement and responsibility through enhanced outreach to citizens
ICT Coordination Unit and Telecom Regulatory Authority	Increase ability to implement the ICT strategy and engage citizens in the process
Syndicates and Media Outlets	Rebuild trust and credibility in the media sector and improve membership base
NGOs, CSOs, & CBOs	Create new alternative form of participation, communication, and outreach and increase civil society influence within the public sphere

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