

## State-formation, the media and the prospects of democracy in Palestine

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*Whenever democratic processes are employed on a scale as large as the nation-state, autonomous organizations are bound to come into existence. They are more, however, than a direct consequence of democratizing the government of the nation-state. They are also necessary to the functioning of the democratic process itself, to minimize the government coercion, to political liberty, and human well-being. (Dahl, 1982: 1)*

### Introduction

On 20 May 1997, at 11 pm, the telephone rang in the home of Daoud Kuttab, a well-known Palestinian journalist and winner of the 1996 International Press Freedom Award. On the phone was a police officer, who summoned Kuttab to the police station in Ramallah. Kuttab did not return home that night. The Palestinian police denied holding him the next day, both to the media and to Amnesty International. Daoud Kuttab heads a Modern Communications Centre at al-Quds University, whose independent television studio had been broadcasting sessions of the Palestinian Legislative Council (PLC), the governmental body established within the Palestinian Autonomy (PA) after the Oslo accord. On Tuesday 19 May, Kuttab had covered the session of the PLC in which severe criticism was made of the PA, which included charges of alleged corruption. Apparently, this live broadcast of PLC sessions was the main motive behind Daoud Kuttab's arrest; the PA was not interested in allowing the allegations to leak out to the press. Suffice to say, Kuttab's case is not exceptional. The arrest of journalists, the closure of newspapers and the threatening of editors have become an established norm in the areas of the PA. The Kuttab affair exposes the methods by which the leaders of the PA seek to silence the Legislative Council. It suggests that the PA fears open critique, especially when corruption within its ranks is exposed live to the public.

This case raises pertinent observations on the democratic development of the emerging Palestinian state. The measures taken against a prominent journalist such

as Kuttab serve to deter other journalists, raising questions regarding the relationship between the PA and the local media. In broader terms, it brings into question the position of public participation and democracy in the future Palestinian state.

In this commentary I wish to explore a few aspects of the relationship between the PA and the Palestinian media. It aims to illustrate how the governmental patterns that are being developed in the PA, its political norms and forms of institutionalization influence the public sphere in Palestinian society. I suggest that the relationship between the PA and the media enables us to anticipate the prospects of public engagement in debating and determining public policy in a future Palestinian state.

The specific circumstances of the Palestinians make this case interesting. The examination of the centralized national reconstruction, on the one hand, and the liberalization accompanying the process on the other, may expose the difficulties facing democratization in Palestinian society. The Palestinian process of state-formation is taking place in a situation of strangling dependency. This confines the PA's sovereignty and cripples its judicial potency. Beside the internal pressures exerted on the PA by local social and political groups, there are clear external pressures that limit its governing capabilities. To cope with these pressures, the PA has set limitations on the local media. These limitations empty the media of any substantial plurality and subvert the democratic role that it could play in the process of national reconstruction.

The media is one kind of battlefield where different social players compete to define the character of the whole society (Schlesinger, 1991). Therefore, one ought to pose the question to what extent is the institutional pluralism that exists in the Palestinian media a mirror of real substantial diversity, and how is the Palestinian central authority dealing with the dilemma of autonomy and control over communicative organizations?

### **The PA and the new social-contract**

The signing of the Oslo Agreement and the establishment of the PA marked a major change in the landscape of the Palestinian media. This change affected all newspapers, weeklies and periodicals of the PLO. The organization, which had invested the major part of its information efforts in the mobilization of the Palestinian society for the struggle against Israel, had to change its policy following the Oslo Agreement. After Oslo, two PA officials introduced two different newspapers into the Palestinian market whose names symbolize the Palestinian hope for a peaceful solution in the region. The first new newspaper appeared in Gaza under the name *al-Hiat al-Gadida* (The New Life). This newspaper replaced the official PLO weekly *Filastin al-Thawra* (The Palestine Revolution). The second newspaper is *al-Ayyam* (The Days) which replaced the daily *al-Fajr* (The Dawn). In a brief remark about this change Abed al-Salam al-Rimawi, a Palestinian journalist notes:

The language and the subject have to adapt themselves to their location and timing which are loaded with politics. The strange circumstances that led the 'terrorists' to return to their homeland and enter into a dialogue with the 'Zionist enemy' imposed a parallel transformation in the concepts and values, far from direct mobilization and competition. The language and the subjects had to adapt to the new reality. This has led to a new form of journalism where the echo of fired bullets is not heard and where the conflict is replaced by peace and the enemy becomes partner. (*Al-Sahafi*, 1997: 9)

The PA's attention to the issue of information and the media resulted in the formation of a Ministry of Information which coordinates all matters of information, media and press in the PA territory. With the establishment of the PA in 1994, a Palestinian Broadcasting Corporation was founded which runs a public radio and television station. It is noticeable that the separation between the president of the Corporation and the station managers of radio and television is formal only. The authority of the president is absolute and conflates with the authority of the managers. This conflation of authorities prevents independent broadcasting, since its president's appointment was by Arafat and based on his personal allegiance. The fact that the television station is located in the same building as Arafat's office makes this control even more apparent. Most of those working in the station are appointed on personal grounds and are monitored by officials of the PA. The radio and television transmit news that invariably open with stories about the activities of the President. All the programs that deal with political issues reflect the standpoint of the PA and promote adherence to its orders.

In June 1995, the PA issued a new Palestinian Press Law. This replaced the Israeli military regulations in the occupied territories and defined the relationship between the newly established Authority and society as a whole. The mere fact that the Press Law was among the first laws issued by the PA reflects the sensitivity of freedom of expression and the attention paid to it by Palestinian officials. Although the spirit of the law illustrates the importance the PA gives to the freedom of the press, reality proves to be much more complex than theoretical intentions. According to clause 2 of this law:

Press and printing are free. Furthermore, freedom of opinion should be entitled to every Palestinian individual who attains the absolute right to express his opinion in a free manner either verbally, in writing, photography, or drawing, as a different means of expression and information. (Palestinian Authority, 1995: 3)

A brief examination of the freedom of the press in the PA exposes a very complex reality. There is clear structural pluralism, which expresses itself in the number and variety of newspapers, weeklies and other print media. In addition, there are more than 20 different local cable television stations in the Palestinian cities under PA jurisprudence besides the official broadcasting corporation of the Authority. This plurality reflects a certain amount of tolerance toward the aspirations and needs of the Palestinian population to express itself in different manners and with different means. The expressed policy of the PA is that freedom of press is a central issue that the Palestinians will not surrender. In an interview with Larry King from CNN, the President of the PA, Yassir Arafat, declared that the Palestinians have a free press which could criticize him and his government. He made it clear that a free press is a part of the Palestinian experience, and will continue to be so, because 'it is part of my power and part of democracy'. This policy was also made clear by a top official in the Ministry of Information with respect to the local cable stations. He commented:

We support the idea of private civil stations in Palestine that form a plurality of stages allowing people to express themselves in matters concerning their daily life. The Authority should not monopolize information about cultural, intellectual and political activities. This deepens democracy and the public freedom and creates a large space for argumentation between different ideas. There should be private stations beside the official broadcasting agencies in order to create positive competition and constructive dialogue. (Taha Mutawakil, 1997: 9)

Despite the spirit of the Press Law and the decisive language of Arafat and his officials, there is a large gap between these declarations and reality. In a scientific opinion poll run in December 1996 by the Palestine Research and Studies Centre at al-Najah University in Nablus, 52 percent of the Palestinian population admitted that they could not criticize the PA without fearing its reaction. These data were almost identical to the results of a previous poll made in June, where 49 percent expressed their opinion that people fear the PA.<sup>1</sup> This fear is rooted in the reaction of the PA to those who criticize it. The arresting of journalists and human rights activists clearly illustrates the limits the PA places on freedom of expression. For example, in July 1995, two journalists from a widespread private newspaper were arrested because they reported Hamas' criticism of the PA. A month later, on 19 August 1995, the PA withdrew the same paper's licence to be distributed in the autonomous areas in the West Bank and Gaza Strip.

Following several incidents in which the PA reacted severely, newspapers began to arrange their own censorship. As such, self-censorship has become a common phenomenon among Palestinian journalists. Besides the traditional Israeli restrictions on Palestinian press freedom – closure of newspapers, detention of journalists, denying journalists essential press cards or travel permits – new methods of control have found their way into newspaper rooms and especially into journalists' minds. These methods of self-censorship are outlined by a Palestinian human rights activist:

There are no 'censorship officers' standing threateningly over editors' heads, ordering them what and what not to print. Yet, 'a mean-looking officer' lurks constantly in each journalist's mind; a continual nightmare that forces every conscientious journalist to choose between bearing the full consequences of his 'follies and smartness' or betraying his conscience by demonstrating national responsibility. (Amayreh Khaled, 1997)

A list of sensitive subjects that journalists shy away from in order to avoid detention, harassment or custody include the following:

1. Any material that reflects negatively on the PA Chairman or his family.
2. Criticism of the PA patronage system, especially favoritism and corruption.
3. Any subject concerning the lack of political, administrative or financial accountability of PA officials.
4. Criticism of social and immoral behaviour in society, having to do with clan relationships, religious discrimination or gender problems.

### **Deliberate ambiguity and the impact of discretionary power**

Despite the liberal spirit of the Palestinian Press Law, the law itself enables the PA to limit the freedom of expression and publication based on informal measures. Clause 8 of the law sets several conditions for journalists. These conditions enable the authorities to easily accuse journalists of violating the law. Part of these conditions state that the journalist must:

1. 'respect the rights of individuals and their constitutional freedom and not harass their freedom to have their own private life';
2. 'produce the journalistic work in an objective, full and balanced form';
3. 'seek precision, honesty and objectivity in commenting on news and events';
4. 'avoid publishing materials that could encourage violence, extremism and hatred or call for racism and religious extremism'.

Although these conditions seem to be democratic, they raise professional as well as moral questions concerning the interpretation of the law. These conditions can be interpreted in several ways and open the door for irresponsible officials to use them for their own purposes. Observing these conditions from the PA's viewpoint or the opposition makes a difference. For example, what is the meaning of objective reporting and who decides as to its objectivity? Furthermore, what is classified as honest and objective when commenting on the news and who decides which reporting encourages violence and hatred? Furthermore, clause 37a of the law forbids publication of any material that 'could cause harm to national unity'. Using national unity as a criterion for freedom of expression raises questions about the real intentions of those who formulated the law.

PA officials use the ambiguity of the Palestinian Press Law to silence the opposition. One example is when the PA police closed the newspaper, *al-Risalah*, of Hamas, the main political opposition group and the most threatening to the PA. Hamas criticized the PA and sought to compete with it for the loyalty of the Palestinian population in the West Bank and Gaza Strip. The closure of *al-Risalah* was an attempt to silence Hamas and cut it off from the Palestinian public. The timing of the closure of this newspaper illustrates clearly the vulnerability of the PA to external pressure. *Al-Risalah* was closed when Hamas conducted its terrorist attacks on Israeli buses in Jerusalem and Tel Aviv.

The PA officials utilized the national discourse against the Islamic opposition and accused it of betraying the interests of the Palestinian people. The critical position of Hamas and its rejection of any reconciliation with Israel have put the PA in an unpleasant situation. On the one hand, allowing this movement to carry on with their critique was viewed negatively by Israel and the USA. On the other hand, closure of the Hamas weekly has been criticized as undemocratic and a clear violation of freedom of expression. Furthermore, the attempts of the PA to tame this movement and to include it in the Authority via constructive dialogue made the publication of their weekly indispensable. However, the policy of the PA was dependent on circumstances, especially on the progress of the peace negotiations with Israel. Not being able to manoeuvre between the criticism of human rights agencies and Israeli pressure, the PA tried to delegitimize the two Islamic movements (Hamas and Islamic Jihad) by accusing them of serving foreign interests and cooperating with the enemies of the Palestinian people.<sup>2</sup>

The tension between the PA and Hamas exposes the delicate situation of the former. The pressure exercised by Israel and the US on the PA concerning the oppositional Palestinian movements raises another dimension for freedom of expression. The lack of sovereignty of the PA puts it in a position where it has to violate the democratic right of freedom of expression against oppositional movements, hoping thereby to advance the chances for progress in the peace process. As a result of these conditions, one can see that the three dailies produced in the PA share the following characteristics:

1. Lack of coverage of human rights violations by the PA: although much attention is devoted to allegations of human rights abuse by Israeli authorities in the Palestinian press, the same newspapers do not report on human rights violations by the PA.
2. Lack of critical coverage of PA policies on internal affairs: the three dailies cover events which deal with the foreign policy of the PA, especially the progress of the peace process and the Palestinian diplomatic efforts. As a result, they adopt a nationalist line and form an instrument of the PA information effort. Internal affairs such as security issues, corruption and the lack of accountability of the different PA agencies are not covered.

3. Lack of press coverage of sensitive issues discussed in the sessions of the Palestine Legislative Council. Any criticism of the activity of the PA executive is censored.
4. What one could call the mirror effect: an in-depth analysis of the three newspapers exposes a similar layout. One finds that the three dailies repeat the news of the news agencies, hardly introducing any changes in them (although this does not apply to the cover page). Furthermore, the three newspapers repeat, partially, news from the Israeli press. The contributions of the local journalists to these newspapers are very limited, and appear in a contracted form. This phenomenon can be explained by the policies of self-censorship adopted by local journalists.

### **Sovereignty, democracy and the 'monopoly on meaning'**

On 16 February 1998, the Ministry of Information issued a decision ordering eight owners of cable television stations in the West Bank to close their offices and stop broadcasting. The order was surprising since until then more than 20 stations had been active in the West Bank. The cable stations are local ones and lack basic equipment and professional qualifications. They are usually private enterprises whose main aim is to earn money by entertaining their audiences. However, the stations' varied character forms a good ground for discussion and debate. The plurality of stations enabled different political, cultural and social streams to express themselves and influence the public space. Although the status of these stations was never legalized in a law, the Ministry of Information permitted them. However, the chief of Palestinian Police issued an order stating that: 'all stations must sign a written agreement not to broadcast any news dealing with illegal marches and demonstrations, and staying away from news that lead to excitement'.<sup>3</sup> The order of the Ministry of Information and that of the police had to do with broadcasting the coverage of marches and demonstrations of Palestinians against the American policy toward Iraq in February 1998. The crises in the Gulf led many Palestinians to protest against the American policy. Many Palestinians participated in marches, demonstrations and rallies where American and Israeli flags were burned. The position of the Palestinian population embarrassed the PA leadership and put it in a delicate position. Not wanting to repeat the failure in 1991 and demonstrate any sympathy with Iraq, the PA issued the order to close those cable stations that covered the events in Palestinian cities. The PA accused these stations of incitement placing burdens on 'central Palestinian interests'. On 9 February, the police issued an order forbidding demonstrations and protests concerning the crisis in the Gulf or the expression of support for the Iraqi people in public (*Al-Quds*, 10 February 1998).

The behaviour of the PA with regard to the cable stations illustrates its sensitive position and reveals its dependency on the support of foreign powers. The PA had to restrict the freedom of expression of its population and close several cable stations in order to avoid clashes with the US or be accused by Israel of supporting Iraq. The Gulf crisis in February 1998 revealed the fragility of freedom of expression in the PA and how this was a secondary concern compared with the interests of the PA in the regional and international arena. Public debates among different Palestinian social or political agents have to correspond with national interests as defined by the PA. Due to the 'imbalance' of power between Israel and the PA, the latter's leadership is caught between the need to prove its capability to control the population under its jurisprudence and the public demand to respect freedom of expression.<sup>4</sup>

An important example that demonstrates US and Israeli influence on human rights and freedom of expression in the PA took place in February 1995, as the latter issued a special decree setting up the State Security Court. In its report dated 16 April 1995, Amnesty International disclosed that:

The establishment of the State Security Court followed pressure by the Israeli and US authorities on the Palestinian Authority to act against those believed to be carrying out or supporting acts of violence against Israelis. In this context the independence and functioning of the judiciary has been compromised in the interest of the political expediency.

A State Security Court which characterizes authoritarian regimes symbolizes the efforts made by the PA to both quell internal dissent and extend its hegemony.

### **Conclusion**

A Palestinian commentator (Walid Batrawi, 1997) concluded that the arrest of Daoud Kuttab on 20 May served 'to send a message to increasingly outspoken Palestinian journalists who dare to step over the red line'. Kuttab was released after spending seven days in jail. His case, as we have seen, symbolizes the ongoing process by which the Palestinian media is pushed to adopt the stance of the PA. Cases of violation of the right of expression by the PA police have been justified in the name of either the national interest or by patronizing certain traditional values of Palestinian society such as honour.<sup>5</sup> The Palestinian Press Law is an ambiguous law that could be used to advance democratic life or could form a hard whip to suppress dissidents. The crisis in the peace process and the Israeli pressures on the PA regarding the Palestinian opposition has resulted in the tightening of freedom of expression. On the other hand, supporters of the PA explain that the behavior of PA officials can be seen as a strong sign of their anxiety that they may lose control of events. They relate the violations of the freedom of press to the young age of the PA, its dependency on foreign support and the militancy of the Islamic opposition.

Nevertheless, the game is not over yet. There are clear indications of structural pluralism within the PA. The transformation of this pluralism into a real free public sphere, where the media play a role, depends not only on the behaviour of the PA, but also upon the determination of the media themselves to play a role in defining the characteristics of Palestinian society in the future. First, however, the PA must accept that critical media are not necessarily anti-nationalist. The media should be allowed to play an active role without being accused of betraying national interests. On the other hand, the media cannot expect to receive their freedom without a fight. If the freedom of the press is an important principle for Palestinian society, there should be those who are ready to pay the price for ensuring its existence.

The Palestinian media still lack the basic professional qualifications that can make them a strong and coherent social force. The three dailies have turned themselves into tools for transmitting information to the public. They do not provide enough space for various opinions regarding public matters. The dailies are not agents of argumentation, which form the core of the public sphere. Most of the television cable stations have limited themselves to entertainment programmes due to their inability to broadcast political programmes. This self-censorship reflects the lack of will among the owners of these stations to play a role in advancing debate and democracy in Palestinian society.

The media have played a major role in preparing the ground for their submission to the will of the PA. There has been no solid and firm stand from the Palestinian media against the PA violations. Most of this work is done by foreign press and

human rights agencies. It seems that the Palestinian media do not view themselves as integral players in the Palestinian political game and are happy to sit on the fence. This position aids the suppressing hand of the Palestinian security forces and the frivolous behavior of PA officials.

## Notes

1. For more on public opinion towards politics in Palestinian society see: Jerusalem Media and Communication Centre (1997).
2. For more details see *Palestine Report* published by Jerusalem Media and Communication Centre, 20 December 1996.
3. Original copy of the order, *Internews*, East Jerusalem.
4. The Wye Plantation agreement has institutionalized this responsibility by holding the PA responsible for reducing incitement against Israel in the Palestinian press.
5. See clause 37f. in the Palestinian Press Law.

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