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Gray Areas in the Audio-Visual Media Law

Eight years since the audio-visual law was passed in Lebanon, the media is still a demonstration of the highly charged sensitivities in the country. Nicknamed Lebanon's Fourth Authority, the media has yet to live up to its reputation and achieve independence.

The story so far

Since the outbreak of the civil war in Lebanon, different warring factions used the mediums of TV and radio to present and defend their political and military orientations. The initial years following the end of the war saw the closure of some of these organizations, while other sectarian and political groups resorted to the establishment of their own stations to disseminate their political opinions. The resulting media disarray led the government to issue a law regulating the broadcasting sector and reducing the number of stations that had proliferated during the war.

Law No. 382 (November 4, 1994)

This law brought an end to the monopoly held by Tele-Liban (which had been accorded until the year 2012) and Radio Liban over licensed broadcasting in Lebanon. It also legalized channels being broadcast illegally and introduced new ones, handing out licenses on a confessional, political and geographic basis.

No compensation was granted in return; however, Tele-Liban was exempted from the fees generally required from all other media outlets. The groundwork for the operation of privately owned TV and radio stations was also established, under the following four categories:

- Category One: Stations entitled to broadcast news and political programs, among other others.
- Category Two: Stations permitted to transmit all programs, except news and political programs.
- Category Three: Stations that broadcast coded signals, limited to subscribers.
- Category Four: Stations that broadcast via satellite and whose coverage extends beyond Lebanese territory.

The law requires that stations apply for licenses, valid for 16 years, with Category One and Two stations paying licensing fees of LL 250 million and annual rent of LL 100 million. As for radio stations, the same categories were assigned licensing fees of LL125 million and annual rent of LL15 million.

The licensing decision is made by the Council of Ministers, but a 10-member advisory body called the National Council of Audio-Visual Media was formed to review the licensing applications and offer its opinion before submitting it to the Council.

In terms of ownership, the law compels institutions to have nominal shares and prohibits any natural or legal person from owning more than 10% of the company's equity (spouses, parents and minor-age children are considered one entity). In addition, it is also unlawful for such an entity to own shares in another company.

In a legislative attempt to monitor this sector and keep it controlled by the Lebanese, prior approval is required for any transfer of ownership, but at the risk of annulment. Penalties to be applied on institutions committing any violations include the following:

- First-time violation: Broadcasts are halted for a maximum period of three days by decision from the Minister of Information, and upon the suggestion of the National Council of Audio Visual Media.

- Second violation (within one year of the first): Broadcasting is halted for a period ranging between three days and one month, upon a decision by the Council of Ministers, and based on the suggestion of the Minister of Information and the National Council of Audio Visual Media.

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