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A year after MSI panelists predicted that the media in Libya would witness significant improvements in the near future, there have in fact been radical—if still small—changes toward objectivity, rationality, and freedom of opinion, none of which had been permissible for years. Media awareness is growing, not only among journalists, but among citizens, who have begun to demand that the media address important issues so that they may become part of public discourse. After decades in which the media's output was limited to revolutionary pronouncements and the ideological discourse of Muammar Qadhafi's regime, the shift was promising and emphasized a new start that might restore some confidence in the media.

Chief among the new developments was the establishment of daily newspapers in Tripoli and Benghazi by Al Ghad Media, established by the Qadhafi Foundation for Development, run by Saif al Islam Qadhafi, the Libyan leader's son. This opened up a space for freedom of expression that did not previously exist before in the print media, which had been controlled solely by the Revolutionary Committees and other institutions associated with the ruling regime. In addition, informational websites have expanded that space for free expression.

However, setbacks have occurred. Izzedine Alloaj, editor-in-chief of one of the Al Ghad papers, *Quryna*, was dismissed after including reports and articles—some written by Libyans living in the West—that criticized the situation in Libya and started to address many of the topics that had been considered taboo. Al Ghad's satellite station, Al Libiyah, came under government pressure after airing some programs critical of the government. Some of the station's journalists were suspended until Saif al Islam Qadhafi intervened.¹

Other media related developments dampened enthusiasm as well. Although the drafting of two press laws and an NGO law was announced, they ended up being closed for discussion and shelved. Websites critical of the regime were attacked by hackers believed to be linked to the government.

Due to the repressive environment in Libya, some panelists agreed to participate in the MSI panel on condition of anonymity.

¹In June 2009, after the MSI panel completed its work, Al Ghad's outlets were nationalized.

LIBYA AT A GLANCE

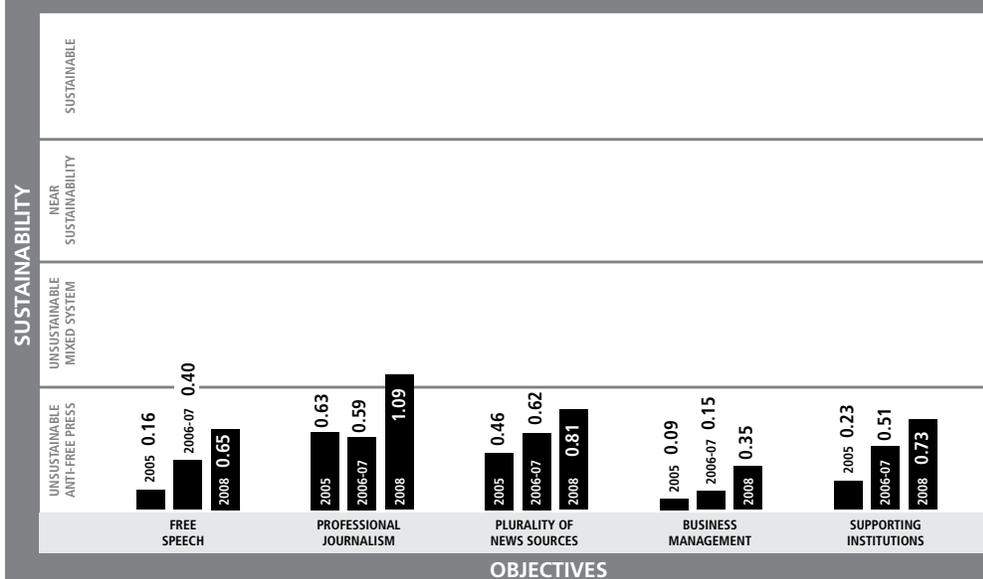
GENERAL

- > **Population:** 6,310,434 (July 2009 est., *CIA World Factbook*)
- > **Capital city:** Tripoli
- > **Ethnic groups (% of population):** Berber and Arab 97%, other 3% (includes Greeks, Maltese, Italians, Egyptians, Pakistanis, Turks, Indians, and Tunisians) (*CIA World Factbook*)
- > **Religions (% of population):** Sunni Muslim 97%, other 3% (*CIA World Factbook*)
- > **Languages:** Arabic, Italian, English; all are widely understood in the major cities (*CIA World Factbook*)
- > **GNI (2008-Atlas):** \$72.74 billion (World Bank Development Indicators, 2009)
- > **GNI per capita (2008-PPP):** \$15,630 (World Bank Development Indicators, 2009)
- > **Literacy rate:** 82.6% (male 92.4%, female 72.0%) (2003 est., *CIA World Factbook*)
- > **President or top authority:** Revolutionary Leader Col. Muammar Abu Minyar al Qadhafi (since September 1, 1969)

MEDIA SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 4 daily newspapers; Radio: 24 stations; Television: 12 stations (www.pressreferences.com)
- > **Newspaper circulation statistics:** 13 per 1,000 people (www.pressreference.com)
- > **Broadcast ratings:** N/A
- > **News agencies:** Jamahiriya News Agency (JANA), Jamahiriya Broadcasting, and Voice of Africa (www.pressreference.com)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 323,000 (2008 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: LIBYA



Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Libya Objective Score: 0.65

In the Constitutional Proclamation issued in 1969 after Muammar Qadhafi took power, Article 13 states that “freedom of opinion is guaranteed within the limits of public interest and the principles of the Revolution.” A law passed three years later, Publications Act No. 76, also places freedom of expression “within the limits of the public interest and the principles of the revolution,” as did the Declaration of the People’s Authority (1977), the Green Charter for Human Rights (1988), and Law 20 on Enhancing Freedom (1991). Law 20 goes into more detail, noting, “Every citizen has the right to express and publicly proclaim his opinions and ideas to the people’s congresses and the media of the Jamahiriya. No citizen shall be answerable for his exercise of this right unless he exploits it with a view to detracting from the people’s authority or for personal ends.”

In practice, panelists said, free expression is not allowed in Qadhafi’s Jamhiriya (loosely translated, the word means “state of the masses”). Because the country lacks a formal constitution, said Fadil al Ameen, an independent journalist, freedom of expression essentially does not exist, and Libya’s legal provisions are not consistent with international human rights standards.

However, Abu Bakr al Baghdadi, chief editor of the *Aswaq* newspaper, contended that “there is no doubt that there is a law providing for freedom of the press, but it remains subject to interpretation, and (its provisions) are both used for and against you. It is a matter of propaganda.”

Independent journalist Essa Abdul Qayom pointed out that in 2007, a project was begun to develop and implement a press law that, in his view, met most of the goals of this indicator. But the project stalled, and the draft law has not been officially recognized or ratified.

In addition to the formal provisions regarding freedom of expression, there are extraconstitutional texts—for example, the “Green Book,” Qadhafi’s three-volume blueprint for the Libyan revolution—that cannot be interpreted or ruled on by the courts, said blogger Mohammad Mlaitan, owner of the website Mwatnen.

Just as importantly, panelists said, the state’s ownership of or control over all media inhibits any press freedoms. “The control by the state prevents achieving the first objective” of the MSI survey, said writer and human rights activist Ali Zidane. “The state owns the press and does not encourage any free press. Instead, it prevents it.”

A panel member who covers foreign affairs on the Internet and could only be identified as M.D. said: “The ruling regime

in Libya neither recognizes the right of free expression, nor allows the existence of independent media. All matters run in accordance with the vision of Colonel Qadhafi, who does not accept the free press.” M.D. quoted from Qadhafi’s “Green Book,” which says that journalism is a means of expression of the community, so in that context it is neither logical nor democratic for media to be owned by anybody.

At the same time, said a panelist who could only be identified as A.F., freedom of expression cannot be measured only by legislation and laws. Libyan society, with its nomadic pastoral roots, has verbal traditions, A.F. said, that make it possible to pass along views and ideas that are contrary to the inclinations of the government but which, disclosed or publicized in the media, would result in severe penalties.

The Publications Act of 1972, which governed print media, was suspended, although with no apparent affect—an indication of how laws are not necessarily observed by the government. The Department of Publications, the body responsible for licensing newspapers, has refused the receipt of license applications or to comment on them officially. “The government does not give licenses for independent, competitive, and non-politicized media. The private ownership of media outlets is banned,” al Ameen added.

A.F. said he knew of a group that had formed a partnership with the hope of obtaining a printing license but that they were unsuccessful. On the other hand, he said he knows a journalist close to the state who was granted a license to publish the *Question* newspaper, whose editions were issued with direction

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

from the official line. However, the license has since been withdrawn and the newspaper stopped being published. A.F. said he could not understand by what criteria the license had been granted and then withdrawn. In his view, such a matter is not subject to any conditions, but rather to random logic.

A.F. also noted that sometimes an owner receives a license from outside of Libya to print a paper intended for Libyans living abroad. But these are available only for those who enjoy the system's trust and who have a connection with the government.

There have been numerous cases of attacks on and harassment of media professionals, including arrests, trials, and beatings. Journalists such as Mohammed Tranish and Najwa Ben Shatwan have been interrogated due to their critical writings. Many others have faced charges when they reported on issues deemed out of bounds by the regime, or whose writings put the government in an unfavorable light. For example, Fathi al Baajah, a Garyounis University political science professor, was charged in January 2009 with agitating against the state over an article he wrote for *Quryna* in May 2007 that criticized Libya's political system. Shortly thereafter all charges against him were dropped after intervention by Saif al Islam Qadhafi. The younger Qadhafi has on many occasions stepped in to quash proceedings against journalists.

According to al Baghdadi, journalists who attempt to promote independence in media are usually contained and sometimes actively suppressed, or the media outlet owners are harassed. "Moreover, crimes against journalists are committed by state institutions," al Ameen added. Such instances are not random acts of violence or carried out by independent criminal elements.

There is no guarantee of free access to information in Libya. On the contrary, said Ashur Shamis, chief editor of the Libya News website, information has been monopolized by the state and the system, and cannot be obtained except in creative and illegal ways. Independent journalists from outside the country have followed indirect methods or depended on trusted sources to obtain information.

Adel Sun'a Allah, the editor-in-chief of the website Jeel Libya, said pressure has been exerted on some of the site's correspondents within Libya to publish some information, while restrictions were put on others to withhold it—all to control access to information. The correspondents told to withhold information were threatened to prevent reporting on investigations of corruption.

Anyone who wishes to become a journalist in Libya must obtain a license from the government. "The media industry requires a security clearance," al Baghdadi said. "Obtaining the security clearance involves a long process, and sometimes it has a high price."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Libya Objective Score: 1.09

Libyan media are governmental by nature, and largely reflect the regime's point of view, Qayom said. Accordingly, he said, as corruption and restrictions on public freedoms have characterized the government, they have affected media as well, dragging professionalism to very low levels. In fact, said Mufid Bumdais, an independent journalist, journalists cannot meet professional standards because, for most, there are no standards they seek to uphold.

Reporting is weak, said al Ameen, because of a lack of professionalism and training, along with government censorship and self-censorship. Because of the lack of free access to information, Qayom said, most reports are too general to address the issues and satisfy citizens' needs to know what is going on. According to M.D., "The press in Libya does not even bother about form; it is therefore very poor in its form and content."

Although some journalists try to upgrade their abilities as much as possible, no acceptable ethical standards have been formed yet throughout the profession. "There are no ethical standards: beginning with access [to information] by the press, the first requirement [for gaining access] is being able to be hypocritical, and engage in duplicity, adulation, and exaggeration out of a loyalty to the regime," M.D. said. "Most press professionals lack initiative. They are always waiting for instructions from 'the head' to address an issue."

A.F. said that in controlled societies that allow only one view, one line of thought, and a lack of pluralism, the standards of

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

professionalism are lost due to the absence of competition, and are not based on quality or efficiency, but on loyalty and randomness that control the profession. "So, it is difficult to provide [the same] climate and conditions [for the development of journalism] that are available to communities that are ruled by a liberal system," A.F. said.

Despite all the difficulties, Shamis said, some journalists are trying their best to make their articles meet ethical and professional standards.

Al Baghdadi said that the state has succeeded in developing ingrained self-censorship over the years. Publishers and journalists alike exercise self-censorship out of fear and because of pressure exerted by officials. The fear of being harmed or killed has led to the avoidance of covering some political topics and public officials, said Mlaitan. Some restrictions have also been imposed on journalists to limit their ability to prepare reports in a forthright manner. As such, journalists are reluctant to cover major events and issues in the country. Although some journalists have tried to cover local, economic, and social issues, as well as corruption issues, they stop at political coverage and security issues.

For example, *Al Jamahir*, a local newspaper in Misurata, published an article by a famous individual, in which he expressed views about the Libya's dating system contrary to those of Qadhafi.² The Revolutionary Working Group and others intervened and challenged the writer, filed a complaint against the paper's editors, and subjected reporters to strenuous investigations. Since then, the newspaper's censorship has increased. Some of the complainants have fashioned themselves as guardians of Qadhafi's ideas and have leadership positions in the local press.

Journalists are paid low salaries, panelists said. "Declining income has caused journalists to abandon journalism and work in other fields," Mlaitan said. "There is a considerable difference in the level of salaries received between the correspondents and editors of print media and broadcast media, and sometimes the difference is unreasonable. This makes some journalists earn by selling articles and press interviews to politicians or the wealthy."

Entertainment programs have surpassed news and informational programs, the panelists said. Most equipment is outdated, and therefore news programming lacks quality in format.

²Libya uses a dating system of solar years since the death of Mohammed, while most other countries using the Islamic calendar use lunar years.

OBJECTIVE 3: PLURALITY OF NEWS

Libya Objective Score: 0.81

In the years immediately following Qadhafi's 1969 coup, Libya's media sector was transformed. Where there had been more than 80 newspapers and magazines that represented a wide range of viewpoints, there are now about a dozen newspapers—all government controlled—as well as state-run Great Jamhriyah radio and television, the government's Voice of Africa radio service, and newly nationalized Al Libiyah radio and television.

Because all media outlets have been state owned, Libyan media offer little in the way of multiple voices. Zidane said that since the media are owned by and oriented toward the government, they are committed to follow only the official line. Al Baghdadi said that there are no reliable news sources, and they publish only what is allowed. Similarly, state privacy policies hinder the media from accessing information on the Internet. Shamis confirmed that despite the growing number of news resources in the recent years, media outlets still mostly draw information from the same sources, which are controlled by the government.

The advent of new newspapers and radio and television stations owned by Al Ghad Media Institution was hailed by many as an opening to independent media in Libya. In 2008, the newspapers *Oya* and *Quryna* started to take steps toward covering corruption and airing opposing opinions. The two papers, along with satellite television station Al Libiyah, were established by the Al Ghad Media Institution, which was

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- > A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- > Citizens' access to domestic or international media is not restricted.
- > State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for print and broadcast media.
- > Independent broadcast media produce their own news programs.
- > Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Although the Internet is available for information and news, Sun'a Allah said, the authorities sometimes attempt to block access to websites that do not follow the official line by unleashing hackers against them, or by oppressing the contributors and owners.

controlled by the Qadhafi Foundation for Development and headed by Saif al Islam Qadhafi, the Libyan leader's son. They were hailed as Libya's first foray into independent media since the elder Qadhafi came to power 40 years ago, but in June 2009 the Libyan government nationalized the two papers and the television station, as well as Al Ghad's radio station and printing press.³ Although some panelists, such as Shamis, were more cautious about those outlets, asserting that they were in fact not independent, what little opportunity they represented for expanded plurality has vanished.

On the other hand, Zidane said, a number of news sources are available via the Internet for a limited class of people with the ability to access them. Mlaitan commented that the residents of the major cities—Tripoli, Benghazi, and Misurata—enjoy a greater possibility of access to informational resources as compared with residents of villages and small towns. But “although one can easily obtain information through the Internet and Arab satellite channels, most Arab and foreign newspapers and magazines are banned or consistently confiscated,” al Ameen said.

Although the Internet is available for information and news, Sun'a Allah said, the authorities sometimes attempt to block access to websites that do not follow the official line by unleashing hackers against them, or by oppressing the contributors and owners. According to M.D., citizens should be able to enjoy freedom of access to various media outlets, and not to be restricted in their use of the Internet or satellite channels. Many citizens do not know about the materials broadcast by local media outlets or know nothing about what the international media report about Libya, even if that is very little.

M.D. summed up the situation by saying: “Libyan websites abroad are multiple and good to some extent, whereas the official local media are very restricted, and the new semi-independent press [that was later nationalized] is still faltering, though it is promising.”

³The nationalization of Al Ghad's media outlets occurred after panelists had submitted their MSI scores.

Since the government is in control of all broadcasters, there are no independently produced news broadcasts. Similarly, media ownership is transparent, in that it is entirely the government and government agencies owning media, and therefore this represents a harmful monopoly.

OBJECTIVE 4: BUSINESS MANAGEMENT

Libya Objective Score: 0.35

In the absence of any truly independent or commercial media in Libya, the indicators within this objective clearly cannot be considered applicable, Qayom said. Al Ameen agreed, saying that since all media outlets are state-owned, they work neither professionally nor for profit. Moreover, there are virtually no revenues other than government subsidies, and there is no real advertising market.

Advertising in the Libyan media is very primitive, Mlaitan said, because the interested media professionals do not have the skills to make money from advertisements, and there is no interaction between advertising agencies and the media. Because readable media draw only limited income from advertisements and cannot rely on subscriptions to provide revenue, they are completely dependent on subsidies granted by the state. Al Baghdadi said there is no single Libyan media outlet that can cover its own production and marketing costs.

Further, there are no serious efforts made to measure audiences or readership or provide content suited to the news requirements or tastes of consumers. The Libyan media market is decidedly supply driven to meet the needs of its ownership: the state.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- > Independent media do not receive government subsidies.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- > Broadcast ratings and circulation figures are reliably and independently produced.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Libya Objective Score: 0.73

Libyan law does not allow for the establishment of civil society institutions that are independent from the state, Qayom said. There was a draft law that has not been put into force, called the Law of Civil Society, which might suffice if it were applied.

Consequently, there are no associations of publishers or broadcasters, Sun'a Allah said. There is a Press Union under the supervision of the government, but it is unable to provide support to members, except for rare cases that do not amount to anything more than an expression of sympathy, he said. The role of the union is restricted to administrative matters and organizing activities.

Mlaitan said the union is unable to defend the rights of its members, and cannot address the government on their behalf or defend them. Rather, the union is among the institutions subject to the state, and is not independent. Similarly, he said, there are no active NGOs working in cooperation with media outlets to support the freedom of expression and independent media.

Training courses have been initiated by the state in the course of developing the media sector, Qayom said, and increasing the courses' quality is under the state's direct supervision. Al Baghdadi said that there are institutions that train journalists for a fee, and a journalist sometimes pays out of his own pocket or by finding an institution that can support him. The external courses conducted by Al Jazeera, for example, are very expensive, he said, and may be attended only by those involved in government relations, at the state's expense.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of private media owners and provide member services.
- > Professional associations work to protect journalists' rights.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs that provide substantial practical experience exist.
- > Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- > Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Bumdais said that because all media outlets are subject to censorship, printing companies cannot print a newspaper without censor approval.

List of Panel Participants

WITHIN LIBYA

Mufid Bumdais, independent journalist contributing to *Quryna* and Jeel-Libya website, Misrata

Mohammad Mlaitan, owner, Mwatnen blog; professor, Misrata University, Misrata

Ramadan Jarbou, freelance journalist contributing to *Quryna* and *Oea*, Benghazi

Abu Bakr al Baghdadi, managing editor, *Aswak*, Misrata

EXPATRIATE LIBYANS

Essa Abdul Qayom, journalist and blog owner, United Kingdom

Fadil al Ameen, journalist, United States

Ali Zidane, Libyan League for Human Rights, Germany

Ashur Shamis, editor-in-chief, Libya News website, United States

Adel Sun'a Allah, director of Jeel-Libya website, United Kingdom

Numan Bin Uthman, freelance journalist, United Kingdom

Ahmed Moussa, freelance journalist, United Kingdom

Fathi Aekari, professor and freelance journalist, Ireland

Due to the repressive environment in Libya, some panelists agreed to participate in the MSI panel on condition of anonymity.

Moderator and Author

Aly R. Abuzaakuk, executive director, Libya Forum for Human and Political Development, Washington, DC, USA