

## Minorities, Law, and the Media: The Arab Minority in the Israeli Media

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Portraying minorities in a negative light, making extensive use of prejudice and stereotypes, as well as blaming them for their problems, attributing fixed and negative roles to members of minority groups or simply merely ignoring them – these are all typical patterns of the media coverage of these groups. Indeed, the media very rarely covers a positive event involving them. In addition to being depicted as irrational and backward, members of these groups are generally described as extremists who threaten the status quo and are far removed from the societal consensus.<sup>2</sup>

A look at Israeli television channels shows how far Israel lags behind the developed world in representing minorities. For example, while most Israeli television broadcasters still have the same characteristics (Jewish-Ashkenazi-secular), viewers of leading American and British news channels like CNN or BBC are exposed to many broadcasters who speak with a range of accents and belong to various minority groups, including Latinos, Indians, Chinese, African-Americans and Asians. A primetime news program broadcast by an African-American journalist can help to undermine a prejudice that views members of this minority group as murderers or sexual deviants. Instead, the broadcaster would be seen as a part of everyday reality and not as something abnormal. Some believe that members of many groups would come to have greater trust in the news broadcasts if some of the presenters looked like them or belonged to their group.<sup>3</sup>

It can be said in general that all in Israel suffer from problematic television representation, which undermines their legitimacy. However, this is particularly acute with regard to Arab citizens of the state. Studies have shown that the Israeli media tends to present Arabs as more violent, provocative, primitive, irrational and unreasonable than Jews.<sup>4</sup>

The coverage of Arab citizens in the Israeli media is problematic on three levels: Firstly, although Arab citizens of the state constitute almost 20% of the population, as citizens they hardly ever appear on the screen. Secondly, even when they briefly appear, they are presented in a negative manner, while their unique problems and living conditions are almost totally ignored. Thirdly, as Palestinians and as part of the Arab world, they are also influenced by the negative manner in which Arabs are generally portrayed in the Israeli media.

A study commissioned by The Second Authority for Television and Radio<sup>5</sup> (2004) indicates that nearly three times as many Palestinians from the Occupied Territories and others from

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<sup>2</sup> Eli Avraham, *The Hidden Israel: The Kibbutzim, Jewish Settlements, Development Cities and Arab Towns in the Israeli Press* (Jerusalem: Academ Press, 2001)

<sup>3</sup> Eli Avraham, *The Media in Israel: Center and Periphery, Coverage of the Development Towns* (Jerusalem: Academ Press, 2000), 188 [Hebrew].

<sup>4</sup> Id. 18.

<sup>5</sup> The Second Authority for Television and Radio supervises the two primary commercial channels in the country (Channel 2 and Channel 10), both of which have high ratings. Due to the nature of this presentation, I will refrain from discussion and critique of the normative structure of the Broadcasting Authority. For further information in this regard, see, Assam Abu-Raya, "The Arab Minority and the Israeli Media," in *Exclusion & Negative Image: Inequality in the Israeli Media*, ed. Na'ama Yashuvi (Jerusalem: Association for Citizens Rights in Israel, 2002) [Hebrew]. See also, Anat First, "Representation of the Arabs in the News," *ibid*; and H.C. 375/03, *The Mossawa Center for the Rights of Arab Citizens v. the Prime Minister et. al.* (not yet published).

the Arab world appear on the screen than do Arab citizens of Israel.<sup>6</sup> Palestinians from the Occupied Territories or representatives from the Arab world usually appear as part of coverage of hostile acts against Israel or as advocates of views that are opposed to Israeli governmental policies. Thus, the authors of the study contend that Arab citizens, who receive scant coverage in the Israeli media, are "swallowed up" by the Arabs and Palestinians in general, who receive more coverage, both in quantity and quality.<sup>7</sup>

Attempts made by the various Israeli media outlets to improve the image of Arabs and to upgrade their representation have so far met with total failure. The idea of establishing an Arab channel has not been realized and promises made by the franchisees of commercial channels to increase the representation of Arabs, both as subjects of news coverage and as members of their reporting and production teams, have yet to be fulfilled. The attempt by the commercial channels to demonstrate a liberal approach by including Arab participants in their programs has proven to be yet another instrument for maintaining inequality.<sup>8</sup>

In this article, I will present data that illustrates the exclusion of Arab citizens from the Israeli media and will provide examples of the way in which the Arab is presented in it. The data, which is not exhaustive of course, is presented here in order to emphasize the huge gap between Israeli law, which mandates appropriate representation for Arab citizens, and the actual reality of the media. In order to establish the Arab minority's legal right to appropriate representation in the media, I will draw upon international conventions and examples from other countries. The data presented below will illustrate that the intentions of enhancing the image of Arab citizens in the Israeli media are clearly not serious. I will argue that upgrading the representation of Arabs on the Israeli screen would not only contribute to the fulfillment of their rights to freedom of expression, equality, respect and language, but would also serve the general public's interest in receiving reliable and authentic information about all aspects and dimensions of the "Other." In my view, familiarity with the other's culture is the most successful formula for curbing racism toward him or her. However, in the absence of active intervention by the state, both in legislation and in mechanisms of law enforcement, appropriate representation of Arabs in the Israeli media (in all of its branches) will still not guarantee an improvement in their situation.

### **Jewish Dominance on the Israeli Screen: The Second Authority for Television and Radio**

According to Article 5 of the Second Authority for Television and Radio Law (1990),<sup>9</sup> the role of the Authority is to maintain and supervise broadcasts. In fulfilling its role, the Authority is legally bound, *inter alia*, to promote social values; foster good citizenship; strengthen democratic and humanistic values; provide expression for different cultures, the arts, and the values of civilization; and *give appropriate representation* to the cultural diversity of Israeli society and the different worldviews in different regions of the country. In addition, the Authority must provide expression for the Arab population by maintaining broadcasts in the Arabic language for this population's needs. Another specific normative declaration is grounded in regulation 6(b) (4) of the Second Authority Regulations (2002), according to

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<sup>6</sup> Eli Avraham, Anat First and Noa Elefant Loffler, *Those Absent and Present during Primetime: Cultural Diversity in the Broadcasts of Commercial Channels in Israel* (Israel: The Second Authority for Television and Radio, 2004) [Hebrew].

<sup>7</sup> *Id.* 13.

<sup>8</sup> In this regard, see a fascinating analysis by Dr. Amal Jamal of a Channel Two program entitled *Leader Wanted* in which a young Arab woman participated. One of Dr. Jamal's conclusions is that, despite the so-called liberal discourse of equality that ostensibly characterized the program, the Arab participant's otherness was not accepted. See Amal Jamal, "The Imagined Syndrome of Equality and the Cunningness of Cultural Exclusion: Arabs in Israeli Reality Programs in *Those Absent and Present during Primetime: Follow-up Study*, eds. Eli Avraham, Anat First and Noa Elefant Loffler (Israel: The Second Authority for Television and Radio, 2006), 54 [Hebrew].

<sup>9</sup> Hereinafter "The Second Authority Law."

which a franchisee must, *inter alia*, *provide appropriate expression* in its broadcasts to both Jews and Arabs.

The Council of the Second Authority for Television and Radio quantified what it means to "provide appropriate expression" in broadcasts for the Arab population and its language. The numbers have been revised in every franchise period. For example, in 1992, the Council stipulated in its regulations – Article 10(c) of the Regulations of the Second Authority for Television and Radio (Broadcast of Television Programs by a Franchisee, 1992) – that at least 8% of the programs should be directed to Arabs. Subsequently, in an amendment made in 1999, this minimum was raised to 18%. In a further amendment made a year later in 2000, which remains in effect, the Council decided to reduce the minimum to 5%.<sup>10</sup> This means that it is sufficient for a potential franchisee to offer programs in the Arabic language and/or programs with a voice-over in Arabic and/or that are translated into Arabic that comprise 5% of its weekly broadcast time in order to fulfill the terms of the tender.<sup>11</sup>

Since Arab citizens constitute a large minority in Israel (around 20% of the total population) and are distinct from the dominant linguistic majority in culture, history, religion and political culture, it might be expected that they would appear on the screen frequently, or at least in proportion to their percentage of the population. Another path that is supposed to provide expression for Arab citizens is the minimum number of broadcasts intended for residents living in the periphery in Israel. Since the majority of the Arab population lives far from the centers of public, social and political influence, it is clear that it is also included in the category of peripheral regions. This fact should have increased the chances of Arab citizens of appearing on television, but this has not been the case.

Data collected by the Second Authority for Television and Radio and reports that it has commissioned leave no doubt over the discrimination against Arab citizens and their marginalization in the media. This data reveals a gloomy situation, as well as the clear fact that the Authority is in gross violation of the law, as I will explain below.

A study recently published by the Authority<sup>12</sup> applied both quantitative and qualitative measures to examine the frequency with which members of minority or marginal social groups appear on the television screen. The study indicates that during 2004 to 2005, approximately 95% of the people who appeared on the screen were Jewish and only 2% were Arab. Only 3% of those appearing during the news were Arabs, 3% in current affairs programs, and 2% in entertainment programs. In addition, the study found that Arabs appeared mainly in the context of the Arab-Israeli conflict and crime. 45% of the items that dealt with Arabs were security-related, 35% were related to the Palestinian-Israeli conflict, 25% to the conflict between Arabs and Jews in Israel, and 30% to criminal matters. It was also found that Arabs do not appear at all in items related to economic affairs, business, commerce, industry, labor relations or trade unions. The number of Arabs who appeared in reports about public disturbances was twice the number of Jews who appeared in this context.

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<sup>10</sup> Expression of these directives can be found in Article 4 in the first annex to *The Second Authority Law*. This article now stipulates that a minimum of 5% of the broadcasts should be geared for the Arab and Russian populations.

<sup>11</sup> In H.C. 997/05, *Mossawa Center for the Rights of Arab Citizens, et al. v. The Council of the Second Authority for Television and Radio*, the petitioners requested, *inter alia*, that the minimum of Arabic broadcasting be increased to be commensurate with the percentage of the Arab population residing in Israel (that is, an increase from 5% to 18%). To the author's best knowledge, the petition was withdrawn because of the respondent's promises to include Arab citizens in the broadcasts. These promises were acceptable to the Supreme Court.

<sup>12</sup> *Those Absent and Present during Primetime, Research and Follow-up, Cultural Diversity in the Broadcasts of Commercial Channels in Israel* (Israel: The Second Authority for Television and Radio, 2006).

Similar data appears in the 2004 report of the Second Authority for Television and Radio.<sup>13</sup> This report was based on a study commissioned by the Authority to examine the representation of minority groups in the television channels under its jurisdiction. The representation of minority groups was examined in a quantitative analysis of various types of programs broadcast during peak viewing hours according to nationality (Jews, Arabs), ethnicity (Ashkenazi, Mizrahi), gender (male, female), length of residence in the country (immigrants, veterans), and religiosity (secular, national religious, ultra-Orthodox). The types of programs selected included news, current affairs, talk shows, dramas, game shows and satirical programs broadcast in 2003 on the two commercial television channels (Channel 2 and Channel 10). The following are some of the findings that relate to representation of the Arab minority:

1. 2,729 Jews appeared on news broadcasts, compared to 77 Arabs (97% versus 3%).
2. Jews were dominant in current affairs and investigative programs (96%), while the Arabs were barely mentioned (2%). 660 Jews appeared in comparison with 23 Arabs.
3. Jews were an absolute majority among the guests in the various programs. Only in 3 cases (1%) were Arabs the majority and in less than 0.5% of cases was there an equal number of Jews and Arabs present.
4. No Arabs appeared in any of the dramas; 99% of those who appeared were Jews.
5. While Arabs comprise around 20%<sup>14</sup> of Israel's population, Arabs were dominant in only in 2% of the items in the news broadcasts.
6. Jews were dominant in 403 items, compared to 5 items in which Arabs were dominant.
7. 199 items dealt with the quality of life of Jews, compared to 3 items about the quality of life of Arabs.
8. Arabs were not dominant in any news items that dealt with economics or commerce, human interest stories, poverty and economic hardship, unemployment, tragedies or other topics unrelated to security or criminal matters.
9. 99% of the presenters in news broadcasts were Jews.
10. Only 15 Arabs appeared as commentators or experts in various items, compared to 884 Jewish commentators.
11. 23% of Arab figures were presented as passive and not in control of their fate, versus 7% of Jews presented in this manner.

Moreover, a review of the 2003 report of The Second Authority for Television and Radio reveals that none of the franchisees which operate the country's main commercial channels reported broadcasting a documentary film, drama, investigative report, made-for-television movie, or current affairs program in the Arabic language. Additionally, the two franchisees did not meet their minimal obligation<sup>15</sup> to broadcast half an hour weekly of original programming produced in Arabic. In 2003, only three original programs in the Arabic language were broadcast, and all were broadcast during a non-peak viewing period, between 10:45 am and 1:30 pm. None of the programs on religion or religious tradition was broadcast in Arabic. A review of programs dealing with issues regarding the peripheral areas in Israel reveals a similar picture: only one of the 30 programs (97 hours) that dealt with peripheral areas focused on an Arab region (1 hour 10 minutes). While the report also cites

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<sup>13</sup> See footnote 3, above.

<sup>14</sup> The study was based on data from the *2002 Israel Statistical Yearbook* (Jerusalem: Central Bureau of Statistics).

<sup>15</sup> Article 59 of The Second Authority Law defines an original program as "a program in which most of its creators, most of the production staff, most of the technical engineering crew that took part in its production, and a majority of the production staff are residents of Israel who live here permanently and that was produced for the primary target audience, in Hebrew, Arabic, Russian or another language that was approved in advance by the director, excluding news broadcasts, sports programs, and current affairs programs; a majority, according to this definition, is at least 75%."

two other Arabic programs (*Cocktail* and *Aravision*), these programs are two of the three previously mentioned programs that were supposed to be included in the category of original local productions.<sup>16</sup>

The findings of these studies support theories and positions advocated by various researchers who have studied how minority populations, including the Arab minority, are portrayed in the world media in general and in the Israeli media in particular. Based on an analysis of how minority groups appear in the media, Dr. Eli Avraham reached the conclusion that the lack of media attention leads them to sometimes resort to protest and even violence to win media coverage.<sup>17</sup>

### **Visibility as a Guarantee for Realizing Social Interests and Developing a Rational Relationship toward the Other**

The lack of the visibility of Arab citizens on the screen contributes much to their marginalization in society, putting them at the bottom of the social hierarchy of power. It should be remembered that the appearance of Arab citizens on Israeli TV not only serves their interest in exercising their rights to freedom of expression and full participation and influence in the free market of ideas, but it also serves the common interests of the entire society, which has a public interest in receiving information in a reliable manner from a first-hand source, without the mediation of the other. Undoubtedly, the appearance of the Arab citizen on the screen in a variety of contexts is the best and most reliable way for the general public to learn about the experience of the Arab population and its political culture. Another public principle related to the appropriate representation of Arab citizens in the media is that of cultural and political pluralism. This principle is not only of interest to the Arab population, but also reflects a universal social interest of relevance to society as a whole, if it wishes to build a democratic, civic society shared by all.

The role of the media is to mediate between the various levels of society and not to perpetuate social gaps. The manner in which the Israeli media currently operates guarantees the perpetuation of social gaps and ingrains a culture of racist thought and behavior. Quoting an Arab citizen voicing unconventional arguments can pave the way for media attention, and from there, perhaps, to police interrogation. The daily activities of Arab Members of Knesset (MKs) are of no interest to the Israeli media and do not attract any media coverage unless they make "inflammatory" remarks, "identify with the enemy," or support one or another resistance movement.<sup>18</sup> Coverage of the recent war in Lebanon in 2006 illustrated to what extent Arabs still appear in the Israeli media as just a quotation. Even veteran and highly esteemed journalists took sentences out of their general context and launched unprecedented verbal attacks that even included calls for "transfer."

An example can be found in an article published by the journalist Ben Caspit in *Ma'ariv* on 1 August 2006, when the war was still raging. In the article, Caspit addressed MK Dr. Ahmed Tibi, who was among those who had called Defense Minister Peretz a "murderer":

Israeli democracy, Ahmed, will not be able to swallow such venom for much longer. Ultimately, you will be vomited up and removed from its midst. When a Jew in New York decides that his loyalty to the Jewish state is greater than his commitment to his homeland, he gets up and immigrates to Israel. The time has come for you also to decide. Where are you and whose side are you on? Do you

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<sup>16</sup> *Report of The Second Authority for Television and Radio*, 2003, pp. 17-39.

<sup>17</sup> See footnote 3, above, pp. 20, 189. See also Assam Abu Raya, Eli Avraham and Gadi Wolfsfeld, *The Arab Population in the Hebrew Press: Media and Socio-political De-legitimization* (Givat Haviva: The Institute for Peace Research, and Beit Berl: The Center for Social Research of Arab Society, 1998).

<sup>18</sup> See Hassan Jabareen, "The Arab as Quotation," *Haaretz*, September 2002.

want to remain here? Declare your loyalty courageously. You don't want to? Then emigrate to Palestine. Uproot to Syria. Move to Amman.<sup>19</sup>

The opposition of Arab citizens to this latest war in Lebanon was clear from the first moment, though their appearance in the media was belated. Even when representatives of the Arab population were later given an opportunity to appear in the media, it was easy to discern that they were invited to the television studio in order for them to be attacked during a live broadcast, turning the studio into an arena for strident arguments that at times almost became physical.<sup>20</sup> The shouts that were heard during live broadcasts of Arab citizens being interviewed entirely distorted their statements and made it easy for viewers to place them in the category in which they are used to seeing them: raucous, threatening, uncultured, with extremist views, and as inciters with a passion for destruction.

Familiarity with the culture of the other and being knowledgeable about its internal problems can be of great assistance in developing a rational attitude toward the other, and in reducing prejudices and expressions of racism. The command of the Hebrew language by a majority of the Arab citizens of the state and their exposure to the Israeli media, which covers the social-political culture of the Jews on a daily basis, is causing a change in the Arab view of the Jew. In contrast, the coverage of Arab affairs only during times of war, bloodshed and violence, has shaped their image among Jewish citizens as members of a one-dimensional group that lacks any trace of pluralism or diversity. It is no wonder that in 2006 we are witness to a rising wave of racism towards Arabs and the entrenchment of an extremist attitude toward them.

The question remains: From where does the minority derive its right to appear in the media at a frequency and in a manner commensurate with its status and its proportion of the population, and is the state actually obliged to employ members of the Arab minority in the media? In comparison to the situation in other countries, and in light of the directives of international conventions and declarations, one cannot but conclude that Israeli law is still far from providing minimal expression and recognition for the right of the Arab minority to appropriate representation in the Israeli media. Below are several examples of international conventions and declarations that establish a normative source for the rights of minorities in the media.

### **Minorities and the Media as Reflected in International Law**

Appropriate representation of a minority group in the media consists, inter alia, of an expression of the right of members of the minority group to preserve their identity, language, way of life and freedom of expression. The state's obligation to preserve the linguistic identity of persons belonging to national minorities is enshrined in a number of international covenants and declarations, as well as in rulings of the European Court of Human Rights. The obligation to respect the language of a minority group is grounded in Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which Israel ratified in 1991. The accepted interpretation of Article 27 imposes a positive obligation on the state to respect the minority's language.<sup>21</sup> This means that it is not enough simply to allow a minority to use its language. Rather, a positive obligation is imposed on the state to grant a platform for the minority's language. Granting a platform for the minority's language in the media expresses fulfillment of the state's obligation to enable the minority to employ its language.<sup>22</sup>

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<sup>19</sup> The article in Hebrew can be accessed at: <<http://www.nrg.co.il/online/1/ART1/457/507.html>>

<sup>20</sup> See Ehud Asheri, "Live-time Fight: Opponents of the War Undergo Shock Treatment," *Haaretz*, 24 July 2006.

<sup>21</sup> UN Human Rights Committee, General Comment 23, 9 available at: <<http://www.ohchr.org/english/bodies/hrc/comments.htm>>

<sup>22</sup> See also articles 1 and 2 of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, which stipulate that states have an obligation to protect, inter

Article 9 of the Framework Convention for Protection of National Minorities, which was established by the Council of Europe in 1995 and came into effect in 1998, emphasizes that the right to freedom of expression includes the right to language and the obligation to ensure that national minorities do not suffer discrimination in access to the media. This article imposes a positive obligation on states to take steps to facilitate the access of minorities to the media, and prevents intervention by the state's institutions.

In 1992, the Council of Europe enacted The European Charter for Regional or Minority Languages.<sup>23</sup> This constituted, *inter alia*, recognition of the need to protect the language of minorities and contributed to promoting a pluralistic culture in Europe. The Charter includes many directives aimed at protecting the minority's right to its language and to even promote it, including by means of the media. Article 11 of the Charter lists a large number of practical possibilities for ensuring broadcasts in the minority language, including economic support for training professional staff and to cover extra broadcasting costs incurred.

In 1992, the Organization for Security and Cooperation in Europe established the post of High Commissioner on National Minorities. In 2003, with the assistance of academic experts on minorities in the world, the High Commissioner published a guide designed to provide the world's countries with the standards for broadcasting in the languages of minorities, including practical suggestions for implementing international human rights law pertaining to the media-related needs of minorities. These global standards are based upon the following principles: freedom of expression; linguistic and cultural diversity; preservation and development of identity through the use of language in media broadcasts; and equality and the prohibition on discrimination.<sup>24</sup>

This guide includes many guidelines intended for decision-makers and public policy makers, as well as for legislators and the courts. Article 15 of the guide discusses the access of minorities to the media. According to this article, states must provide in their broadcast programs meaningful access for minorities *in accordance with the number, geographic concentration and location of the minorities*. Accessibility to a regional/original channel that broadcasts in the minority's language cannot serve, according to this article, as justification for the exclusion of minorities from national broadcasts.

With regard to the time and scope of the broadcasts, the aforementioned guidelines explicitly stipulate that states must ensure that broadcasts in the minority group's language reflect *the numerical size of the national minority* in a manner commensurate with its needs and interests. There is also a need to consider small minority groups and to allocate some minimal broadcasting time for them in order to enable meaningful access to the media through broadcasts in their language. It is important to note that these guidelines do not suffice with declarative statements about the importance of broadcasts in the minority's language, but also propose operative ways to realize these principles. For example, according to these guidelines states should encourage broadcasts in the minority language

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*alia*, the culture and identity of minorities, to encourage conditions for promoting the identity of the minorities, and even to adopt legislation and other means in order to fulfill this obligation. Article 4 (2) of the Declaration stipulates that states are obliged to take steps to create preferential conditions that will enable persons belonging to a linguistic or national minority to actualize their identity and to develop their culture, language, religion and customs.

<sup>23</sup> The full charter [hereinafter the European Language Charter] can be viewed at: <http://conventions.coe.int/Treaty/en/Treaties/Html/148.htm>

<sup>24</sup> Guidelines on the Use of Minority Languages in the Broadcast Media <http://www.aber.ac.uk/~merwww/general/osce.htm>.

by granting incentives and preferential terms to those who do so, including exemptions from competitive processes and facilitations as regards certain administrative demands.<sup>25</sup>

### **Minorities and the Media - A Comparative View**

Influenced by international conventions on the cultural rights of minorities and the constitutional status of the right to freedom of expression, many countries have internalized the need to give media expressions to the affairs, needs and languages of the minorities living within their borders. In order to strengthen this multicultural element, some countries have enacted domestic legislation that emphasizes the need to give expression to minority populations and their language through the media. In this section, I will present a brief survey of the situation in a number of countries concerning the granting of expression to minorities on public media channels. This review shows that several countries place great emphasis on the obligation to broadcast in the minority language and to address their affairs, especially in the case of indigenous minorities.

#### **Canada**

The two official languages of Canada are English and French. French is considered a "minority language" if the number of English speakers in a certain region is greater than the number of French speakers, which is the case in most areas of Canada, except Quebec.<sup>26</sup>

An extensive report composed by researchers from Oxford University and the University of Amsterdam, together with the OSCE, indicates that in 1996 English was the mother tongue of 60% of the Canadian population, while French was the mother tongue of 23%, and that 16% of the population had a mother tongue that was not one of these two official languages. Canadian broadcasting policy is, in general, based upon the principle of equality. The broadcasting entities in the state try to address the needs of the entire population in an equitable manner, in the spirit of the multicultural nature of the state, its linguistic duality, and the unique status of the indigenous people. The diligent protection of the status of the official languages and the preservation of the status of the state's unofficial languages is part of Canada's general policy of fostering the concept of multiculturalism.<sup>27</sup>

The Broadcasting Act of 1991 regulates television broadcasting in Canada. Article 3 of this law states explicitly that broadcasting in Canada will be conducted primarily in English and French, partly to encourage the development of expression in the state by presenting a wide range of approaches, opinions, ideas, values and artistic creation. Similarly, the law is explicit in declaring that Canada's broadcasting policy must give expression to "aboriginal peoples" – in both its programs and employment policy:

" 3. (1) It is hereby declared as the broadcasting policy for Canada that

...

(d) the Canadian broadcasting system should

...

(iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the

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<sup>25</sup> Statements relating to the time and scope of broadcasting can also be found in the recommendations of the Council for Security and Cooperation in Europe. The Council published recommendations in 1998 with regard to national-linguistic minorities, entitled, "The Oslo Recommendations regarding the Linguistic Rights of National Minorities." Article 9 of these recommendations explicitly states that *the time and quality of broadcasting should be proportional to the size of the minority and commensurate with its situation and needs.*

<sup>26</sup> Tarlch McConagle, Bethany Davis Noll, Monro Price, (eds.), *Minority–Language Related Broadcasting and Legislation in the OSCE* (Oxford University and The IviR, April 2003) 144. Available at <[http://www.osce.org/hcnm/item\\_11\\_13547.html](http://www.osce.org/hcnm/item_11_13547.html)>

<sup>27</sup> Id.



circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society.

Similarly, the law explicitly stipulates that French and English broadcasts should reflect the different needs and circumstances of the population that speaks an official language, including the special needs of minority English and French language groups. Programs that reflect the culture of the indigenous culture are to be provided in Canadian broadcasts so as to render them accessible to the target audience.<sup>28</sup>

### **Austria**

A report by the Institute for Information Law (IVIIR) at the Universiteit van Amsterdam, citing data from the Austrian census, indicates that until 2001, 95.5% of the Austrian population used the German language as its sole language; 1.1% of the population declared that they use one of the minority ethnic languages recognized in Austria<sup>29</sup>; and 3.04% stated that they use another language in addition to German. Despite the minuscule percentage of people speaking one of the minority languages (1.1%), the Austrian public broadcasting service (ORF) nevertheless makes broadcasting time available for each of the minority language groups. For example, on every Sunday since 1989 the ORF has broadcast a program intended for Croats, who comprise *less than 1%* of the country's population. Croatian citizens produce this television program, which is broadcast in the Croatian language.

The obligation of the Austrian public broadcasting channels to broadcast programs in languages of minorities in the country is grounded in federal broadcasting law: the Federal Act on the Austrian Broadcasting Corporation.<sup>30</sup> Article 5 (1) of this law stipulates that a reasonable portion of the programs should be in the language of the minorities and that the public council responsible for protecting public interests should consult with representatives of minority communities in regard to allocation of broadcasts in their language.

### **Belgium**

Belgium is divided into three regions – Flemish, Walloon, and the Brussels Capital Region. The three official languages of Belgium are Dutch, German, and French. In 2002, 57.9% of the population of the country resided in the Dutch-speaking region; 31.9% lived in the French-speaking regions and 9.5% in bilingual regions. The emphasis in each region is on the target audience and its language. The authorities make sure that in each region not only are the broadcasts in the language of the local population, but also that those operating the broadcasts speak the local language. In the Flemish-speaking region, at least 50% of all public broadcasts between the hours of 6 pm to 11 pm are supposed to be in Dutch. In the French-speaking region, there is a requirement for at least 40% of public broadcasts of a cultural nature to include French music. Further, at least 33% of the public broadcasts in this region are supposed to be produced by French-speaking professionals.

According to Article 3 of the law that establishes the Belgian Television and Radio Authority for French Speakers (RTBF), one of the authority's tasks is to ensure media access for the public, and for French speakers in particular, based on principles of equality and cultural diversity, while allowing for expression of different worldviews and full participation of the

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<sup>28</sup> (m) The programming provided by the Corporation should: [...] (iv) be in English and in French, reflecting the different needs and circumstances of English and French linguistic minorities' [...] (o) programming that reflects the aboriginal cultures of Canada should be provided within the Canadian broadcasting system as resource become available for the purpose.

<sup>29</sup> Croats, Slovaks, Czechs, Slovaks, Hungarians, and Romanians.

<sup>30</sup> The full legislation can be found at:

[http://www.rtr.at/web.nsf/englisch/Rundfunk\\_Rundfunkrecht\\_Gesetze\\_RFGesetze\\_ORF-G](http://www.rtr.at/web.nsf/englisch/Rundfunk_Rundfunkrecht_Gesetze_RFGesetze_ORF-G)

French-speaking population in operating the programs, be it in writing, production, distribution or artistic performance.<sup>31</sup>

The above examples demonstrate that countries with linguistic minorities have not sufficed with a general statement that appropriate expressions should be given to members of minority groups in media broadcasts. Some countries have interpreted "appropriate expression" as including an obligation to provide *an equal response to the needs* of the minority population, including the indigenous population, in a manner that ensures equal and *appropriate access* (Canada). Other countries have determined that the allocation of broadcasts to minorities should be undertaken with the cooperation and advice of members of the minority group (Austria). In Belgium, on the other hand, it is possible to see that the state did not limit itself to setting an obligation to broadcast in the language of the minority; it also determined that the personnel operating the production should be native speakers. It is likely that the adoption of these models in Israel would bring about a significant change in the representation of Arab citizens in the Israeli media, in both quantitative and qualitative terms.

### **Conclusion**

Realization by the Arab minority in Israel of its rights to language, expression, and respect should be reflected in the media, and first and foremost in commercial television, which enjoys high viewer ratings. However, the establishment of a specific Arabic channel, while a good idea, would still be insufficient even if it were to succeed. A state that is committed to promoting human rights and aspires to a liberal pluralistic life should act to realize such principles actively and not just declaratively. Allocation of resources by the state for the purpose of establishing a specific, original Arab channel is needed, but this should not be regarded as a sufficient step. Establishing such a channel does not relieve the state from its obligation to give expression to a national minority and its language in the government and commercial channels. In parallel to providing support for establishment of a specific, independent channel for Arabs, action should be taken to enforce the laws and the commercial channels' obligation to give authentic and suitable expression to Arab citizens in terms of broadcast content, selected topics and broadcast time, as well as through the hiring of Arab personnel to work at these channels.

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<sup>31</sup> Decree of 14 July 1997 concerning the statute of the RTBF.