

### 1 Theoretical Framework

The development of global and regional media technology and institutions in the field of mass communication is considered a product of both the law and technology, science and technology provided human beings with the means which enabled them to transfer information and ideas across time and space, and for that humanity owe scientists and inventors like Edison, Bell, Marconi, De Forest and Zworykin for their great contributions and achievements in making the communication revolution a reality of the world of today, it is widely accepted that technology is the necessary antecedent to mass communication, and that a society laws ultimately determine how technology will be developed and how will be reached.

However these new technological achievements can not operate in a vacuum or an empty world...
without the existence of human beings, for it operates in organized societies governed and ruled by laws and regulations, these societies can be open liberal with free rights of speech and expression, or it can be authoritarian and closed ruled by a few number of people who control the media, regardless of the role played by technology in the advancement of humanity, the rule of law remains the main factor which shape the way by which technology develops and its products used.

Historically the law accompanied the development of media technology since early time in history, the kings of authoritarian governments in the European Continent interfered and regulated expression whether written or spoken since the renaissances age and through the French Revolution, during those years political, social scientific, philosophical and ideological differences and conflicts are all reflected in writings which were severely censored, publishers and printers are required to get permits and license before publication or circulation.

Regulation of the printed word continued in societies like England and America until 1695, when the House of Commons in England refused to renew the act of licensing, the right of expression and free speech was more strengthened when a court in the colony of New York accepted truth as defense in seditious libel, and further in 1787 the idea of the freedom of the press gained a strong support when the United States Congress passed the First Amendment and became part of the Bill of Rights in 1791. Although the printed word licensing and censorship system is abolished in the libertarian countries in Western Europe and the USA since the end of the 17th Century, however in the different regions in other continents the printed expression is still facing control through administrative and restrictive laws and suffers from government intervention, the laws of these countries contradicts with many international standards agreed upon in the UN, UNESCO and the WTO, the need for an international joint effort to regulate the global media became evident when the world countries realized the fact of the scarcity of the airwaves when radio broadcasting began transmission in the early 1920th and later the International Telecommunication Union (ITU) was established, and became one of the United Nations bodies.

Although many of the United Nations documents are against media regulations like The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, but still there is wide disagreement and differences between what might be called International Global media standards and regional media standards, and this is what this paper is trying to study.

I.1 Background of Media Regulations

The printed media were the earliest media to be threatened with censorship beginning with Philosopher Plato, who suggested in 387 B.C that some parts of Homer Odyssey be removed for immature readers since the invention of printing and the publication of books in the 15th Century in western Europe because of the perceived power of books, nearly all the governments of Europe restricted the printing or distribution of Books, the authoritarian kings of the European Continent interfered in the infant printing industry and controlled it by restrictive laws and regulations, then censorship extended to the content of the publications, towards the end of the 1600s printing in England was strictly controlled, advanced approval of the material was required before printing, and a license is required before establishing a printing workshops. Authors and writers were severely punished by the authorities for treasonable writings.

After the collapse of the authoritarian governments, the libertarian ideas spread in Europe, libertarian philosophy is based on the self-righting process principle which was advocated by English author and poet John Milton in 1644, the print media became free from government interference and licensing was abolished near the end of the 16th century, the House of Commons in England refused to renew the licensing Act, and the French revolution called for freedom and the right of freedom to all citizens, in 1734 in the British colony of New York, the court of New York ruled that truth can be accepted as a defense in libel suits, ending the standard of (The greater the truth the greater the libel).
The weakening of government interference and idea of free expression was led by libertarian pioneers like John Milton, John Stewart Mill, John Locke and Thomas Jefferson. These libertarian leaders and philosophers set the ground for the now deeply rooted media freedom in western Europe and America. Milton, Locke and Mill supported the idea that truth can be reached through the open discussion of ideas and not from the monarchs of Europe, their belief in freedom of thoughts and expression and individualism, and the right of every person to express his ideas freely without any abridgment or prevention from the government, paved the way for the media to play the role of the watchdog.

In summarizing the main principles of the libertarian Theory, we can add that it guarantees freedom of thought and expression from government interference, it refuse government media ownership, encourage the media to present the truth and reflect different views, and media professionals to be responsible when dealing with public issues and not to misuse its power or endanger the security of the state, in the libertarian system the media can only be criminalized through criminal law.

In the Soviet Union when the Communists reached power through revolting against the emperor of Russia (1917), they developed the Soviet Communist Theory which does not differ much from the Authoritarian Theory, they controlled the media through direct government ownership and used it to advocate the government polices and the communists ideas, the media are looked upon as organs of the state, and should achieve its goals.

During the twentieth Century the Social Responsibility Theory was developed in America it was advocated by the Commission on Freedom of The press, and called for the right of every person to voice his opinion, and that the media should act as a forum of public discussion.

Authoritarian government still exist today in many countries outside Europe, it is used to control expression and to advance the polices of the governments, (1996: 346)

In the third world countries governments control both the electronic and the print media through administrative laws to guarantee that it operate within the government policy, the constitutions of most these countries contain a restrictive clause on the freedom of expression, executive decrees and administrative law regulate the business of publishing and professional practices, all countries of the (GCCc) has press and publication laws, and there is a need to revise their laws.

1.2 Statement of the Problem

The problem of this study is to investigate the (GCC) countries constitutions, press laws and penal codes which affect media regulation and journalist practices in these countries in comparison with global media standards.

1.3 Research Objectives

This study purpose is to investigate to what extent regional regulations deviate from global media regulations, especially in the (GCC) countries, and:

- To find out global media regulations agreed upon by different countries and international organizations.
- To study the constitutional rights, and press and penal codes rights in (GCC) countries.

1.4 Research Question

- What are the global media standards adopted by international organization?
- 1.5.2 What are the major global regulatory bodies affecting media regulations?
- What are the media regulatory laws in (GCC) countries?

1.5 Significance of the Study

According to libertarian and democratic systems, every citizen has a right to express his opinion without interference from the government, and has a right to petition the government for any grievances
or suppression of opinion, freedom of expression is constitutionally protected, but the idea of freedom of the media is still widely debated worldwide since the call for a new information order during the 1970th, while in western democracies media regulations are coping with global standards, regional media are still battling and trying to modernize and liberalize its media systems and practices, it can be said that the significance of the study is it gives some clues about the system of media control in (GCC) counties.

1.6 Research Methodology

This research historical method to collect information about the nature and scope of the phenomenon under investigation, the historical method was used to review records, reports and documents related to the topic.

1.7 Research Sources

The data of this paper is collected from primary and secondary sources, primary sources included national documents such as (GCC) countries constitutions, press laws and penile codes, and international documents which included the universal declaration of human rights, The United Nations Covenant on Civil and Political Rights, United Nations Assembly Resolutions, and Courts decisions, secondary sources in this study included, books, text books, published articles in periodicals and internet articles, historical and contemporary documents are treated as an important source of information, which provide the study with rich material for analysis.

Criticism of Data

The documents used in this paper are considered as the original documents issued by national and international bodies, and are widely used in different scholarly circles, after revising and evaluating these documents they were treated as true, accurate and reliable valid material for research.

1.8 Literature Review

- The study of Yiyao Zhang, a master thesis titled “The right to freedom of expression versus media censorship in China: Chinese citizens and the Internet”, the study looked into the existing online censorship applied by the government, it also addressed government polices towards the Chinese media.
- The study of Bob Denis Odongo a master thesis titled “Human Rights and Media in Uganda: A Critical Analysis of The Media Freedom, the study focused on the newly proposed laws and their impact on the mass media freedom in Uganda, the findings of the study indicated that media in Uganda is still not free.
- The study of Matt J. Duffy, Arab Media regulations: Identifying Restraints on Freedom of The Press In the Laws of Six Arabian Peninsula Countries, the study dealt with media regulations in the Gulf Cooperation Council Countries, the study revealed that these countries control the press through licensing, defamation is considered a criminal offense and, and they put more emphasis on reputation.

2 Global Media Constraints and Freedom Standards

2.1 Media Constraints Operate in Four Areas

Fear of legal interventions or actions that prevent the media from publishing (prior restraint) financial constraints which might limit or shape the media product or stop it from publication.

Professional practices which affect what to be published.
Public responsibility and professional beliefs also affect what to be published; these media standards are addressed and influenced by many international documents and regulations.

2.2 Freedom of Expression in Human Rights Declarations

Article 19 of the Declaration of Human Rights says that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” (UN General Assembly Decision No:111,A217), this article agreed upon by the General Assembly of the United Nations, and this article now is considered as a principle source in international law, also the right of free expression is adopted in the International Covenant of Civil and Political Rights, which states: Everyone shall have the right to freedom of expression, this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through media of his choice (UN General Assembly Resolution 2200A (XXI).16 December, in force 23 March 1976.

Also the right of free expression is adopted in the three regional conventions about human rights, especially article (12) from the American Agreement of Human Rights, and article (10) of the European Agreement of Human Rights and article (9) from the African Charter of Human Rights and people.

Global media regulations usually focus on the importance of freedom of expression, because when free expression is restricted or abridged, then all the other principle human rights can be endangered, freedom of expression usually means that all people should participate in the decision making process, and this cannot be achieved without people has the right to receive information and express their ideas, and in a free open democratic society people can not participate in the decision making process if the media did not play its role in providing the public with information and encouraging public debate about the important issues.

In democratic Societies the constitution and the law protect free expression example is the American Bill of Rights which provided that “Congress shall make no law abridging freedom of expression or of speech or of the press ……” and freedom guarantees protection from despotic control by the federal government as Madison said (Zuckerman and Harvey p.,4), the theories of the First Amendment justified that truth usually comes from public discussion of competing ideas and that everyone right to express his ideas is secured and protected, and that the press is free from government encroachment, however in a landmark case the Supreme Court of the United States ruled that, if there is a need for a government restrictions in issues of national security, the government has to justify an action of prior restraint if attempting to enjoin a newspaper for publishing classified information as the court in the Pentagon Papers case (403 U.S.S.Ct.1971) The law also provide that reputation both personal and property is protected as justice Stewart said in Rosenblatt v. Baer (383 U.S., S.Ct. 1966), “The right of a man to the protection of his own reputation from unjustified invasion and wrongful hurt reflects no more than our basic concept of the essential dignity of every human being – a concept at the root of any decent system of ordered liberty.” The English Common Law provide the media professional with defenses against libel and defamation among them is truth, privilege and fair comment, more protection is provided for media people with the ruling of the New York Times v, Sullivan (379 U.S S.Ct.,1964)

2.3 International Standards and Freedom of Expression

International standards on freedom does not believe in absolute freedom, some types of speech may be more easily constraint than others, and speech may be more regulated depending upon location at which it takes place. The courts in the United States decided that the first Amendment provide no protection for obscenity, child pornography, speech which can be called “fighting words”, and it provide less protection to commercial speech, defamation (Libel and slander) and speech that may be harmful to children, the US government must meet certain standards when it attempt to regulate speech in a
constitutional way.
The International Covenant on Civil and Political Rights in Article 19 states that:

- Everyone shall have the Right to Hold Opinions without Interference
- Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (order public), or of public health or morals. (UN General Assembly R 2200A XXI).

According to this covenant certain limitations should be met when trying to restrict freedom:

- Restrictions on freedom should be based on the law and enforced without contradiction with the law. And that the law should be clear and understandable.
- Restrictions should aim to protect the one of the objectives mentioned in article 19 (2).
- The enforced restrictions should be necessary with strong arguments.

2.4 The Right of Access to Information

Global media standards also protect the right of access to information and the right to transfer it to others. Sweden adopted the world first access to information law in 1766, it recognizes that the press freedom is contingent upon access to information, and free access should be allowed to all archives in France in 1789, an article in the French Constitution seems to provide for a public right to know the spending of taxes, in 1946, the UN General Assembly adopted a resolution on freedom of information declared that freedom of information implies the right of every one to gather, transmit and publish news and everywhere without fetters. (UN General Assembly R.59, 1946)

The United States of America adopted Freedom of Information Act in 1966 (FOIA) it establish the public right to obtain information from federal government agencies, any one can file a request including citizens, foreign nationals, organizations associations and universities, after 1976 the law was amended to force greater agency compliance, and in 1982 and 2007, it was again amended to allow for greater access to electronic information.

The Council of Europe adopted in 1981, recommendation to member States on the Access to Information Held by Public Authorities. This non-binding recommendation urged member states to ensure that “Everyone within the jurisdiction of a member state shall have the right to obtain, on request, information held by the public authorities other than legislative and judicial bodies.” The recommendation reflects the trend in Europe to recognize a right of access to administrative information, as reflected in laws such as France’s 1978 law on the “improvement of relations between the public and the administration” and the Netherland’s 1978 “law on openness of the administration”.

2.5 The Media and the Government
Button wrote that there are mutual benefits between the media and the government, for the government makes the law and controls the source of information; the access to the audience means that the government wants to use the media to promote its cause and policies and wants the media to present a positive view of the government.

In the Western democracies and among media people in most nations, there is a global embracing of the necessity that the media should be independent from government political or commercial control; these standards are deeply rooted in the libertarian democratic countries, the early pioneers of liberalism believed that any government interference or encroachment for the media shall prevent the media from defending the public interest, instead it will serve the goals and objectives of the government, worldwide, the degree of freedom of media institutions is usually depends on the nature of the political system of each country and the ideology it adopts. Rupert Murdoch believes that “absolute freedom of the press and competition in the free marketplace is a valid argument for the government to keep out of media business”, Peter G. Condon disagrees and says that there will be no presumption that the free market will give top priority to truthfulness of the news to seek an appropriate mix of news and other programs, in the United States of America, although the Constitution prevents the making of any law to abridge expression and the print media can print anything as long as they do not defame or interfere in privacy, and the internet is almost unregulated, however, broadcast media are extensively regulated, they must obtain a license from the (FCC), because the public owns the airwaves, and the (FCC) regulate the airwaves, and it has a policy to fine broadcaster if they violated decency standards and they can revoke the license in certain cases (U.S. Government and politics Study Guide), in the past there were various attempts to restrict press freedom, examples are, The Alien and Sedition Act of 1798, The Espionage Act of 1918, The Smith Act of 1940, in the pentagon Papers case in 1971, the court found the government had failed to prove its case, according to the case of the New York Times v. Sullivan in 1964, in regards to libel cases the media role is to encourage “uninhibited, robust and wide open debate”.

In the United Kingdom press can express strong political views without sanctions, but the law prevents monopoly practices, and the newspapers usually enforce self-regulatory procedures, the press Complaint Commission (PCC) is the self-regulatory body for the industry, in regards to the broadcast media the Office of Communication (Ofcom) was set by a statute to regulate as an independent body the Broadcast Media in the areas of accuracy, bias and impartiality, the regulations of media provide protection for the following:

- Protection of specific and possibly vulnerable audiences such as child and young people.
- Protection of public interest as in the case of security services.
- Protection of the general public as in respect of nations of good taste.
- Protection of process of law in respect of the nation of fair trial.
- Protection of interests of military operations (which are taken to be carried out in the interest of the people).

Examples of such laws are:

- a- Defamation Act 1996.
- c- Contempt of Court Act 1981.
- d- Video Recording Act 1984.
2.6 Global Media Governing Organizations

Until now there is no binding international media regulations, “In the absence of global government, global communication is not subject to any central or consistent system of control, the forces of the free market and of national sovereignty combine to keep it this way , but there is extensive set of controls and regulations that constrain the national media.

In mid 19th century the Universal Postal Union was established, then followed by the International Telegraph Union in 1865, to coordinate interconnections and establish agreements on tariffs, then became responsible from radio spectrum , during 1978 the( UNESCO ) tried to introduce under pressure from Third World Countries a declaration stating a number of principles for the conduct of international Media, these efforts failed under opposition from western countries, the key players now in global media are:

- The International Telecommunication Union (ITU) which deals with telecommunication technical standards, spectrum allocation, satellite orbits, among the objectives of the (ITU) is to provide an attractive and effective forum for the development of international standards.
- The World Trade Organization (WTO), central issues for the (WTO) are issues of free trade and production with implications for limits to national sovereignty in relation to media policy, also the EU and other regional Trade organizations such as (NAFTA) can impinge on media issues.
- The United Nations Educational Scientific and Cultural Organization (UNESCO), with no real power, but active in freedom of expression and internet.
- The world Intellectual Property Organization (WIPO) established in 1983 it aim is to harmonize legislations on property rights.
- The European Commission (EC) can influence certain aspects of broadcasting relating its members.

3 Freedom of Expression in the (GCC) Constitutions

Media research suggest that it is difficult for third world countries to adopt a system of press freedom because of colonial legacy, illiteracy, and conflicting tribal conflicts and differences in ideologies, according to Siebert, Peterson and Shramm four theories of the press model, most third world countries among them (GCC) countries fit into the authoritarian model with some variations and differences, historically media regulations like in all British colonies were adopted to suppress and control expression and speech, these practices are deeply rooted in the old English authoritarian regimes in England when the stationers’ company was established in the mid twentieth century to control printing, during British occupation in the Gulf Countries the British practice censorship and licensing, now in (GCC) like Kuwait, UAE, Bahrain and Saudi Arabia countries private ownership of newspapers is permitted after obtaining a license from a government body. worldwide three are media systems in the Third World Countries: the a fully controlled media system, and a system regulated by directions and censorship, and an independent system with a margin to criticize the government”.

After independence from the British rule, these countries adopted constitutions which guarantees freedom of expression with a restrictive clause, for example Saudi Arabia “basic law” states that “freedom of information, publication and all other media shall employ courteous language and the states regulations, and shall contribute to unity” (Article 39), the constitution of Bahrain ratified
in 1971, provide for freedom of opinion under the rule of the law, the United Arab Emirates Constitution (1971) guarantees freedom of expression. Article 30 states that “Freedom of opinion and expressing it verbally, in writing or by other means of expression shall be guaranteed within the limits of the law”.

3.1 The Penal Code of (GCC) Countries

All (GCC) countries have some similarities and here are some examples of there penal codes, like the penal code of Kuwait ratified in 1960, Article 204 punish by imprisonment and a fine any person who “print, or sell or distribute, or exhibit pictures’ or drawings or form of anything immoral”, it also punish for opinions that sarcasm or contempt religion, punishment is also included in Article 165 of the Kingdom of Bahrain penal code ratified in 1976, it provide for contempt of the government, Article 168, punish for publishing false news reports or statements or rumors.

The U.A.E, penal code of 1987 provide strict measure against defamation in Article 372, it states that “Whoever attributes to another person by any means of publicity, or incident which make him liable to punishment or contempt, shall be punished by detention or a fine “ the code also punish for libelous publication in article 372, and it provide for protection of privacy in Article 376.

3.2 Criminal Libel in GCC Countries

Globally especially in libertarian countries there is a tendency to treat libel and defamation as a civil libel not as criminal libel. Before the case of (Zinger v. Cosby 1734), criminal libel is looked to as a sedition libel and considered as a restriction to freedom of expression when it comes to defamation. In 1964 a new concept of truth developed after the ruling of the (New York Times v. Sullivan), which created a new standard of proving actual malice in libel cases required from public officials (The knowledge of falsity and reckless disregard for the truth), the standard was extended to public figures, some scholars think putting libel into the political process is coercive and threatening, In (GCC) countries, libel is treated as a criminal offense, which might lead to prison or a fine for written or verbal speech that might heart reputation of a person or a family, or inflicting dignity of a person.

3.3 The Concept of Truth in GCC Countries

Late in the 17th century in England truth became an acceptable defense in defamation, and this was extended to America after (Zenger v. Cosby) case in 1734, and was recognized as a complete bar to liability, and now this the rule in the majority of American jurisdictions, in Saudi Arabia the Press and Publication law of 2003, in article 39 truth can be can be used as a defiance in defamation if there is good intent in the criticism, in the United Arab Emirates penal code article 375, states that in cases raised against public officials truth can be accepted as a defense, if the defamatory statement is related to the public figure responsibilities, in the State of Qatar The penal code in article 328, provide that there shall be no crime if the defendant proved truth as a defense against libel cases raised against public officials, also the Sultanate of Oman penal code in article (173) accepts truth as a defense against libel suits if the defamatory statement directed to public officials, in Kuwait Article (215) guarantee the right of criticism if the facts are true.

3.4 The Press Laws in (GCC) Countries

Some human rights activists says that the Human Rights Charter forbid the licensing of Newspapers, but in the absence of a unified interpretation of the charter and the existence of different media
systems, licensing of newspapers is practiced in many countries and governments in Third world countries exercise great influence directly or indirectly, all the press laws in (GCC) countries require licensing from the government, the law also regulate the content in many ways, in the State of Bahrain the laws prevent publishing any material which might undermine the national security, or advocating the change of government or any writing which might preach the peace (Law No47, 2002), in the UAE the press and publication law (No 15/1980) prevent the pres from causing damage to economy or defaming public officials or those who are assigned to perform a public job with false information, the law mandate punishment which contain fine and imprisonments, the press and publication law (No 49/1984) in Oman contains restrictions on reporting including defamation, privacy and damage to national interests, the law prohibited any material which might harm the national currency or the economic situation of the country.

3.5 The Regulations of Broadcasting in (GCC) Countries

Worldwide there a conviction that the electronic media can be regulated since 1906, when the first Radiographic Conference convened in Berlin, the idea at that time especially during the 1920th, is that it should be regulated because the radio spectrum was scarce, and that government should interfere to regulate the airwaves (John W. Berredford), until now the radio spectrum is still heavily regulated by the (ITU), the idea behind radio and television regulations also attempts to ensure that its content is in the interest of the public.

In the US, radio and television owners must obtain a license from the FCC because the airwaves are owned by the public, in the Red Lion Case the court reaffirmed the scarcity rational, the FCC policy can fine radio and TV stations if they violate public decency standards, the policy guarantee equal time for election candidates, it also forbid monopoly (Government Regulation of the Media, Ibid). In the GCC countries all broadcasters must obtain a license from the Telecommunication Commission of each country, and should adhere in their programs and coverage of news to national media policies, telecommunication laws in all GCC countries prevent the use the electronic media in sending messages which might endanger the safety of the country or to broadcast information which violate public decency or public order or cultural values and traditions.

4 Conclusions

The Gulf Cooperation Council countries have common characteristics, in their legal systems, and thus the media laws and regulations are very similar because these countries share the same cultural norms, traditions, values and religion.

The constitution of all the six countries guarantee freedom of expression within the limits of the and the print media is controlled, media owners have to obtain a license from a government body to be allowed to publish a newspaper or any printed material.

Libel in these countries is treated as a criminal offense not a civil offense and truth can be accepted as a defense, if the material published refers to the responsibilities of a public official, the law also provides a strong protection to family secrets.

References


**Thesis**


**Scholarly Journal**


**Online Sources**


- U.S Government and politics Study Guides, retrieved 12/19/2017 from (www.sparknote.com<...> Internatinal Media Regulations, University of Leicester, UK retrieved 12/20/2017 from (www.le.ac.uk/oerresources/media/ms7501/module2unit11/page_32.htm .12/20/2017)
Cases


International Reports

- Universal Declaration of Human Rig