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**Evolution of Media Law and Policy in Egypt  
Within the Fast-Changing Media Landscape**

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**Introduction:**

Aiming at securing an accurate definition of law, John Austin, the 19th-century English jurist, described law as definite rules of human conduct associated with appropriate sanctions for their enforcement. He further elaborated that the rules and the sanctions are to be prescribed by suitable constituted human authority. (Pember and Calvert, 2014)

Mass media law is the focal concern in this paper; this section in law that deals with specific elements in the legal process, such as defamation, libel, entertainment, corporate laws, invasion of privacy, right to information among other components of mass communications law. Other constituents of the law also include freedom of expression, censorship, advertising, confidentiality issues, contempt, copyright, as well as the most recent segment of the law that embraces information technology, Internet regulations and telecommunications. Media law encompasses an acknowledged right to free speech as per articles in most constitutions. However, many governments have laws that invite repression to such rights following directives from the established authority with claims that some confidential communication are harmful and may work against the nation's welfare if shared.

Another focal point in this study is the regulatory and legal structures of media policy and their impact on freedoms of the press, expression and information in Egypt. According to the aforementioned, it is worth mentioning that lawyers and legal representatives, face a serious challenge maintaining a legal balance between free speech, censorship, and right to information; elements that the "Right to Information Act" (RTI), which will be discussed later in this paper, work to secure to media practices via granting the public a consistent exposure to information.

Pertinent to media law and policy is outlining the legal framework for social media. Media law has gone through levels of adjustments and adaptations to accommodate to the Internet communications and social media platform; the medium that altered the legal framework on various levels, in the processes of the national and international communications. Blogs, social networking sites, access to visual and print material among other factors affect legal issues relevant to media law such as copyright, defamation, free speech, and right to information.

To elaborate further, it is important to establish the constituents of communications law's broad area that involves three major aspects of mass media, namely: Libel; Privacy and News Gathering. This is of significance to media practitioners and legal specialists alike. To fulfill this mission, both media and law practitioners work to acquire resolutions to several key elements in this major area of concern. They are to establish how the legal systems work; what their origins are; what constitutes such cases; what defenses they possess to reserve their rights in incidents in which they may face legal cases?

### **Media Regulations:**

Derived from this reality, Media Regulations (MR) become an indispensable tool required to define further the process of control and guidance of media activities by a variety of benefiting stakeholders, namely governments, political, corporate, organizational and administrative authorities via the functional rules and procedures applied within an identified framework. Media regulations come in many forms: in constitution articles and clauses, laws, administrative procedures, organizational protocols, codes and the like. Regulations can be in the form of "Internal Regulations" via self-restriction, self-censorship, and/or "External Regulations" via outside pressure from laws, governments, ruling elites or sometimes from the public.

It is fundamental to elaborate the significant role of media regulation in managing the unceasing rise of 'information society' that is highly dependent on all forms of

communication. It also is essential to elaborate methods that protect individual rights from possible harm by unrestricted use of media channels.

Regulation in essence may set limits to freedom, a basic principle of democracy, and thus hindering the process to free speech and expression as well as the right to information. This demonstrates to what extent attempts at regulating free means of expression and information in a modern society may-in many ways-be ambiguous, contradictory and hard to define.

### **Five Theories of the Press:**

The First Amendment of the US Constitution, added to the Bill of Rights in 1791, pledges for freedom of expression. Such pledge endorses the right of free speech, which in turn protects media messages from censorship and control.

In an attempt to facilitate defining the meaning of freedom of expression, Supreme Court jurists and legal scholars use five legal “First Amendment Theories” to guide them in determining its connotation, an operation that is of significant relevance this paper. These theories are the Absolutist Theory; the Ad hoc Balancing Theory, the Preferred Position Balancing Theory; the Access Theory; and the Meiklejohnian Theory. (Pember and Calvert, 2014)

The Absolutist Theory in essence declares that "no law" overrules freedom of expression. It promotes the idea that the government, with no exception, cannot censor the press for any reason. It is worth mentioning though that the notion of ‘absolute prohibition against censorship’ in this theory is now almost a defunct. Critics argue that the way freedom was defined in the US Constitution meant that government could not limit freedom of speech or of the press, indicating that freedom is not absolute. (Pember and Calvert, 2014)

The Ad hoc Balancing Theory suggests that the right to freedom of speech and other values such as the right to protect privacy, in case of guarding a nation’s welfare for instance, are two rights that often conflict. When disagreement befalls, it is the courts mission to

equalize the right to freedom of expression with other rights. It is known as Ad hoc Balancing because the scales are balanced differently in each case; for determining it is on case-by-case bases that freedom of expression is defined. This theory holds several drawbacks the most prominent of which is that it leads to uncertainty, for under Ad hoc Balancing the meaning of freedom of expression is defined differently in each case. (Pember and Calvert, 2014)

Another is the Preferred Position Balancing theory, where freedom of expression is essential for a healthy political practice and for permitting nations to protest in situations when their governments violates rights granted to them by their constitutions. Moreover, this theory suggests that freedom of expression does not always beat all other rights. It implies that the right of free speech has to be balanced with the right of a fair trial; both rights are guaranteed by the constitution. It signifies that courts prefer freedom of expression to personal privacy only if justified. By giving freedom of expression a preferred position, courts will deduce that government action that limits free speech and free press in order to protect other interests is supposedly unconstitutional. Accordingly governments would bear the load of verifying to the court that restrictions they imposed are justifiable in cases where they violate the constitution. (Pember and Calvert, 2014)

In the late 1940s, Philosopher Alexander Meiklejohn presented to the legal community a convoluted notion about freedom of expression, known as the Meiklejohnian Theory. He argued that freedom of expression is not effective as an abstract, and that freedom's primary value is as a means to an end, and this end is to be successful self-government. (Pember and Calvert, 2014)

In his theory, Meiklejohnian promotes the idea that freedom of expression is only valuable if it pursues self-governing as an end product. Only then, it must be unconditionally protected. There can be no government interference with such expression, so long as it seeks self-governance and hence democracy. Meiklejohnian attests that expression not relating to

the self-governing process is not to be protected. He argues that the value or worth of speech must be balanced (by the courts) against other rights and values. He also explains that a wide range of uninhibited speech is essential to achieve successful self-government. This includes free speech-related to education, history, political science, geography, science, literature and many other areas. (Pember and Calvert, 2014) Former Justice William Brennan promoted the Meiklejohnian Theory and went further to grant protection to subjects who defame government officials, and those who struggle to lead public policy; a merely Meiklejohnian approach to an issue. (Pember and Calvert, 2014)

Last is the Access Theory, proposing that freedom of the press belongs to those who own freedom and thus media owners are those who benefit from such freedom, unlike the regular public who do not have the means to enjoy it. The theory explains that it is a fact that the Internet evolution allows accessibility to millions to share their ideas online; however, this is restricted to only Web users who still are limited in comparison to those of traditional media.

In this respect, the critic H. L. Mencken argues that for the constitutional promise of the right to freedom to be effective, the economic means to exercise such freedom must exist. He attests that the only approach for the public to be heard, media channels are to make their papers, stations and networks accessible to readers, listeners and viewers. He continues that in case media channels deny accessibility to the public, the government is to guarantee, even by force, that such access is granted. (Pember and Calvert, 2014)

However, this opposes the US Constitution, which does not give the government the right to force media channel to provide access to the public. Courts rejected the Access Theory application to the printed press; but many accept access theory for broadcast, with the justification of the sharply reduce in print media; a decision that has been not very well received by broadcaster. (Pember and Calvert, 2014)

## **Egypt:**

In Egypt, the definition of freedom of expression is rendered by its constitution and the high courts, namely the Supreme Constitutional Court that is the highest judicial power, and is alone responsible for censoring constitutionality of the laws and regulations.

Together with the Egyptian Constitution, the Supreme Constitutional Court provides the meaning of free speech, among other regulations pertinent to media law. (On the Edge, 2008)

There are several issues that challenge the execution of freedom of expression in Egypt, and create a struggle in trying to maintain a standardized meaning of such rights that are granted by the 2014 Egyptian Constitution (as well as previous ones).

The most prominent among these challenges is derived from the government's power to limit criticism in print, audio or visual media channels when exposing specific unwarranted governmental affairs. The power of the government to use taxation to censor the press, also acts as a tool of restriction. Another is the power of the government to prohibit the dissemination of publications that may threaten the nation's safety and welfare; in other words prohibiting publications promoting seditious libel against the established authority.

Mass media and politics have always been correlated, and indicative of each other. How media operate within a nation specifies the political system that prevails within this nation and visa versa. Political media propagate selected agendas and views through the communication vehicles controlled and managed by political entities in nations, similar to Egypt, where an authoritarian political system prevails. In Egypt, "traditional media" are still the most active, widely used sources of political information. Still, the Internet has created the current media evolution via Social Media. This media evolution includes diverse tools as blogs, Facebook, Twitter, YouTube, virtual worlds,

and web pages. Technologies of the kind, are rapidly growing into key forum for political activism, creating an altered and enhanced political platform for participation and hence representing opened opportunities for unprecedented new forms of political engagement worldwide

## **The Evolution:**

### **Political Media Evolution:**

There are many factors affecting freedom rights in Egypt. Barrister Negad El Boraey wrote in his book “On the Edge” that the two main forces that effect freedom of expression in Egypt are the Egyptian government and the culture of Islam; both have powerful influence on the political and social practices that drives the public towards neglecting their rights and accepting violations to such freedoms. (On the Edge, 2008) Corruption is yet another basic drawback affecting freedom of expression in Egypt. Such violations and abuse are cultivated deep in various sectors within the Egyptian society specifically in the nation’s local districts municipals.

El Boraey adds that political activities struggle for promoting free speech through intensified political discussions, specifically on the social media platform where proposing ideologies to improve conditions in Egypt is relatively more viable. (On the Edge, 2008) In Egypt, during the past decade, and specifically after the January 25, 2011 Revolution, social media platforms have provided new ways to motivate civilians’ political involvement without the intermediate role of traditional mass media channels, that are mostly governmentally controlled. (On the Edge, 2008)

This reality has allowed faster reachability to targeted citizens by activists and politicians and the other way around through social media in Egypt, which has generated online reactions, debates and discussions among users. Social media also possesses the ability to generate participation and support for offline ideologies, conversations and

events. Messages shared when posted on personal networks multiply the number of recipients and reach even more spectators. Most recently, Social Networking Sites provide a revolutionary and dynamic platform for political and social engagement in political or social issues through a growing interconnectedness among the young generation. Likes, shares, and re-tweets on social media sites signify this vigorous association. (On the Edge, 2008)

A myriad of functions have been established through the rapidly mounting social media use. Spreading a cause, sharing posts of and links to political articles, reposting content related to a variety of concerns and disputes are among those functions, together with promoting a political figure or action, joining a political group, following current elections, follow elected officials, posting thoughts; besides of course the *like or share* of other users' posts.

Impediments to an overt and accepted expression through social media may occur because in more than a few instances, politicized dialogues and lobbied discussions may promote meaningless, unreliable, inaccurate debates and unhealthy engagement regarding matters of concern. This calls for a vital need to amend social media forms, methods, and structures to reshape the contemporary political and social engagement into a more accurate, responsible as well as reliable and accountable commitment.

In fact, the partisan and ideological patterns that exist among young social media users in Egypt compared with users aged 40+ are diversified. Besides, obstruction of growth in the online political engagement is largely restricted to literate, well-educated users, who are active on the Internet, and who have the materialistic means to afford it. Another factor that adds to the complexity of the situation in Egypt is the existence of high poverty and illiteracy rates that further hinders the political engagement and participation of all age groups through social media.

This endorses that Internet governance and wider societal changes are needed among the young and older generations for social media to effectively enhance the social and political participation and representation of all users.

## **Internet Governance**

The U.S. National Telecommunications and Information Administration (NTIA) issued on March 2014 its intent to change its oversight role on key Internet domain name functions, to a new future mechanism replacing the role that (NTIA) has exercised for years in this sphere. (NTIA, 2014) The National Telecommunications and Information Administration aims at consolidating global principles, and proposes a roadmap for further evolution of the Internet governance ecosystem, with multi-stakeholder participation on social economical and political levels. Relevant to the aforementioned, Net Neutrality was proposed and approved in 2015, by the Federal Communications Commission (FCC), in its 'Title II' Act, in which the FCC approved the reclassification of the Internet as a public utility. Title II gives FCC power to regulate providers' telecommunications as public utilities or "common carriers." Like landline phone providers, common carriers must offer service to the public on reasonable terms. To regulate Internet service providers (ISPs) as public utilities, the FCC must reclassify broadband as a telecommunications service. (Wheeler, 2015)

Title II act of Net Neutrality has been experiencing many conflicting reactions.

In Egypt, the National Telecommunications Regulatory Authority (NTRA) contributed to the Arab Internet Governance Forum (Arab IGF) endorsing a set of elements that constitutes the Egyptian vision. These elements necessitate the participation of all stakeholders in the Internet governance practices, with equal participation of involved nations in the Internet-related international public policy making, with no domination from a specific government on the scene. (NTRA, 2003) The Arab IGF also

recognizes and maintains the Internet network openness, security, stability and resiliency, as well as its growing control on the digital economy within the society. One other major element in the Egypt vision, is acknowledging the importance of the Internet and guarantying its uninterrupted operations under any circumstances, given the crucial political role it has played not only in Egypt but also worldwide. (NTRA, 2003)

### **Egyptian Media: The Status Quo**

The major challenge in the structure of the Egyptian state media is represented in the Egyptian Radio Television Union (ERTU), the media corporation housed at the prominent ‘Maspero Building’ in Cairo, Egypt. Egyptian Radio Television Union ERTU operates under Law 13 of 1979 that was amended by Law 223 of 1989 as documented in ERTU Files in the year 2001. (Amin, 2008)

Many unfortunate and hindering facts about the ERTU are indicative of the deteriorating condition of public media in the nation. Basically ERTU is a member of the European Broadcasting Union, fully operated by the Egyptian Government. Between approximately 45,000 - 60,000 employees are registered to be the workforce in this establishment. Of those personnel, about 7,000 are operating in non- administrative jobs, and about 36-38, 000 employers occupy administrative positions. (ERTU Files, 2001) The ERTU hosts three main local channels and six regional ones. Also operating is the Egyptian Satellite Channel (ESC) as well as the Nile TV nine thematic channels. In a nutshell, “Egypt has two national terrestrial channels, six regional channels, and a network of satellite channels.” (Amin, 2008)

ERTU is the state agency that governs broadcast in Egypt. Its role as the nations official voice was profoundly stained during the 2011 Jan. 25 Revolution, displaying deceiving images when protests were raging, and conveying misleading information

about the dynamics of millions of activists and demonstrators. Accordingly, similar to the Egyptian police force, ERTU was seen as a repressive arm of the state.

Demands were consistently made to sack the senior management of the establishment and repair policies to achieve media reform. As a matter of fact, ever since then, several changes were made; on top of which was the abolishing of the Minister of Information, which functioned as the surveillance force over the Egyptian media. As for the ERTU, the state press senior staff and operational members were replaced by yet another group of government's representative, who has not fulfilled their mission of reform. Still particular ERTU members continue their call for more dramatic reforms, as a result new faces have been hired, mostly long time players who are following traditional ways of management, to replace the old leaders, who although they got replaced, they are kept as consultants.

The truth is that although there is no real free media in Egypt, still freedom exercised in Egypt specifically in print media, is relatively more than other countries in the region. Yet government controls and influences media agenda and content; in this respect media coverage, which may provoke or challenge state institutions openly or in a subtle manner are often banned, or at least cleaned; partisan media in Egypt are common practices. Since the January 2011 Revolution, diversity of information sources radically increased, and the escalation of subjective, one-sided media, become a standard approach in particular in talk shows, echoing opinions of the presenters instead of professional and balanced coverage of political and social events challenging the status quo. Freedom of expression has been employed; however, lacking professional, objective and moral practices.

Regrettably in recent years, even before the 2011 Revolution, corporate interests overwhelmed media messages minimizing media's traditional role as the fourth estate even more. Media channels' mission has become to spread corporate culture instead of

the nations'. This led to the deterioration of media journalism in Egypt in terms of objectivity and professionalism. It is worth stating though that such deterioration in journalistic proficient standards was associated with media technological and structural development not only in Egypt, but also in the region at large.

Moreover, the Supreme Press Council in Egypt is burdened with codes governing the media framework. With the absence of media framework and ethical codes, journalists tend to mirror the government or their corporate heads' culture and vision blindly. Networks expect programs and talk show hosts to advocate to the government and the network's vision and presence, instead of fulfilling their expected role to inform and entertain audiences. Over and above it is currently more than frequently that talk show hosts and hostesses are not professional practitioners or even academics in the media field; they are not journalism graduates and have not even studied basic principles of media laws, policies and ethics. In other words they are not familiar with the very essence of print, audio, and visual media and journalism norms, let alone that of online and social media.

There are incidents demonstrating governmental and corporate interference in media messages in Egypt to their benefit. TV networks owned by business tycoons tailored interviews and discussions to make false accusations against individuals, groups or entities that threaten their welfare. Likewise state and media corporations shun coverage demotivating or tarnishing images of the established powers, and the state's powerful elites. Besides editors-in-chief prominent state-owned and privately owned newspapers in Egypt announced self-regulation and declared that specific criticism of the government will not be allowed. Such practices are justified to be promoting the nationalistic responsibility of media, disregarding the fact that media channels bear an intricate responsibility to prioritize and convey to the public accurate, truthful, information following a transparent, analytical and critical approach.

Media laws, policy and code of ethics are not applied consistently and equally across the country. Common media practices demonstrating weak structuring are evident in newspapers and TV networks transmitting and reporting obtrusive issues, and ignoring unobtrusive ones, which most specifically need extended media coverage to highlight to the public the importance of issues they are not attentive to. Media also sometimes sensationalize inaccurate news and reports to the public without facing accountability; an approach that also occurs among advertising agencies as well as businessmen through implementing their own policies and strategies that are basically tailored specifically to serve their agendas, interests, and welfare. In brief, the 'fourth estate,' occupies a weak position in the current media environment in Egypt, leaving people to resort to online material and social media, which in itself may create a different set of issues in terms of authenticity, accuracy and credibility.

This necessitates the establishment of a mechanism through which journalists are to realize that Egyptian media are disengaging from real concerns of society. They are to acknowledge that their mission is to serve the public not the government, corporate entities or self-interests. Media agenda's are to be set to focus on unobtrusive matters and prioritize events to make the public be aware of events that are occurring in the nation, the region and the world at large. A notion that is promoted by the Agenda Setting Theory, and more specifically Harold Zucker's perception of the importance of the obtrusiveness of an issue when setting the nation's media agenda. Media practitioners are expected to be advocates to change, development and progress that are needed in Egypt, and not to be supporters of censorship, personal governmental or corporate benefits. In this respect, a restructured media framework is to be created and organized by an independent body that seeks to accomplish a professional and responsible journalism practices in Egypt. Such practices that would be subject to accountability if they infringed

away from realizing very essence of the objectives of impartial qualified journalism as granted, in theory, in its constitution.

### **The Egyptian Constitution:**

Guarding bodies responsible for regulating media is presented in several articles in the 2014 Egyptian Constitution; namely articles 211, 212, and 213 in Chapter Ten of Part Five pertinent to the “Supreme Council for the Regulation of Media” of the 2014 Egyptian Constitution, documenting in:

**Article (211): The Supreme Council for the Regulation of Media** is an independent entity that has a legal personality, and enjoys technical, financial and administrative independence, and has an independent budget. The Council shall be competent to regulate the affairs of audio and visual media and regulate the printed and digital press, and other media means. The Council shall bear the responsibility for guaranteeing and protecting the freedom of press and media as stipulated in the Constitution, safeguarding its independence, neutrality, plurality and diversity, preventing monopolistic practices, monitoring the legality of the sources of funding of press and media institutions and developing the controls and criteria necessary to ensure compliance by the press and media outlets with the professional and ethical standards, and national security needs as stated in the Law. The law shall determine the composition and regulations of the Council, and the employment conditions for its staff. The Council shall be consulted with respect to the bills and regulations related to its scope of competence.

**Article (212): The National Press Organization** is an independent organization that shall manage and develop state-owned press institutions and their assets, as well as ensure their modernization, independence, neutrality and their adherence to good professional, administrative and economic standards. The law shall determine the composition and regulations of the Organization, and the employment conditions for its staff. It shall be consulted with respect to the bills and regulations pertaining to its scope of work.

**Article (213): The National Media Organization** is an independent organization that shall manage and develop state-owned visual, audio and digital media outlets and their assets, as well as ensure their development, independence, neutrality and their adherence to good professional, administrative and economic standards. The law shall determine the composition and regulations of the Organization and the employment conditions for its staff. It shall be consulted with respect to the bills and regulations pertaining to its scope of work.

Other articles in Part Three of the Constitution define a variety of areas pertinent to the Egyptian Media rights and responsibilities. Those are mainly articles: 53, 57, 58, 65,67, 69, 70, 71 and 72 all covering the “Public Rights, Freedoms & Duties.”

Articles granted by the nations Constitution promotes in theory the rights and freedoms of the Egyptian Media stakeholders and establishes accountability and responsibility of all players. However, in real practice the implementation of these rights and duties have been hindered in many ways relevant to various variables all linked to personal agendas, private interests and of course the established authority welfare.

### **Fast-Changing Media and Political Landscape:**

The aforementioned actualities require reform in the current media law and policy position in Egypt. It also necessitates recognizing and fulfilling prerequisites that are essential to foster the Egyptian media status quo to match the fast-changing media and political landscapes. Defining media laws, incorporating media policies and trends, implementing media ecology, policy, strategies and tactics are among those prerequisites, together with executing a regulatory impact analysis; each to be employed to work for the elevation and amendment and enhancement of the media industry in Egypt. All the abovementioned variables are to fulfill this mission through contributing to and participating in an integrated political, communications and marketing approach with multiple channels of the currently evolving traditional media as well as the booming online and social media.

### **Online Media:**

Regarding the Internet with its online and social media practices, there is a crucial need to maintain at least, a relatively lighter interference of the established authorities over online communications; a fact that is increasingly in jeopardy in Egypt in recent years.

Government supervision over online-based methods of communication should be limited and regulated by media experts and not figures representative of the government. There is to be an assurance that an act of a complete shut down of the Internet, similar to the one that was executed by the old regime and elite corporate powers in Egypt on January 28, 2011, will never reoccur under any circumstances and for whatever purpose.

However, there still is a mission to assert accuracy, authenticity and reliability of the content of online communications; a practice that in itself experiences a load of strains and complications. Therefore, there is an urgent need to commence a process to prepare a vision encompassing all stakeholders towards developing future mechanism in line with the Egyptian vision to identify rights, responsibility and establish accountability to Internet users.

Regrettably, we live in the age of information pollution where information exchanges online may be false or at least inaccurate, leading to not only pollution but also to unwarranted material and misperceptions leading to disseminating confusing and misleading and sometimes even dangerous ideologies among online users. On a similar note, Jakob Nielson in an article about Information Population explains, “Excessive word count and worthless details are making it harder for people to extract useful information.” (Nielson, 2003) He adds that the Internet provides the most polluted information among all media channels. (Information Pollution, 2003)

**The Plan:** Elements Required for Media Reform:

**Media Law, Ecology, Policy, Strategies, Tactics and Regulatory Impact Analysis in the Egyptian Media Sphere:**

**Law** is demarcated by its sovereignty and domination to defend, protect and respect fellow citizens, secures the nations’ freedoms, including free speech, and constitutes the foundation of legitimacy and accountability of the established power and authority to

define the citizens' rights and duties, and responsibilities, and to apply those equally and fairly among them.

**Media Ecology (ME).** Media Ecology investigates how media affect human perception, feelings, beliefs and morals. (Salas, 2007) Scholar Neil Postman explains that media ecology studies how the interaction with media may ease or hinders our lives and how media environment we are currently living in operate with its different media environments that strongly influence our community's behavior and attitudes. (Strate, 2004)

Postman presented media ecology in the year 1968, following Marshall McLuhan's theory introduced in 1964 (Strate, 2004). Postman declares that media ecology studies the ways in which the interaction between media and the public grants the culture of a nation its identity. He highlights that Media Ecology emphasizes that people live in two different kinds of environments: The *Natural Environment* reflecting reality such as air, trees, rivers and the like, and the *Media Environment* which is virtual reflecting symbols, images, skills, techniques and mechanisms...etc., all elements that shapes us into what we become. (Postman, 2000) It is important to further note that media environment provides the public with information, yet it may create stereotypes and prejudices, which in turn, may affect people's choices and decisions affecting their lives.

In his article, "The Biological Foundation of Media Ecology," Professor Robert K. Logan of University of Toronto stated, "In 1977, Marshall McLuhan said that media ecology means arranging various media to help each other so they won't cancel each other out, to buttress one medium with another. You might say, for example, that radio is a bigger help to literacy than television, but television might be a very wonderful aid to teaching languages. And so you can do some things on some media that you cannot do on

others. And, therefore, if you watch the whole field, you can prevent this waste that comes by one canceling the other out” (McLuhan, 2004)

Logan adds that media ecology deals with how traditional media integrates together with new media; and for this process to be effective; media ecology embraces not only the study of media but also the study of language, culture and technology as well as the interaction that takes place within these four domains. (Logan, 2010)

It is worth documenting that currently, the main body of Media Ecology is demonstrated through the extent of which digital technology influences society in every way, not only in Egypt but worldwide!

**Media Policy.** It provides effective framework to facilitate effective dissemination of the desired information to the targeted audience. Media policy assures that information disclosed through media channels is timely, accurate, comprehensive, influential and relevant, and is also in harmony with the nation’s regulatory guiding methods of communication. Corporate and governmental organizations build reputation via media to enjoy strong relationships with citizens. In this respect, media selected policy is among the many ways recipients build their individual perceptions of the established authority and public or private corporations, and thus help them build their individual perceptions of both their role as receivers and that of the sources of information in their community.

**Regulatory Impact Analysis (RIA).** This is yet another requirement in the media reforming process needed for the development of the Egyptian media status quo to pursue advancement and evolution. *Regulatory Impact Analysis* also known as *Regulatory Impact Assessment* (RIA) is a documentation established before the formation of a new, altered or amended government regulation. RIA is the basis for better and sounder regulatory governance. It is a regulatory tool that provides decision-makers with

empirical data and comprehensive framework to assess their options and determine the possible consequences of their decisions. It is also useful in defining problems and guaranteeing the appropriateness and justification of government action to be targeting the welfare of the society politically, socially and economically.

The legal system of the Egyptian judicial branch is an independent body of the government with secular and religious courts. The protection of media independence from the established guiding powers is among the issues of reforms that need to be considered via the regulatory impact analysis practices in Egypt. This also includes prohibiting licensing as a tradition to govern journalists and print media professionals, and granting their right to protect the confidentiality of their sources of information. It is vital therefore, in order to secure media law and policy reforms in Egypt, to employ Regulatory Impact Analysis operations in media practices so as to be able to outline the fundamental domains where reform in media systems is required to match the international standards. It is equally important to put on record the difficult course to be pursued in order to identify the reforms needed, seek their establishment, implementation, monitoring and measure their effectiveness. Besides, there is a demand to establish a standardized accountability process in case of violations that would occur in the aforementioned prearranged process.

All the above necessitates determining the most fitting media strategies and tactics that would guarantee an effective, regulated, diversified delivery of media content through appropriate channels to the targeted audience in Egypt.

**Media Strategies and Tactics.** Strategies and tactics are concerned with how messages will be delivered to targeted audience in their natural settings and positions. Strategies and various tactics are developed from media objectives. This includes defining the targeted audience and deciding on the most useful types of media channels to be used for

an effective delivery of messages; all in all to guarantee uppermost influence on the focus recipients' perception and perhaps even behavior and attitudes. In Egypt, the integrated marketing communications approach has been increasingly sought as a media strategy where multiple channels of media are used to disseminate pro-social and pro government embedded media communications to alter, promote the audiences' attitudes and behaviors in areas of concerns within our society such as political compliance, social submission to family planning, literacy, nutrition, quitting smoking and the like.

Undoubtedly the predominant rise of Social Media worldwide and similarly in Egypt signifies an even greater reach and engagement in the future. If media strategy would be for example, a topic for a study, media tactics are the main thoughts that visualize the topic's ideas and reflections that would assist relating them to the main concept.

To elaborate further, Author Anna Papadopoulos explains in her article "How to Write Media Tactics" that the word *Tactics* is derived from the Greek meaning of the word *Taktikos* carrying the meaning "of or pertaining to arrangement ... tactics describes how you'll execute strategies; it's a detailed plan to achieve an objective. A strategy tends to be abstract, where a tactic is concrete. It's actionable, relatable, and attainable." (How to Write Media Tactics, 2009)

### **Media Reform:**

In order to recognize media reform, essential media law and policy affairs featuring media objectives, strategies and tactics, are to be defined, employed and monitored in Egypt specifically in the post-revolutionary period. In essence the implementation of the guidelines identified through the Supreme Council for Media Law as per article 211 in the Egyptian Constitution are to be realized, including the integration of the public and private media supervision decree. Members from independent bodies in the country are to be representatives of the political, economical and social sectors in the community

incorporating press syndicates, Egyptian Writers Association members, Al-Azhar elders, and Coptic Church clerics, among other participants and contributors in the media domain.

Reform in Egyptian media further calls for identifying and modifying the current media environment with its governing laws, adopting and monitoring media code of ethics, regulating the established government interference in media affairs in a manner that would endorse self-governance targeting democracy; a typical Alexander Meiklejohnian's approach.

In fact, members in the journalist syndicate and media players in Egypt are aware of the rules and the restricted conditions regarding their profession. The institutional structures for journalists' members and media professionals enjoy a limited privilege to access to public resources, while still being subject to government control that defines the professional and moral implementation, supervision and levels of accountability in media scope.

In reality, defining limits of freedom of expression is amongst the most critical strains in nations; similarly in Egypt. It has always been a predicament determining what substantive material creates a 'clear and present danger' situation if published, and thus typically justifies the established authority's suppression of free speech. Who then, decides that such situation is actually imminent, dangerous and constitutes real threat to the country? It is therefore a necessity that credible, non-governmental bodies in Egypt provide reasonable validation that if free speech is exercised, the concern that it will produce immediate harm is real and that such harm is grave. In other words, denying free speech is not to be granted except in such cases when trustworthy regulatory and media bodies would verify the near threat of, for instance, terrorist or violent attacks. **(Source)**

Besides, there must be no revival of the Ministry of Information, which manifests the established authority control over media content and on free speech. Instead, the Higher

Supreme Council for Media Regulation with its National Press and National Media organizations should be activated as per articles 211, 212, and 213 of the Egyptian Constitution, bearing the responsibilities of supervising national and private print as well as broadcast productions in Egypt. Independent experts in Egypt in various fields relevant to the media industry are to create a regulatory structure aligned with the international standards to conduct comprehensive review and recommend amendments to Egyptian rulings affecting the right to freedom of expression.

One other challenging mission is to review and reposition human resources working for the Egyptian Radio and Television Union and reconstruct the membership of the union's Board of Trustees responsible for determining and governing the work of public and private channels within the ERTU.

Likewise, Egyptian media reform requires the adoption and implementation of an operative media code of ethics, another broad area of concern, which although constitutes a dynamic component in the media domain it is not given a major emphasis in this report. It is worth mentioning however, that many attempts have successfully established a media code of ethics, yet they are not operative effectively nor are they applicable to media channels in Egypt. Such codes are essential in order to fight the severe deterioration of ethical and moral standards in the Egyptian media productions, and equally among the Egyptian society.

Actually it is not valid to blame it all on media, an accusation that has been increasingly disseminated among the Egyptian society. In fact media tends to have neither created this state of crisis nor the serious polarization that exists within the society; yet media definitely add to it. Therefore, following Postman's rationale, improving the current natural environment is as important as upgrading the media environment both are needed to elevate the code of ethics not only in media but in the Egyptian community at large. Accordingly it is highly recommended that media

productions addressing social values, principles and morals must be put into the country's media major objectives, as well as to be placed in the Egyptian cultural context, policies and strategies to effectively contribute to fixing our societal ethical lapses and to deal with the pressing societal issues more realistically and constructively.

## **ARTICLE 19:**

### **The Global Campaign for Free Expression and Freedom of Information Legislation:**

One major initiative in Egypt targeting media reform is associated with the "ARTICLE 19" of "The Public Right to know" in the Egyptian Media.

This global campaign for "Free Expression and Freedom of Information Legislation, Article 19," follow the international standards series that grant the public the "Right to Information (RTI)" and endorses their right to know.

Article 19 is a non-governmental, charitable organization established in 1986, which receives its title and standards from Article 19 of the Universal Declaration of Human Rights. It is an Open Society Justice Initiative (OSI) program that seeks law reform to protect and develop the legal amendments that fight prejudice, establishes fairness, and equality besides granting the public freedom of information and expression through an accountable media system that is not subject to governmental control. (The Public's Right to Know, 1999)

It comes in Article 19 that "Information is the oxygen of democracy. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society. But information is not just a necessity for people; it is an essential part of good government. Bad government needs secrecy to survive. It allows inefficiency, wastefulness and corruption to thrive." (The Public's Right to Know, 1999)

Article 19 establishes a set of international principles, among them is the Global Campaign for Free Expression documenting 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.” (The Public’s Right to Know, 1999)

In Egypt, the United Nations’s (UN) Universal Periodic Review (UPR) in 2010, submitted a report that outlines ARTICLE 19 and Justice Initiative’s concerns with freedom of expression and related issues in Egypt. (Egypt ARTICLE 19, 2010)

Key issues include the existence of vague and harsh restrictions on rights to expression, association and assembly; unwarranted limitations on media freedom; absence of practical guarantees for the right to information, and an excessive scope for government interference in media operations. In fact, and contrary to the above mentioned practices, mass media surveillance and censorship are prohibited in many articles in the Egyptian Constitution, precisely in Article 71, except in a state of war that would call for general mobilization. (Egypt ARTICLE 19, 2010)

There are five main areas of concern the ARTICLE 19 and its Justice Initiative’s holds as main impediments regarding the free speech and right to information in Egypt. These includes the use of the criminal law to restrict freedom of expression; the absence of protection for the right to information, the highly restrictive system of media regulation, restrictions on freedom of association (NGOs), and restrictions on the right to peaceful assembly. (Egypt ARTICLE 19, 2010)

Considering the use of criminal law, Egyptian law put restrictions on media by employing criminal law in cases of defamation in order to limit freedom of expression. Thus defamation specifically in political content is treated as a criminal offence in Egypt; a ruling that creates fear of such retaliation, and therefore self-restriction is exercised. Besides, after more than three decades of Emergency Law that was in operation since 81

till the January, 25<sup>th</sup> Revelation, and under the current state of fighting terrorism that Egypt is exercising, many constraints are imposed including prohibiting demonstrations without prior notice, censoring material to be published in newspapers and broadcast, monitoring personal communications, and detaining active figures without clear charges, and for expansive imprecise accusations. Most importantly articles in the Constitution granting such rights and freedoms are not executed and are disregarded. The strength of the penal code of censorship also grant Egyptian authorities excessive powers to repress expression through a variety of practices such as seizing copies of publications, withdrawing licensing, and increasing taxes.

Another impediment Article 19 indirectly signifies about the Egyptian media, lies is the lack of Right to Information Legislation, which is an integral part of the right to freedom of expression. Egypt provides limited and sometimes even no protection for the right to access specific information held by public bodies contrary to what comes in its Constitution or laws.

The aforementioned demonstrated that the prevailing media regulation in Egypt needs amendment and reform. Practices that limit freedom of the media include restrictions on freedom of journalists in print, broadcast and to a lesser extent on online media productions. In print media, the press authority and publications law impose restrictions through a licensing system on print media. Restrictions are imposed on newspapers content any breach of which may lead to seizure of an edition or cancelling the permission to publish.

As for broadcast media, Broadcasting Law, issued in 1979 and amended in 1989, officially establishes a state monopoly over terrestrial broadcasting in Egypt, by the national agency, the Egyptian Radio and Television Union (ERTU) that have been under extensive government influence ever since its establishment in 1961. (Political and Media

Transitions in Egypt, 2011) It is worth mentioning that the prevailing public terrestrial broadcasting monopolies limit the right to receive a diversity of information and ideologies.

In July 2008, Egyptian authorities released a new draft Broadcast Law calling for the National Audiovisual Broadcasting Regulation Authority, to act as a new supervision body, subject to government control rather than being independent; again hindering the right to information and free speech. Impediments according to Article 19 are also derived from restrictions currently recorded in Articles 73 and 75 in the 2014 Egyptian Constitution about the right to peaceful meetings and assembly and the right to form non-governmental organizations and associations; both are granted governmental approval through official notification.

Moreover, the government may impose restrictions on Egyptian civil society, permitting authorities to control and dissolve NGOs if needed. Besides, the right to organize public forms of peaceful protests, without carrying arms of any kind, is also allowed but again after a notification as regulated by Law. This article adds, “The right to peaceful and private assembly is guaranteed without need for prior notification.” (Article 73) This right has been breached in many instances in the past few years opposing the promise that restrictions are to be employed only if necessary and to protect a prime interest.

The concern is that a complex set of laws bear loopholes that may allow such breaches including the law of assembly, of peaceful demonstrations and meetings as well as the current fighting terrorism tactic. This condition is not only by the promoted by the current authority but by a large sector in the public as well, who have been saturated by demonstrations and appraisals ever since the 25<sup>th</sup> 2011 Revolution, and strongly believe that the Egyptian community is to, at present, focus of stability and solidity instead.

## **Recommendations and Conclusion:**

The significance of media and their imperative role within societies is undeniable. “All media work us over completely. They are so pervasive in their personal, political, economic, aesthetic, psychological, moral, ethical, and social consequences that they leave no part of us untouched, unaffected, unaltered.” (McLuhan and Fiore, 1967)

This underlines the importance of establishing a healthy environment for media to function effectively and fairly. Media law and policy reforms are indispensable in order to bring media regulatory framework into line with international standards. In Egypt, human rights organizations have been calling for media law reform for many years now. The revolution has created an unprecedented opportunity to actually secure some of these much-needed reforms. Another challenging factor occurs in deciding which key reforms to prioritize. Through promised democratic transitions, a window of opportunity is available during which it is relatively easier to secure human rights reforms. However, media reformers in Egypt face a set of challenges in terms of current state of ‘fighting terrorism’ where restrictions are imposed on specific media content with the justification of securing the nations’ welfare.

Key areas of reforming Egyptian media include employing the constitutional guarantees for freedom of expression, which currently has been weak and limited in their implementation. Reviewing rulings regarding the fighting terrorism condition that allows the established power for justifiable or sometimes even unjustifiable reasons, to reduce practicing freedoms in media productions. Content restrictions on what may be published or broadcast, are to be revisited particularly the criminal restrictions found in the penal code and press law.

An essential question for Egypt in the post-revolutionary period is what changes need to be obtained to ensure that the Egyptian media and journalist syndicate can, in the future, operate responsibly and professionally, yet free of government control. In this

respect within a well-established regulatory platform governed by media stakeholders in Egypt, journalists are to organize themselves into associations and members with no preconditions except to establish print media policy free from restricting licensing system, and supervised by an independent body that endorses its rights and establishes its commitments. Similarly, broadcast media regulation system is to be amended into a regulatory independent structure pursuing self-governance. As for the Internet, expert individuals and proficient institutions are to be allowed to launch Internet sites, blogs and electronic newspapers following the standardized regulatory self-governing policy along the lines of newspapers and magazines, where responsibilities and duties are well-established.

Last but not least, accountability of all practices of media channels is to be pursued, implemented and supervised by impartial unprejudiced specialized entities in the nation. Media legal, ethical codes and policies are to be incorporated as a mandatory component in high schools and journalism programs at very early stages.

Essential considerations are to be regarded, on top of which is defining the level of tolerance of the “fighting terrorism” laws that are currently in operation. Although the political, economical and social conditions in Egypt are challenging and in a critical state, still excessive penal systems are not to be tolerated specifically when they restrict freedoms and rights exercised through media channels. On the other hand media players are to perform responsibly, diligently, and conscientiously, bearing the consequences of falsified inaccurate, and/or sensational published information.

Criminal restrictions on published and broadcast content are to be reviewed and amended to match the international standards. In fact, criminal defamation policies are to be replaced with civil defamation rules, specifically if they have been tailored to protect the ruling elites. Policies against abuse of religion in political practices should supported; initiatives guaranteeing the implementation of the “Right to Information” promoted by Article 19 are to be endorsed, together with endorsing eliminating unwarranted

limitations on media freedom. Such strategies are to be regarded in the media reform and self-regulatory processes.

In conclusion, legal, institutional and policy strategies pursuing freedom of expression and access to information in Egypt are to invite minimal range for government interference in media productions. Steps towards media reform would be accomplished through deregulation, promoting free speech and right to information in media practices and developing legal standards that identify accountability and grant the right to peaceful assembly. As a matter of fact the aforementioned would be more feasibly realized by acknowledging the influence of Postman's Natural and Media Environments within the Egyptian society and its political system. Media ecology scholars recognize that communities have their own unique media environment. Marshall McLuhan elaborates further "any understanding of social and cultural change is impossible without knowledge of the way media work as environments." (McLuhan and Fiore, 1967)

Today, we live in the *Digital Media Environment*, a reasonably novice media ecosystem environment signifying that the evolution in media future will occur in every aspect regarding rules, laws, regulations and policies of their delivery and consumption; not only in Egypt, but also worldwide.

## References:

- Pember, Don R. and Clay Calvert, "Mass Media Law," 9<sup>th</sup> ed., McGraw-Hill Education, 2015
- Freedman, Des, "The Politics of Media Policy," Polity Press, 2012
- El-Boraey, Negad, "On the Edge," United Group, Attorneys at Law, Legal Advisors and Human Rights, Advocates, 2008
- Goldstein, Norm, ed. "The Briefing on Media Law and Associated Press Stylebook," Basic Books Publications, 2002
- ARTICLE XIX: Global Campaign for Free Expression. (n.d.). Retrieved January 31, 2016, from [http://www.media-diversity.org/en/index.php?option=com\\_content&view=article&id=281:article-xix-global-campaign-for-free-expression&catid=53:south-east-europe&Itemid=95](http://www.media-diversity.org/en/index.php?option=com_content&view=article&id=281:article-xix-global-campaign-for-free-expression&catid=53:south-east-europe&Itemid=95)
- Article 19 : The global campaign for free expression. (n.d.). Retrieved January 31, 2016, from <http://www.worldcat.org/title/article-19-the-global-campaign-for-free-expression/oclc/57208042>
- Egypt ARTICLE 19 and the Justice Initiative Submission ... - IFEX. (n.d.). Retrieved January 31, 2016, from <http://www.ifex.org/egypt/2009/09/03/article-19-and-the-justice-initiative-submission-to-the-un-universal-periodic-review.pdf>
- Egypt ARTICLE 19 and the Justice Initiative Submission to the UN Universal Periodic Review. (n.d.). Retrieved January 31, 2016, from [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/JS3\\_UPR\\_EGY\\_S07\\_2010\\_JointSubmission3.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/JS3_UPR_EGY_S07_2010_JointSubmission3.pdf) Seventh Session of the UPR Working Group, Early 2010
- Logan, R. K. (2010). The Biological Foundation of Media Ecology. Explorations in Media Ecology, Vol.9. first retrieved December 9, 2012. Retrieved January 31, 2016, from <http://www.physics.utoronto.ca/people/homepages/logan/BioMedEcol.pdf> <https://kaialiisa.wordpress.com/2012/12/03/media-ecology-how-media-and-new-media-influences-life/>
- K. (2012). Media Ecology – How Media and New Media Influences Life . Retrieved January 31, 2016, from <https://kaialiisa.wordpress.com/2012/> Posted on December 3, 2012 by kaialiisa ·
- Nielsen, J. (2003). Information Pollution. Retrieved November 31, 2015, from <https://www.nngroup.com/articles/information-pollution/> Nielsen Norman Group
- Communication Law and Media Policy. (n.d.). Retrieved November 2015, from <http://annenberglaw.usc.edu/CurrentStudents/UGStudentSvcs/Minors/CommLawPolicy.aspx> USC ANNENBERG: SCHOOL OF COMMUNICATION AND JOURNALISM
- Logan, R. K. (n.d.). The Biological Foundation of Media Ecology. Retrieved December 2015, from <https://www.physics.utoronto.ca/people/homepages/logan/BioMedEcol.pdf>

Amin, H. (n.d.). Project Title: Strengthening the Rule of Law and Integrity in the Arab World, Report on the State of the Media in Egypt. Retrieved October 2015, from [http://www.arabruloflaw.org/files/pdf/media/english/p2/egypt\\_mediareportp2\\_en.pdf](http://www.arabruloflaw.org/files/pdf/media/english/p2/egypt_mediareportp2_en.pdf)  
The Arab Center for the Development of the Rule of Law and Integrity

Mendel, T. (August 2011, August). Political and Media Transitions in Egypt: A Snapshot of Media Policy and Regulatory Environment. Commissioned by Internews, Retrieved from [http://www1.umn.edu/humanrts/research/Egypt/Internews\\_Egypt\\_MediaLawReview\\_Aug11.pdf](http://www1.umn.edu/humanrts/research/Egypt/Internews_Egypt_MediaLawReview_Aug11.pdf)

Egyptian Radio and Television Union (ERTU) Files 2001, The Yearly Plan 2003-2004

McLuhan, M., Fiore, Q., & Agel, J. (1967). *The medium is the message*. New York: Bantam Books.

Pramuk, J. (Writer). (2015, February) CNBC News Reports- [Television series episode]. In *Tom Wheeler: FCC votes to classify Internet as a public utility*. CNBC. Net Neutrality, Title II-from <http://www.cnbc.com/2015/02/26/fcc-votes-to-classify-the-internet-as-a-public-utility.html>

National Telecommunications and Information Administration. (n.d.). Retrieved January 15, 2016, from <https://www.ntia.doc.gov/> US (NTIA)

The 2014 Egyptian Constitution (2013). Retrieved December, 2015, from <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>- Unofficial Translation

McLuhan, Marshall. 1995. A McLuhan Sourcebook assembled by William Kuhns. In Eric McLuhan and Frank Zingrone (eds) *Essential McLuhan*. Concord, ON: Anansi, pp. 272 & 276. McLuhan, Marshall. 2004.

Papadopoulos, A. (2009, August). How to Write Media Tactics. Retrieved December 2014, from <https://www.clickz.com/clickz/column/1701905/how-write-media-tactics-part>

National Telecommunications Regulatory Authority (February 2003) Retrieved January 15, 2016, from [http://www.tra.gov.eg/uploads/law/law\\_en.pdf](http://www.tra.gov.eg/uploads/law/law_en.pdf) (NTRA) Egypt  
Telecommunication Regulation Law (Law No. 10 of 2003)