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Governance, Globalism and Satellites

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Abstract
Governing and regulating the use of communication satellites and their signals is becoming increasingly difficult for governments and multilateral organizations. This article takes forward the question arising from the characterization of satellites as `trade routes in the sky' (Price, 1999), as to whether it is more appropriate to look for regional themes and models for state intervention rather than a global system of governance.

Keywords
Eutelsat, governance, regulation, satellites, transparency

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ABSTRACT

Governing and regulating the use of communication satellites and their signals is becoming increasingly difficult for governments and multilateral organizations. This article takes forward the question arising from the characterization of satellites as 'trade routes in the sky' (Price, 1999), as to whether it is more appropriate to look for regional themes and models for state intervention rather than a global system of governance.

KEY WORDS: Eutelsat; governance; regulation; Satellites; transparency

Some years ago, I wrote a little essay called 'Trade Routes in the Sky' (Price, 1999). It was my effort at trying to understand the governance issues and legal structure involved in the transport and delivery of satellite programming. Clearly the subject was important, as satellites became a major if not dominant form of moving information across great spans. But for me, I needed a metaphor to make more understandable the world of transponders, orbital slots, and related engineering wonders. I settled on 'trade routes' as a mode of simplification; just as global transportation in goods--spices, textiles, things of physical empire--had altered the world two or three hundred years ago, something similar was happening now through new modes of distribution of words and images.[1] Vast amounts of information were hurtling across the globe and the patterns of distribution undoubtedly had significance in terms of management and control. Contrary to what might be taken as public opinion, this was not just data raining from heaven. As with the trade routes of yore, there was probably a complex

history and complex evolved nodes for management hidden in the arcane language of the trade. It would be necessary --as a way of approaching these areas --not only to find formal legislative and regulatory efforts, but also to be something of an ethnographer of satellite policy, looking at the informal and even forceful ways by which governments assured that their objectives were being met.

In that essay (Price, 1999), I suggested that, as with trade routes, states concerned with satellites might seek to establish and control sites or ports which would be key aspects of delivery. In some imagined way, satellites were like vessels and one needed to know who owned and operated them, just as, for centuries, it was important to know what ships were under whose control. Not only that, but the vessel's flag and its port of disembarkation could be vital to the question of who had power over the route.

The metaphor was far from perfect, but I thought, and continue to think, that it sheds light on several aspects for governance or regulation: the allocation of slots for geostationary satellites (the orbital slots issue); regulation of launch of satellites; regulation of transponders on satellites; regulation of reception of satellites; regulation of marketing; regulation of retransmission; and finally, regulation relating to content. I have not been so deeply engaged in these questions since I first published the essay as I might have liked, but I have been, from the periphery, trying to see what elements of the metaphor hold up. What remains clear is that to use the word 'governance' to describe the relationship of states to the content of satellite signals is a dramatic form of hyperbole just as it would have been true to define governance in the 18th century for trade in goods.

There is hardly any system. What exists is a hodgepodge of practices, efforts, often desperate, by states or regional and international entities to intervene when a crisis occurs or is perceived to occur. I think this was true of trade routes in the 18th century.

Given the scope of the subject (and the limited extent of my knowledge), I will have to be selective. I am not going to discuss the ITU and governance in terms of the allocation or assignment of orbital slots. The debate there concerning equitable distribution of orbital positions and first come, first served, has been, now, often told. I am going to pursue another line of questioning arising out of the Trade Routes article: namely whether, rather than look for a universal or global governance scheme, we can find different regional themes, different forms of state intervention that turn on particular satellites, or particular footprints, or particular content. Put in metaphorical terms, does the law governing this trade depend on the ship, the port of call, or the freight (or some combination thereof)?

In this area --the question of regulation of freight, one might say -- governance issues have gone through four stages: an extensive debate in the UN and elsewhere to design a system of international standards or process --a debate that ended in shatters; a second stage in which satellites were owned and controlled by governments or government controlled entities so that issues of regulation hardly arose; a period of privatization and competition, where residual national efforts to restrict the impact of signals was accompanied by the surprisingly rapid implementation of an international system of satellites,

satellite channels and modes of receiving and distributing them; and finally, now, after the industry has grown, a renewed search for principles for regulation and governance.

In this search, one can identify a few salient efforts: the struggle --still a work in progress --toward transparency and a rule of law within the European Union to determine who has jurisdiction (and applying what standards) over satellite signals received in Europe; a variety of ad hoc methods of bilateral and multilateral informal persuasion and threats; the stretching of existing methods and the adaptation of new ones to affect decisions (see, for example, Canada's novel mode of determining whether Al Jazeera could be carried on cable services and the application of the US Terrorism Exclusion list in the case of Al Manar[2]); and domestic informal and formal pressures (the difficulty of Al Jazeera International in gaining shelf space on US cable systems). Governance can take the form, as it does, in the accord between national interest and privatization, of ownership and control of the satellite (as in the administration of Nilesat or Arabsat). One of the most significant aspects in recent developments is the following: efforts to exercise power over the satellite carrier to determine which channels or signals are provided a transponder.

Prior consent debate

When the extraordinary science-fiction laden prospect of satellite communication became widely seen as actually possible, the UN took up the question of whether international regulation would be desirable. After all, the sending of a signal from one country into the territory of another could be looked at as a triumph of free expression or as a potential violation of national sovereignty. Indeed, most

terrestrial broadcasting regulation had been established (at least multilaterally) on the idea that in medium and long wave there should be some sort of agreement for the management of broadcasting signals so that national borders were respected and what might be called 'intended spillover' was minimized. Both in the UN and UNESCO a similar idea --one of prior consent before a satellite signal was sent transnationally --was debated from the late 1960s to the early 1980s.[3]

The main forum was the UN Committee on the Peaceful Uses of Outer Space (COPUOS). Members of its working group argued for 'a prohibition on broadcasts beamed from satellites by one State to others without the explicit prior consent of the Government concerned through bilateral or multilateral agreements'.[4] The Soviet Union, supported by many developing countries, fought for such a requirement (the USSR claiming to limit political propaganda, others more concerned with the impact on economic development and cultural heritage). Arguments over direct broadcast satellites (DBS) were closely linked to debates on the free flow of information and agitation for the New World Information and Communication Order. The US opposed all restrictions and, with several allies, blocked them. The result was no binding international treaty on the regulation of DBS. Rather, the UN General Assembly passed Resolution 37/92 in 1982 entitled 'Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting'.[5] The explicit principle of requiring 'prior consent' of the receiving countries was abandoned, but paragraph 8 of the document provided 'States should bear international responsibility for activities in the field of international direct television

broadcasting by satellite carried out by them or under their jurisdiction'. During the UN and UNESCO debate, an alternative to prior consent standards was promoted: a set of standards with the originating country being responsible that no signal emanating from it would violate the standards. That approach failed as well, in terms of becoming a recognized international norm, though the Principles adopted by the General Assembly provided (in paragraph 13) that

> A State which intends to establish or authorize the establishment of an international direct television broadcasting satellite service shall without delay notify the proposed receiving State or States of such intention and shall promptly enter into consultation with any of those States which so requests.

The prior-consent principle lurks --the principle that a state --even in the face of Article 19's right of an individual to receive and impart information -- should have some say over the receipt of satellite signals within its borders. So does the subsidiary principle, that there should be common standards (globally or regionally or nationally) determining the content of what is transmitted or received using satellite platforms. They exist as artifacts that find their way into contemporary debates though not as universal principles. As one way to look at patterns of governance, one could say that in the absence of an agreed international approach, there are states that have some version of these principles --i.e. states that come as close to a prior-consent principle (or to the standards-related alternative) as they technologically and politically can. A significant example is described in an article by Mei Ning Yan (2003: 265) of Hong Kong Baptist University. She interprets China's effort as determinedly and

with great difficulty implementing a prior consent rule as best it can. For China, improvising 'prior consent' has not been by the process of 'global governance' but by old-fashioned, strong-handed and persistent national regulation. Yan quotes the China strategy: 'a single satellite in the sky, a single network on the ground' (2003: 268). China has demonstrated some flexibility in the application of this principle, either through turning a blind eye to significant use of satellite dishes in certain areas, allowing cable carriage of specified foreign satellite -delivered channels, or permitting carriage of specific channels only in hotels, that could be seen as a carrying out of prior consent, not an abandonment of it.

Period of 'informal' governance and influence

China provides a turn from international law as a governing instrument to a more pragmatic stage, a turn from the a priori exploration of governance rules (a debate over what the law might be or should be) characteristic of the UN debate. What occurred in the decades after the UN discussions was the building of a vast infrastructure of satellites, a combination of state industrial policies and, later, private entrepreneurship; and the experimentation with potential uses of the new transmission opportunities, the entry of new players that would alter existing information flows. And as that structure took shape, there were consequences for information flows, for symbolic and actual power, for the operation of nation states, for diasporic groups. In the absence of an overarching law, patterns of what might be called 'informal governance' arose to create buffers, to intermediate between the pre-satellite status quo and the potential for radical change.

I have argued, in a book called *Media and Sovereignty* (Price 2004), that states employ law, technology, negotiation, subsidy and force to maintain control over the territory of information within their borders. One of the main points of this book is that --far from the principles enunciated in the UN General Assembly Resolution --states often have specific interests in the information and mediascape of particular target societies and satellite signals may be used to affect those societies. These interventions can be unilateral or negotiated (then more in spirit with the UN principles). I will give some examples.

During the NATO bombing campaign of 1999, Serbia's satellite television disappeared from European TV screens after Eutelsat's board voted to eliminate its carriage under heavy pressure from NATO (members of the Eutelsat board were largely isomorphic with that of NATO). This meant that television viewers in Yugoslavia and Serbs living in the region were only able to receive state television via conventional terrestrial transmitters, which themselves were susceptible to destruction by NATO. The satellite relay had been used to reach Serbs living outside of the range of terrestrial transmitters and also as a way to resume service after transmitters were knocked off the air. It meant news organizations throughout Europe were unable to monitor Serbian television and the controversial pictures of the aftermath of NATO bombing become more difficult to obtain. Yugoslavia lodged complaints with the International Press Institute (IPI), the Organization for Security and Cooperation in Europe (OSCE) and the Belgian postal and telecommunications authorities over the decision. The Serbian Information Ministry condemned the Eutelsat Board of Directors' decision to

discontinue transmitting the Radio-TV Serbia (RTS) satellite programme and, thus, make RTS inaccessible in European countries:

> The criminal decision is a culmination of the hypocrisy of the policy pursued by Western powers, which in words urge the freedom of the press while most grossly preventing the flow of information in the world and, thereby, consciously violating the Eutelsat founding principles.[7]

Serbian President Slobodan Milosevic sought alternative modes of distribution, and, in May 1999, the Israeli Spacecom company agreed to broadcast Yugoslav television and radio programme via the AMOS satellite. By the time the US administration recognized what had occurred, the satellite had managed to operate for days, replacing the transmitters that were one of the first targets of the NATO bombers. In July, the United States gently reminded Israel that the Israel Aircraft Industries, which owned 25 per cent of Spacecom's shares, had the status of a subcontractor for the US Department of Defence, a status that might be endangered if AMOS did not discontinue broadcasts 'aimed at delegitimizing the residents of Kosovo'. AMOS complied.

There are many documented efforts by governments to influence other governments or to influence satellite carriers in terms of what channels should be carried. For me, one of the interesting early examples involved the persistent reminders by Turkey to British officials concerning Med-TV. Med-TV was established in the UK, directed at Kurds worldwide (but focusing on Turkey), and produced in a wide variety of countries. I have elsewhere recounted the disciplining of Med-TV by the then regulator of licensed broadcasters in the UK,

the Independent Television Commission (ITC) (Price, 2002:80-2). Though it was never acknowledged by the ITC, its action was almost certainly prompted by extended representations by Turkey to the British Foreign Office. Med-TV was policed for its lack of objectivity, first fined, and then ultimately had its license withdrawn. Here and afterwards, Turkey pursued Med-TV wherever it produced programming (Belgium) and wherever it sought to use a government-sponsored transponder for the distribution of its programming. It contended, successfully, that Med-TV was a front for the alleged terrorist organization the Kurdistan Workers' Party (PKK). As an example of the continued pursuit of this channel and its successors, the French government received complaints from the Turkish authorities over the Kurdish-language Medya TV (created after Med-TV's delegitimation in the UK), concerning alleged incitement to violence and support for the banned PKK organization. This resulted in the channel's suspension by the French regulatory agency, the *Conseil Supérieur de l'Audiovisuel* (CSA) on 12 February 2004, and the organization's relocation to Denmark.

China is also involved in the effort to use informal pressure. In reported instances the target is satellite operators (private and public) in their leasing capacity rather than governments as licensors. China uses its economic power as a major customer to encourage satellite operators not to carry disfavored programme channels: channels seen by China as threatening, or deceptive, or potentially violating stability. A celebrated (partly because of the publicity-gaining capacity of the affected actors) episode has involved the efforts of China to limit distribution of NTDTV. The very characterization of NTDTV is part of the issue. It deems itself as an insistent commentator and critic of the government of

China and the Communist Party. China's characterization of it is quite different and the authorities consider it an instrument of the Falun Gong. On 25 May 2004, Reporters sans frontiers, using characteristically strong rhetoric, issued a press release stating that:

> China has showed itself ready to use the most reprehensible methods to protect its monopoly, including threats, political and financial pressure and blackmail. Regrettably some Western telecommunication companies cave in to Chinese pressure and suspend broadcasts of channels that challenge the Chinese communist party monopoly of the airwaves.[8]

The threat was that China would withdraw business from satellite companies that agreed to carry NTDTV. The press release was issued after a year-long negotiation between New Skies Satellite (NSS) and NTDTV over satellite broadcasts to Asia. On 1 July 2003, NSS (now part of SES) had begun broadcasting the channel on open signal to Asia. Three days after the start of broadcasts, NSS encrypted the signal, preventing Chinese satellite dish owners from seeing the channel. RSF reported that despite requests by NTDTV to restore the open signal broadcast, 'pressure was intensified to ensure that NTDTV was completely excluded from NSS-6 Asia satellite transmission', and transmissions ended on 1 May 2004. Other satellite operators had similarly yielded. According to RSF,

> At the start of 2004, Philippines satellite operator Mabuhay cancelled plans to transmit a special Chinese New Year broadcast after threats from the Chinese ambassador in Manila. PanAmSat, which carries the Chinese state

broadcaster CCTV on many of its satellite platforms worldwide, has also refused to broadcast NTDTV. In 2002, CCTV left the operator Taipei International because it decided to accept NTDTV. The state channel signed a new contract after the removal of NTDTV. In February 2003, the US operator Atlanta ADTH went back on an agreement in principle to carry NTDTV, for fear of losing contracts with Chinese channels.[9]

The interaction between the informal and the formal in terms of government action is complex but useful to examine. For example, Al-Nour Radio, deemed a Hezbollah-controlled radio station, was named a 'specially designated global terrorist entity' along with Al-Manar TV, by the US Department of the Treasury in March 2006. The designation had its intended consequences. Spain's Hispasat, France Telecom's GlobeCast and America and Netherlands-based New Skies Satellite companies soon terminated Al-Nour's broadcasting to South America on Hispasat, Asia (via GlobeCast feeds) on AsiaSat, and New Skies Satellite to Europe. The transmission was part of a mix of radio programs provided by Arabsat, the majority Saudi-owned provider that reaches the Middle East, North Africa, and Europe. Nilesat continued to broadcast Al-Manar to locations within its footprint.

The effort to launch Al Jazeera English in the United States is a study in informal decision-making and informal government influence that lurks somewhere beneath the radar. The channel's attempts to find a place on a major direct-to-home satellite platform or cable system have been largely unsuccessful. In summer 2006, prior to Al Jazeera English's November launch, it appeared

there was a provisional agreement to carry the channel on the Dish satellite

network, though its prominence and availability to a mass of subscribers could

still be matter of dispute. At the time, Lindsay Oliver, the Dish Network's

commercial director, told *Broadcasting & Cable* that Dish had only offered the

network carriage on an Arabic tier, while Al Jazeera wants wider distribution.

Currently, the Dish network carries only the Arabic-language Al Jazeera; the only

way to receive Al Jazeera English in the US is via GlobeCast satellite, on a handful

of small, regional cable providers, or on the internet.[10]

Transparency: European Union approach

The characteristics of many of the informal aspects of decision-making are that

they are invisible, that the reasons are hardly clear and determinations to include

or exclude a channel are shrouded in doubt (and often controversy). I want to

conclude with a few remarks about the European effort to restore transparency

and the rule of law to these matters. I have already referred to Al Manar, the

Hezbollah-related broadcasting station based in Lebanon, a station that

developed a satellite distribution channel targeted at Arabic populations

throughout Europe.[11] It deployed on Paris-based Eutelsat for this purpose. Aside

from the question of whether action was justified or not, Al Manar was accused,

in France, of distributing anti-semitic programming in violation of French

standards. Al Manar presented a jurisdictional and governance crisis of a sort. It

was not a channel that originated in France, or in the EU. The question arose

(and here, it is not necessary to take a position on the nature of the

programming) whether France had the power to make a decision on this question

and whether the French Parliament had given the appropriate agency (the CSA) the authority to take action.

The Al Manar story has many parts relevant to governance. In February 2004, CSA and Eutelsat entered into an agreement regarding the oversight of broadcasters from outside the EU not licensed by an EU member country. A Eutelsat press release stated that the organization shared the CSA's 'indignation expressed on (the) broadcasting of racist programmes', while making it clear that Eutelsat itself had no right of censure over the channels it carries. The problem occurred precisely because there was no national license involved that would govern who had authority over the content of the channel. On the other hand, as the CSA asserted on February 29, because the channel was uplinked to Eutelsat, and Eutelsat was a French company, the broadcasts (or at least the satellite carrier) were within the competence of the CSA under the interpretation of the EU's Televsion Without Frontiers directive.

To make this authority clear, some weeks before, on 13 January 2004, the CSA had applied to the public prosecutor based on article 24 of the law of 29 July 1881 on the freedom of the press, because 'The transmission by the Al-Manar channel of thirty episodes of "Diaspora" may have been seen as anti-semitic.'

The CSA president highlighted the difficulties presented to the agency when dealing with channels established outside the European Union which still fall under the competence of the French authorities. There were grave jurisdictional issues in engaging in action against satellite operators or their intermediaries through which these external channels were broadcast.

The CSA and Eutelsat began a policy of cooperation to check television channels transmitted by Eutelsat for their conformity to European legislation, and the National Assembly adopted amendments allowing the CSA authority over operators of satellite networks, power to sanction Eutelsat, and authority to ask the Conseil d'Etat --France's supreme administrative court --to order a carrier to cease transmission of a service where a breach of human dignity, the safeguard of public order or the protection of minors was involved. Ultimately, by July 2004, the CSA requested the Conseil d'Etat to order Eutelsat to stop transmitting the station. According to the Agence France-Presse news agency, this followed the adoption of a new law on 9 July that gave the CSA new powers to ban unlicensed TV channels. On 14 December Al-Manar obliged voluntarily, in order to avoid other Arab programs of the same multiplex being shut down.

EU reaction

The Al Manar case was an intermediate step in terms of transparency and an effort to shape a systematic approach to satellite carried channels from outside the EU. Indeed, the reaction of the EU to the Al Manar case is the closest we have come to something like 'global governance' or organized consideration of this question across many national boundaries. And it is not very close yet. In March 2005, after the Al Manar decision, EU officials recognized that difficulties would arise if it were only up to the particular states that had jurisdiction over satellite providers to police hate speech (or what might be generically called hate speech) issues. Better coordination among the states would be essential. In a series of FAQ's issued after the meeting on hate broadcasts, the relevant EU directorate stated that

> The free movement of TV broadcasting services in the EU is governed by rules that aim to promote the growth of an EU-wide market in broadcasting and related activities … Freedom of expression and of the Media on the one hand and respect for human dignity on the other hand are essential values underlying the EU rules. On the specific issue of hate broadcasts, Article 22a of the TVWF Directive states: 'Member States shall ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality'.[1][2]

The consistent position, of course, has always been that where a broadcast originates within the EU (not the case with Al Manar), it is the responsibility of the Member State, the so-called 'country of origin,' to regulate it. To this end, a series of practical criteria ('establishment' criteria in TVWF Article 2), are designed to determine by an exhaustive procedure which Member State has jurisdiction.

These criteria are:

- the location of the head office of the provider of services
- the place where decisions on programming policy are usually taken
- the place where the programme to be broadcast to the public is finally mixed and processed, and
- the place where a significant proportion of the workforce required for the pursuit of the television broadcasting activity is located.

If, as was the case with Al Manar, the satellite channel originates in a third country, outside the EU, different rules apply, adjusting to the French precedent. Member States must ensure that these broadcasters comply with the EU rules if:

- they use a frequency granted by that Member State
- they use a satellite capacity appertaining to that Member State, or
- they use a satellite up-link situated in that Member State.

Because most TV channels from outside the EU that broadcast in Europe use satellite capacities provided either by Eutelsat or by Astra, two countries, France and Luxembourg, have jurisdiction over a large number of third-country programs received within the EU. During the French procedure involving Al Manar, the European Commission worked with the French authorities to achieve a European approach that could be applied to all similar cases. After the decision, EU Commissioner Viviane Reding invited the chairpersons of the broadcasting authorities of the 25 EU Member States, to agree on an information exchange and a contact point within each national authority. The contact would provide information to other authorities and the European Commission regarding channels coming under its jurisdiction. In particular, Member States that have satellite capacity under their jurisdiction would provide information on all the channels originating outside of Europe but using that capacity. By March 2006, the regulators in the Member States had supported the Commission's proposal to launch a new EU Intranet Cooperation Forum as a means to implement their

> commitment to combat clear cases of incitement to hatred in broadcast and audiovisual media services whilst scrupulously respecting the Fundamental freedoms enshrined in the EU Charter of Fundamental Rights and the need for judicial scrutiny of such interventions by broadcast regulators.[13]

There's a final category: third country broadcasts that can be seen in Europe because of satellite spill over from other countries, i.e. where the channel originates outside the EU and the facility used (satellite, frequency, etc.) also is outside the Member State zone. These spill-over effects are one reason why the cooperation of regulatory authorities within the EU is insufficient and must be complemented by cooperation with regulators from third countries (for example the Mediterranean Regulators' Group).[14]

Conclusions

There is no system of global governance with respect to satellite signals and it is doubtful that such a system will emerge. The EU seeks a transparent system with respect to certain kinds of content. In the absence of regulation, informal efforts to persuade, pressure and even threaten satellite providers are likely to take place. We are beginning to sense patterns emerging but it is only as the technology itself is becoming slightly overshadowed. Terrorism is the trope that succeeded where cultural exception, fear of pornography, sweeping cultural imperialism and national identity failed. It has brought the deacons of free expression to the table of regulation, even of clumsy intervention. As a result, the shape of governance of satellite broadcasting, and as a consequence, of the internet, may change forever.

Endnotes

1   Peter Steinberg and Stephen McDowell have also brought their imagination to bear in describing the infosphere in relation to historic precedents, including legal conceptions of the sea. See McDowell et al. (2008) and Steinberg and McDowell (2003).

2   Section 411 of the US Patriot Act of 2001 (8 U.S.C. Section 1182)

3   For details of debates on the prior consent requirement in particular and regulation of direct broadcasting by satellite in general, see Queeney (1978); Nordenstreng and Schiller (1979); and Montgomery and Powell (1985).

4   See United Nations, General Assembly, Committee on the Peaceful Uses of Outer Space, Working Group on Direct Broadcast Satellites, Report of the Second Session of the Working Group, 12 August 1969, at 7, UN Doc. A/AC. 105/66 (1969).

5   The resolution was adopted on 10 December 1982. One hundred and seven countries voted for the resolution, 13 voted against and 13 abstained. The full text can be located at http://www.un.org/documents/ga/res/37/a37r092.htm.

6   Serbian Ministry of Information Statement Concerning the Discontinuing of RTS Satellite Transmission by EUTELSAT, 27 May 1999. The full statement is available at http://www.serbia-info.com/news/1999–05/27/12141.html. The statement continued,

> In the war against our country, the criminal NATO forces are bothered the most by their inability to conceal from the world public the consequences of their own criminal actions and the killing of innocent people in Yugoslavia. An endless number of times so far, they had intended to silence the Serbian media and prevent them from keeping the domestic and world public informed about the daily crimes committed by the NATO forces on the territory of the Federal Republic of Yugoslavia: the destruction of the RTS buildings in Belgrade, Novi Sad and Pristina, the brutal killing of journalists, the repeated destruction of radio-TV transmitters, the jamming of RTS signals. However, regardless of all the gross attempts at silencing information and the wish to have only the NATO news circle the globe, they have not succeeded in preventing the massive support lent by the peace- and truth-loving part of mankind to the Serbian people.
>
> Despite the fact that RTS is an Eutelsat shareholder and has met all its financial obligations, the principle of ownership has been abrogated and the possibility denied to present to the world public opinion all the horrors and sufferings of the civilian population, caused by two months of bombardments by the NATO criminals, which is an act of unprecedented discrimination, aimed against all citizens of Yugoslavia.
>
> For the first time since the founding of Eutelsat, one of its members has been denied the right of transmission of its programmes, which poses a most serious threat to others, too. Today it is Serbia and it is only a question of who will be the next. The Eutelsat Board of Directors have explained their decision by saying they wanted to prevent the spreading of religious and national hatred, which they are in fact precisely doing with their own decision.
>
> The Ministry of Information and all media in the Republic of Serbia will continue keeping informed the domestic and world public about all the developments, especially the aggressors' attacks, despite all the force, pressures and blackmail of the international tyrants.

7 Chinese-language NTDTV harassed by Beijing; Chinese authorities put pressure on France. RSF Press Release, May 25, 2004. Available at:
http://www.rsf.org/article.php3?id_article=10439.

8 Chinese-language NTDTV harassed by Beijing; Chinese authorities put pressure on France. RSF Press Release, May 25, 2004. Available at:
http://www.rsf.org/article.php3?id_article=10439.
The RSF press release continues,

> 'NTDTV is now freely accessible to more than 200 million satellite viewers worldwide. The channel was approved in April by the French Superior Audiovisual Council (CSA). Reporters without borders fears that the CSA and the French government are coming under official pressure from China for this licensing decision. Moreover, Eutelsat is legally obliged to comply with the principle of equality of access, pluralism and non-discrimination set out under Article 3 of the Convention that regulates this company under French law.

9 Al Jazeera English provides information on 'How to watch Al Jazeera English' in the United States (and around the world) on its website at http://english.aljazeera.net/English/.

10 The EU has described the relationship between Al Manar and Hezbollah as follows:

> In 1991, shortly after Hezbollah actively entered the Lebanese political scene, Al Manar was launched as a small terrestrial station. Although legally registered as the Lebanese Media Group Company in 1997, Al Manar has belonged to Hezbollah culturally and politically from its inception. Today, the terrestrial station can reach Lebanon in its entirety and broadcasts programming eighteen hours daily. Moreover, Al Manar's satellite station, launched in 2000, transmits twenty-four hours a day, reaching the entire Arab world and the rest of the globe through several major satellite providers. One of the satellite providers which have transmitted Al Manar has been the French satellite Hot Bird 4, owned by the Eutelsat Satellite organisation.

EU Rules and Principles on Hate Broadcasts: Frequently Asked Questions, MEMO/05/98, 17 April 2005. Available at
http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/05/98&format=HTML&aged=0&language=EN&guiLanguage=en.

11 EU Rules and Principles on Hate Broadcasts: Frequently Asked Questions, MEMO/05/98, 17 April 2005. Available at
http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/05/98&format=HTML&aged=0&language=EN&guiLanguage=en. Similarly, Article 7 of the Council of Europe's European Convention on Transfrontier Television (ECTT) provides: '(1) All items of programme services, as concerns their presentation and content ... shall not (b) give undue prominence to violence or be likely to incite to racial hatred'. Available at http://conventions.coe.int/Treaty/EN/Treaties/Html/132.htm.

15 European Broadcasting Regulators strengthen their cross-border cooperation under the Television without Frontiers Directive, IP/06/374, 24 March 2006. Available at http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/374&format=HTML&aged=0&language=EN&guiLanguage=en.

13 EU Rules and Principles on Hate Broadcasts: Frequently Asked Questions, MEMO/05/98, 17 April 2005.

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