



# GOOD PRACTICE IN EU PUBLIC SERVICE MEDIA AND CONTEMPORARY PRACTICE IN JORDAN

## A comparative analysis

By Naomi Sakr



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## Foreword

UNESCO Amman office is pleased to publish a comparative analysis between good Public Service Media (PSM) practices in Europe and the contemporary practice in Jordan. The study is part of the Support to Media in Jordan project, funded by the European Union, aiming to increase media freedom, media independence and journalistic professionalism in Jordan.

The state owned broadcaster, Jordan Radio and Television (JRTV), has informed, entertained and educated Jordanians for decades. JRTV reaches almost every corner of the Kingdom and has the potential to serve all Jordanians with balanced, impartial and accurate news and programmes relevant to their day-to-day lives.

Based on this potential there has been a long standing ambition to transform the JRTV from a state broadcaster to a public service broadcaster; from a TV and radio that predominately serves the state, to a broadcaster that serves the public and is independent from the Government of the day.

This ambition is expressed also in the Support to Media in Jordan project, agreed between the Government and the EU, under which UNESCO has been asked to produce two studies: The comparative PSM analysis and a broader media landscape assessment based on UNESCO's Media Development Indicators (MDI's).

The Jordanian MDI assessment was carried out by a team of national and international researchers during the first six months of 2015, and builds on the rich flora of recent studies on the Jordanian media landscape, as well as on original research. The study is available in Arabic and English.

Professor Naomi Sakr carried out the comparative PSM analysis parallel to the MDI study, and in close cooperation with the MDI research team and UNESCO Amman office.

It is UNESCO's hope that the findings of both studies will contribute to the on-going discussion on how to expand media freedom, independence and professionalism in Jordan. As in any country this discussion never ends, but is a continuous conversation and debate between the media, the Government, the civil society and the public.

It is also UNESCO's hope that the comparative PSM analysis will inspire the state broadcaster JRTV in its ambition to transform itself to a public service media company. The report is no blueprint for such a transformation, but describes lessons learnt that could serve as an inspiration.

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# 1. INTRODUCTION

Underlying this report's discussion of contemporary and future good practice in public service broadcasting are three cross-cutting points. The first relates to the term 'broadcasting', the second relates to the idea of public service, and the third to the environment in which public service media operate. The three points are set out in this introduction because they underlie the more detailed discussions in each of the four detailed sections which follow in the report.

## 1.1. Public service broadcasting or public service media?

Recent years have seen the term 'public service broadcasting' give way to 'public service media' in Council of Europe (CoE) and European Commission (EC) documents, in recognition of technological changes, namely digital convergence, that offered public service broadcasters new opportunities to meet their public service remit and maintain their ethos while serving their audiences online as well as offline (Jakobwicz 2010). The ethos of public service broadcasting was enabled to develop in an age when spectrum scarcity provided a rationale for limiting and regulating use of the airwaves for radio, and later television. Today, scarcity no longer provides a rationale. Instead, the rationale lies with the public's demonstrable need for the service itself. In turn that service needs to be suited to multiple platforms, including online text, podcasts and video, and new kinds of content, including content generated by media users themselves. Thus, in keeping with CoE and EC agreements and recommendations, the laws underpinning public service broadcasters in many European countries acknowledge that the services they provide should encompass digital channels and the internet as well as the traditional means of television and radio transmission. Given the extent to which younger age groups access media online, public service broadcasters cannot be sure to reach all age groups in the population unless they have a range of delivery platforms and interactive modes of engagement with media users.

In this way, the notion of public service media (PSM) supersedes, but still includes, that of public service broadcasting (PSB). In recognition of that, the membership body formerly known as the Commonwealth Broadcasting Association has renamed itself the Public Media Alliance (PMA). It describes public service media as a 'shared multiplatform media space that is relevant, credible and impartial'. In this multiplatform space, public service media organisations should enable citizens to 'access and interact with free, independent, engaging and relevant content whether they are in rural or urban environments, irrespective of economic status or technology'.<sup>1</sup> The Council of Europe makes similar points (CoE DG 2009: 6), to the effect that 'the main elements of what constitutes the public service media (PSM)' have 'not changed' from what was spelt out by the European Ministerial Conference in Prague in 1994 in its Resolution No 1 on the Future of Public

1 <http://publicmediaalliance.org/what-is-psm/pillars-psm/> [Accessed 9 February 2015]



Service Broadcasting (PSB). In other words, the technological delivery may have changed, but the purposes of public service media remain the same.

What does arise from innovation in multiplatform delivery is potential uncertainty with regard to the future funding of PSBs and to the scope of their activities in the converged media environment. These funding and legitimacy issues call for utmost transparency on the part of regulatory bodies and close attention to issues of competition, to ensure that PSM are able to fulfil their public remit without being unfairly privileged or disadvantaged. These matters are discussed further in the present report.

## 1.2. Consensus on the meaning of 'public service' in relation to media

There is strong consensus on why democracies need public service media and what these media are required to do. When UNESCO published its manual, *Public Service Broadcasting: A Best Practices Sourcebook*, in 2005, it described PSB as an 'essential instrument to ensure plurality, social inclusion and to strengthen civil society', with a mission to empower people to 'take informed decisions vital to their own development' (UNESCO 2005: 6). It summed up 'key notions' of PSB as 'editorial independence, universality, secured funding free of all pressures, distinctiveness, diversity, representativeness, unbiased information, education and enlightenment, social cohesion, citizenship, public accountability, and credibility' (UNESCO 2005: 7). The same notions emerge from Resolution No 1 on the Future of Public Service Broadcasting adopted at the 4th European Ministerial Conference on Mass Media Policy in Prague in December 1994. Among the features specifically mentioned were:

- a reference point for all members of the public, offering universal access;
- a factor for social cohesion and integration of all individuals, groups and communities;
- a source of impartial and independent information and comment, and of innovatory and varied content which complies with high ethical and quality standards;
- a forum for pluralistic public discussion and a means of promoting broader democratic participation of individuals.

The PMA provides a briefer summary, stating that PSM content 'should be credible, distinctive, impartial and relevant'. Indeed UNESCO's own handbook, informed by a UNESCO-World Radio and Television Council document, *Public Broadcasting: Why? How?*, of 2000 (see Price and Raboy 2003: 2) and Council of Europe definitions from 2004, draws out four essential criteria in the form of universality, diversity, independence and distinctiveness (UNESCO 2005: 15-17). These four criteria overlap closely with the 'six



core values of public service media' unanimously endorsed by members of the European Broadcasting Union (EBU) at their General Assembly in Strasbourg in June 2012, listed as 'universality, independence, excellence, diversity, accountability and innovation'.<sup>2</sup> Jordan Radio and Television Corporation (JRTVC), deemed under ITU definitions to belong to the European Broadcasting Area, is a member of the EBU. The EBU, which has 73 active members in 56 countries, making it the largest community of public service media organisations in the world,<sup>3</sup> proceeded from the 2012 consensus on core values to advise on funding principles for public service media in a 2015 document which is cited in Section 4 of the present report.

The summarised PMA and UNESCO criteria and the EBU values map onto each other, in the sense that universality and diversity are prerequisites of relevance, while credibility depends on independence combined with diversity. Excellence and innovation are part of distinctiveness, while accountability is essential in order to demonstrate and maintain independence. UNESCO declares that, 'measured in light of these standards, state-controlled broadcasting systems are disqualified as providers of public service media because of their lack of independence and impartiality in terms of funding, programming and management (UNESCO 2005: 14-15). Similarly, community broadcasting may perform some PSB functions but cannot achieve PSB's 'broader outlook or national scope' (Ibid: 14).

For the sake of clarity and consistency, the analysis in this report proceeds in accordance with UNESCO's four principal criteria, which are defined in more detail as necessary in each section.

### 1.3. Broadcasting or broadcaster? Environment, not organisation

'There is a mistaken assumption that public service broadcasting (PSB) and a publicly funded broadcaster are interchangeable concepts. In fact, they are fundamentally different. Although a publicly funded broadcaster is an integral and more obviously accountable element of any nation's broadcasting ecology, PSB is a motivating and more all-encompassing philosophy which can and should apply (to varying degrees) across the board.'

These are the words of Professor Steven Barnett addressing an Egyptian conference on media regulation in March 2011, in the wake of the 25 January uprising and the toppling of Egyptian dictator Hosni Mubarak. His observation concurs with the understanding implicit in the way public service broadcasting is assessed within the template of Media Development Indicators devised by UNESCO in 2008. Indicators under Category 3, 'Media as a Platform for Democratic Discourse', refer repeatedly to public service broadcasters in

<sup>2</sup> <http://www3.ebu.ch/contents/news/2012/06/ebu-celebrates-key-moment-as-mem.html>

<sup>3</sup> <http://www3.ebu.ch/about/members>



the plural. Barnett (2011) sets out options for creating a long-lasting public service broadcasting environment that inspires public trust, and is thereby fortified against adverse political or commercial forces, because the environment applies certain basic principles to all participants to varying degrees. Such principles can include licensing incentives for commercial broadcasters to provide a properly-funded peak-time news service, adequate amounts of locally-produced programming or high quality children's programming, none of which will necessarily be generated by market forces alone. Other principles include openness to a range of ownership models, such as cooperatives, trusts or publicly-owned operations run on commercial lines but with statutory, democratically agreed, commitments in terms of media coverage.

The remainder of this report explores examples of good practice in relation to regulatory and professional environments rather than single organisations. Where specific organisations are mentioned, there is also reference to the context in which they operate.



## 2. UNIVERSALITY

European and international bodies setting out the core values and practices of PSM concur that universality is basic and central. PSBs, through a universal approach, put all citizens 'on the same footing, whatever their social status or income' (UNESCO 2005: 15). When PSM advocates cite 'relevance' as an essential feature of PSM, the relevance they seek stems in part from universality. Universality is taken to refer to the accessibility of content, not only technically in terms of whether people everywhere can receive it, but also through its wide appeal.

Technical accessibility is partly a geographic issue, meaning that PSM should be available to a country's entire population. But it is also a question of language, and of availability in terms of delivery platform and cost. When the UK's Broadcasting Research Unit listed features of PSB in the 1980s it included universality of payment as an important feature, envisaging that 'one main instrument of broadcasting' should be 'directly funded by the corpus of users' (Broadcasting Research Unit 1985). Thus PSM are not universal unless they are free at the point of use. In addressing every citizen in all parts of a country, PSBs are called upon to ensure that content can be understood and followed by everyone. Having universal appeal does not mean chasing audience ratings as a permanent top priority. Instead it means that content should cater for all interests and tastes, so that the public forum provided through PSM is not frequented only by a minority or what one source calls 'the same group of initiates' (Price and Raboy 2003: 3). The following sections separate out these various strands of universality.

### 2.1. Reaching the whole population

As migration to and among European nations makes their populations more diverse, the objective of not only reaching the whole population but also being understood and appreciated by all its members becomes more challenging.

Some nations, however, have always faced the challenge of linguistic access. Switzerland is outside the EU, but its linguistic diversity makes it worth considering in relation to this challenge. Swiss law, which has allowed for the operation of private television channels since 1982, recognises the role of public service broadcasting in serving the country's different language communities. All residents pay a television licence fee, which is equal across all parts of the country, and this in turn necessitates that all parts of the country should receive an equal service. In addition to funding the main Swiss public service broadcaster, the SRG SSR, a small percentage of the licence fee total is allocated to regional television networks which are committed, under Article 38 (a) of the Loi fédérale sur la radio et la television (LRTV) of 24 March 2006 (Switzerland), to provide 'comprehensive' political, economic and social information that contributes to 'development of the cultural life' in the coverage area.



Article 24 of the LRTV sets out the Programme Service Mandate for the SRG SSR, stating that it 'supplies the entire population comprehensively in terms of content with equivalent radio and television programme services in the three official languages' and 'promotes understanding, cohesion and exchange between the parts of the country, linguistic communities, cultures and social groupings and takes account of the particularities of the country and the needs of the cantons'.<sup>4</sup> The same article extends the desired reach of the SRG SSR to include Swiss citizens living abroad. It also highlights that the needs of Switzerland's Romansh-speaking community should be taken into consideration alongside those of their Swiss compatriots speaking French, German and Italian.

Switzerland's LRTV, like laws in other European states, notes that ensuring universal accessibility includes providing for people with sensory disabilities, including signed programmes for the deaf (Art. 24). Lithuania, which joined the European Union in 2004, adjusted its law in 2005 to place requirements on its public service broadcaster, LTV, to air programmes for national minorities and for people with sight and hearing disabilities (OSI/EU 2008: 261). The EU-wide Audiovisual Media Services (AVMS) Directive of 2010 stipulates, under Article 7, that EU Member States shall 'encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability'. The preamble to the Directive links this to the right of the elderly and persons with a disability to be integrated into the social and cultural life of the EU through audiovisual media. It names sign language, subtitling, audio-description and easily understandable menu navigation as possible ways to increase accessibility.

## 2.2. Engaging the whole population

For some years now deliberations on governance of European PSBs have encouraged the adoption of more pluralistic participatory decision-making mechanisms whereby influential civil society organisations are represented on PSB boards (Zankova 2009: 24). EU countries such as Germany and the Netherlands currently have formulae for representing different civil society groups in the governance of public service broadcasting. The Federal Republic of Germany is made up of Länder, whose broadcasting laws – backed by Germany's Constitutional Court – require that all 'significant social forces' are represented in their Broadcasting Councils. The Länder statutes contain detailed catalogues of the organisations to be represented, including religious representatives, employers and trade unions, youth and sport organisations, cultural organisations, universities, the media sector and local government, the aim being to prevent domination by the state or private interests. The size of Broadcasting Councils varies from 18 members for the smaller Länder up to 77 for the state-wide public broadcaster ZDF (Katsirea 2008: 38).



The reach and range of public service broadcasting in the Netherlands, and thus its intended relevance to all communities, can be gauged from the work of the Dutch Media Authority, the Commissariaat voor de Media (CvdM), which grants licences to broadcasters, registers Video-on-Demand services and monitors compliance with rules on quotas, advertising and protection of minors. The Netherlands is a relatively small EU country with a population of some 17 million. Yet the CvdM, created in 1987, supervises three main PSB TV channels, several thematic PSB TV channels, and approximately 300 regional and local PSB TV channels as well as PSB radio channels.<sup>5</sup>

Dutch broadcasting was established in the 1920s on the basis of what has been called 'pillarization', meaning that airtime was distributed among a number of broadcasting associations linked to different religious, political and other associations that were taken to be representative of Dutch society (Robillard 1995: 155). This was a means of achieving universal appeal externally, i.e. through pluralism across the system, not internally within each programme-making association. From the 1960s, public funding and airtime were distributed to these broadcasters on the basis of the size of their memberships as reflected in subscriptions to their programme guides (Hallin and Mancini 2004: 165). Today there are nine broadcasting associations and two provisional associations, each licensed for five years, which make programmes for all the national public channels.<sup>6</sup> Platform providers are obliged to carry public channels. However, the 'pillarization' system of broadcasting through associations does not extend to the Netherlands' regional and local public broadcasters. Instead, these are required to provide a complete programme to satisfy the social, cultural, religious and other needs of each region or locality (Katsirea 2008: 109).

### 2.3. Amplifying accessibility by space and time

Laws underpinning PSBs in European countries now generally give backing for delivery of PSB on platforms other than linear television and radio (CoE DG 2009: 7-8). The addition of digital channels enhances the space available for content that engages all sections of the population, while the possibility of making programmes available on demand for at least a limited period after airing frees media users from the restrictions of programme schedules and thereby increases their access to relevant content. If programme archives are also made available, this increases this access still further.

A study conducted for the Finland's national public service broadcaster, Yle, between August and November of 2013, looked at the online activities of 46 public service broadcasters from the EU and European Economic Area (EEA). It found that all those surveyed make programmes available on demand, with the exception of three only – in Estonia, Slovenia and Malta (Hilden 2013: 7-8). The study showed that, whereas radio catch-up is quite frequently provided as an integral part of the radio stations' website, most television broad-

5 <http://www.cvdM.nl/english/>

6 <http://www.government.nl/issues/media-and-broadcasting/broadcasters>



casters provide their catch-up service separately. The availability of programmes on demand varied from 10 per cent to 90 per cent of the total but with an average of about 60 per cent of all programmes made accessible in this manner. There are restrictions on online services in the case of feature films and on the length of time for which a programme is available on catch-up, with a common limit of seven days (Hilden 2013: 7-8). These facilities were found, in the main, to be available only within national borders, reflecting the broadcasters' funding and national remit. Meanwhile live streaming of public service television is available to a greater or lesser degree in all the 46 countries except Latvia (Hilden 2013: 8).

Bulgarian legislation demonstrates how a public service broadcaster's duty to innovate technologically can be enshrined in law. Art 45 (1) and (2) of Bulgaria's Radio and Television Act (last amended May 2012) states that Bulgarian National Radio and Bulgarian National Television shall introduce and provide new radio and television services and shall create conditions for the broadcasting and application of digital and other new technologies in radio and television broadcasting activities (CoE DG 2009: 11). The Framework Agreement between the UK's BBC and the UK's Secretary of State for Culture, Media and Sport, which supplements the Royal Charter that governs the BBC's operations for 2006-16, likewise states, under Section 12 (1), that 'the BBC must do all that is reasonably practicable to ensure that viewers, listeners and other users (as the case may be) are able to access the UK Public Services that are intended for them, or elements of their content, in a range of convenient and cost effective ways which are available or might become available in the future'.<sup>7</sup>

## 2.4. Universality of public service media in Jordan

### 2.4.1. Legal remit of JRTVC

Under current Jordanian law, notably Law 35 of 2000, the publicly funded Jordan Radio and Television Corporation (JRTVC – created in 1985 through the merger of Jordan Radio and Jordan Television) is not constituted to represent or engage groups across the spectrum of Jordanian society. Nor is there explicit recognition that JRTVC has the mandate of a public service broadcaster, defined as such. This situation has not changed despite amendments to Jordan's audiovisual media legislation being approved by the House of Representatives on 5 April 2015, because the amendments dealt with issues related to licensing, complaints and penalties for airing content deemed illegal and not with JRTV's mandate as a public broadcaster.

Law 35 of 2000 was intended to end JRTVC's monopoly over broadcasting in the kingdom and, in theory, gave it financial and administrative independence from government. With the law's passage through parliament, the JRTVC board was reduced from 15 to nine, four

<sup>7</sup> [http://www.bbc.co.uk/bbctrust/governance/regulatory\\_framework/charter\\_agreement.html](http://www.bbc.co.uk/bbctrust/governance/regulatory_framework/charter_agreement.html)



of whom were brought in from the private sector. However, the reform programme initiated by this change was thwarted by security concerns arising from external circumstances; the private university president who headed the JRTVC board following the changes of 2000 was later replaced by the Minister of Information, reinstating close control by the executive branch of government. The 2002 Audiovisual Media Law (No 71/2002, which was eventually replaced by Law No 26 of 2015 because of its original provisional status) stated (Art. 24) that the JRTVC shall be deemed licensed under the provisions of the law. The same law also exempted the JRTVC from paying licence fees (IREX 2011: 62), a provision that remained in force under the new law published in the Official Gazette on June 1, 2015. In creating the Audiovisual Commission, the 2002 law authorised the Commission to monitor the functioning of broadcast operators who hold licences, but made no mention of any specific remit or functions for public media (Euromed Audiovisual III 2013: 24). Under a new law, No 17/2014, the Audiovisual Commission took over the rights and duties of the Press and Publications Department and was renamed the Jordan Media Commission. None of these changes endowed JRTV with a public service mandate.

Indeed, other legal changes in 2015 raised doubts as to whether JRTVC could or would be confirmed as a public service broadcaster. In February 2015 the corporation's Director General revealed plans to launch a third channel, which would 'focus on broadcasting youth, family and drama programmes' and would be aimed at 'an Arab and regional audience' (quoted in Noghai 2015a). In May 2015, however, a new announcement indicated a change of plan. Instead of launching a new channel as part of JRTVC, the corporation's Director General said the government had decided to create what he described as a 'private TV station' that would be 'fully independent from the JRTVC' and would offer 'public service broadcasting' (quoted in Azzeh 2015). Bylaws for this station were published in the Official Gazette on 22 June 2015, promulgated in accordance with Article 5 of Law No 35 of 2000. These made no reference to a public service remit. Arrangements for resourcing the new station and appointing its board are discussed in Section 4 of this report.

#### 2.4.2. Technical access and availability

According to Jordan's own Department of Statistics, an estimated 98.9 per cent of households in Jordan had a television set in 2011, and 96.9 per cent had a satellite receiver (Euromed Audiovisual III 2013: 26). These ratios may have changed for the worse more recently, as Jordan has faced the challenge of waves of refugees entering the country from neighbouring states. At the end of 2012, the total number of subscriptions to the high speed Internet (ADSL) amounted to 4,260,000 with an estimated penetration rate of 67%. Mobile broadband subscriptions totalled 691,619, corresponding to a penetration rate of 17% (Euromed Audiovisual III 2013: 17).



Despite large-scale inward migration, the country's make-up remains relatively homogeneous in terms of language and religion. Some 98 per cent of the population is classed as Arab, compared with 1 per cent Armenian and 1 per cent Circassian, and 92 per cent are Sunni Muslim, with the remainder divided between Christians of various denominations (6 per cent) and Shia Muslim and Druze (2 per cent) (OSF 2013: 12-13). According to the Department of Statistics, 82.6 per cent of the population lived in urban areas in 2012 (OSF 2013: 12). These ratios indicate that Jordan faces no major logistical challenge with regard to ensuring technological access for diverse linguistic or religious communities. At the same time, the country's relatively small surface area and particular topography have facilitated broadcasting to populations outside the capital for many decades. FM transmitters were introduced for Amman, Irbid and Aqaba in the 1970s and FM stereo transmission started in 1980, at which point JTV was using 15 transmitters to provide reliable colour television to 'most of the country' and even to parts of neighbouring Syria, the West Bank and Israel (Boyd 1999: 97-101).

JRTVC currently offers live streaming of its programmes through its website. This is significant, as research on Jordan media use has shown that younger age groups, such as those in the age range 12 to 21 years, are more likely to access content online than through linear TV (OSF 2013: 21). Since 28 per cent of Jordan's population is aged between 10 and 24 (UNFPA 2014: 112), the media consumption habits of young people are of prime importance for the country's public broadcaster in taking steps to achieve greater universality in reception.

JRTVC's acquisition of HD equipment in early 2015 and inauguration of an HD transmission zone was intended to improve transmission quality and viewer experience, especially for sports and cultural events (Noghai 2015b).

### 2.4.3. Audience engagement

Attempts began in March 2015 to reorient news values at JRTV to bring them more in line with those of established public service broadcasters around the globe. Such reorientation would be expected to make news coverage more relevant and engaging for local audiences. However, after decades in which so-called 'protocol news' featuring the activities of Jordanian dignitaries led evening newscasts, there were signs that old habits might be hard to change. One sign of a possible need for editorial overhaul with regard to the understanding of what constitutes important national news emerged in March 2015 with an announcement about JRTV's new programming schedule that was due to start in April. Noting that the prime minister himself had directed a change of strategy in JRTV's news programming, the Director-General was quoted as saying that, 'if there is no important local news story', the evening newscast will 'start with important Arab and international stories' with 'local protocol news presented later' (Noghai 2015b). Many Jordanian citizens would find it surprising that a day could go by in their country with no 'non-protocol'



local news deemed sufficiently important to merit coverage on the national newscast. The Director-General's statement implied an absence of regular investigative journalism within JRTV and a sidelining of journalism aimed at foregrounding the experiences of different sectors of the population in the areas of health, education, housing, employment and other matters of national interest and concern.

Looking back over the last six years, protocol news has been a prominent feature of JRTV newscasts. Detailed content analysis of JTV programming conducted in February 2009 showed that news coverage emphasised domestic 'state' affairs, with prominence given to royal diplomatic visits, government activities and Queen Rania's social projects (Phillips 2012: 81-82). During the period analysed, the first headline on JTV's main hour-long evening newscast at 8pm focused on Jordan itself on six out of seven days; four of those headlines were about the King and two about the prime minister (Phillips 2012: 82). This approach did not immediately change after the prime minister gave JRTV news editors the go-ahead in March 2015 to prioritise items professionally recognisable as newsworthy. The next day's 8pm news broadcast began with a 15-minute speech by the King, followed by a statement from the prime minister about splits in the Muslim Brotherhood, with no accompanying packages about the conflict or interviews with people involved in it (Kuttab 2015a).

This high visibility of government input into JRTVC is not conducive to nurturing audience engagement or public trust in the corporation's output. Observers note that the lack of media users' inclusion into the production of news and current affairs content is a key reason why Jordanian citizens show more interest in online outlets like AmmanNet and 7iber.com, which do provide opportunities for user-generated content (Pies and Madanat 2011: 36). One well-informed and high level source with long involvement in Jordan's media believes that JRTV's news broadcasts are the station's most viewed programmes but are seen by only 14 per cent of the population. The same source notes that the King will often choose to be interviewed on outlets other than JRTV for the sake of greater visibility, and that JRTV editors have instructions not to interview certain Jordanian public figures (Anonymous 2015).



### 3. DIVERSITY

As noted in the UNESCO sourcebook on PSB (2005: 16), universality and diversity are complementary. Universal appeal is achieved through the provision of a diverse range of programmes that are intended for diverse groups in society. Diversity can be assessed on three levels. One has to do with the range of programme genres on offer, from news to drama to sport to talk shows to music to comedy to children's content and so on. PSB does not exist to provide only those kinds of programmes that are not attractive to commercial broadcasters because they are less likely to attract advertising. On the contrary, as Werner Rumphorst states (2007: 1) in explaining the background to his model law for public service broadcasting, PSB is 'not a minority service'. Its purpose is not to 'fill the gap which commercial broadcasting – for perfectly valid economic reasons – leaves open'. If public service broadcasters are left simply to fill this gap, they become a 'marginal service', which is by definition not universal. The diverse genres of a universal service include popular entertainment programmes with a mass appeal, coverage of events of major interest to large sections of the population, and a fair share of programmes catering for special or minority interests (Rumphorst 2007: 2). The range of genres is sometimes summarised as encompassing information, entertainment and education, bearing in mind that quality programming often combines all three, in the sense that an entertaining drama or reality show can, for example, inform and educate different groups in society about each other by challenging stereotypes and prejudice.

Two other levels for assessing diversity are in the audiences targeted and subjects covered. In a sense these are related, in that different subjects will interest different audiences. But, as is shown below, proactive policies to promote and monitor diversity, which have been adopted by various broadcasters and broadcast regulators in the EU, demonstrate the complexity of the task of meeting the needs and values of different groups through PSM provision. When broadcasters talk of diversity 'off-screen' as well as 'on-screen', they refer to levels of diversity seen among management and creative staff, in terms of gender, ethnicity, age, socio-economic background, sexual orientation and so on. This approach recognises that only true diversity behind the scenes will generate the kind of on-screen diversity that audiences deem to be authentic and credible.

#### 3.1. Diverse programme genres

The process of achieving diversity starts with the legal remit assigned to public broadcasters. The EU's 2010 Directive on Audiovisual Media Services (AVMS) defines such services in its preamble as having a function to 'inform', 'entertain' and 'educate' (Clause 22). Clauses 4 and 5 of the preamble to the Directive enjoin 'respect for cultural and linguistic diversity' and 'diversity of opinion', while Clause 48 highlights 'diversity of news production and programming'. EU member countries transpose the requirements of the AVMS into



their national legislation. For example, Spain's General Law on Audiovisual Communication 7/2010 (31 March), which distinguishes between the public service and other licensed services in Art. 3, refers explicitly to the PSB's requirement to provide diversity in genres, as well as in audiences and subject matter.

Part IV, Art. 40, of the Law, deals with the Public Audiovisual Media Service. Sections 1 and 2 of Art. 40 state the following:<sup>8</sup>

1. Public audiovisual media service is an essential service of general economic interest that has a mission to broadcast content which encourages constitutional principles and values, to contribute to the formation of a plural public opinion, to increase awareness of the cultural and linguistic diversity of Spain, and to disseminate knowledge and the arts, with special emphasis on the promotion of audiovisual culture. Audiovisual media service providers shall also attend to citizens and social groups who are not recipients of mainstream programming.

2. In the fulfilment of the missions set forth in the previous paragraph, public audiovisual media service aims for the production, edition and broadcast of a set of channels for radio, television and online information services, with a diverse and balanced programming for all audiences, covering all genres, and designed to meet society's needs for information, culture, education and entertainment and to preserve media pluralism.

Section 10 of the Danish Radio and Television (Act No 477 of 6 May 2010) stipulates that overall public service activities shall provide the Danish population, via television, radio or Internet, with a 'wide selection of programmes and services comprising news coverage, general information, education, art and entertainment'.<sup>9</sup> It states that quality, versatility and diversity must be aimed at in the range of programmes provided and that the programming 'shall ensure that the general public has access to important information on society and debate' and 'shall cover all genres in the production of art and culture' with programmes that 'reflect the diversity of cultural interests in Danish society'.

Broadcast legislation in other EU members may either call for a 'diversity of topics and genres', as is required of Lithuania's public service broadcaster (OSI/EU 2008: 258), or actually list a range of genres, as in the case of the Czech Republic, which specifically itemizes news and current affairs, documentaries, art, drama, sports, entertainment and educational programming and programmes for minors (COE DG 2009: 11). HRT, the Croatian public service broadcaster, is required to broadcast 'adequate' shares of information, cultural, educational and entertainment programming (Peruško, Zrinjka/IPDC 2011: 18).

8 Unofficial translation from Spanish into English obtained from the University of Luxembourg at [http://www.uni.lu/research/fdef/media\\_law/audiovisual\\_media\\_services\\_directive/national\\_execution\\_measures/spain](http://www.uni.lu/research/fdef/media_law/audiovisual_media_services_directive/national_execution_measures/spain)

9 Paraphrased translation from COE DG 2009: 13.



## 3.2. Diverse audiences targeted

It is widely recognised among EU public service broadcasters that their audiences are becoming ever more diverse, as demonstrated by the creation of diversity policy units, training units and other initiatives since the early 1990s. One joint attempt to critique practice in news and current affairs coverage in societies with ethnic and cultural minorities was coordinated by Intercultural and Diversity Group of the European Broadcasting Union (EBU) and resulted in publication of a Diversity Toolkit for broadcasters in 2008 (FRA 2008). The toolkit presents news clips from Belgium, Croatia, Finland, France, Germany, the UK, Hungary, Ireland, the Netherlands, Slovakia, Spain and Sweden, selected for the questions they raise about journalists' use of language, choice of sources, fact-checking and corroboration, and so on. Introducing the toolkit, Frans Jennekens, chair of the Intercultural and Diversity Group, stressed the role of diversity in underpinning credibility. If journalists and editors judge everything from one cultural perspective, he wrote, audiences will increasingly not believe the coverage and seek out other sources of information. Hence it is vital, Jennekens argued, that the composition of editorial teams should guarantee different perspectives on issues and opinions (FRA 2008: 3).

Diversity issues extend far beyond coverage of news and current affairs and exist not only in relation to minority ethnic and migrant communities but also within these communities themselves, where different perspectives emerge based on age, gender, disability, income, and other identity markers. For example, a number of PSM organisations are required to produce a specified amount of content for children. National broadcasters in the Netherlands are required by law to serve all age groups through a variety of media, including the internet, and public broadcasters must broadcast at least 3,500 hours of programmes for children under 12 every year.<sup>10</sup>

The complexity of society was highlighted by the UK's Channel 4 in its 360° Diversity Charter, released in January 2015. Because of the BBC's global prominence, observers outside the UK are sometimes prone to overlook the UK's commercially funded public service channel, Channel 4. Launched in 1982, Channel 4 has a specific remit from the UK Parliament to provide diverse and innovative programming and services that will 'appeal to the tastes and interests of a culturally diverse society'. The channel sees its mission as reflecting the diversity of Britain, 'culturally and geographically'. Its website states:

'We will reflect the energy of our multicultural society, by representing the voices of a new generation of programme makers from the ethnic minorities. We will reflect the complexity of Britain back to itself, in the range of programmes and production companies commissioned from cities across the whole of the UK'.<sup>11</sup>

<sup>10</sup> <http://www.government.nl/issues/media-and-broadcasting/the-government-and-media/media-act-and-media-policy>

<sup>11</sup> [http://www.channel4.com/about\\_c4/promises\\_2001/promises\\_intro2.htm](http://www.channel4.com/about_c4/promises_2001/promises_intro2.htm)



In the interests of reinforcing that commitment and keeping it in the public eye, Channel 4 announced new diversity guidelines in January 2015. These involve genre-specific targets for diversity on-screen but also off-screen, including training and opportunities. Because Channel 4 does not make its own programmes but commissions them from independent production companies, the guidelines have implications for the UK screen production industry as a whole. Thus the companies that Channel 4 describes as its 'production partners' are expected to take steps to meet diversity targets and demonstrate the steps they have taken. Through diversity monitoring, the channel intends to bring 'transparency and accountability to the numbers of people from diverse backgrounds' employed on and off-screen (Channel 4 2015: 6). Monitoring will be based on statistical targets for representation of under-represented groups of all kinds, with executives set to lose out on bonuses if the targets are not achieved (Sherwin 2015).

### 3.3. Diverse topics addressed

As noted above, appealing to diverse audiences is achieved by covering diverse topics. Thus, for example, in the Czech Republic, the task of creating and disseminating a well-balanced offer of programme units<sup>12</sup> for all population groups was made mandatory under broadcast legislation enacted in 2001 (ACT No. 231/2001 of 17 May 2001), before the country joined the EU in 2004. Under Part V, on rights and obligations of broadcasters, Section 31 (4) states that a statutory broadcaster shall 'prepare its programme structure so as to provide, in its broadcasting, a well-balanced portfolio offered to all the population with respect to their age, gender, colour of the skin, faith, religion, political or other opinions, ethnic, national or social origin, and membership of a minority'. Section 54 (1) on local broadcasting requires any licensed cable system broadcaster and cable system re-broadcaster to allocate a channel free of charge for an unpaid system to serve the specific information needs of the local community, if requested to do so by a municipality or voluntary association of municipalities.

In the UK, one strand of Channel 4's diversity initiatives involves increased visibility for people with disabilities, as demonstrated by its successful bid for TV rights to the 2012 Paralympic games – a bid that paid off when it attracted a national audience of 11 million for the Paralympics opening ceremony, about five times the audience that Channel 4 would normally have expected on a Wednesday night (Sweney 2012). The channel is building on that in preparation for the 2016 Olympics in Rio de Janeiro by investing GBP0.5million in production training schemes to ensure that 10 per cent of the production team working on its coverage of the Rio Paralympic Games are people with disabilities.<sup>13</sup> The BBC and Channel 4 have meanwhile signed up to various business and industry campaigns aimed at

12 The term 'programme unit' is used in this unofficial translation of Czech legislation (from <http://www.epra.org/articles/media-legislation#CZECH-REPUBLIC>) as being closest to the Czech word *pořad*.

13 Channel 4 press release, 29 January 2015.



improving the representation of women in senior management and on screen.

Belgian's Flemish public service broadcaster, VRT, has been developing its diversity policies since 2003, creating a Diversity Charter and a Diversity Unit, the latter providing input to new programme and format ideas across VRT's schedules (European Commission 2009: 56). Diversity features centrally in VRT's 2012-16 Management Contract with the Flemish Government, in which VRT's main task is to reach 'all Flemings', including 'new Flemings' (citizens of non-European origin) with an inclusive and generalist programme offer (Cola et al 2013: 88). Stated targets include the presence of at least 5 per cent 'new Flemings' in the programmes made or commissioned by VRT, to be measured through annual monitoring (Cola et al 2013: 88).

In France the broadcast regulator, the Conseil supérieur de l'audiovisuel (CSA), charged with monitoring the representation of diversity on air since 1986, has created a Diversity Observatory. Its 2014 report to the French parliament the CSA noted that 'origin and disability' remained the principal reasons for discrimination in broadcasting (CSA 2014: 3). Autism was the topic of one of the hearings the CSA conducted in preparing its report and religious intolerance was another (CSA 2014: 34).

### **3.4. Diversity and JRTVC**

#### **3.4.1. Diversity of genre**

For ten years, Jordan's 2002 Audiovisual Media Law worked directly against promoting the full range of genres in national broadcasting. Although the licensing arrangements set out by the law did not affect JRTVC itself, they did discriminate in favour of entertainment programming by imposing an additional fee of 50 per cent on any commercial station wishing to broadcast news or politics. Since news gathering is an expensive undertaking, broadcasters wanting to provide a general channel were doubly penalised. The extra fee was abolished in 2012 (OSF 2013: 8), but the state continued to penalise stations broadcasting political programmes, for example by suspending the licence of local private channel Josat over comments made on air by a guest. Josat TV was charged with incitement against the regime, undermining the King's dignity and the status of an official institution and violating Article 22 of the Audiovisual Law (OSF 2013: 29). The fear of suspension or court proceedings, as well as physical intimidation of reporters, remains a deterrent against engaging fully with local current affairs.

#### **3.4.2. Diversity of audiences targeted**

The general manager of Roya TV, a locally oriented private satellite channel which launched in 2011, highlighted the difficulty of targeting audiences in a press interview.



Asked about some of his toughest challenges in the TV business by a reporter for the website beamman.com, Fares Sayegh said:

Gaining an audience is the main target and we're achieving that one step at a time. The toughest ongoing challenge is pleasing everyone. People aren't the same, we have many differences and we have to please everyone if we want to reach our target.<sup>14</sup>

Roya TV, which maintains regional offices in Irbid and Maan, runs a range of programmes featuring local politicians, celebrities and comedians. It interacts with its audience through several YouTube channels and Facebook pages. One of its journalists won a Thomson Foundation Inquirer Award in 2012 for investigating pollution caused by abuse of legal loopholes in waste management regulations in Hashimiya, described by Arab Reporters for Investigative Journalism (ARI) as 'one of Jordan's environmental disaster areas' (ARI 2012).

It is not apparent that JRTVC cultivates its audience so assiduously. It has no local stations or networks and its programmes have been shown to be centred mainly on the capital, Amman (Nötzold and Pies 2010: 57). Content analysis of JRTVC programmes conducted in 2009 showed that domestic economic stories had a daily 15-minute slot of their own (Phillips 2012: 85). When it came to talk shows, however, often with the public phoning in, domestic topics were much less in evidence. The analyst noted the focus (domestic, Arab, Islamic or international) of one talk show per day over a week in February, a month after the ceasefire that ended the Israel assault on Gaza of late 2008-early 2009. He found that three shows, Taht al-Qubba (Under the Dome), Fikra wa Hadara (Thought and Civilization) and Miraat al-Alam (World Mirror) dealt with Arab issues while two discussed Islam – Fa'asalu ahl al-thikr (Ask the People who Know) and Taqa Islamiyah (Islamic Piety). One, Taht al-Daw (Under the Light), addressed a moral and religious issue that had possible implications for domestic audiences, namely the age at which young people should marry. Only one, Al-Haki Ilena (It's for Us to Speak), discussed a domestic issue, but one with limited relevance to everyday life, as the topic was TV dramas (Phillips 2012: 91). Nor were Jordanian audiences likely to see their diverse experiences and identities represented in drama, as the lack of a local TV production industry meant that JRTVC relied on imported drama for the two serials it was showing each week (Phillips 2012: 95).

### 3.4.3. Diversity of topics

The researcher who conducted the content analysis mentioned above also interviewed 22 Jordanian residents about their views on JTV's general channel, ensuring that his interview sample was balanced in terms of age, gender, socio-economic background and location

14 <http://beamman.com/beamman/amman-through-the-eyes/1042-amman-through-eyes-fares-sayegh>



(Phillips 2012: 133-34). Few interviewees under the age of 30 said they watched or liked the channel, criticising it for being 'boring' and 'having nothing on it' (Phillips 2012: 151) Fewer than half his interviewees watched the JTV news, perceiving it as the 'government's message' (Phillips 2012: 151). One respondent put it as follows: 'If I want to know about what the King is doing, or the prime minister, or what new buildings have opened and hospitals and schools I will watch Jordan TV news. If I want to know the whole story or what is going on outside Jordan I will watch Aljazeera'. The sense that JRTVC does not tell 'the whole story' suggests that many relevant domestic topics remain to be tackled (see also 2.4.3).

These findings are corroborated by other studies. Consultation sessions organised around the country in April 2015, during the drafting of UNESCO's Media Development Indicators report on Jordan, highlighted JRTV's failure to 'pay attention' to areas of the country outside Amman (UNESCO 2015: 130). Research into attempts to focus on 'local' issues as part of a JRTV restructuring envisaged in 2007 indicated that 'local' in this context ultimately meant 'national', in the sense that Jordanian national news may be considered 'local' when compared with the pan-Arab scope of the leading Arab satellite channels (Nötzold and Pies 2010: 57). Thus areas outside Amman have generally only been covered if a new road or hospital is opened and outdoor studios added only during elections. Whereas 'local' can also be interpreted in the sense of participatory reporting that directly involves citizens and communities, this interpretation has not been adopted on JRTV (Nötzold and Pies 2010: 58).



## 4. INDEPENDENCE

The credibility that comes with universal appeal and programme diversity is closely linked to the audience trust that depends on a broadcaster's independence. As the UNESCO sourcebook states, independence from commercial and political influence is a prerequisite for a public service broadcaster to serve as a forum where ideas, information, opinions and criticism can circulate freely. In countries where governments can be removed through fair elections, political parties may be in power one day and in opposition the next. Realising that they need fair access to the media while in opposition, politicians can usually see the benefit of establishing long-term structural safeguards for national PSM against political interference by the ruling party of the day.

Protection from commercial influence is equally important. A recent example of advertisers' potential power to suppress coverage, directly or indirectly, emerged in early 2015 when the UK daily, The Telegraph, soft-pedalled its reporting of questionable practices in parts of HSBC that were making headlines elsewhere. The Telegraph's policy followed a previous episode in 2013 when HSBC had suspended its advertising with the paper after it published an investigation that touched on the bank (Tran and Plunkett 2015). Files revealing that HSBC's Swiss banking arm had helped wealthy clients conceal millions of dollars of assets were obtained through an international collaboration of news outlets that included Panorama, an investigative programme of the UK's public service broadcaster, the BBC.

### 4.1. Political independence through governance and management structures

Management and finance are twin elements in establishing independence from political and commercial pressures. However, management has also to be considered alongside governance, with the latter involving overall supervision and setting frameworks for managers, while management refers to operational organisation and implementation. Scope for civil society involvement most readily exists at the level of governance. German and Scandinavian PSM models for governance and management are often cited as providing for political independence. However, to the extent that representatives of social groups tend to align themselves with particular political parties – the German Broadcasting Councils (see 2.2 of the present report) are liable to some form of political domination (Katsirea 2008: 37-38). Therefore, rather than exploring long-established examples, it may be instructive instead to consider here the struggles for independence that have been played out in countries like Spain and Hungary, where people at various levels in society were determined to break with a non-democratic past by establishing innovative formulae to safeguard their public broadcasters' independence. In both countries the subsequent successful efforts of other political forces to undermine those aspiratory frameworks demonstrate the extent to which media reform depends on the wider political environment.



Spain began to emerge from dictatorship with the death of General Franco in 1975. But, even though its public broadcaster, the RTVE, operated under a public service statute from 1980 (Nowak 2014: 12), Spanish governments of all political colours used the public broadcaster TVE for their own ends, until its mounting debts, combined with pressure from the European Commission, prompted the socialist government elected in 2004 to turn its attention to media reform. It commissioned a report on public media in 2005 that found Spanish public broadcasting to be obsolete and deficient (Léon 2010: 198). In 2006 Parliament approved a new regulatory framework and funding model to guarantee independence, so that in 2007 Spanish public service broadcasting effectively started afresh. Total annual revenue for Spanish national public service TV rose from €78m in 2004 to €575m in 2006 (Lowe and Berg 2013: 82).

In sharp contrast to the previous system whereby RTVE's management was 'totally subordinated' to the government (Medina and Ojer 2010: 345), political independence under the new law was to be assured through a system whereby the RTVE would have a 12-member board: eight elected by Congress and four by the Senate, by a two-thirds majority in both cases, on the 'merits of outstanding qualifications and professional experience', with two of the eight members elected by parliament to be nominated by the majority union within RTVE and the RTVE president and directors to be chosen from the 12 elected board members.<sup>15</sup> These members' six-year terms of office were required to differ from election periods, so as to weaken incentives and channels for government interference. Independence was also to be maintained through three external bodies, one in the parliament, one at the Tribunal de Cuentas (Court of Accounts) and the third being an independent audiovisual authority. Internally, two Information Councils were created within RTVE in 2008, one for radio and the other for television, through which journalists would oversee editorial autonomy (Léon 2010: 198-99). An audiovisual regulatory body, CEMA, was approved under Spain's 2010 Audiovisual Law with a remit to guarantee independence, transparency, pluralism, impartiality and the fulfilment of public service mission objectives by the public service media (Nowak 2014: 12).

The Spanish reforms of 2006/10 were partly undone in subsequent years, especially by the conservative Rajoy government that took power in 2011 (Nowak 2014: 12). The CEMA project was stopped, leaving Spain as one of few European countries without an independent regulator for the broadcast industry; responsibility was handed to the National Markets and Competition Commission, which also supervises utilities and transport. In regard to political independence, however, it should be noted that Spain is a highly decentralised state, where much power is devolved to the country's 17 autonomous communities and municipalities, and the country's network of regional public broadcasters – a total of 12 in 2015, some with their own regional regulatory bodies – reflect this decentralisation. Local municipalities also secured their place in post-Franco Spain by developing media outlets

15 Under Art. 10.1 and Art. 11.1-11.5 of Law 17/2006



that were often initiated by civil society groups (Alonso et al 2010: 309).

Like Spain, post-Communist Hungary was also in the position of starting afresh in establishing a regulatory model designed to guarantee political independence for its public service broadcasting. Although Hungary no longer represents any kind of model in this sphere, the formula developed there in the 1990s is instructive, despite being subsequently abandoned. After a provision was added to the 1989 constitution (§61 [4]) requiring a parliamentary majority of two-thirds to pass any law on the supervision of public radio, television or the public news agency, including the appointment of their directors, it took six years for the country's 1996 Broadcasting Act to be passed. During that time the Constitutional Court had ruled (Decision 37/1992, V1.10, AB, III.3) that the PSBs should be independent not only from government but also from parliament, political parties and the state as such (Lengyel 2010: 250).

The Broadcasting Act therefore stipulated (§§64-5) that the Hungarian PSBs (Duna TV, MTV and MR), should be owned by three public foundations standing between them and parliament. Each foundation was to be governed by a Presidency of some 8-12 members, representing the state and partly mirroring the composition of parliament. Governance would be shared with a Board of Trustees representing society, with 21-23 members from ethnic minority groups, churches, human rights organisations, trade unions, professional organisations of journalists, women, children, youth, people with disabilities and so on (Lengyel 2010: 251-52). In terms of enabling ordinary members of civil society to exercise genuine control over the PSB companies, the formula had limited success because of differences in time spent and periods of tenure between the Presidencies and the Boards. But the biggest threat came from outside the broadcasters themselves. The actions of the right-wing Fidesz party in issuing a new Media Act in 2011, putting its own allies in the public media organisations and creating a pro-government Media Council, demonstrated that those opposed to PSM independence could only achieve their ends by dismantling the framework envisaged in 1996.

## 4.2. Financial independence

Funding is key to the independence of public service broadcasters for several reasons, which tend to point to some possible benefits of a mixed funding model. Programmes supported only by advertising are likely to be aimed at those segments of the population best able to purchase the items advertised, whereas PSBs are expected to serve all sectors of society. At the same time the programming obligations placed on PSBs are costly to fulfil, while the possibility of fulfilling them depends on secure and predictable financing that is not vulnerable to sudden government budget cuts. Thus some form of grant provided through a licence fee or general charge has advantages. Recommendation 1878 (2009) of the Parliamentary Assembly of the Council of Europe states:



'The funding of public service media may be ensured through a flat broadcasting licence fee, taxation, state subsidies, subscription fees, advertising and sponsoring revenue, specialised pay-per-view or on-demand services, the sale of related products such as books, videos or films, and the exploitation of their audiovisual archives.' (Cited in Mendel 2011: 18)

However, while a mix of these different funding sources may be achievable, it has been noted that PSBs should not compete unfairly with commercial broadcasters, for example by using their public funding or other public benefits to subsidise their advertising operations' (Mendel 2011: 18). Under EU rules, public subsidies for PSBs are justified as recompense for the services that they provide. This limits the legitimacy of advertising revenues as a means of funding PSM operations, unless certain boundaries can be drawn. In the Netherlands, for instance, publicly funded media companies cannot service profit making for third parties. Instead broadcasting time for advertising messages is sold by a separate Radio and Television Advertising Foundation (Stichting Etherreclame) whose profits are reinvested in the public broadcasting system (Katsirea 2008: 105).

Where PSM are funded through the public purse, namely through levies or taxes, this implies that the tax-payers have equal rights to a certain quantity and quality of service (Lowe and Berg 2013: 81). In contrast, a commercially financed company, being expected to make a profit for shareholders, will respond to demand differentially, according to the profitability of certain market segments. When people associated with the TV industry were polled in Spain in mid-2009, 71.4 per cent approved of abolishing advertising on TVE, on the grounds that this would enable it to become more distinctive vis-à-vis the competition by making it more independent of audience ratings (Medina and Ojer 2010: 331). Most EU PSM are able to supplement their public subsidies through income streams other than advertising, such as the sale of programmes and formats or leasing of equipment and facilities.

### 4.3. Structural accountability to the tax-paying public

Public funding of PSM will only be accepted by the public if the service is deemed to be worth the payment provided. To this end, the licence fee has traditionally been the main source of financing of PSM in Europe. In 2013, licence fee revenues provided 65.6 per cent of total PSM income in the European Broadcasting Area, while direct public funds from the state budget provided 13.4 per cent and commercial revenues accounted for 17.6 per cent, including 10 per cent from advertising (EBU 2015: 6). The licence fee was seen as advantageous because of its stability and predictability, given that politicians have interfered with direct state funding and commercial revenues are affected by economic cycles. By being linked to the service it is paying for, the licence fee has the potential to make the recipient, namely the PSM organisation, accountable to licence fee payers (EBU 2015: 6).



However, one of the biggest challenges to PSM funding arises from the fact that PSM content and services are no longer received only via the television and radio sets to which the licence fee is linked. The question is how to ensure that audiences who receive PSM content on computers and mobile devices also contribute to the cost of creating that content. One option, chosen by France and Spain with limited success (partly because of its questionable compatibility with EU rules), has been to impose an 0.9 per cent levy on a portion of the gross revenues of telecommunications companies. Another is to switch to direct state funding, but this makes PSM vulnerable to government budget cuts. In the Netherlands, the licence fee was abolished in 2000 and replaced by funds paid direct to the Nederlandse Publieke Omroep (NPO), which were then cut dramatically in subsequent years (EBU 2015: 7).

A third option is to convert the licence fee into a compulsory levy collected from all households, citizens or business places. Germany and Finland both introduced such levies from the beginning of 2013, having developed the plan and laid the ground for implementation by taking advantage of their existing national structures for policy-making in relation to PSM (Herzog and Karpinnen 2014). In Finland, which has a population of only 5.4 million, the tax is levied on individuals aged 18 and over at a rate of 0.68 per cent of income but with the maximum contribution capped at €143 and a minimum of €51, below which no payment is needed. Organisations and foundations are also expected to pay. The new scheme was made palatable by official estimates that suggested that most people would be better off than if they were still paying the licence fee (UK Parliament 2014).

In Germany, with a population of 83 million, the tax takes the form of a flat fee per household, with exemptions only for certain welfare recipients and students living away from home. Because of its universality, in place of the old system based on receiving devices, administration costs of collecting the new tax are lower than for the old one. Levels of evasion under the old system were also discovered to be higher than previously thought (Ibid), which enabled the new levy to be set at a lower rate than the old licence fee without penalising the two public service broadcasters, ARD and ZDF. By December 2013 the reforms were widely considered financially advantageous for ARD and ZDF, and their Finnish counterpart, YLE, but demands for transparency from these organisations intensified (Herzog and Karpinnen 2014: 429).



## 4.4. Independence issues in Jordanian public broadcasting

### 4.4.1. Government control

JRTVC is controlled directly by the Prime Minister with the assent of the King. All internal bylaws regulating the corporation are made by the Council of Ministers, which also appoints the nine members of the Board of Directors, based on the Prime Minister's recommendation. Under Law No 35 of 2000, Art. 6, the chair of the Board is appointed by Royal Decree. The chair of the Board may be a serving cabinet minister whose position can, under Art. 6(d), be terminated by the Council of Ministers. Attempts at broadcast liberalisation have a long history in Jordan (Sakr 2002) but the same history has seen the government imposing very frequent changes in management at JRTV. Against a backdrop of regional political instability, there were no fewer than four changes of management under six different prime ministers between 2000 and 2010 (Sakr 2012: 192). During this time, the top personnel of Jordan's public broadcaster were often removed just as yet another internal reform and restructuring project was under way (Sakr 2013: 108-111). The board was changed again in May 2014, on the recommendation of the Minister of State for Media Affairs. A severe lack of continuity is said by those close to JRTV to have resulted in corporate amnesia, whereby successive sets of promising plans for improvement were shelved and not passed on. The repeated interruption of development efforts led by committed teams can be attributed directly to JRTV's lack of independence from government control.

The new Independent TV Station instituted by the government in mid-2015, with bylaws published in June, was presented by officials as an independent public broadcasting service (see 2.4.1). However, its bylaws revealed close links with government, stating that the Prime Minister would nominate the Board, the Council of Ministers would appoint the Director and employees would be treated as civil servants. With Board members having tenure for only three years at a time, the lack of continuity experienced within JRTV looked liable to be repeated. Good practice, as discussed earlier in Section 4 of this report, would involve longer periods of tenure that are not aligned with changes of government. It would also include a requirement that board members should be nominated by civil society and professional groups outside government and be required to have relevant expertise.

### 4.4.2. Dependence on advertising

JRTV relies on advertising income as well as state subsidies but the precise ratios are hard to gauge, making it difficult to compare Jordanian figures with the average in the European Broadcasting Area, where public service broadcasters' dependence on advertising is put at 10 per cent of total revenues (EBU 2015: 6). Some JD6m was reportedly raised through advertising in 2010 (Euromed Audiovisual III 2013: 35), but, according to the JRTVC Director-General, advertising revenues in 2012 amounted to only JD2.8m (UNESCO 2015: 143).



Crucially, however, whatever sum is raised from advertisements on JRTV, the amount does not go directly to JRTV but to the Ministry of Finance, so that JRTV depends on government for virtually all the money it receives. Government payments to JRTV have increased in absolute terms in recent years. Between 2012 and 2014 the annual payment is said to have risen by 2 per cent per year, compared with a 1 per cent annual increase in the overall state budget (Zaidah 2014). The increase in 2015 was 15.7 per cent, taking the total for both current and capital expenditure from JD25.75m to JD29.79m. Of this, capital spending is believed to amount to up to JD4m per year, with the total development allocation for 2012-2014 inclusive estimated at JD14m (Noghay 2015a). Since subventions to JRTV are partly paid for through a levy of JD1 added to monthly electricity bills, some sections of the public resent the prominence of advertising on JRTV in certain seasons (Kuttab 2009).

It is not clear whether the new 'independent' television entity being created alongside JRTV to provide a public service, will take advertising or not. An official announcement made about the channel at a Press Freedom Day event at the Royal Film Commission in May 2015 did not provide clarification on this question (Kuttab 2015b). Private operators have legitimate concerns about an increase in competition for advertising revenues in the event that both JRTV and the Independent TV Station tap into the advertising market, especially in light of the opportunities available to JRTV for obtaining funds through other means, such as the hiring out of studios and facilities to other Arab channels and the charging of fees to government agencies for airing programmes on their behalf.

#### **4.4.3. Structural accountability to Jordanian tax payers**

Lack of transparency in the funding and expenditure of JRTVC is not conducive to generating public goodwill towards the enterprise. One contentious issue is the proportion of JRTVC's budget that is allocated to salaries, and another is how appointments to salaried positions are made. Senior staff who have left the station in the past five to six years report that the Human Resources (HR) Department was unable during their tenure to provide a definitive figure for the number of people on the payroll (Anonymous 2015). This is despite the fact that the HR Department itself reportedly had a staff of around 50, with another 35 people working in Accounts. By the mid-2000s the salary bill had reached some JD13m out of a budget of some JD16m, representing over 80 per cent of the total, but repeated attempts to rationalise salary scales according to skills and job specifications were thwarted for fear of causing problems with less qualified members appointed through political patronage, who would lose out. Departmental directors are reportedly not authorised to reward or penalise staff according to their performance, with the result that salaries continue to be paid to long-term absentees while high-achievers cannot be retained if recruited by other media operators. According to JRTV's Director-General, the staff numbered approximately 1,800 in 2015 (Noghay 2015a).



JRTV also lacks accountability to the public because of constraints on what its media practitioners can say. Under Art 3 of the 2002 Audiovisual Media Law, licensed operators, which include JRTVC, are subject to vaguely-worded prohibitions that prevent them from giving full information on various topics. They are banned from broadcasting anything that might 'threaten national unity', or 'hurt' Jordan's relationship with other state, or any 'subject or economic commentary which might affect the soundness of the economy and national currency'.

Meanwhile Jordan's new Independent TV Station has not been made structurally accountable to the public. Government officials have reportedly already decided that it will have an allocation of JD10m over its first two years (Azzeh 2015) and a staff of some 170 (Noghai 2015a), with the bylaws stating [Art.9a] that funding will be allocated from the general budget.



## 5. DISTINCTIVENESS

The notion of 'quality' often crops up in discussions about public service content, but quality is notoriously hard to define or pin down. The desire for quality is equally applicable to popular entertainment, sports coverage or transmission of big public events as to niche areas in the worlds of music, film or debate. For that reason, 'distinctiveness' serves as a potentially more useful term in analysing policies with regard to PSM, as it can be objectively assessed. The UNESCO sourcebook (2005: 16) explains distinctiveness as meaning that the public 'must be able to identify what distinguishes' public service media from other services. This is not, it states, merely a matter of filling programming gaps left by other services but of 'doing things differently'. PSM must 'innovate, create new slots, new genres and set the pace in the audiovisual world'. Like this they set standards and 'pull other broadcasting networks in their wake' (UNESCO 2005: 16).

### 5.1. Aiming for quality

As media outlets proliferate online, PSM executives commonly refer to competition with other media organisations as an important reason for seeking to be distinctive. The UK's Channel Four notes that it aims to 'maintain the salience of its remit and values in the new media landscape of the digital age'.<sup>16</sup> Its Statement of Promises makes a commitment to 'reflect a range of voices which are in danger of being crowded out by an increasingly commodified television environment'. It links this commitment to the imperative to compete, stating: 'We are there to offer a benchmark of quality and innovation, providing competition to commercial and public sectors broadcasters alike'.<sup>17</sup>

Representatives of Swedish and Norwegian<sup>18</sup> PSM organisations express similar approaches. The CEO of Swedish Television (SVT) has argued that SVT represents an alternative to the uniformity of an ever more globalized media market, characterized by formats and American shows. SVT offers programmes in all genres, she said, but has productions of higher quality than its competitors produce (quoted by Larsen 2010: 271). NRK's CEO pointed out in 2008 that future competition would be global, meaning that NRK needs to aspire to the 'world championship, when it comes to quality' (quoted by Larsen 2010: 271). Stressing the notion of quality, he said NRK sees its future as a 'quality deliverer of Norwegian-based, Norwegian-language content, on all platforms' (Larsen 2010: 271).

16 [http://www.channel4.com/about\\_c4/promises\\_2001/promises\\_intro2.html](http://www.channel4.com/about_c4/promises_2001/promises_intro2.html)

17 [http://www.channel4.com/about\\_c4/promises\\_2001/promises\\_intro2.html](http://www.channel4.com/about_c4/promises_2001/promises_intro2.html)

18 Although not an EU member, Norway is cited here as a member of Nordvision, which exists to strengthen public service television in Nordic countries through co-production and programme exchange.



## 5.2. Innovation

Creating audiovisual content is a risky business, because nobody knows how audiences will react to what is produced until after all the resources needed to produce it have already been invested. That is why profit-seeking commercial audiovisual companies tend to avoid risk most of the time by sticking with known personnel (presenters, actors, directors) who have a proven track record and with content formulae that have already achieved success. This is not to say that commercial companies never innovate. But it does leave the field for innovation open to PSM organisations that have this as part of their remit. Thus the UK's Channel 4 states explicitly that it will 'foster the new and experimental in television', 'provide a favoured place for the untried' and 'encourage innovation in style, content, perspective and talent on and off screen'.<sup>19</sup>

Other examples can be found around the EU. When the public service broadcaster in the autonomous community of Catalonia in Spain changed its name to the Corporació Catalana de Mitjans Audiovisuals (Catalan Audiovisual Media Corporation) in 2007, it pledged that all media in the group would be governed by three main objectives: reflecting diversity and guaranteeing plurality and universality; preserving national identity and reflecting civic commitment; and being a reference point for quality (quoted by Bonet et al 2011: 181). The latter was taken as encouraging innovation and creative experimentation, which iCat fm, a radio station within the corporation, demonstrated through 'an alternative format presented in an innovative way' that increased the public value by avoiding the 'easy option' and introduced novel output and modes of operation into the market (Bonet et al 2011: 188).

Innovation is achieved through a deliberate decision to set the pace, rather than compete with commercial entities on their own terms. PSBs worried about alienating advertisers will be deterred from taking risks with experimental programming. The tension between reliance on advertising revenue and achieving distinctiveness is demonstrated by the case of Poland. The public service remit of TVP and PR includes the words 'innovative' and 'high quality', requiring both organisations to offer to

'the entire society and its individual groups diversified programme services in the areas of information, journalism, culture, entertainment, education and sports which shall be pluralistic, impartial, well balanced, independent and innovative, marked by high quality and integrity of broadcast' (quoted in Stępką 2010: 237).

However, evasion of the licence fee (set at €42 for a combined radio and TV licence) was so extensive, with less than half of Polish households registering sets and paying in a timely manner, that TVP and PR were short of funds (Stępką 2010: 236). This combined with an

<sup>19</sup> [http://www.channel4.com/about\\_c4/promises\\_2001/promises\\_intro2.html](http://www.channel4.com/about_c4/promises_2001/promises_intro2.html)



autonomy model, whereby TVP and PR have no specific framework agreement or contract with the national authorities such as holds the Danish, UK and Italian PSBs to account, and are left to interpret their remit for themselves, led to measurable convergence between the output of the main public channels and the output of their commercial counterparts (Stępką 2010: 238).

Innovation can be encouraged through production quotas such as those observed in France, where quotas for broadcasters to invest in European and French-language audiovisual and cinematographic works have long been more far-reaching than was required by the EU's Television Without Frontiers Directive that preceded the AVMS. For audiovisual works, broadcasters have to invest at least 16 per cent of their turnover from the previous year in the production of French-language audiovisual works and air 120 hours of original European and French-language works (Katsirea 2008: 28). All channels, terrestrial, cable or satellite that are not primarily film channels but which show at least 52 feature films throughout the year must also invest a minimum of 3.2 per cent of their turnover from the previous year in European films and 2.5 per cent in French language films. For investments in both film and audiovisual output, three-quarters must be allocated to independent productions (Katsirea 2008: 28). This effort is backed up by the archiving function of France's Institut national de l'audiovisuel, a statutory public body created in 1975, which manages the country's radio and television archives to preserve and promote its cultural heritage (Katsirea 2008: 17).

### 5.3. Ethical practice

Articulating and maintaining professional standards is another facet of distinctiveness for PSM organisations in the EU, as these standards underpin quality and are required by innovation; as such they set the pace for other players with whom the organisations interact or compete. Radio France Internationale (RFI), the international arm of French public broadcasting, gave five reasons for adopting its Charte de déontologie (Ethical Charter) in 1998. The fourth of these was to be 'une incitation et un exemple pour d'autres sociétés de l'audiovisuel' while the fifth highlighted the importance of exemplary conduct in countries receiving RFI transmissions, especially those where freedom and ethical benchmarks are lacking.<sup>20</sup> Since new technologies were increasingly raising ethical preoccupations, RFI, as a frontrunner in the use of new technologies, said it felt it had a duty to articulate its responsibilities in this field.<sup>21</sup>

Not all PSM organisations have their own ethical codes, since the journalists and other professionals they employ often have codes established by their own professional bodies. Where they do have their own code there is often a reference to quality in the form of high

20 <http://mediateur.blogs.rfi.fr/page/charte-de-deontologie>

21 <http://mediateur.blogs.rfi.fr/page/charte-de-deontologie>



standards. For instance, Art. 8 of the Code of Conduct adopted by HRT in Croatia in 1998 commits its journalists to 'adhere to the demands of the profession – veracity, objectivity, good faith – and to develop the values of humanism, tolerance, respect of privacy, human rights and the rights of minorities, to affirm tradition and to develop national values, as well as to promote high artistic and cultural standards'.<sup>22</sup> Art. 9 stresses the impartiality and independence that make PSBs distinctive. It requires HRT journalists to

'provide the public, with respect to all important matters, with all pertinent points of view, arguments and explanations from various sources, in order that that the public may draw their own conclusions and form their own opinions. Journalists shall not express their own political, religious or other affiliations - either through words, gestures, signs or symbols.'<sup>22</sup>

As a prominent global organisation, the BBC has ethical codes for its domestic and world-wide activities. BBC Worldwide's Code of Conduct against fraud and corruption states that BBC Worldwide endorses all applicable anti-bribery legislation, including the UK Bribery Act 2010 and is committed to the 'highest standards of ethics, honesty, openness and accountability', which includes providing bribery awareness training to employees.<sup>23</sup> Meanwhile BBC overhauled its editorial guidelines in 2005 after a period of ferocious competition among news providers faced with new technologies had led to a rethink about the ethics of live coverage of horrific events.<sup>24</sup>

## 5.4. Distinctiveness of public broadcast media in Jordan

### 5.4.1. Raising standards

Factors working to JRTV's advantage in any effort to improve programme making include the fact that, according to those close to the organisation, it is well served in terms of technical facilities. The existence of competition meanwhile provides a strong incentive for improvements. Competition was slow to develop in local Jordanian programming but the success of Roya TV demonstrates the level of demand that exists for content that has a national public service ethos across a range of genres. There are strong economic, as well as socio-cultural, arguments to be made for a publicly-funded broadcaster to take the lead in investing and stimulating development for the benefit of all media operators (Lowe and Berg 2013: 94), for example through commissioning work from independent Jordanian production companies.

On the other hand, factors hampering improvements at JRTV are said to include manage-

22 <http://rjionline.org/MAS-Codes-Croatia-Broadcasting%20#sthash.zHgQBkXp.dpuf>

23 <http://www.bbcworldwide.com/ethics--standards.aspx>

24 The Guardian, 'BBC unveils new ethics code', 23 June 2005, <http://www.theguardian.com/media/2005/jun/23/broadcasting.bbc1>



ment structures and rigidity over pay scales (Anonymous 2015). Being based on criteria other than the skills needed for programme production, recruitment has left the corporation overstaffed in some departments and understaffed in others. Moving staff between departments is cumbersome because heads of department are not authorised to do this and are required to get higher approval. Ministerial backing is required for any head of department wanting to issue a warning to a staff member. Efforts to introduce flexibility into pay scales date back to the early 1990s but successive attempts, including in the early 2000s, were reportedly blocked by accountants and others unfamiliar with the exigencies of producing high quality and distinctive content, and apparently unaware of the public benefits of doing so.

### 5.4.2. Innovation

Broadcasters that rely heavily on advertising revenue are less likely to take risks through innovative content for fear of losing viewers and receiving negative publicity. At the same time, diversion of funds to areas of the broadcasting business other than making or buying programmes leaves the business ill-equipped to make the creative judgements necessary to underpin innovation, especially in the case of an organisation that has no legal mandate to innovate.

JRTV insiders say there have been superficial attempts at innovation within the corporation as frequent personnel changes at board and management levels have brought in newcomers with a desire to make their own mark. Critics of these attempts suggest that they often took the form of 'quick fixes', not based on thorough knowledge of, or respect for, anything achieved previously. At the same time, periodic efforts to contain JRTV's mounting debts have led to deliberate cuts in the programme budget, with knock-on effects for local production.

### 5.4.3. Ethical issues

As noted above, devising ethical codes is not necessarily a task for broadcasters, since the staff they employ will often have ethical standards set by their own professional bodies. International norms require that these are voluntarily set by professionals, not politicians. Current legislation in Jordan, under the Press and Publications Law and the law on the Jordan Press Association (JPA), makes a particular code of ethics legally binding, while also determining who is legally permitted to work as a journalist. Art. 7 of the Press and Publications Law calls for compliance with the 'provisions and principles' of the Code of Ethics issued by the JPA. The JPA's disciplinary councils in turn have the power to impose penalties on journalists or trainee journalists deemed to have breached the Code Ethics. These strictures undermine the professional commitment inherent in independent journalistic self-regulation. An alternative method for broadcasters to support and uphold ethical



practice is to arrange for media practitioners to be trained in dealing with tough ethical issues, such as coverage of children and vulnerable groups. Currently the Jordan Media Institute offers some training along these lines.



## 6. CONCLUDING OVERVIEW

The survey of European public service media practices presented here is precisely that: a survey of good practice and attempts at good practice. It is not a blueprint. Its aim was to identify examples of regulation, financing, management, staffing, programming, monitoring and so on that can be said in some way to have met the democratic and participatory remit of PSM in Europe. The situation of Jordan's public broadcasting was reviewed in light of these key indicators. The following concluding comments consider the relationship between financial and governance indicators on one hand and the legitimacy of a public service broadcaster on the other, in terms of the political will behind it, which underpins its engagement with the public who need its services.

### 6.1. PSM in small states

Jordan is a small state sharing a language with powerful neighbours, including regional media giants owned by entrepreneurs from Saudi Arabia. This creates particular economic and cultural pressures in terms of media competition and the approach needed to establish viable PSM. But Jordan's situation in this respect is by no means unique; a number of European countries have grappled with similar disadvantages. Austria, for example, with a population of 8.5 million, shares its single nationwide spoken language with Germany, a neighbour ten times as big, that is much stronger economically and a major investor in audiovisual production (Trappel 2010: 210). Indeed, Germany's larger population enables it to collect far more in financing for its public service broadcasters than is possible in Austria. Germany's total revenue for public service TV was €7,618m in 2010, dwarfing Austria's total of €581m (Lowe and Berg 2013: 82).

Yet German and transnational competition had worse implications for ATV, a commercial Austrian station that went on air in 2002, soon after private commercial operators were allowed, than it did for the public service provider ORF. Austrian banks which had invested in ATV quit in 2008, leaving the channel entirely German-owned. But ATV's entry to the market had prompted ORF to innovate and, in the end, it retained a high level of popularity with the Austrian public, with ORF1 and ORF2 reaching 25.1 per cent and 16.8 per cent of the market respectively in 2008, compared with just 3 per cent for ATV (Trappel 2010: 214-215). At the same time, however, it felt a greater need to demonstrate its accountability to, and engagement with, the public by publishing the first ORF governance report (Trappel 2010: 218).

### 6.2. Statutory remit for PSM

Legal reforms are key to transforming broadcasters from organs of government into public service operators that provide a forum for a multi-sided national conversation, in which



the government's voice is naturally present but interacts with voices from the public across the entire country, whether individuals or groups. Illustrations of good practice discussed in this report show that the appropriate and robust foundations for building PSM are to be found in the wording and application of legislation; these may be further consolidated through periodic Framework Agreements or Contracts with PSM organisations. As pointed out at the very beginning of this report, public service provision also stems from a regulatory framework that requires it – to varying degrees – across the whole broadcasting sector, not solely from a single organisation.

For the broadcaster that has a public service mandate, good regulatory and financial practice is that which ensures it reaches, communicates with, and engages the entire population; achieves credibility and relevance through its treatment of diverse subjects in diverse genres aimed at diverse audiences; has secure and sufficient long-term public funding and suitable governance structures – with civil society involvement – to shield it from political and commercial pressures; and distinguishes itself from other broadcasters through innovation and high standards that set the pace for the industry as a whole.

Albeit essential, however, legal and regulatory measures alone are not enough to meet these objectives. Recent global research by DW Akademie shows that political will, long-term engagement and management continuity are also needed, alongside adequate funding, a sense of local ownership and understanding of the public service concept (Lublinski et al 2014: p 288). Since some of these things can be enhanced through personal and institutional partnerships with established public service players, Jordan is in advantageous position in already belonging to several international networks that share an interest in promoting PSM. These networks include not only UNESCO and the EBU, but also the Mediterranean Network of Regulatory Authorities (MNRA) and the Permanent Conference of European and Mediterranean Audiovisual Operators (COPEAM).

### 6.3. Building audience trust

Many people and interest groups, inside and outside broadcast organisations, need to be engaged in the process of mobilising support for introducing and developing PSM. DW Akademie's report, *In the Service of the Public*, lists a number of measures that can help to obtain this support from audiences. Notable among them is the desirability of combining institutional reform with visible changes (Lublinski et al 2014: 287) so that audiences can see for themselves that whatever is going on at the institutional level has potential benefits for them. Another measure is building up and improving audience research, which at present remains weak and unreliable throughout much of the Middle East. Arab Advisors Group, an Amman-based company specialising in media and communications research, regularly publishes reports on the production and distribution side of Arab television but only rarely researches audience reception.



Ultimately, the test of a broadcaster's relevance and trustworthiness is whether it serves all users, without demeaning or belittling any groups or individuals and without filtering content to suit self-interested political agendas (Barnett 2011). The viewer needs to know that mistakes will be 'willingly acknowledged and rectified' and that audience complaints will be handled fairly according to transparent guidelines and complaints procedures (Ibid). These are essential ingredients for every viewer to believe that the content is relevant to 'people like me'.



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