

## The Political Transition in Tunisia from the Point of View of Regulation of Communication Media<sup>1</sup>

**Joan Barata Mir**

Vice Dean for International Relations, Universitat Ramon Llull, Barcelona

*The Arab Spring has represented a very complex process of change in different countries, all of them with diverse political cultures and historical backgrounds. Thus, although it has been defined and "labeled" as a regional political movement, each country in the MENA region should basically be analyzed separately. Of course, this does not preclude that many lessons can be learnt from different transition processes (if they actually take place) and therefore some experiences can be useful for others. The case of Tunisia is particularly interesting in this sense. For several reasons (most of which have been pointed out in this text), Tunisia should be considered a leading country in the democratization of North Africa, including in the media sector. While countries like Egypt have also started a process of "liberalization" of the media sector (including the audiovisual sphere), in Tunisia this process has been undertaken by an adequate institutional system that has been able to enact a seminal and systematic legislative regime. The Tunisian case is in many ways unique, as far as it is the result of a political will to establish a pluralistic and proportionate regulatory*

*La Primavera Àrab està suposant un procés de canvi molt complex a diversos països, tots ells amb cultures polítiques i contextos històrics diferents. Per això, tot i que ha estat definida i etiquetada com un moviment polític regional, cada un dels països englobats a la regió MENA ha de ser directament analitzat de manera independent. Evidentment, això no descarta aprendre les lliçons que se'n deriven dels diferents processos de transició (si realment segueixen el seu curs), perquè determinades experiències poden resultar profitoses per a d'altres. En aquest sentit, l'exemple de Tunísia és particularment interessant. Per diverses raons (moltes de les quals són destacades en aquest text), Tunísia ha de ser considerat com el país líder en la democratització del nord d'Àfrica, incloent-t'hi el sector dels mitjans de comunicació. Mentre països com Egipte han començat un procés de "liberalització" d'aquest sector (on s'inclou l'àmbit audiovisual), a Tunísia el procés ha estat escomès mitjançant un marc institucional pertinent que ha permès posar en pràctica un règim legislatiu sistemàtic i vertebrador. D'aquesta manera, el cas tunisià resulta excepcional en molts aspectes, en tant que és el resultat de la voluntat política d'establir un sistema regu-*

*system. This regime has to be enforced, in the case of the audiovisual sector, by a newly designed independent regulatory authority.*

**Key words:** *Arab Spring, free speech, regulation, democratic transition.*

*lador plural i proporcional. Dins de l'àmbit audiovisual, aquest règim ha de ser aplicat a través d'una nova autoritat reguladora de caire independent.*

**Paraules clau:** *Primavera Àrab, llibertat d'expressió, regulació, transició democràtica.*

## INTRODUCTION. DEMOCRATIC REVOLUTION AND THE PROCESS OF POLITICAL AND INSTITUTIONAL CHANGE

The revolution and political change initiated in Tunisia on January 14, 2011 with the flight of the dictator Zine el Abidine Ben Ali, who had ruled the country for more than two decades, signifies the starting point of a reform movement of historical reach and importance across the Arab world.

Despite continued problems and uncertainties with the process and pace of reform, in Tunisia and across the MENA region, it is undoubtable that Tunisia triggered a process of upheaval and change that subsequently rocked the region. In Tunisia, a steady, promising democratic revolution is taking place in a relatively hopeful and peaceful social context.

Tunisia has great potential to fully meet the challenges of the transition to democracy: a highly educated population, few serious internal conflicts or divisions, social structures based on a strong middle class, relatively low levels of poverty for the region, a relatively high level of respect for certain determined rights (for example, the rights of women as a group), lack of territorial or political conflicts with neighboring countries, and a functioning economy sector with strong prospects in tourism, textiles and the automobile industry.<sup>2</sup>

In such an environment, Tunisia will require international support to carry out its reform process successfully. The country needs the collaboration of other states and international organizations, particularly those dedicated to cooperation with the Mediterranean region and the Arab world. Tunisia has already taken important steps to facilitate this process, adhering to crucial international human rights norms and demonstrating willingness to conform to all the international systems and structures which protect and defend such rights (for example, the International Criminal Court). There also needs to be cooperation at the level of non-governmental organizations (NGOs) and voluntary and charitable organizations specializing in this field.

It is important to emphasize that the analysis and conclusions in this article are specific to Tunisia's particular situation and characteristics and it would be a

mistake to apply them to North Africa or the Arab world more broadly. The countries in these regions are extremely diverse and cannot necessarily be assumed to be part of the “Arab Spring” movement. In some cases this is simply because the pace of change is almost imperceptible (for example, Algeria), and in others, such as Morocco, because a more mature political and institutional infrastructure relative to the region does not require the same kind of popular uprising to force change. The process of revolt and government response has played out very differently in Egypt, Libya and Syria, making an individual analysis of each country absolutely essential.

Finally, it is important to note the role of political Islamism the process of political change. Most analysts of the Arab Spring phenomenon have emphasized the relatively minor and limited role initially played by Islamic parties or factions, although the exact role varies from country to country. The input of Islamic groups has been almost irrelevant in the case of Tunisian revolution. Their strategy has been to immerse themselves in the popular movement for change and try to make common cause with other groups, despite their differing ideology. However, the progressive adoption of democratic rules and the implementation of a multi-party political framework, together with their important pre-existent social role, have resulted in their increased influence.<sup>3</sup>

Two months after Ben Ali’s departure, on March 15, the government constituted the *Haute Commission pour la réalisation des objectifs de la révolution, de la réforme politique et de la transition démocratique* (HC). This organisation, which was called “revolutionary,” was created by merging pre-existing organisations; its main function was to reform the Tunisian state through a process of legislative change. In strictly legal terms, this refers to a legal-political transitional process, in which there is no clean break between the previous and the emerging legal systems. Instead, the preceding structures, judicial powers and legal and constitutional framework will be used to carry out reforms that will lead to a new legal and constitutional framework.

The HC was made up of representatives of political parties, trade unions, social associations, citizens’ groups etc., although its everyday activities are carried out by civil servants and professionals considered by diverse sectors of society as out of touch with reality, bureaucratic, and still bogged down in the principles and methods of the old regime.

This reform process did produce some relevant results, particularly in the field of media regulation. Some important rules in the field of access to information, political parties and election regime were approved during this period as well. Tunisia is the first country of the *Arab Spring* that has been able to organize plural, open and internationally-accepted legislative elections within a reasonable time. The process to nominate the President of the Assembly, the President of the Republic and the Prime Minister has created some political controversy and negotiations have not been easy, but at this present time the new institutional scheme is operating normally. The judiciary still retains basically the same structure and composition as in the former regime, and reform in this area is urgently needed. Most significantly, a new Constitution still has to be drafted and approved by the new democratic Assembly. Thus, the process of institutional normalization is only

partially complete. However, despite some political and social turbulences, in just one year Tunisia has taken very significant steps towards modern democracy.

Going back to transitional HC's role, it attempted to introduce changes into the Tunisian legal system before the approval of the new Constitution. A very delicate event should be outlined here with respect to the media. In May 2011, the technical sub-commission of the HC prepared a Project of Press Law intended to regulate this sector, and to create a Higher Information Commission—a supervisory authority apparently subject to political control. This project, which had been the object of critical analysis by a number of international NGOs,<sup>4</sup> liberal political parties, journalism professionals and freedom activists, was not really far from the existing *Código de la Presse* (Press Code), Law 75-82, passed in 1975, during the times of the dictatorship. As a result of the criticisms, especially by the professional journalism sector, the project was totally discarded a few weeks after it appeared in the public debate. The proposal was basically made by the abovementioned sub-commission with no external consultation or input, disseminated unexpectedly without the consent of the members of the HC itself, and, it seems, in a very preliminary form. In retrospect, this was an unfortunate and negative development that did not help to encourage citizens to trust the interim democratic institutions.

After this experience, the HC undertook the preparation (basically from scratch) of a new proposal for a legal regulatory framework in the field of freedom of expression, press regulation and audiovisual media services regulation, including the creation of an audiovisual regulatory authority. The result of this work has now appeared in the official gazette of Tunisia, in the form of two major new laws regulating free speech and media issues in Tunisia, which recently entered into force: Decree 115 of 2011 (Decree 115/2011), on the Press, Printing and Publishing, and Decree 116 of 2011 (Decree 116/2011), on the Freedom of Audiovisual Communication and the Creation of a Supreme Independent Body of Audiovisual Communication, both dated on 2 November 2011. The process of drafting these decrees was more open, transparent and participative than the earlier experience; as a result, this new regulatory framework is far more reflective of the insights provided by civil society.

Another important new institutional body involved in communications reform has been the *Instance nationale pour la réforme de l'information et la communication* (INRIC), set up at the end of February 2011 by the second provisional government by means of a Law Decree. The institution has only accepted a consultative role, and is not seeking any kind of administrative profile. The INRIC has been presided over by Kamel Laabidi, who, like other members of this institution, is an outstanding communication professional with democratic credentials. INRIC appears to be a less technical, less bureaucratic and more realistic organization than the sub-commission of the HC, and less vulnerable to the influence of the previous regime's thinking and operational modes. Members of INRIC have first-hand experience in the field of media and communications and a more transparent approach. According to the recitals of the two Decrees, both have been after consultation from INRIC. This is something to take into consideration and to be outlined here, to the extent that a positive judgment coming from the INRIC is a very important factor for the legitimacy of such important norms among professionals, activists and the public generally. This means, as

well, that the projects have been discussed among people with different professional and political profiles, and that amendments may have been introduced during the process. Some of the direct participants in the drafting of the Decrees have stressed that local and international experts in the field of media law were consulted in order to guarantee a text aimed to be “revolutionary” in terms of “enshrining the highest level of freedom and democracy”.<sup>5</sup>

As I explained in my previous report, virtually the entirety of the Tunisian media prior to the revolution was connected, to a greater or lesser degree, to the previous regime. Being founded during the dictatorship and before the revolution, media groups were inevitably obliged to work out the best way to survive and “coexist” with the Ben Ali regime. Journalists had been suffering from an almost complete lack of freedom for decades, during nearly all their professional lives. In this context, a real risk exists that the finally liberated journalist opts to become an activist instead of a reporter, *i.e.*, a neutral observer who reports on, rather than influences, current events. Concepts such as professionalism, objectivity, rigor, adherence to professional norms and ethics, and the elaboration and assimilation of editorial rules based on professional criteria are completely new and still have not been fully understood and taken on by journalists. Thus, the first step in order to “normalize” such a profession within the framework of a modern and advanced democracy is for the legislator to establish the basic pillars of the exercise of freedom of expression and information.

As it has been explained, the two Decrees have been approved before a new Constitution has entered into force, and by an interim Government and executive power with no direct democratic legitimacy (although, in its composition and formation, it was intended to represent the most important political forces assumed to be present in the country). Of course, the best scenario would have been if the approval of a series of laws regulating freedom of expression, establishing a legal regime for the press and audiovisual media, and creating the regulatory authorities needed for the enforcement of these laws had taken place *after* the Constitution was passed, freedom of expression and information were correctly recognized and protected, and a legitimate government and parliament elected by citizens was already in place. However, it has to be outlined that the situation of journalists and the media panorama right after the *jasmine revolution* was extremely delicate, and urgent measures were needed.

To sum up, in an effort to find the correct balance between providing immediate solutions for urgent problems and guaranteeing pure and strict democratic legitimacy of certain basic norms, the interim government gave more stress to the first need. Of course, this does not preclude the eventual reform of such legislation by the new democratic powers (in particular, the elected Assembly), according to constitutional values and principles to be adopted in the immediate future. In other words, these pre-constitutional Decrees will have to fully conform to the wording of the future Constitution, which will prevail as a superior norm. Before describing the major trends of such new norms, it is worth to make a short reference to the role of new media outlets within the process of political change.

While the exact role of electronic media and social networking sites vis-à-vis social, economic and political factors in the revolutions in the MENA region

has been hotly debated, there is little doubt that new media been significant in providing a medium for the spread of revolution and political reform in Tunisia and across the region.

This phenomenon began before the revolution and the fall of the Ben Ali administration, particularly with the *Wikileaks* revelations on corruption that were freely accessible by the Tunisian population online. At that time, the police also detained various online activists, whose blogs and web pages alarmed the regime.

Tunisia's young, urban, educated and Westernized population is a large factor in the equation.<sup>6</sup> According to the latest reports, 18 percent of the population has a Facebook account,<sup>7</sup> and the high percentage of young people in the general population facilitates and promotes the use of mobile phones and computers. To give a striking example, the impact of the young Tunisian street vendor who set himself on fire in October 2011, sparking the revolution, was hugely magnified by such new technologies

As a consequence, while it may be the case that the constraints still facing the conventional media (especially radio and television) will only allow for reform and the emergence of new voices in the medium term, "new media" —including online networks, digital media, video, music and photo sharing in online communities, social networking, blogging, alternative online news outlets, and other emerging formats— will converge to provide an outlet for introducing new discourses into the public sphere.

Despite the possibilities, there is a certain amount of insecurity about the degree of liberty now enjoyed by digital media in Tunisia. Formally, there is no applicable law, even though it is clear that the digital media are still being controlled by the same censorship techniques as during the dictatorship.; for example, there are reports of control over content by the military, and of political bodies trying to use the Agence Tunisienne d'Internet to restrict access to the internet.

## THE NEW REGULATIONS ON THE PRESS, PRINTING AND PUBLISHING

Decree 115/2011 has 80 articles, divided into seven chapters: 1) General provisions, 2) On intellectual, literary and artistic heritage, 3) On journalists and periodical newspapers, 4) On comments in the public streets, 5) Crimes committed through the press or any means of publication, 6) Prosecution and penalties, and 7) Transitional provisions.

The Decree is basically aimed at regulating freedom of expression (and freedom of information) in the field of publications, artistic works, books and periodicals. It includes a complete and detailed legal regime on professional journalists and their rights, which outlines the requirements to become a professional journalist and to hold a national ID card; the rights of access to information and news, data and statistics; the protection of the sources of journalists; and the legal protection from physical or moral attacks on media professionals. The Decree establishes the conditions for publishing national periodicals,<sup>8</sup> including some requirements in terms of transparency, the protection of plurality, and the exercise of correction and

right of reply. A short section on posting publications and advertising campaigns in public places appears just before a long and complete regulation of criminal activities related to the press and other publications, which includes the prosecution procedure and penalties and a complete system of “accumulative” liability.

Decree 115/2011 represents a clear improvement compared to the preexisting authoritarian legal regime. The most important caveat that should be expressed is the fact that it basically derives from the structure and the provisions of the authoritarian “Code de la Presse,” modifying some of its provisions and eliminating the most restrictive. Thus, it basically should be seen as a provisional step to guarantee some degree of openness and pluralism in the public sphere, before the Constitution is finally approved. It is clear, at any rate, that with the existence of Decree 115/2011, public debates about controversial political issues will be more democratic and participative, and that citizens will be able to form their opinions in better conditions. At this time, however, a key and unknown factor will be, of course, the way in which this new law will be interpreted and applied by public authorities, especially the judiciary. As it has been pointed out, the judiciary is the only public power that basically remains the same, in terms of structure and components, as during the times of dictatorship. This situation raises many significant concerns.

## THE NEW REGULATIONS ON THE FREEDOM OF AUDIOVISUAL COMMUNICATION AND THE CREATION OF AN INDEPENDENT REGULATORY AUTHORITY IN THIS FIELD

Decree 116/2011 has 52 articles, divided into five chapters and sections which basically deal with the nature, definition and composition of the audiovisual independent regulatory authority (AIRA), the competence and powers that are granted to such an institution, and its functioning and financial schemes. As such, the Decree is not a substantive norm that regulates material aspects related to the provision of audiovisual media services, such as licensing, content, public service broadcasting provisions and so on. Some indirect references can be found in the text of the Decree because the future AIRA will have to address such issues, but a general and comprehensive law on audiovisual media services remains necessary within the Tunisian legal landscape.

The most important aspect of Decree 116/2011 is the fact that it creates an AIRA in Tunisia. This entity, as it will be explained, is legally designed according to international standards and therefore places Tunisia at the forefront of MENA audiovisual regulation. Regionally, the only other comparable institution is the *Hauté Autorité de la Communication Audiovisuelle* of Morocco (HACA) which was created as an independent regulator as well, in 2002, and has performed a very important and interesting regulatory role inside and outside Morocco during the last ten years.<sup>9</sup> In the Moroccan case, the HACA has been able to exercise its competences in a remarkably independent way, being thus able to escape from immediate and compelling political pressures. This spirit of independence is particularly obvious if we take a look at the outcome of the different processes of licensing of radio and television stations in which HACA has assumed the main responsibility from the beginning

until the end. In the field of content regulation, even though this is a very delicate and controversial issue in a country like Morocco, the regulator has performed with relative flexibility and proportionality. Finally it should be noted that at this present time the “Moroccan example” is being followed by several African countries within the African Communication Regulation Authorities Network.

The creation of such national regulatory entities is an important signal of democratic change. If regulation of content, in order to protect public values and citizens’ rights, and performed by an appropriate independent entity, is accepted and understood by political forces, media professionals and citizens, this means that democracy is not only perceived as a formal principle, but as a day-by-day process that depends upon a pluralistic public sphere. In transition societies, the idea of content regulation can be easily linked to very recent experiences of censorship (and this continues to be a debate in Spain, after almost 40 years of democracy). Thus, this is why this matter should be seen as a key factor for the consolidation of democracy and as a first step towards political maturity. In the case of Tunisia, the new audiovisual regulator should gain its legitimacy, first of all, through legislation that clearly establishes its remit, its competences, and the safeguards that media outlets and professional journalists have vis-à-vis the authority during and after the decision-taking process. And it has to be outlined that this is the case of Decree 116/2011.

Secondly, the new regulatory authority will succeed if it effectively becomes a fundamental piece that guarantees a plural and equilibrated access to the audiovisual public sphere; an adequate protection of specific values and principles involved in the dissemination of audiovisual content (upholding human dignity, protecting minors, imposing certain limits in commercial advertising, guaranteeing political plurality especially during election times, etc.); and, more broadly, a real safeguard for public interest and rights of citizens in the field of audiovisual media.

The Decree outlines the composition of the AIRA and the appointment of its members. According to Article 7, members are appointed by the President of the Republic, the President of the Assembly, the Judiciary, and the most representative organizations of journalists, audiovisual media companies and audiovisual media managers. It has to be noted that the idea of “representation” could be incompatible with the idea of independence. In other words, if a regulatory body is composed (entirely or partially) by representatives of different sectors who perform their duties to defend their own interests, it will be hard to conclude that decisions will be taken according to the law and the public interest (unless you are a fervent follower of “public choice” theories). However, in this case, although this idea of “representation” appears in the process of nomination of the members of the authority, the wording of the Decree is particularly clear in stating (in Article 8) that members of the board shall exercise their functions according to the principles of independence, neutrality and service to the public interest (represented by the law, of course).

This being said, it would have been preferable if the Decree made a wider and stronger mention to the need that only prestigious professionals with solid experience in the field of audiovisual communication can become members of the board. However, it is worth noting that the Decree establishes a serious set of rules in terms of dedication and avoiding conflict of interest.



## GENERAL CONCLUSIONS

The two Decrees that have been analyzed in this paper probably represent the first serious legislative step towards democracy in Tunisia.

The Tunisian revolution took place just one year ago and set the start of a transition process during which rules (from the Constitution to the smallest ordinance) formally in force still have been those approved during the authoritarian times. Of course, this has been and still represents a difficult situation, because new democratic processes (the formation of new political parties, the opening of the public sphere, the celebration of plural elections to the Constitutional Assembly) have had to be undertaken on the basis of old-fashioned laws or with no appropriate laws at all.

Another delicate point in this transition process is related to institutional structures. The HC and INRIC (to take two major examples), as new “revolutionary” new entities, have been playing an important role “outside” traditional and remaining Ministries and various administrative offices. In particular, the HC, as it has already been pointed out, is a complex entity that has been operating in the interim period following the revolution and before the new “ordinary” and democratic institutions have come into force. The HC has made important efforts in order to become an interim “representative” body, in which different new democratic tendencies have been able to find a space. Of course, many problems have arisen within such a fragile framework. As no democratic elections had occurred at the time of the HC’s establishment, allegations of misrepresentation and threats of abandoning this climate of consensus have come from Islamist parties. In this same sense, civil society, activists and young democrats who directly participated in the revolutionary events expressed frustration that things were not evolving as quickly and as clearly as they expected. Finally, an obvious lack of democratic civic culture has created a situation in which the HC has been basically focused on its important tasks *ad intra*, but has not taken into consideration important needs and principles in terms of public transparency and participation. It is worth remembering here the difficulties and mistakes that took place during the process of drafting Decree 115/2011, keeping in mind, however, that in the second phase a special effort in terms of consultation and participation was made.

Another important thing to keep in mind in institutional terms is that Tunisia probably still does not have an administrative and judiciary structure ready to apply new democratic laws and to perform according to non-authoritarian principles. The core of the executive power and public administration remains roughly the same. This is also the case of the judiciary, as already mentioned. All these elements represent a very important challenge for the immediate future in order to guarantee an effective transition to democracy.

The future new Constitution is also a key factor for democratic consolidation and, in particular, to guarantee an effective protection of freedom of expression and information. As it has already been said, an ideal and theoretically correct scenario would have been to have the Constitution approved first and only then, and following its main principles and directives, approve the rest of the legislation. In the text I have already tried to explain the need to confront this general

desideratum with the difficulties of real political processes, like the Tunisian one. At any rate, it will be interesting to follow the Constitutional discussion process, now just started, and to see to what extent the model established by the two Decrees (and in particular Decree 115/2011) really conforms to the text of that future norm.

Apart from this “Constitutional test,” the most important challenge will consist of the application of the two Decrees in the immediate future. In the case of Decree 115/2011, as I have noted, some of its provisions can be interpreted and potentially used to impede or to put obstacles to a rapid and diverse growth of new media outlets. The restrictions imposed through the definition of “professional journalist” should be kept in mind as well. This being said, Decree 115/2011, if proportionally applied, also has great potential to promote important changes within the Tunisian public sphere by making possible the apparition of new private operators, independent from former political stakeholders and Ben Ali’s network of interests.

Decree 116/2011 is remarkable as well, to the extent that it helps prepares the terrain for a flexible, proportionate, pluralistic and democratic regulation of Tunisia’s audiovisual sector. Decree 116/2011 establishes the basic rules for the creation of an AIRA that, at least in the wording of the norm, conforms to best international practice in this field: independence, accountability, professionalism, transparent and proportionate procedures, and a clear delimitation of its remit. The big challenge now ahead is to make these important legal words become reality. The new entity should be established with the new members appointed following the spirit and the values that have inspired the law. Political forces must be able to reach a consensus on this issue and not use this piece of the institutional system as an instrument for political domination or confrontation. Finally, it should be stressed, once again, the need for a complete “substantive” law on audiovisual media services in order to provide for the highest level of legal certainty, by establishing the rules to be applied by the AIRA.

The Arab Spring has represented a very complex process of change in different countries, all of them with diverse political cultures and historical backgrounds. Thus, although it has been defined and “labeled” as a regional political movement, each country in the MENA region should basically be analyzed separately. Of course, this does not preclude that many lessons can be learnt from different transition processes (if they actually take place) and therefore some experiences can be useful for others. The case of Tunisia is particularly interesting in this sense. For several reasons (most of which have been pointed out in this text), Tunisia should be considered a leading country in the democratization of North Africa, including in the media sector. While countries like Egypt have also started a process of “liberalization” of the media sector (including the audiovisual sphere), in Tunisia this process has been undertaken by an adequate institutional system that has been able to enact a seminal and systematic legislative regime. Liberalization and privatization of the communications sector is a process that has been taking place in the MENA region in recent years, and it is not fully dependent on democratization processes: we can see it in “non-revolutionary” countries like Morocco or even in authoritarian regimes like Algeria (where it seems that a new

audiovisual law to open up this market may be approved sometime in 2012). However, the Tunisian case, together with the Moroccan one, are in many ways unique, as far as they are the result of a political will to establish a pluralistic and proportionate regulatory system. This regime has to be enforced, in the case of the audiovisual sector, by a newly designed independent regulatory authority.

The Tunisian case may, of course, bring interesting lessons for Libya as well. However, the post-war Libyan communications landscape is closer to anarchy than to a competitive and open market. Institutions will have to be built from scratch, and a democratic culture will need to emerge in a basically tribal country. And the new future Constitution should be more than a general declaration of intentions. However, substantial efforts at the local, regional and international level will be devoted to improving the conditions of this country and this specific area of the world. Most citizens of North African countries feel more confident than ever of the potential for change; Western powers (in particular, European countries) have started to see these countries as something more relevant and respectable than their walled-frontier with Africa. Thus, it can be said that there are many reasons for hope.

**Joan Barata Mir** is the Vice Dean for International Relations at the Blanquerna Communications School (Universitat Ramon Llull, Barcelona) where he also teaches Communication Law. He has also been Head of President's Cabinet and Secretary General of the Catalonia Audiovisual Council. He gained his PhD from the University

of Barcelona, writing a thesis on Television and Public Service Theory. His recent writings include work on democracy and the media and the objectivity of the BBC in the David Kelly case. His research interests are public services, regulation, media law, telecommunications law, privacy law, law and the internet and e-government.

## Notes

<sup>1</sup> This article summarizes and outlines the most relevant conclusions of several reports prepared by the author and commissioned by Internews, which can be found in its website: <<http://www.internews.org/research-publications/new-tunisian-legislative-framework-focus-press-and-audiovisual-media>>.

<sup>2</sup> See the article by Jordi Vaquer "Túnez tras la revolución". *El País*, 15th February 2011.

<sup>3</sup> See the analysis by Toby Mendel of the Centre for Law and Democracy at [http://www.law-democracy.org/wp-content/uploads/2010/07/11.04.Tunisia.Prs\\_.pdf](http://www.law-democracy.org/wp-content/uploads/2010/07/11.04.Tunisia.Prs_.pdf).

<sup>4</sup> See the analysis by Toby Mendel of the Centre for Law and Democracy at <<http://www.law-democracy.org/wp-content/>

[uploads/2010/07/11.04.Tunisia.Prs\\_.pdf](http://www.law-democracy.org/wp-content/uploads/2010/07/11.04.Tunisia.Prs_.pdf)>.

<sup>5</sup> See the article by Mohamed Ridha Jenaia, published in arabic in the newspaper *As Sabah* on November 17, 2011.

<sup>6</sup> See the interesting article on this theme by Timothy Garton Ash published in *The Guardian* 19th January 2011 <<http://www.guardian.co.uk/commentisfree/2011/jan/19/tunisia-revolution-twitter-facebook>>.

<sup>7</sup> <<http://www.guardian.co.uk/commentisfree/2011/jan/19/tunisia-revolution-twitter-facebook>>.

<sup>8</sup> Defined in article 2 as "any periodical publication in whatever form issued under a single heading and within close or far time-frames though irregularly published, provided

that the sequencing is scheduled for an unlimited period and that the issues will be successive in numbering and publication dates. Periodicals referes particularly to daily, weekly and bi-monthly newspapers, magazines and

written and image periodicals in addition to yearbooks”.

<sup>9</sup> It should be kept in mind that HACA has chaired the Mediterranean Network of Regulatory Authorities during the years 2006-2007.