



The Principle of Pluralism and Diversity in Media Ownership as a Human Right: A Critical Analytical Reading of Algerian Media Laws.

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Abstract:

Pluralism in media ownership is one of the basic components of its freedom. It recognizes the existence of a free democratic climate and a legislative system, in contrast to the concentration of media in the hands of a single owner who imposes his orientation through its content in order to serve his interests rather than providing public service and achieving real media functions. If pluralism in media ownership is achieved, it requires having diversity in content. Therefore, there were efforts to achieve the duality of pluralism and diversity in media content nationally, Arab and internationally. yet, this legislation is a facade in front of the international community, but in reality it is far from practice to show us a non- achieved quantitative pluralism that has the principles of the right to media and diversity in media content.

Keywords: Pluralism principle, media ownership, media laws, human rights.

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I. INTRODUCTION

Plurality in media ownership means there is no monopoly on political power or dominance by businessmen owning multiple media outlets. This aims to represent all social groups and minorities, with diverse media policies reflecting content variety, multiple sources, and access to a broad spectrum of viewpoints, essential for forming a free public opinion. This can only be achieved in a democratic environment where media fulfill their true functions.

Media ownership in modern systems is considered a cornerstone for freedom of expression in Western societies because it is not tied to governments or political systems, thus allowing greater freedom. In these systems, citizens are free to own media outlets if they have the capacity to establish, manage, and operate them according to constitutional provisions that guarantee this right. For instance, in the United States, there are no restrictions on creating newspapers or radio and television stations owned by individuals or groups of individuals. The U.S. Constitution ensures freedom of expression by any means the citizen deems appropriate (Al-Bayati, 2012, p. 105). In contrast, media ownership in authoritarian regimes is often controlled by the government to propagate its ideas, turning the media into a tool of the government, neglecting the press's role as a check on political authority.

Sometimes, media ownership is seen as a direct reflection of political circumstances: authoritarian or dictatorial regimes directly control the media, while democratic systems allow plural ownership (Al-Bayati, 2012, p. 104). This is an external indicator, but the true determinant lies in the content of the media, which must be objective and provide a public service that is not government-controlled. When political authority is the primary funder and owner, it influences media values. Public advertising is also directed toward media that support the government, transforming it into government media rather than public media. If political authority does not monopolize media, private media may increasingly fall under the influence of the economic logic of advertisers, who become the primary source of funding. This shifts the focus from political considerations to market considerations, hindering content diversity, even if pluralism in media ownership is achieved.

Thus, there is a need for mechanisms and guarantees to protect the principle of media pluralism as a human right.

Research Questions

- What mechanisms and guarantees strengthen the protection of media pluralism as a human right?
- Do national efforts supporting this principle align with international treaties and documents?

I will address three main points:

- **Point 1:** Foundations of pluralism and media ownership.
- **Point 2:** Mechanisms for protecting pluralism (Internationally, regionally, Arab, and nationally).
- **Point 3:** National efforts supporting the principle of media pluralism (Algerian media laws).

Study Objectives

The study aims to:

- A. Identify the conditions for media ownership in Algeria through media regulations that govern the field.
- B. Critically analyze the media laws adopted by Algeria, from the adoption of pluralism to the present day, and compare them with international charters and treaties ratified by Algeria and enshrined in the constitution.
- C. Analyze methods of monopoly and centralization of media under these laws.

Study Methodology

To achieve the objectives of this study, the methodology must be appropriate for the topic. A documentary survey method will be used to identify all media laws from the beginning of pluralism to the latest law of 2023. This will be followed by an analysis of the legal provisions, comparison with constitutional rules, and the treaties and international agreements Algeria has ratified.

1. First Headline: The Establishment of the Principle of Pluralism and Diversity

The principle of pluralism is foundational to press freedom. Pluralism requires the existence of diversity, represented by more than one newspaper expressing different opinions and ideas within society, especially when these newspapers reflect multiple political parties and groups. This also confirms the existence of a democratic society and the realization of communication democracy (Al-Muslimi, 2003, p. 31). The recognition of media pluralism is an important element in achieving press freedom; without it, freedom of the press cannot be realized. Pluralism in media ownership, as a core component of media freedom in general, encompasses the freedom to gather or access information, the freedom to publish it, and the reader's right to choose content, which involves the right to select content only when media outlets are pluralistic and content is diverse. This, of course, occurs in a democratic society where the space for media freedom is broad, supported by guarantees and a legal framework to ensure it. Pluralism is the child of freedom, not its source. However, when it exists, it nourishes the spirit of freedom and becomes a tool for defending it. In some developing countries, there may be media pluralism, but it is subjected to the rule of one authority, and therefore, it is neither derived from freedom nor does it help achieve it (Kamil, 2013, p. 44).

Pluralism is often understood as simply plural media ownership, but media pluralism is of no value unless the media itself is plural. There is no separation between pluralism in media and pluralism in media discourse. The monopolization of media ownership helps shape public opinion by those who control the media outlets, which makes plural ownership a prerequisite for guaranteeing pluralistic opinions and ideas being presented in society. Therefore, the concept of pluralism can be defined as: a plural media presentation through diverse and independent media ownership, reflecting a fair representation of a diversity of ideas and opinions (Jamal Zarn, 2011, p. 44-46). This definition precisely identifies the meaning of "independent media," referring to media that are not affiliated with the government or a political party, ensuring they are an independent voice for the groups they represent. Similarly, the term "diversity of ideas and opinions" is clarified. With diverse media ownership, ideas diversify. "Thus, maintaining cultural and intellectual diversity, diversity of opinions, and diversity in analyzing and interpreting events, makes the search for means to preserve the printed press an endeavor that benefits humanity" (Saleh, 2007, p. 50). This includes the individual's right to objective media on one hand and their right to choose content because of its diversity on the other, both of which aim to achieve the true functions of media in the absence of centralization and monopolization of media outlets.

Although freedom of choice and diversity represent independent concepts, they are inseparable in practice. Freedom of choice cannot exist in any meaningful way without diversity (Schiller, 1999, p. 31). It is necessary for newspapers in society to be diverse in their political orientations, intellectual premises, and editorial policies so that citizens can exercise their right to knowledge (Saleh, 2003, p. 13). Pluralism in newspapers, which is represented by private ownership, will foster competition among newspapers belonging to different political orientations and ownerships. In such a free environment, one newspaper might publish a news item that another newspaper refuses to publish, allowing the public to be fully informed. This competition creates credibility and vitality in journalistic work (Azzi, 1994, p. 69).

2. Second Headline: Guarantees and Indicators of the Principle of Plural

2.1 : Guarantees of the Principle of Pluralism:

- Media should reflect the interests and aspirations of public opinion, rather than merely attempting to shape and direct it according to the interests of specific groups, ideologies, or other factors.
- The existence of multiple media outlets ensures pluralism through a diversity of editorial policies.
- Pluralism in media ownership is a guarantee for realizing the right to information.
- The monopolization and centralization of media contribute to the shaping of public opinion by those who own the media, which makes plural ownership a prerequisite for ensuring diverse opinions and ideas within society.
- The existence of multiple media outlets guarantees competition in content diversity.

2.2: Indicators of Pluralism:

2.2.1: External Indicator: This refers to media ownership (Jamal Zarn, 2011, p. 46). As for media ownership as an external indicator, it depends on diversity and decentralization. When media is concentrated in the hands of a single owner, it leads to superficial pluralism, where multiple outlets exist in the market, but true pluralism is absent. In such cases, newspapers may appear diverse, but they are owned by one person or a small group, which means they are influenced by the same ideas and follow the same direction. This undermines the essence of true pluralism (Abu Younis, 1996, p. 151).

While some Arab countries do not experience centralization to the extent seen in industrialized nations, others have not escaped the monopolization of the press due to market forces. As a result, some Arab countries have implemented legislative measures to limit press centralization and monopolization. For instance, media laws in some countries stipulate that a single person, whether natural or legal, can own, manage, or control at most two periodicals with a general news orientation, provided they have the same publication frequency. Additionally, the total circulation of periodicals owned, managed, or controlled by a single person cannot exceed 30% of the national circulation of periodicals. Other countries, however, have strong centralization in the press, dominated by "big families," while the law stipulates that press licenses should only be granted to legal entities subject to public or private law, prohibiting ownership in more than one media institution. However, it can be asserted that legal measures alone are not sufficient to guarantee press pluralism, which is tied to the public's right to information (Al-Draji, 1996, p. 34-35).

Here, on the surface, the media may appear plural in terms of ownership, with no monopoly by political authorities. There are private media outlets (private ownership), a large number of newspapers within a single country, and a range of media channels. This also serves as an indicator that there is no legal restriction on media ownership, suggesting that media pluralism is promoted as an external indicator before the international community.

2.2.2: Internal Indicators: appear in the volume of news, information, and opinions available, allowing individuals to exercise their right to freely choose and form a public opinion. However, the quantity of media outlets does not always ensure diversity in viewpoints and perspectives. This contradicts the second aspect of pluralism, as diversity should not only exist in the variety of topics covered but also in the diversity of opinions and ideas. For example, one media outlet may cover certain topics, while another may either avoid them or treat them briefly, which creates competition between media outlets, making them more dynamic and giving them the opportunity to lead in breaking news. This competition is a key feature of true pluralism. This is why several Arab countries, including Algeria, have implemented legislative measures to limit monopolization and centralization by reforming their legal systems over time, with the support of human rights organizations that contributed to strengthening this principle, as well as constitutional provisions that have enshrined and framed it.

While some Arab countries do not experience this centralization to the extent of industrialized nations, others have not been spared from press monopolization driven by market forces. Therefore, some Arab countries have implemented legislative measures to limit the centralization and monopolization of the press

3. Media Ownership and Sources of Funding

The forms of media ownership around the world vary, falling into four different types of ownership: from complete government control, to a free market system, to monopolistic ownership by a single entity or organization (Al-Shujayri, 2014, p. 168). Media ownership refers to the ability to create and manage a media outlet, and it can be categorized into two main types: public media and private media. However, this is a simplified division, as the objectives of the media outlet and its management determine the type of ownership. Despite all public media being funded by public funds and owned by the people, the way they are managed divides public media into two categories: state-controlled media, where political authorities control the direction of the media outlet funded by public funds, using it to serve their partisan interests, or media that is independent of political control, adhering to standards and regulations that make it subject to accountability (Al-Banhaoui, 2014, p. 8). These media outlets fundamentally serve the public interest, aligning with the path of pluralism.

As for privately owned media, it is divided into two categories: commercial private media that aims for profit, where its management and content adhere to commercial efficiency standards in pursuit of profit, like any business. The second category is non-profit private and community media, which provides a social service free from commercial interests. The primary criterion for such media is delivering a public service as determined by the media outlet for the community it serves (Al-Banhaoui, 2014, p. 8). Al-Shujayri argues that state-owned media is often directly controlled by the government, which leads it to favor the ruling party, while privately owned media also serves the political interests of its owners. In some countries, political parties themselves own significant private media outlets. Ownership of media is sometimes seen as a simple reflection of political circumstances: authoritarian regimes directly control media outlets, while democratic regimes allow for plural ownership (Al-Shujayri, 2014, p. 185). The media has always sought to rid itself of the influence of political authorities to achieve independent media. The prior approval requirement, which stands as a condition for establishing a media institution, is seen as a form of censorship that restricts the path to pluralism. The absence of such censorship creates a free media that supports democracy, making it objective, pluralistic, diverse, and independent, carrying various viewpoints and opinions.

4. Foundations of Media Ownership

- **Transparency of Funding Sources:** Achieving financial stability in any country is the primary challenge facing good journalism. Funding sources affect the nature of the news that media outlets broadcast and publish (Al-Bayati, 2012, p. 108-109). Therefore, disclosing or clarifying the funding sources for media institutions is a guarantee of their independence and increases public trust in them. It allows the public to understand the potential impacts that funding—whether political, commercial, or external—might have on media content.
- **Decentralization of Media Ownership:** This refers to the absence of media ownership concentration in the hands of a single owner, meaning that media ownership is distributed among several independent entities rather than being concentrated in the hands of a few institutions or individuals. The goal is to enhance diversity in media content and ensure the representation of a broader range of opinions and cultures, reflecting a wider audience in the media landscape. In this way, media becomes more local and community-oriented, preventing monopolies and promoting content independence across financial, administrative, and editorial aspects. Independence is one of the foundational pillars of freedom of expression and the construction of a democratic society.

Centralized media ownership is generally one of the factors that hinder the principle of pluralism in media, which is a core component for achieving the democratic path where media freedom is one of its manifestations. High concentration in media ownership eliminates the diversity of intellectual

viewpoints, reflecting the relationship between media and political power, and preventing the representation of all local, regional, and minority voices so that everyone's voice reaches the entire geographical area. This ultimately comes down to the pluralism of media outlets that reflects content diversity with the presence of varied sources of information, enabling a multiplicity of viewpoints and ideas in a democratic environment free from dominant forces. Internal pluralism refers to diversity within a specific media organization, such as a national channel accompanied by a series of thematic channels that serve all segments of society with different cultural backgrounds, interests, and even dialects. Alternatively, it could be represented by national, regional, or local radio stations that cover their specific geographical areas.

External pluralism reflects the multiplicity of media institutions in terms of ownership, which mirrors the international community's view of each country's media landscape, particularly how it achieves the pluralism indicator in media ownership. This is considered the first manifestation of democracy and social justice in each country. It allows human rights organizations to assess and rank the country based on its progress or setbacks in achieving the democratic path, as reflected in annual reports. This makes media ownership extremely important for pluralism, as interference by owners in editorial lines contradicts the principle of editorial independence. In a market economy, owners have the ability to set company strategies to maintain their competitiveness in the market, whereas editorial lines should be determined by editors and must be transparent and clear to all employees.

II. Mechanisms for Protecting Pluralism

These mechanisms are represented at four levels: international, regional, Arab, and national.

1: At the International Level:

The principle of pluralism is considered one of the most important principles of media freedom, as it is impossible to discuss the citizen's right to information without protecting this principle (Hamli, Mohamed, 2005, Algeria, 2004, 2005, p. 67). These mechanisms are as follows:

- Article 19 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10/12/1948, is considered a fundamental document in the history of human rights. It establishes global principles for freedom and equality, including pluralism and diversity. Article 19 states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers," which supports the pluralism of ideas and opinions and their diversity within society. This was further supported by Article 19 of the International Covenant on Civil and Political Rights, adopted on December 16, 1966, and came into force on March 23, 1976, which asserts: "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."
- The Human Rights Commission found that licensing systems for the issuance of newspapers restrict the right to express opinions through printing. In one of its declarations, it stated: "The imposition of special registration requirements on print media is unnecessary, is often abused, and should be avoided..." (Mohamed Al-Nabhawi, 2014, p. 8).
- The new media strategy adopted in 1989 by UNESCO to encourage media pluralism (a paper presented at the 1989 UNESCO Conference) positions UNESCO as a supporter of promoting pluralism, based on the right to access information, the right to publish it, freedom from censorship, and the right to own and establish media institutions. This gives these rights a human dimension, and each country's efforts to promote this right either as a constitutional principle or a fundamental right are crucial. Subsequently, media laws are developed to explain how these rights

are to be practiced, in order to assess how well media laws align with constitutional principles and whether they are in line with the international covenants and treaties.

- Resolution 403, adopted by the 26th General Conference of UNESCO, emphasized that a free, pluralistic, and independent press is an essential element of any democratic society. It urged the Director-General to "expand the scope of measures taken to include other regions of the world... to encourage press freedom and enhance media independence and pluralism" (Arab Regional Center for Media Studies, Population, Development, and Environment, 1996, p. 72).

2: At the Regional Level:

The Windhoek Declaration on Promoting an Independent and Pluralistic African Press was held in Windhoek, Namibia, from April 29 to May 3, 1991. This declaration emphasized that, in accordance with the spirit of Article 19 of the Universal Declaration of Human Rights, establishing an independent and pluralistic press is essential for protecting and preserving democracy in any country. Additionally, it is crucial for achieving economic development. By "independent press," it is meant a press that is free from government, political, or economic control, and free from the control of materials and equipment necessary for the production and dissemination of newspapers, magazines, and periodicals. By "pluralistic press," it refers to the elimination of monopolies of any kind and the existence of as many newspapers, magazines, and periodicals as possible, reflecting the widest possible range of dominant views within society (Windhoek Declaration, United Nations, 1991).

3: At the Arab Level: The Sana'a Declaration of 1996

UNESCO implemented an important program targeting the support of member states in their efforts to promote freedom of expression, press freedom, and media pluralism and independence (Ahmed Al-Draji, 1996, p. 28).

The Sana'a Declaration of 1996 was one of the declarations adopted by UNESCO to support press freedom in the Arab world.

As part of continuous efforts to support and enhance media pluralism and independence globally, the United Nations Educational, Scientific and Cultural Organization (UNESCO) organized a regional conference to promote and support media independence in the Arab region. This conference was held in Sana'a, Yemen, from January 7 to 11, 1996 (UNESCO Paper for the Sana'a Conference, 1996, p. 14). The conference discussed the following topics:

- The relationship between the press/media and the ruling authority, in terms of political, legal, and economic aspects.
- The right to issue newspapers and their independence, as a fundamental human right and a practice of responsible freedom.
- Ownership of newspapers and media outlets, methods of funding, and the risks of foreign funding and infiltration by multinational corporations due to their financial and technological power.
- The development of the press and media industries, supporting the training and qualification of journalists, and updating communication technologies.
- Ensuring the flow of information, the freedom of its circulation, and freeing it from government monopolies (Hafidh, 1996, p. 9).

The conference produced what became known as the Sana'a Declaration, which included the following:

- The declaration urged and obligated Arab states to provide constitutional and legal guarantees for freedom of expression and press freedom. It also emphasized that Arab governments should cooperate with the United Nations and UNESCO to:
 - Issue new laws or amend existing laws to implement rights related to freedom of expression and press freedom.

- Eliminate monopolies in the fields of media and advertising, reduce taxes and fees on newspaper paper, printing equipment, and publishing.
- Encourage journalists to establish independent media institutions, owned, managed, and funded by the journalists themselves. These institutions may receive grants with clear sources when necessary, provided that funders do not interfere with editorial policies.
- International aid provided to Arab countries should focus on developing independent written and electronic media that are free from government control, in order to promote pluralism and media independence (UNESCO Report on the Sana'a Declaration, 1996, p. 64).

4: At the National Level:

The principle of pluralism was enshrined as one of the constitutional principles (Abu Younis, 1996, p. 152). This began with the 1989 Constitution, which is the fundamental document that outlined the state's direction, marking a new path of political pluralism, which led to media pluralism as the carrier and disseminator of diverse opinions through media ownership diversity and freedom of expression. .

The 1989 Constitution stipulated freedom of expression in Articles 35, 36, 39, and 40. The 1996 Constitution included these principles in Articles 36, 38, 41, and 42. Article 35 of the 1989 Constitution states: "There shall be no violation of the sanctity of freedom of belief, and the sanctity of freedom of opinion." The 1996 Constitution added no new provisions on this issue. Additionally, the 2016 amended Constitution further strengthened the right to freedom of expression through several articles (42, 44, 48), most of which align with the 1996 Constitution. However, Article 50 stipulated the guarantee of the right to publish information, documents, and statistics and transmit them to citizens, provided that this right does not infringe upon the privacy of others, their rights, the legitimate interests of businesses, or national security requirements. Furthermore, the 2020 Constitution also enshrined this right, ensuring constitutional guarantees for the protection of the right to freedom of expression, with pluralism as its first manifestation.

III. National Efforts to Enhance Pluralism in Media Ownership:

Media freedom is one of the most essential pillars of pluralism, as enshrined in the 1989 Constitution, which introduced a new direction adopted by Algeria through Articles (35) and (93). After this, Algeria embarked on a path of pluralism in media ownership with the establishment of Law 90/07, a law governing the media sector, which lifted monopolies and allowed for plural ownership of printed newspapers, while keeping audiovisual media under the control of political authorities. This period is often referred to as the "golden period" due to the following:

- Plurality of newspapers: A mixture of public, private, and partisan press outlets, accompanied by content diversity due to differing media policies and intellectual orientations.
- Removal of prior censorship on newspapers regarding their issuance and the establishment of media institutions. This was a significant step towards pluralism, as stipulated by Article 14, which allowed the publication of periodicals, although it required prior notification and registration of the publication with the relevant public prosecutor's office at least 30 days before the first issue. As a result, the number of newspapers increased to 140 during this period.
- Hamrouche's directive, which was a landmark step in promoting media pluralism, was issued through Circular No. 04 on March 19, 1990. This allowed journalists to choose between staying in the public sector, establishing independent media institutions as joint-stock companies, or joining political party-affiliated press. Financial facilities were provided for journalists who chose to leave the public sector and start private newspapers, with the government offering salaries for three years, office spaces, and loan facilities. This step promoted pluralism through Circular No. 4.
- As a result of Circular No. 04, there was a diversification in publication frequency (daily, weekly, etc.) and linguistic diversity (Arabic, French, etc.), although diversity in opinion was still limited. However, due to the relatively recent training of journalists and the fact that the Algerian News

Agency (APS) was the main source for news at the time, journalistic independence in terms of content was still developing.

- Additionally, the establishment of an independent body to regulate the sector, the Supreme Media Council, was an important outcome. Its tasks included:
 - Ensuring transparency in the economic rules governing media activities.
 - Preventing the concentration of media outlets under the financial, political, and ideological influence of a single owner.

At that time, the media policy was clear in its goal of creating a pluralistic media environment by decentralizing ownership. However, this was limited to the printed press. The right to information for individuals was solidified through the presence of partisan newspapers, which allowed for a somewhat free political opinion. However, this situation did not last long, as the security situation in Algeria deteriorated, leading to the lifting of the state of emergency, the dissolution of the Supreme Media Council, and the suspension of the 1990 Media Law, including the freezing of Article 14, which allowed for the creation and issuance of newspapers. This led to the halt of newspaper publication at the time and the establishment of a security cell in 1994 to monitor media content. This resulted in the apparent regression of media pluralism and the closing of news sources, which restricted the diversity of news and ideas, reducing content diversity, and limiting the internal indicators of media pluralism. Despite the cultural diversity in content through Arabic, French, and other languages, and the spread of newspapers across the country as a public service, Algeria still only had one television channel until 1994. That year, Canal Algérie, a French-language channel for the Algerian diaspora, was launched, followed by Algeria 3 in 2001 for the Arab world. In 2009, two additional channels were launched: one in Amazigh and another dedicated to Quranic programming (Laïadi, 2022, p. 330). What distinguishes public television services is their non-commercial nature, as they focus on serving the public good, maintaining social ties, and ensuring pluralism through the presentation of diverse programs for all viewers. Public television is also known as "television for all," reflecting the interests of all citizens regardless of their affiliations and addressing everyone without exclusion, serving the common good. One of the goals of public service television is to reach out to society, giving every individual the opportunity to connect with this public service (Jamal Zarn et al., 2014, p. 29).

By the late 1990s, the public's focus shifted to Arab satellite channels, where cultural diversity became a key selection criterion.

The initial progress of media pluralism seemed promising, and national efforts were evident in establishing this principle, even though the audiovisual sector remained monopolized. In that period, Liamine Zeroual issued Directive No. 17 in 1997 to open the audiovisual sector, but this directive was abandoned when its initiators lost political power. Other initiatives, such as the 1998 Media and Advertising Law and subsequent media law proposals in 2000, 2001, and 2003, were merely theoretical, and there was no real reform in the legislative framework. Over the following 20 years, the National Advertising Agency continued to handle advertising distribution without a regulatory framework for advertising. It wasn't until 2011, amid the Arab Spring movements, that significant political will led to the lifting of audiovisual monopolies. This was followed by the adoption of Organic Law 12-05, passed on January 12, 2012, which elevated media regulation to a higher legal status with pre-publication review by the Constitutional Council. This law led to the dismantling of monopolies in audiovisual media under the term "broadcasting media" and the establishment of two independent regulatory authorities: one for the written press and one for audiovisual media.

Among the efforts to strengthen the principle of pluralism is what was outlined in Organic Media Law No. 12-05, specifically in Article 40, which defines the Written Press Regulatory Authority as follows: "The Written Press Regulatory Authority is an independent body that enjoys legal personality and financial independence. It is responsible, in particular, for the following:

- Encouraging media pluralism.
- Ensuring the distribution of written media across the entire national territory.
- Ensuring the quality of media messages.
- Ensuring the transparency of economic rules.

- Ensuring the decentralization of titles and media outlets, preventing financial, political, and ideological control by a single owner.
- Defining the rules and conditions for state grants and aid to media organizations and overseeing their distribution."These measures align with international efforts to promote this principle. Media pluralism is not only an appearance but also reflects content diversity. Transparency in revealing sources of funding aims to prevent the concentration of media ownership in the hands of a single entity and to avoid the influence of the funder's political or ideological stance on news values. There have also been hints towards creating laws to regulate the distribution of advertising or state subsidies. However, in practice, the regulatory authority appears to function as a body that oversees the media sector, with its members appointed by the President of the Republic. It also submits an annual report to the President, showcasing its activities. This setup reflects the political authority's control over media activities and limits the independence of these regulatory bodies.

Furthermore, the Audiovisual Law of 2014, in Articles 64 and 65, established the Audiovisual Regulatory Authority, which prevents any member of this authority from engaging in any audiovisual activity or related businesses for the duration of their membership (two years). This is intended to prevent media ownership concentration in the hands of members of the regulatory authority, thereby ensuring that media values remain independent. However, in practice, the regulatory body functions as a supervisory entity with its members appointed by the President.

As for private satellite channels, Professor Laïadi described them as hybrid channels, with 45 channels that began broadcasting semi-secretly in 2012. In 2013, the Algerian authorities granted licenses to only five television channels for one year, renewable. These channels were: Ennahar TV, Chourouk TV, Algerian TV, Algerian 1, and Hoggar TV. These were considered as offices for foreign channels and were not recognized as Algerian channels (Laïadi, p. 331). There was no transparency or explanation regarding the selection of these five channels, while others, such as Atlas TV, El Watan, were shut down, likely due to their opposition to the "fifth mandate" (the term for the fifth presidential term).

During this period, newspapers transformed into conglomerates by creating channels with the same names as the newspapers and establishing online platforms, which contradicts the Audiovisual Law in Article 23, which states: "No individual or legal entity subject to Algerian law can be a shareholder in more than one audiovisual communication service." Similarly, Article 25 establishes ownership limits, which led to the sale of the El Khabar Group to businessman Asaad Rabrab, the wealthiest individual in the country. The group included a newspaper, a TV channel (KBC), a website, several printing presses, and a newspaper distribution company. This sale was opposed by the state, represented by the Ministry of Communication, and became an international issue due to his statements outside Algeria. However, businessman Ali Haddad was allowed to own both DZair TV and DZair News, in addition to owning *Le Temps d'Algérie*. This clearly contradicts Article 25 of Organic Law 12-05 and the principle of media pluralism, which prohibits media ownership concentration in the hands of a single owner, as this affects media policy and prevents content diversity. This demonstrates that the media system, which reflects the political system, influences the pluralism of media ownership through restrictions on ownership diversity, which in turn limits content diversity. The influence is not only legal but also economic, as seen with the El Khabar Group, which was denied advertising by the state due to its opposition to the ruling political authority.

The state controls 85% of the advertising market through the National Company for Publishing and Advertising, established in 1967, and has required economic companies and public institutions to refrain from purchasing advertising space directly from the media outlets. Thus, advertising distribution remained disconnected from market logic and failed to foster media pluralism in Algeria. Additionally, lifting monopolies in written and audiovisual media and establishing private media institutions should have been a guarantee for freedom of expression and media pluralism. However, they did not rely on fair and open media competition (Laïadi, 2022, p. 340).

One of the key issues remained the lack of transparency in advertising distribution. Private channels were placed in a precarious financial position, especially without foreign funding, and even when

foreign funds were available, these channels were accused of external interference. Advertising remained monopolized until the establishment of a regulatory law in this important sector, which remains the primary source of funding and a guarantee for the survival of any media institution. It is also the main support for public service media, making the path to pluralism challenging.

The 2023 Organic Media Law came after a long wait from media professionals aiming to improve the situation and correct the shortcomings of the previous media law. This law is the first to be issued during the presidency of Abdelmadjid Tebboune and addresses media ownership issues. Article 4 outlines the entities allowed to engage in media activities, including public bodies, public institutions, political parties, associations, and trade unions, within the limits allowed by law. It also specifies that only natural persons with Algerian nationality, or legal entities under Algerian law whose shareholders or partners are exclusively Algerian citizens, are permitted to own media institutions. This law reflects Algeria's commitment to restricting media ownership to Algerians and ensuring transparency in capital sources. It also mandates the disclosure of the sources of capital to the relevant regulatory bodies.

Article 6 requires media outlets, both print and digital, to submit a declaration to the Minister of Communication before beginning their operations, which is a positive change from the previous requirement of licensing, indicating that approval is now a form of acknowledgment rather than a permission-based system, as was the case under the 1990 Media Law. However, the submission process still falls under the Ministry of Communication, reflecting a level of government control and lack of full media independence.

Article 8 stipulates that the creation of any audiovisual communication service, including radio and television broadcasts, must receive prior authorization from the Minister of Communication, as well as for any internet-based audiovisual services. This continues the trend of stricter control over audiovisual communication services, as it requires prior approval before starting operations, which introduces a delay in approval or rejection by the regulatory body.

Article 9 stresses the need for transparency in revealing the capital and Article 12 further emphasizes the importance of transparency in funding and the relationship between media outlets and their funding sources, prohibiting foreign or suspicious financial involvement. This is a guarantee for media pluralism.

The law represents a leap forward by introducing the term "declaration" in the establishment of print and digital media services, though the restriction remains for audiovisual services. The use of "authorization" continues to be a sign of governmental control over media, undermining media independence. However, the law's emphasis on transparency in capital and funding sources is an important step towards preventing media ownership concentration and ensuring the realization of public service media, which is consistent with the country's policy objectives and avoids external influence on news values.

IV. Conclusion:

Media pluralism is closely linked to the liberal project and human rights, aiming to ensure the rights of minorities to express and discuss their opinions, as well as to ensure diversity in media content to achieve a variety of opinions and viewpoints. It also serves the principle of protecting minorities by promoting their cultures. The principle of decentralization is the first criterion for achieving media pluralism in ownership, while the second criterion is the independence in publishing media content that rejects control and dominance for the benefit of specific groups. Ownership pluralism is the most prominent indicator of content diversity, as the decentralization of media ownership results in different media policies and orientations. When media ownership is concentrated in the hands of a single owner, it undermines the foundations of freedom of expression and contributes to the manipulation and mobilization of public opinion. A true public opinion can only be formed in a democratic environment that upholds individual rights, such as the right to information, and allows the adoption of ideas without constraints, alongside the right to choose, which is essential for achieving content diversity in line with individuals' desires, cultural diversity, languages, dialects, and orientations.

Through media laws that allow freedom in establishing and owning media outlets, which are grounded in constitutional principles, Algeria has made efforts to adopt media pluralism. The Sana'a Declaration has been a key reference in enhancing the principle of media pluralism and media independence.

Additionally, human rights organizations have declared and documented these principles in texts, monitoring the progress or decline of media pluralism annually to assess the advancement of this principle, with media ownership pluralism being its first cornerstone. In Algeria, the adoption of media pluralism, which resulted from political pluralism, initially achieved a considerable diversity in content and opinions, particularly with the creation of private newspapers by journalists and the existence of partisan newspapers. However, media pluralism in news content was not sufficient due to the lack of diverse news sources, which were primarily limited to the Algerian News Agency (APS). It was not long before the situation shifted towards restrictions, with prior and post-publication censorship through a security cell monitoring the content of newspapers. This led to the suspension of newspaper publication and the freezing of the 1990 Media Law.

As for audiovisual media, it remained public and was limited to thematic channels and multiple languages to ensure the rights of minorities. Although the law stipulated the commitment to ensuring equality in expressing various political and intellectual opinions in society, this appeared to be a façade before the international community, suggesting media pluralism, but in practice, it was not fully realized.

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