

## Media freedom and its enemies in the Balkans

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Political and economic crises on the one hand - and professional weaknesses, compromised standards and media corruption on the other - are the biggest enemies of the media in the Balkans today.

Together, their result is humiliated, financially exhausted and disillusioned journalists, editors who act as puppets for owners and propagandistic, irresponsible journalism in general.

One consequence: people throughout the Balkans are deprived of the information they need, which is a prerequisite for useful lasting reform.

Another consequence: a chronic loss of public trust in the media. Readers and viewers see journalists as influenced by various interest groups and politics, and as a corrupt force.

After two decades of transition, no wonder most media experts feel pessimistic. They believe it is hard, if not impossible, for most journalists and editors to exit this vicious circle. Many feel that media professionals are now condemned to remain in the grip of political parties and of tycoons.

But it is not impossible to take a different direction, even though it will take us on a road that is full of obstacles.

One positive direction involves a regional strategy on media freedom. This is needed, because, as many experts agree, the cancer is regional. Another unifying element is the joint drive of all countries in the region to join the European Union and a consequent obligation to meet European standards.

Such a strategy could be developed by a regional coordinating team that would exchange know-how and take on board experts from countries now in the EU that had similar media problems in the past.

The job of designing and adjusting the overall strategy to fit countries' specific needs would be handed to grass-roots organizations - but they would need financial, professional and management support.

More importantly, they must not be left alone to struggle to be heard by their governments. They need a loud supporting voice from the region and from Brussels.

Pressure from Brussels needs to be more direct in the years to come, as it is only pressure that local governments take seriously.

On another parallel front, with a view to enhancing journalistic standards - which are often disappointing, to put it mildly - there is a need for well-designed training in specific skills.

The skills are judicial reporting; election reporting; public spending, investigative reporting, with special focus on corruption and organized crime; and use of internet social networks.

Combined efforts - within countries, the region and the EU - coupled with expert training, might deliver long-term results, if we have the patience and money to see them through.

### **Old troubles - and new ones, too:**

The economic crisis that hit the Balkans two years ago, which has yet to lessen its grip, has increased the media's vulnerability to political and business pressures.

In some countries, pressures make themselves felt in sophisticated ways. In others they are still blatant and aggressive.

Increasing or reducing the flow of advertising money from the government is always a very persuasive "argument", or tool, that can be used against media groups fighting for survival.

In Serbia, for example, a handful of advertising agencies close to the ruling parties control almost all the advertising money, prompting justified complaints about their role in reducing pluralism in the media.

In this country, the privatisation process is not complete, and the state remains present in several mainstream media houses, directly influencing editorial policy. Media outside Belgrade remain firmly in the grip of local political leaders.

In other countries, pressures take different forms. Macedonia's government opts for the old tried-and-tested strategy of prosecuting media owners for tax offences - but only, of course, those with whom they have fallen out.

In Albania, the sharp polarization of the political environment - and the upcoming elections - have increased pressure on the media as the two rival political forces struggle to get the press on their side.

One pressure takes the form of the provision of "ready-made" news. Produced in parties' headquarters, these news items or reports are simply sent to the media, where they are then often published, aired or broadcast without a challenge.

By denying reporters access to their campaign meetings, both Albania's ruling Democrats and the opposition Socialists indirectly force the media to rely on material produced by the parties' own press offices.

Albania ranked 88 out of 173 countries in the 2009 Reporters without Borders "Freedom of the Press Index" - a significant downgrade from 2003, when Albania ranked 34 and was the best performer in the Western Balkans.

In Croatia, media pressures are subtly different. There, according to a paper produced by the country's journalists association in April, freedom of journalists in privately owned media groups is often limited by the business interests of their owners, as well as by advertisers.

Editors in Croatia too often act as the extended hands of political and financial centres of powers, the paper said.

It concluded that the position of the journalists today is in some ways worse than it was under the openly authoritarian regime of Franjo Tudjman in the 1990s, when there were still some independent voices.

Turning to neighbouring Bosnia, increasingly turbulent ethnic politics and a deepening economic crisis since the elections last October have all taken their toll on media freedom.

Bosnia's private print and electronic media are almost all controlled directly or indirectly by parties representing ethnic groups or by businesses affiliated to those parties.

The situation with Bosnia's public broadcasters is even more worrying. They are now coming under direct political pressure to dismantle some of successful self-regulatory bodies, like Communication regulation agency, CRA, built under the auspices of the international community.

### **The region:**

Taking into account the natural differences in pressures in the various countries, we can detect a common thread - or threads.

Throughout the region, political elites are proving highly resistant to implementing strategies and laws that guarantee media freedoms, or reinforce those already adopted by law.

In some cases, laws to this effect have remained stuck in the parliamentary pipeline for years - never adopted.

Media experts across the region agree that the lack of willpower to change the environment for the better reflects a perception by politicians that the status quo - indeed anarchy - suits their constant goal - to control the media, especially during elections.

Throughout the region, we see a reluctance to make ownership of the media transparent. Offshore companies are sometimes listed as media owners. Chains of internationally based companies appear independent of one another, but actually belong to one owner.

These are all common sophisticated ways to avoid charges of violating media ownership concentration laws and of exercising a monopolistic position.

Other tricks are the use of cousins, wives, sons or other relatives to act as as nominal owners of media houses, disguising the conflict of interest as the real ones are public officials.

In some countries, no legal bar exists preventing public officials from owning media outlets at the same time.

Even where countries do have legal frameworks that oblige owners to submit complete information on ownership, that information is all too often not checked.

State agencies in charge of controlling and monitoring such data are usually poorly equipped and short of staff.

No real efforts are being made on the part of regional governments to define media strategies.

Moreover, the legal framework, even when it is put in place, is rarely or selectively implemented. Elites are proven experts in using the courts and the tax authorities to selectively target their media enemies.

We see a rise in the use of libel and defamation court cases as additional tools to intimidate the media, coupled with the enforcement of what looks like unreasonably high fines.

For example, a record number of lawsuits was filed against Macedonian journalists for defamation last year - 170 - most of them pressed against investigative journalists or reporters seen as critical of the government.

While libel is still not decriminalised in all countries in the region, high fines are the more threatening weapon - one that could force some media houses to close.

A troubling new issue in some countries is concentration of ownership, which goes against pluralism. The big media players, some with foreign companies as owners, appear to have succeeded in persuading governments to look the other way.

To prevent media concentration and reveal the identity of media owners in Serbia to the public, the first version of a Law on Unlawful Media Concentration appeared in spring 2008.

It has since been changed and various debates have been held - but the law has never been adopted.

Another troubling new phenomenon has come from the direction of internet portals. Totally unregulated, they all too often offer information designed for propaganda or hate speech purposes.

### **Enemies in our midst:**

Not all the problems in the arena of media pressures can be blamed on politics. The media themselves are all too often complicit in their problems.

Journalists willingly lend themselves to hate speech and to the struggles of their political party affiliated owners; editors are corrupted by advertising issues, or are led by fears that they might lose valuable advertising if they investigate certain businesses.

Not all media run their own business in completely transparent manner. This makes it difficult for the public to raise its voice when they fall out of favour and are selectively picked on by angry governments, for tax evasion, for example.

While, in the past, politicians had to pick a phone to exert direct influence, now that influence pervades the newsroom through editors who act as the extended hands of businesses or parties.

Journalists meanwhile have become used to the art of compromise to stay in their jobs – a priority task in a time of economic crisis.

Journalists have less time than ever, being constantly told to produce more items, and so fill pages and supplements as quickly as possible,

These pressures combine to create an army of professionals who don't have the time or the skills - let alone the inclination - to properly look into such complex phenomena as corruption or organized crime.

Lacking relevant skills and with no in-house trainers, editors and journalists are not up to the task of defending libel suits in court, which require in-depth knowledge about submitting documents and proving facts.

There have been many attempts and praiseworthy examples of professional bodies being established to raise standards and protect professional and journalistic ethics. But their power remains highly limited – confined mainly to issuing press releases and condemnations.

Self-regulatory bodies have failed miserably in most countries, without power to sanction the culprits. Those dealing with the electronic media and with broadcasting issues soon became the focus of politicians' attention and found their independence undermined. They have been "colonized" by the political elite.

Numerous initiatives across the region from different international organizations or journalistic associations have resulted in the formation of working groups of independent experts who did their best to prepare proposals of different kinds. But their efforts have also failed when their proposals had to be supported by governments and adopted by parliaments.

Finally, thousands of journalists who lost their jobs in recent years find themselves without protection, with no union to fight for their rights. Solidarity has failed.

Associations of journalists are not well equipped to deal with typical union issues. They lack finances and manpower, and have to finance themselves with virtually symbolic membership money, while desperately seeking other grants. Some countries have more than one journalists' association.

There is a need to strengthen these organizations, or establish new unions that can more effectively defend the standards of the profession and employees' rights.

### **How to make it work?**

Two levels, or forms, of joint intervention are needed.

One involves putting pressure on governments to lessen their grip on the media. This has to come both from Brussels, at the top end, and from strengthened professional journalistic associations and media outlets, from the bottom end. Without strong diplomatic pressure, there will be no change.

The second thrust needs to come from grassroots level, guarding standards, developing skills and protecting union rights.

A strategy harmonizing this two-pronged intervention could be fashioned on a regional level by a small independent group of media experts from the region and some EU countries.

Their role should also be to act as a focal point for regional information exchange, sharing know-how as well as alerting Brussels as to whether the process is deteriorating.

Regional strategic documents should deal with the following basic recommendations: insisting on ownership transparency and checking submitting data; decriminalizing libel and limiting the financial frames of fines; fair competition/anti monopolistic laws; limiting the influence of advertising agencies; excluding media owners from public office; finalizing privatization; ensuring self regulatory bodies are elected in a transparent way; and others.

Finally, local professional associations should develop country-based strategies dealing with their specific conditions.

There is no guarantee that pursuit of this strategy would end in success. It would require significant money invested in grass roots organisations, as well as into the training and coordinating activities. But it at least holds out the hope of change for the better, which is more than be said if the status quo is left as it is...

It could reduce the intolerable pressures on the media, leading to greater pluralism and greater confidence within the profession.