



Citizens for change!



**ЦЕНТАР за
РАЗВОЈ на
МЕДИУМИ**

THE FUTURE

OF

THE NON-EXISTENT PRESENT

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INTRODUCTION

The Second Priebe Report, that is, the “Former Yugoslav Republic of Macedonia: Assessment and recommendations of the Senior Experts’ Group on systemic Rule of Law Issues 2017”, published in September 2017, places the public broadcasting service and the process of securing its financial and editorial independence, in the very centre of the the future media reforms in the country.

The Media Development Centre has long advocated the overcoming of a problem that we never, in the past almost three decades of independence, attempted to eliminate. That is the need, when discussing the reform of the public broadcasting service, the Macedonian Radio and Television (MRT), of implementing a true and comprehensive public debate and discussion that will involve all social groups and interests, the expert and academic community and the citizens in general. That discussion needs to help with the mapping of the needs that MRT has to satisfy through its programmes and other services it offers.

At the same time, the efforts to reform MRT will surely be influenced by the contemporary trends in public broadcasting and broadcasting in general. The most important of those trends is the digitalization, process that assumes that MRT will sooner rather than later be transformed from a public broadcasting service into a public media service.

In this document, its author Klime Babunski identifies the problems that never allowed MRT to grow into a true public broadcasting service and that we need to overcome, as well as the necessary directions that we need to take to achieve that goal, that is, to turn MRT into a public broadcasting service and later, in accordance with contemporary trends, into a public media service.

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IDENTIFYING THE ABSENCE OF PUBLIC BROADCASTING SERVICE IN MACEDONIA

One of the thresholds of the democratisation of societies in the whole of Southeast Europe was surely the transition of state and/or public broadcasting systems. Over the past three decades, we saw many changes, advances and regresses in the creation and work of national public broadcasting services.

In that sense, the changes of broadcasting systems in former Yugoslav republics, i.e. the transformation of former Radio and Television Skopje into the Macedonian Radio and Television (MRT) reflects the fundamental changes in the whole society: Democratisation, introduction of multi-party political system, privatisation of state and/or socially owned capital and move to market economy and, of course, the introduction of dual national broadcasting systems - on one hand, the introduction of a public broadcasting service (PBS) and on the other, the establishment of commercial broadcasting.

Naturally, MRT faced many of the series of problems¹ that were faced in all the countries in the region in the creation of public broadcasting services, most important of which are: Slow technological change, outdated technology and low quality of media production, domination of political parties and continuous political pressures, evident legal uncertainty, low professional capacities of the journalism, inadequate market and continuous questionable and insufficient financing. As a result, clientelism was the model relationship, opening the room for limitless instrumentalisation of public service broadcasting.

We could speak of three periods, three orientations that could help us the assessment of creation and development of public service broadcasting²: The idealist orientation is typical for the first half of the 1990s, aiming for direct communication democracy as segment of the change of power structure in the society. The goal is to achieve a system of equality, justice and participation. (2) The mimetic orientation aims to get us closer to the "West" and create a dual broadcasting system. The media have the role of a "watchdog" and are responsible. Soon, however, it became clear that political, social and cultural conditions for independent and impartial PBS were missing and that the development of the necessary political and journalistic culture for installation of PBS will take long time. (3) The atavistic orientation is the most common outcome and consequence of the domination of political over civil society, the domination of "partocracy" and the extraordinary political pressures on the media. The values of the old system remain dominant, but stay in the background, while the declarative acceptance of "western" values is pushed forward, into the spotlight. In such situation, the public service broadcaster is expected to demonstrate cooperation with the government and not to be impartial or critical.

Which of these orientations will last the longest, which will dominate, what kind of problems will prevent and which solutions will facilitate the development of the public broadcasting service are questions the answers to which differ from one country to another. There are, however, some key common factors which include the political will of the elites in power, the levels of societal awareness, the levels of social cohesion and existence of adequate political culture.

MRT, naturally, is not an exception to that. However, it does possess a number of its own specific features. The idealist orientation was in place for three or four years in the early 1990s and was pushed aside parallel to the process of retreat of enthusiasm when faced with the crude reality of the process of establishment of political elites. Throughout the years, the mimetic orientation was only formally present. MRT is essentially, judging on all criteria and primarily the programmes it airs, an atavistic public broadcasting service. There is almost no visible presence of elements of public service broadcasting or such elements are evident only as declarative set of norms which are not adhered to in practice.

Following is a concrete overview of the key reasons that result in the absence of public broadcasting service in Macedonia.

Legal uncertainty and party and political pressure: It took seven years since the adoption of the 1991 constitution to establish the new legal frameworks that will regulate the functioning of MRT: The Law on the Establishment of PE Macedonian Radio and Television and the Law on the Establishment of PE Macedonian Broadcasting were adopted in 1998. As a result, the problems were solved outside of a standard decision-making structure that is a feature of any public broadcasting service, a situation that also opened the door to party

¹ Mungiu-Pippidi A. "From state to Public Service: The Failed Reform of State Television in Central Eastern Europe". во: *Reinventing Media: Media Policy Reform in East-Central Europe*. Central European University Press: Budapest, Hungary. 2003

² Jakubowicz K. "Ideas in our Heads", *European Journal of Communication*, Vol 19(1). SAGE. 2004

and political pressures. The belated adoption of the adequate legislation meant that there were no clear rules of the game, absence of known and predictable relations in broadcasting and relations between MRT and the government; the relations between public service and commercial broadcasting; and huge delay of the definition of relationship between the public broadcasting service and the citizens, relationship that would determine the manner in which the public shall be able to use this communication space and channel.

Although the initial legislation and all subsequent legislation³ set up certain institutional decision-making structures within the MRT, the result still remains a distorted political practice in which, in parallel to the legislation or in direct collision with it, political elites in power never gave up the already conquered space. MRT is treated along the lines of the old motto "the winner takes all", and MRT is taken to be a part of the "loot" that belongs to the winner of the elections.

Insufficient and questionable financing: In all the years of "transition", the financing of MRT is an open wound, due to the irregular and insufficient financing and failure to implement the segment of the Law that regulates the obligation to pay the broadcasting fee/tax.

We should note that it is the failure to implement a law, or parts of a law that most clearly illustrates the absence of political will of the government to establish the rule of law in the given area of society. It also demonstrates that the government prefers to solve any problems and issues "directly", usually behind closed doors, and in return it secures that the public broadcasting service will remain its client. In 2008, that relationship was actually legalized with the addition of the following provision to the Law: "Financial means from the Budget of the Republic of Macedonia could be allocated for the purpose of reaching and maintaining a higher level of programme and technical and technological development of the public broadcasting service".⁴ Sadly, the widely defined grounds for allocation of additional funds from the budget which has proven itself as a smokescreen for political pressure on MRT are present in the existing Draft-Law on Changes and Amendments to LAAVMS.⁵

Instead of professional independence – unprofessional positive bias towards the government: As a consequence of all mentioned above, MRT has been objectively prevented from acting and functioning as a public broadcasting service. It is an indisputable fact that the social and political environment prevented (and prevents) MRT from functioning as a public service. At the same time, MRT and its management and governing structure didn't offer sufficient resistance to external pressure, nor they manifested internal energy and determination to discard clientelism and do demand support from the society, beyond political party divisions through struggle for professional independence.

Quite to the contrary, throughout the transition years, and especially in the past decade or so, MRT has kept its work closed to the citizens and the public, simultaneously keeping close relationship with the government. Such strong clientelist orientation was confirmed well back in the mid-2000s, when the management of MRT at the time decided to terminate the Department of Audience Research and Analysis. The continuity of unprofessional conduct and bias in favour of the government is well documented in numerous research and monitoring reports referring to MRT programmes, prepared by both

³ Законот за радиодифузна дејност од 2005 година; Законот за аудио и аудиовизуелни медиумски услуги од 2013 година, и сите негови измени

⁴ Закон за изменување и дополнување на Законот за радиодифузна дејност. „Службен Весник на Република Македонија“ бр. 103/08, член 2

⁵ Предлог-закон за измени и дополнување на Законот за аудио и аудиовизуелни медиумски услуги, член 28, став 7.

domestic and international organisations, during elections and outside of election campaign periods.

Evidently, we can freely say that the thread connecting all changes in and around MRT since the start of the 1990s is the failure to establish a functioning public broadcasting service in the Republic of Macedonia. For that reason, MRT is more a *cul-de-sac* of the transition than public service broadcaster. It shall require a huge, Copernican turn of events to transform MRT into a public broadcasting and public media service.

UNCOMPROMISING CHANGE – CONDITIO SINE QUA NON FOR THE FUTURE OF MRT

Which changes are necessary for the transformation of MRT into public service broadcasting?

A rhetoric answer would be: MRT should stop be treated as electoral "loot", MRT should not be treated as "possession" of the political and party elites, the public broadcasting service should be returned to the citizens.

More specifically, it would mean that MRT shall be given the roles and tasks of universal educator of society; of culture and arts actor with diverse and comprehensive supply of programmes and contents; of key promoter and enhancer, but also controller and researcher of democratic processes and moral values; of permanent promoter of national, local and ethnic identities; of an institution that, through a variety of activities, has an irreplaceable integrative role in the society.

For the public service broadcaster to be able to fulfil that mission, it has to be founded on and work in line with the principle of public good. Such a turn is possible only through uncompromising **socialisation** of the medium⁶, tested through the existence of the following three elements: Societal management with and control over MRT; (2) Society's influence over the formulation and implementation of MRT's communication policies and programmes; (3) Securing the finances for the functioning of MRT with clear participation of all citizens, on basis of principles of solidarity and universality.

All these processes assume maximum levels of openness and transparency of MRT, and primarily a change in its organizational set-up and management and decision-making structures. The current period is marked by an effort by the government to start with the necessary changes.

The existing Draft-Law on Changes and Amendments to the Law on Audio and Audiovisual Media Services indicates a serious intent to put an end to the past clientelist practices. Namely, the Draft-Law states that the management and decision-making structures of MRT won't be a result of someone's loyalty to the political and party ruling elites, but a membership in those structures shall result from the personal qualities and a choice to contribute to the revival of MRT. On the other hand, the appointed members of those structures should pass through the filter of public inquiry and to be supported by the civil society and not by a political party or politically "determined" institution. That principled intent which has a clear goal to replace the political influence with the societal influence in the management of MRT has been blocked by the opposition, that is, by the political reality,

⁶ Splichal S. "Searching for New Paradigms: An Introduction". во: Splichal S. and Wasko J., eds. *Communication and Democracy*, Ablex Publishing Corporation, 1993

with the effect that public broadcasting remains unchanged. The current blockade clearly indicates that the efforts towards the transformation are inadequate and insufficient. Therefore, if necessary, the government should take uncompromising stance and act on its own, accepting the additional responsibility, to implement the changes because it shouldn't be allowed for the changes to be subject to political wheeling-dealing or some principles to be sacrificed to the lack of political culture.

The change of the model of financing of MRT is no less controversial. The offered explanation for the changes to the law in urgent procedure to terminate the broadcasting fee, that the parties in the Parliament reached an agreement⁷, is the reason for true skepticism about the possibility for uncompromising change as requirement for transformation of MRT into a true public broadcasting service.

It is a fact that, from procedural aspects, this procedure doesn't increase the societal influence on governance of MRT. Far more significant is that the change, in its essence, is contrary to the key values that apply to the financing of MRT: Openness, universality and solidarity. The change deletes the fundamental relationship in the financing of public broadcasting services: The user of programmes (a household or a citizen) v. producer and broadcaster of programmes, which distorts the crucial aspect that the user of the funding (MRT) is primarily responsible and accountable to those who fund it, that is, the citizens. Those who finance the work of MRT enter in direct relationship with the broadcasting service and on basis of that have the right to influence its work.

Also, the establishment of a total amount of financing as percentage of the state budget makes the individual contribution of each individual citizen unrecognizable. It remains unknown how wide does the principle of universality applies, or how the principle of solidarity functions - Whether all pay the same, whether some people pay more or less, depending on their actual purchase power.

The controversies surrounding the financing of MRT remain in the current Draft-Law. Article 28, paragraph 1, for instance, prescribes gradual increase of the amount from 0.7% to 1% of the budget, while article 46 defines the dynamic of the increase, that is, from 2018 to 2021. This change to the financing of MRT is in collision with internationally recognized standards. The point is that, every where and every time, the public broadcasting services are financed for the services they deliver to the citizens, and those services, before the budget is defined, are published in the corresponding working programme. Has MRT prepared and published its working programmes for years 2019, 2020 and 2021?

⁷ Lamentably, the termination of the broadcasting fee, in addition to the political parties represented in the Parliament, was supported by a number of CSOs and professional associations of journalists.

DIGITALISATION OF MRT – EMPHASISING THE ABSENT

The new technologies and new media introduce a series of fundamental changes that redefine the very essence and nature of mass communications. In that context, the transformation from public broadcasting service into public media service (PMS) can't be reduced to the technical aspects of digitalization alone. The aim will be achieved only if the digitalisation brings about advanced programming contents and services, which includes both the manner of production and the manner in which they are offered and broadcast, and those need to be in line with the changes of audience's habits of accessing media contents and use of new media.

MRT's transformation into PMS need to include modernisation towards a multi-platform media, which will allow for application of almost limitless possibilities for multiplication of communication channels and extraordinary increase of production possibilities. The modernisation needs to ensure that technical and human capacities will functionally unify the three pillars of digital mass communication - Interactivity, mobility and citizen/user-generated contents. Those are the three fundamental elements that signalize the new level of democratisation in the digital public-service communication. The members of the audience are not just end users of information, they are producers of information at the same time.⁸

In contemporary digital communication, the primary feature of which is over-extensive, even aggressive offer of diverse contents and information, the citizens, the public, the audience feel the need for a **light-house**, that will act as indispensable guide through the digital communication space. This position has been adopted by institutions such as the European Broadcasting Union⁹, the Council of Europe¹⁰, the European Union¹¹, and confirmed and reiterated by a huge body of scientific and academic research on public service media.¹² If the task of the public broadcasting service was/is to enable a free and pluralist communication space that will present diverse views, positions, ideas and interests, the task of the public media service will be/is to digitalize that public space and make the digital space a part of the public, free and pluralist communication space, to create the "digital agora".

Most importantly, thanks to new technologies and new media, it will advance the complex process of socialization of the medium, creating conditions for the PMS to enter

⁸ Jakubowicz K. *Public service broadcasting: a new beginning, or beginning of the end?*. Knowledge Politics. 2007 www.knowledgepolitics.org.uk (27.01.2013)

⁹ *Media with a purpose Public Service Broadcasting in the digital era*. The report of the Digital Strategy Group of the EBU. 2002 http://www.ebu.ch/CMSimages/en/DSG_final_report_E_tcm6-5090.pdf (25.01.2013); *Empowering Society A Declaration on the Core Values of Public Service Media*. EBU. 2012 <http://www3.ebu.ch/cms/en/sites/ebu/contents/knowledge/publication-library/empowering-society.html> (25.01.2013)

¹⁰ Nissen. S. C. *Public service media in the information society*. http://www.menntamaraduneyti.is/media/MRN-PDF-Althjodlegt/Public_service_media.pdf (25.01.2013)

¹¹ European Parliament. *Resolution of 25 November 2010 on public service broadcasting in the digital era: the future of the dual system (2010/2028(INI))* <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0438&language=EN> (27.01.2013)

¹² Candel R. S. *Adapting Public Service Media to the Multiplatform Scenario: Challenges, Opportunities and Risks*. Hans-Bredow Institute. Hamburg: 2012, стр. 12 <http://hbi.to/2082> (17.02.2013)

new partnerships with the public, new alliances with the society and in the society itself¹³, create the digital citizens, the digital or information commons.¹⁴

Such changes are impossible to achieve in conditions of unchanged management and governance, and unchanged control over the public broadcasting service. Societies that fail to make those changes and fail to make their public digital media light-house shall be lost in the public digital communication space.

¹³ Nissen. S. C. *Public service media in the information society*, Report prepared for the Council of Europe's Group of Specialists on Public Service Broadcasting in the Information Society, Media Division, Directorate General of Human Rights, Council of Europe. 2006.
http://www.menntamalaraduneyti.is/media/MRN-PDF-Althjodlegt/Public_service_media.pdf
(15.02.2013)

¹⁴ Kranich N. *The Information Commons – A Public policy Report*. Brennan Centre for Justice at NYU School of Law: New York. 2004 www.brennancenter.org
www.fepproject.org/policyreports/InformationCommons.pdf (15.02.2013)