The media, politics and the public in Serbia:
Transformation of the mass media and harmonization with European Union standards

by
Zoran Vidić

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ABSTRACT

The Serbian political elite that replaced the Slobodan Milošević regime after the peaceful democratic revolution in October 2000 did not fulfill one of their most important promises and duties: to establish and support the political and legal conditions for the undisturbed development of a liberal and respectable media. Journalism in Serbia is under constant pressure from state institutions and individuals. The moral and ethical crisis in Serbian media, caused by the poor material conditions of journalists, continues. The ability of the media to serve its indispensable function as a public “watchdog” and a catalyst of democratization is in jeopardy. The date of Serbia’s joining the European Union seemed closer a few years ago than it seems today. This qualitative analysis examines the material, social, political and moral conditions in which journalists and the media in Serbia operate, as well as the steps that the authorities and the media must take to harmonize the country’s media sphere with the standards of the European Union.

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This thesis is dedicated to my mother and my sister. My journey has been long. I miss you.

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Introduction

The history of media in Serbia has been one of constant political pressure and attempts by politicians to limit media independence. Political systems changed, but the pressure, whose intensity depended on the nature of a political system, remained a characteristic of every regime in Serbia.

During the 11 years of devastating rule by Slobodan Milošević (1989 – 2000), democratic and independent media in Serbia were one of the healthiest segments of society, despite the extraordinarily difficult circumstances in which they found themselves. Although the non-regime media were subject to various forms of persecution and harassment, “ironically, the same period also witnessed the rebirth of independent media” [1, p.662]. The free media had come a long way during these years, and they played a crucial role in the events that ended the Milošević regime.

In the period that followed October 2000, the media seemed the least affected by the wave of democratic changes in society. Political stalemate and friction between the major political groups, combined with the numerous economic difficulties facing Serbian socio-political transition have severely affected media transition and transformation. In October 2004, the Working Group for the Media with the South Eastern Europe Stability Pact assessed that “media reform is seriously lagging behind” [2], due to the fact that “several laws of crucial importance have not been passed even four years after the democratic changes” [2].

Some of the negative developments in the Serbian media include hyper-commercialization and tabloidization, the influence of the owner structure on the freedom of the press, sluggish privatization and endless procrastination and obstruction of building

a modern legislative framework necessary for the development of a modern and functional media. As Radosavljević explains:

The fact that important media laws have not been passed yet, that the provisions of the laws that have been passed are not being applied, that there is no regulated media market yet, that information on media ownership is not available, that privatization is taking place against the rules, that there is no foundation for frequency allocation, and that examples of defamation and libel in the press have become everyday, became quite ordinary a long time ago [3].

Despite all these difficulties, Serbian society has entered the new age of European integration. For the first time in history, the more developed part of Europe has made it clear it is ready to accept Balkan countries into the European Union as equal members, as soon as they meet European standards. Transformation of an entire society is a necessary, though painful process, and it includes changing the political culture and practices on all levels.

The media outlets and journalists have one of the most complex and important roles in this process. Not only do they themselves need to undergo transformation and adaptation, but they also have a unique responsibility to play a corrective role in society, keeping an eye on those who hold political power, and serving as an agent of societal transition and transformation.

In light of the foregoing, this thesis intends to explore the social and political conditions under which the media and journalists in Serbia operate, as well as the difficulties and obstacles they face in the process of media transition.

To this end, the study will be organized as follows: the first chapter will provide an overview of the main Serbian media and organizations, and will explore the political, material and social circumstances surrounding the media.

The second chapter will seek to examine the most important processes and phenomena in the media in Serbia and will outline the main issues and problems that journalists in Serbia encounter.

Chapter three will examine the legislative changes that have been undertaken since the democratic revolution in October 2000, and the reasons for a stalemate in legislative changes in the past five years.

The fourth chapter will be dedicated to exploring European integration, and various programs that have been encouraged and supported by the European Union. It will also describe the terms, conditions and standards that Serbian media need to achieve in order to become an integral part of the European media system.

This thesis will not undertake to research the media systems in the two other entities comprising the state union Serbia and Montenegro, namely Montenegro and Kosovo, due to the specific nature of these political units and their unclear final status within the state union.

Chapter 1

1. Media in Serbia: Overview

Generally speaking, “the media in Serbia are free and independent in terms of editorial policy” [1, p.662]. Article 2 of the Public Information Act clearly states that

No one shall, neither directly nor indirectly, limit freedom of public information, especially not by abuse of state or individual influence, abuse of law, influence or control over the means of printing or distribution of public media, or by abuse of control over broadcasting equipment or frequencies, as well as other means pertinent to limiting free flow of ideas, information and opinions [4].

However, the reality is somewhat different and numerous scandals involving high officials and media have shown that “many electronic and print media outlets are affiliated in some fashion with different political parties” [1, p. 662], which more or less affects the way they cover various issues. An even greater threat to the freedom of the media is the continuous interference and pressure imposed on journalists by foreign and domestic media owners [5, p.9].

A major problem facing the Serbian media after October 5 is the “legal vacuum and unclear legal environment in which the media operate” [1, p.662]. One of the first moves made by the new Democratic Opposition of Serbia (DOS) government upon coming to power was to repeal the infamous 1998 Public Information Law. It was nicknamed “Šešelj Law,” after the far-right Serbian Radical Party (SRS) leader Vojislav Šešelj, a vice-president of the government at the time. This Act contained extremely harsh restrictions for the media, and was used by the former regime to intimidate and control independent media. Meanwhile, political friction inside the ruling coalition increased and led to the formation of the two opposition political blocks, represented by the parties gathered around Vojislav Koštunica and his DSS (Democratic Party of Serbia)

on one side, and parties that sided with the DS (Democratic Party) on the other. The struggle for power and influence between these major political blocks has significantly slowed legislative change, leaving Serbia without the legal framework necessary for further transformation of the media. Some of the missing acts are The Advertising Act and The Anti-Monopoly Act, while other important acts, such as The Broadcasting Act, have been adopted, but have not been fully applied, for reasons that will be elaborated later.

Although the Council of Europe has recommended full transformation of the state-owned media into a public service, the authorities continue to fund these media (primarily the Serbian Radio-television or RTS and Tanjug) from the republic budget. By doing this, the government creates an atmosphere of unfair competition on the one hand, and uses state funding to maintain control and exert influence on these media.

True, one cannot say that state television and the state news agency put out programs that only suit the authorities, but this principle of funding is used in the unstable political situation in order to come in handy “in case of dire need” [3].

Hesitation and, perhaps, lack of interest for passing efficient media legislation have created a chaotic media environment, in which nearly 1,400 broadcasters exist [6], along with “hundreds of daily and weekly newspapers, tabloids and magazines, published in a variety of languages” [1, p.662]. For a media market of approximately eight million people, this is an extremely high figure, especially considering the high cost of the equipment and knowledge necessary to produce quality content, or the cost of acquiring quality foreign programming.

Due to unclear and poorly applied legislation, owners, publishers, broadcasters and journalists face continuous insecurity for their businesses and jobs. At the same time,

previously established media bosses have managed not only to keep, but also to expand their media empires, mostly because of their accumulated fortune, power, and political connections with top politicians in both old and new regimes. As Karatnycky explains:

The vast majority of these [media] are privately owned, but under current regulations it is easy to conceal the real owners of media outlets. This in turn makes it difficult to determine the political and/or business connections between various political factors and different media outlets [1, p.662-663].

The impoverished and relatively small Serbian media market clearly cannot support all these broadcasters and newspapers, and, in order to survive, they often turn to sponsors, such as local businessmen, politicians, or even criminals. That explains why such a large number of media outlets still exist in Serbia, and why their number is growing on a daily basis. The professional standards upon which they operate are, in general, very low, since most of those media cannot afford high-quality programming. Although they operate on the brink of profitability or below it, they keep working because the primary purpose of many local media is propagating their owners' (who are often political parties' officials) political ideas. In almost every city or town, the local government has "its own" radio or TV station, where it disseminates its political ideas, ensuring political control in that municipality. This practice undermines standards and stimulates the production of low-cost and low-quality content. It also turns the media into providing personal services for the political parties or local bosses.

Despite this chaos in the airwaves, the Serbian index of media sustainabilityⁱ was rated second out of 20 countries in transition in 2003, according to the Strategic

ⁱ Media sustainability index is graded from 1 to 3, and an average grade is calculated by summing up grades in five categories: freedom of speech, professionalism, pluralism of the news sources, business management, and institutional support [7].

Marketing and Irex ProMedia survey [8]. Serbia's average grade was 2.52, which was slightly better than the previous year's rating (2.42), and was 1.86 in 2001. The only country that was better ranked was Croatia, with an average grade of 2.83 [8].

A similar Irex ProMedia survey a year later revealed that under existing social and economic circumstances all positive trends within the media sector are short-term. In terms of media sustainability, Serbia has fallen from second to fifth position in the region [9]. Croatia has kept its leading position, and is now followed by Bulgaria, Macedonia, and Bosnia and Herzegovina. Serbia's average grade of media sustainability for 2004 was 2.45. Separately, freedom of speech in Serbia was rated 1.94, professional journalism 1.75, pluralism of news sources 2.80, business management 3.00, and institutions supporting journalism were graded 2.79 [9, p.104]. The overall picture of the Serbian media sector, according to this survey, is anything but bright, and four years after the overthrow of Milošević "Serbia still has a media sector that international experts rank as perhaps the worst regulated in the region" [9, p.104]. Some of the objections to the Serbian media include the fact that

the Freedom of Information Act was finally adopted, but libel has yet to be decriminalized, the government never delivered on its promise to redistribute frequencies according to fair and equal conditions and standards for all electronic media, and the emergence of a new breed of political tabloids that engage in sensationalist, unfair, and unbalanced reporting, as well as in active fabrication of scandals [9, p.104].

However, "few radio and television stations are expected to survive a transition to the market economy" [1, p.663-664], and despite these relatively favourable media sustainability ratings, an enormous number of the media outlets, and the conditions in which these media operate are directly undermining journalism standards.

One of the main functions of the Broadcast Act is to regulate local media, increase the quality of the programming they produce, and reduce their numbers to around 200, which is considered optimal. Achieving this goal would include applying an entire set of other laws intended to regulate media sphere, such as The Telecommunications Act, The Privatization Act, The Public Information Act, and The Access to Public Information Act. That would raise the quality of the programming, clarify the rights and duties of employer and employees, lower the pressures on journalists and editors and increase professional standards.

Apart from these difficulties, the fact that the Serbian media market is one of the largest in South Eastern Europe makes it potentially attractive to foreign investments. Major media outlets in Serbia are still largely owned by domestic businessmen, but an increasing number of foreign media corporations are penetrating the market. Foreign investors in Serbia are mostly German and Swiss media corporations, recently focused on expanding in the South Eastern European market, such as *WAZ*, *Gruner und Jahr* (part of the *Bertelsmann* group), and the Swiss media corporation *Ringier* [5, p.9]. One aspect of journalism in Serbia is that some media, such as *RTV B92* and daily *Danas*, ensure the economic stability and ownership of the media by getting financial help from foreign donors and sponsors [5, p.9].

1.1. Audience in Serbia

A Strategic Marketing survey, conducted during the last week of November and the first week of December 2003, with a sample of 2.245 surveyed citizens [10], revealed that less than a third of the citizens of Serbia read newspapers, and only 5 per cent read magazines [10]. Most readers are interested in local news (61 per cent), while the national news

interests 60 per cent citizens. In third place are articles about healthy lifestyles, chosen by 56.5 per cent of readers. The least popular topics and articles are columns, read by 16.9 per cent of newspaper readers [10]. Approximately 60 per cent of readers say they believe in the truthfulness of the articles on political and national topics, 46 per cent think that lies are being deliberately placed in some newspapers and magazines, and more than 22 per cent say they think that even journalists do not believe in what they report. Ten per cent believe that journalists are responsible for falsehoods in the media, while about 23 per cent tend to blame the sources of information. Over 40 per cent of readers say they believe that both journalists and the sources of information are responsible for lies [10]. The two main reasons given for not reading newspapers are lack of interest and lack of money to buy the material [10].

1.2. Newspapers and Weekly Press in Serbia

There are 18 daily print media in Serbia and Montenegro [11], 15 of which are published in Serbia [12, p.130]. There are also 49 weeklies and 89 periodicals [12, p.130]. It is estimated that the number of daily newspapers is too big for the local market. In Croatia, “that number is only half of that in Serbia, while in Slovenia there are only three daily newspapers, which is even fewer than in Montenegro with four newspapers” [11].

Overall daily circulation is 700,000 – 800,000 and about 600,000 are sold every day [11]. It is estimated that their owners make at least 9 million dinars daily (about 130,000 euro) in cash [11]. In addition, there are “hundreds of weekly newspapers, tabloids and magazines, published in a variety of languages” [1, p.662-663]. Media Centre research says 49 weeklies and 68 periodical magazines are being published in Serbia without Kosovo.

Politika, Belgrade-based, and one of the oldest dailies in the Balkans was established in 1904. Today it is a powerful media corporation, consisting of three daughter-companies: *Politika AD*, *Politika Newspapers & Magazines*, and *RTV Politika* [5, p.20]. Before it became the mouthpiece of the Milošević regime in the 1990s, it was the most respected media company in the country, with the best developed distribution network and printing capacities in Serbia [5, p.20]. In the early 1990s it became a joint-stock company *Politika AD* (Politika Ltd.), and its share holders became big state companies, who used their influence with the board of directors to allow Milošević to take over the company and transform it into the bulletin of his regime.

Collaboration with and unreserved support for the regime severely damaged the public image and reputation of a once much respected company, yet it relatively quickly managed to regain, and even expand its readership. In March 2002 *Politika AD* and German media giant WAZ jointly (50:50) formed *Politika Newspapers and Magazines* company, which owned three dailies: *Politika*, a serious, morning, politics-oriented daily with a circulation of 115,000 and a readership of some 230,000 regular, predominantly middle class citizens - politicians businessmen and intellectuals [5, p.20], the sports-oriented *Sportski Žurnal*, with a circulation of 39,000 [5, p.21], and *Politika Ekspres*, which went bankrupt in 2004.

Politika AD's third company is *Radio-television Politika* (RTV Politika), founded in 1990, and, in a variation from most Serbian broadcasters, has its own transmitters, reaching around 9 per cent of the territory of Serbia [5, p.21].

Company *Novosti* owns two dailies, one of which, *Večernje Novosti* is the most popular daily newspaper in Serbia (without Kosovo), with 42 per cent of the overall

readership [5, p.18]. The daily circulation of *Večernje Novosti* is 210,000, and it has over 265,000 regular readers throughout the country [5, p.18]. The company's employees own 29.48 per cent of the shares, while 70.52 per cent is in the hands of the State, a founder of the company.

The second most popular daily, with 35 per cent of the overall readership in Serbia is *Blic* [5, p.18], with a daily circulation of 150,000 copies and about 200,000 regular readers [5, p.23]. It was founded in 1996, with a mixed capital invested by *Gruner und Jahr AG*, a part of the German media giant *Bertelsmann*, and Serbian co-owners, who sold their share in 2001. The entire ownership of *Gruner und Jahr AG* over the *Blic* Company was recently sold to the Swiss media corporation *Ringier* [5]. In 2001 *Blic* Company bought *TV Košava*, then a local Belgrade radio and television station owned by Slobodan Milošević's daughter Marija. Acquisition occurred despite the moratorium on changes of ownership and frequencies imposed by the new government, due to the unclear legislation. Since then, *RTV Košava* has expanded its outreach, covering 70 per cent of territory of Serbia [5, p.23].

The oldest and one of the most respected political magazines in Serbia is *NIN*, founded in 1935 by *Politika* Company. It was registered as an independent company in 1993, and *Politika AD* currently owns 9.74 per cent of shares, its employees own 2.4 per cent shares, and the rest is publicly owned [5, p.23].

Vreme is another respected, liberal-oriented political magazine, founded by a group of *Politika*'s journalists in the early 1990s. The project was financially supported by an eminent Serbian lawyer Srđa Popović, who now holds 3.46 per cent of the shares, while the rest are owned by its 11 journalists [5, p.23]. *Nedeljni Telegraph* is a self-

financed, political magazine, founded by journalist Momčilo Đorgović, and its circulation is 90,000 [5, p.23]. In the past couple of years, starting one's own newspaper became very popular among some businessmen, editors and journalists. It is seen as an opportunity to attract investors, get support from the specialized non-governmental organizations and foreign governments, and to make money quickly, exploiting desperate and impoverished journalists, mostly part-time employees. As Dapčević explains:

Two or three days ago, on the Serbian market there were 14 daily newspapers. Today, there are 13, tomorrow there will be 12, or 14 again, depending on whether The Centre will appear, or some of the new ones disappear [11].

1.2.1. Tabloidization

The media in Serbia, especially the print media, have been going through an increasing process of tabloidization, which threatens to destroy what is left of journalistic credibility and integrity.

In the second half of the 1990s, the new generation of papers, which covered “serious” issues in a less formal and more entertaining manner, hit Serbian streets and newsstands. The pioneer in this form of journalism was Slavko Ćuruvija (who was assassinated in 1999) with his tabloid *Dnevni Telegraf* followed by *Blic*, and its spin-offs *Demokratija* and *Glas Javnosti*. These daily newspapers adopted and nourished a short and concise style that easily catches the attention of an average reader. Most were a huge success, and, with the exemption of *Demokratija*, still exist.

However, despite the “yellowish” form of journalism these media cultivated, only *Dnevni Telegraf* was a real tabloid, in a classic sense of the term. *Blic* and *Glas Javnosti* were the creation of eminent journalist and editor Manojlo Manjo Vukotić, who managed

to create highly profitable, yet serious political dailies, that were interesting and competitive enough for the relatively small and oversaturated Serbian market.

The new generation of tabloids was born after 2000, when *Nacional*, *Kurir*, *Centar* and *Internacional*, entered the market and offered their versions of the news. In Radosavljević's words:

Fifteen dailies currently publish regularly in Serbia, some of which, without regard for the fundamental principles of their profession, build their circulations exclusively on sensationalism, gossip and unverified information, usually put out in such a way that it morally disqualifies someone from public and political life. Thus, in *Balkan*, *Centar*, *Nacional* and other daily representatives of the most extreme sensationalist press that appeared over the past two years, one can find everyday articles liable to be responsible for slander, defamation or other criminal acts that can be committed via the press [13].

According to the survey conducted by Mass Communications researcher Snježana Milivojević, in co-operation with the Irex ProMedia agency, this latest wave of tabloidization of the media in Serbia is very atypical, especially when compared with its counterparts in other countries. Unlike the Western version of the yellow press and most of the tabloids in countries in transition, where the primary focus of the tabloid press is of a commercial nature, the Serbian wave of tabloidization has a "primarily political focus" [14]. There is a noticeable lack of interest in the traditional fields of interest of the tabloid media, such as entertainment and show business [15]. Gordy explains:

In Serbia, tabloids engage not only in sensationalist, unfair and unbalanced reporting, but also in the active and knowing fabrication of lurid scandals, character assassination, and witch hunts against selected individuals. As professionally conducted research into newspaper readership trends in Serbia showed the rapidly rising popularity of the politically motivated tabloids, other publications began to drop their guards and lower their journalistic standards to remain competitive in the media market [16, p.104].

The 2004 IREX survey finds a correlation between the emergence of this “new breed of political tabloids” and “the souring of the political climate” [8, p.104]:

This worsening environment was marked by an uneasy cohabitation between President Boris Tadić and Prime Minister Vojislav Koštunica, leaders of two rival democratic parties. The dramatic resurgence of the extreme nationalist Radical Party, which now routinely captures over a third of votes in elections at all levels, also contributed to the divisive political situation [8, p.104].

Milivojević warns that Serbian tabloids have become a threat to privacy, ignoring journalistic ethics and intruding into the people’s lives. She explains that “the journalists often forget that they owe loyalty to the public, not to their sources of information” [14].

Another aspect of this tabloidization of the media is a personalization of information. “By presenting information based on someone’s personal experience, Serbian tabloids seem to suggest that politics can be understood only if explained from a private perspective” [14], Milivojević says. She asserts that “in the long run, it causes political apathy, and the symptoms are already visible” [14].

For the majority of the issues they cover, the tabloid media base their information on press conferences and press releases. They cover relatively few “live” events. Most of their sources of information are anonymous, and there is a significant lack of awareness among the journalists about the risks of quoting such sources [14].

Stevan Nikšić, a journalist and director of the Centre for Professionalization of the Media named this form of journalism “turbofolkⁱⁱ journalism,” as a reference to a kitschy mutation of Serbian traditional, pop and oriental music that became a dominant music

ⁱⁱ The term “turbofolk” was first used by the alternative-rock author Antonije Pušić, alias Rambo Amadeus. Gordy defines “turbofolk” as a music genre “in which instrumentation and arrangements borrowed from commercial dance and disco music dominate while a few folk elements remain.” [16, p. 104-105].

form in the 1990s. Nikšić believes some tabloids are closely connected with the secret police, which uses them as a channel for passing information [14].

Journalist Milan Milošević asserts that the Serbian press is a victim of a “marketing mafia” [14], often embodied in the political parties’ spokesmen.

In the general confusion in Serbian media, it is not easy to perceive “who is in whose pocket” and “who is working for whom,” especially since the circle of those who have influence on media in Serbia does not contain only political parties or prominent politicians; it also contains various secret services, new businessmen and mafia groups [14].

He asserts that the tabloids mostly rely on the information released by the political elites in their press conferences, and that kind of media is often “too accommodating towards politicians” [14].

Milošević agrees that Serbian tabloids, unlike Western media, are not interested enough in social issues, focusing mostly on the political scandals [14].

Journalist Ljiljana Smajlović cautiously stands in defense of the “yellow press,” arguing that the tabloids have uncovered many affairs that turned out to be true, or initiated many important debates [14].

However, violations of privacy, and the publishing of personal information, such as medical and criminal records, or publishing the names of underage victims of violence or sexual abuse, have become a common characteristic of the Serbian media environment. Professional associations of journalists have frequently called for the improvement of a journalistic professional ethics. Radosavljević explains:

In other words, at this moment, in many newspapers in Serbia you can write anything about anyone without the author of the article having any serious consequences, unless we mean by that a potential marathon court case before a trial chamber that only brings the sued journalist desired publicity [13].

Adoption and implementation of a unified journalistic code applicable to all media employees is necessary step. However, in a country such as Serbia, where the public irresponsibility of state officials and their abuse of political power are chronic, it is more important that the politicians fear the press, than that journalists fear the politicians.

1.3. Broadcast Media in Serbia

There are no reliable statistical data on the number of broadcasting stations in Serbia, and estimates vary from "600 radio and 300 television stations" [1, p.662-663], to "300 television and 1,000 radio stations" [12, p.130], estimated by Irex ProMedia. Serbian Culture and Information Minister Dragan Kojadinović refers to 1,400 broadcast stations [6]. Around 120 of them broadcast in Belgrade [17].

Chaos in the airwaves was created after a moratorium on changes in public frequencies was imposed by the new democratic government after October 2000 [5]. The moratorium was intended to last a few months, and its goal was to maintain the existing number of broadcasters, in order to prevent abuse of the frequencies, due to the unclear legislation inherited from the old regime. More than four years later, the moratorium on public frequencies is still active, because of difficulties in the work of the Broadcast Agency, which is responsible for prescribing standards and conditions upon which the broadcasters operate (which will be explained in the third chapter).

The impoverished and relatively small Serbian media market clearly cannot support all these broadcasters, but the fact is that they still exist, and their number is growing daily. The criteria and professional standards upon which they operate are, in general, very low, since most of those media cannot afford high-quality programming. Karatnycky explains:

Apart from government harassment, the main problem facing independent media over the past decade has been making a profit. With the exception of *BK Television* and *TV Pink*, practically none of the independent media outlets are financially viable, and most, such as *Vreme* and *Radio B92*, depend on foreign donations to survive [1, p.663-664].

Officially, there were 176 television stations in Serbia in 2002 (87 publicly and 89 privately owned), but it is estimated that there are, actually, more than 300 of them [12]. The Ministry of Finance registered 309 publicly and 18 privately owned broadcasters [12]. According to researchⁱⁱⁱ [17] conducted by Irex ProMedia, the most watched TV station remains *Radio Television of Serbia* [18], which has been undergoing transformation into a public service broadcasting company. It is closely followed by *TV Pink*, an ultra-commercial and pan-Balkan entertainment broadcaster, which is behind *RTS* by only 0.5 per cent of viewers. The third most watched television station is *BKTV* (The Karić Brothers Television), followed by the increasingly popular, urban and respected *TV B-92*. “Solid” is the status of the Second Program of *Radio Television of Serbia*, while its Third Program’s audience is in decline [17]. All of the top-six broadcasters are based in Belgrade. Amongst the 20 most-watched local TV stations are Niš-based *TV5*, *TV Jesenjin* and *Bel Ami*, Novi Sad-based *Most* and *Palma Plus* from Jagodina. The local TV station that has become increasingly popular in the area it covers, mostly thanks to its news program *Glasnik* (The Messenger), is *TV Čačak*, based in the town of Čačak [17]. *TV Spektar* from Bujanovac, *TV Pančevo* (Pančevo), *TV Bor*, (Bor), and *TV Jedinstvo* from Novi Pazar are fairly respected and popular in their communities. Furthermore, the viewership of the stations-members of *ANEM* (Association of Independent Electronic Media) continues to increase [17]. The new phenomenon

ⁱⁱⁱ Research on audience of the TV stations covering Serbia without Kosovo was conducted on the sample of 7.083 respondents, in a period from November 29 to December 5 2004 [17].

highlighted by this recent study is that an increased number of viewers watch local programming, and around 200 local TV stations have already distinguished themselves by attracting viewers. National channels are watched by 77 per cent of citizens, while local channels attract one third of the citizens (at least a minute a day). “However, out of four viewers three watch one of the nation-wide channels, around 10 per cent of the respondents watch local stations, 6.8 per cent watch regional channels, while 7.8 per cent of the viewership watch foreign channels” [17].

1.3.1. TV Pink and BKTv – Citizens Karić and Mitrović

Apart from the national broadcaster *RTS*, the two most watched television stations are *TV Pink*, owned by the media mogul Željko Mitrović, and *BK TV* (The Karić Brothers Television), owned by Bogoljub Karić and his family, who also own “what might be the largest business empire in the country” [1, p.663]. Both owners have a problematic past (as described later in this chapter). They accumulated their fortune during the 1990s, thanks to tight political connections with high officials in the Milošević regime (in the case of Karić), while Mitrović was member of the JUL (Yugoslav Left), Milošević wife’s political party whose members were involved in numerous criminal operations and had a huge influence within the Milošević regime. Mitrović was even a member of Parliament for JUL in 1996. Both stations “have changed their editorial positions substantially since October 2000 and currently are considered closed to (late Prime Minister) Đinđić’s Democratic Party (DS)” [1, p.663]. These two private televisions are widely used by their owners Željko Mitrović and Bogoljub Karić to propagate their political ideas and to defend their financial interests.

TV BK is a part of *BK Telekom*, which is also a part of the Astra group, owned by the Karić family, and consists of 20 companies involved in various businesses. BK TV was founded in 1994 and currently employs around 300 people [5, p.27]. The head of the family empire, Bogoljub Karić, recently ran for the president of Serbia in 2004, and was frequently accused by his political opponents and business competitors of using his media empire for self-promotion.

TV Pink was one of the main pillars of Milošević regime, and was used to tranquilize the audience, offering them a sugarcoated version of life in repression in the form of turbofolk music, kitschy entertainment and Hollywood movies. Some media experts, including Miša Đurković, assert that support of *TV Pink* for the Milošević system was even more important than that of the *RTS*, because “*TV Pink* is much more subtle, and thus a far more successful mechanism for control. Its enormous manipulative and political potential is based on a fake absence of political content” [5, p.26].

Journalist Dejan Anastasijević qualifies as “unrealistic” Mitrović’s explanation that he built his empire worth \$300 million U.S. on annual revenue of \$25 million [5, p.26].” Although he was forced to sell *Radio Pingvin*, a hugely popular Belgrade radio station that he previously bought from mafia boss and war lord Željko Ražnjatović Arkan (assassinated in 1996), Mitrović still owns *City Records*, a recording company, and is co-owner of an Austrian Media System company [5, p.26]. Half of the content of *TV Pink* is Hollywood produced, some 3 per cent is turbo-folk [5, p.26], and the rest is a mixture of various entertainment programming, such as quizzes and infotainment. *TV Pink* continues its expansion throughout South Eastern Europe. According to its owner, it is currently developing a network of five regional channels, becoming “the most profitable media

network in the region, leaving behind Murdock, *RTL*, *CNN*, and *TV Nova*” [5, p.26].

There are also plans to start authentic local programming based on the “pink formula” in Bulgaria, Macedonia and Slovenia [5, p.26].

1.3.2. TV B92: From Urban Guerilla to Multi-medial Empire

One of the most refreshing developments in modern Serbian broadcasting was the rise of Veran Matić’s world-wide known *Radio B 92* and its transformation into *RTV B92*. It was founded in 1989 as an experimental, youth-oriented and ultra-urban radio station with a broadcasting license issued for only two weeks, and gradually evolved into a multi-media corporation [5, p.27]. *Radio B92* played an important role in the overthrow of Milošević, and its programming is a mixture of news, politics, culture, entertainment and open-line shows. It also owns television and film production companies, publishing and recording companies, as well as an Internet provider [5, p.27]. TV B92 started broadcasting in 2000, and its production is distributed throughout Serbia through the local stations – members of *ANEM* (Association of Independent Electronic media), as well as via other local broadcasters [5, p.27].

1.4. Internet in Serbia

Official statistics recorded 847,000 Internet users in Serbia and Montenegro [18], most of whom are from Serbia. But it is estimated that the number is much higher, since many citizens of Serbia have access to the World Wide Web through work and universities. Yet, Internet access remains too expensive for most individuals [1, p.662-663].

Most traditional media outlets in Serbia - broadcasting stations and newspapers - also have online editions, which is particularly important to members of the Serbian diaspora, enabling them to stay informed about events in the homeland.

Television stations that can be seen on the Internet are *RTS* (TV Programs I and II, Radio Beograd I, II, III and Radio 202), *BKTV*, *RTV B92*, and numerous small local broadcasters. Some of the dailies and weekly magazines present on the Internet are *Glas Javnosti*, *Politika*, *Večernje Novosti*, *NIN*, *Vreme* and many more.

1.5. Media Associations and Organizations in Serbia

One of the most significant journalists' organizations in Serbia is the Independent Journalists' Association of Serbia (NUNS – Nezavisno Udruženje Novinara Srbije), founded in 1994 [1, p.664], when around 200 journalists, appalled by the unprofessional behaviour of the pro-Milošević management of the Journalists' Association of Serbia (UNS – Udruženje Novinara Srbije), stepped out and founded NUNS, an association that today has around 2,300 members, including almost all significant journalists in the country [19].

Other important organizations and media associations in Serbia include the Association of Independent Electronic Media (ANEM – Asocijacija Nezavisnih Elektronskih Medija), a business association “comprised of 28 radio stations and 16 television companies, as well as more than 60 affiliated organizations” [20]. The main activities of the association include “legalization of the media sphere, lobbying for media laws, education, legal help, marketing and sales, and technical support” [20].

Perhaps the most active media organization in Serbia is Media Centre (Medija Centar), founded by NUNS in 1994. *Media Centre* is a multi-medial organization, “providing full-scale services in the media sphere” [21], such as information on media transition, publishing, television and radio production, research and analysis, documentation and clipping, online networking and database support for professional development, professionalization, media education and media regulation [21].

1.6. News Agencies and Services in Serbia

Founded in 1943, *Tanjug* (Telegraph Agency of New Yugoslavia) is the oldest and largest news agency in Serbia [22], and perhaps, in the Balkans. Over the years, the agency has gone through very different phases in its development. Before 1990, during the “golden age” of *Tanjug*, it was the only news agency in former Yugoslavia, composed of a network of 48 correspondents throughout the world, and was listed among the top 10 agencies in the world. It held a leading position in the Pool of the non-aligned countries’ agencies [22]. After 1990, with the rise of Milošević, *Tanjug* followed the fate of *Politika* and *RTS*. It became another instrument in the regime’s hands, which heavily damaged its international reputation.

Democratic changes after October 5, 2000 were reflected in the editorial policy of the agency, and it is currently going through a process of transformation from a state-owned company into a market-oriented company with a mixed owner’s structure. *Tanjug* currently reorganized its network of stringers and its goal is to ensure coverage of the 15 most important political and economic centres, as well as important international organizations. *Tanjug* employs 375 people, 175 of whom are journalists, translators and

photo-reporters [22]. It is a member of the Association of Balkan News Agencies (ABNA), and services leading world agencies, foreign correspondents, and domestic media and institutions.

Beta is an independent, regional and privately owned news agency. It was founded in 1992, and became operational in 1994 [23]. It is well respected among journalists in Serbia and in the region, maintaining high professional standards.

FoNet is an independent news agency, founded in 1994, and is owned by journalist Zoran V. Sekulić. *FoNet* is a member of the News Publishers, the Electronic Media Association and South East Europe Media Organization (SEEMO). It services all major media in Serbia and Montenegro, and many major media and agencies abroad, such as *AP*, *Reuters*, *AFP*, *ANSA*, *RIA Novosti*, *BBC*, *Free Europe* and *VoA* [24].

Tiker was founded in 1992 by a group of journalists from *Večernje Novosti* newspaper, and was the first independent and privately owned news agency in Yugoslavia [25]. *Tiker* started as a local Belgrade agency, and today has network and correspondent offices throughout Serbia and Montenegro. *Tiker* offers service in Serbian and English languages, and also publishes books and various magazines. It is a member of the Pool of Independent News Agencies of Central and Eastern Europe [25].

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Chapter 2

1. Media and politics in Serbia: Overview

Poor conditions and chaos in the media in Serbia reflect the general picture of Serbian society at the beginning of the 21st Century.

Although European integration emerged as a priority for the Serbian political elite after the democratic changes in 2000 [1, p.23], and “Serbia’s symbolic and political return to Europe marked a break with Milošević-era isolationist notion of Serbian identity” [1, p.23], various segments of the Serbian political elite did not manage to leave behind their personal and partisan interests and make the transitional period less painful for the citizens and society as a whole. Citizens of Serbia have confronted enormous changes in all aspects of society, and, as Hendersen points out, “many remain deeply insecure about what the future will bring” [2, p.230]. In this process, the Serbian political elite displayed a characteristic shared with political elites in other post-Communist European countries in transition [3, p.435], such as “exclusivity to the non-elite and lack of professionalism” [3, p.435]. Furthermore, new authorities in Serbia have shown a tendency toward conflict among various factions within the elite, and there is an ongoing “competition for control of key resources by forging different social connections” [3, p.435], among which the media are one of the most attractive objects for control.

Like most countries in transition, post-Milošević Serbia has undergone dramatic social and economic changes, but in the aggregate, as Gross argues in his analysis of post-Communist transitional societies, the old regime “has been modified, but not eliminated” [4, p.25], and there has been “reformative,” rather than “transformative” change [4, p.25].

Moreover, in Serbia there is a very strong and well organized regressive movement, consisting of people from the Milošević regime, primarily secret services and the army, who survived October 2000, regrouped, and recently emerged as a very powerful and influential force, even participating in the government. In an attempt to stop, or even reverse, the process of democratization of Serbia, they organized the assassination of the reform-oriented Prime Minister Zoran Đinđić on March 12, 2003.^{iv}

This turned out to be a huge blow for the reforms and transition in Serbia. Milan St. Protić, an ex-ambassador of Serbia in Washington, explains that the forces behind the organized resistance to the reforms

. . . are those powerful circles in the police, army and other institutions which had not been removed after October 5. They are entire teams of people, the whole parts of an organism that has survived. Unfortunately, I am afraid they are even infiltrated in the University and Academy (of Science and Arts) [6].

These remnants of the old regime, most visibly represented in Parliament by the Serbian Radical Party (SRS) and the Socialist Party of Serbia (SPS), quickly developed, as Klaus Von Beyme puts it, an “unholy alliance” [4, p.45] with the moderate-nationalist faction within the new political elite, embodied in the parties gathered around Vojislav Koštunica and his Democratic Party of Serbia (DSS), taking part in controlling and influencing the media for political or economic benefit [4, p.45].

In this underground war for control over the media, “manufacturing consent” [7, p.xi] in its classic meaning is not the main purpose that Serbian journalists and media

^{iv} “The government accused former Chief of Special Units Milorad Luković Legija and his Zemun criminal gang of the killing. The Serbian government introduced a state of emergency and started a fight against organized crime. Many criminals have been arrested and some of the most prominent criminals have been killed by police. The police also successfully started to destroy logistical support for organized crime in police, courts and other state structures. Particularly important has been the dismissal of Units for Special Tasks which were the most dangerous remnants of the Milošević regime” [5, p.114].

serve. The primary function of the media in Serbia, similar to other transitional societies, is to serve as “a battleground in the continuous struggle over who should manufacture this consent” [4, p.134].

The state-union Serbia and Montenegro is on the crossroad between further *balkanization*, “the deliberate fragmentation of a region into a number of independent or quasi-independent, mutually hostile centres of power” [8, p.228], accompanied by continued disintegration, conflicts, and the decline of the economy and society in general; or fulfillment of the requirements and conditions for continued European integration, and eventual joining to the European Union as a full member.

Three important issues have emerged as the major obstacles to Serbian reforms: the problem of Kosovo, a Serbian province under the protectorate of UN; the future of the state-union of Serbia and Montenegro; and the extradition of those indicted for war crimes to the *International Criminal Tribunal for the former Yugoslavia* (ICTY) in The Hague.

Serbia and Montenegro is an extremely irregular country, consisting of two asymmetric,^v semi-dependent entities, and the province of Kosovo, which is out of the control of official Belgrade and is under the protectorate of the United Nations. The country continues its slide toward further disintegration, since Montenegrin nationalists and some political parties in Serbia seek independence and separation of state-union.

The province of Kosovo, since the NATO bombing of Serbia in 1999 and the *UN Resolution 1244*, functions as a semi-independent political entity, with its own

^v Serbia alone is about 7 times, and with Kosovo is about 10 times larger than Montenegro [9].

institutions and government, being only formally attached to Serbia. Kostovicova explains:

Milošević's demise left Serbia without the ability to exercise sovereignty on what *de jure* was its territory of Kosovo, according to the 1244 United Nations Security Council (UNSC) Resolution. At the same time, pro-Western and pro-democracy opponents of Milošević and his domination of the then Yugoslav federation, has transformed Montenegro, with its own separate currency, customs levies, even a para-army, into an independent state in everything but its name in the post-Milosevic period... Incongruence between the limits of state sovereignty and its borders gave rise to a perception of Serbia as an "improvised" state [1, p.26].

There has been strong pressure by the international community and institutions, especially The United States, European Union and The Hague Tribunal on the Serbian authorities to extradite officials and army officers from the Milošević regime, charged for war crimes committed during the conflicts in former Yugoslavia in the 1990s. Although some of the highest officials and army generals have already been extradited, including former president of Serbia and Federal Republic of Yugoslavia Slobodan Milošević, The Hague Tribunal representatives argue that cooperation with the Tribunal must be unreserved, and all the accused individuals ought to be sent to trial.

These issues are the major factors causing the fight between the opposition political blocks, divided into reformists, who are willing to unreservedly cooperate with the West, moderate nationalists, who think that The Hague Tribunal is unfair and biased towards Serbs and who are hesitant to cooperate, and the so called "patriotic block," the remains of the Milošević regime who do not hesitate to use all means possible in an attempt to prevent extraditions and slow down social transformation.

1.1. Media as the “Watchdog:” Chasing its Tail

A lack of consensus on the social and political priorities among the political elites; unclear state borders; poorly defined legislation; and an uncertain future, status and even the name of the country leave the media and journalists in Serbia in an extremely difficult position when it comes to fulfilling its expected role as a “watchdog.” For the most part, it is unclear what should be watched, and where the threats come from.

Societal and political disorientation reflect on the media, and is one of the main reasons why journalists in Serbia often resort to extreme reporting, from tabloid-type journalism, based mostly on hearsay information, innuendo and rumor, to the media and journalists being frequently accused of working against the interests of their own country. For all these reasons, the Serbian watchdog usually winds up chasing his own tail.

In the years after October 2000, similar to the post-communist elites in other countries in transition, Serbian politicians perceived the media as “being a magic wand regardless of public opinion with the power to mold and reshape public opinion” [4, p.48], and they used all kinds of power to influence and control media outlets. This has created an atmosphere of “mutual distrust and outright animosity” [4, p.48] between politicians and a part of the journalists in Serbia on one hand, and, on the other hand, a breed of journalists whose societal and professional role could best be described as “lapdog.”

Another characteristic Serbian media share with post-Communist transitional societies, as Gross explains, is that “links between media owners and political elites evolved, yet were not always clearly discernible or overly exhibited” [4, p.57]. This situation has created a media environment where existing political elites work hand in

hand with the media owners and their servile journalists on one side, managing to slow down positive changes within the profession and media legislation. On the other side are some journalists who are fighting to improve conditions and standards in the media, while a third part consists of apathetic and disappointed journalists, who do not have the strength, willingness, or knowledge to fight for the improvement of the media.

The overall situation in the post-Milošević media and media legislation in Serbia resembles conditions in other post-authoritarian societies in Europe, where, according to Gross, in the first years after the democratic changes,

attempts at establishing new press laws have almost uniformly failed, and the reformulation of old press laws has neither improved press freedom nor contributed to greater professionalism among journalists. In the first few post-Communist years, press laws were drafted by the governments, parliaments, and even journalistic organizations, only to be rejected by most press outlets and their journalists [4, p.73].

As Bogart asserts, “media are instruments,” and everywhere in the world they “remain vulnerable to manipulation” [10, p.11] either by “political elites motivated by ideological zeal or crude self-interest, or by economic forces that limit their resources, their variety or their integrity” [10, p.11].

1.1.1. Neglected Investigative Journalism

One of the most noticeable characteristics of Serbian journalism is an underdeveloped and neglected investigative journalism.

Investigative journalism addresses the “watchdog” function of journalism and its role is to “expose corruption and deceit in public office” and “to act as a key mechanism of public accountability in a democracy” [11, p.151]. Mollenhoff argues that problems in a society can be clearly defined only if the press is able to “establish and maintain a large

and effective corps of truly professional nonpartisan investigative reporters and editors” [12, p.2]. Street writes that journalists’ ability to investigate, rather than simply report, is “often presented as a key defining feature of mass media democracy” [11, p.151]. To be able to fulfill this extremely important role in society, the journalists “need resources and they need to be free of direct commercial and/or political pressure” [11, p.151].

The reasons for the neglect of this extremely important form of journalism in Serbian media are twofold, and they can be narrowed down to: 1) Investigative journalism was discouraged from 1945 to 1990, due to the nature of the Communist regime; and 2) A lack of interest in investigative journalism by the new media owners, whose primary goal is to extract profit, not to fulfill the social role of journalism.

The former editor of the Sarajevo-based daily *Oslobođenje* and distinguished publicist Kemal Kurspahić explains that

. . . the lack of investigative journalism is a legitimate consequence of the decades of strictly controlled press, first by the Communist Party (1945-1980’s), then by the nationalists who took over in the 1990’s, without any room to question those in power. Media freedom itself is not enough to change that. It takes a radical reform of education for journalism; development of professional standards and codes of ethics; a whole generation of journalists embracing those standards before we can see investigative journalism in these areas [13].

A mass communication professor at Belgrade University and a member of the Broadcasting Council, Miroljub Radojković, asserts that the absence of serious investigative journalism is a result of the free market and corporate greed [14]. Radojković explains that investigative journalism requires rich media, so they could afford to assign good journalists or teams, and give them enough time and money for the investigation. Sometimes, it could take a long time. Since most of the media in Serbia are

not very rich, they tend to go for quick information and rely on “reliable sources,” making it look later as investigative journalism [14].

Radojković says that “something is being done about that in the form of seminars for young journalists,” but “only in theory.”

In theory, they learn how to do investigative journalism, but they can’t do it in the field, because the media and editors need them on a daily basis, in several sections. They cannot afford focusing on a single issue over the longer period of time [14].

There have been certain improvements in the field of investigative journalism, such as the founding of a Sarajevo-based website *NetNovinar.com* (NetJournalist.com), a regional portal for the exchange of information and educational materials between investigative reporters in the Balkans.

However, as long as owners and their interests “play a crucial role in setting budgets, allocating space” [11, p.231], the fate of investigative journalism in Serbia will depend on the ability of the journalists’ associations and journalists themselves to fight for their professional right to be guardians of social progress and stability [11, p.231].

From what has been seen so far, they should not be counting on unconditional support on the part of the political elite.

1.1.2. Spin-doctors: Spinning the Truth

Political parties in Serbia have shown a very limited degree of public responsibility. In the *Media Centre* study conducted in 2003, surveyed journalists accused politicians of deliberately spreading misinformation and half-truths, manipulating facts, recruiting, disparaging and bribing journalists, and controlling and holding back information [15, p.31]. The study also revealed that the political parties, individuals and groups within

Serbian authorities are behind many press scandals and misinformation. In some cases they used police services, equipment or methods, including spying, entrapments, and secret recording. In other cases, they put direct pressure on journalists, ordering them not to publish information that could damage the public image of their parties or leaders.

Although some journalists in Serbia have willingly become extensions of the partisan policy, guided by their personal interests and lack of professional ethics, more typically, as Street points out, they are victims of “skillful manipulation practiced by political spin-doctors and public relations professionals” [11, p.145]. Every political party and institution in Serbia employs media relations professionals, “gatekeepers of journalistic access” [11, p.147] whose primary role is determining what will or will not become public information. The most notorious, although not isolated, case of direct pressure on the journalists by the partisan spin-doctors in Serbia is the case of Vladimir Popović, nicknamed Beba (Baby).

Popović was one of the closest friends of the late PM Đinđić, and over the years, and especially after Đinđić’s Democratic Party came to power after democratic changes in Serbia, Popović became the “power behind the throne,” an “invisible” man who manufactured the public image of the party and the government. In April 2003 Popović, who was head of the government’s Communications Bureau at the time, phoned Gordana Suša, a top Serbian journalist after the TV Interview with Serbian Deputy Prime Minister Nebojša Čović, and

using the most vulgar swear words and an insulting, inappropriate and distasteful tone, which included explicit verbal threats, Popović viciously attacked Suša over a question she had posed to the Serbian prime minister [16].

Suša's question for Čović was motivated by "growing speculation about Popović's official position", given that it "had previously been reported that Popović left the post of the Communications Bureau chief, but he turned up at the government's briefings."^{vi} After a series of protests by the journalist associations and international NGOs Popović resigned and the Communications Bureau was abolished. However, the case of Beba Popović has shown that there is still strong, direct pressure on journalists exerted by various public and media relations officers and spin-doctors. The Belgrade-based political magazine *NIN* accused Popović of "using lawsuits like a whip that he waves over the heads of Serbian media, demonstrating a model of a relationship between politics and the media that no longer exists in Europe" [18].

In July 2003, the Vienna-based South East European Media Organization (SEEMO) warned Serbian authorities that the discord between the government representatives and the media was growing, urging officials to "demonstrate a greater degree of tolerance towards media reporting and to accept criticism by the media" [19].

The SEEMO report accused some politicians of perceiving and using the media as a tool of manipulation, while others have demonstrated "unacceptable behaviour and disrespect towards the journalists and the media" [19]:

SEEMO is appalled by the behaviour of certain politicians in Serbia, who have, not for the first time, physically attacked journalists. For example, Vladimir Ješić, a journalist from Apollo Television in Novi Sad, was attacked on June 1 by Velimir Ilić, Mayor of Čačak and leader of New Serbia. Ješić said he was insulted and physically assaulted by Ilić while he was conducting an interview. He claimed Ilić kicked him in the knee and insulted him after he asked him about a new tobacco factory in Čačak. The incident was filmed [19].

^{vi} His formal leaving of the Bureau chief was a result of Djindjić's promise given to the U.S. ambassador William Montgomery, because of Popović's role in the series of media attacks by the TV Pink and its owner Željko Mitrović on RTV B92 owner Veran Matić. Đinđić said that he was not aware of Popović's frequent phone calls to Mitrović, demanding to broadcast defamatory information concerning Matić [17].

SEEMO added that, according to the *IJAS*, there are 220 ongoing lawsuits against media and journalists in Serbia, and this number is increasing daily [19].

1.1.3. State of Emergency and Media Restrictions

The most serious violation of freedom of press in post-Milošević Serbia took place immediately after the assassination of Prime Minister Zoran Đinđić on March 12, 2003, when authorities imposed a state of emergency. It was declared by Nataša Mičić, an acting president of Serbia and president of Serbian National Assembly, and Article 9 of this Act stated:

Public information, distribution of press, and other information about the reasons for the declaration of the state of emergency are prohibited, excluding carrying the official statements of competent government agencies [20].

Sanctions for media who violate Article 9 were not specified, and the implementation of the state of emergency was the responsibility of the Ministry of Culture and Public Information, in cooperation with the Interior Ministry.

The local press reported that Deputy Prime Minister Žarko Korać, and several other senior government officials, met with the editors-in-chief of the Belgrade-based media on the evening of March 12, in order “to provide recommendations on how news should be reported during the state of emergency” [20]. The media were ordered to base their reports only on the “official” announcements from governmental agencies, representatives of political parties, or press conferences [20]. According to the Association of Independent Electronic Media (ANEM), the media were also asked to

avoid reporting on “the reactions of those who will be arrested, their lawyers, and analysts who could complicate the arrests” [20]. The government also established a “special switchboard for editors to call and check the accuracy of information prior to publication or broadcast [20].”

The same day an executive decree was published in the *Official Gazette of the Republic of Serbia*, outlining the sanctions for disobedient media.

Media companies violating the regulations face temporary closure and fines of 50,000 to 500,000 dinars (\$830 to \$8,300 U.S.), and individuals can be fined between 10,000 and 100,000 dinars (\$160 to \$1,600 U.S.) [20].

On March 16, the Belgrade daily *Identitet* was closed, and its senior staff was fined. The police prevented its March 18 edition from publishing. The magazine’s publisher was fined 500,000 dinars, and the director, editor-in-chief and deputy editor were each fined 100,000 dinars (\$160 U.S.). The main reason for this government action was the story that ran the day before the Prime Minister’s assassination, entitled *Đinđić a Target of the Free-lance assassin – Murder ordered by Serbs from The Hague* [20].

On March 17, the Central-Serbian city of Valjevo’s independent television station *RTV Marš* was closed because it did not obey the three-day mourning period and broadcasted films. The station had to pay 500,000 dinars, and its director was fined 100,000 dinars [20].

On March 18, the Belgrade based tabloid *Nacional* was banned for publishing “several articles on the reasons for the introduction of a state of emergency and the implementation of special measures” [20]. *Nacional* was also accused of being linked and financed by some of the criminals behind the assassination. Its publisher was fined 500,000 dinars, and its director and editor-in-chief had to pay 100,000 dinars [20].

Although “both papers were notorious for spreading rumours and outright lies” [21] portraying Đinđić and his government as “traitors” for cooperating with The Hague Tribunal and most people felt relieved after the shutdown, the real question is how was it possible that criminals who were involved in drug traffic and assassinations can control the media.

On March 18, the Ministry of Information banned the Serbian distribution of the edition of *Dan*, the daily based in Podgorica, Montenegro, for questioning the declaration of the state of emergency. The same day, an edition of the Belgrade daily *Večernje Novosti* was banned for publishing an article entitled *Small Village – Big Rat*, which “praised one of the individuals arrested for alleged involvement in Đinđić’s killing” [20].

The Committee to Protect Journalists (CJP), an organization that safeguards press freedom worldwide, evaluated these media restrictions as “an immediate threat to public safety,” suggesting that “media restrictions should be enforced as narrowly as possible and should not be used to curb information or to suppress criticism of government policies or the expansion of opinion” [20].

The Committee to Protect Journalists determined that the media environment in Serbia under the state of emergency is “confusing, due to contradictory regulations and guidelines given by the Ministry of Culture and Public Information” [20].

We are concerned the government has told the media to report only on information provided by official government sources . . . At the same time, authorities have failed to provide the media with adequate information from government sources. This inconsistent policy inhibits the flow of information to the public [20].

The state of emergency was an important measure in the hard times for the country in whose Prime Minister was assassinated, but some segments of the ruling elite used it to establish restrictions for media freedom [21], using similar methods and measures as

Milošević-Šešelj's "red & black" coalition used in 1999 to put restrictions on the freedom of press during the NATO bombing of Serbia.

This incident highlighted some of the weaknesses of the Serbian political system, but it also emphasized many weaknesses of the media environment, such as the role of organized crime in the media, an unclear ownership structure, and a vacuum in media legislation.

1.2. Media and Political Communication in Serbia

Hate language in the media, which was a brand mark of Milošević-era journalism in Serbia, has more or less vanished from public life, only to be substituted with "freedom of expression" which is, in fact, a euphemism for public discourse in which anyone can say anything, without any responsibility. Tončić writes:

Political parties within the DOS (the Democratic Opposition of Serbia), before coming to power, had promised that they would bring a new sense of morality into the public life, as a counterweight to the previously dominant culture of intolerance and public irresponsibility for a public speech. Unfortunately, in the struggle for power they slipped towards manufacturing affairs and scandals, and attempts to disqualify their opponents in public [22].

Journalist Milan Čolović says that "inadequate language, full of vulgarities, used by politicians and adopted by the certain, even serious media and their columnists, has been far from good taste and normal public communication" [23]. Čolović explains:

This country needs serious, constructive, dialogue ready, creative, courageous, tough and wise politicians, as well as free, ethical, thorough and responsible journalists. The tabloid politicians and media are nothing but a necessary evil and should be seen as a children's disease of the young democracy. However, they shouldn't be, and can't be, leaders in the democratic changes we are striving for [23].

Aleksandar Tijanić, one of the leading Serbian journalists and a high official in both the Milošević and Koštunica governments, thinks part of the media in Serbia is particularly concerned with “burning witches at the stake,” and they will “continue to do that because the number of bonfires proves their orthodoxy, which allows them to demand their share of power” [24].

In Tijanić’s opinion, most of the problems and disorientations in Serbian journalism have their roots in the fact that investigative journalism is not sufficiently developed in Serbia, and “neither media nor journalists in Serbia know what their job is in times of political and social transition” [24].

Before the democratic changes, according to Tijanić, journalists used to give information to the authorities and the DB (secret service). Today the government gives information to “their” journalists, who publish this information in the media [24].

1.3. Elections and Local Media

Although the elections in post-Milošević Serbia have met the highest democratic standards, and the electoral irregularities are more an exception than a rule, a change of parties in power often results in a change in editorial policy in the local media. The new management, usually co-opted by the winning party or political block, tends to put the local radio and TV stations, or the newspapers, in the service of narrow partisan interests. Such management changes can severely affect the impartiality of the media, and result in a drop of professional standards.

Analyzing the cases from a number of Serbian municipalities, the *ANEM*^{vii} concluded that a large number of broadcasters have been pressured to change their editorial policy in favor of certain political structures. ANEM called on “all parties in the election process to refrain from any activities which could compromise the independent status of the media” [26].

The local media are a “black hole” [27] and “everybody is pretending that the problem does not exist” [27]. Journalists are subject to pressure from local politicians, who directly influence the creation of public opinion. They appoint incompetent people to important functions in local media, while journalists are exposed to physical attacks, threats, and political pressures [27].

After the local elections in October 2004, the Association of Independent Electronic Media (ANEM) warned that “changes in management made solely for political reasons have a destructive effect on media operations” [28], and the organization urged against “the exploitation and abuse of local public media” [28]. Stable media, with clearly defined goals and high journalistic standards are necessary for any democratic society. In Serbia, stability and editorial independence are especially important, “given the requirement of The Broadcast Act that all (local) broadcasters are to be privatized by the end of July 2006” [28].

Frequent changes in editorial policy, motivated by political interests, seriously affect the local media’s ability to privatize under stable conditions. It also affects the economic interests of those media, since editorial shifts reflect on the audience, damaging

^{vii} ANEM (Association of Independent Electronic Media) is an association of 32 broadcasters, with more than 70 affiliate members. Of these, 11 full and 30 affiliate members are public companies, representing the most powerful regional and local stations in Serbia. [25].

their prospects for privatization, and also damaging the economic interest of the state, which is a proprietor of the local public media which are to be privatized.

ANEM called for close monitoring of the authorized state and international bodies and organizations of the media freedom and freedom of speech in Serbia, and “to react rapidly and resolutely in the event these are jeopardized” [28].

2. Media Owners: Journalism Without Responsibility

Despite the fact that politicians have been constantly exerting pressure on the media in Serbia, and that pressure has attracted much public attention, the media businessmen and owners of private media outlets, seem uninterested in cleaning up the mess, including implementing change in media legislation, material and ethical standards, and working conditions.

Businessmen have replaced politicians as the major obstacle to the free press [15], and part of the new media owners have emerged as the greatest threat to the media freedoms. Major advertisers and media owners “use the media to launder their biographies, to repair their public image, to curry favour with the ruling class, to get even with their enemies, to get into politics, or to protect their companies or money” [15].

The same study revealed the presence of a significant inferiority complex in journalists towards media owners. Many journalists say that with existing conditions “a media owner can do whatever he wants” and “his word is final” [15]. Owner’s directives passed down by the editors, bear much more authority and influence than the journalistic code. Most media owners think of the media as an ordinary business, or a private info-service to increase personal power and influence, without feeling responsible for obeying

the rules of the profession. One of the most important prerequisites for the future of journalism in Serbia will be finding a way to make media owners pay respect to the professional code, because journalism has become a hostage of their selfish interests.

There is a strong feeling among journalists that “something has to be done for the sake of the profession” [15]. But, again, most of them expect the government to regulate the area, and, generally, there is a lot of anxiety over journalists’ ability to improve their own and profession’s status.

2.1. Journalism: Business or Profession?

There is a noticeable lack of journalistic ethics among a significant segment of media owners, editors and some journalists in Serbia. A wave of privatization and commercialization of media in 1990s was followed by a flood of hyper commercialization after 2001, transforming part of Serbian journalism into a cold-hearted business, a machinery that fabricates scandals and half-truths, with little respect for privacy, basic values, and with very little public responsibility. Quick and juicy information, preferably focused on the personal lives of famous people, and appealing to the widest possible audience, is all that matters to the owners and editors of the tabloid press and turbo-folk radio and TV stations.

It would not be fair to ignore the numerous media that have managed to maintain high professional standards, despite extremely hard conditions, political turbulence, and an insufficiently defined legal environment. However, there is an alarmingly low awareness of ethical codes and professional standards among professional journalists in Serbia.

In a public debate, held in October 2004 at Media Centre, media professionals and educators were unanimous that “all possible rules have been broken in order to increase the circulation of the newspapers or the viewership of television stations” [29].

According to journalist Stevan Nikšić, existing journalistic codes in Serbia “cannot answer all the challenges they encounter in a domestic media environment, so they need to be upgraded” [30]. The term “ethical journalism,” according to Nikšić, is a pleonasm.

Journalism is either ethical or it isn’t journalism at all. The news that is not written by the universal standards is not a product of a journalistic work, but it’s the political or some other kind of propaganda, pamphlet, or an ordinary insult [30].

Mass Communications expert Miroljub Radojković argues there is no unified professional code in Serbia, unlike the United States media, where legal regulations outlining boundaries of the free press do not exist, but there is an efficient mechanism of self-regulation. In the U.S. press, Radojković says, the media have their own internal ethical codes, which are available to the public, and every reader or viewer can press charges against the media outlet if the code is broken [30]. Professional associations of journalists in Serbia have internal codes, but daily newspapers in Serbia do not, although there are no legal obstacles preventing them.

3. Social and Professional Position of Journalists: Overview

A 2003 detailed study on the situation in journalism in Serbia [15] revealed that journalists are very pessimistic about the situation in Serbian media, and journalism was described as “amateurish, bad, miserable, sad, poor . . .” [15].

The research detected a strong feeling of dissatisfaction among the journalists regarding their profession, the general situation in the Serbian media, the position and status of journalists in their newsrooms and society, the working conditions, standard of living, and interference of politicians and, particularly, big businesses with the media. However, the study also revealed that journalists expressed very little self-criticism.

Surveyed journalists almost unanimously agreed that journalism in Serbia is “in a state of chaos” [15]. As one of the major problems, they emphasized a lack of responsibility for public speech, and the fact that “anybody can say anything, about anyone, without any obligation that it has to be true.” [15].

Also, an unusual and unfortunate phenomenon was revealed by this study: Journalists in Serbia often accept the role of “microphone holders,” unmotivated and passive transmitters of messages, lacking enthusiasm for investigating or checking information. The emergence of “mike-holders” indicates journalists’ indifference toward their responsibility for accurate information, and is more noticeable in the sphere of political journalism, than in other areas. Journalists in Serbia also tend to deny responsibility for the information presented, and often shift it to the source of information. The survey found this is also a characteristic most commonly found in political journalists. The pure transmission of information, without any superstructure or analysis, leaves readers deprived of necessary explanations, and, on the other hand, makes the journalists look unprofessional and irresponsible. Belgrade-based journalist Zoran Stanojević explains that “the majority of the media outlets uncritically report politicians’ statements, without any attempt to verify them,” and “the furthest they are ready to go is asking for the reaction of someone who may be blamed” [31]. Some

researchers argue such journalistic detachment is a “crutch for avoiding responsibility” [4, p.119].

However, this does not mean that commentary as a journalistic form does not exist in the Serbian press. It is only based on the mostly personal opinions of the columnists, rather than on thorough research. Stanojević explains:

In daily papers, commentaries are regular and frequent. But, these are usually regular columnists presenting their opinions on various current issues, mostly political ones, based on their own reasoning and views, i.e. not a result of research or even inquiry. The situation regarding commentaries on economy is a little better, because competent experts are usually consulted [31].

In part, the chaos and confusion in the Serbian media can be explained as a result of various ongoing social processes, such as a transformation of social values, the emergence of advocacy journalism, the favourizing of certain political groups, a heavy political propaganda, and various forms of pressure on the media, including blackmailing.

Generally speaking, the surveyed journalists showed a high degree of sensitivity regarding professional rules and codes, which often coincides with a bitter critique of the existing situation. But few were ready to criticize their own work or admit personal mistakes.

An almost identical study was conducted in 2005 and it revealed that the old problems in the media not only remained, but the overall situation has even worsened. Journalists in Serbia today more loudly speak of their material and ethical insecurities, fear of being fired, atmosphere of general despair, and many are frustrated by the domination of the media owners or the members of political nomenclature, which has become common in many media outlets [32].

. . . Using almost the same vocabulary as in the 2003 survey, with plenty of negative emotions, journalists described the current situation within the profession as “bad, disaster, degraded, or worse than ever.” Pressed by the extremely poor financial situation and “unsatisfactory” social status, the surveyed journalists seemingly indifferently, but actually deeply disappointedly, looked at all the negative aspects facing the transitional phase of journalism in Serbia [32, p.4].

Journalists feel even less respected socially than they felt in 2003, and they qualify journalism as an “unsafe, publicly underappreciated and low paid profession” [33, p.4]. Most of the respondents admitted they were forced to have additional jobs, and many middle-aged surveyees say their parents help them survive [32, p.4].

Insufficiently reformed legislation allows the existence of a large number of media outlets, which has manifold negative consequences for the media sector: it results in low journalists’ wages and a negative selection, and it also makes the survival of all these media outlets questionable [32, p.4].

Although the media owners’ attitudes are often perceived as pressure and dictation, it is interesting that journalists in Serbia are becoming more tolerant to them, than to the pressures exerted by the politicians. Journalists justify such behaviour by the poor financial situation in their companies and as a “necessary evil” in the struggle for survival in the media market. However, most of the journalists are not familiar with the rule that a publisher does not have a right to use his company for the promotion of personal economic, political and other interests, nor that he is forbidden from taking advantage of his media outlet to ensure priority for his interests and perspectives [32, p.4].

3.1. Education in Media

Like other Balkan states, as Kurspahić explains, journalism in Serbia “has a desperate need for creative, educational initiatives” and “a thorough overhaul of its formal schools of journalism” [33, p.215], which are based on former “socialist schools of political science” [33, p.25]. They need to modernize the methods, infrastructure and equipment for educating media professionals. The elite Serbian institution for journalists’ education is the Faculty of Political Science of University in Belgrade. As Kurspahić explains, although some aspects of professional media education have been modernized, still

. . . these schools insisting exclusively on faculty with formal academic credentials - often earned in a vastly different political environment - could substantially improve their teaching of the practical aspects of journalism by bringing in accomplished and respected professionals. Journalists with ‘equivalent experience’ teach in Western schools of journalism, providing students with valuable practical guidance and serving as role models [33, p.215].

The Faculty of Political Science is one of the most popular schools at the University of Belgrade, especially its journalism and communications department. It also offers programs in international relations, political science and social policy and social work studies [34].

The Department of Journalism was established in 1968, based on the previous Communist Party’s political school for education of political cadres, and has since come a long way. The internal and external changes are clearly visible after October 2000. According to Panović, it is today a modern academic institution, with “well equipped classrooms and auditoria, a modern radio-station, a rich library and resource centre, a sophisticated education program, intensive academic cooperation and prominent and frequent guest-speakers” [35].

It was one of the first academic institutions in Serbia to introduce new disciplines, such as peace studies, security, gender and European studies, and to embrace market principles in education. Only one of four its students is supported by the government, while others are self-financed [35].

The FPN also plans to expand its post-graduate education, offering programmes in the theory of culture, political sociology, ecology, gender studies and political anthropology.

In practice, this school is already prepared to meet the standards set by the 1999 Bologna Declaration, a document signed by 29 European countries [36], which regulates standards for European system of higher education.

The education of journalists in Serbia seems to be making better progress than journalism itself. However, the current situation in the media sector and within the profession, as well as the general social and political trends, do not offer enough opportunities to the new generation of educated journalists. The merit system in the media is distorted, and new journalists are often hired on the basis of standards that have nothing to do with their competence or level of education.

According to the Irex survey, conducted in July 2002, most journalists in Serbia did not have any professional education, apart from their basic education. Most journalists attend some of the seminars and courses organized by *ANEM*, *BBC*, *IREX*, *Novi Sad School of Journalism*, *NUNS (IJAS)*, *Yugoslav Institute of Journalism*, *OSCE*, and other organizations for professional education of journalist [37].

3.2. Brain-drain

Following the general trend in the 1990s, when hundreds of thousands of people left former Yugoslavia as a consequence of a series of wars and economic collapse that followed, many experienced and educated journalists left journalism or the country in pursuit of better life, more professional opportunities, or a safer job. They “have been replaced with young, often uneducated and inexperienced reporters and editors who have practiced more party propaganda than real journalism ever since” [33, p.215]. Today, Serbian journalists work in media outlets from Toronto to Washington, D.C., to Sidney to Johannesburg. Many who have stayed in the country see working in the media simply as a jumping off point to a much more comfortable position in administration, as party spokesmen, or as the employees in some of the numerous NGOs. Outsourcing of educated journalists additionally aggravates an already difficult situation, lowering the bar for professional standards and leaving the profession at the mercy of greedy businessmen and amateurs. In the words of one of the editors:

it is not that hard to train a journalist, but it is a problem when you spend two or three years working on his skills, and then he leaves. There’s no effect, and you keep walking in the circles. There’s also a lack of passion, because journalism requires a lot of passion, and if you’re a strict professional who works only for the money, it simply doesn’t work. Some people have a passion to write, but they lose it in the long run, and you can’t be a good editor without 10 to 15 years of writing [15].

Kurspahić argues that the Balkan media “must pursue innovative educational approaches,” focused on “on-the-job training;” constant working with the journalists on their daily assignments; and training them how to find and use proper sources and documents [33, p.215]. He also recommends “expanded international exchange” and providing the best journalists with an opportunity to spend some time working and

interacting with journalists in the European Union or other Western countries [33, p.215].

The daily *Politika* and news agency *Tanjug* have recently agreed to promote serious journalism by having their editors and journalists visit high schools, and talk with students about the media and their role in the society.

3.3. Working Conditions in the Media

Almost all journalists have access to a computer at work, but just over half of them own a computer [37]. The survey revealed that every two out of three journalists work more than eight hours a day, and the same number regularly work overtime, but most are not paid for it, or the pay is symbolic.

Regular monthly income for most journalists (84 per cent) ranges from 2,000 to 16,000 dinars (\$40 to \$320 CAD), and 45 per cent of journalists have additional, part-time jobs, 25 per cent of which are within the profession, while 20 per cent of part-time jobs are outside the field of journalism [37]. The income from part-time jobs, outside the profession, is, on average, higher than that within the profession.

Nearly one third of journalists in Serbia do not have social and health insurance, and only 41 per cent of the journalists have up to 15 days of vacation. Only 41 per cent of the journalists own an apartment, 41 per cent live with their parents, while 18 per cent live in a rented apartment [37].

According to the same survey, 59 per cent of the journalists sometimes fear losing their job, 39 per cent of them would change their current job, 24 per cent would change their profession, and 52 per cent would not want their children to be journalists [37].

As to the social position of the journalistic profession, 50 per cent of the journalists evaluated it as “bad” [37]. The quality of journalistic production was evaluated by journalists as “significantly better than the social position of the profession” [37]. But more than one third of the journalists evaluated the quality of the journalistic production as ‘bad’ [37].

3.3.1. The workers’ unions and the media

A relatively important role in the transitional process in Serbia belongs to the workers’ unions or the “syndicates” as they are still called in the former socialist countries. The economic and societal transition in Serbia is Janus-faced, and despite its positive effects, as explained in the working plan of a major union, “it leaves the deep scars in the fabric of the society, increasing social stratification, family and group inequality, and jeopardizes the elementary social balance, which is a basis of stable economy and socio-economic system” [38]. The major weakness of these organizations rests in the fact they are heavily bureaucratized. Besides, politicians fear the influence of truly independent and active unions, and they frequently attempt to marginalize or weaken the unions, usually by controlling their leadership.

The largest and best organized workers’ union in Serbia is *Nezavisnost* (Independence). Among other activities focused on educating its members, which include workshops on collective negotiation and peaceful conflict resolution, the role of unions in the process of privatization, work and social regulation and local autonomy, *Nezavisnost* also organizes seminars and workshops on the media, marketing and public relations [38].

The main purpose of these seminars is to educate members about the role and significance of the media, and marketing and public relations for a society in transition. They are also taught how to present effectively the union's stance on burning social issues.

Strategizing how to communicate with the public, by means of the media, plays a very important role in their operations. However, a high level of bureaucratisation and archaic structure that is still reminiscent of the Communist-style "syndicates" prevents worker's unions from playing an active and efficient role in the struggle for better conditions in the media and journalistic profession.

3.4. Freedom of the Transfer of Information

Only one out of twenty journalists thinks that journalists in Serbia have no restrictions in reporting [37]. One in every three journalists thinks there are significant or big restrictions, while only one out of eleven journalists said they personally experienced significant limitations in transferring information. The most common examples of limiting freedom in the transfer of information mentioned by the journalists were: political pressures on the editorial policy, and self-censorship – as a result of a lack of courage and the company's editorial policy [37].

The freedom to transfer information, in the opinion of most journalists, is less than in the European Union and the U.S., and is equal to that in the former Yugoslav republics [37].

3.5. Gender and Success in Journalism

In terms of gender policy in the media and its correlation with success in various fields of journalism, almost half of the journalists think men hold more responsible positions in journalism, due to gender discrimination; the largest percentage of female respondents think it is a consequence of sexual discrimination, while more male respondents believe it is because men are more capable [37].

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Chapter 3

1. Transformation of Media Regulations: Overview

The passionate and euphoric honeymoon of the new, democratic authorities and the media that started in October 2000 was full of romance, ideals and mutual plans for the future. But it did not last long. The initial enthusiasm and promises of thorough and deep social and legal reform, with an emphasis on the reform of the media system as the crucial agent of the democratic progress, was shortly replaced with partisan exclusivity, narrow – personal and group – interests, inter-partisan quarrels, scandals and affairs, intertwined with all sorts of obstruction by the remains of the former regime, who quickly revitalized and regained influence. The victorious Democratic Opposition of Serbia soon crumbled and divided into reformist and conservative blocks, and the entire Serbian political scene gradually turned into a big vanity fair, in which “public good” and “higher ideals” were downgraded to empty words, behind which corrupt or incompetent politicians hid their personal ambitions. The political pressures on the media have adopted a more sophisticated form than during the Milošević era, but their intensity and purpose remained almost the same. The media, as well as the rest of society that had high hopes after the long years of hardship, have become hostages of the elite which did not live up to these expectations.

Although it seemed natural before October 2000 that the new elite, which was considered democratic, progressive and reform-oriented, would unreservedly enforce a thorough democratization of society, including the media, in practice, it turned out that the new political elite is ideologically not too far from its predecessors. Shortly after it had taken over, the new government seemed eager to start cleaning the mess inherited from Milošević. The committees, consisting of eminent journalists, university professors

and civil sector representatives, were established in order to outline a framework for media sector transformation and to propose new legislation. Passing these proposals in the Parliament seemed like a pure formality.

But this was where the honeymoon ended and turned into a fierce clash of conflicting interests and a fight for control over the media between the various parties within the DOS coalition, encouraged by the remains of the former regime, embodied in Socialist Party of Serbia (SPS) and Serbian Radical Party (SRS). Poor conditions in the media sector and the overall political situation have been why Reporters without Borders^{viii} in its 2004 annual report on the current media freedom in 167 countries placed Serbia and Montenegro in 77th position [1].

The other side of the story is that the media were not sufficiently prepared for the fundamental changes in their structure and the way they operate. The major obstacle to the change in the media sphere is the media owners, who have not been eager to improve conditions for the journalists, for that would have meant giving up a cheap and desperate workforce. Professional irresponsibility, negative selection and outsourcing over the years have resulted in a glut of poorly-qualified and low-paid journalists. They do not complain about working conditions, because the owner can replace them at any time with new reporters, ready to work for minimum wages.

Also, professional journalists' associations and organizations immediately after the democratic revolution were too involved in settling accounts and fighting for the right to officially represent journalists, and were not focused enough on what really mattered – increasing the quality of working conditions within the profession and its dignity.

The poor condition in which journalism and journalists have found themselves has impaired and undermined the credibility and authority of the media, preventing them from being a genuine agent of social stability and prosperity. Politicians felt the fear and weakness of the wounded media, and they instinctively jumped on them. A favourite method for weakening the media and undermining their societal importance and influence is the institutional obstruction of legislation reform. The authorities are particularly interested in obstructing the regulation that is, directly or indirectly, related to the functioning and development of the media sector.

Four years after most of the laws concerning the media and information were drafted, some have still not been adopted. Most of the adopted ones have not been functional, due to the struggle for political control. The process of modernization and transformation of the media regulative is far from over. As a matter of the fact, it has only begun.

1.1. The Law as a Weapon Against Media Freedom

As a consequence of, as Tunnard puts it, the country's isolation "from many, if not most, of the transforming events which shaped the growth of modern Europe" [2, p. 100], in Serbia there has hardly ever been a time when media regulation and other legal acts were not used to control the media and influence the way they report. Serbian media and journalists have more or less always been under the pressure of authorities, regardless of whether one is talking about the independent Kingdom of Serbia of 19th century, Kingdom of Serbs, Croats and Slovenes (or the First Yugoslavia) in the first half of the

^{viii} The latest report is based upon comparative analysis of 14 pro-freedom of speech organizations throughout the world, as well as upon the observations of the organization's network consisting of 130 analysts. The report is also supported by the opinions of journalists, lawyers, and Human Rights organizations' activists [1].

20th century, Tito's Socialist Federative Republic of Yugoslavia in the second half of the 20th century, or Milošević-era Serbia, known as the Federal Republic of Yugoslavia.

Tunnard explains:

Serbians, independently or as a part of Yugoslavia, have not experienced the growth of a free press to the same degree as other Europeans or Americans. In modern times, Serbs have been exposed to a number of state-run and/or state-influenced organs, starting with *Politika*, the first true Serbian paper, in 1904, and subsequently *Borba*, the paper founded by Tito and the Partisans in 1941. Both still exist. The lack of a free press has been associated, as cause or effect, with the regimes which have dominated the country since 1804 [2, p.100].

From time to time, the legal pressure on the journalists and media took the form of severe repression, while for a longer period of time the journalists, being aware of potential consequences, would steer clear from the “taboos” and touchy issues, censoring themselves.

On the other hand, there is a paradox in the Serbian press, where journalism and the media have enjoyed “a liberal tradition” [2, p.103], most recently exemplified by the daily *Danas*, weekly *Vreme* and *RTV B92*. Despite ideological pressures and partisan control over media, Yugoslav media during the five decades after the World War II were much more pluralistic and liberal than in any other socialist country. In Tunnard's words:

[T]he media throughout the former Yugoslavia were highly decentralized. In 1987, Yugoslavia had 2,825 newspapers with a total circulation of just under 3 million copies... Each religion and minority had its own publication. But only five newspapers had a circulation of more than 100,000, and four of these were located in Serbia [2, p.103].

During the 1990s the media in Serbia experienced a rollercoaster ride, going through periods of almost unlimited freedom, where some journalists and media even lost their social and ethical orientation and entered the “yellow zone” of tabloids and “hearsay journalism.” On the other hand, independent media were subjected to severe legal

sanctions, as happened under the infamous 1998 Information Act, the regulation that Milošević and his allies, primarily Serbian Radical Party (SRS) and its leader Vojislav Šešelj, used to shut up the independent media. During that period, especially during the later years of Milošević rule, even the assassinations of the journalists were used as a means to put pressure on the media. One of the best known journalists and the owner of *Dnevni Telegraph*, Slavko Ćuruvija was assassinated at his doorstep in 1999.

1.2. Journalists Unwanted in the Parliament

In February 2005, Serbian state officials used their influence to pressure the republic Legal Prosecution to start legal action against the daily *Kurir* [3]. All the Serbian media, including *Kurir*, harshly criticized The National Assembly Act, a legal document that made official a 104 per cent pay raise for members of the republic parliament. A previous attempt to drastically raise MP salaries had failed, and The Assembly Act had to be revoked in November 2004 [4], under vigorous criticism of the media and public. At the time, national representatives expressed open embitterment and rage towards the journalists, accusing the media of “false reporting and abuse by the press” [5]. Bigotry towards the journalists culminated when MP Dragan Šormaz of Democratic Party of Serbia verbally attacked the *Glas Javnosti* photo-reporter Marko Rupena, criticizing him for being improperly dressed for reporting from parliament [5]. Since the journalist verbally responded to this attack, parliament’s Secretariat revoked his accreditation, despite outrage by the media and professional associations [5].

However, in January 2005 national representatives finally managed to push the Act through and raise their salaries 104 per cent. The media again reacted vigorously, but

the political elite accused them of “undermining the reputation of The National Assembly of Serbia and put a pressure on the Legal Prosecution to start the legal action against *Kurir* [3] and its journalists, for they were the harshest critics of this political insolence.

Lawyer Slobodan Šoškić claims there is no legal ground for the lawsuit against *Kurir*, and state officials enjoy and often abuse unusual legal protection from the “attack on honour and reputation,” which he explains as the “relict of the Communist-era regulation” [3]. “It is a general tendency that all the people are equal before the law, especially when honour is at stake. Why should a state official be better protected than anyone else?” – asks Šoškić [3].

1.3. Blame the Media

The authorities are particularly angry with certain media that have proven successful in revealing all kinds of political affairs, such as the Belgrade-based weekly *Vreme*. In November 2004, the Municipal Court in Subotica (where *Vreme* is printed) sentenced *Vreme* journalist Dejan Anastasijević to pay 10,000 dinars to the *Pink International* Company. In December the same court proposed an inquiry against *Vreme* journalist Miloš Vasić [4].

Anastasijević was found guilty of libel, allegedly committed in the article titled *Documents on Origins of Pink Company* in which he claims to have proven that *TV Pink* had been created at the expense of the state-owned *RTS*, through a series of harmful contracts [4]. The only disputable thing in his articles, according to Anastasijević, was that “dispossession of the state and social property” was called “robbery” [4].

The inquiry against Vasić was proposed on the suspicion that he insulted top state officials, including Prime Minister Vojislav Koštunica, BIA (Security and Information Agency) director Rade Bulatović, Justice Minister Zoran Stojković, and Interior Minister Dragan Jočić and Department of Public Security minister Miroslav Milošević [4]. In his articles *Associates*, *Lawyers and Old Buddies*, and *Who Denied What and Who didn't Deny It?* published in *Vreme*, Vasić claimed that the ministers Jočić and Stojković, as well as PM Koštunica himself, were familiar with the transcripts of the conversation between Dejan Milenković nicknamed Buggy, one of the suspects in PM Đinđić assassination, and his lawyer who was persuading him to falsely testify in order to be granted the status of protected witness. Vasić argued that the ministers and premier have broken the law, because they knew about this criminal act, but did not react to it [4].

Anastasijević says that all these pressures on journalists are “scandalous,” because “Serbia is one of the few countries in Europe where journalists are being tried for defamation in accordance with the Criminal Code,” while “everywhere in normal countries it has been regulated by the Civil Law” [4].

Since the year 2000, there have been more than 320 lawsuits against journalists and the media in Serbia [5]. Although the lawsuits against the media make only about 5 per cent of overall legal cases, it is astounding how quickly these cases are processed, especially considering that Serbia is one of the most corrupt countries in the world, and numerous cases of state-property and social-property robberies, electoral fraud, and bribery of state officials have not been resolved [5].

Although The Public Information Act before its adoption was evaluated as extremely favourable for the media, the way it has been applied shows a very wide gap

between journalism and jurisdiction, revealing fundamental misunderstanding between the two professions. The media's legal representatives explain that "almost proverbial vagueness of the legal provisions allows the law to be stretched at will" [5]. The president of *The Association of the journalists of Serbia* Nino Brajović asserts that

. . . the courts do not understand the problems facing journalism. The press is not a 21st century phenomenon; it has been around for more than 300 years, it covers daily events and spreading abroad people's words. A judge has to be familiar with the journalistic standards, from the professional slang, to the techniques of how the heading and caption are being produced [5].

Although there have been numerous workshops for court journalists organized on regular basis at the Palace of Justice [5], no workshop for judges presiding over media cases has been organized, and judges are assigned at random. That judicial practice is "indeed inconsistent and random, and penalties for the media range from negligible amounts of money to hundreds of thousands of dinars, for the same offence" [5]. The Građanski List journalist Mirjana Kalinić was even sentenced conditionally to two years in prison, because of an allusion in her article, in which a local surgeon recognized himself [5].

Convicted journalist Mirjana Kalinić explains that

. . . anyone who knows anything about journalism knows that I am sentenced to not be doing my job in the next two years, because if anyone recognizes himself in any of my future articles, I am going to jail. This verdict means that in the next two years I can write about culture and weather, and I need to do it in a very neutral manner [5].

Another problem concerning the legal approach to the treatment of the media is the issue of the right to privacy of public persons. Lawyer Zoran Popović is particularly concerned about the way the domestic laws interpret right to privacy of public persons, protecting them "to the absurd" although "it is implied that every public person is susceptible to public criticism" [5]. Popović explains:

In our legal practice there is an old rule that equal right to privacy have a forklift operator, politician and a thief. That is why the vague and poorly defined laws are usually being interpreted at the expense of journalists. Responsibility for proving someone's guilt is shifted to the journalists [5].

Since Serbia's Criminal Act still stipulates a prison sentence for libel and slander, despite the OSCE recommendations to the Serbian lawmakers to follow contemporary trends in The European Union and to omit such provisions from The Criminal Act, leaving it to the Civil Law, local journalists can be sent for up to three years prison, "unless they prove they wrote the truth, or they had a justified reason to believe in truthfulness of what they wrote or spread abroad" [5]. Moreover, even if the journalist manages to prove he did not commit libel, he can still be punished for slander [5], and it usually depends on judge's estimate of whether or not the journalist deliberately committed the insult.

2. Slander and Libel Punitive Provisions

Defamation with its legal and moral consequences "is the most important legal issue the press faces anywhere in the world" [6, p.59] and the way a country's judicial system handles it usually depends on societal "cultural and legal traditions," such as "the public appreciation of self-esteem and honor, the perception of the media's role in society and the importance attached to 'injury' correction through litigation" [6, p.59]. Krug and Price point out that a democratic and enabling environment must have a legal system that "will recognize that its application of defamation laws interferes with the exercise of news media freedoms, and that in some circumstances the interference is not justified [7, p.188]. They warn that "unless certain protections are available, defamation laws can be used to repress the news media in their reporting on matters of public interest" [7, p.202].

Printed defamation is defined as libel, and consists of five elements: publication, identification, defamation, fault and injury, while spoken defamation is defined as slander [6, p.60]. Paraschos explains:

All of the EU countries are signatories to *The European Convention of Human Rights (ECHR)*, which in *Article 10.2* allows members to limit freedom of expression 'for the protection of the reputation or rights of others . . . Protection can be offered through either the criminal or civil codes or both. Many allow the media to use as their defense the argument that the information, if false, was accepted in good faith, a reasonable effort was made to verify it and the item in question was in the public interest [6, p.60].

However, members of The European Union were among the first to abolish punitive provisions for defamation from their Criminal Codes and most *EU* countries and a major part of their countries-candidates have abolished or have started the process of abolishing defamation from their criminal codes [8].

The Serbian draft of The Law on Criminal Offences Against Honour and Reputations intended to replace defamation provisions in the current Criminal Code, stipulates a sentence of confinement for libel and slander, and has raised concerns among Serbian and European Union civil rights organizations, as well as the International Federation of Journalists (IFJ), that these punitive provisions can be used to suppress freedom of speech and the media. The OSCE representatives criticized the draft, expressing particular concern about the provisions stipulating a prison sentence from three to six months for defamation. Moreover, according to the Act, it is taken as an aggravating circumstance if these offences are committed by the media [8].

ARTICLE 19^{ix} warned that the criminal defamation provisions are “deeply problematic from the point of view of international law on freedom of expression, because the penalties provided are usually disproportionate to the harm caused, which makes them subject to very considerable abuse” [10].

The Conference on Libel and Freedom of expression organized by The Council of Europe in the Media Centre in Belgrade in November 2004 gathered various profiles of participants: the Council of Europe representatives, the Serbian Ministry of Culture, members of the Republic Parliament, judges, prosecutors, lawyers, university staff and representatives of the *NGOs*, journalists and editors. After a long debate on the steps necessary to de-criminalize libel and insult, they proposed that

existing Proposal of the Criminal Act of Serbia, being in the parliamentary debate, should be amended before it is adopted in the part relating to the exclusion of responsibility (*Article 176*), so that the base of exclusion of responsibility should also include criminal acts of libel and insult (*Articles 170 and 171* of the Proposal). [11]

ARTICLE 19 recommended the removal of these defamation provisions from the Criminal Code, and suggested they should be dealt with through civil law. They highlighted primary areas of concern, such as “the broad scope of insult provisions, the lack of adequate defenses of truth and reasonableness and the enhancement of criminal penalties in the event that allegedly defamatory acts are transmitted through the mass media” [10].

The OSCE representatives reported that Serbian authorities and Justice Minister Zoran Stojković are willing to make a compromise and alleviate these legal provisions,

^{ix} Named after Article 19 of the Universal Declaration of Human Rights, Article 19 is a non-government organization based in London, England, that works worldwide to combat censorship by promoting freedom of expression and access to official information. With partners in over 30 countries, the organization works to strengthen local capacity to monitor and protest institutional and informal censorship [9].

and the OSCE is ready to support all the countries and governments interested in changes and improvement of media legislation [8]. OSCE representative for Media Freedom

Miklos Haraszti asserts that

abolishing the sentence of confinement for slander and libel would, not only for the media, but in general sense, finally end the era when Europeans went to jail for their words. That must stop, even in the case of defamation. In the modern democracies of 21st century the terms “prison” and “speech” cannot stay in the same law [8].

Besides, removing slander and libel provisions from The Criminal Act and shifting this matter to the Civil Law, it would relieve some pressure from journalists and media, who are already pressured from all sides.

Apart from libel and slander, a journalist can also be sentenced on other grounds, such as for “revealing or spreading abroad personal information or family conditions” (regulated by the Article 172 of the Criminal Act), and the sentence can range from 6 months up to three years [5]. Articles 173, 174 and 175 of the Criminal Act stipulate a penal sum or a sentence of confinement of three months for those who publicly insult the state union Serbia and Montenegro, any of the two member states, their flag, arm of coats, any ethnic group, international organizations, OUN, the International Red Cross, or any other organization of which Serbia and Montenegro is a member [5].

Another legal provision that represents a continuous threat to the journalists is the possibility of being punished for “spreading abroad” information, or, as it is explained in the Criminal Act, “deliberate launching of the news intended to insult someone” [12]. Spreading abroad someone’s words is what journalists actually do, and bearing in mind

that the courts are not very sympathetic to the media, it is obvious that this provision can potentially be used as a very efficient means for suppressing the freedom of media.

Although the courts do not show much understanding of the journalistic profession in the capital city, it seems that provincial judges are even harsher towards the media [5]. In February 2005, association Local Press, an affiliation of 26 local newspapers and magazines, reported 55 ongoing proceedings for libel and slander against its members [13]. The General Secretary of the Association, Snežana Milošević, says that the “number of legal proceedings against local media has increased since 2000,” and “it is a serious problem for their functioning and survival” [13].

3. The Broadcasting Act: Ridiculing the Law

A series of scandals, obstruction and delays that followed the implementation of the Broadcasting Act over the past five years have clearly shown that the authorities have no intention of allowing the media to perform its function without political interference.

Moreover, various factions within the political elite have unveiled their ugly authoritarian face, openly attempting to establish a decisive influence over the broadcasting sphere. Obstacles and indecision that marked the process of passing the Broadcasting Act, particularly, and its operative body, the Broadcast Council are typical examples of political attempts to control the media.

The Broadcasting Act is one of the most important in a set of laws intended to regulate the field of electronic media and the rights and duties of their employees.

Through The Broadcasting Agency, its operative body, the Law regulates programming

content, grants broadcasting permits, and implements a regulatory framework for broadcast media in Serbia.

The Law was adopted by The Assembly of Serbia on July 18, 2002, preceded by nine draft versions and a series of public discussions conducted all over the country. Serbian experts, with the assistance of experts from OSCE and the European Council, developed a proposal in which civil sector institutions were to have a decisive influence on the selection of members of the Broadcasting Council. However, an internal pact between the parties within the ruling coalition altered the initial, liberal proposal by giving decisive influence to the government.

According to the modified Broadcasting Act, the number of Broadcast Council members was reduced from 15 to 9, and a list of authorized proponents was changed at the expense of the civil sector. According to the new Broadcasting Act, the national assemblies of Serbia and the province of Vojvodina are to propose four members, universities and churches are to nominate two members, non-governmental and professional organizations are to nominate two members, and the ninth member is to be proposed by the previous eight, under the condition that he or she has to live and work in Kosovo.

Although this change in the structure of the Council at first sight seems fair, in fact it is only an illusory balance, because among the representatives of the civil sector is also the Serbian Orthodox Church. Knowing that the Church is a very conservative institution and, traditionally a close ally of the authorities, “it can be concluded that the government has the fifth member on its side. And when it has five votes, it can easily

influence the election of the ninth member from Kosovo, obtaining a two-thirds majority” [14].

A number of media professional associations, such as *NUNS*, *ANEM* and *Spektar*, as well as many journalists and part of the public, immediately protested and pointed to the possible negative consequences of government’s influence on the structure of the body, which is, in theory, supposed to be independent.

September 12, 2002 was set as the deadline for the proponent’s submission of the candidate lists, but the Assembly and Government of Serbia failed to name their candidates for the members of the Council.

October 20, 2002 was the deadline for the period during which the Assembly was supposed to constitute the Broadcast Council, but it did not do it. The Assembly disobeyed Article 24 (paragraph 12) of the Act, which requires that Assembly announce candidate lists. In paragraph 13 (Article 24), the Assembly can call for a discussion on candidates, which it never did.

Eight months after adoption of the Law, on April 18, 2003, eight members of the Broadcasting Council were finally appointed: Prof. Dr Vladimir Cvetković, Dr Vladimir Marko, Nenad Cekić, Dragana Rogavac, Prof. Dr Miroljub Radojković, Prof. Dr Snježana Milivojević, Prof. Dr Vladimir Vodinelić and diocesan of Jegar, Porfirije.

The ninth member Goran Radenović was elected on May 27. During the voting, the members of the ruling coalition *DOS* could not find a compromise, and Radenović’s election was ensured by the votes from the opposition parties Socialist Party of Serbia (SPS), Serbian National Party (SNS), and Party of Serbian Unity (SSJ).

Immediately after the election of the members of the Broadcast Council, some objections emerged, regarding the electoral procedure of Cekić and Cvetković. Shortly after that, the candidacy of Goran Radenović was questioned, due to certain inaccuracies in his biography.^x

Members Snježana Milivojević and Vladimir Vodinelić resigned on June 9, because of the members' decision to constitute the Council, despite the procedural irregularities. On the constitutive sitting of the Council, proposed by a controversial member, another problematic member, Nenad Cekić, was elected president.

The disputed membership of Cekić, Cvetković and Radenović aroused criticism by the media, professional organizations and editors-in-chief of the most influential electronic and printed media in Serbia, as well as attracting attention and warning signals from the international institutions. However, the three of them reacted by accusing the editor-in-chief of the radio-television *B-92* Veran Matić of leading a campaign against them. In order to discredit demands for re-assessing their election addressed to the Assembly, Cekić, Cvetković and Radenović accused Matić of taking part in a number of financial embezzlements of foreign donations.

OSCE reacted several times during June and July of 2003, calling on the Assembly and Broadcast Council to follow procedure and regulations, and to ensure standards for the founding and functioning of the independent regulatory body, the Broadcast Council. However, the OSCE generally supported The Broadcasting Act. In the words of the head of the OSCE Mission in Serbia and Montenegro Maurizio

^x Radenović did not submit the evidences of residency and work in Kosovo and Metohija, which is a crucial legal condition. He also gave other false data. For example, he claimed he was a marketing manager of *Radio-television of Serbia* in *TV Priština* from September 1991 through March 1999. When this was disclaimed, he brought a paper saying he served that function from December 31, 1996, thus contravening his own earlier statement [15].

Massari, OSCE "believed this law to be a step in the right direction. We believe it is better to have that law than not to have it. That does not mean it is perfect," said Massari [16].

On July 4, 2003, the Culture and Information Committee of the National Assembly of Republic of Serbia proposed that the Assembly discuss the status of the three problematic members of the Council – Cekić, Cvetković and Radenović. This violation of the Act could have been corrected only by the Assembly's decree abolishing the earlier decision, because of the candidacy procedure violation. That would allow repeating the entire procedure and reconsidering both cases – disputed members and the resignations of the two members.

The Assembly of Serbia voted on July 14, 2003. Supported by MPs from the opposition, former regime parties, for Cekić voted 106, and for Cvetković 107 MPs. Radenović won 98 votes. Since they needed a majority of 126 votes, it was clear that the three problematic members did not enjoy sufficient support for their re-election.

On August 27, 2003, the European Agency for Reconstruction decided to freeze 300,000 euros of support for the Broadcast Agency Council. That was the first time that the European Union had suspended aid to Serbia since October 5, 2000. Hasso Molineus, the programming and coordination director of the Agency, explained that the *EU* "must be certain in every case of financial assistance that the funds would be applied in line with democratic procedures and the rule of law" [17].

Serbian Culture and Media minister Branislav Lečić called this move of the *EU* a "sort of a blackmail," and condemned it as an attempt of "powerful lobbies to exert influence at a European level in their own interests" [17].

During this period, the Broadcasting Council had been totally blocked and unable to perform its function, while chaos in the broadcasting sphere continued.

The Act was amended in August 2004 in order to end the lock-out. According to these changes, the Culture and Information Committee of the Assembly of Serbia (instead of the Assembly of Serbia itself, as it was regulated in the previous version), was to nominate three Council members, while the right to nominate one member rested with the deans of the universities, domestic non-government organizations, churches and religious associations, associations of the broadcast public media, associations of journalists and professional associations of actors and musicians. The nine members of the Council were finally approved by the National Assembly of Serbia. Although adoption of this Law was supposed to mean the end of the old Broadcast Council members at the time, “the changes also abolished the legal decree according which members cannot be re-elected” [14]. This meant that disputed members remained in the Council.

It was also decided that for the future election of the Council, members will not be necessarily a total majority, but only a majority of the MP votes present at the session [14].

Four years after the initial proposal, and two years after the adoption of the Broadcasting Act, a long and exhausting battle between the authorities and civil sector for control over the broadcasting sphere has ended with the defeat of independent media. The final outcome was an “unprincipled compromise between authorities and some Broadcast Council members, who are under justified scrutiny that they are illegally involved into the Council” [14]. Milosavljević explains:

The white flag of defeat is in the hands of the so-called independent media and their organizations. As expected, The Broadcasting Act, created by the group of experts led by Rade Veljanovski in 2000, has been foiled, because the basic premise of the Law was independence of the entire broadcasting sphere from political influence [14].

The media associations, NUNS, ANEM and Media Centre, whose modifications of the Law were rejected, protested against these “cosmetic changes” [14], insisting that the roots of the problem are in “dominating state institutions’ influence over the election of the Council members, which incapacitates its independent character and contradicts international standards and the democratic society we strive to live in” [14].

The associations selected Mirjana Milošević and Nebojša Spajić [14] as their candidates, and that is when the new problems started. The Association of Independent Broadcasters of Serbia (APRES) protested over the choice of these candidates, because of a conflict of interests. Nebojša Spajić is executive director of Media Centre, while Mirjana Milošević is an OSCE mission officer [14]. After that, ANEM and NUNS withdrew their candidates.

Alongside this political battle for control over the media sphere, there has been a war for the private interests between the members of the Council gathered around *B92*, NUNS and Media Centre led by the *B92* editor-in-chief Veran Matić on one side, and the group led by Nenad Cekić, former editor-in-chief of *Radio Index*, and his associates – members of the Council - Zoran Mihajlović (*Radio Index* owner), Vladimir Cvetković and Svetozar Stojanović (members of the board of directors of *Radio Index*), and newly nominated member Aleksandar Vasić (former editor-in-chief of *Radio Index*). Cekić has “frequently warned on a lobbying of Matić’s interest group, who has attempted to monopolize national broadcasting space” [14].

Journalists' associations, on the other hand, accused Cekić and Radenović of being submissive and adaptable for any government [14].

In February 2005, The Assembly finally elected eight members of The Broadcasting Council (the ninth member will be elected afterwards), raising hopes that confusion around the Broadcasting Agency and its Council is nearing its end. From the list proposed by The Culture and Information Committee, Aleksandar Vasić, Nenad Cekić and Vladimir Cvetković were re-elected [13]. From the list proposed by The Assembly of Vojvodina, Goran Karadžić was elected, and from the rectors of the Universities' list, Svetozar Stojanović was elected. Slobodan Đorić was supported by the Association of Broadcasting Media, journalists' associations, professional associations of film and theatre artists, and composers' associations. From the NGO and civil associations' list Velimir Milošević was elected, and, finally, as the representative of the Church and religious communities diocesan of Jegar, Porfirije was elected [13].

However, chaos in Serbian airwaves is far from being resolved, because, according to the Broadcasting Act, "republic Broadcasting Agency cannot be operational without its technical counterpart – Telecommunications Agency - which has not been founded, and there are no signs that will happen soon" [14].

The entire procedural and political mess created over the election of the members and leadership of the Broadcast Agency Council show that the authorities would not give up control over the media system and the institutions regulating it. Politicians used their influence to place their men in key positions in the Council, and were so determined to do it, they even ignored and broke legal procedure. Four years of long struggle for control over the Broadcast Council was marked by not meeting the legal deadlines, ignoring the

electoral procedure, resignations on the part of its members, repeated voting in The National Assembly, and the irregular re-election of the disputed three members.

All these events raised numerous questions about the credibility of the Council and its ability to make decisions on media issues of high importance, in accordance with the law, and without a conflict of interest. Also, the members do not have the necessary independence from political and financial circles, because a majority in Parliament is enough to release them of their duties.

4. Access to Public Information Act

Most of the media regulation in The European Union is inspired and guided by the principle that “the media of mass communication are natural instruments and extensions of human behaviour and expression” [6, p.27]. In order to be able to freely perform this role, the media need to operate in conditions of transparency of the state institutions and with the mutual respect and cooperation between journalists and government. Stiglitz argues that “essentially, meaningful participation in democratic processes requires informed participants,” and “secrecy reduces the information available to the citizenry, hobbling people’s ability to participate meaningfully” [18, p.30]. As Francis Bacon emphasized, “knowledge itself is power,” and “secrecy gives those in government exclusive control over certain areas of knowledge”, thereby “increasing their power” [18, p.30].

Modern information theory inclines to the belief that “information is public good” [18, p.28] and thereby “citizens have a basic right to know, to speak out, and to be informed about what the government is doing and why and to debate it” [18, p.29]. Stiglitz writes:

Given that the public has paid for the gathering of government information, it is the public that owns the information. It is not the private province of the government official, but belongs to the public at large. Thus, the information public officials gather at public expense is owned by the public, just as the chairs, buildings and other physical assets used by the government belong to the public [18, p.39].

A piece of legislation regulating the right to free access to information of public significance is one of the most important prerequisites for a transparent society, and in the European Union access to classified information is first prescribed in Euratom Treaty and the 1990 Directive of Freedom of Information on the Environment [6, p.25]. The purpose of this law on access to public information is to help individuals, including journalists, to get “unusual or unique information, even if it is ultimately embarrassing to the government” [19, p.267]. Krug and Price argue that “without access to information, journalists are engaged primarily in presenting opinions” [7, p.188], and “informed citizenry depends on journalists’ ability to have access to sources” [7, p.188]. The crucial condition for the fundamentally democratic society and professional journalism, according to Krug and Price, is “expressly articulated presumption of openness.”

The presumption of openness is grounded in the principle that information in the control of public authorities is public unless it is covered by an exception expressly set forth in a legislative act. The principle therefore places the burden of justification for refusal to disclose on the public custodian [7, p.189].

Clearly-defined, liberal and systematic regulation on access to classified information of public importance is especially needed in post-authoritarian societies such as Serbia, in order to outline the framework for democratization, help develop freedom of speech and media freedom, support the development of the mechanisms of checks-and-balances, help fight corruption in the administration, and help deal with the strong influence of the secret services and criminal groups in the government and other state institutions.

Despite the fact that The Access to Public Information Act has been adopted and became operational on November 13, 2004 [20], it is obvious that the regulation was intended only to appease the Council of Europe, an organization that has adopted this kind of law as a requirement for the acceptance of the new members. The Council's constitutional document is The European Convention on Human Rights, and "applicant nations must ratify it within one year after joining, and signatories must ensure that the rights mentioned in it are respected" [6, p.45]. Even before the Law was adopted, experts had been warning that it could not be efficiently implemented without the consent of all relevant political parties [20]. However, it was obvious that the so-called "patriotic block," in fact, the remnants of the Milošević regime with underground and secret service connections, would use all means available to sabotage the implementation of this Law. Their greatest nightmares are caused by what might be found in the dusty secret police's archives.

That pessimism surrounding the efficiency of The Access to Public Information Act, and doubts about the good intentions of authorities were totally justified, and are best proved by how authorities are treating the newly elected Secretary of Information. This body has been established as "an independent and autonomous state organ" whose primary function is "to implement the realization of the right to access public information and resolve citizens' complaints in the case that the authorities deny requested information" [20].

The Secretary of Information is granted great authority and power, and by the nature of his job he is obliged to approve access to public information which the government officials would be more than willing to hide, either for personal, or for

professional reasons. Prof. Dr Vladimir Vodinelić describes the position of the Secretary of Information as “the fourth estate,” who is “not a part of legislative, executive or judicial powers, but is independent of them” [20]. Vodinelić explains that Secretary of Information must be an autonomous organ, because “his job is to tell the minister, president, prime minister, or the parliament to allow a citizen access to requested information” [20].

However, before the ink on the adopted Act had dried, the newly elected Secretary of Information Rodoljub Šabić faced numerous obstacles and obstruction in his work, and this is how he describes it:

It’s almost a Kafkaian situation. So, you give a person such a big power and authority, give him that enormous professional and moral responsibility. . . but I have not been given neither office, nor chair, and now I am supposed to resolve citizens’ complaints, but I do not have basic working conditions. The Secretary of Information does not even have a telephone [21].

According to The Access to Public Information Act, The Secretary of information is entirely independent and is entitled to give orders to the ministers, while the government is obliged to implement his decisions [21].

Another big flaw in the republic Access to Public Information Act is the part that binds every state institution to appoint an officer, whose duty will be to accept citizens’ complaints and respond “without delay, within 15 days” [20]. However, an alternative deadline can be set if there is a “justified reason,” but it cannot be longer than 40 days since the acceptance of the request” [20].

In case a state institution denies access to requested information, it is required to explain the reasons for rejection. If a citizen is not satisfied by the decision, he can address The Secretary of Information, who examines the case and makes a decision,

which is obligatory for the institution holding the requested information. In case that citizen is not satisfied by the Secretary's decision, he can start a very complicated legal procedure [20]. The major weakness of this Act is the provision that does not allow a citizen's complaint if his request for information is rejected by the highest state institutions, namely the Parliament, President of Republic, The Government, the Constitutional Court, Supreme Court, and Public Prosecutor. This means that the Law is operational only in the lower tiers, and concerns local autonomy and lower state institutions, while top and most important state institutions stay out of its reach.

M.A. Dejan Milenković asserts that the main obstacle to the efficient implementation of the Law is sluggish and inefficient administrative reform, which obscures division in the professional and political structures [20]. He explains:

Insiders and whistleblowers have been put into a difficult position. If you punish an information officer because he does not want to give out information (because his minister told him so), the punitive provisions make it even more difficult: you need to find a person who will be strong and conscious, who is ready to accept the risk of having negative consequences for his working and legal status. The amendments we proposed did not go through, because there is no political will to hire someone whose job will be to work against politicians' interests' [20].

Another serious obstacle to implementing the Law is inefficiency and obsolescence of a big part of Serbian legislation. Various legal provisions concerning state, professional and military confidential information are scattered into nearly a hundred different acts. In developed democratic societies, the right of access to public information "must be accompanied by effective means of enforcing those rights" [7, p.191], and this requirement has several elements: effective remedies; effective independent review of custodial denials of disclosure; threat of sanctions for willful violation by public officials; and designation of an independent freedom of information "umpire." Such enforcement

remedies should include the possibility of appealing to the courts or some other review body outside the administrative structure [7, p.191].

Another *sine qua non* for the efficient implementation of such an act is that “legislation must provide for sanctions against illegal refusals to disclose documents,” and establish “liability for public officials who unlawfully deny requests” [7, p.191].

According to the research conducted by Transparency Serbia and B92, none of the local or republic institutions so far has answered citizens’ requests on information regarding the operation of these institutions [21].

Openness and transparency of the state institutions are “the most important checks on the abuse of public fiduciary responsibilities” [18, p.41], and “in the ongoing evolution of democratic processes, a true empowerment of individuals to participate meaningfully in the decisions” as an answer to “the challenge to create a truly transparent and open government” [18, p.42].

Constant pressure and criticism by the media, including education and strong support to the independent, skilled and well-protected investigative journalists will be one of the crucial factors in improvement, enforcement, and implementation of the Access to Public Information Act.

5. The End of Obscurity: Defense and the Last Days

Politicians and some state institutions in Serbia are still not ready to accept the societal role of the media as the catalyst of general progress and democratization. In theory, most of them express their devotion to democratic principles and values, and many of them even believe in their image of themselves as true democrats. In practice, though, the way that political parties and individual politicians in Serbia treat journalists and react to the

media show that they perceive it as a “necessary evil” that can be manipulated and used to propagate their partisan interests. The Serbian political elite lacks Jeffersonian-style visionaries, who would have rather chosen “newspapers without government” than “government without newspapers.” That was one of the main reasons why the promised *Belle Époque* for the media after the October 2000 turned into a nightmare, where journalism has found itself in the barrage of fire between politicians and media owners, having been brought to the brink of disaster.

However, the healthiest part of Serbian journalism has shown signs of vitality and, slowly, the Serbian political elite realizes that political obscurity and authoritarian-style politics, where a state official is responsible only to his party and instead of the citizens, are gradually becoming relicts of the past. By raising questions that were unimaginable only a few years ago, some Serbian liberal media have shaken many taboos, forcing once intangible institutions, primarily the Army and Secret Service, but also the other state institutions such as the Parliament and the Government, to give a public account of their actions.

The lion’s share in these examples of investigative journalism goes to the RTV B92 and ANEM, daily *Danas* and even some tabloids such as *Kurir* and *Nacional*, as well as the weekly *Vreme*.

5.1. The Army – Information Bulwark

The media played a crucial role in revealing the military conspiracy to conceal the suspicious circumstances surrounding the death of two soldiers in a military complex Topčider in Belgrade, in October 2004. The two soldiers, members of the elite Guardian

unit, were found shot dead in front of the underground military complex, where they were on watchmen duty [22]. The Army's investigating commission reported that the two soldiers had killed each other. The tabloid press and independent media found the Commission's explanation illogical, and started speculating about "the third man," based on the two theories: One, that the underground complex was used as the sanctuary for The Hague Tribunal fugitives, including General Ratko Mladić. Another, that the last words of one of the killed soldiers were "inside, inside," which led them to conclude that the soldiers were killed from the inside of the complex [22]. From that point, the conspiracy theories divided into two directions: According to the first one, the guards were killed by head hunters, who sneaked into the complex in an attempt to capture General Mladić; the other version was that the young soldiers were killed by Mladić's body-guards after they had found out that the wanted General was hiding in the complex. Both theories were based on information that a couple of days before the incident an inspection visited the complex, allegedly looking for Mladić, but did not find any firm evidence [22].

Although army officials wanted to sweep the case under the carpet, the media and the public, including the parents of dead soldiers, continued pressuring the Army and the authorities, which resulted in the formation of the independent civil commission, which re-examined the case and concluded that the soldiers were murdered by "the third party" [23]. That explanation was accepted by the Supreme Council of Defense [24].

However, numerous factions within the government and the army shortly turned this tragedy into a political circus, where the individual tragedy of the deaths of the young men was exploited for settling accounts between the opposed blocks, having all the sides

using “their media” to manipulate the public by giving out-of-context “pieces of information” [22].

5.2. Popović Returns as the Insider

Another demonstration of the ability of investigative journalists to influence change in state institutions took place in February 2005, after an interview given to the TV B92 by Vladimir Popović Baby, the same person who was forced to resign as a Communications Bureau chief, after being accused of attempts to influence and control the media.

Almost a year from his resignation, Popović had agreed to be interviewed by the *TV B92* investigative team, and it turned out that he was one of the best informed people in Serbia. As a close friend and associate of the late PM Đinđić, Popović had revealed an impressive number of facts about certain politicians, institutions and the ways they operate, causing a political earthquake in Serbia. Among other things, he claimed that some factions within the Army protected and hid General Ratko Mladić. Popović claimed that an army officer, lieutenant-colonel Branislav Puhalo, was assigned as a personal bodyguard to the fugitive general, and, he added, “you draw your own conclusion where General Mladić could be” [26]. When the *B92* investigative journalists’ team tried to obtain information about Puhalo from the Army, they were told that such a person does not exist in the Army.

However, journalists took only a couple of days to find the brother and wife of the “non-existing” officer, who confirmed that Puhalo is employed by the Army, and is a Security chief of the Guardian Squad. This affair was another embarrassment for the army, already shaken by the numerous affairs and attempts to conceal important

information. Traditionally one of the most popular institutions in the country, the Army has lost a great deal of public support, and “44 per cent of the citizens today do not trust the Army, which is a reason enough for the Parliament and other political institutions to get worried,” says Miroslav Hadžić of the Centre for Military-Civilian Affairs [25].

Although investigative journalism demonstrated its power and potential to become a genuine “watchdog” of the society, by forcing traditionally obscure and closed to the public institutions, such as the Army, to realize that the times have changed, and they are not infallible, most of these cases have not been resolved, or they turned into a political farce. The old mentality and ways are still very strong and the public sometimes has difficulty understanding that the army, police, or other state institutions and their officials can be corrupted, and that they need to be accountable and responsible for their actions and statements before the citizens, who are, in fact, their real employer and boss.

Support from the European Union and other international organizations is necessary to strengthen the ability of the media and journalists to break taboos and shake obscure and archaic state institutions, forcing them to modernize and become more transparent. The public, by the means of the media, is the only force able to cause genuine and thorough transformation, necessary for the survival and further development of the whole Serbian society.

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Chapter 4

1. Serbia and the European Union

In the wake of the fall of the Berlin Wall, Serbia was a part of the Socialist Federative Republic of Yugoslavia, which was largely seen as economically and politically the most advanced of all ex-communist countries. It had a developed market, relatively liberal laws, diverse industry, and an educated workforce, and, as Gagnon points out, it “seemed to have a better chance than any of the other socialist countries of Eastern Europe of making the transition to liberal, political and economic systems” [1, p.210].

Fifteen years later, after the series of disastrous events that led to the disintegration of the “second” Yugoslavia, Serbia has found itself at the tail of European integrations. While the Balkan countries Romania and Bulgaria, who have traditionally been less developed and lagged behind their western neighbour Serbia, are set to join the EU in 2007, Serbia and Montenegro have not yet signed the Stabilization and Association Agreement [2].

1.1. History of the EU-Serbia Relationship

The European Union’s principal goal in South-Eastern Europe is stability and the transformation of the war-torn and politically unstable region into “the area of peace, stability, prosperity and freedom” [3], in accordance with the values established over the last 50 years by the EU and its Member states. As Baun argues, “a major benefit of enlargement is that it will make the EU more secure by spreading prosperity and stability to the countries of Eastern and Southeastern Europe” [4, p.8], and it also “offers substantial economic opportunities for the EU and its member states” [4, p.9].

The groundwork for the EU enlargement toward the ex-communist countries, which have signed association agreements with it, was laid at the European Council meeting in Copenhagen, in June 1993 [5, p.7]. The importance of this meeting rests in the fact that the EU defined the so-called Copenhagen criteria for the EU accession, and “established a number of benchmarks for assessing their progress toward economic and political compatibility with the EU” [5, p.7]. They comprise the following elements:

- i) the existence of stable institutions ensuring democratic government, the rule of law, human rights, and the protection of minorities (often referred to as the political criteria;
- ii) the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union, and
- iii) the ability to take on the obligations of membership, including adherence to the aims of political, economic, and monetary union [5, p.7].

A major step in the association for new members is incorporation into their legislation of the *aquis communautaire*, “a body of EU legislation, practices, principles, and objectives” [5, p.8] that includes numerous intra-EU treaties, including “the Treaties of Rome, the Single European Act, and the Maastricht and Amsterdam Treaties; legislation enacted at the EU level and judgments of the European Court of Justice; principles in the areas of Justice and Home Affairs; Foreign and Security policy; and Treaties of the EU with third countries” [5, p.8].

Linden writes that “promotion or export of democracy has become an explicit part of the EU purpose in contributing to rebuilding societies of former communist countries” [6, p.41]. He also argues that merely being a country- the EU candidate

. . . restricts a country from moving in any potentially antidemocratic direction. Although countries may dislike being dictated to by the EU, no country now participating wants to be excluded from the enlargement process [6, p.41].

In this respect, Serbia is no exception.

After the democratic changes in 2000, Serbia and Montenegro had begun the Stabilization and Association Process (SAP), which represents a new contractual framework for relations between the Western Balkans countries and the EU [7].

On April 3, 2003, Serbia and Montenegro became a full member of the Council of Europe [8], and signed and ratified a number of important acts and treaties, such as the European Convention of Human Rights, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Framework Convention for the Protection of National Minorities [8].

On April 4, 2004, the Council of Ministers of the EU met in Maastricht and expressed their concern for a “chronic absence of Serbia and Montenegro’s progress in the stabilization and association process” [7]. They were particularly concerned about the difficulties in functioning of the state union, which the EU wants to preserve for “political, security and economic reasons” [7]. The Council adopted European Commissary Chris Patten’s proposal to use the “twin track” approach for Serbia and Montenegro, one in the political, and the other in economic sphere. As Patten explains, this approach means that, “for the EU, in political sense, state union is most important; therefore, in economic sense, the EU will no longer insist on the monetary or tariff system union” [7].

On June 11, 2005, the Serbian Council for European Integration, presided by Prime Minister Vojislav Koštunica [9] adopted the *National Strategy for Accession of Serbia and Montenegro to European Union*. The document defines accession to the EU as a “priority and long-term strategic goal” [10], which will “allow Serbia and

Montenegro to participate in the development of a European and world economy, politics and culture” [10]. This strategy will also serve as a platform for the development of the “National Plan for Adoption of *Acquis Communautaire*,” which will only be possible after the government signs the Agreement of Stabilization and Accession [10]. EU officials emphasize that the main task in Serbia should be the improvement the state institutions’ efficiency to implement these regulations.

On June 14, 2004, the European Union’s Council of Ministers adopted a Resolution of Principles, Priorities and Conditions for the EU Partnership with Serbia and Montenegro, including Kosovo [7]. This document defined short-term (12 to 24 months), and mid-term priorities in Serbia’s pre-integration process. Article 5 of the document’s annex stipulates the EU financial assistance to Serbia by realization of these priorities, and this resolution will exclusively determine the EU-Serbia and Montenegro relations until the Stabilization and Association Agreement is signed [7]. Financial assistance is also stipulated by Serbia and Montenegro’s progress in meeting the Copenhagen Criteria, although these are criteria for the EU membership, not for the stabilization and association process [7].

In its Resolution on joining the European Union, The National Assembly of Serbia stated that joining the EU is “an undeniable strategic goal,” confirming the decisiveness of the Republic of Serbia to “fulfill the obligations taken by Declaration at the EU summit – West Balkans, held on June 21, 2003, and the Thessaloniki Agenda for the West Balkans: Journey to European Integration” [11].

The Resolution emphasized the commitment of the Republic of Serbia to “achieving political stability and long-term peace in South-Eastern Europe”, and

to build a democratic society, based on the rule of law and respect of the human and minority rights, principles of market economy, and to build efficient state institutions according to the criteria for accessing European Union, established by the European Council in Copenhagen in 1993 [11].

As a result of improved cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the first quarter of 2005, The European Commission approved a Feasibility Report for Serbia and Montenegro in April 2005, rewarding the country's progress in reforms, and assessing that Serbia and Montenegro is ready to start a Stabilization and Association Agreement with the EU [12]. This confirmed that the country has developed the capacity to negotiate the Stabilization and Association Agreement with the EU [12]. The Stabilisation and Association Agreement is the final stage of The Stabilization and Association Process, which is the official European Union's strategy for bringing in the countries of the Western Balkans. It is "creating a contractual relationship between a country of the region and the European Union" [12].

However, despite a significant improvement in its cooperation with the ICTY, Serbia's advance to Europe has been subject to full and unconditional cooperation with this institution. Apart from the issue of the status of Kosovo, this is the most important single issue causing a rift between the two dominant notions of Serbian identity, which Nelles defines as *ethnic* and *civic* [13, p.25].

. . . European integration was thus tied to an understanding of Serbian nationhood, characterized by a tension between an ethnic and civic notion of Serbian identity. Two approaches to the ICTY emerged within the democratic block in Serbia, contesting the meaning of Europe [13, p.25].

Social, political and economic transition and accession to the European Union are "mutually reinforcing processes," and integration of the post-authoritarian societies is "the most natural and the best way to accelerate and deepen the transition process" [14, p.iii-liv]. But, unlike Slovenia - economically the most developed ex-Yugoslav republic

that became a full member of the European Union in 2004, where “EU integration has always been seen as a means of strengthening the transition process, and not as an objective in itself” [14, p.lii-liv] - the EU integration in Serbia is rather seen as a “remedy for Serbia’s burning problem of unsettled borders and ambiguous sovereignty” [13, p.26]. Discrepancy between state officials’ words and their actions reveal political immaturity and often incompetence. Only a part of the Serbian political elite has developed a balanced and realistic approach towards European integration, and fully understands the importance of the steps that Serbia has to take on its way to full membership in the EU. Political approaches to the European integrations in Serbia vary from presenting EU membership as an ultimate solution to all problems, to a paranoid vision of the EU by the ultra-nationalists as a conspiracy against the Serbian nation and state and an “interpretation of Europe as a blackmailer of post-Milošević Serbia” [15, p.25].

Kostovicova writes:

Such Euro-scepticism draws its credibility from the fact that it is articulated within Serbia’s democratic block. Therefore, along with the anti-Europeanism and anti-Westernism of Serbia’s extreme nationalists, it may yet become a genuine obstacle on the path to Serbia’s European integration [15, p.25].

As Nikolin argues, there is “well developed populist hostility to the Western liberal democracies, and hence the model of democracy associated with them” [16, p.73-74], and “this kind of attitude appeared to persist into the presidency of Vojislav Koštunica” [16, p.73-74].

Kostovicova recognizes two opposed perceptions of Europe by the Serbian public opinion: *Europe-as-identity*, “with whom many have taken issue over the ICTY,” [15, p.25] and *Europe-as-EU*, perceived as an institutional process [15, p.25].

According to a recent survey, some 62 percent of people in Serbia are in favour of their country joining the European Union [17]. The relatively low support to the European integrations is a consequence of a number of various factors, the most significant of which are the traumatic experience of 1999 NATO bombing of Serbia, years of economic and cultural isolation suffered in the 1990's, and frustrating years of economic transition after October 2000. Traces of a "Euro-scare" can be sometimes found in the domestic press, where the headlines like *Food in the EU Is of Poor Quality*, or *Tasteless Meat All Looks the Same* [17], referring to the Serbia's prided high-quality, organic food production, thus often encouraging anti-European sentiment.

Despite the opposition to EU integration by some parts of the citizenry and political elite, Europe is Serbia's past and future. Schimmelfennig points out that:

The "return to Europe" results from a strong identification with Western values and norms as well as with the Western European international community from which these countries have been cut off under Communist rule [18, p.90].

On the other hand, Antohi notices that "going 'back' to Europe is, however increasingly problematic, especially when the concrete problems are approached" [19, p.71]. As the late Prime Minister Zoran Đinđić outlined in his speech:

We want European structures and standards to become a part of our society, and for our state to become an equal member of the European community of states. Our task is to affirm European values everywhere we act, and to prepare the country for a true European integration [15, p.25].

2. The EU Standards for Serbian Media and Level of their Harmonization

The minimum standards the European Union established for the media in Serbia are in accordance with the EU laws and conventions, and they are, for the most part, similar to the standards of other applicant countries. General requirements suppose a **thorough**

reform of media legislation and the entire media sector, as has been explained in the previous chapters. It is estimated that Serbia and Montenegro will have to adopt nearly 25.000 laws, legal acts, and other regulations in all segments of society, in order to harmonize its legislation with the European Union [36]. The situation with the harmonization of industrial and other standards is equally complex, if not even more difficult, due to the poor condition of Serbia's industry and economy, devastated by more than a decade of economic sanctions and chronic inefficiency. The Participants of the Convention on the appliance of international standards and regulations in Serbia and Montenegro assessed that only 8 per cent out of 10,000 industrial and other standards required for joining the EU have been adopted in Serbia [37]. So far, most major systemic acts "that are maximally harmonized with the EU acts" [37] have been adopted, and the rest have been proposed to the Parliament. However, as the director of the Centre for EU Law, Radovan Vukadinović, argues, "the main problem is not in a level of legal harmonization, but in its application in a manner that meets the EU criteria" [37].

The European officials will not be satisfied if we simply say that we have passed the laws. They will be fully satisfied when we apply them and when, by doing that, we produce results and reach the goals that the EU puts before the applicant countries [37].

Vukadinović argues that a beneficial political environment and economic climate are crucial for fulfilling these goals. He asserts that Serbia is in a much worse position than other applicant countries, due to a number of unresolved and extremely complicated issues, such as the nature and terms of relations with Montenegro, the final status of Kosovo, and cooperation with the ICTY [37].

The second set of requirements is related to **broadcasting standards, advertising, sponsorship, and the protection of underage persons**. In the countries

within the European Union all these issues are regulated by the EU's *Television Without Frontiers* Directive, and there is also the Council of Europe Convention with the same title [38]. These EU documents regulate issues such as programming quotas, the length of commercials, or the advertising of consumer items containing a health risk [38]. In Serbia, most of these issues will be regulated by The Advertising Act, which is the last remaining from the set of media laws that have not been adopted. The proposal of this law has already been harshly criticized by the Association of Marketing Agencies, and received somewhat milder objections by the media [39]. The representatives of both media and advertisers agree "it is necessary that the Parliament adopt the Advertising Act as soon as possible, [40], but they "unanimously described the existing proposal as extremely restrictive and rigid, unrealistic, and dangerous for the media" [40]. The reaction of the advertisers is expected and natural, since the proposal includes restrictions for advertising tobacco and alcohol, and in this respect, as law expert Tony Kingsbury points out, the Serbian Advertising Act "obviously contains elements borrowed from various European advertising systems" [40].

The commercial media are concerned because "reducing advertising blocks and limiting currently existing 'rights and freedoms' would significantly affect their income" [39]. Another objection by the commercial media that the public broadcaster RTS is "positively discriminated" [40] is unfounded. As Ivanović explains:

In commercial TV and radio stations, commercials and infomercials may occupy a maximum of 20 per cent of the daily programming (under the condition that commercials may occupy only 15 per cent of the programming and the rest belongs to infomercials. In terms of the public broadcasting service, the rules are even more rigid. Commercials on the state-owned RTV will occupy 10 per cent of the daily programming altogether – with an exception of events of 'national importance' – during

which is allowed broadcasting of nine minutes of commercials per hour [39].

The proposed Advertising Law is not a perfect piece of legislation, but it is not worse than similar legislation in the EU member-states. Based on experiences with applying other regulations in Serbia, the real question is who will implement them and how will the laws be enforced.

The particular EU requirements, characteristic for the media sector in Serbia, can be narrowed down to:

1. Establishing dual ownership within the broadcasting system [38], which presumes co-existence of a public broadcasting service and a commercial TV. The commercial TV stations have been reality in Serbia for at least 15 years, but the full transformation of RTS from a state-owned, politically influenced and sometimes fully controlled broadcaster into a truly independent and impartial public service has not been completed. The continual procrastination of implementing the Broadcasting Act and, consequently, the delayed appointment of the Broadcasting Agency Council, was one of the major obstacles to transforming the state-owned broadcasting service RTS into a public service [41, p.16]. A Media Centre survey reveals that

... a state-owned company has been left without financial sources. Also, its management structure is left unchanged, and it has been subject to continual external influences. Preparations for a public tender have also been stopped and chaos in the media sphere has been unnecessary prolonged [41, p.16].

The current status of the RTS can be defined as a quasi-public service, since it is legally defined as a public broadcasting system, but its core and management are, indirectly, government-controlled and heavily dependent on a state budget. A recent announcement

by Broadcasting Council president Nenad Cekić that, starting September 1, 2005, citizens will have to pay a mandatory subscription fee for the public broadcasting system to ensure an independent source of its financing [42] has angered the public. It has brought up many unpleasant memories from the 1990s, when the citizens of Serbia had to pay for the television that at least a half of them perceived as a crucial tool in the hands of an odious dictator. Media analyst Snježana Milivojević says this is a wrong approach, and “transformation of the state-owned broadcaster starts again from the wrong end” [42].

As I remember it, when the Broadcasting Law was passed . . . the time frame for the list of tasks necessary to accomplish prior to the moment when the mandatory subscription starts actually meant . . . the division of property between the Studios in Belgrade and Novi Sad, separate registration of the broadcasting institutions of Serbia and Vojvodina, appointment of the Board of Directors and General Directors in accordance with regulations, preparation of a system for collecting a subscription fee and choosing on a public tender a company which would collect that fee. The system of collection then needs to be publicly tried out and announced, and only then collection of the subscription fee was supposed to begin. All that had to take place six months after adoption of the law, which was passed in the summer 2002. RTS was supposed to start functioning as a public company since January 31, 2003. That means that RTS operates in a legal vacuum since 2003. It is no longer a state broadcaster in its traditional sense . . . but it has not become a public service yet, and in that legal vacuum is difficult to tell what is legal and what is not [42].

Milivojević points out that authorities have demonstrated a poor understanding of the public service concept by “trying to fulfill one of their pre-electoral promises by offering better and free of charge television, which would be financed from the state budget” [42]. This was later additionally complicated by the struggle for control over the media between the political parties in power, primarily the Democratic Party of Serbia (DSS) and the Democratic Party (DS), and more or less open attempts to keep RTS dependent on political will.

It is hard to believe that the RTS will be able, under the current circumstances and in the existing political constellation, to finish its transformation into a genuine public service, which is, as Milivojević points out, “a very old institution, and it will soon be a hundred years old . . . If a society chooses to have it, then it has to be allowed to operate freely” [42].

2. Abandoning the practice of the “state press” or state ownership over the media, with the exception of the short-wave station Yu Radio [38]. This radio station has a specific status in the media sphere. It was recently renamed The International Radio of Serbia and Montenegro, and

. . . is the only state-run short-wave radio station broadcasting its program to all parts of the world, in thirteen languages – English, French, German, Russian, Spanish, Arabic, Albanian, Greek, Bulgarian, Italian, Hungarian, Chinese and Serbian [43].

The first steps in privatization of the state-owned media in Serbia were taken in the early 1990s, under the liberal SFR Yugoslavia’s government led by Prime Minister Ante Marković [41, p.15]. As the Media Centre survey points out:

However, the authorities mostly were not ready to give up state ownership and control over the media. Privatization turned into chaos, and media ownership was regulated by the various acts, some of them on a republic, others on a federal level. Provisions regarding the modes of privatization were controversial and media organizations were allowed to choose a legal basis for their privatization. The authorities would, from time to time, react by nullifying privatization, most often by passing the decrees [41, p.15].

Serbian media were not prepared for privatization, and journalists were not sufficiently familiar with their rights. On the other hand, as Božinović points out, media owners are much better organized and they stick together, while journalists are “disunited, afraid of losing their jobs, and hesitant to join unions” [44]. Non-existent or unclear legislation is

one of the prime reasons why privatization of the media has been slow, inefficient, and often followed by corruption and scandals [44].

3. Cutting the ties between political parties and local media, which are mostly founded by municipal governments. As Božinović explains, the privatization of the local media, electronic or print, “has been systematically avoided for years because of the fear of losing political control over them” [44]. Local media are an ultimate tool for the political parties, especially during electoral campaigns, and in October 2004 the Association of Electronic Media (ANEM) “expressed serious concern because of the changes in the management of local media in Serbia as a consequence of just finished local elections” [44]. There are two approaches available to solving this problem, and it can be done “either by privatizing them, or by transforming them into the media of civil society” [38]. As Radojković points out, despite the fact that it is explicitly envisaged as a possibility by the Broadcasting Act, “it seems that no one likes the latter option, and it is rarely mentioned” [38].

According to the Broadcasting Act and Public Information Act, a license to broadcast and publish public information cannot be granted to political parties, organizations, coalitions, or a legal entity founded by a political party. As well, the permit cannot be granted to public enterprises, institutions or other legal entities whose founder is the Republic or Autonomous Region, with an exemption for the broadcasting service’s institutions [41].

Despite these regulations, many municipal governments in Serbia still own television and radio stations. They exert political influence on editorial policy, and they hire and fire editorial staff in accordance with their

political affiliations. This represents the major obstacle to professionalization and independence of the local media. According to the Broadcasting Act, these media are to be privatized by 2005 [41].

Despite this legal deadline, Deputy Minister of Culture Miroljub Radosavljević says that since most of the privately owned media are not ready for privatization, they called for an extension of the legal deadline [45], and “The National Assembly of Serbia is expected to discuss this issue soon” [45]. Privatization Agency representative Dragan Bosiljkić does not expect privatization to begin soon, and “in the best case scenario we can expect it by the end of 2006, but it can easily happen that the frequencies are not allotted in the next three years” [45].

Radojković asserts that Serbia is at the very beginning of the process of fulfilling these requirements, “as much as we are at the beginning of European integration” [38]. Media experts, lawmakers and journalists have mostly understood these standards and incorporated them into the country’s new media legislation, and, with the exemption of the Advertising Act, the entire legal framework necessary for the functioning of the media sector has been adopted. The Broadcasting Act was adopted in 2002, The Public Information Act in 2003, The Telecommunication Act in 2003, and the Free Access to Information Act was finally adopted in 2004. Radojković explains:

However, all these laws mean nothing if they are not fully applied. Firstly, the deadlines for passing the laws were not met. Secondly, the institutional framework necessary for carry out the changes has not been established. Then, these institutions have not been fully recognized, or have not been given enough money to be able to operate. Then, there have been numerous affairs and political games about the structure of these bodies. Finally, almost nothing happened in practice [38].

This discrepancy between the “mostly good media legislation” [38] and its more than poor application, according to Radojković, is caused by the absence of a genuine

reformative will among the political parties, who all, more or less, want to keep the media dependent [38]. Another reason is that there is not enough diplomatic pressure by the EU on the Serbian authorities to implement existing legislation. Radojković says main reason is in the fact that “we are still pretty far from the EU membership, and a count of the fulfilled requirements has not started yet [38]. A last, but not least, reason that contributes to resisting implementation of media legislation and changes in the media sector is that the media owners are not looking forward to EU integration, “because every new step opens domestic markets for foreign competitors” [38]. Radojković points out that

. . . once Serbia becomes an EU member, there will be virtually limitless opportunities for the operation of other member-states’ media. Such competition could completely destroy the domestic media and their owners, because they are weaker. Journalists should not be worried about it, because not many foreign journalists would dare to enter the market in a language as difficult as Serbian, but all other profiles of foreign experts will certainly come [38].

3. The EU Assistance to Serbian Transition

The European Union and its predecessor the European Economic Community have been formally present in the region of former Yugoslavia for more than 20 years, ever since the EEC signed an agreement of cooperation with the Socialist Federative Republic of Yugoslavia in 1980 [20]. The European Commission Delegation was opened in 1981 in Belgrade, but the Agreement of Cooperation was revoked in November 1991, when the disintegration of the federal state started. However, the delegation remained in Belgrade, coordinating humanitarian aid sent by the EU to support victims of regional conflict and civil sector in the country.

The EU is the largest assistance donor to the region, and it actively supports the development of institution building and sector reforms in Serbia, mostly through its

PHARE, CARDS, and Obnova programmes [3]. Only in the period 2000-2003, did the EU provide EUR 885 million to support the implementation of reforms in various sectors, including civil society and media [21]. After the democratic changes in 2000, the EU expanded the European Agency for Reconstruction's mandate and authorized the EAR to coordinate and implement all projects that the EU funds to help development and democratization in Serbia, Montenegro and Kosovo [20].

The Stabilization and Association Process that Serbian started immediately after the democratic changes in 2001 was accompanied by generous financial assistance, called Community Assistance for Reconstruction, Development and Stabilization (CARDS) Programme [12]. The CARDS assistance is primarily aimed at strengthening civil society and the media, supporting the democratic process, observing human rights and creating a sustainable market economy [22]. In April 2005, Serbia and Montenegro was approved 184 million EUR from the CARDS funds. Due to its specific needs and the complex political situation in the Western Balkans, the CARDS assistance has been adapted to the needs of the region, and its attention "has moved from the infrastructure and promotion of reconciliation to the development of government institutions and legislation and gradual approximation with the European norms" [22]. Olli Rehn, a member of the European Commission responsible for enlargement, assessed that each of the Western Balkans nations, including Serbia and Montenegro, will have "serious tasks ahead" before they are ready to join the European Union [17].

3.1. The EU Assistance to Development of Serbian Media

Free and functional media have an irreplaceable role in any democratic society, since political role of the mass media, as Wheeler points out, “covers several features, including being a public watchdog, agenda setting and message producer” [23, p.1].

Gross argues that the relationship between the media and the political systems in transitional societies will remain uncertain and changeable until their political systems “achieve full political stability and come of age” [24, p. 57]. Gross writes:

However, [the media’s] power and influence will grow only if developments within the profession give them credibility and thus make them valuable to their audiences, not just to politicians and political parties [24, p. 57].

As Ballentine points out, the development of an independent mass media was one of the most important ways to support young post-communist democracies in the 1990s [25, p.91]. This support was given through a network of

international, state, and nongovernmental actors [who] became involved in one or another aspect of media development: training journalists, providing technological improvement, reforming the legal-regulatory framework, enhancing the financial and managerial performance of media outlets, and developing professional associations for journalists, broadcasters and other media professionals [25, p.91].

This international assistance “doubtless had a positive influence in shaping the norms and practices of the postcommunist media, enhancing their professionalism and their viability, and helping to integrate them into a larger transitional media community” [25, p.92].

In its 2004 report on Serbia, the European Agency for Reconstruction stated that “the media sector is a crucial element of the Stabilization and Association process,” and European Commission assistance “would be built on previous activities and focus

especially on the successful transformation of state television into an efficient and reliable public broadcasting service in line with the European standards” [26]. The report also stated that “media in Serbia remain vulnerable to political and financial influence,” due to “serious setbacks in the field of media regulations” [26]. The European Commission closely cooperates with the Ministry of Foreign Affairs of Serbia and Montenegro, which recommended that “assistance to the media should focus on structural reforms, support the transformation of the state-run into public service broadcasters and promote private sector involvement in the independent media,” as well as “address training and management issues” [26].

One of the primary goals of the European Commission’s financial support to the Serbian media, as emphasized in the report, is the development of the technical capacity of the state TV – RTS by:

1. improving the technical base and functionality of the RTS web page;
2. modernizing the RTS archive, and
3. developing a system of management support for the preparation of broadcast activities [22].

Other activities and projects aimed at supporting the development of the media sector by the EC include supporting “joint post-graduate specialized media studies at the Faculty of Political Science and the Faculty of (Performing) Drama Arts at the University of Belgrade,” as well as providing grants to local media “to stimulate quality programmes, regional programmes and investigative reporting” [22].

The European Union closely cooperates with Serbian media associations and organizations in defining and implementing various projects aimed at supporting the development of the media sector. Since December 2003, the Belgrade-based Media Centre, financially supported by the European Agency for Reconstruction, started

implementing a project of Support to Professional Media. In 2003, the European Agency for Reconstruction, together with UNESCO and the governments of France, Germany and Denmark, helped build an independent printing facility worth \$4 million, whose printing capacity is 45,000 copies a day [27]. The facility is established as a non-profit enterprise between Association of the Private-owned Media (APM)^{xi} and Blic Press Company. Its main purpose is to allow easier access to printing for the independent media, who are often blackmailed and pressured to change editorial policy by the owners of private and state-owned printing facilities.

A programme for Support to Professional Media Development in Serbia is a project worth 1,935,000 EUR, and comprises three parts: Media Fund, Media Education, and Media Documentation. Its general objective is “to contribute to the media development of the media sector in Serbia, for the purpose of achieving stable and open democracy” [28], through awarding grants to a value of 50,000 to 150,000 EUR each to the nineteen media whose projects qualified for assistance [29]

The Media Division of the Council of Europe has given significant support to the development of the media sector and legislation in Serbia. Since October 2000 it has provided Serbian legislators with expert assistance in creating essential media laws, such as the Broadcasting Act and Public Information Act, thus helping Serbia to harmonize its outdated media laws with contemporary European Union’s legislation [30].

The Council of Europe is also interested in actively supporting deregulation in the Serbian media sector, primarily through increasing the significance and role of

^{xi} Association of Private Media is founded in 1999. Its members are *Danas*, *Blic*, *Ekonomist Magazin*, *Republika*, *Svedok*, *Nedeljni Telegraf*, *Nin*, *Vreme*, a Hungarian-language weekly *Csaladi Kor* and the agencies *Beta* and *Fonet* [27].

professional journalist organizations. Some actions would include helping the Serbian media sector adopt “a unique Code of Journalistic Ethics” [30] or to assist in implementing European experiences in creating non-governmental bodies that have “an important role in monitoring professional standards in independent and free journalism and media operations” [30].

In its Resolution 1397, the Parliamentary Assembly of the Council of Europe expressed concerns about the political pressures on the media in Serbia and called on authorities “to refrain from any attempt to control, influence or intimidate the media” [8]. The Assembly also warned politicians in Serbia that they “should not use the state budget in order to maintain its political influence over the remaining state-owned media outlets at the expense of the independent media organizations” [8], and called for further and full transformation of the Serbian Radio and Television into a public broadcaster [8].

President of Serbia Boris Tadić agrees “it is imperative for Serbia to have a free, responsible and critical media, since that is one of the most significant achievements of modern society” [31]. However, Tadić emphasizes that freedom of the press has not achieved a necessary level, and the laws pertaining to the media sector are not being implemented [31]. Ignoring standards imposed by the OSCE and Council of Europe, according to whom the politicians and political parties cannot own mass media, “additionally contributes to media chaos in Serbia” [32]. The Freedom House in its annual report for 2005 concluded that “the media in Serbia are partially free” [33].

Although the freedom of press is constitutionally guaranteed, political pressures, libel lawsuits, an unreformed system of media regulation and physical assaults on journalists limit that freedom [33].

The Freedom house also reports that there has been little done about decriminalizing libel, The Broadcasting Act is not fully implemented, the state-owned broadcaster RTS is not fully transformed, and the implementation of the Access to Public Information Act is “questionable” [33]. The Freedom House asserts that “again, during 2004, the media had been operating in a politically polarized environment, which forces some journalists to self-censor their work, avoiding politically sensitive issues” [33].

The Council of Europe, reacting to all these negative sides and a sluggish development of the media sector in Serbia, recommended the creation of a media ombudsman. Such a body would serve as a regulating factor in a turbulent media sector in Serbia, and a long tradition of media ombudsman in some Scandinavian countries. Also, The Press Council in Germany could serve as a model for the creation of a similar body.

As a member of the Stability Pact – eSEEurope Initiative (together with Albania, Bosnia and Herzegovina, Croatia, FYR Macedonia and Moldova), and in accordance with the Declaration adopted in Ljubljana, Slovenia, in June 2002, Serbia and Montenegro have taken responsibility for cooperating with other countries in the region, for “supporting the active development of the information society in the region of Southeastern Europe” [34]. The state-union has agreed to actively take steps in the areas of **organization** of the institutional framework for information society and society based on the communication technology; **reform** of the legislation for information society; **regulation** through liberalization, privatization, and strategies pertinent to the communications infrastructure; as well as **promotion**, through supporting civil society,

non-governmental organizations, e-government, e-learning and other activities on a regional level [34].

The best way for the EU to provide tangible results in its support to the civil sector and media in Serbia, as Keane points out, is “by concentrating upon the development and coordination of policy, without necessarily always being the actual executing agent” [35, p.492]. That would require better coordination between the EU and Serbian NGOs, GOs, and IGOs, better control over the resources, as well as more efficient and better defined projects.

4. The EU Crisis and Serbia

The deep crisis in which the EU has found itself after the failure to adopt the EU constitution after the public rejection in the referenda in France and Denmark will likely slow down and complicate integration of the Western Balkan countries, including Serbia.

The officials in Brussels have been sending mixed messages to the applicant countries. Former prime ministers of Italy, Sweden, Belgium and Germany made an appeal to all European leaders “to not forget about the strategy for the integration of the Western Balkans into the EU,” because “that would have meant the revival of tensions and ethnic violence” [46]. The German chancellor asked the EU leaders to “not diminish the chances of the Balkan countries for joining just because of money” [46].

On the other hand, French premier Dominique de Villepin in June 2005 suggested that the “institutional crisis in the EU will put in question further expansion and future borders of Europe” [46]

Miroslav Prokopijević of the Centre for Free Market believes that the conservative approach to EU expansion will prevail in Brussels [46]. He explains:

A previous cycle of expansion has seen Poland who, by many standards, would never be able to satisfy criteria for association with the EU, but it's still there. In the second round we have Romania, who also does not meet a number of the criteria, let alone corruption, and it will still be in by 2008. I think that the EU will now adopt a more conservative scenario, and the candidates will be asked to more literally fulfill some conditions in order to be able to join [46].

The referenda in France and Denmark have shown that this suspicion is not unfounded, and Serbia could be left on the other side of "Huntington divide" [47, p.156], an imaginary line of cultural border between "The West" and "The East" (or "The Rest") [48, p.22] if its elite and public do not show more maturity and will to complete societal transformation.

Conclusion

Journalism and an entire media sphere in Serbia are neglected, degraded and chaotic. They lack developed professional ethics, adequate social status, unreserved government support, and the human and material resources that would enable them to perform their democratic function.

Journalism in Serbia has become a victim of a social agony and moral crisis that began with the rise of Slobodan Milošević, continued after his fall and the ascension of his opposition in October 2000, and culminated after the assassination of Prime Minister Zoran Đinđić in March 2003.

There are three main factors responsible for such a poor situation in Serbian media: The political elite, media owners and journalists themselves.

After October 5, 2000, it seemed that Serbian politicians were not aware of the magnitude of damage caused by Milošević's political adventurism and irresponsibility.

The political elite failed to take advantage of Serbia's favourable position in the eyes of the West as the long awaited "youngest democracy" after the peaceful democratic revolution in October 2000 to execute a thorough and systematic democratic reform of the entire society. Instead of focusing on important issues, such as creating the necessary conditions for societal progress and prosperity, they succumbed to particularism and selfish interests, engaged in the partisan struggle for power, fruitless quarrels and fabrication of affairs, thus wasting the time, money, and patience of the European Union, The United States and other countries, and especially, citizens of Serbia.

Politicians' irresponsibility also contributed to apathy and a loss of confidence in democratic values among the ordinary citizens of Serbia. Leaders of the major political parties often and actively collaborated with those who were directly or indirectly connected with Slobodan Milošević. They hired or protected many officials from the secret service, army and police who held important positions in the former regime, and they turned a blind eye to businessmen and media moguls notorious for their suspiciously gained fortune and influence during Milošević rule. Today, there is a more or less open restoration of the old regime underway, and Milošević's Socialist Party of Serbia (SPS) is a coalition partner of Koštunica's Democratic Party of Serbia (DSS), while Vojislav Šešelj's far-right Serbian Radical Party is the strongest opposition party in Serbian Parliament.

The person most responsible for this situation is the leader of the Democratic Party of Serbia (DSS), Vojislav Koštunica, who openly protected and flirted with the people from the old regime in order to flatter the former Milošević electorate and get their votes. Reform-oriented and pro-Western Prime Minister Zoran Đinđić was assassinated in 2003

by the members of a special police unit, who were deeply involved in murders, drug trafficking and blackmail, and enjoyed protection from a part of state institutions and officials.

Most Serbian political leaders have given much lip service to supporting a democratic and independent media, but did very little in practice. Five years after Milošević, it has become obvious that only a minor part of the political elite genuinely and unconditionally supports democratization of the media sphere, while the majority is not willing to allow a truly independent media. Obstruction and poor implementation of the democratic legislation have clearly demonstrated political immaturity, quasi-democratic orientation, and often incompetence of the major political players. Most politicians in Serbia are not ready to support the creation of a democratic framework for the operation of the media, because that would mean they cannot control them.

Another roadblock to reforming the media is the media owners. They do not look forward to implementing European standards in Serbia because that would mean changing their ways of operation, currently based on a cheap and abundant, often uneducated and insufficiently trained army of journalists, who are in a constant fear of losing their jobs, and who work without social benefits, often part-time. Investigative journalism, which is the *sine qua non* of a healthy, functional and democratic journalism, in most media is discouraged or neglected, due to the shortage of funds, trained journalists, or owners' lack of will to support such investigation, because of their business or political connections.

Journalism in Serbia continues to be a low-paid and undervalued profession, where journalists are often directly threatened or attacked by people from political parties or

criminal circles, or they are influenced to change their reporting by the media owners. Poor material and professional conditions cause some journalists to deviate from journalist professional ethics. The emergence of “mafia journalism,” where journalists work for media founded and financed by the criminal structures, and tabloidization of the media sphere are the most visible indicators and consequences of the collapse of moral and ethical values in Serbian journalism.

Serbia’s transition and its journey to Europe is much more complex and troubled than that of other post-communist countries, because it is twofold: Serbia needs to make a transition from a communist society, and also needs to finish transforming from a deeply criminalized, post-communist, and semi-authoritarian state. Unlike other countries of the former Eastern Block, who replaced their communist governments and more or less successfully transformed and democratized their political systems and societies, Serbia in 1990s had gone through a period of unprecedented societal and political catastrophes, which included: a series of wars Serbia directly or indirectly was involved in; a populist and incompetent Milošević regime that heavily criminalized state institutions and impoverished entire society; international economic and cultural isolation; and the 1999 NATO bombing of Serbia and Montenegro. The position of Serbia is unique in comparison to other transitional societies due to the extreme complex issues facing it and Kosovo, its relationship with Montenegro and ICTY; Serbia’s key position for economic and political stability in the Balkan Peninsula; and its geo-strategic significance for Europe. For all these reasons, transition in Serbia should be treated differently and be paid more attention than other countries in the region. The media and journalism in Serbia should be recognized as a top priority for transformation. They need more input of

all kinds, including material and human resources, in order to achieve a critical mass necessary for true transformation, thus becoming a more effective facilitator of democratization of Serbian society.

Restrictions on travel to the EU should be lifted for journalists and media experts, and they should be allowed to travel freely and learn from the experiences of the media systems in other EU countries.

Media outlets should give more support to their journalists to investigate and expose criminal structures – remnants of Milošević regime and political parties and individuals who support them and cooperate with them. That would gradually convince the public that the people who are by many regarded as heroes are actually most responsible for the downfall of the Serbian state and nation in the last decade of the 20th and the beginning of the 21st century.

Professional media associations need to de-bureaucratize and leave their differences aside, and more actively engage in articulating journalists' interests and improving conditions within the profession, and regaining its dignity and honour. It is necessary to unify and find efficient ways of implementing a universal journalistic code in the Serbian media, based on the democratic role of journalism and in accordance with European Union standards. Improved working conditions and social status will gradually increase journalists' confidence.

The EU countries and organizations should exert more pressure on the Serbian authorities to implement and improve legislation, and to do that they should define a clearer policy of rewarding and punishing them. The European Union with its media organizations and institutions should co-operate more closely with Serbian professional

media organizations to find more efficient ways to exert more pressures on all three sides, politicians, media owners and journalists to accept, improve and apply existing media legislation.

In order to regulate the media and make it more attractive for both journalists and foreign investors, the Serbian government should immediately implement existing legislation in order to solve the most urgent issues: Regulating the terms and conditions of print media can be done by: reducing the number of print media to a reasonable and sustainable number; regulating and reducing the number of broadcast stations which can be achieved by regulating and allocating licenses to those who meet legal and professional requirements and eliminating those media who have been working illegally for at least a decade. As explained in the previous chapters, many of these media are owned by the municipal governments, political parties and other political entities, which is against the law, or they do not meet proposed standards. De-politicizing of the local media can be achieved by privatizing them or transforming them into the media of civil society. Other urgent issues include transforming the state-owned Radio-television of Serbia into a truly public service; establishing the dual, private and public, ownership within the media system, and abandoning the practice of state-owned media.

The Serbian elite must stop engaging in counterproductive quarrels and political games. Instead, they should articulate national priorities and interests and choose the best direction for developing the entire Serbian society that will ensure and accelerate democratization and modernization of the country. The role of one of the most important agents and facilitators in this societal transformation is reserved for the media. Journalists need to do more to improve the dignity, conditions and influence of their profession. The

media need to intensify informing and educating the public and journalists themselves on the importance and indispensable role that journalism and media have in a society which aspires to become democratic and eventually join the EU.

Serbia's transition and journey to Europe will be long and difficult, but without a developed and efficient media sector it will hardly be possible.

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