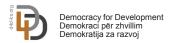# Working Paper

**NASER MIFTARI**

## Starting from Scratch: The Role of Media Assistance in the Establishment of Independent Media Institutions in Kosovo

# Starting from Scratch

## The Role of Media Assistance in the Establishment of Independent Media Institutions in Kosovo

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Promotion Programme | Western Balkans

# 1.

# Introduction

Kosovo is a Western Balkans state[1] bordering Serbia, Macedonia, Montenegro and Albania. It was the last administrative unit to emerge as an independent state out of the former Yugoslavia, where it had the status of an autonomous province within Serbia. With the dissolution of Yugoslavia in the 1990s, the tensions between Kosovo Albanians and Serbs escalated into a full-fledged conflict between Serbian forces, loyal to the regime of Slobodan Milošević, and the Kosovo Liberation Army (KLA). The conflict ended after an extensive NATO military intervention that forced Serbia to withdraw from Kosovo in 1999 and led to the creation of the Kosovo protectorate under the supervision of the United Nations Mission in Kosovo (UNMIK). UNMIK administered Kosovo until the country proclaimed independence on February 17, 2008. Following independence UNMIK began to downsize and the European Union Rule of Law Mission in Kosovo (EULEX) was introduced. This development followed the conditions set forth in a UN endorsed plan for an internationally supervised independent Kosovo.[2]

The recent census data shows that Kosovo has an estimated population of 1.8 million with almost two thirds of its population living in rural areas. Albanians make up more than 90% of the total population. Other sizeable communities include Serbs, Turks, Bosnians, Montenegrins, Croats as well as Roma, Ashkali and Egyptians. The average household is one of the largest (5.9 members per household) and the overall population is one of the youngest in Europe. While Kosovo's economy has seen progress in recent years, the aftermath of conflict has witnessed shifts in the population movement from rural areas towards urban centers, leading to an increased economic disparity between urban and rural areas.[3]

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[1]   To date Kosovo has been recognized by 96 states.

[2]   UNMIK continues to implement its mandate in a status neutral manner under Security Council Resolution 1244 (1999). The Special Representative (SRSG) ensures a coordinated approach with the OSCE - its pillar for institution building - and with EULEX, which is deployed under S.C. Res. 1244 (1999) and operates under the authority of the United Nations.

[3]   Kosovo Agency of Statistics, Kosovo Population and Housing Census 2011 (Pristina: Kosovo Agency of Statistics, April 2011).

When UNMIK deployed in Kosovo in 1999, its structure consisted of four pillars operating under the UN umbrella.[4] The third pillar of UNMIK - Democratization and Institution Building - was entrusted to the OSCE. As part of such a mandate, OSCE helped establish a range of institutions, including media and support institutions such as Temporary Media Commissioner[5] (TMC) - the predecessor to the Independent Media Commission (IMC), Radio Television of Kosovo[6] (RTK) and the Press Council of Kosovo (PCK). UNMIK and OSCE also played a crucial role in the subsequent transformation of those institutions from internationally run, to locally managed.

In the decade or so of international management the media sector in Kosovo has experienced important transformation. Yet a general perception exists that the media "underperforms" and the sector vacillates between a stable and a precarious state. The liberal media regime pursued by the UN administration was successful in ensuring the de-monopolization of information in Kosovo, but the uncontrolled increase in media outlets has disrupted the sector, creating a saturated media market with declining sources of revenue.

Based on the European Commission's Progress Reports and the IREX Media Sustainability Index, after 2005 some challenges, such as media pluralism and de-monopolization of information, have been successfully addressed. However other challenges persist when it comes to ensuring the freedom of expression, protection of journalistic sources, independence of the media and their boards, as well as professional standards of journalism.

The European Commission (EC) annual progress reports on Kosovo between 2005 and 2007 recognize some progress in freedom of expression, implementation of audiovisual media policies, as well as the legal and self-regulatory framework for the media.[7] However, since 2008 EC reports have raised concerns about uncertain funding, operation and independence, and political pressure on RTK, IMC and other media organizations and institutions.[8] In 2010, 2011 and 2012 the EC reports raised concerns about the media being conducive to strong influence

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[4]    Pillar I was under UNHCR and addressed Humanitarian Assistance post-conflict. Pillar II was UNMIK Civil Administration led by the United Nations; and Pillar IV: Reconstruction and Economic Development, was led by the European Union (EU).

[5]    In June 2000 UNMIK introduced Regulation 2000/36 on the Licensing and Regulation of the Broadcast Media and Regulation 2000/37 on the Conduct of Print Media and established the TMC, citing "special circumstances" until the introduction of an "effective self-regulation of the print media," making Kosovo a unique place where print was being regulated by authorities. See: "Broadcast and print regulations for Kosovo media approved," OSCE Mission in Kosovo, June 21, 2000.

[6]    Through an agreement with OSCE, UNMIK invited EBU to set up and manage RTK in 1999.

[7]    European Commission, Kosovo Progress Reports 2005, 2006 and 2007 (Brussels: European Commission, 2005, 2006, 2007).

[8]    European Commission, Kosovo Progress Report 2008 (Brussels: European Commission, 2008).

from partisan and ownership interests. The reports cite continued pressure against journalists, barriers to accessing public documents, and the continued criminalization of libel as core obstacles to a healthier media environment.[9] It should be noted that by the end of 2012 the government took the effective steps towards decriminalization of libel by removing Articles 36 and 37 of the Kosovo Penal Code. However, other issues, such as access to documents, partisan and ownership influence and various forms of pressure on journalists and the media, still exist.

At the same time, IREX's Media Sustainability Index (MSI) for the period between 2001 and 2012 recognizes some limited progress in the structural conditions for free speech, professional journalism, pluralism of news sources and supporting institutions. Yet the index notes similar obstacles that have persisted over the years such as: pressure against journalists, inadequate provisions for the independence of RTK, limited access to information and the impunity of crimes against journalists. In particular, objectives #2 (Professional Journalism) and #4 (Business Management) have remained below the IREX's own threshold and have seen further drawbacks in recent years.[10]

*Table 1.1. Indicators of media sustainability in Kosovo 2001-2012*

| Indicator | Year | | | |
|---|---|---|---|---|
| | 2001 | 2005 | 2009 | 2012 |
| Free speech | 1.98 | 2.50 | 2.37 | 2.46 |
| Professional journalism | 1.78 | 2.30 | 2.23 | 2.20 |
| Plurality of news sources | 1.79 | 2.63 | 2.59 | 2.51 |
| Business management | 1.59 | 2.21 | 2.40 | 1.88 |
| Supporting institutions | 2.34 | 2.64 | 2.32 | 2.63 |
| Overall score | 1.90 | 2.45 | 2.38 | 2.33 |

Source: IREX Kosovo Media Sustainability Index annual reports (2001-2012)

Given the extremely important role of international actors in state building and institutional development in Kosovo, this research provides an overview of the development of the Kosovo media system as influenced by foreign assistance and funding. The paper first describes the background of the political and media system in Kosovo, followed by an overview of the main trends in foreign assistance to Kosovo media institutions. The overview focuses specifically on the strategies, approaches, and goals of foreign assistance. However, the donor assistance is

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[9]  European Commission, Kosovo Progress Report 2010 (Brussels: European Commission, 2010).

[10]  Frances Chetwynd, Jehona Gjurgjeala and David Smith, *Kosovo Media Assistance Program – Final Evaluation Report* (Washington: USAID, March 2008).

not assessed in isolation from the larger context in which such institutions were established and began to function.

The first three sections of this report build substantially on various evaluations of Kosovo media programs, and analyses, progress reports and research studies on the Kosovo media situation. In addition to the literature review, the research further builds on primary data received from 16 interviews with representatives of media institutions, journalists, civil society activists and academics in the period between December 2012 and March 2013. The feedback from these interviews is mainly reflected in the "Case Studies" section of the report (see Appendix 1 for the list of interviewees).

Under the Case Studies section the research investigates the ways in which three media institutions - Independent Media Commission (IMC); Radio Television of Kosovo (RTK) and the Press Council of Kosovo (PCK) – established in the aftermath of conflict with considerable foreign media assistance – have evolved. The independence and long-term sustainability of RTK and IMC are important conditions that the Kosovo government must ensure[11] as it moves closer towards the Stabilization and Association Agreement (SAA) with the EU.[12] As such, these institutions are a cornerstone for a sound media system in Kosovo. Understanding how the autonomy and functionality of these institutions have evolved over time and in what ways donor strategies have influenced the development of those institutions, is central to the scope of this research. The report concludes with a discussion of the research findings and some final considerations on the current status of the Kosovo's media institutions (section five).

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[11] Government of Kosovo, Action Plan on the Negotiation of the SAA (Pristina: Government of Kosovo, December 2012).

[12] European Commission (EC), Recommendation for authorizing the opening of negotiations on a SAA between EU and Kosovo (Brussels: European Commission, April 22, 2013).

# 2.

# Background: The Political System and the Media System

Kosovo is a parliamentary democracy with a multi-party proportional system. The 120-member unicameral National Assembly is the highest legislative, representative and oversight institution. The Assembly elects the president, who serves a five-year term.[13] The prime minister is nominated by the president and requires the Assembly's approval.[14] The central decision-making powers are vested with the government and the prime minister. The two main parties are the Democratic Party of Kosovo (PDK) and Democratic League of Kosovo (LDK). Since the aftermath of the conflict neither of the parties has had major appeal amongst the fragmented electorate. However, in joint coalitions and/or in coalition with other less-sizable parties LDK and PDK have determined the outcomes of government formations since the end of conflict.[15]

Kosovo's fragmented political system makes it difficult for the governing coalitions to push forward relevant political or media agendas. The problem of unstable coalitions (between 2007-2010 Kosovo has had three different governing coalitions) means that Kosovo's political system suffers from a "low policy stability" syndrome and the voting on relevant legislation, including media legislation, is often driven alongside political party lines, interests and calculations.[16] It is possible nonetheless, to determine to a certain degree the

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[13]  "Rules of Procedure of the Assembly of the Republic of Kosovo," *Assembly of Kosovo,* April 29, 2010.

[14]  Ibid.

[15]  After the conflict Kosovo was governed through a broad-based coalition government and the Prime Minister was chosen with consensus. Since 2004 the PM is proposed by the winning coalition and voted in the Kosovo Assembly.

[16]  When the laws on IMC (2005) and RTK (2006) were first passed Kosovo was ruled by a minority government, and both laws received just the minimum threshold of votes (50+ votes) while the opposition voted against. Following 2007 a grand coalition between the two main parties (LDK and PDK) was formed. This coincided with the declaration of Kosovo's independence and changes were proposed in the Kosovo Constitution to reflect the new realities and to remove references to UNMIK. The relevant laws, including Laws on IMC and RTK were proposed for amendment. However, the coalition government broke off in its third year and an extra-ordinary election was called, leaving the work on amendments pending. The extra-ordinary elections held in 2010 produced a new coalition government and when the modified Laws on RTK and IMC came up for voting in 2012 they again received the votes of the new governing coalition but not the votes of the opposition. (The RTK Law was voted with 42 votes in favor, 36 against and for abstaining).

main agenda setters, and at different points in time during post-conflict Kosovo, the Democratic League of Kosovo (LDK) and the Democratic Party of Kosovo (PDK), in joint coalition or in combination with smaller political parties, have been the principal agenda setters. Also, as the most durable structures in the post conflict democratic transition, PDK and LDK and their allies have been the central factors in the "politicization of the state." Applied to the policy level, "politicization of the state" is understood as a phenomenon in which administration and law are shaped by the ad hoc needs of the political agents rather than by a priori policy objectives, which aim at providing public goods. Hence, legal enforcement favors partisan political interests, whereas policy favors resource extraction for private ends.[17] In Kosovo the "politicization of the state" is reflected in its different shades such as business parallelism, direct or indirect government control, floating laws, fuzzy ownership and "an unsupportive environment for the media."[18] In addition, the absence of a strong civil society multiplies the negative impact of the politicization of the state.[19]

Reflecting on the phenomenon of "business parallelism" in Kosovo, a report published in 2012 indicates that the resilience of Kosovo media outlets despite economic hardship is explained through business subsidization.[20] Persons with multiple business interests in Kosovo, some of them with potential political agendas, own media outlets or operate as business partners in them. The same report notes that the weak economy in which the perceived costs of production outweigh the profits has led to an increased reliance on potentially compromising sources of funding such as cross business subsidization.[21] Another report highlights a number of Kosovo media outlets that are dependent on businesses that own them.[22]

On the issue of direct and indirect government control of the media more examples come up. In 2009 the European Broadcasting Union (EBU) for example,

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[17]   Jan Zielonka and Paolo Mancini, "A media map of Central and Eastern Europe" (United Kingdom: Department of Politics and International Relations of the University of Oxford and the Department of Media and Communications of the London School of Economics and Political Science, 2011), p. 4.

[18]   An investigation on the local conditions that discourage media independence identified as a central factor the slow, inefficient and corrupt judiciary system in Kosovo as the main obstacle to helping to prosecute the crimes against journalists, and the undue influence of politicians on the judiciary as a core problem. See: Olivier Basile, *Kosovo: Still not too late for press freedom, on investigation* (Reporters Without Borders, June 2010).

[19]   Zielonka and Mancini, "A media map of CEE," p. 4.

[20]   Shkamb Qavdarbasha, "The State of the Media in Kosovo," ed. Krenar Gashi (Pristina: INDEP, 2012).

[21]   Ibid.

[22]   Youth Initiative for Human Rights (YIHR), "State of Constriction? Governance and Free Expression in Kosovo" (Pristina: YIHR, May 2010). A number of interviewees in this research have also pointed out the cross-subsidization impact in the Kosovo media.

criticized Kosovo's Prime Minister for undue political and financial influence on the media.[23] At the same time, the Government's influence in diverting the state advertising towards the government-friendly media was documented as well.[24]

With regards to the legal insecurity from "floating laws"[25] – constantly changing legal framework – important examples are the Laws on IMC and the RTK, introduced in 2005 and 2006 respectively and amended in 2012. While the process of their amendment was dragged on for years, leaving the Boards of RTK and IMC dysfunctional for two years and three years respectively, once introduced in 2012, these laws have narrowed the independence of RTK and IMC allowing the Kosovo Assembly greater scrutiny in the selection and appointment of the Board members of RTK and IMC.[26]

The aspect of "fuzzy ownership" as defined in Zielonka and Mancini (2011) has three characteristics: (1) no transparent information about media ownership and interests; (2) transition in the media sector to the benefit of private "investors" and (3) promotion of political and/or business interests via media content. In the absence of a law that would demand ownership transparency, media ownership remains partially transparent in Kosovo. At the same time, the transition in the media sector to the benefit of private investors in Kosovo has been a central phenomenon. For example, none of the three national television stations that operate in Kosovo today have solved the issue of ownership with regards to the premises in which these televisions operate. All three have benefited from the legal uncertainty that characterizes post-conflict environments, making use of low rent or even rent-free premises, but they remain vulnerable to state control as their use of premises is provisional, pending the determination of the ownership issue over the formerly state owned enterprises.[27]

Furthermore, the promotion of political and/or business interests via media content is also a widespread phenomenon in Kosovo. It has been observed during election periods in particular.[28]

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[23]  EBU accuses PM of interference in Kosovo broadcaster, European Broadcasting Union, October 26, 2009.

[24]  Kosovar Institute for Policy Research and Development (KIPRED), "Circulation and Politicization of the Print Media in Kosovo" (KIPRED, March 2010).

[25]  Zielonka and Mancini, "A media map of CEE."

[26]  Based on the IMC Law 2005 the agency was in charge of inviting the applications for the Boards of IMC and RTK and upon submission of the list the ad hoc committee could approve the candidates in a pro-forma vote. The Law on IMC 2012 takes away such powers from IMC and leaves the selection process in the hands of the ad hoc committee of the Kosovo Assembly.

[27]  E-mail correspondence with representatives of the Kosovo Privatization Agency (KPA).

[28]  KIPRED, "Monitoring of media during the election campaign in Kosovo (October 26 – November 16, 2007)" (Pristina: KIPRED, February 2008); KIPRED, "Media Monitoring during the elections campaign 2009" (Pristina: Democracy in Action, March 2010).

Lastly, the "politicization of the state" can further exacerbate the conditions of the media sector in conditions where civil society is absent or inactive. Based on the feedback from most of the participants in this research, civil society in Kosovo over the last decade has largely failed to tackle the issues relevant to media freedom.[29] Such claims are echoed in the EC progress reports on civil society in Kosovo which emphasize civil society's weak status and lack of ability to influence change. The poor performance of civil society is attributed to the limited participation in public life, low understanding of the role of civil society, the unfavorable environment in which NGOs operate (the lack of a law that would guide the work of civil society for example) and an overall absence of civil society legacy in Kosovo.[30]

Kosovo's Constitution (2008) safeguards press freedom, through Article 40 and 42 that guarantee the freedom of the press and media pluralism and ban censorship. However, press freedom can be limited in cases where it would encourage violence and hostility linked to race, nationality, ethnicity or religion.[31] Moreover, in conditions of fragile political stability, such a definition can be broad and misused.[32]

The fragile political stability is also reflected negatively in the prospects of economic stability, with important implications on media sustainability and performance. Kosovo's media market is heavily saturated and media operate in a harsh and uncertain economic environment. In 2012 there were eight national daily newspapers published in Kosovo, a significant number taking into account the size of the population. While the circulation figures of newspapers are not public, their circulation is estimated to be between 25,000–35,000 copies per day in total.[33] Otherwise, broadcasters with national coverage, most of them located in the capital Pristina, dominate the market. There are no data on the advertising spend either. However, based on an estimate of the IMC, approximately €10 million were spent by private and public companies in Kosovo for advertising in broadcast and print media in 2011.[34]

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[29]  A number of interviewees emphasized that civil society did not come to the defence of RTK's independence by pressuring the Kosovo Assembly to find a suitable carrier when KEK terminated its contract. Furthermore, there was no pressure applied to Kosovo's Constitutional Court either for not bringing a final decision to stop the collection of the subscription fee, but just suspending it instead.

[30]  See EC, Annual reports on Kosovo 2007-2010 for an analysis of the civil society impact.

[31]  Constitution of the Republic of Kosovo, June 15, 2008, Articles 40 and 42.

[32]  For example, the editor in chief of Koha Ditore received a threatening phone call from the head of UNMIK, Lamberto Zannier, in reaction to an October 2011 article describing the reconstruction of a bridge in northern Kosovo that was eventually banned by UNMIK officials.

[33]  KIPRED, "Circulation and Politicization of the Print Media in Kosovo."

[34]  Independent Media Commission (IMC), Draft Strategy: Transition from Analogue to Digital Broadcasting in the Republic of Kosovo (Independent Media Commission, December 2012).

Kosovo has a dual system that combines public service and commercial radio and television. Television is considered the most important source of information for 89% of the adult population.[35] As of December 2012, there are 21 television stations licensed in Kosovo. Of these, three (3) provide nation-wide coverage, eleven (11) regional coverage, six (6) local coverage and one (1) has a low power transmission. Of the 21 television stations, 14 broadcast in Albanian language, 5 in Serbian and 1 in Turkish language. The public service broadcaster RTK, which primarily broadcasts in Albanian, also broadcasts around 15% of its programming in the languages of minorities.

In addition, there are four nation-wide radio stations, out of which two are public service radios (Radio Kosova and Radio Blue Sky), and two private radios (Radio 21 and Radio Dukagjini), with another 80 local radio stations spread throughout Kosovo. There are 45 radio stations in Albanian language, 26 radio stations in Serbian, 3 in Bosnian, 2 in Turkish, 2 in Gorani, 1 in Roma and 3 are multi-ethnic radio stations.

In recent years there have also emerged a number of online news portals and a number of licenced cable operators in Kosovo, of which two, Ipko Telecommunications, and Kujtesa Net, are cable operators with national coverage. Cable networks distribute the TV programmes of 25 program service providers. In total 37 cable TV programmes are licenced, but not all of them are active.[36]

Whereas on the policy level the phenomenon of the "politicization of the state" influences administration and law, "political parallelism in the media" is the mirror of how the political spectrum is reflected in the media. In their seminal research Hallin and Mancini (2004)[37] define political parallelism in the media in reference to media content, organizational connections between media and political parties or other kinds of organizations, partisanship of media audiences, and journalistic role orientations and practices. Applied to the Kosovo context political parallelism can be observed primarily in the media content and in the tendency of media personnel to be active in political life, often serving in party or public offices, with media owners having political roles at the same time either in political parties, as MPs or in the government.

While the bias in the media coverage has nuances within the larger spectrum of media outlets it can be still observed in the selection of news events, the tone of coverage, and the selection of sources of information in the media. There is an overall perception that most of the print media openly support certain political

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[35]   Index Kosova, "Press Release: Media Picture in Kosova" (Index Kosova, December 9, 2008).

[36]   IMC, Draft Strategy.

[37]   Daniel C. Hallin and Paolo Mancini, *Comparing Media Systems: Thee Models of Media and Politics* (USA: Cambridge University Press, 2004) p. 28.

parties or interests.[38] The media bias and political affinities are emphasized especially during election campaigns.[39]

In addition, organizational connections between media and political parties or other kinds of organizations are also present or have been present to a certain degree in the past. Some of the main media owners have, at different points in time, also been involved in political roles as heads of parties or involved in political parties and Kosovo politics.[40]

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[38]   KIPRED, "Circulation and Politicization of the Print Media in Kosovo."

[39]   KIPRED, "Monitoring of media during the election campaign in Kosovo (October 26 – November 16, 2007)."

[40]   Some notable examples include Koha Ditore whose publisher Veton Surroi was the leader of the political initiative ORA represented in the Kosovo Assembly (2004-2007). Lajm newspaper (discontinued in 2012) whose owner Behxhet Pacolli, is the head of the Alliance for the New Kosovo and was represented with 13 MPs in the Assembly (2007-2010) Infopress (discontinued in 2011) whose publisher Rexhep Hoti was MP from the ranks of the PDK (2007-10).

# 3.

# Overview of International Democratization and Media Assistance

## 3.1 The Need for Media Assistance in Kosovo

In his evaluation of the ten years of media assistance in the Balkans, Rhodes (2007) notes that "no other part of Kosovo society has undergone as thorough a transformation as the media sector."[41] In the past, the development of the media system in Kosovo shared the features of the socialist Yugoslav media system, characterized by decades of propaganda, during which citizens could only access state-owned media channels and communist party press. As communism crumbled in Yugoslavia and Slobodan Milosevic ascended into power in 1989 in Serbia, this led to an escalation of the repression of the Albanian media in Kosovo. It culminated with the suppression of the Albanian-language service of the then provincial broadcaster Radio Television Pristina (RTP) and the termination of the only daily newspaper in Albanian.[42] As a result, access to independent sources of information in the local Albanian language remained scarce throughout the early 1990s.[43] Towards the mid-1990s Kosovo witnessed the emergence of a few independent media outlets (such as the weeklies KOHA and ZERI) under the sponsorship of the Soros Foundation and the number of outlets increased towards the later part of the 1990s.

When NATO forces took control of Kosovo in June 1999 following the withdrawal of Serbian forces, and a UN administration was introduced, the media outlets that had emerged in the later part of the 1990s (such as newspapers Koha Ditore and Kosova Sot, and magazine ZERI) restarted publishing. Additionally, dozens of other media outlets emerged in the market.[44] KFOR first issued temporary broadcasting licenses in Kosovo and remained in charge of the frequency spectrum, while the

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[41]   Aaron Rhodes, *Ten Years of Media Support to the Balkans: An Assessment* (Amsterdam: Media Task Force of the Stability Pact for South Eastern Europe, 2007).

[42]   Isuf Berisha, "Kosovo/a," in *Media ownership and its impact on media independence and pluralism,* eds. Brankica Petkovic, Sandra B. Hrvatin (Ljubljana: SEENPM, Peace Institute, 2004).

[43]   IREX, Kosovo Media Sustainability Index (MIS) 2002 (IREX, 2002).

[44]   Ibid.

OSCE, through TMC, has, since 2000, confirmed the licenses to broadcasters in Kosovo.[45] In practice, UNMIK and the OSCE were not unified in their strategies and actions regarding the development of local media, adding a great deal of confusion and inconsistency.[46] The lack of trust and cooperation between UNMIK and OSCE was reflected especially in reference to the issue of granting frequencies and licenses to broadcasters.[47] The distrust ensued as a result of the persistence of the Americans to determine the features of the post-conflict media development in Kosovo through the introduction of two commercial broadcasters with national coverage, while OSCE wanted to have RTK on air and increase its appeal before other broadcasters emerged, fearing that the introduction of powerful commercial broadcasters too soon after the conflict could interfere with the fragile peace and political agenda, as happened in Bosnia.[48] However, the ire of criticism from US watchdogs led UNMIK to abandon the OSCE plan and loosen up the powerful media controls it was intending to introduce. Subsequently, UNMIK sidelined the OSCE, curtailing its role in journalism trainings and on the introduction of a non-abiding Code of Conduct for the print media while media regulations began to be introduced by UNMIK.[49]

The pursuit of parallel media projects – OSCE focusing on RTK on one side, and the Americans focusing on the commercial broadcasters KTV and RTV 21 on the other side – coupled with efforts to create a level playing field between public and private broadcasters, polarized the media sector, shaped assistance programs, and affected the content of the draft broadcast legal framework.[50]

With regards to media support in the Western Balkans, Rhodes (2007) notes that two interrelated categories of goals and objectives have guided such support: 1) political and social goals, and 2) media-specific objectives.[51] This research explores these goals and the extent to which they have overlapped, and with what consequences, in the case of Kosovo.

There are only approximate estimates about media assistance in Kosovo. Rhodes (2007) puts media assistance in Kosovo between 1999 and 2006 at €58.6 million. Based on the same account, €45.6 million (more than 80%) was given to

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[45]   Ibid. "Kosovo broadcasters to apply for frequencies," OSCE Mission in Kosovo, June 21, 2000.

[46]   Shira Loewenberg, *United Nations Media Strategy, Recommendations for Improvement in Peace-keeping Operations, Case study: UN Interim Administration Mission in Kosovo* (UN, August 2006).

[47]   Ibid.

[48]   Stacy Sullivan, "Restructuring the Media in Post-Conflict Societies: Four Perspectives – The Experience of Intergovernmental and Non-Governmental Organizations" (Geneva: A Background Paper for the UNESCO World Press Day Conference, May 2000).

[49]   Ibid.

[50]   Joshua Kaufman, *Kosovo Media Assessment: Final Report* (Washington: USAID/ARD Inc, March 2004).

[51]   Rhodes, *Ten Years of Media Support,* p. 11.

media outlets. The remainder was spent on professional training of journalists (€6.1 million) and towards enabling a media environment (€6.9 million). Another report compiled for OSCE has estimated the donor assistance for the period between 1998 through 2004 at €36 million. The report notes that 50% of that amount has gone towards RTK and the Kosovo Terrestrial Telecommunications Network[52] (KTTN), 37% to the private broadcasters KTV and RTV21, and the rest (13%) to "Other Activities" including support for print media, minority stations and programming and development of a legal framework.[53]

In later years, between 2007 and 2013 donors continued support for a range of projects which combined exceed €15 million. IREX Kosovo's Strengthening Independent Minority Media (SIMM) is estimated at $5.5 million (€4.1 million) of which $462,000 (€320,000) were provided for equipment to minority media outlets in Kosovo between 2007-2011. OSCE has downsized its commitments and operates with a smaller pool which in 2004 was estimated to operate with a €400,000 annual budget. The Foreign Ministry of Norway has disbursed €6.25 million for running the Kosovo Institute of Journalism and Communication (KIJAC). Kosovo Media Institute (KMI) established in 2005 by OSCE received €1.3 million from European Commission between 2006-2011 and additional support for operating costs by Kosovo Foundation for Open Society (Soros Foundation) estimated at (€500,000) and OSCE Kosovo (€500,000).[54] The IMC has received €1 million from EC for its equipment. The donors have also contineously supported the Press Council of Kosovo (PCK) with running and operational costs which averaged €50,000-€60,000 annually over the last eight years. Another media outlet that received donor funding between 2006 and 2013 is Balkan Investigative Reporting Network's Kosovo in support of a range of journalism and media projects.[55] Among the main donors are listed Free Press Unlimited, The Austrian Development Agency, European Commission, Kosovo Foundation for Open Society, Charles Stewart Mott Foundation, National Endowment for Democracy (NED), Rockefeller Brothers Fund (RBF) and Dutch and Norwegian Embassies in Kosovo. It is estimated that between 2006-13 BIRN Kosovo has also received funding well in exceess of €1 million, with about 1/3 of such funding provided from RBF.

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[52] KTTN was built as a part of the USAID funded Kosova Independent Media Project (KIMP), implemented by IREX. Until 2004 it was financed up to 95% by USAID. Recently it became a shareholding enterprise of the three main broadcasters (RTK, KTV, RTV21) and a commercial radio station (Radio Dukagjini). KTV and RTV21 are the main shareholders of the KTTN (70%); RTK (25%) and Radio Dukagjini (5%). See Rrokum TV, "Dosja e Frekuencave, Raport Hulumtues" [Investigative Report, The Dossier of Frequencies] (Pristina: Rrokum TV, November 2011 – March 2012).

[53] Eberhard Laue, *Local Electronic Media in Kosovo* (Kosovo: OSCE Mission in Kosovo, August 2005).

[54] Eric Chetwynd Jr. and Frances J. Chetwynd, "Mid-Term Evaluation: Kosovo Media Assistance Program (KMAP)" (February 15, 2007).

[55] See the BIRN website: http://birn.eu.com/en/network/birn-kosovo-donors-and-partners (Accessed on September 29. 2013).

## 3.2   Stages of Media Assistance in Kosovo

The international media assistance in Kosovo has been provided in three stages: 1) Support to opposition media during Serbian rule (1990s); 2) post-conflict media intervention (1999-2007); and 3) limited media support (since 2007, ongoing). The media assistance during those three stages has been of four types: 1) human capital development; 2) directly supporting media outlets; 3) regulatory framework and 4) supporting media institutions.[56]

### 3.2.1  Supporting Opposition Media During the 1990s

The goal of the first stage of media assistance (1990s) was to establish oppositional/alternative news media and the efforts consisted of direct support to media outlets and to some degree on human capital development through offering trainings abroad for journalists and editors of the emerging Kosovo media. Funding was provided to media outlets such as the weekly political magazines KOHA and ZERI (and later to Koha Ditore), primarily from the Soros Foundation. Another major supporter during this period was the Swiss Government, which enabled KOHA full control over its production process through subsidizing the purchase of its printing house.[57] In addition, in the Spring of 1999 as large scale conflict broke out in Kosovo and more than a million Kosovo-Albanians were displaced, the embassies of France and Great Britain in Skopje supported the publication of Koha Ditore in Macedonia to be distributed to the refugees in the camps while covering for the printing, distribution and operational costs.[58]

### 3.2.2  Post-Conflict Media Intervention (1999-2007)

The assistance during the second stage (1999-2007) was both intensive and comprehensive and expanded gradually to include all types of assistance. 62 different international NGOs, foundations, states and multilateral organizations were engaged during this stage, providing funds, equipment, training and

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[56]  Ballantine (2002) categorizes media assistance into human capital development; direct support to media outlets; and regulatory framework. See: Karen Ballentine, "International Assistance and the Development of Independent Mass Media in the Czech and Slovak Republics," in *The Power and Limits of NGOs,* eds. Sarah E. Mendelson and John K. Glenn (USA: Columbia University Press, 2002), pp. 91-125. This research introduces the fourth category called Supporting Media Institutions. Such institutions could be journalist clubs and associations, media research or media studies institutes and other institutions of similar nature.

[57]  Sullivan, "Restructuring the Media in Post-Conflict Societies."

[58]  Naser Miftari and Flaka Surroi, eds., *Koha Ditore – 10 vjetët e parë Monografi* [Koha Ditore – the first 10 years Monograph] (Pristina: Koha, 2007).

expertise.[59] Initially, it consisted in supporting media outlets (with funding and technology), and extensive efforts in human capital development.[60] The goal was to ensure pluralism of the media as a means to de-monopolization of information. Such a strategy backfired later as it became obvious that a liberal media regime led to a congested market with most of the media unable to compete and sustain themselves financially. During this stage, while the support from European-based donors targeted primarily the RTK, IREX focused its efforts towards KTV and RTV21 until 2006 with equipment and the purchase of programming. Soros Foundation meanwhile continued to match up funds to IREX for the support of KTV and RTV 21. Other important donors that provided support to media outlets in the second stage include Swiss Cooperation, Swedish Cooperation Agency (SIDA) and Press Now, primarily in the form of budget support and training. Donor assistance targeting media outlets peaked in 2001/2002 and has declined ever since.[61]

Human capital development, according to Rhodes (2007) accounts for 1/10 of the media funding resources for Kosovo during the second stage.[62] Through the professionalization of journalists and media workers, donors have hoped to improve the sustainability of media outlets and their standards of reporting. Some donor programs aimed specifically at lessening ethno-political tensions through reducing bias in reporting; some aimed at strengthening the watchdog role of the media through the promotion of investigative skills in legal, political and economic reporting.[63]

In subsequent years, the donors began to focus on the regulatory framework and, in parallel to that, the establishment of media supporting institutions. A principal actor in pushing forward the media framework was UNMIK. However, the UNMIK regulations, instead of advancing media freedom, put the emphasis primarily on ensuring the limitations to hate speech and intolerance. As expressions of ethnic intolerance and hatred continued unabated in Kosovo's press and broadcasts, in February 2000 the SRSG promulgated the Regulation (no. 2000/4) on the Prohibition Against Inciting to National, Racial, Religious or Ethnic Hatred, Discord or Intolerance.[64] Then in June 2000, UNMIK decided to introduce some form of regulation in the media.[65] The measures included the establishment

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[59]   Petra Sorge, "Media in Kosovo – Long Way to Modernity," in *Sudosteuropa Mitteilungen,* 52nd Year (Zeitschrift der Südosteuropa-Gesellschaft, April, 2012), p. 36.

[60]   Kaufman, *Kosovo Media Assessment.*

[61]   Ibid.

[62]   Rhodes, *Ten Years of Media Support to the Balkans.*

[63]   Friederike Von Franqué, "The Other Frontier: Media Assistance by International Organizations," in *Media in the Enlarged Europe: Politics, Policy and Industry,* ed. Alec Charles (Intellect Books, 2009).

[64]   "Regulation on the prohibition against inciting to national, racial, religious or ethnic hatred, discord or intolerance," *UNMIK* 2000/4, February 1, 2000.

[65]   "Broadcast and print regulations for Kosovo media approved."

of TMC. As a watchdog agency established to monitor the media, the TMC, as well as IREX and OSCE, took a role in leading the discussions on the introduction of the Code of Ethics for Kosovo media and later the introduction of the Law on Access to Information, Copyright Law and Civil Law Against Defamation and Insult. Other organizations, such as the International Federation of Journalists (IFJ) and Article 19, were also involved in giving support for the development of the regulatory structure in Kosovo, providing legal advice for the Law on Access to Information and towards efforts to decriminalize libel. Their engagement also involved indirect efforts to strengthen the capacity of local media professionals to participate effectively in the design and implementation of democratic media legislation. EU media experts on the ground have also been closely engaged in their work to ensure that the Law on RTK and IMC (both their earlier versions and the amended versions approved in 2012) were in line with the EU standards. Notable foundations such as Friedrich Ebert, Friedrich Naumann, and Konrad Adenauer, as well as the Swedish International Development Agency (SIDA) through the Swedish Helsinki Committee Foundation, provided grants for several years in a row for exchange programs, Balkan regional seminars for journalists and media, and international dialogue and meetings related to overall support for the regulatory framework.[66]

During the second stage the main supporting institutions for the Kosovo media, including journalist associations, Kosovo Media Institute, Kosovo Institute of Journalism and Communication (KIJAC) and Press Council were also set up. In 2000 OSCE set out to establish the first Journalist Association, but it failed.[67] Then in 2002/03, the IREX Office in Kosovo helped establish the Association of Professional Journalists of Kosovo (APJK) and the Association of Independent Electronic Media of Kosovo (AMPEK).[68] While the former represents journalists and the latter represents the media industry, neither of them became self-sustainable

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[66] In 2003 FES organized the first post-conflict roundtables between Serbian and Albanian journalists.

[67] Berisha, "Kosovo/a."

[68] Kaufman, *Kosovo Media Assessment.* U.S assistance started in 1998 by the Office of Transition Initiatives (OTI), with approximately $2.25 million in media assistance (1998-2001). OTI support included broadcasting equipment for radio and television outlets and funds for the construction of KTTN. Subsequently the USAID Mission in Kosovo has undertaken two large projects which represent the bulk of involvement of USAID/IREX in the Kosovo media sector - Kosovo Independent Media Program (KIMP) 2001-04 ($7.7 million) and 2004-2008 ($5 million) Most of the activities carried by IREX were focused on the building of media infrastructure, specifically, KTTN, KTV, TV21, and Kosova Live. In addition, efforts were made to increase professionalism, by supporting institutions, legal and regulatory framework and efficient business management.

over the course of a decade.[69] USAID/IREX were also instrumental in setting up KTTN and subsequently turning it into a shareholding entity.[70]

Another institution established through US-based donor assistance is Internews Kosova. It has trained more than 260 media members at different levels, of which 90 are radio reporters from minority communities, and more than 300 students at university level.[71] Internews was instrumental in setting up CerpiK a radio-network which was a parallel project to KOSMA. Internews has nonetheless remained less in focus, as it has targeted non-mainstream media.

Parallel to IREX, OSCE took a €260,000 project funded by the EU in 2002 to create the Kosovo Media Association network (KOSMA), an association of minority radio stations which includes the development of a 20-30 minute news program produced by five core stations. Later IREX also became involved with KOSMA. In addition, KOSMA training for journalists was conducted by the European Centre for Broadcast Journalists.[72]

The Kosovo Media Institute (KMI), set up as a nonprofit training and media advocacy center for Kosovo, is another institution that was pushed forward by the OSCE and established with donor funds. KMI was established with EC and Soros Foundation funds in order to provide short-term trainings and mid-career training for journalists at the request of Kosovo's media outlets to serve their needs. The OSCE was instrumental in bringing about the KMI; it provided the needed equipment and for a certain period supported its operational costs. It appears that in recent years the functioning of KMI has likewise been marred by hardships and difficulties due to uncertain financing.[73]

Added to the list of institutions which OSCE has helped set up is the Press Council of Kosovo (PCK) founded in 2005. (More details provided in Case Study #3).

In 2005 the Kosovo Institute of Journalism and Communication (KIJAC), sponsored by the Norwegian Ministry of Foreign Affairs, was established, offering graduate level studies in Journalism. The OSCE did not support the project as it was seen as a parallelism to its ongoing efforts in setting up the KMI. In 2010 the Institute was shut down due to financial mismanagement. An estimated €6.25 million were put into the project in total.[74]

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[69]  UNDP, USAID, "Action Paper on Association of Professional Journalists in Kosovo: Freedom of Expression in the Media and the Role of the Association of Professional Journalists of Kosovo" (Public Plus, March 29, 2012).

[70]  Kaufman, *Kosovo Media Assessment.*

[71]  See the Internews Kosovo website: http://www.internewskosova.org/ (Accessed on April 1, 2013).

[72]  Kaufman, *Kosovo Media Assessment.*

[73]  See the Independent Media Commission website: http://www.kpm-ks.org/?gjuha=3 (Accessed on September 28, 2013).

[74]  Norway Ministry of Foreign Affairs response to Rrokum TV. See Valentina Rafuna and Mehdi Mulaj, "Rrokum Television: Investigative Journalism Section" (Pristina: Rrokum TV, November 2011).

### 3.2.3  Limited Media Support (since 2007, ongoing)

The last and present stage (2007, ongoing) of limited media intervention is characterized by the conclusion of major donor operations for the mainstream Albanian media and the direction of assistance towards minority media. IREX Kosovo and OSCE took the lead in such efforts with the beginning, in 2007, of the program on Strengthening Independent Minority Media (SIMM).[75] The last stage of media assistance – aimed primarily at the minority media - has likewise intensified from human capital development to support for media outlets and establishment of supporting institutions for minority media and journalists.

## 3.3  Approaches to Media Assistance

While there was some coordination between donors regarding general principles, there was little coordination in relation to specific activities and projects. It is perhaps fair to state that the main coordination between the Kosovo media donors has been largely through the tacit agreement to withdraw assistance at a certain point in time (for the most part after the March 2004 events) and in directing the assistance towards minority media. However, the lack of coordination persisted even after donors shifted their focus towards minority media. Sorge (2012), for example, notes that the development of minority or multi-ethnic media often mirrored the lack of coordination among donors in relation to the support for the Albanian-language media. The report further notes that projects were uncoordinated, the market was even more congested and outlets were poor and under-funded, with donors supporting three similar, parallel radio networks linking minority communities, thus replicating the quarreling that took place between American and European actors over RTK earlier in the decade. The emerging result of this coordination failure was the same – USAID/IREX supported private local TV channels in four Kosovo Serbian enclaves operating under TV Mreza in north Kosovo and OSCE, faithful to the public broadcasting mission, was more in favor of introducing RTK2 in the Serbian language. In addition, according to Sorge (2012), in the minority print media the situation seems to have yielded even more catastrophic results. Out of four former Serbian language magazines – three of them founded with the help of donors – not one is still in existence.[76]

The specific projects pursued by OSCE on the one side and IREX/USAID on the other have been all product oriented, with OSCE ensuring that RTK goes on the air and maintains a primary position. It pursued the same logic with PCK, KMI,

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[75]  IREX, SIMM in Kosovo, Factsheet (Washington: IREX, 2012).

[76]  Sorge, "Media in Kosovo – Long Way to Modernity."

IMC and KOSMA. IREX, on the other side, tried the same thing – to ensure the set-up and the increase of self-reliance of KTV and RTV 21. It continued the same strategy with APJK, AMPEK and KTTN in order to ensure these projects would succeed. Meanwhile, smaller organization and projects such as Medienhilfe and Press Now, albeit to a lesser degree, have been systematic in supporting the core mainstream newspapers – Koha Ditore and Zeri and their earlier predecessors, the weeklies KOHA and ZERI, as well as a few other alternative projects that have emerged after the conflict.

What seems to be outside of the donors' control nonetheless are the environmental conditions in which such institutions were set up and the lack of better insight with regard to ensuring their sustainability once established. A number of authors[77] writing about the impact of media assistance in Kosovo note that donors in the case of Kosovo either focused too little on the economic sustainability (market orientation) of the private media outlets (print and broadcast) or, if this was a matter of focus, the fragile economic and political conditions proved detrimental. Furthermore, it seems that donors focused for too long on ad-hoc training sessions as well as on supporting different competing media outlets, thus creating a congested market; with the conclusion that as such international development strategies have only partially succeeded in the Kosovo media sector.[78]

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[77]  Ibid. Von Franqué, "The Other Frontier: Media Assistance by International Organizations"; Hawley Johnson, "Model Interventions: The Evolution of Media Development Strategies in Bosnia-Herzegovina, Kosovo, and Macedonia from 2000 to 2007" (PhD diss, Columbia University, 2012).

[78]  Sorge, "Media in Kosovo – Long Way to Modernity."

# 4.

# Case Studies

## 4.1 Independent Media Commission (IMC)

IMC operates as an independent regulatory body based on Article 141 of the Kosovo Constitution. Its operation is further defined by the Law on IMC (2012).[79] IMC is mandated to set guidelines and license public and private broadcasters, establish and implement policy and regulate broadcasting rights, obligations and responsibilities of individuals and entities who provide audiovisual media services in Kosovo.[80] Article 6 of the IMC Law 2012 states that: **"Members and staff of the IMC shall not receive instructions by any person or other entity, including the governmental entities."** The agency reports annually to the Kosovo Assembly and its budget comes from the Ministry of Finance.[81] In 2009 IMC began to collect license fees but it cannot use such a budget on its own terms. Based on the amounts it collects annually for license fees it could support 20% of its annual budget. The current staff of the IMC is 31, and its annual budget, provided by the government has ranged between €350,000 - €1 million over the last seven years.

*Table 4.1. Main sources of revenues for IMC 2006-2012 (Provided in Euro. Amounts under Capital Investments are accounted for in the Kosovo Budget column.).*

| Year | Donors | License Fees | Kosovo Budget | Capital Invest. | Salaries | Goods & Services | Municipal Costs | Collected Fines |
|------|--------|--------------|---------------|-----------------|----------|------------------|-----------------|-----------------|
| 2006 | 20,000 | 0 | 360,369 | 0 | 63,569 | 256,881 | 17,419 | 0 |
| 2007 | 0 | 0 | 358,478 | 0 | 68,765 | 247,027 | 13,914 | 0 |
| 2008 | | 57,329,65 | 557,606 | -150,000 | 82,787 | 289,216 | 10,327 | n/a |
| 2009 | 1,000,000 | 240,102 (130,730) | 1,000,576 | -450,000 | 139,673 | 254,170 | 13,343 | 44,883 |
| 2010 | n/a | 218,636 (188,344) | 1,115,788 | -460,000 | 202,171 | 241,887 | 15,093 | 12,800 |
| 2011 | n/a | 212,000 (138,288) | 1,147,939 | -450,000 | 224,456 | 237,142 | 18,495 + 8120 | n/a |
| 2012 | n/a | 221,290 (214,536) | 977,651 | -240,000 | 232,619 | 178,416 | 16,980 | 6785 |

Source: IMC Annual Budgets 2006-2012

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[79] "Law No. 04/L-044 on the Independent Media Commission," *Gazette Of The Republic Of Kosova,* 5/05, April, 2012.

[80] "About the IMC," Independent Media Commission. http://kpm-ks.org/?faqe=141&gjuha=3 (Accessed on March 11, 2012).

[81] "Law No. 04/L-044 on the Independent Media Commission," Article 45.

Its highest decision making bodies are the IMC Commission (formerly known as the IMC Council) and the Media Appeals Board (MAB). The Commission is supposed to consist of seven members, with a mandate of two to four years, but since Kosovarization it has had six members, an indicator of the informal functioning of the IMC. The IMC Commission must also reflect a multiethnic and gender balance.[82] At least two members of the IMC are required to have professional qualifications in the relevant fields. However, such criteria have not been fully met and in deciding on the appointments in the Commission, Kosovo Assembly has primarily pursued its line of favoring political appointees. According to Ardita Zejnullahu (AMPEK), all the current IMC Commission members have ties to the political parties of Kosovo.[83] Furthermore, the current head of the IMC Commission is in breach of the IMC Law clause as he was a political appointee when he was selected to the IMC Commission.[84]

The IMC also has third-party decision-making powers, as it sets the cap on the amounts of advertising on RTK and can impose sanctions – ranging from a warning to fines and/or suspension and revocation of broadcasting license. However, such sanctions cannot be applied against RTK. Based on the 2005 Law IMC can apply sanctions ranging from requiring RTK to broadcast a correction or apology to termination of license. The amended IMC Law 2012 allows IMC the right to impose fines of up to €100,000 against RTK but no right to change the broadcaster's license conditions or terminate its license. In practice, in cases where RTK was in breach of IMC terms the application of sanctions could not go through.[85] In addition, IMCs third party powers over RTK were removed in the amended IMC Law 2012,[86] and stand out as an indicator of "floating laws."

### 4.1.1 International Assistance Strategies and the Emergence of IMC

Established in 2005, the Independent Media Commission (IMC) is in charge of audiovisual matters in Kosovo. It is the successor to the Temporary Media

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[82] At least two members of the IMC must represent non-Albanian communities and two must be females.

[83] Ardita Zejnullahu, Executive Director of AMPEK, interview, January 29, 2013.

[84] The acting head of the IMC Commission, Shefki Ukaj, is considered in breach of the IMC Law (2012) Article 12 paragraph 1.3 given that he was holding a public post at the time when he was elected as a member of the IMC Commission.

[85] Independent Media Commission, Komisioni i Pavarur per Media, Raporti vjetor i punes per vitin 2011 drejtuar Kuvendit te Kosoves ne shkurt 2012, IMC, [Independent Media Commission, Annual Report 2011, submitted to Kosovo Assembly on February 2012] (Pristina: IMC, February 2012).

[86] The nomination process for appointments in the IMC Commission as well as RTK Board has shifted from IMC's ad hoc Civil Society Council into the hands of the Kosovo Assembly's ad hoc committee based on the IMC and RTK Laws of 2012.

Commission (TMC), an institution set up in 2000 based on Bosnia's model,[87] with the mandate to regulate and license print and broadcast media in Kosovo. IMC inherited a number of characteristics and routines from TMC. All staff members (including the current CEO) worked at the TMC before being hired by IMC.

Prior to TMC there was no regulator in place to monitor the Kosovo media.[88] Throughout its mandate TMC was headed by foreign experts guided by diverse philosophies about how the media sector should be regulated in a post-conflict society.[89] The TMC was in charge of issuing broadcast licenses, codes of conduct for print and broadcast media, and rules for electoral coverage, and for media monitoring and imposing sanctions in cases of breach of the Kosovo Media Code of Conduct. It set up an independent three-judge Media Appeals Board to review the appeals of media cases.[90] The primary goal of the IMC was to establish order in the chaotic media system in Kosovo, where numerous media outlets began operating without proper licenses. TMC took an active role primarily in monitoring the print media to prevent hate speech[91] and limit the vitriolic political discourse in the post-conflict Kosovo media.[92] Before 2004 TMC had a limited focus in the broadcast media. The fact that TMC did not have the authority to introduce legislation of any kind left behind a legal vacuum, which was difficult to fill quickly by the IMC in subsequent years. The staff of IMC was not trained or qualified on serious legal matters regarding the media environment, and their reliance on outside expertise with regard to the introduction of such legislation further delayed efforts to establish order in the media sector.

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[87] Part of the expertise was based on the experience in Bosnia – where a number of TMC international experts were based prior to joining the UN mission in Kosovo. See: Sullivan, "Restructuring the Media in Post-Conflict Societies."

[88] When the UN administration was deployed it initially declared applicable all laws that existed before the conflict. Later it declared applicable only laws that were effective until March 22, 1989, the time when Kosovo was stripped of its autonomy. However, the relevant media laws from the communist period were also not seen as suitable to regulate the media in the post conflict Kosovo. Therefore, UNMIK had to introduce regulations from scratch. See: Sullivan, "Restructuring the Media in Post-Conflict Societies."

[89] Anna Di Lellio, "Empire Lite as a Swamp," *Transitions* XLV (1), 2005, pp. 63-79.

[90] Ibid.

[91] Cees Van Zweeden, "The state of the media in Kosovo," in *Helsinki Monitor: Security and Human Rights* (2007).

[92] TMC has imposed fines for violating the Electoral Rules and the Print Code of Conduct on many occasions. Since its establishment in 2000, TMC has addressed 115 complaints: in 2000 (2 complaints), in 2001 (23), 2002 (44) 2003 (46). See: Berisha, "Kosovo/a."

When the work on establishing IMC began, the plan was welcomed by broadcasters.[93] The experience of the Kosovo media with TMC (with some media punished heavily in the past) made them more receptive to the idea of IMC. However, the plan for IMC was opposed by the Telecommunications Regulatory Agency (TRA) and the Committee on Media of the Kosovo Assembly, who were not in favor of a broadcast regulator that would also manage the frequency spectrum. The issue was later addressed in a memorandum between IMC and TRA, recognizing the former as the sole authority in charge of broadcast service frequencies.[94]

The main international donors of the IMC were OSCE, IREX/USAID and the European Commission. Donor approaches to IMC consisted of legal reform, institution-building, technical support (equipment/software and monitoring system), salaries, capacity building and training (in house or abroad), and awareness campaigns.[95] While the interim period towards Kosovarization was partially supported by OSCE (i.e. salaries for international board members from 2006-2008), the agency received only a €20,000 kick-off grant from OSCE in 2006 as part of an awareness campaign. Since then the funding for the IMC has come primarily from the Kosovo budget. Nonetheless, international donors continued to be instrumental in giving assistance to IMC. In 2009 IMC received a grant from the European Commission (EC) in the amount of €1 million to upgrade its monitoring system. The technical equipment enables IMC to monitor and archive the services operated by licensed operators, and to assess their compliance with rules on quotas, advertising and the protection of minors. Before that, IMC relied on alternative sources to ensure broadcasters' compliance, an indicator of the ad hoc approach that guided the IMC's work in exercising its supervisory powers towards broadcasters from 2005 until 2011.

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[93] A new broadcast regulation was drafted in 2002 to transform the TMC into a permanent agency, the Independent Media Commission (IMC). However, the IMC draft was kept in the Prime Minister's Office and was not sent to the Kosovo Assembly for review and debate until after the elections scheduled for fall 2004. The delay was allegedly caused by concerns that the IMC could be captured by certain political interests and be used to direct the media against their political rivals. See Kaufman, *Kosovo Media Assessment.*

[94] Memorandum of Understanding between Telecommunications Regulatory Agency and Independent Media Commission, No. 376\2\10, October 7, 2010.

[95] OSCE provided salaries for international members of the IMC until 2008. In addition, through single activities OSCE supported the IMC (2006-2013) in hiring experts/consultants for drafting of the IMC bylaws, participation of IMC members in conferences, trainings and study visits, organization of conferences, meetings and workshops. In 2010 OSCE paid for IMC to obtain software from ITU for the needs of the frequency management department of IMC. IREX's support for IMC was focused primarily on legal reform and capacity building and training: e.g. expertise in drafting bylaws; regulation on cable operations (2007); the analysis of the RRC-6 plan and the alternatives for a Kosovo plan for digitalization (2009); trainings of media monitoring staff; and amendments of the cable regulation (2010).

Apart from the monitoring system provided by the EC grant, other projects that IMC received after 2006 were short-term projects/single activities. Although the assistance to IMC was coordinated, the goals for the IMC, based on the feedback from interviewees, were not realized. This seems to have been the result of the lack of a clear insight on the side of international donors as to how IMC should move forward. Such a lack of insight was in part a result of missing feedback from within IMC to donors, due to a dysfunctional IMC Commission for a long period of time (31 months). Under such conditions the IMC decisions remained pending (due to the lack of quorum in the IMC Commission) and the projects could not be pushed forward.

According to Naile Selimaj-Krasniqi the CEO at the IMC, assistance of the donors – IREX, EC, OSCE – after the Kosovarization was not based on an external assessment of needs or evaluations but was provided as a response to specific requests made by IMC.[96] The assistance was aimed at the institutional level but it tried to address both individual and policy level aspects and it is regarded as a multi-level approach. Andrew Clayton, the head of IREX Kosovo said that the main goal of the assistance towards IMC has been the strengthening of the institution. "The strength of the regulator is very important... So everything that we have done has been to support the IMC as an institution rather than to train individual people at IMC."[97]

## 4.1.2  Challenges to IMC Functionality and Independence

In the first year of its operation, IMC adopted an internal code of procedure, code of ethics, the policy on public rulemaking, the broadcasting policy and the guidelines on sanctions.[98] However, as it became Kosovarized it faced a number of challenges and difficulties, such as the lack of professionally trained staff, shortage of funds, under-equipment and so on.

The work on amending the IMC Law started in 2008 and came to effect in 2012. The dragging of the procedure for the amendments for four years effectively paralyzed the work of IMC, diminishing its transparency and decision-making and leaving the work on important legislation pending. Furthermore, the procedural delays led to increased politicization of the process of IMC Commission appointments.[99] According to an IMC work schedule, the IMC Council has had no quorum for 31

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96   E-mail interview with Naile Selimaj-Krasniqi, CEO at the IMC, February 23, 2013.

97   Interview with Andrew Clayton, Chief of Party, IREX Kosovo, January 28, 2013.

98   See the Independent Media Commission website.

99   Kosovo Assembly has requested three times over the course of two years (2010-2012) from the IMC's ad hoc civil society committee to submit and re-submit the list of nominations for the IMC board and it kept delaying the appointments indefinitely. E-mail interview with Naile Selimaj-Krasniqi, CEO at the IMC, February 23, 2013.

months during the six years of its existence as an institution. Subsequently, the illegal dismissal of the CEO of IMC and her subsequent re-instatement, while the current Chair of the Commission is himself considered in breach of the IMC Law, speak volumes about the continued politicization of the agency.[100]

IMC was successful in addressing the issue of compliance of the cable broadcasters with Copyright Law clauses back in 2008/09, albeit the problem persists on a lower scale. Another challenge that IMC was able to address was to expand its authority throughout Kosovo to include minority broadcast media.[101] However, elsewhere IMC has faced numerous challenges and its reputation has suffered. In particular, the IMC was, and still is, challenged on the issue of quota-limit of RTK advertising.[102] In addition, its handling of the extension of licenses to broadcasters a few years ago also put it under scrutiny and questioned its independence.[103] It was anticipated that once the new Law on IMC was approved the existing broadcasting licenses issued by the TMC would expire and be renewed according to the new procedure.[104] Yet after the law was adopted,[105] the IMC, through an internal decision, extended all the licenses without due review.[106]

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[100]  The ex-CEO of IMC was reinstated after the court found that the IMC Commission disregarded the Law on Civil Servants in her dismissal procedure.

[101]  Van Zweeden, "The state of the media in Kosovo."

[102]  Europeans believed that RTK should have at least some advertising, citing best practices from PBS in Europe, hoping it would help RTK sustain its independence. The Americans, however, were convinced that advertising on public channels could only come at the expense of the commercial channels. See: Van Zweeden, "The state of the media in Kosovo."

[103]  Critics argue that in order to ensure the extension of licenses for the two commercial broadcasters, the IMC, through an internal decision (which according to IMC's CEO Naile Selimaj-Krasniqi, was taken to avoid complications due to the timing and costs associated with such a process) has decided to prolong all licenses pre-dating the Law on IMC 2005. The critics argue that national resources (broadcasting frequencies and public space) were allocated to KTV and RTV21 without a competitive procedure after the conflict, and that they should have been up for re-consideration. A number of interviewees raised this matter, with one of them considering it as an "IMC gratuity" to KTV and RTV21.

[104]  "Kosovo's Temporary Media Commissioner not to issue any further broadcast licenses," OSCE Mission in Kosovo, March 28, 2003.

[105]  On April 21, 2005, the Kosovo Assembly passed the Law No. 02/L-15 for the Independent Media Commission, ratified by SRSG on June 8, 2005. It came into effect on September 8, 2005. See: "Law No. 02/L-15 for the Independent Media Commission and Broadcasting," *Assembly of Kosovo,* April 21, 2005.

[106]  In the eyes of some of the interviewees, if IMC had opted for an open bid it could have served as an incentive for the main national commercial broadcasters to upgrade their capacities to compete, and this would have resulted in an overall increase of their quality of programming. The fact that there was no pressure on the commercial broadcasters to worry about losing their licenses discouraged them from introducing quality in their content. So in this regard, IMC has not been not successful in influencing the positive development of the broadcasting sector.

The approach taken by the IMC in the case of licenses is indicative of the degree of informality with which the IMC has operated or been pressed to operate. It also reflects on the policy choices the IMC has been pressed to adopt as a result of possible external (political or business) pressures imposed on IMC.

A USAID report in 2007 highlighted numerous shortcomings in the functioning of IMC, such as the lack of quorum, an uncertain budget, the weakening role of the institution, the selection of non-competent people as board members, and its reactive approach to challenges.[107] It should be noted that some of those shortcomings have persisted in subsequent years and yet others have emerged. For example, the 2007 report cites the broadcasters' disregard for IMC regulations on advertising. Such a situation seems to have persisted. Based on IMCs annual report 2011, 19 local and regional broadcasters have violated regulations that prohibit teleshopping advertisements. It noted that all 19 have continued their broadcast in spite of IMC warnings. It also noted 86 cases of failure of the broadcasters to pay their license fees, and 23 such cases processed to the courts.

More recently, the internal evaluation commissioned by IMC on the advertising market in Kosovo, claiming around €10 million in advertising revenues annually, has been widely dismissed as baseless by the broadcasters, reflecting a low regard for the IMC among the broadcasters.

Ultimately, the manner in which the IMC Commission handled the case of dismissal of Mrs. Selimaj-Krasniqi stands as an example of failure to follow the procedures within IMC.[108]

The issue of whether the IMC can sustain its independence remains unclear. According to Argjentina Grazhdani, a Kosovo media expert, after IMC was Kosovarized it remained chronically under-funded and undermined by all.[109] Mrs. Grazhdani noted that whatever IMC has been able to achieve she would not attribute to the donors' impact. Otherwise, the interviewees were split on whether the support to IMC has yielded sustainable results. What a number of interviewees seemed to agree is that IMC's independence exists on formal grounds, but its functional independence is difficult to exercise due to interference from political and business interests. In particular imposing the decisions on RTK remains problematic.

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[107] Chetwynd, Gjurgjeala and Smith, *Kosovo Media Assistance Program.*

[108] The dismissal of Selimaj-Krasniqi from the IMC based on Article 46 of the Law on IMC 2012 was overturned by the Kosovo courts and the ex-CEO of IMC was reinstated in her position on the grounds that the IMC Board disregarded the Law on Civil Servants when it initiated the dismissal procedure against Selimaj-Krasniqi.

[109] E-mail interview with Argjentina Grazhdani, former Media and Civil Society Advisor to USAID Kosovo Mission, February 10, 2013.

The agency's independence rests primarily with the members of the IMC Commission, and their adherence to procedures reflects the degree of independence of the institution. Its CEO Naile Selimaj-Krasniqi notes that:

> "Since members of the Commission are the decision-makers, they determine the extent of IMC's independence in its work. Through the procedures that have changed in the new IMC Law for the selection of members of Commission and Media Appeals Board the door has been opened to having a politicized IMC (and for the loss of the quality of the work of the regulator)."[110]

Mr. Clayton, echoes the concern and notes that there is now evidence that political parties are trying to identify their own supporters to be candidates for the IMC Commission. He says that:

> "while in the past it was harder for political parties to recruit their candidates because there existed an ad hoc Council made up of civil society figures within IMC, which used to screen and put forward the nominees for the IMC Council, now the list of candidates for the IMC Council is closely administered by the Kosovo Assembly ad hoc committee rather than the civil society ad hoc Council of the IMC."[111]

In addition, Mr. Clayton warns that in terms of financial resources IMC independence is further compromised due to insufficient capacity of the IMC to negotiate its year-to-year budget with the Ministry of Finance.

Others have expressed concerns about the negative consequences of the lobbying and advocacy efforts of national commercial broadcasters and their supporter AMPEK on IMC. The head of the cable broadcaster Klan TV, Baton Haxhiu, noted in his interview that "rather than serving as an independent regulator in recent years, IMC has been influenced by the lobbying of the two commercial broadcasters and their umbrella organization AMPEK to the disadvantage of other broadcasters."[112]

In addition, a number of interviewees, including Ardita Zejnullahu from AMPEK, have pointed to the upcoming issue of the digitalization strategy of IMC, noting that it has led the politicians to seek greater control over IMC, and the results of efforts to influence it have become obvious in the last few years. In the words of

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[110] E-mail interview with Naile Selimaj-Krasniqi, Executive Director of IMC, CEO of the IMC, February 23, 2013.

[111] Interview with Andrew Clayton, Chief of Party, IREX Kosovo, January 28, 2013.

[112] Interview with Baton Haxhiu, Director of the cable broadcaster Klan Kosova TV and a former Executive Director of APJK, January 27, 2013.

Zejnullahu, "upon seeing that the digitalization process might bring them millions, politicians have started to lay their hands on the IMC."[113]

Last but not least, some of the interviewees pointed to the increased lack of transparency of IMC regarding its decision-making process and its meetings, which are supposed to be announced in advance and be accessible to the public. Ms. Zejnullahu, noted that since September 2012, when the members of the new IMC Commission were selected, IMC has been "barricaded" and documents such as the Strategy for Digitalization, which was submitted to the government, were not shared with the members of the working groups.

## 4.2   Radio Television of Kosovo

### 4.2.1  Assistance Programs and the Origin of RTK

Radio Television of Kosovo (RTK) is the public service broadcaster established in September 1999. It represents a unique case in the region, as the public broadcaster did not emerge as a continuation of the former state broadcaster. It consists of the television service, broadcast on terrestrial transmitter network and digital satellite, and two radio stations, Radio Kosovo and Radio Blue Sky.[114] Before RTK, the only broadcaster in Albanian language in Kosovo was Radio Television Pristina (RTP), which formed part of the larger network of Yugoslavia's state broadcasting. Following the Serbian crackdown in 1990 in Kosovo, extraordinary measures were introduced against Albanian media and 1,200 Albanian employees of the then state broadcaster were expelled. Later, in 1993, with the support of the Kosovo government in exile, some of the former employees of the Radio Television Pristina (RTP) started a few hours of satellite broadcasting from neighboring Albania.

While the main buildings of Radio Television Pristina (RTP) remained intact during the Kosovo conflict in 1999, the terrestrial broadcast network was bombed and had to be built anew. Thus, the assistance to RTK initially consisted in investing heavily in broadcast via satellite before the terrestrial network could be set up. Then, in fall of 1999, UNMIK invited the European Broadcasting Union (EBU) to set up and manage an independent public broadcaster in Kosovo, based on an agreement with OSCE. A few months later RTK began transmitting two-hours of program on analogue satellite.[115] The goal was to set up a multilingual

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[113]  Interview with Ardita Zejnuallahu, Executive Director of AMPEK, January 29, 2013.

[114]  See RTK website: http://www.rtklive.com/ (Accessed on April 1, 2013).

[115]  Ibid.

public broadcasting service that would help towards peace and reconciliation in post-conflict Kosovo.

According to Sullivan (2000) the decision of UNMIK to turn RTK into a public broadcasting service was to ensure that mistakes from Bosnia were not repeated, where the public television there could not compete with pre-existing nationalist stations run by the Serb, Muslim and Croat governments. Thus UNMIK saw it important to have RTK on the air before other commercial broadcasters could emerge despite the fact that broadcasting via satellite (since the terrestrial network was not up yet) cost USD 2 million in the nine months after its establishment.[116]

From the beginning, EBU appointed the senior international managers at RTK in charge of executive and editorial policies; the rest of the staff was local. The EBU and BBC provided staff training and equipment to RTK, and UNMIK's television unit contributed 5-7 minute daily news round-ups in Albanian, and twice a week in Serbian. In parallel to the establishment of RTK back in 1999, UNMIK had set up its own UNMIK TV, and its programming was aired via RTK.[117] UNMIK's daily news broadcasts on RTK continued for one and a half years. At that time UNMIK appointed an international as general director to lead RTK. Erik Lehmann was a former president of the Board of the Swiss Broadcasting Association. However, the appointment of internationals as managers and hiring of Kosovo Albanians who had studied abroad instead of re-hiring those who had worked at the station prior to 1989, led to animosities between the pre-1989 employees of the broadcaster, who had set up a union defending their rights to get back to their positions, and the new employees of the RTK.[118]

A year after RTK started operating, technical facilities in television and in the two radio stations under its umbrella were upgraded, through a substantial donation from the Japanese government in the amount of $15.2 million.[119] It subsequently began expanding programming and broadcasting on the new Kosovo Terrestrial Transmission Network.[120]

In 2001 UNMIK Broadcasting Regulation 2001/13 formally established RTK as an independent public service broadcaster with a Board of Directors made up of local staff, and the EBU mandate was ended. RTK retained the retiring international Director General, Richard Lucas, (a former BBC manager) for another six months as an advisor to the new Director General, but once he left in 2002 there were no

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[116]  Sullivan, "Restructuring the Media in Post-Conflict Societies."

[117]  Loewenberg, *United Nations Media Strategy.*

[118]  Sullivan, "Restructuring the Media in Post-Conflict Societies."

[119]  Kaufman, *Kosovo Media Assessment.* Other donors were: the EU, which provided direct support to RTK in 2001-2002 in the amount of €4 million; The Swiss Cooperation, which provided support to RTK's radio stations from 1999 through 2005 in the amount of CHF 5 million.

[120]  See RTK website.

other consultants to RTK except the two internationals sitting on the RTK Board.[121] At that point RTK received a one-year bridging fund from the Kosovo Budget, pending the introduction of a subscription fee in 2003. Next, UNMIK signed the Directive on the implementation of subscription fee enabling RTK to launch its 24-hour program schedule.[122]

The subsequent development of RTK was shaped according to the interests of multiple stakeholders (UNMIK, OSCE, Kosovo Assembly, Kosovo Government and political party agendas) and as noted by Baton Haxhiu, the process of transition in RTK "was accompanied with brutal faux pas."[123]

Following the March 2004 riots in Kosovo, when the professionalism of the RTK was put to serious questioning, international consultants were imposed back at RTK. Until 2006 RTK had had various direct monitors or internationally imposed consultants who advised RTK on editorial issues. When the last international consultant left in spring of 2006, RTK refused to accept a successor OSCE monitor.[124] The RTK Law of 2006 saw the transfer of RTK oversight from UNMIK to the Kosovo Assembly, with the Kosovo Ministry of Finance in control of its budget, so continued international oversight was seen as an intrusion in its independence. Nonetheless, two international members continued to sit on the RTK Board even after 2006.

Donor assistance to RTK was coordinated in the context of technical set up of facilities and quality programming for minorities in the first few years but not much else. While in charge during 1999-2001, EBU strived to set certain general standards and model RTK closer to the BBC model. However, once RTK was transferred to local management it evolved in its own ways.

The media assistance in the case of RTK was short-term, but intensive. Laue (2005) has written that approximately €18 million in donor assistance went to RTK.

## 4.2.2  Formal Arrangements for RTK

RTK is governed and managed by its Board and a General Director based on the RTK Law of 2012. The Board is a collegial-steering body composed of 11 members for a mandate of two, three and four years. The Board is responsible for the general administration of the RTK, and reviews and approves its programs

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[121]  Loewenberg, *United Nations Media Strategy.*

[122]  See RTK website.

[123]  Interview with Baton Haxhiu, Director of the cable broadcaster Klan Kosova television channel and a former Executive Director of APJK, January 27, 2013.

[124]  Van Zweeden, "The state of the media in Kosovo."

and their standards.[125] Just as in the case of IMC, the Board of RTK operates with 9 members instead of 11, another indicator of informality.

The 2012 Law recognizes RTK as the Public Broadcaster of Kosovo, a legal non-profitable entity with the status of independent public institution of particular importance.[126] The Kosovo Assembly is the founder of RTK and must ensure its institutional autonomy as well as adequate financing for the execution of RTK's public service mission. Apart from the Assembly, RTK can be funded through subscription, self-funding and through its economic activity as well as through other sources of revenue, including contracts with third parties, other program services, sponsorships and donations and in house production and sale of programs. The RTK Law 2012 stipulates that the Assembly must allocate 0.7% of the Kosovo Budget for the next three years to finance the RTK. It notes that the Assembly has one year from the date of the publication in the Official Gazette of Republic of the Law on RTK (April 27, 2012) to find a solution for the long-term funding. However, to date a solution has not been found. The delay is especially puzzling considering that the Distribution and Accounts of the Kosovo Electric Company (KEK) were privatized in 2012 and no formal barriers exist for the RTK Board and management to introduce the proposal for a subscription fee before the Kosovo Assembly.

In terms of editorial independence, Article 18, paragraph 3 states that RTK shall lead, develop and cultivate editorial policy with sound, positive, impartial, creative perspective, and civilizing, professional and humane content. In addition, a few years ago RTK produced its own house code of professional standards and ethical principles to guide the work of its journalists and editors. Yet the Code seems to have been disregarded in the past and it is lacking in important clauses that would make it functionally applicable.[127] A number of interviewees emphasized that the RTK's editorial independence is subject to great interferences by politicians and their protégées seeking airtime and positive coverage. According to some of the interviewees, such influence is possible due to the editors' and journalists' close ties to politicians, and due to clientelist ties between journalists and politicians. The potential for the increased influence of politicians is multiplied by the fact that RTK does not have its own meaningful source of revenue (such as a subscription fee) that would make it formally more independent towards politics.

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[125] "Law No. 04/L-046 on Radio Television of Kosovo," *Official Gazette of the Republic of Kosova,* March 29, 2012.

[126] Ibid.

[127] KIPRED, "RTK Challenge" (Pristina: KIPRED, December 2010).

## 4.2.3 Challenges for RTK Functioning and Independence

In recent years, RTK has increasingly become a focus of overlapping political, economic and other interests of multiple stakeholders who see RTK as a strategically important asset. Between 2002 and 2007 RTK strived to achieve financial independence from the Kosovo budget, and has considered its dependence to the Kosovo public (through a subscription fee) as the best possible outcome.[128] The subscription fee collected via KEK ensured RTK solid financial sustainability between 2003 and 2009. However, the arrangement did not leave much space for political interference in RTK, and at one point, a year before the expiry of the contract between KEK and RTK, KEK, claiming that it was suffering losses with the arrangement, decided to unilaterally terminate the contract.[129] Next, the Constitutional Court of Kosovo suspended RTK's subscription fee, considering its collection unconstitutional.[130] The then RTK management saw this development as an effort of politics to interfere with RTK on the eve of elections in 2007.[131] RTK also cited UNMIK's lack of support in continuing the collection of the subscription fee, despite the recommendations of the EBU to the contrary.[132] After KEK terminated the contract, allowing RTK six months to find an alternative, the Kosovo Assembly delayed the matter further due to its failure to adopt the new law on RTK. In the absence of a solution, in 2010, from a situation in which it was ensuring more than 80 % of its income from the subscription fee (2007) and the rest from advertising, RTK moved to the point where it became fully dependent on the Kosovo budget. Not long after, amid alleged political pressure, its general director resigned.[133]

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[128] RTK, "Raport Vjetor per vitin 2005 – Radio Televizioni i Kosoves" [RTK Annual Report 2005] (Pristina: RTK, 2006), p. 5.

[129] GAP Policy Brief, "RTK's Financial Sustainability: Finding alternatives to public broadcaster financing" (GAP Policy Brief, October 12, 2011). The Court required the Assembly to review the Article 20.1. of the RTK Law (2006) by Dec 1, 2009. On June 14, 2010 the Court reiterated the temporary measure until January 1, 2011. The case is still open.

[130] Decision of the Constitutional Court on the temporary measure Case KI 11/09, Tomë Krasniqi vs. RTK et al.  See: GAP Policy Brief, "RTK's Financial Sustainability."

[131] RTK, "Raport Vjetor per vitin 2007 – Radio Televizioni i Kosoves" [RTK Annual report 2007] (Pristina: RTK, 2008); The RTK annual report cited a Government spokesperson's remarks that "the re-introduction of the contract with RTK could be done if it changed its editorial policy towards the Government" as a signal that politics was behind the termination of contract.

[132] Ibid, p. 7.

[133] KIPRED, "Monitorimi i Programit Informativ te Radio Televizionit te Kosoves" [Monitoring of the Informative Program of RTK] (Pristina: KIPRED, January, 2011).

*Table 4.2. The main sources of revenues for RTK 2001-2011. (In Deutschmark for 2001 and in Euro for other years. Revenues from marketing are not made available for 2002 but are reflected under Other Sources)*

| Year | Donors | Subscription fee | Marketing | Kosovo Budget | Other Sources | Total |
|------|--------|------------------|-----------|---------------|---------------|-------|
| 2001 | 8,294,473 | 0 | 2,569,975 | 0 | 1,074,040 | 11,938,488 |
| 2002 | 4,827,398 | 0 | n/a | 0 | 4,813,870 | 9,641,268 |
| 2003 | 750,000 | 1,929,140 | 1,311,275 | 2,000,000 | 937,578 | 6,927,993 |
| 2004 | 0 | 4,800,000 | 1,387,969 | 1,000,000 | 713,625 | 7,901,594 |
| 2005 | 63,300 | 5,160,000 | 801,309 | 600,000 | 728,450 | 7,353,060 |
| 2006 | 0 | 7,080,000 | 1,432,654 | 0 | 325,334 | 8,837,988 |
| 2007 | 0 | 7,991,363 | 1,526,519 | 0 | 294,400 | 9,812,282 |
| 2008 | 0 | 8,652,000 | 1,493,000 | 0 | 244,000 | 10,389,000 |
| 2009 | 0 | 7,080,276 | 2,540,445 | 0 | 107,345 | 9,785,042 |
| 2010 | 0 | 0 | 1,733,817 | 10,464,000 | 107,345 | 12,305,162 |
| 2011 | 0 | 0 | 1,474,000 | 7,900,000 | 212,000 | 9,586,000 |

Source: RTK Annual Reports 2001-2011

One issue of concern is the lack of willingness of the new RTK management to propose the reintroduction of the subscription fee. It appears that the RTK management feels comfortable with the status-quo and doesn't want to go back to the subscription fee. Mentor Shala, the director general of RTK claims that: "the current financing form is the most suitable." He argues that the potential political influence would continue even if RTK switched to a subscription fee, since RTK would still be obliged to report to the Assembly! Therefore, he says, "this (direct funding from the Assembly) is the most secure form of financing as it never leaves the public broadcaster without income." Furthermore, he notes that even the EBU's most recent recommendation is that RTK should continue with the Assembly financing and that that EBU has suggested that the amount allocated to RTK increase to 0.9% of the Kosovo Budget. Pending the increase, the advertising cap on RTK could be lowered.[134]

Otherwise, RTK has followed a policy of reducing advertising revenues (in line with IMCs stipulations) from about 25% in 2002 to around 14% in 2008, yet the RTK is still required to decrease its advertising to 10%. A positive sign, as noted by Matt Shelley (IREX) is that the trends of development of the two commercial broadcasters enable them to compete successfully and RTK does not dominate Kosovo broadcasting anymore, as was feared in the past.

The issue of succession regarding the rights and obligations of the former state broadcaster (RTP) is one important challenge that affects the growth of RTK (as it

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[134] Interview with Mentor Shala, Director general of RTK, March 18, 2013.

is not considered de facto or de jure a successor of RTP it cannot make permanent use of the premises in which it is located) and its future is pending on a decision which will have to be made by the Kosovo Assembly. This has implications with regards to handling the issue of some 1,200 former employees of RTP, expelled during the 1990s, who continue to advocate for their right to return to their jobs and benefits as ex-employees. In 2006 the Kosovo government prepared a draft-law to transfer the ownership of RTP to RTK but the strategy was abandoned following a refusal from the Union of the ex-RTP employees. Mr. Shala from RTK has noted that around 60% of the current staff of RTK is comprised of either former staff of RTP or their immediate family members even though RTK has no obligations to hire them, a clear example of the informality that guides the work of the broadcaster due to the lack of a permanent solution regarding the succession issue.

In terms of its content, while it was not directly dependent on the Kosovo Assembly, RTK reflected what can be considered a contextual dependence - open and accessible to politics at large and allowing each political group to exercise influence over RTK – in terms of air-time and exposure. A number of interviewees noted that between 2002 and 2006 when RTK was still in the process of Koso-varization it had a more balanced approach in its coverage and was less prone to being politicized. After independence the content of the RTK became more uniform and the medium was increasingly regarded as politicized. According to Baton Haxhiu, the standard of neutrality that RTK strived to maintain started to break down after 2007, and this happened because all political parties started to recruit people inside the RTK.

Since 2008 in particular the Kosovo Government has been accused of interfering with the independence of RTK. First, the Kosovo Assembly's ad hoc committee for the appointment of members of the Board of RTK was headed by the vice-prime minister of Kosovo, which was seen as direct political influence in the appointment of board members of RTK. Such a practice was criticized by the EU in its progress report on Kosovo in 2009.[135] Next, the EBU president wrote to Kosovo's Prime Minister voicing deep concern about the efforts to curtail the economic and editorial independence of RTK.

A number of interviewees for this research have pointed to the content of the news bulletins, debates and informative programs on RTK, as a sign of its increased subordination to the government's influence. The head of RTK, Mr. Shala, plays down such influence and says that according to their internal analysis RTK offers considerable space to all. "It does not happen that one political party has an activity that is not reported, unless it doesn't meet the criteria to be reported." He attributes the greater coverage to government to the fact that the government has more capacity to organize pseudo-events.[136]

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[135]  KIPRED, "Monitoring of the Informative Program of RTK."

[136]  Interview with Mentor Shala, Director general of RTK, March 18, 2013.

## 4.2.4  Not so Promising Perspective

In short, numerous changes in the last few years have affected RTK's independence in one way or another. Informality in the functioning and management of the broadcaster and nepotism; the purchase of expensive programming from outside productions with close ties to RTK; high salaries and compensation for selected hosts in charge of some of its in-house programs; politicization in the processes of appointments to the board and editorial and managerial positions - these are some negative developments that have accompanied the functioning of RTK in recent years. Such negative developments were reported and circulated widely in the Kosovo press,[137] and were reflected at length from a number of interviewees.

Recently RTK has taken some steps to diminish the potential for mismanagement. It published an open bid on its website for the purchase of outside productions. It also makes annual reports and other relevant documents accessible on its website, a sign of a contextual effort to be more transparent. Avni Zogiani (Cohu) argues the opposite. He emphasized the efforts of his organization to obtain details about the allocation of contracts to outside productions by RTK and notes that: "RTK has not been transparent at all about it. We had to seek alternative ways to secure such data." Mr. Zogiani also voiced concern about the transparency of the Board of RTK and noted that not even basic facts such as the times when the RTK Board meets, what decisions it makes and so on are made available to the public.[138]

Undoubtedly, a major change impacting RTK and its independence is the termination of the subscription fee, placing RTK under the control of the Kosovo Assembly and by default under government control. Another notable change is the shift in the selection process of RTK Board members from IMC to the Kosovo Assembly's ad hoc committee, as per the amended Law on RTK (2012), a clear example of floating laws.

Short-term provision of funding from the Kosovo Assembly, following the transfer of RTK's budget to the Kosovo Treasury poses another challenge.  Albeit committed on a three-year basis as per the Law on RTK (2012), funding is provided on a quarterly or semiannual basis, leaving RTK vulnerable and in financial hardship. This reflects a degree of informality in the relationship between the Kosovo Assembly and RTK.

Finally, there is the legitimate concern of the politicization of the broadcaster. Since the funding shifted from the subscription fee to the Kosovo Assembly funding has been characterized with numerous changes in its management. Three

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[137]  Besa Kalaja, "Jetë o jetë!" [Life, oh beautiful life!], Preportr, September 14, 2012.

[138]  Interview with Avni Zogiani, Co-director of Organization for Democracy, Anti-corruption and Dignity - COHU, January 23, 2013.

months after the general director resigned in 2011, due to political pressure,[139] the Board appointed his successor – a former editor in chief of RTK – as an interim director.[140] In 2013 the departing Board members of RTK appointed a new Director General, while the nomination of the new RTK Board was still taking place at the Kosovo Assembly. A number of interviewees, reflecting on the fact that the outgoing Board had elected the new Director General, understood the outcome as another sign of politicization of the broadcaster and continued informality in the functioning of RTK.

## 4.3   Press Council of Kosovo

The Press Council of Kosovo (PCK) is a self-regulatory body for the print media in Kosovo. Its mission is embedded in the Code of Conduct of print media in Kosovo. Its statute states that PCK promotes and enforces the Press Code of Conduct, scrutinizes complaints about breaches of the Press Code of Conduct and decides on measures if a complaint is considered justified. One important procedure that allows PCK greater independence is that in cases when it deals with media related to those sitting in its Board, the representative of the print media whose case is being judged is not allowed to vote, which is a symbolic measure of formal independence.

In principle, its adjudications are taken into account unless the plaintiffs are not content with the decisions of the PCK and decide to address the courts. While PCK does not intend to replace the courts, it serves as the primary address for complaints against print media in Kosovo.

17 mainstream print media published in the languages of different Kosovo communities subscribe to the PCK.[141] Their annual membership fees range from less than €50 (periodicals) to €800 (dailies), and if paid accordingly, such fees could defuse a part of the operational costs of the PCK.[142]

When PCK was set up, its structure was also based on lessons learned from Bosnia. However, in Bosnia the effects of self-regulation were limited due to insufficient involvement of the print media, and the Council there had no real powers. In Kosovo the goal was to empower the PCK with a mandate to impose fines and to cement its function in the Law so that complaints against print media

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[139]   KIPRED, "Monitoring of the Informative Program of RTK."

[140]   Ibid.

[141]   Press Council of Kosovo website: http://presscouncil-ks.org/ (Accessed on April 26, 2013).

[142]   Based on its updated statute, editors-in-chief or their delegates sitting on the PCK meetings are paid €30 for each attended meeting, the deputy-chairman €60 and the chairman €100. It also reimburses its members (from outside Prishtina) for travel expenses.

could not bypass PCK and end up in the courts.[143] So, OSCE proposed a mixed system, giving PCK power to impose fines (up to €2,000) and force members to print adjudications.[144] Another important feature that makes PCK distinct is that it is the editors in chief who enforce the Code of Conduct while sitting in the Council, and the publishers who finance it (at least partially), in order to avoid total dependence on donors.

### 4.3.1 Origins of the Press Council of Kosovo and Assistance Efforts

The Press Council of Kosovo was established in June 2005. Building upon the principle that the existence and functioning of a self-regulatory body for print media entirely independent - politically and financially - of government structures is an important indicator of the level of media democracy in a society, in 2004 the OSCE set out to establish PCK as a self-regulatory mechanism.[145]

The establishment of PCK was one of the 'standards' Kosovo had to meet for the status talks to resume and a precondition for the TMC to revoke control over the print media. Prior to the establishment of the PCK, there was no self-regulating mechanism for print in Kosovo.  While its establishment was pushed forward by OSCE, Kosovo print media could not agree on more than signing up to a common Code of Conduct. Since the Code of Conduct was being enforced by the TMC (in the absence of a genuine print media mechanism) and the TMC used its powers on numerous occasions to issue hefty fines to print media, the print media (especially the vulnerable ones), saw the introduction of PCK as an opportunity to avoid having to deal with such fines in the future. So OSCE was able to push forward the PCK idea quickly. This was the shortest amount of time in which such an institution had ever been established. It took months and years before other institutions of a similar nature (e.g. IMC) were established or transferred to Kosovars.[146]

The first head of the Kosovo Press Council was Willem Houwen, an international and former OSCE employee, with extensive insight and knowledge about the media situation in Kosovo. He was later in charge of the Kosovo Institute of Journalism and Communications (KIJAC) and resigned from his post in 2010. His appointment as the head of PCK was a result of the consensus among the local editors sitting on the PCK Board to appoint an international instead of bickering among themselves

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[143]  Van Zweeden, "The state of the media in Kosovo."

[144]  Ibid.

[145]  Filip Stiglmayer, "OSCE-supported Press Council helps improve Kosovo's media landscape," OSCE Mission in Kosovo, March 8, 2007.

[146]  Van Zweeden, "The state of the media in Kosovo."

about who would be in charge.[147] Surprisingly the formula worked and PCK was able to kick off its work.

Since its establishment PCK has been operating primarily through foreign donations and member dues. However, member dues are inconsistent and even in the ideal case of all members paying, the amount collected falls short of being sufficient to cover its annual operations. According to some earlier estimates, 95% of the PCK budget is dependent on foreign aid and only 5% is member dues. In its annual report 2012 it was noted that only three media outlets paid their annual dues.

*Table 4.3. The main sources of revenue for PCK 2009-2012 (in Euro)*

| Year | Donors | OSCE Direct Support of Activities of PCK | Membership | Salaries and Per Diems | Goods and Services | Office Rent | Total Expenses (Excluding OSCE input) |
|------|--------|------------------------------------------|------------|------------------------|--------------------|-------------|---------------------------------------|
| 2009 | 37,750 | 20,000 | 3,299 | 28,050 | 9,865 | 3,600 | 41,515 |
| 2010 | 39,175 | n/a | 2,333 | 29,660 | 9,159 | 3,000 | 41,819 |
| 2011 | 49,000 | n/a | 2,033 | 30,620 | 20,644 | 3,420 | 54,684 |
| 2012 | 58,000 | n/a | 1,333 | 33,616 | 16,997 | 3,324 | 58,937 |

Source: PCK Secretariat

Some of the main supporters of the PCK are the OSCE Mission in Kosovo, Swedish Helsinki Committee, Press Now, Norwegian Embassy in Pristina, Kosovo Foundation for Open Society, Swiss Cooperation Office and Civil Rights Defenders.

The donor assistance in the case of PCK has been coordinated. The PCK management has made use of various projects to cover various costs, from operational costs and equipment, to ethics workshops, networking and the smooth continuation of its function. The OSCE covered the cost of operation of PCK in the first year and then continued to provide project assistance. Swedish Helsinki Committee then moved in to cover the PCK operations on an annual basis. OSCE as the main sponsor has been and remains the main contributor in the development of PCK. OSCE also provides annual technical project support to PCK to increase its role and to promote professional journalism.[148] The purpose of the media assistance to PCK both in the case of OSCE as well as in the cases of other supporters has been a mix of system wide support, environmental and institutional support.

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[147] Stiglmayer, "OSCE-supported Press Council helps improve Kosovo's media landscape."

[148] "OSCE Mission in Kosovo supports PCK awareness campaign," Press Council of Kosovo July 26, 2012.

Over the past eight years, the core media assistance to PCK has gone towards operational costs, (salaries of the director and press complaints officer, to provide for an honorarium for a lawyer and a PR person engaged with PCK, as well as to ensure the participation of the board members in its meetings.) The funding projects of PCK according to Nehat Islami, Executive Director, have been short term (6 months) to medium term (3 years) and have always matched each other.[149] Various projects have gone towards supporting the basic activities of the PCK (the decision-making regarding complaints, the enhancement of the level of journalists and students of journalism in the field of journalism ethics; informing citizens on how to address complaints and cooperation with newsrooms and media councils in the region and beyond).[150]

### 4.3.2 Challenges to PCK Functioning

In recent years, as it became obvious that PCK was not capable of imposing fines - when it could not collect at least two maximum fines against one of its members in cases of severe violation of the Code of Conduct - with the help of OSCE the PCK has revised its statute and removed monetary penalties altogether from the statute.[151]

The core problem of the PCK is that despite recommendations for many years to encourage members to pay their dues, which are symbolic, most of the members fail to do so. Yet, the PCK board members receive a small attendance fee for each PCK meeting attended. A USAID report on the work of different media institutions in Kosovo noted with regard to PCK that some of the difficulties earlier in the process were that financial contributions by the affiliated papers remained late - or not at all - in coming, and this was seen as the result of a failure to sufficiently involve the owners of the papers in addition to the editors in chief.[152]

Addressing the issue of the PCK's dependence on international donors Arben Hajredinaj, an OSCE media officer, notes that: "The fact the PCK, eight years after, is still a donor-driven organization merely identifies the level of interest of media representatives in supporting their own institution. There is support to the PCK but no sufficient interest by the Board members to support their institution financially. There is no clear opposition to turning it into a self-sustainable institution but rather futile ignorance by groups and individuals who do not understand the role of the institution and that it represents a European standard."[153]

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[149]  E-mail interview with Nehat Islami, Executive Director PCK, March 8, 2012.

[150]  "Joint Statement," Press Council of Kosovo, December 12, 2011.

[151]  Press Council of Kosovo website.

[152]  Van Zweeden, "The state of the media in Kosovo."

[153]  E-mail interview with Arben Hajredinaj, National Program Officer, OSCE Mission in Kosovo, March 8, 2013.

To a certain degree, of the three institutions established in Kosovo in the aftermath of the conflict the PCK reflects more closely the so-called "transplant effect"[154] since its strength relies on the belief that the ethical principles of the media and journalists will prevail; and in states in flux such as Kosovo such a belief might be too ambitious.

Agron Bajrami, the editor in chief of Koha Ditore and one of the champion members of the PCK, notes that while the initiative to establish the PCK came from the OSCE it helped create a standard that never existed before in Kosovo. He describes the PCK as an institution "that was based in Western experience, but evolved over time into an entity that greater reflects local culture and environment."[155]

On a positive note the fact that the PCK continues to receive and adjudicate on complaints is a sign that there is some need for its continued existence. In the words of Mr. Bajrami, a general improvement in the media environment has been noticed as a result of the work of PCK. Newspapers are more open to publishing retractions and reactions, while editors are involved in quality discussion related to ethical and professional reporting. However, other interviewees were keen to note that media outlets often ignore the PCK's deliberations and fail to publish its adjudications, with one of them calling PCK "a club of editors sitting around, not being harsh on each other."

Ever since its establishment PCK has made sure to publish all its rulings on the website. Yet it is not clear how often the requests made by the PCK to member and non-member media to issue public apologies or corrections have been taken into account or disregarded. Over the course of its operation PCK has adjudicated on a number of rulings and was considered largely neutral. Even the former President of Kosovo was one of the plaintiffs that once subscribed to PCK services.

According to the most recent data made available for this research, the Press Council, since its establishment to date, has resolved 162 complaints; organized over 30 workshops throughout Kosovo with journalists and students of journalism; has organized two institutes of journalism ethics; has published a summary of all its decisions online; has enriched its website; and has opened a library with publications of journalism ethics which are available to journalists and students of journalism and the public at large.

However, in some cases PCK rulings were considered controversial. In a 2007 report prepared for USAID it was noted that PCK has to show its capability of handling difficult self-regulatory issues.[156] The report noted that it was challenged

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[154] Daniel Berkowitz, Katharina Pistor and Jean-Francois Richard, "The Transplant Effect," *The American Journal of Comparative Law,* Vol. 51, No. 1 (2003) pp. 163-187.

[155] E-mail interview with Agron Bajrami, Editor in chief of Koha Ditore and Board member of PCK, March 5, 2013.

[156] Chetwynd, Gjurgjeala and Smith, *Kosovo Media Assistance Program.*

with such an issue in 2007 and proved unable to cope.[157] In 2010 it was again faced with another high-profile case when the ex-US Ambassador to Kosovo accused several media of breaching his privacy while making public his private SMS correspondence while in the Kosovo Assembly. The Ambassador cited violations of privacy and PCK adjudicated against such limitations, ruling in favor of the media. Although it was criticized for being superficial in its deliberation and for looking at only one side of the story, the PCKs adjudication made the headlines and the adjudication gave PCK publicity.

The above-mentioned cases have challenged the role of the PCK in important ways and have given it increased attention. However, its decision to give up its right to impose monetary fines in the amount of up to €2,000 has deprived it of a right to act as something more than a court of honor whose role (depending on the evolution of the courts in Kosovo) could either gain weight or be diminished in the future. Otherwise, the role of the PCK seems to be situated in the sidelines of the public debate and the organization maintains a low profile, despite efforts from its sponsors to raise its public profile.

The fact that PCK does not receive funding from the state budget makes it independent in certain ways. However, its continued and extensive reliance on international donors to cover its basic operational costs eight years after it was set up give little hope regarding how it will ensure its financial independence in the future.

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[157]  Ibid. The report refers to the widely known case of the Infopress newspaper (the newspaper is no longer published). In 2007 Infopress published the names of Serbs in one community who had joined the Territorial Defense organization in the late 1990s in Kosovo. The issue was referred to the Press Council, which found that Infopress had not broken the code of conduct. The chair of the Council and a number of others resigned as a result. The Council ceased operations for a few weeks, and only the mediation effort by OSCE persuaded the chair to resume his position, at which time the Council resumed operations. The Infopress case and a subsequent case have led PCK to decide to remove the clause on fines from its statute.  The USAID report notes that the PCK learned from the experience and successfully handled a number of less divisive complaints later.

# 5.

# Discussion of Findings

This research study was built on primary data received from 16 interviews with representatives of media institutions, journalists, civil society activists and academics in the period between December 2012 and March 2013, as well as on secondary data obtained via research reports, studies and other materials. The report has built substantially on various evaluations of Kosovo media programs and analyses and reports on the Kosovo media situation.

The findings of the research have confirmed that international assistance was crucial for starting and moving the reformation process in Kosovo, in particular with reference to RTK, IMC and PCK.

What the research helped re-emphasize, is that the issue of political inter-ference in media institutions has intensified following "Kosovarization", and the institutions, after their hand-over, have transformed into the "Balkan context", as one of the interviewees observed.

A closer examination on the conditions of RTK, IMC and PCK points to a number of challenges faced by these media institutions on their path to consolidation. Funding remains a key issue for all three institutions. The politicization of the state, with its different shades, has played against the greater independence of the IMC and RTK and is reflected in the politicization of appointments, informality and floating laws that inhibit the proper functioning of both institutions. The high level of political parallelism in the media further diminishes the prospects of an independent media sector in Kosovo.

All three institutions remain either donor dependent or heavily reliant on the Kosovo budget, despite the fact that little insight or incentive is required for them to pass the self-sustainability threshold. This financial dependence keeps them captured when it comes to projecting a formal and/or a functional independence.

While IMC enjoys some degree of formal independence it is far from achieving a de facto independence. Its continued dependence on the Kosovo budget makes it susceptible to interference. Furthermore, the upcoming digitalization, which was tied to the phenomenon of increased politicization of appointments in the IMC Commission, is bound to make it an even more vulnerable institution.

It appears that the efforts to set up a public service broadcaster in Kosovo modeled upon the BBC have produced a broadcaster that remains under strong government influence. RTK might have an even harder time ensuring autonomy, if it does not re-evaluate its goals and orientations that make it susceptible to political influence.

In the case of PCK, the fact that the dues from media have dwindled, as only three media paid their dues in 2012, is a matter of concern, regarding how it might increase its funding appeal to the wider media sector.

Otherwise, it seems to have been re-confirmed that the absence of coordination among the donors below the general level (sometimes even this was not the case) and the failure to determine the strategic goals and orientations of the projects supported by them has caused confusion and polarization in the media sector. This in turn, has served politicians a lead to attempt to influence the media.

It appears that the quick donor withdrawal and failure to leave behind appropriate mechanisms to monitor more closely the content produced and the appointments processes (in the case of RTK), as well as the quality of decision-making and the internal and external barriers to sustaining independence (in the cases of IMC and PCK) have taken their toll. In addition, the fact that media assistance programs have taken a copy-paste approach from other similar cases, notably Bosnia, is worrisome, keeping in mind the limited success of the international assistance in reforming the media sector in Bosnia and Herzegovina.

As noted in Rhodes (2007) two interrelated categories of goals and objectives have guided the media support in the Western Balkans: 1) political and social goals, and 2) media-specific objectives.[158] The understanding is that in cases where social and political goals have overlapped with media-specific goals the results were questionable or negative. It appears that following Kosovarization all three media institutions, at different points in time, have been left to handle "hot potatoes" - in other words, to meet objectives that are beyond their potential or capacities to address. Hence, all three institutions have faced drawbacks in their functioning.

For example, IMC challenges (such as licensing of broadcasters or ensuring compliance with Copyright Law) have been successfully addressed and IMC's independence was sustained. Yet, when IMC had to decide on extending broad-casting licenses or ensuring RTK's compliance with advertising quota (both issues that have political implications as well) it was unable to deliver on its mandate and its reputation suffered. The same thing seems to have happened with RTK. When it began in 1999 its central role was to achieve specific social and political goals (promoting peace, multi-ethnicity and diversity). RTK not only met this goal but became its champion. Yet, in due time RTK also set out to achieve important media-specific objectives – such as the goal to have the best news bulletin and the best current affairs programs, thus competing with commercial broadcasters in the coverage of politics. What it did, in fact, was to get embroiled in an unfair competition with commercial broadcasters, becoming attractive to politicians as a medium for advancing their political agendas. Given RTK's unique potential to do this (due to its technical capacities and greater audience penetration, with its

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[158]  Rhodes, *Ten Years of Media Support,* p. 11.

news bulletins reaching audiences of around 500,000) its advantage became, in a sense, its own liability.

Kosovo as a post-conflict society needs a public service like RTK to continue to provide all sorts of information, and needs to sustain its independence. However, as long as RTK focuses on politics in its agenda, politicians will likely continue to attempt to use it and abuse it. The focus of RTK, instead of concentrating on day-to-day politics, should be on political events; in other words, to put aside the coverage of party politics and focus more on advancing the cultural agenda of Kosovo as a new state.

Some comfort, regarding such a solution, lies in the fact that since Kosovo, in recent years, has achieved a diverse spectrum of media outlets, including cable channels in which political actors can compete successfully, this could serve as an exit point for RTK to gradually abandon political coverage and reorient more towards a broader socio-cultural agenda in par with its focus on nurturing multi-ethnicity and diversity. After all, the Law on RTK 2012 sets out such a role in great detail, and this can serve as a roadmap for a successful transformation.

Lastly, the PCK, has had a similar challenge in regards to exercising its role in a fair manner when confronted with issues likely to cause political interference. It would have been in a much better position if it had made a commitment to avoid handling such issues altogether and to refer them to the courts, rather than to attempt to deal with them, and end up with its reputation questioned.

In the case of Kosovo, it can be observed that the media institutions under consideration have undergone important processes of change, during which the laws that guide their work have been amended to increase political control over them. Or, as in the case of PCK, statutes have been changed to give up certain competences voluntarily. In the case of RTK and IMC it is noted that such changes were necessary in order to better reflect the realities regarding their functionality and independence. However, the long delayed processes through which such changes were introduced and the fact that, once introduced, the amendments have curtailed certain dimensions of the independence of those institutions, are signs of concern. The amendments in the RTK and IMC laws as well as the changes in the statute that guides the work of PCK have diminished the independence and the importance of all three institutions - and a number of interviewees have drawn a similar conclusion.

When it comes to preserving either their formal or their de facto independence, institutions such as IMC and RTK seem to be in better position, since both of them can partially subsidize their operations, based on the incomes they generate. IMC is able to generate between 1/4 and 1/5 of its current budget requirements from license fees. If we disregard its occasional need for capital investments, it appears that IMC would be closer to becoming financially self-sufficient if additional methods for increasing its revenues from licenses were explored.

RTK in 2011 has somewhat "solved" the issue of funding through 2014, but it still remains vulnerable to political influence, as its budget is subject to frequent scrutinizing (every three to six months) from the Assembly. At this point, RTK

generates about 1/7 of its budget through incomes from advertising and other resources. Its continuity might be put in question if between now and 2013-14 it does not find a long-term financing solution – either through a broadcasting fee or through some other approved mechanism. Re-introducing the subscription fee should be an immediate step that RTK should follow.

PCK continues to be heavily reliant, eight years after its establishment, on international donors to cover its operational costs. Although its operational costs are small (ranging between €40,000-50,000 annually) PCK doesn't seem to be close to finding a solution that would make it self-sustainable and economically independent, in the true sense, in the future. The fees collected through its subscribing members and the level of membership are still too low to guarantee its self-sufficiency. Furthermore, the fact that it has given up on its right to collect fees from penalties makes it even harder to figure out avenues towards self-reliance in the future. The independence of PCK is not affected politics, but there remains a question about how much the print media (members and non-members alike) will continue to adhere to its non-binding decisions and if and to what extent its reputation might be diminished if the Kosovo courts increase their efficiency down the road.

In conclusion, it should be reiterated that the use of the Western liberal media models[159] as a guiding model for the media set up in Kosovo might have been too ambitious a goal. It gave too much credit to the cultural ethos at the time, assuming it to be an environment in which a liberal media sector could firmly take root. Obviously, Kosovo is on a path of progress, having moved from a point where there were no institutions to the point where, however imperfect, the new institutions continue to operate. Overall, however, Kosovo media institutions, judging by their current condition, might still be years away from achieving functional independence.

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# Appendix 1: List of Interviewees

(Interviews conducted by Gjergj Filipaj between December 2012 and March 2013)

Agron Bajrami, editor in chief of Koha Ditore newspaper and Board member of PCK, 5 March 2013 (PCK) and March 7, 2013 (RTK) (e-mail interview).

Agron Demi, Executive Director, Institute for Advanced Studies GAP, January 9, 2013 (e-mail interview).

Andrew Clayton, Chief of Party, IREX Kosovo, January 28, 2013.

Arben Hajredinaj, National Program Officer, OSCE Mission in Kosovo, March 8, 2013 (e-mail interview).

Ardita Zejnullahu, Executive Director of AMPEK, January 29, 2013.

Argjentina Grazhdani, former Media and Civil Society Advisor to USAID Kosovo Mission, February 10, 2013 (e-mail interview).

Avni Zogiani, co-director of Organization for Democracy, Anti-corruption and Dignity COHU, January 23, 2013.

Baton Haxhiu, Director of Klan Kosova a popular TV channel and a former Executive Director of APJK, January 27, 2013.

Evliana Berani, editor in chief, infoGlobi news portal, March 12, 2013 (e-mail interview).

Mentor Shala, Director general of RTK, March 18, 2013.

Milazim Krasniqi, head of the Journalism Department, University of Pristina, January 17, 2013.

Naile Selimaj-Krasniqi, Executive Director of IMC, February 23, 2013 (e-mail interview).

Nehat Islami, Executive Director of PCK, March 8, 2013 (e-mail interview).

Remzie Shahini Hoxhaj, Journalism Professor, University of Pristina, January 29, 2013.

# About the Author

Naser Miftari, is pursuing his PhD studies in Political Science at the University of Nebraska-Lincoln. He holds a Master's in Journalism from Temple University-Philadelphia. He completed his BA studies in journalism at the University of Tirana-Albania. Over the last decade, Naser has taught courses in undergraduate and graduate level in media and political science at various institutes, colleges and universities in the Balkans and the US including Kosovo Institute of Journalism, Southeast Europe University in Macedonia, College of Journalism at the University of Nebraska-Lincoln and Ole Miss, School of Journalism in Oxford, Mississippi. His dissertation explores the relationship between the processes of democratization and the political economy of media. His main areas of interests are comparative media development and democratization, media discourse analysis and public opinion. Within the project "Development of Functional Media Institutions in Western Balkans - A Comparative Study" Naser was involved as a principal researcher and author on behalf of the Democracy for Development from Kosovo.

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