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Irion, K.; Jusić, T.

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CHAPTER 10

Conclusions: A Cross-National Comparison of International Assistance and Media Democratization in the Western Balkans

KRISTINA IRION AND TARIK JUŠIĆ

Introduction

Western Balkan countries have been beneficiaries of international media assistance programs to varying degrees. Because of the intensity of media reforms and institution building, Bosnia and Herzegovina and Kosovo are the two postconflict countries that exemplify international media interventions.¹ International media assistance programs did also target Albania, Macedonia and Serbia but to a lesser degree. Even within this group, there are significant differences in the scope and the nature of media assistance, with much more extensive support to Serbia compared to fairly moderate assistance programs in Albania.²

The chapters in this edited volume with country-level studies provide accounts of the range and intensity of media reforms these countries undertook in order to conform with accession requirements of the European Union (EU) and the standards of the Council of Europe, among others.³ From today's vantage point, when assessing the media assistance programs, the results are varied, both among countries, and among different media subsystems within all of the countries studied. Some of the internationally backed efforts produced fairly sustainable media institutions, while others ended in failure or are—to say the least—vulnerable to systemic and business parallelism. Yet, other projects and programs wit-

¹ Thompson and De Luce, "Escalating to Success?," 201.

² Rhodes, "Ten Years of Media Support," 15.

³ See the contributions of Londo, Jusić and Ahmetašević, Miftari, Dimitrijevska-Markoski and Daskalovski, and Marko in this volume.

nessed initial progress followed by later stagnation or even return to earlier authoritarian practices and norms.

This concluding chapter explores the nexus between the democratic transformation of the media and international media assistance as constrained by the local political conditions in the five countries of the Western Balkans. This chapter ties in with chapter 1 in this edited volume,⁴ where the research framework is set out, on which the cross-national comparison rests. Such a cross-national comparison is possible because of the variations in international media assistance between Western Balkan countries with similar political and economic context factors present. It aims to enhance the understanding of conditions and factors that influence media institution building in the region and evaluates the role of international assistance programs and conditionality mechanisms herein.

The cross-national analysis concludes that the effects of international media assistance are highly constrained by the local context. A decade of international media assistance of varying intensity is not sufficient to construct media institutions when, in order to function properly, they have to outperform their local context. From today's vantage point it becomes obvious, that in the short-term scaling-up international media assistance does not necessarily improve outcomes. The experiences in the region suggest that imported solutions have not been sufficiently cognitive of all aspects of local conditions and international strategies have tended to be rather schematic and have lacked strategic approaches to promote media policy stability, credible media reform and implementation.⁵ To a certain extent, the loss of international media assistance's effectiveness is also self-inflicted due to a lack of coordination, contextualization and sustainability.

This chapter first discusses how the Western Balkan countries in the focus of this research benefitted and experienced international media assistance, including a critique of its overall consistency. The next section compares the achievements and pitfalls of international media assistance which can be explained against the backdrop of the local context. After the conclusions, this chapter proposes a set of policy recommendations, which address policies in support of democratic media transition and international media assistance, respectively.

⁴ Irion and Jusić, in this volume.

⁵ Berkowitz, Pistor, and Richard, "The Transplant Effect," 163f.; Irion and Jusić, "International Assistance and Media Democratization" (2014), 22.

International Media Assistance to the Western Balkan Countries

This research operates with a broad view on what is to be considered international media assistance. It incorporates all externally induced interventions, initiatives and incentives to reform media institutions in the countries of the Western Balkans. International media assistance can thus take very different forms and strategies, including but not limited to financial support, standard setting, transfer of legislative and operational expertise as well as capacity building. Our broad view of international media assistance would thus also include EU conditionality which is defined in the literature as “a bargaining strategy of reinforcement by reward, under which the EU provides external incentives for a target government to comply with its conditions.”⁶

Between the early 1990s and today, international media assistance can be classified in three phases, which show some overlap:

Phase 1: Supporting independent media (throughout the 1990s and early 2000s) with the aim of overcoming information monopolies, such as in Serbia during the Milošević regime, and to contribute to reconciliation after the conflict in Bosnia and Herzegovina and Kosovo.

Phase 2: Media reforms and institution building (1998 until 2005) throughout the Western Balkans, with different intensity however, focusing on the provision of assistance in the context of media legislation, the introduction of a media supervisory body and the transition from state to public service broadcaster, in addition to support for self-regulatory bodies, advocacy organizations and industry associations in the media.

Phase 3: Phasing out international media assistance (2005 until today) is characterized by a significant roll-back of international media assistance across the region, often relying on the role of the EU and respective EU accession procedures in which conditionality is believed to be the new engine for democratic media transition. This goes hand-in-hand with the ultimate handover of ownership of and responsibility for media institu-

⁶ Schimmelfennig and Sedelmeier, “Governance by Conditionality,” 670.

tions to local stakeholders—a process of domestication. In Kosovo and Macedonia, scaled-back media assistance focuses almost exclusively on support to minority media.

International Actors

International actors can be broadly distinguished by their respective functions and put into two groups: those organizations that influence local media policy and institution building, and others that provide operational support targeting media in the Western Balkans. This does not preclude some actors being active on both levels.

From the first group, the most prominent international actors are those equipped with an international mandate, such as the Office of the High Representative (OHR) in Bosnia and Herzegovina and the United Nations Mission in Kosovo (UNMIK). Other significant actors in democratic media transition throughout the Western Balkans are the US, the EU, the OSCE, and the Council of Europe. Their relationships were more closely-knit, including delegating specific media mandates to the OSCE in Bosnia and Herzegovina and Kosovo. Nonetheless, even among the top-tier organizations approaches differed considerably, reflecting different values and priorities.

The second group of international actors is much more diverse, comprising of other countries, development and nongovernmental organizations as well as a plethora of implementing agencies. Their contributions have been significant but disparate, lacking overarching strategies and coordination.

Goals and Approaches of International Media Assistance

According to Rhodes there are two main and interrelated categories of goals and objectives of media support in Western Balkans: on one level, there are political and social goals, on the other are media-specific objectives.⁷ Assistance programs that aimed to achieve political and social goals looked to the media as a tool for changing society at large—for example, by helping remove authoritarian regimes, by protecting human rights, by reinforcing

⁷ Rhodes, “Ten Years of Media Support,” 11.

peace agreements, by easing ethnic tensions, by promoting democratization, by helping state and nation building, and by supporting European integration. Programs with media-specific objectives were intended to help the development of a free and professional media sector based on Western models of professional and responsible media. Inevitably, these two levels of goals and objectives were intrinsically linked: political and social goals, by definition, created the demand for media-specific objectives, while media-specific objectives worked toward achieving political and social goals.⁸

The approach to media assistance was based on several core assumptions about the roles and the values associated with the function of the media in a democratic system according to the idealized model of a “developed Western democracy.”⁹ Hence, the media assistance efforts were aimed at developing “professional” and “objective” journalists and “independent” and “impartial” media outlets,¹⁰ that would be financially sustainable and would offer a “plurality” of different views when covering political issues and current events. An adequate legal and regulatory framework is seen as one of the key elements of a functional democracy, for conflict mitigation, and toward Europeanization. However, the differences between the sociocultural and political contexts of Western Balkan countries compared to those in Western democracies manifest as contingencies in local media institutions and practices that differ in many respects from the Western-democratic models according to which local media systems were modeled.¹¹

This shall not be interpreted in such a way to suggest that international media assistance promoted the wrong values of media in the Western Balkan region. In these countries, the constitutional protection of freedom of expression and media freedoms is necessary to counter state encroachments on such rights. Local media policy and legislation that corresponds to European best practices has been instrumental in opening up media markets, combating hate speech, decriminalizing defamation and introducing elementary journalistic privileges, such as source protection.¹² Where they exist, high formal standards lay the foundations for professional and plural media. Most country-level chapters conclude that the local fragmented media sphere holds external pluralism but that this does

⁸ Ibid.

⁹ Voltmer, in this volume.

¹⁰ Johnson, “Model Interventions,” 40.

¹¹ Ibid., 30f.; Voltmer, in this volume.

¹² Rhodes, “Ten Years of Media Support,” 28.

not compound to a nationwide, interethnic or cross-political public discourse. The local organizations, alone when it comes to public service media, fail to live up to their remit to cater for objective reporting and the coverage of diverse viewpoints.

Absence of Coordination

The literature on international media assistance stresses that donor coordination is a *conditio sine qua non* for the development of the whole media sector.¹³ Especially when many diverse organizations and programs operate in parallel, effective donor coordination is key to creating synergies, to dividing labor corresponding to the capacities and to preventing duplication.¹⁴

In some Western Balkan countries, there were attempts to improve the transparency and coordination of international media assistance. In 2005, the Albanian government created the Department of Strategy and Donor Coordination, which inter alia also gathered data on international media assistance. In Bosnia and Herzegovina, during the early period of media assistance efforts, the OHR convened regular biweekly roundtables with all major donors and maintained a database of donor projects. In the high phase of international media assistance to Kosovo, the chapter notes some donor coordination at the policy level regarding general principles, but at the operational level, concerned with specific activities and projects, coordination was barely perceptible.

The impact of these endeavors was, however, very limited, not least because donor organizations' decision-making preceded transparency and coordination, which essentially precludes a common strategy. Taken together, the mention of parallel efforts noted in the country studies amounts to an impressive testimony to the symptomatic absence of meaningful coordination mechanisms during the crucial phase of media reforms and institution building in the Western Balkans.

More frequently, implicit coordination occurred when an international actor launched an initiative which factually demarcated its lead on the issue. Issue-based coordination occurred, for example, during the early support

¹³ Price, Davis Noll, and De Luce, "Mapping Media Assistance," 53; Rhodes, "Ten Years of Media Support," 10.

¹⁴ Rhodes, "Ten Years of Media Support," 10.

of the independent media network ANEM in Serbia and as a by-product of the involvement of the same international organizations in the construction of an independent media supervisory authority in Albania. What is of concern are accounts of donor competition that were noted in the chapters on Bosnia and Herzegovina and Kosovo. In the latter case, donors supported three concurring radio networks linking minority communities.¹⁵

If there is a lesson to be learned, it is that international organizations which provide media assistance should adopt and adhere to a code of conduct that formulates best practices, such as transparency and a coordinated approach, in addition to locally contextualized commitments to specific hallmarks of the emerging local media system. Consequent media assistance has to interlace the policy and the operational levels with an aim to create system-wide synergies and actions that reinforce local media institutions.

Conditionality Mechanisms

In international development and democratization, conditionality describes a mechanism by which states implement measures of their own accord in order to conform with international obligations or standards that are prerequisite for memberships in international organizations and in order to qualify for international aid. Contrary to measures being imposed externally, conditionality holds the advantage that legislation is passed by local authorities, which would seem to guarantee local ownership and deliberation from the outset.¹⁶

As a practice of international media assistance, the chapters with country-level case studies identify conditionality as an important driver to instigate media reforms in the countries of the Western Balkans in order to accede to the Council of Europe and ultimately the EU. The country-level chapters are illustrative of the outstanding leverage the stabilization and association process that governs EU relations with Western Balkan countries has had. For Bosnia and Herzegovina and Kosovo, which had been governed under international protectorate, the role of the EU has increased proportionately with the diminishing role of the OHR and UNMIK, respectively.

¹⁵ Reflecting earlier findings, cf. Martin, “Media Reform and Development in Bosnia,” 92.

¹⁶ Schimmelfennig and Sedelmeier, “Governance by Conditionality,” 670f.

In this context, the five Western Balkan countries under study have to fulfill a range of media specific commitments in their pursuit to guarantee freedom of expression and to bring local legislation in line with the EU *acquis*. This entails issuing an EU-compliant legal framework for the media sector and constituting legislation for key media institutions, that is, the independent national media supervisory authority and the public service media organization.

As a democratic quality, media and regulatory independence has to be assured and protected. The annual progress reports highlight fairly concordant issues with the independence of the local media supervisory authority and the public service organization. As a representative for the Western Balkans, the chapter on Albania holds that conditionality mechanisms failed to ensure absence of political and financial pressures on the media.¹⁷ Notwithstanding its success in transposing European values and EU-compliant normative frameworks in the countries of the Western Balkans, EU conditionality has had limited effect on their implementation and on converging formal arrangements with local practices.

Another caveat is that EU conditionality is most prescriptive when it comes to the transposition of the EU *acquis*, that is, media-specific legislation by the EU. Yet, the competences of the EU in the media sphere are heavily curtailed and consequently EU media legislation primarily focuses on the freedom to provide services within the internal market. The EU *acquis* is mute when it comes to the organization of public service broadcasting, that is, a prerogative of the member states, and remains superficial at best regarding the independence of media supervisory authorities.

The central piece of EU media legislation, the 2008 Audiovisual Media Services Directive,¹⁸ addresses issues of media convergence that may be more pressing in the old member states but less meaningful and rather distracting for Western Balkan accession and candidate countries, which have to absolve democratic media transition and media institution building first. As a result, EU conditionality in the media sector often does not set the right priorities for local media systems, such as promoting transparency of media funding and ownership or safeguarding the independence of the local media supervisory authority and the public service media organization, among others. By contrast, the need to issue EU-compliant legislation has been used to introduce new control mechanisms, for

¹⁷ Londo, in this volume.

¹⁸ European Parliament and the European Council, “Directive 2010/13/EU.”

example, in relation to new and online media, or has provided the pretext for yet another reform of the media supervisory authority.

While conditionality is widely used to influence public policy at the normative level, it seems that international media assistance in Western Balkan countries at the operational level did not effectively condition funds to nonstate actors by, for example, requiring beneficiaries to demonstrate compliance with media self-regulation as well as to contribute to media-supporting institutions, such as professional associations. Harnessing conditionality in the private sector can develop into a promising vehicle to achieve media system-wide effects beyond the single beneficiary and “cultivate” media professionalism.

Grappling with Local Media Economics

Local media economics, which are described above as particularly challenging, turned out to severely affect the efforts invested into the democratic transformation of Western Balkan local media systems. For a variety of reasons international media assistance to the Western Balkan countries failed to reduce the overreliance of local media on (potentially compromising) subsidies and more broadly to adequately address the economic sustainability of media outlets in print and broadcasting, as well as self-regulatory bodies and supporting institutions.

There are several reasons for this, notably the disregard for local media economics and economic sustainability; the dismissal of measures to structure media markets; and the fact that aid can also provoke artificial demand locally.

The first and most obvious reason for this is an initial total disregard for the fact that in many situations local media markets are too weak to sustain conventional media business models that rely on selling advertising and/or subscriptions in order to take foothold. This phenomenon is now recognized in the literature on international media assistance in the Western Balkans, according to which economic sustainability is too often simply implied where business models do not correspond to market realities and—even where this was considered—the overall deteriorating economic situation endangered what was earlier viable media business.¹⁹

¹⁹ Cf. Rhodes, “Ten Years of Media Support,” 19; Sorge, “Media in Kosovo,” 42; Johnson, “Model Interventions,” 29f.

While building capacity in media management and diversification of business models was added at a later stage to the menus of professional training this could not reverse the overall trend that for the time being there is extremely little business with media in the region.

Second, liberalization of local media markets featured high on the agendas for international media assistance and was reinforced by a very liberal interpretation of open media market access as a tenet of exercising freedom of expression. This has arguably augmented oversaturation of local media markets because structural measures did not find favor with the international community.²⁰ Instead there has been a false reliance on the cleansing effect of market forces, which was thought to lead to consolidation and competition on the merits of journalistic quality and innovation.²¹ The overall confused funding practice during international media assistance has further contributed to the congestion of local media markets, as is very well portrayed in the chapter on Kosovo.

This leads to the third and last issue—that the international financing of media operations is an additional source of revenue that can become the objective for local media. Development literature recognizes that aid functions similar to a market and can provoke artificial demands from beneficiaries locally. Without attempting to devaluate the objectives of international media assistance what emerges from the chapters on Bosnia-Herzegovina, Kosovo, Macedonia and Serbia is that during its peak too many local media outlets could access funding for their operational activities from a large diversity of international donors, only to collapse again when the funding dried out.²²

Instead of instigating commercial media, what was often fostered was a symbiosis between international media assistance and their local project partners that did not bring economic sustainability. This finding extends to the numerous supporting institutions that were intended to institute media self-regulatory bodies and professional associations, and even to some extent to the media watchdogs. Without donor coordination and media assistance based on realistic assumptions about the economic viability of media organizations and corresponding funds over a time horizon adequate for institution building, the international media assistance in

²⁰ Cf. Sorge, “Media in Kosovo,” 36.

²¹ Franqué, “The Other Frontier,” 94.

²² Illustrative is the OBN case study in Jusić and Ahmetašević, in this volume. However, there are some notable exception, cf. the case study on radio and TV B92 in Serbia in Marko, in this volume.

the Western Balkans was characterized by numerous premature exits of donors which negatively influenced the outlook of such assistance projects.

Local Contextualization and Deliberation

In the presence of international development and assistance, efforts invested in building democratic institutions in transitional settings are contingent upon local acceptance and the fit of the imported models. This is the reason why building effective media institutions can be seen as a function between domestic demand and external influence that is discernible from the level of confrontation or partnership during their introduction and the ongoing levels of local support and acceptance. It is therefore valid to emphasize the process of introducing institutions over their content and formal provisions.²³

Many examples from the country-level chapters provide evidence that international media assistance in the Western Balkans was conscious of the principal need to work closely with local stakeholders and to align media reforms with the local context. Such was the case in Albania where the 1998 Law on Public and Private Radio and Television was drafted by a parliamentary commission in collaboration with a local expert group and the help of international expertise.²⁴ The Macedonian Broadcasting Law from 1997 is also cited “as an exemplary form of cooperation between international bodies [and donors] and the Macedonian authorities.”²⁵

Yet, in many situations the very purpose of the deliberation, that is, customizing legislation to the sociopolitical and cultural context as well as raising local acceptance, was not fully achieved, though for very different reasons. Whereas European media values and institutions pervaded local stakeholders’ deliberations, little consideration was given to their meaningful interpretation or to measures that would compensate for a lack of tradition that would, for example, sustain formally independent media institutions, that is, the media supervisory authority and the public service broadcasting organization. Occasionally, international consultants dominated deliberations providing expertise which did not correspond to local

²³ For effective legal institutions, see Berkowitz, Pistor, and Richard, “The Transplant Effect,” 178f.

²⁴ Londo, in this volume.

²⁵ Price, Davis Noll, and De Luce, “Mapping Media Assistance,” 57.

circumstances, interests or organizational cultures, as evidenced by the unaccomplished organizational reform of the public service broadcasting organization in Bosnia and Herzegovina²⁶ or the much criticized study of the EU on the Serbian media.²⁷

Contrary to good government practices, while international expertise is invited in some situations, local governments did not properly consult draft laws or, when they did so, neglected consultation outcomes leaving local stakeholders no venue to influence the policy-making process. This is exposed in the chapter on Serbian with regard to the Public Information Law, as well as in Bosnia and Herzegovina where local expertise was, in quite a few cases, not invited.

Every so often, well-intentioned initiatives to construct media-supporting institutions, such as professional organizations and self-regulatory bodies, were welcomed by local stakeholders who failed to support them in practice, as was the case, for example, with the Council of Ethics in Albania. Probably a reflection of the rather weak role of civil society, media as a public interest goal did not permeate well the concerns of the society at large, which is well illustrated by the rather dispassionate relationship between the societies of the Western Balkans and their public service media.

Entirely different was the situation in postconflict Bosnia and Herzegovina and Kosovo where the OHR and UNMIK used their powers to institute media legislation and institutions at a time when these modern states were still under construction, and later due to legislative stalemate by local governments. While some of the so created media institutions functioned reasonably well under the international protectorate, such as the independent supervisory authority CRA in Bosnia and Herzegovina, local politics remains a real and lingering threat. Moreover, the case study delineating the establishment of a system of public service broadcasting in Bosnia and Herzegovina is an account of local resistance that was overruled by a series of OHR decisions, important elements of which are to date not effective.²⁸

²⁶ It was modeled after the UK equivalent, the BBC. See Jusić and Ahmetašević, in this volume.

²⁷ Marko, in this volume.

²⁸ Jusić and Ahmetašević, in this volume.

Minority Media and the Interethnic Mediated Public Sphere

One priority of international media assistance which still continues during the phasing-out of international media assistance is support to minority media. In multiethnic countries like Bosnia and Herzegovina, Kosovo and Macedonia international donors have been supporting underrepresented people and minorities in the media to launch media outlets, such as print publications, local radio and sometimes TV programs, in their language and for their constituency. Determining the appropriate strategy to promote minority media while preserving an integrated local media sphere appears to be particularly challenging. As it is well captured in the Macedonian chapter this may cement into an ethnically divided media sphere and the danger that this spirals into ethnically biased reporting and polarization.²⁹ In addition, Serbia's media content reflects political, ethnic, and territorial divisions within society.³⁰

Moreover, in public service media international assistance did not discourage ethnically motivated divisions and spheres of influence, frustrating later efforts to foster an interethnic national identity and dialogue mediated by an integrated media sphere. Subsequent attempts to promote adjustment to the public service media in particular faced enormous difficulties because it would endanger the already acquired positions of control and influence (see, for example, the case studies on the local public service broadcaster in the chapters on Bosnia and Herzegovina and Macedonia). Thus, the focus of international media assistance should always be to support public institutions and structures that could effectively facilitate interethnic dialogue in a country in addition to serving specific constituencies.

International Monitoring

In addition to local efforts, international media assistance has an important role to play in monitoring the state of democratic media transformation and media institution building in the countries of the Western Balkans. From the outset there was no shortage of international moni-

²⁹ Dimitrijevska-Markoski and Daskalovski, in this volume.

³⁰ Marko, in this volume.

toring tackling the media sector or specific media institutions, such as the legal frameworks, the media supervisory authority and the public service media organizations. Albeit with different foci, regular reports are produced—the European Commission’s annual progress reports for the Western Balkan countries, the IREX Media Sustainability Index and reports by Reporters without Borders and Freedom House. Other international actors engage in ad hoc monitoring, especially the Council of Europe and the OSCE, among others.

Probably the most influential, the European Commission’s annual progress reports cover the media as an aspect of guaranteeing freedom of expression and media institutions within the policy on information society and the media. Relative to its scope, the report has to be very concise on these issues and it does not amount to detailed monitoring. The Serbian country reports offer an illustrative example of the general nature of this exercise.³¹ For Macedonia it is noted that criticism from the EU attracts the widest public attention, but repeated concerns in the progress reports have not been sufficient to bring about change.³²

In substance, international monitoring too often questions formal arrangements but pays too little attention to the implementation of media reforms and the informal practices that are equally decisive for the functioning of media institutions. In spite of the prevailing diplomacy there must be clues as to who is accountable, what concrete action is required to improve a situation, and who is responsible to take action. It is also important that international media assistance defends the principles of media freedom and critically engages with its own theoretical concepts. Contrary to the widespread practice of assessing progress against benchmarks that presuppose a consolidated democracy, it would be more useful to assess the risks to local media freedoms and independent media institutions.

International monitoring is not an end in itself and requires diplomatic follow-up and, when necessary, political pressure. A good example is the international scrutiny over attempts to interfere with the independence of the media supervisory authority, CRA, in Bosnia and Herzegovina.³³ In addition to the actions taken by the OHR, other key international actors regularly issued warnings and protest letters to the local government in order to voice concrete concerns over the independence of the regulator.

³¹ Ibid.

³² Dimitrijevska-Markoski and Daskalovski, in this volume.

³³ Jusić and Ahmetašević, in this volume.

Now that international pressure has weakened, the CRA is facing many attempts at political capture.³⁴ In other Western Balkan countries international media assistance has not used its political leverage systematically in an effort to protect key media institutions from political interference.

Achievements and Pitfalls of Media Democratization

The following cross-national comparison of the achievements and pitfalls of democratic media transition in the five Western Balkan countries is used to examine the role and influence of international media assistance and conditionality.

Media freedoms and European Best Practices

In all five countries, there is a common high level of formal compliance of local media laws and institutions with European best practices issued by the Council of Europe, the OSCE and the EU that can be attributed to their involvement during the legislative process. For the two countries that underwent media intervention, that is, Bosnia and Herzegovina and Kosovo, the international protectorate charged the OSCE directly with drafting or even instituting local media laws. But the international community also provided expertise, consultation and evaluations of draft media laws in Albania, Macedonia, and Serbia, to the effect that these laws adhere to European best practices. For example, in many aspects the governing legislation for the independent media supervisory authorities would excel those of old EU member states. But to what effect?

Such media policy transfer would be a very impressive result of international media assistance in the Western Balkan region were these laws effectively implemented and complied with. However, with only a handful of exceptions, the country studies reveal that there is a general mismatch between the quality of the legislation and its practical consequences, which is explained by a general implementation deficit that in some cases results from deliberate obstruction by local elites.³⁵ Nonetheless, there are achievements that ought to be recognized, in particular that countries of

³⁴ Ibid.

³⁵ Cf. Rhodes, "Ten Years of Media Support," 12, 27.

the Western Balkans now have a pluralistic media landscape, broadcast licensing has confined the previous chaos in the ether, regulation effectively condemns hate speech, and the media and journalists are no longer criminalized for alleged defamation, among others.³⁶ All of this, to different degrees, has been influenced by international media assistance in the pursuit of bringing to life the universal value of freedom of expression and infusing European best practices in media regulation and institutions.

Beyond the progress noted, there are a number of arguments why formal arrangements that outperform their local context should not be defied. Are not such discrepancies characteristic for countries in the process of democratic transition? As representative of the other countries, in the chapter on Serbia, Davor Marko notes that the transposition of European standards for the media set the path for the Serbian media transition, and enabled international actors to monitor the degree of transition.³⁷ While it is not wrong to emphasize the development path, however, it does not suffice to rely on media institutions that have democratic potential encoded in their institutional design.³⁸ A normative framework alone cannot entrench against capture and informality, in particular the worrying tendency in Western Balkan countries for media, politics and business to form an iron triangle, that is, a self-enforcing power structure serving local, albeit sometimes competing, elites. Nonetheless, formal guarantees are crucial to prevent even more blatant attempts to depute media; they should be invoked by individuals and media advocates to defend local media institutions and, in principle, they keep the marketplace of ideas open.

Top-Down versus Bottom-Up

Western Balkan countries have different track histories when it comes to media institution building, but also within a country some subsystems appear to flow easier through transition than others. When comparing the experiences across all five countries, it emerges that top-down legal reforms are at face value comparatively easier to accomplish than bottom-up initiatives.

³⁶ Ibid., 28; Cf. Londo, in this volume.

³⁷ Marko, in this volume.

³⁸ Jakubowicz and Sükösd, “Twelve Concepts,” 12.

Typical examples for top-down media institutions are the establishment of a media supervisory authority or issuing media legislation, but with mixed results in practice (see below). These findings are amplified whenever media reforms take place in the presence of international custody such as earlier in Bosnia and Herzegovina or in Kosovo. In both countries, initial media reforms were fast-tracked or were issued entirely under international authority, for example, the media decrees issued by the Office of the High Representative in Bosnia and Herzegovina.³⁹ With domestication and local ownership the initial headway of top-down media institution building in countries undergoing media intervention (such as Bosnia and Herzegovina and Kosovo) levels out compared to those countries which experienced more domestically driven changes in the media system, such as Macedonia, Albania and Serbia.

The building of media institutions from the bottom up, which requires local acceptance, as is the case with membership-based organizations such as media self-regulation bodies, is much more time-consuming and the prospects are uncertain. Attempts to root press and journalistic self-regulation in the countries of the Western Balkans have led to the creation of institutional empty shells: For Albania, the introduction of member-based organizations in the media has been by and large unsuccessful. In Macedonia, press outlets and groups of journalists do not subscribe to the authority of the Council of Honor that was charged with defending media ethics. In Kosovo, the OSCE attempt to set up a journalists' association in 2000 failed, while subsequent self-regulatory bodies never became self-sustainable. Despite the 2006 Code of Ethics and the Press Council, institutionalized self-regulation remains weak in Serbia. Hence, the experience of supporting media institutions is fairly similar in all the countries studied in the framework of this research project; that is, with very few exceptions they do not (yet) root in the local media systems. Notable exemptions are a few commercial broadcasters which, after initial operational support from international donors, matured into locally accepted ventures, such as the Serbian B92.

The transformation of state broadcasters into public service broadcasting bears characteristics of both because their inception is based on a top-down legal reform but their success nevertheless rests on acceptance by the local population as well as stakeholders. The experiences with public service broadcasting institutions in the five Western Balkan coun-

³⁹ For a complete list, see Jusić and Ahmetašević, in this volume.

tries show that achievements at the formal level do not automatically guarantee their independence and the fulfillment of the public service mission. Without exception public service media organizations are perceived as government-friendly media and newly elected governments rush to institute their influence over the management and the content of these institutions. Moreover, as examples in Macedonia show, local constituencies do not easily accept funding their public service broadcasting with a license fee, which is unlikely to change in the short-term even if the programs were of better journalistic quality and the reporting more objective and diverse.

Implementation and Domestication: (Re)politicization of Media Institutions

Across the region, it emerges that in addition to the sizeable implementation deficit and the culture of informality eroding democratic institutions there is a new and rather open tendency to (re)politicize public media institutions. These issues are mutually reinforcing and pose a very serious threat to democratic media transition and media institution building in the Western Balkan countries. At the time when international media assistance was phasing out, local and international observers recognized a growing political saliency of media, policy and regulation. “As soon as foreign donors withdrew their (financial and practical) support the newly implemented institutions dwindle or are being hijacked by particularistic interests.”⁴⁰ After 2010, international reports documented the dramatic deterioration in the Macedonian media sphere, which has even led to the reintensifying of international media assistance.⁴¹

The trade-offs between local ownership and democratic media transition are most visible in public service media reforms and with independent media supervisory authorities, both raising critical issues in relation to the *actual independence* of the organizations. The deadlock when appointments of decision-makers to media supervisory authorities or the public service media are due serves as an illustration. In Bosnia and Herzegovina, Albania and Kosovo years can pass by without the elected politicians making effective appointments because such decisions are highly

⁴⁰ Voltmer, in this volume.

⁴¹ Dimitrijevska-Markoski and Daskalovski, in this volume.

politicized. Likewise, these media institutions are exposed to postelectoral vulnerabilities when every new government in power attempts to change legislation in order to influence the composition of the boards and senior management. In Bosnia and Herzegovina and Kosovo initial progress during international media intervention has been partially offset during the subsequent process of domestication, that is, when ownership, control and oversight over local media institutions was handed back to local stakeholders. In Kosovo, “the issue of political interference in media institutions has intensified following ‘Kosovarization’.”⁴² In Bosnia and Herzegovina, government increasingly ignores international criticisms over the independence of the regulatory authority CRA.⁴³ Public service media’s dependency on the state budget, as highlighted in Serbia and Kosovo, can equally be used to leverage political influence.

It would be too early to assume that in the Western Balkan countries these alarming trends have already consolidated into hybrid or “atavistic” media systems in which the imported European media models are irreversibly tweaked by political parallelism. International media assistance should accept the political nature of media policy when formulating responses that are sensitive to local interests and positive incentives that would ensure political support locally. International media assistance is crucially needed to accompany the process of localization and domestication of local key media institutions with expertise and international scrutiny. International monitoring should place renewed focus on the implementation of media reforms and focus more closely on local practices. EU conditionality and diplomatic efforts must work together when promoting media freedoms, policy stability and credible media reform in these countries.

By contrast, business parallelism is nurtured by local media economics and the lack of transparency, and above all is perfectly legal. In private media where owners and editors—albeit constrained economically—are free to define their editorial line political allegiances and partisan reporting have increased. Media policy can however provide incentives for the production of quality content and the dissemination of news and current affairs. Instead of contributing to the operational costs of mainstream media, and in addition to stimulating minority media, international media assistance could place new emphasis on investigatory journalism, quality content production and sharing, as well as facilitate access to European audiovisual content.

⁴² Miftari, in this volume.

⁴³ Jusić and Ahmetašević, in this volume.

Nontransparent Media

Similar to other countries in Central and Eastern Europe, the media sectors of Western Balkan countries are characterized by fuzzy ownership, which describes a situation in which transparency about media owners and their interests is lacking. Fuzzy ownership is more complex than understanding who owns which media. Londo summarizes for Albania that media owners and moguls are “persons with economic interests in other businesses, lacking media experience and with little transparency of their media funding practices.”⁴⁴ More direct transparency concerning media ownership and funding would be crucial therefore in order to expose the rampant cross-subsidization to media outlets as well as partisan public sector funding and procurement of media services.⁴⁵

Throughout the democratic media transition in the Western Balkans there has been no systematic effort to gather and release economic indicators about local media markets, such as operating budgets of media outlets, advertising, subscription and sales revenues, subsidies and public funds. The country chapter on Albania notes the lack of reliable data on the media and the very sketchy evidence available. If local policy makers, but also international media assistance, are not informed, how can it be possible to devise optimal and evidence-based policies? By the same token, transparency of international media assistance should also be strengthened.

Hence, the failure to promote transparency across all aspects of media governance, especially with regard to ownership and the financing of media operations in addition to procedural requirements, should be considered a crucial omission of international media assistance. The same applies to transfers of the state and of state-owned companies to any media outlet, no matter whether this is in exchange for media services or by way of public subsidies. The reason for this blind spot is easy to pinpoint: neither the *acquis* of the Council of Europe nor the European Union provides for the introduction of such far-reaching transparency and procedural requirements. So far, at the European and EU level there are only nonbinding instruments⁴⁶ and attempts to introduce transparency of

⁴⁴ Londo, in this volume.

⁴⁵ Irion, “Follow the Money!”

⁴⁶ Specifically, Council of Europe, “Resolution 1636 (2008),” para. 8.18–19; Council of Europe, “Recommendation 94(13).”; European Parliament, “Resolution of 25 September 2008.”

media ownership in Serbia, for example, were met with fierce resistance by private media.

Internal Culture of Independence through Good Governance Practices

Through an internal culture of independence the resilience of media organizations in the public and the private sector can to a certain extent be strengthened, even in an environment that is not fully enabling, as is the case in the countries of the Western Balkans.⁴⁷ Especially in the public sector, a public service culture that embraces the tenets of good governance is believed to improve the overall performance and public standing of key media institutions. Transparency of decision-making, participatory deliberations and accountability are important non-media-specific ingredients for a public service culture that would ultimately foster an internal culture of independence at the local media supervisory authority and the public service media organization. Unfortunately, European best practices that are binding in the media sector do not tie in with good governance practices, although as a value they are promoted throughout international media assistance.

Selectively, international media assistance flagged the role of transparency and accountability, which has promoted some change, for example, by infusing more transparency in the work of the Macedonian media supervisory authority. Another successful element is the integration of local media supervisory authorities into European networks of peer institutions, for example, the European Platform of Regulatory Authorities (EPRA). In another situation, however, the offer to improve the Albanian media supervisory authority's accounting system was not met with interest. International media assistance can help build the internal culture of independence through training, and international monitoring could be better attuned to assess good governance practices.

⁴⁷ Council of Europe, "Declaration of the Committee of Ministers."

Conclusions

The effects of international media assistance accompanying the democratic transformation of the media in Western Balkan countries is highly constrained by the local context. The experiences of international media assistance in the region suggest that imported solutions have not been very cognitive in all aspects of local conditions; for example, neglecting media economics in these very small markets, and also in regard to the ability of media-supporting institutions to govern themselves. International responses to the political saliency of media policy and media institutions have been rather schematic when prescribing independent institutions as regulators and in public service media. The promoted media reforms did not harness much needed transparency of media ownership and funding, and lacked strategic approaches to promote media policy stability and to keep close tabs on credible media reform and implementation.

In the Western Balkan countries surveyed, the transformation of the media systems and their subsystems has not been linear; all transformation cases studied have experienced retrograde processes and a sliding back after the external push for change weakened. Today, democratic media transition in the surveyed countries is stagnating at a comparative level and in some of them the situation may deteriorate further, for example, Macedonia. Sustainable and functioning media institutions are hard to come by because most of them are repoliticized or at least vulnerable in their dependence on external resources or political cues. We conclude that a decade of international media assistance of varying intensity is not sufficient to construct media institutions when for their proper functioning they have to outperform their local context. In the mid-term, the introduced media institutions and policies will largely depend on the development of the political culture in the five studied countries—an uncertain and slow process of systemic change.⁴⁸ The present state of affairs is that locally driven international media assistance will be needed for the foreseeable future to counterbalance politicization and partisanship in the media.

In addition, our cross-national comparison of key media institutions in the Western Balkan countries suggests that—aside from short-term affects—scaling international media assistance does not necessarily improve outcomes. However, it seems that those societies and institutions that received

⁴⁸ Jakubowicz and Sükösd, “Twelve Concepts,” 22–23.

a stronger push through external assistance or even direct intervention were able to “travel” faster and further than those that were primarily driven by domestic, endogenous drives for change. However, the institutions that were reformed more radically and rapidly due to external assistance witnessed a fiercer backlash once they were integrated into the local legal and institutional context, after the external assistance was reduced.

To a certain extent, the loss of international media assistance effectiveness is also self-afflicted due to a number of shortcomings, most importantly the lack of coordination among donors and the absence of a long-term strategy adequate for institution building. From a normative point of view, the exported media model is a patchwork: European best practices are a compilation of binding and nonbinding instruments of the Council of Europe and the OSCE as well as the EU *acquis*. As it stands, scattered international competences and the self-referentiality of the international system do their part to undermine a consistent and coherent approach that would be reinforcing at the normative and implementation levels. The EU conditionality mechanisms are still a very strong incentive for Western Balkan regimes to continue media reforms and institution building, however they do not practically implement formally accepted arrangements. Thus, while at the formal level the introduction of European best practices and key media institutions has apparently succeeded, there is a growing sense of urgency to improve implementation and effectiveness before the locally specific mismatch between form and substance consolidates into hybrid and atavistic media systems.

POLICY RECOMMENDATIONS

This research into democratic media transition in five Western Balkan countries in the presence of international media assistance and conditionality backs a number of policy recommendations which address policies in support of democratic media transition and international media assistance, respectively.

TRANSPARENCY

Promoting transparency should enable local stakeholders and the international community to better assess and evaluate local media markets and assistance needs and provide a basis for enhanced coordination among themselves. For countries which undergo democratic transition, transparency becomes a central requirement for media development at public

and private levels, including all state funding in support of public service and private media, public procurement of media services by the state and state-owned companies, as well as media ownership and financing of media operations. Policy-making processes should be transparent and inclusive for local stakeholders and the public. When entering the phase of media reforms and institution building, the international community should make transparency conditional upon receiving external funds and promote it vigorously in media policy making while contributing with their own practices to this end. In particular, international media assistance should make all significant funding and actions transparent and help establish a single public registry to which this information is submitted.

POLICY CONSISTENCY AND STABILITY

In the phase of media reforms and institution building, local stakeholders and the international community should contribute to consistent media policy objectives and jointly foster a healthy degree of policy stability.

- International media assistance that influences local media policy and institution building should reinforce local media policy objectives corresponding to international best practices, while remaining flexible to accommodate different strategies and funding priorities at the operational level.
- International media assistance should aim to enhance the political commitment to local media legislation and key media institutions corresponding to international best practices, as well as identify strategies to limit postelectoral political vulnerabilities and deadlocks concerning key media institutions.
- International media assistance and EU conditionality should reduce external demands for legislative reforms that unnecessarily unsettle media policy stability.
- International media assistance should address local needs as they arise but maintain an outlook and strategy adequate for media institution building and subsequent consolidation.

Contextual Integrity and Local Ownership

In the phase of media reforms and institution building, international media assistance should aim for optimal contextual integrity that recognizes local

political and economic circumstances and facilitates local ownership of media reforms and institutions. International media assistance should be attuned to country-specific media economics, refrain from distorting local media markets and be considerate of the economic repercussions of aid. Moreover, international media assistance should not phase out during the process of localization and domestication of local key media institutions but accompany this process strategically, such as by continuously providing expertise and international scrutiny.

Implementation and Compliance

International media assistance should pay more attention to the implementation of local media reforms and compliance with formal arrangements.

- At the stage of policy formulation positive incentives should be considered that would ensure political and professional support locally for the implementation of legal frameworks and the operation of key media institutions.
- Local policy makers should be assisted in devising implementation strategies and accountability mechanisms with clearly defined roles and deliverables.
- International media assistance can play an important role in strengthening an internal culture of independence and promoting professional ethics as well as connecting key media institutions with European and/or international peer networks.

Progress Evaluation and International Scrutiny

Systematic and continuous progress evaluations and international scrutiny should accompany democratic media transition and should inform EU conditionality mechanisms, international relations and international media assistance alike.

- In addition to formal scrutiny, discrepancies between formal guarantees and actual practices should also be followed up diplomatically and trigger political consequences that do not weaken the local media system.

- International monitoring and progress evaluation should be detailed and allow for contextual interpretation of local developments; it should assess risks to media freedoms and independence corresponding to international best practices instead of measuring progress against benchmarks from media theory and Western democracies.