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The Development and Future of PSB in Macedonia: Towards the Construction of a Participatory PSB Model

Snezana Trpevska and Igor Micevski

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1.

Introduction*

Parliamentary democracy in Macedonia was established with the Constitution of 1991. The multi-party system is marked by an ethnically-based divergence where the main political parties are divided into two ethnic blocks representing the country's Macedonian majority and Albanian ethnic community. The issue of the power balance between the two communities led to a brief war in 2001, following which a new agreement was reached to share power at both the central and local level. Over the last several decades the Macedonian political system has not evolved into a consolidated democracy. On the contrary, since the populist VMRO-DPMNE took over the government in August 2006, converse trends have led the state into a direction of stronger authoritarianism. Consequently three successive Freedom House reports categorized Macedonia in the group of so called 'hybrid regimes'¹ – formal democracies that manifest authoritarian particularities. The last Freedom in the World Report states that Macedonia has lost its designation of 'electoral democracy' as it does not meet even the basic standards.² One of these standards is related to providing "significant public access of the major political parties to the electorate through the media..."³

Taking into account the process of democratic consolidation and the development of the media system in Macedonia, this paper analyses the transformation of its public broadcaster and the pressure from below for greater civic participation in both its decision making processes and its content and programming. Applying Hallin and Mancini's theoretical framework, Macedonia's political system can be classified as being closest to the Mediterranean or Polarized pluralistic model with: a strong interventionist role of the state, political parties divided along ethnic lines and the ruling party entering into a coalition with the ethnic party that won the majority of votes from the Albanian electorate (parallel majoritarian democracy), political parties having a dominant role in the social processes and placing group interests before individual interests (organized pluralism), late democratization of institutions, deep clashes among political actors and contestation of the legitimacy of the political system as a whole (polarized pluralism) and a widespread culture of clientelism. All this bears

* This report is updated as of December 2016.

¹ Ivan Damjanovski, "Nations in Transit: Macedonia 2016" (New York: Freedom House, 2016).

² Freedom House, *Freedom in the World 2016*, (New York: Freedom House, 2016), p. 9.

³ For more information see the Methodology of the Freedom House Survey, <https://freedomhouse.org/report/freedom-world-2012/methodology> (Accessed on January 28, 2016).

direct consequences on the media system and on public service broadcasting. As the country has moved strongly towards authoritarianism in recent years, an assessment is necessary of where PSB stands now and what (if any) its future might and should be.

This paper will discuss the challenges PSB in Macedonia is currently faced with and explore perspectives for overcoming the obstacles for its transformation by considering the four normative principles of PSB: *citizenship, universality, quality⁴ and trust⁵*. Being central to the idea of PSB, these concepts are regained in the ongoing debates on PSB in a changed setting.⁶ PSB, by definition, is envisaged as a space which enables the flourishing of a critical and vibrant public sphere and, therefore, it has a crucial role in enabling citizens' active participation in the process of social change. The normative value of Habermas's theory of the public sphere⁷ remain a critical tool for studying the PSB role in contemporary democratic societies. Habermas argued that access to the public sphere should be open in principle to all citizens⁸ and it is in the PSB core remit to enable inclusiveness as a crucial democratic principle. The PSB should play a crucial role in sustaining the public sphere and providing citizens an opportunity to be part of it.⁹ In line with this, the paper examines the possibility of citizens' stronger participation through the concept of Public Service Media¹⁰ and active citizenship.

Initially, this paper aims to identify the challenges PSB faces in Macedonia compared with similar dilemmas in Western democracies, and, secondly, its goal is to position Macedonian PSB in a normative framework for future transformation. Two major challenges to PSB, of relevance to Macedonia, are identified in the literature with respect to the digital age: (i) commercial pressure and pressure from European competition regulation, by which it is claimed that

⁴ Georgina Born and Tony Prosser, "Culture and Consumerism: Citizenship, Public Service Broadcasting and the BBC's Fair Trading Obligations," *The Modern Law Review* 64, no. 5 (2001), p. 657.

⁵ Benedetta Brevini, *Public Service Broadcasting Online: A Comparative European Policy Study of PSB 2.0*. (Houndmills: Palgrave Macmillan, 2013), p. 31.

⁶ Karol Jakubowicz, "PSB 3.0: Reinventing European PSB", in *Reinventing Public Service Communication: European Broadcasters and beyond*, ed. Petros Iosifidis (Basingstoke: Palgrave Macmillan, 2010), p. 9.

⁷ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge: MIT press, 1991).

⁸ Jürgen Habermas, "The Public Sphere", in *Contemporary Political Philosophy*, eds. Robert E. Goodin and Philip Pettit (Oxford: Blackwell, 1997), p. 105.

⁹ Phil Ramsey, "Public Service Broadcasting and the Public Sphere: Normative Arguments from Habermasian Theory", *Networking Knowledge: Journal of the MeCCSA Postgraduate Network* 3, no. 2 (2010), p. 3.

¹⁰ Johannes L. H. Bardoel and Gregory Ferrell Lowe, "From Public Service Broadcasting to Public Service Media: The Core Challenge", in *From Public Service Broadcasting to Public Service Media*, eds. Johannes L. H. Bardoel and Gregory Ferrell Lowe (Göteborg: Nordicom, 2008), p. 9.

PSB is pushed to the margins, making it obsolete, and (ii) technological pressure – meaning that new technologies and the internet era are dramatically changing the patterns of media consumption, so the main challenge for PSB is how to reach the fragmented audiences and how to encourage their motivation, as citizens, to participate in their programs. However, Macedonian PSB faces more pressing challenges.

This is the reason why this paper is based on three main claims which will be further explored. First, Macedonian Radio-television (MRT), on top of challenges of commercial pressure and pressures from new technologies, faces the pressure of political authoritarianism as its most important predicament. Second, MRT has a future in the specific socio-political context only if it moves towards a ‘participative model’ to match the pressures from societal groups for participatory democracy, and, thirdly, establishing an enduring relationship with the public and civil society is the first condition for PSB to regain trust and legitimacy in the society.

In the analysis of the transformation of PSB in Macedonia we have used the conceptual frameworks developed within the comparative media systems¹¹ and media policy studies.¹² In addition, in an attempt to detect the methods of transformation we rely on the critical theory of political economy¹³ and on those scholars and policy-makers who argue that PSB is still a legitimate form of media organization in contemporary societies, with the same basic functions adjusted to the new technological environment.¹⁴ We draw our arguments on the conceptual distinction between the three regulatory approaches¹⁵ for the future transformation of PSB, taking the stance that with the current societal and political tendencies in the country the policy makers and the national PSB should follow the approach of ‘adding to broadcasting’. This approach maintains the idea that the traditional broadcasting services of PSB are of crucial importance, but adds new services as equally important for its redefined remit.¹⁶

Following the introduction, the next section provides a discussion on the contemporary theoretical and policy debates concerning the future of PSB, also highlighting some of the key issues relevant for post-communist countries and describing the methodological approach. Section 3 contains an overview of the

¹¹ Daniel Hallin and Paolo Mancini (eds.), *Comparing Media Systems beyond the Western World* (Cambridge; New York: Cambridge University Press, 2011).

¹² Karol Jakubowicz and Miklós Sükösd, eds. *Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective* (Bristol; Chicago: Intellect Books, 2008).

¹³ Jonathan Hardy, *Critical Political Economy of the Media: An Introduction* (London: Routledge, 2014).

¹⁴ Karol Jakubowicz, *Public Service Broadcasting: A New Beginning, or the Beginning of the End* (Knowledge Politics, 2007), p. 8.

¹⁵ Hallvard Moe, “Defining Public Service beyond Broadcasting: the Legitimacy of Different Approaches”, *International Journal of Cultural Policy* 17, no. 1 (2011), p. 52.

¹⁶ *Ibid*, p. 58.

country's political and social context, a brief description of the media landscape and the structure of Macedonian PSB. In Section 4 we isolate some of the most pressing political challenges – including the concerns that arise from the increased tendency toward authoritarianism. Here we also discuss the financial and technological aspects of the MRT operation and analyse the fulfillment of its socio-cultural functions. In Section 5 we discuss our findings in the context of wider theoretical debates and emphasize the key trends and challenges for the future development of PSB. We conclude in Section 6 with the development of ideas for the future of PSB that would overcome present political challenges and would be based on a participatory model. In the end, in Section 7 we give some recommendations for the future direction of the PSB transformation in the country.

2.

Theoretical and Methodological Framework

2.1 Contemporary Debates on PSB at the EU and Global Level

Recent debates on the future of Public Service Broadcasting, among scholars, policy-makers, and practitioners alike, have been marked by contradictory or even deeply conflicting views. One side of the debate has been dominated by the proponents of neo-liberal economic policy, arguing that PSB has no future and that any regulatory intervention on the free media market represents unnecessary paternalism.¹⁷ According to the neo-liberal approach, the market itself can secure media pluralism and can provide mechanisms for the fulfilment of citizens' communicative rights and needs. These views, inspired by the campaigns of private media corporations,¹⁸ can vary from the so-called "attrition model" (the market itself makes public broadcasting unnecessary) to the "obsolete model" (the market can provide all needs and public broadcasting is not needed at all). Although the first stance still allows for a certain level of intervention on the market and does not exclude the existence of PSB, it leads to its marginalization and obsolescence.¹⁹ From this perspective, a Public Broadcasting Service could exist on the free market, but only to offer content and genres that are not profitable for private broadcasters. However, this view holds that strong control mechanisms over the PSB should be imposed on the market by competition authorities in order to protect market competition and to preserve the interests of private competitors.

On the other side of the debate are those who support the idea of PSB being operative in a newly digitized environment, but reformed as 'public service media'.²⁰ Behind this stance, lies the need for the essential transformation of the PSB in order to adapt to technological developments and maintain its basic functions in

¹⁷ Tony Sampson and Jairo Lugo, "The Discourse of Convergence: A Neo-liberal Trojan Horse" in *Broadcasting & Convergence: New Articulations of the Public Service Remit*, eds. Gregory Ferrell Love and Taisto Hujanen (Göteborg: Nordicom Göteborg University, 2003), p. 84.

¹⁸ Antony Loewenstein, "Attacks on Public Broadcasting Have Gone Global: The ABC is No Exception", *The Guardian*, December 1, 2014.

¹⁹ Jakubowicz, *Public Service Broadcasting*, p. 8.

²⁰ Bardoel and Ferrell Lowe, "From Public Service Broadcasting to Public Service Media", p. 9.

contemporary societies.²¹ Proponents of this approach use the theory of political economy of mass media upon which neo-liberals base their arguments, to criticize their approach. The First argument indicates that the ‘free press model’ makes liberal values dependent on privately owned media. Second, neo-liberal views tend to magnify the interests of elites through corporate ownership and control. Third, pluralism of voices and interests tend to be marginalised within the prevailing market-driven systems.²² The supporters of PSB believe that, whatever the market may offer, “...the community still has a duty to guarantee provision of electronic media services free from the effect of the profit motive – offering the individual both a ‘basic supply’... and provision of content adjusted to special needs and interests.”²³ However, PSB cannot continue fulfilling its basic mission without substantial modernisation and adjustment to the new technological and social context.²⁴ The new concept of ‘public service media’ denotes that in the multimedia, digitized environment public service providers must transform their pattern of communication - from a one-way (supply-oriented) to a two-way (demand-oriented) communication model with the public²⁵.

Many debates among scholars and policymakers have focused on transformation attempts by the PSBs in the Western countries, as well as on the expansion of PSB activities beyond traditional broadcasting.²⁶ The long-lasting crisis of PSB in developed countries is a consequence of a variety of factors: technological changes, an increase in the complexity of competition with the private media sector, reduced audience shares as well as a loss in advertising income. One important factor was the shift in the regulatory policies at both national and EU levels towards a more market-orientated approach.²⁷ This regulatory shift was especially evident at the European level in the new policy for protection of competition and the introduction of the State Aid rules.²⁸ Under the pressure of various commercial interests, PSB companies were required to redefine their mission and to limit their activities, especially regarding the new media.

A very important question emerged as the focus of the debate: Do we speak about a new normative concept of a public service which is media-neutral?

²¹ *Ibid*, p. 7.

²² Hardy, *Critical Political Economy of the Media*.

²³ Jakubowicz, *Public Service Broadcasting*, p. 9.

²⁴ *Ibid*.

²⁵ Moe, “Defining Public Service beyond Broadcasting”, p. 52.

²⁶ *Ibid*.

²⁷ Johannes Bardoel and Leen d’Haenens, “Reinventing Public Service Broadcasting in Europe: Prospects, Promises and Problems”, *Media, Culture, and Society* 30, no. 3 (2008), p. 339.

²⁸ Peter Humphreys, “The EU, Communications Liberalisation and the Future of Public Service Broadcasting”, *European Studies: A Journal of European Culture, History and Politics* 24, no. 1 (2007), p. 91.

The term 'media-neutral'²⁹ means that the PSB operation is not confined only to institutionalized forms of broadcasting, but to a range of new media that provide on-demand content, accessible on any digital device, usually containing interactive user feedback and creative participation. Three policy approaches are debated: (1) an approach that seeks to fit new services under the umbrella of 'broadcasting' (*extending broadcasting*), keeping it as a crucial service of PSB; (2) an approach that defines public service beyond broadcasting (*adding to broadcasting*), giving almost equal importance to both traditional broadcasting and new services; and (3) an approach that defines public service beyond broadcasting but where broadcasting is no longer the principal concept (*demoting broadcasting*).³⁰

The new policy paradigm developed in the last decade within the European Union was a reflection of commercial and corporatist pressures to free the media and communication markets from regulatory burdens. The advent of technological convergence was the strongest argument used to call upon a new integrated communication policy. As a consequence of these pressures, the concept of the 'public interest' has been modified to encompass economic and consumerist values, although policy makers often referred to universal service principles while discussing the rise of the Internet and new technologies:

“There is certainly a political wish to incorporate as large a proportion of the population as possible within the scope of new communication services, but the motives have more to do with commerce and control than with 'social equality' as a valued end in itself, which had been an essential element (ostensibly at least) in the social welfare philosophy.”³¹

Despite the strong criticism of the European liberalisation policies in the audiovisual sector, the European Commission has never entirely abandoned the idea of preserving PSB in the new digitized environment. The Amsterdam Protocol of 1997 was the first attempt to balance the contradictory objectives, presenting the most influential document for a new media policy. The Protocol emphasizes the importance of public broadcasting for the European democratic societies and justifies the regulatory intervention in the market for the sake of the public interest. The relevant provisions on PSB are considered “...as a truly exceptional part of the Treaty in which a political choice for public values, having to be balanced against economic objectives, is made.”³² In its state aid policy, the EC has consistently underlined the demarcation between public and

²⁹ Moe, “Defining Public Service beyond Broadcasting”, p. 53.

³⁰ *Ibid*, p. 59.

³¹ Jan Van Cuilenburg and Denis McQuail, “Media Policy Paradigm Shifts towards a New Communications Policy Paradigm”, *European Journal of Communication* 18, no. 2 (2003), p. 200.

³² Karen Donders, *Public Service Media and Policy in Europe* (London: Palgrave Macmillan, 2012), p. 191.

commercial services and emphasized the need for a clear definition of the PSB remit. The 2009 Communication on the Application of State Aid Rules to PSB,³³ aligned with the Amsterdam Protocol, proves that the EC accepts a holistic public broadcasting system and that information society services are considered a part of the public service remit. In relation to new broadcasting services, the EC “considers that public service broadcasters should be able to take advantage of the opportunities offered by digitisation and internet-based services to benefit society by offering services on all platforms, provided that it does not distort competition or disproportionately affect the market.”³⁴

Establishing an enduring relationship with the public and civil society sector is the first condition for PSB to regain trust and legitimacy in society. This presents a big challenge for public broadcasters in contemporary societies characterized by increased individualization, lower levels of collective participation and lower trust in established institutions.³⁵ The public service media have to figure out how to fulfil the communication needs and interests of different audience segments and how to interact and provide access to the views and voices of different groups within society. Furthermore, the government has historically been a preferred partner for PSBs in Western European democracies. The recent developments in the political and media systems in the Southeastern European countries have proved that one of the highest priorities should be to understand and uncover the hidden links between the state and (both public and private) media institutions.

The remit and programming obligations of PSB at both EU and national levels are defined on the grounds of universalistic values which chime with the values of Western European democracies. At the core of its mission, PSB must preserve pluralism (both political and cultural) and a diversity of genres, topics, and content. It also serves a role in social cohesion, which is equally important in today’s fragmented and atomized society. Another obligation is setting high standards for quality, innovation, and distinctiveness in its programming, as a counter-weight to the tabloidization and commercial values promoted by the private media sector. The discussions on this topic focus on whether PSB should offer only high-quality programs and genres (the monastery model) that are not provided by the private media, or whether it should meet the needs of all audience members (full portfolio model).³⁶ It seems that the first model of transformation is more in line with the arguments of the supporters of the ‘attrition model’, who claim that PSB could continue existing only as a ‘niche broadcaster’ in order to provide only the content and services which private broadcasters find unprofitable. Regarding the second, there is a legitimate dilemma about how to

³³ “Communication from the Commission on the Application of State Aid Rules to Public Service Broadcasting”, *Official Journal C* 257, October 27, 2009.

³⁴ *Ibid*, Summary.

³⁵ Bardoel and d’Haenens, “Reinventing Public Service Broadcasting in Europe”, p. 341.

³⁶ *Ibid*, p. 344.

accomplish the full portfolio model. Universality of content and access has been a fundamental feature of PSB since its inception, but that was in an era of scarcity of resources, and offering a range of programs and genres (to satisfy all needs and interests) through a universal service was the only appropriate solution at the time.³⁷ Today, in a changed context audiences increasingly seek personalized content through various platforms.

The same universalistic values are embedded in the concept of 'public service media' (PSM) introduced by scholars³⁸ and later accepted by the European Broadcasting Union (EBU). In addition to traditional radio or television, PSM also includes "...digital platforms that meet the changing needs of how audiences consume media today."³⁹ Consistent with the core remit and values defined for PSB, the EBU has adopted a new Declaration aimed specifically at reaffirming its commitment to accept the challenges of the digital revolution and to develop new ways to serve the public "...anytime and anywhere, on new, emerging and existing platforms."⁴⁰ The Declaration, which is signed by all EBU members, outlines six core values shared by PSM: Universality - to reach everyone, everywhere; Independence - to be trusted programme makers; Excellence - to act with integrity and professionalism; Diversity - to take a pluralistic approach; Accountability - to listen to audiences and engage in meaningful debate; and Innovation - to be a driving force for innovation and creativity.⁴¹ The retention and further development of these normative values in the new digital environment will enable the public service media to reach the fragmented audience and to encourage and mobilize them to participate in the democratic dialogue by expressing their views and opinions on the PSM multi-media platforms.

Despite the fact that both the EU and EBU support the extension of the public service remit to new platforms for content delivery, for the public service media this is a very complex objective. Creating and distributing quality content for new thematic linear channels, for on-demand platforms, or for mobile devices requires much more knowledge and investment than ever before. Furthermore, it is relevant in this context to ask whether and how the expansion of PSB activities on new platforms changes its basic characteristics, and what this means from a regulatory perspective. For example, in terms of 'universality' as one of the key dimensions of the PSB remit, the EBU redefined it as universality of access and content. Thus, in today's environment, universality of content should be regarded as both universality of basic supply on generalist channels, as central to the

³⁷ Jakubowicz, *Public Service Broadcasting*, p. 16.

³⁸ Bardoel and Ferrell Lowe, "From Public Service Broadcasting to Public Service Media", p. 9.

³⁹ For more information please see EBU – European Broadcasting Union, <http://www3.ebu.ch/about/public-service-media> (Accessed on September 17, 2015).

⁴⁰ European Broadcasting Union, *Empowering Society: A Declaration on the Core Values of the Public Service Media* (Geneva: European Broadcasting Union, March 2012).

⁴¹ *Ibid.*

PSB's offer to the public, and universality across the full portfolio of services, some of them specialized or tailored for specific audiences.⁴²

One of the most debated issues within national and European policy is the current and future model of funding of the public service media. For many years, the recommended source of financing for PSB has been the license fee, although public broadcasters can also generate income from advertising, donations or from state subsidies.⁴³ The model of funding from license fees has been severely criticized by the commercial media sector, and its preservation is very much linked to the credibility and trust that public service media enjoy among the audience. Supporters of the public service argue that this model should be sustained in the future as well, since the very availability of public service programming is in the interests of society as a whole. There are examples of extending the license fee to the new platforms, whereby the obligation for payment relates also to households without television sets, but owning personal computers. The other trend is to eliminate the license fee and instead to introduce a general obligation for tax payment.⁴⁴

2.2 Perspectives on the Development of PSB in Transitional Societies

The transformation of the media systems in the South-Eastern European countries has been analysed as part of a more general process of post-communist transformation. Although there is no coherent theory explaining what has happened in the post-communist countries, the key aspects or factors of the transformation processes have been comprehensively analysed, which has contributed to an understanding of the full complexity and mechanisms of the societal change that has happened in these societies.⁴⁵ Some of these factors have facilitated and some have hindered successful post-communist transformation. As a result of the complex interplay of different factors, three media policy orientations or models are identified in the post-communist democracies: the idealistic, mimetic and atavistic orientations.⁴⁶ The 'idealistic' orientation assumed the introduction of a direct communicative democracy, by avoiding the shortcomings of the Western media systems and establishing a 'real public media sphere' which would serve as

⁴² *Ibid*, p. 16.

⁴³ Moe Hallvard, "Commercial Services, Enclosure and Legitimacy: Comparing Contexts and Strategies for PSM Funding and Development", in *From Public Service Broadcasting to Public Service Media*, eds. Jo Bardoel and Gregory Ferrell Lowe (Göteborg: Nordicom, 2007), p. 51.

⁴⁴ Karol Jakubowicz, "Public Service Broadcasting in the 21st Century: What Chance for a New Beginning?" in *From Public Service Broadcasting to Public Service Media*, eds. Jo Bardoel and Gregory Ferrell Lowe (Göteborg: Nordicom, 2007), p. 41.

⁴⁵ Jakubowicz and Sükösd, *Finding the Right Place on the Map*, pp. 9-16.

⁴⁶ *Ibid*, p. 17.

a watchdog against all types of power.⁴⁷ The concept of PSB in this orientation was understood more as 'social' broadcasting which is directly managed and controlled by society. However, this orientation was discontinued and rejected after the departure of the communist system, so only the other two, mimetic and atavistic, were developed in the post-communist countries.

The 'mimetic' media policy model was perceived as a more realistic way to transplant the Western media system into the former communist countries, with a full liberalization of the press and creation of a dual broadcasting system. This orientation fully reflected the public service concept in the European media policy but also incorporated the arguments of the neo-liberal economists for the liberalization of the media market. The 'mimetic' orientation was especially visible in the EU requirements for "harmonization with the EU standards" defined for the new candidate countries within the accession process. The main criticism addressed to this orientation is that it neglects the specific social, political and cultural circumstances in the post-communist countries and that a mere transplantation of the Western legal and institutional frameworks of PSB is not possible.

The so-called 'atavistic' model is the one that emerged due to the actual developments of the political systems, which were gradually 'colonized' by the political parties.⁴⁸ The new power elites, even democratically oriented governments, were unwilling to give up their influence over the media and sought to delay the transformation of the monopolistic broadcasting systems into autonomous public service systems. The political elites declaratively accept the 'mimetic' model, but in reality they behave as in the old authoritarian system. In many cases, believing that they have the 'right' to use public broadcasting to promote the process of societal reform, in reality they pursue a form of political manipulation and propaganda. Public broadcasting is perceived by this orientation only as a cooperative partner of the government and not as an independent institution serving the citizens.

One of the key questions to answer about the media systems in the post-communist countries was: why did the process of transformation last so long and not result in the expected outcome? The examination of the relationship between the media and political systems in these countries revealed a curious paradox: the more consolidated a democracy is the stronger the capture of the media system by political and business actors.⁴⁹ This paradox is explained by the fact that in all these countries the transition process was very complex, multidimensional and condensed into a relatively short period.⁵⁰ Democratic institutions are indeed established, but the actual social and political processes are dragging them

⁴⁷ *Ibid*, p. 18.

⁴⁸ *Ibid*, p. 19.

⁴⁹ Paolo Mancini and Jan Zielonka, "Introduction", *The International Journal of Press/Politics* 17, no. 4 (2012), p. 379.

⁵⁰ *Ibid*.

away from their normative functions. Informal rules tend to dominate over formal rules, state structures and public institutions are captured by the ruling political parties and the justice system is weak or even corrupt.⁵¹ In other words, the well-established cultural patterns of patrimonialism, particularism and favouritism have continued to rule the social and political life behind the democratic façade of the state institutions.

Comparative media studies explain the failure of the Western liberal model in the post-communist countries with the hybridization thesis. The theoretical framework developed by Hallin and Mancini⁵² was extended to analyse the particular patterns of transition of media systems beyond the Western world.⁵³ The democratization of the former communist oligarchies followed a distinctive pathway which reveals new hybrid forms of political communication blending the Western liberal model with the specific historic and socio-political conditions of the post-communist countries.⁵⁴ Hybrid media systems are regarded as a mixture of elements of both authoritarian and democratic media systems, and the extent to which democratic dimensions are present in a specific media system may vary from country to country. The media systems of the post-communist countries share some similarities due to the features that characterized the communist regimes: the media were used as a key instrument for political mobilization and journalists were mouthpieces and partners of the governing structures.⁵⁵

The media systems of the countries of the former Yugoslavia have also followed a path of transformation that has led them to a kind of hybrid media model. The application of Hallin and Mancini's framework to the new democracies, including those that emerged in the Western Balkan countries, led to the conclusion that they cannot be just lumped together in the 'polarized pluralist' model.⁵⁶ The particularities of the political systems in these countries affected the variations of this model in their media systems. For example, in a recent study of the Macedonian media system we showed that, in spite of the normatively established liberal media model, in reality the media system has shifted into a specific variation of the polarized pluralized model which we described as a Hegemonic Polarized Pluralism.⁵⁷ The roots of the problem should be sought in

⁵¹ *Ibid.*

⁵² Daniel C. Hallin and Paolo Mancini, *Comparing Media Systems: Three Models of Media and Politics* (Cambridge: Cambridge University Press, 2004).

⁵³ Katrin Voltmer, "Comparing Media Systems in New Democracies: East Meets South Meets West", *Central European Journal of Communication* 1, no. 1 (2008), pp. 23-40.

⁵⁴ *Ibid.*, p. 23.

⁵⁵ *Ibid.*, p. 29.

⁵⁶ Katrin Voltmer, *Building Media Systems in the Western Balkans: Lost between Models and Realities* (Sarajevo: Analitika – Center for Social Research, 2013), p. 10.

⁵⁷ Snezana Trpevska and Igor Micevski, "Macedonia", in *Media Integrity Matters: Reclaiming Public Service Values in Media and Journalism*, ed. Brankica Petković (Ljubljana: Peace Institute, Institute for Contemporary Social and Political Studies, 2014), p. 309.

the anomalies of the political system, which has recently been moving toward a stronger role of the government in almost all domains of society. This development has also influenced the public broadcaster, whose operation has been shaped along clientelist lines.

Some regional studies focused on the transition of national broadcasters in the Balkan countries into PSB also prove diverse paths of transformation of the media systems.⁵⁸ This conclusion is especially valid for the societies “divided” along ethnic or religious lines, in which the specific role of the public service broadcasters - to foster social cohesion - is of crucial importance. The issue of ethnic, territorial and linguistic divisions brings additional complexity to the transformation of the media systems and more specifically to the transformation of the state into public broadcasters. The consociational aspects of the political system in these societies are clearly reflected in the development of their media systems. For example, the Macedonian media system, in terms of its organization and operation, is described as “...a typical segmented plural system in which social cleavages are mapped onto media cleavages.”⁵⁹ This is also reflected in the organisational structure and program output of Macedonian Radio and Television, which is divided among the two biggest ethnic communities in the country, while the other or “smaller” ethnic groups receive only minor shares in its division.⁶⁰

2.3 Methodological Framework

The main research strategy applied in this study was qualitative, with triangulation of several methods for data collection and analysis. Since the main focus of the study was to analyse policy processes, actors and future priorities with respect to PSB in Macedonia, we have predominantly combined document analysis with semi-structured interviews with relevant stakeholders, experts and policy makers. We have also analysed and included data gathered through public debates on the current media situation with the media in the country, in which we, as local experts, took part in.

Document analysis was applied to a range of policy documents, legal acts, reports and other data we systematically collected in the first few months of the study. We qualitatively analysed the present and previous media legislation, especially the provisions related to the remit, functions, funding and managerial and organisational aspects of PSB in Macedonia. In addition, we systematically

⁵⁸ Sandra Bašić Hrvatina, Mark Thompson and Tarik Jusić, eds., *Divided They Fall: Public Service Broadcasting in Multiethnic Societies* (Sarajevo: Mediacentar, 2008), p. 29.

⁵⁹ *Ibid*, p. 30.

⁶⁰ Igor Micevski, Snezana Trpevska and Zaneta Trajkoska, “Media of the Non-majority Communities in Macedonia”, in *Information in Minority Languages in the Western Balkans: Freedom, Access, Marginalization*, ed. Davor Marko (Sarajevo: Media Plan Institute, 2013), pp. 99-122.

collected and analysed all the published policy papers, analyses, strategies, decisions and measures undertaken in regard to the PSB. The reviews of the draft-legislation written by foreign experts under the auspices of the Council of Europe, European Commission, OSCE and other international organisations were also thoroughly analysed. Public statements, press releases, the European Commission annual progress reports and many other published texts were also consulted. The research questions we tried to answer through document analysis were: How was media policy adopted and amended in different stages of policy development? How did different stakeholders (e.g. the international community, donors, local power elites, etc.) influence the policy development process? How is the PSB positioned and defined in the current legislation? How is the legislation implemented through the decisions, actions and measures undertaken by the relevant institutions and PSB itself?

Qualitative semi-structured interviews were conducted with relevant stakeholders, experts or policy makers.⁶¹ Not all stakeholders were willing to participate in the interviews, especially the managerial staff and editors in chief of the PSB and the representatives of the regulatory body. The main issues discussed within the conducted interviews were focused on the wider social and political context for policy development in the country, the development of the most recent policy processes, specific policy measures and actions with regard to PSB in the country, challenges and future policy priorities for PSB etc.

A great amount of qualitative data was also gathered through the direct participation of the researchers in public debates, conferences and discussions held in the country about the current situation with the freedom of expression, media independence and political crisis. In the course of several months, the political opposition SDSM published several phone-taped conversations which publicly revealed how the ruling party has exercised direct control over the media, including the public broadcasters. Debates were initiated by the journalists' association and media organisation about the current situation in the media sphere and the role and position of journalists in the public service. While participating in these debates, we also collected primary data about the attitudes of many stakeholders, including the managers and editorial staff of the public broadcaster.

⁶¹ In total, 12 interviews were planned to be conducted. However, the following public officials did not reply at all to the written invitation for an interview: *Marjan Cvetkovski*, Executive Director of MRT (letter sent on May 22, 2015); *Dime Ratajkovski*, Editor in Chief of the First TV Service of MRT (letter sent on May 8 and May 22, 2015); *Snezana Klincarova*, President of the Council of MRT (letter sent on May 22, 2015 and several telephone conversations); *Migena Gorenca*, Editor in Chief of the Second TV Service of MRT (letter sent on May 8 and May 22, 2015); and *Zoran Trajcevski*, Director of the Agency for Audio and Audiovisual Media Services (letter sent on May 22, 2015).

3.

Country Background

3.1 Political, Social and Economic Aspects Relevant to PSB

According to its Constitution, Macedonia is a parliamentary representative democratic republic. The powers of the executive, the legislator, and the judiciary are separate and the individual rights of citizens are guaranteed.⁶² In 2001 an interethnic conflict took place between the Macedonian security forces and the so-called National Liberation Army (NLA), which was resolved with the Framework Agreement signed in Ohrid on August 13 of the same year. The aim of this Agreement was to recognize the Albanian community as a constituent entity within the political system of Macedonia, by recognizing their language as official in municipalities with more than 20% Albanian population, and guaranteeing a major presence in the public institutions. The political history of the country since its independence in 1991 demonstrates tendencies towards ethnic politics, clientelism, and, in recent years, authoritarianism. The 2014, 2015 and 2016 *Nations in Transit* Freedom House Report deemed Macedonia a ‘hybrid regime,’⁶³ which refers to those political systems that demonstrate distinctive authoritarian characteristics despite ostensibly being democracies.⁶⁴ Since its independence in 1991, Macedonia has made some progress in liberalizing its economy and improving its business environment. However, there is still an extensive gray market, estimated to amount to between 20% and 45% of GDP. Unemployment has remained consistently high and is more than 30%.

The particularities of the political system necessarily affect the country’s media system. Though the Constitution and media legislation provide guarantees for media pluralism and independence, and though self-regulation mechanisms have been established to ensure professionalism and high ethical standards,⁶⁵ in

⁶² Устав на Република Македонија [Constitution of the Republic of Macedonia], Article 8.

⁶³ Ljubica Grozdanovska Dimishkovska, “Nations in Transit: Macedonia 2014”, Freedom House, 2014; Marija Risteska, “Nations in Transit: Macedonia 2015”, Freedom House, 2015; Damjanovski, “Nations in Transit: Macedonia 2016”.

⁶⁴ Alina Rocha Menocal, Verena Fritz and Lise Rakner, “Hybrid Regimes and the Challenges of Deepening and Sustaining Democracy in Developing Countries”, *South African Journal of International Affairs* 15, no. 1 (2008), p. 30.

⁶⁵ Кодекс на новинарите на Македонија [Code of Journalists of Macedonia] (Skopje, November 14, 2001).

practice the media are burdened by ethnic politics. Both the public broadcasting and the commercial media are divided and primarily serve the interests of their ethnic communities and their ethno-political elites.⁶⁶ They are also burdened by firm clientelistic ties between media owners, editorial staff and politicians, which has a negative influence on professional standards and ethics.⁶⁷ Another obstacle to freedom of expression is the increasing colonization of the media by the parties in power - in recent years the government has dominated the mainstream (commercial and public) media to serve the interests of the parties in power.⁶⁸

The country is facing its biggest political and societal crisis since the armed conflict in 2001. The crisis was initiated by a phone tapping scandal which indicated large-scale corruption among the ruling party officials, electoral fraud, wiretapping of more than a hundred journalists, direct connections between the highest officials and media owners and many other unlawful activities.⁶⁹ The political opposition went out of the Parliament and declared that they would not participate in the upcoming elections, arguing that the conditions of the agreement were not fulfilled by the ruling party. The scandal ended with an EU-mediated agreement, known as the Przino Agreement, signed between the main political parties in July 2015. The agreement included plans leading to new, fair and democratic elections, set for April 2016, with several preconditions including a thorough reform of the media system. The political negotiations for the implementation of the Przino Agreement did not result in the expected outcomes because the ruling party continuously made obstructions, especially with regard to the urgent measures to improve media freedom.

3.2 Media System Overview

The number of media outlets in Macedonia is very large, which results in strong pressure (especially on the private media) in securing their operation. Even the public broadcaster, although financed through the broadcasting tax and restricted in advertising during primetime, has been subject to market pressures and has gradually lost its audience shares. The impact of the market particularly

⁶⁶ Micevski, Trpevska and Trajkoska, "Media and the Non-majority Communities in Macedonia", p. 117.

⁶⁷ Trpevska and Micevski, "Macedonia", p. 301.

⁶⁸ Saso Ordanoski, *Заробена демократија [Democracy under Arrest]* (Skopje: Transparency Macedonia, 2012).

⁶⁹ On 9 February 2015 the main opposition party SDSM began publishing audio-recorded conversations featuring a widespread misuse of authority, election fraud, corruption scandals, controlled appointment of main judicial office positions, instrumentalization of the police, direct control of the media etc. The scandal marked the tipping point of a lengthy political crisis in the country.

affects the media at regional and local levels and in the print and online sector, because the TV market is enormously fragmented. There are no exact data on the available resources in the market, but some estimates indicate there are around EUR 30 million available per year for all media.⁷⁰

In the broadcasting sector, there were 64 TV stations and 72 radio stations in January 2016.⁷¹ The public service – Macedonian Radio and Television (MRT), broadcasts 3 TV and 3 radio program services. The first TV Service broadcasts in the Macedonian language and the Second TV Service in 6 different languages: Albanian (98 hours weekly) and Turkish (16 hours and 30 minutes weekly), while the programs in the Roma, Serbian, Vlach and Bosnian languages are broadcast about two hours weekly each. The Third Program Service transmits the Parliament sessions. On Macedonian Radio, 119 hours of program in Albanian, 35 hours in Turkish and 3 hours and 30 minutes in the Vlach, Roma, Bosnian and Serbian languages is broadcast on its Second Channel. The First Radio Channel is intended for Macedonian language programs and the Third Channel is for culture.

Over the years, the VMRO-DPMNE led Government has refined its methods of controlling the media, with state advertising being the main mechanism of ‘buying’ media owners’ servility. This phenomenon has increased over the years and created corrupt and clientelistic relationships between the ruling party and media owners⁷² and in turn enabled the proliferation of pro-government populist discourses. A network of servile media outlets has been created, which regularly report in a propagandistic manner about the achievements of the Government. The beneficiaries of state advertising are predominantly commercial TV channels with national coverage, while the public service broadcaster, besides tax revenues, obtains revenues from the state budget on several grounds, thus becoming directly dependent on the Government.⁷³ Several pro-government newspapers are artificially maintained with state money, while their distribution is carried out to public and state institutions. Several cases were disclosed in 2014 wherein media outlets received funds directly from the Government.⁷⁴

⁷⁰ International Research and Exchanges Board (IREX), “Macedonia at a Glance”, in *Media Sustainability Index* (Washington: IREX, 2016), p. 80.

⁷¹ Source: Registry of the Agency for Audio and Audiovisual Media Services. http://www.avmu.mk/index.php?option=com_content&view=article&id=1146&Itemid=342&lang=mk (Accessed on September 17, 2016).

⁷² Vesna Nikodinovska and Ljubica Grozdanovska-Dimishkovska, “State-Media Financial Relations in Macedonia: Media Freedom Curbed with Public Money”, SEE Media Observatory, 2015.

⁷³ The Association of Journalists of Macedonia, the Union of Journalists and Media Workers along with the media research institutes severely criticized the allocation of public funds for the so called public campaigns, arguing that this jeopardized their editorial policy. This was also one of the main concerns in successive EC Progress reports.

⁷⁴ Nikodinovska and Grozdanovska-Dimishkovska, “State-Media Financial Relations in Macedonia”, p. 1.

The owners of the most influential commercial television channels are directly connected with the ruling party, while only a few TV stations are still owned by businessmen who are not politically affiliated. The local media moguls battled for power primarily over the television sector as being the most influential. They used the media both as a tool for political influence and as a way to increase their economic benefits. In the course of 2013 and 2014 the ruling party, through the control imposed over the media regulator, managed to create networks of several local TV stations which are connected through their ownership structure. Those local media networks are also supported through the state advertising scheme, which guarantees their editorial obedience.

The print media sector has been marginalized over the years while the number of online informative portals is rapidly growing. In December 2015, there were 6 daily newspapers in the Macedonian language, 2 in Albanian and one in Turkish, all circulating at state level. All the dailies which publish in Macedonian language are indirectly connected with the ruling party through their ownership structure. There are also 3 weekly informative magazines, two of which are independent and one pro-governmental. The rapidly growing online media sector became a sanctuary for critical journalism. However, the proliferation of pro-Governmental online outlets proves that the Government has been penetrating this sector too, in an attempt to colonize it.

3.3 Background of PSB in Macedonia

Macedonian Radio and Television (MRT), which plays the role of a public broadcasting service in Macedonia, existed in the period before 1991 as RTV Skopje, being part of the JRT system (Yugoslav Radio-Television). In the former socialist system, republic broadcasters were effectively state media, although some of their programming features resembled those of the public service: broadcasting programs for all segments of the audience, fostering the cultural and linguistic identity of different communities, genre diversity and innovative production, etc. The foundations of the new democratic system were laid out with the 1991 Constitution following Macedonia's independence. In the years before the adoption of the Broadcasting Law in 1997, a kind of "confusion and reluctance related to the profound changes in the media sphere prevailed among the political actors."⁷⁵ These changes also implied the necessary transformation of MRT into a public service broadcaster which meant "de facto and de jure

⁷⁵ Vesna Šopar, independent media expert and former member of the first composition of the Broadcasting Council, interview with the authors, May 12, 2015.

restriction of the political influence over the state broadcaster.”⁷⁶ Another reason for delay in the adoption of media legislation was insufficient understanding of the specifics of the European dual broadcasting model, which has public service as a central point in protecting the public interest. But becoming a member state of the Council of Europe (CoE) in 1995, Macedonia undertook obligations to incorporate in its legislation the basic tenets of the European media policy, including the concept of PSB.

In principle, all stages of media policy development in Macedonia were encouraged, followed, or supported by the CoE, the EC, and other international organizations or donors (OSCE, Article 19, USAID, UNESCO, local embassies, etc.). The role of the CoE and the EC has been very significant as the experts engaged by these organizations conducted reviews of all legal documents in the field of broadcasting. The EU accession process has also been of special relevance since the EC has regularly emphasized the importance of a good legal framework for a stable, sustainable and independent public service in the country.

The Law on Broadcasting Activity of 1997 was the first legal document to lay down the legal basis for the dual broadcasting system. MRT was defined as a public broadcasting service, and the private sector consisted of trade broadcasting companies which worked on the basis of a concession allocated through a public competition. The tasks, organizational structure and financing of MRT was regulated in detail with a separate Law on Establishing Macedonian Radio and Television (1998). The technical transmission of the MRT program services was executed by another public entity, Macedonian Broadcasting, whose operation was also regulated with a separate Law on the public enterprise Macedonian Broadcasting. Debates preceding these laws were open and many actors, such as civil society, media professionals, and experts, academics and representatives of international organizations, took part in them. Therefore, the first stage in the policy development in Macedonia can be characterized by a wide consensus prevailing over the goals of public interest in the media field and “...enthusiasm prevailed for the values of the pluralistic media system and the public sphere as a space for expression of diverse views and opinions.”⁷⁷ Although the first legislation laid down the framework of the new media system, it had many shortcomings, and therefore only two years after its implementation the regulatory body submitted a proposal for amendments.

The second stage in media policy development started in 2003, again with a wide public debate, which lasted almost three years.⁷⁸ The provisions on public

⁷⁶ Klime Babunski, independent researcher from the Institute of Sociological, Political and Juridical Research from Skopje and participant of the working groups for drafting media legislation, interview with the authors, May 14, 2015.

⁷⁷ Trpevska and Micevski, “Macedonia”, p. 260.

⁷⁸ In the course of three years (2003, 2004 and 2005) the process was coordinated by the non-governmental organization, Media Development Center, and the Law on Broadcasting Activity was adopted by the Parliament at the end of 2005.

service broadcasting were now incorporated in the new draft Law on Broadcasting Activity, with the justification that the Government could not easily make changes in the law to influence it.⁷⁹ Although the new Law defined the remit and the role of the public service in a significantly better manner, provisions for its funding, organizational structure, and management were not well conceived and stalled the transformation of MRT.⁸⁰ However, in the period from December 2005 until May 2006 the new funding framework was not established at all, which brought MRT into its deepest financial crisis ever. Many attempts at its financial consolidation were made in subsequent years, including several amendments of the Law, which culminated in the proposal for MRT's bankruptcy and liquidation, approved by the Parliament in August 2008.⁸¹ These provisions were soon abolished, after the criticism of the EC addressed to the Government in September 2008 at the Stabilization and Association Committee.⁸²

In December 2013, after huge criticism regarding the non-transparent and non-inclusive process, a completely new legal text was adopted in the field of broadcasting: the Law on Audio and Audiovisual Media Services.⁸³ The provisions on public service broadcasting were only partially amended compared to those of the 2005 Law on Broadcasting Activity. The PSB structure remains the same. The highest supervisory body is the Program Council, composed of 13 members nominated predominantly by civil society organisations, and elected by the Parliament.⁸⁴ However, compared to the previous law, in the new supervisory body, the presence of the civil society sector is reduced, because "under the 'veil' of the civil society sector, an association of the local municipalities is introduced."⁸⁵ The supervision over the MRT financial operation is executed by the Supervisory Board composed of 7 members, elected by the Program Council, through a public

⁷⁹ One of the authors of this article was involved in the process of drafting the Law and she advocated the position that the work of the PSB should remain regulated with a separate Law.

⁸⁰ Snezana Trpevska et al. *Analysis of the Public Broadcasting in the Republic of Macedonia in the Context of the European Media Policy* (Skopje: Macedonian Institute for Media, 2010), p. 5.

⁸¹ "Закон за изменување и дополнување на Законот за радиодифузната дејност" [Law on Amending and Supplementing the Law on Broadcasting Activity], *Official Gazette of Republic of Macedonia* 103/08.

⁸² Vesna Nikodinovska and Vesna Šopar, eds., *Development of the Media in Macedonia according to UNESCO Indicators* (Skopje: Macedonian Institute for Media, 2012), p. 16.

⁸³ "Закон за аудио и аудиовизуелни медиумски услуги" [Law on Audio and Audiovisual Media Services], *Official Gazette of Republic of Macedonia* 184/13.

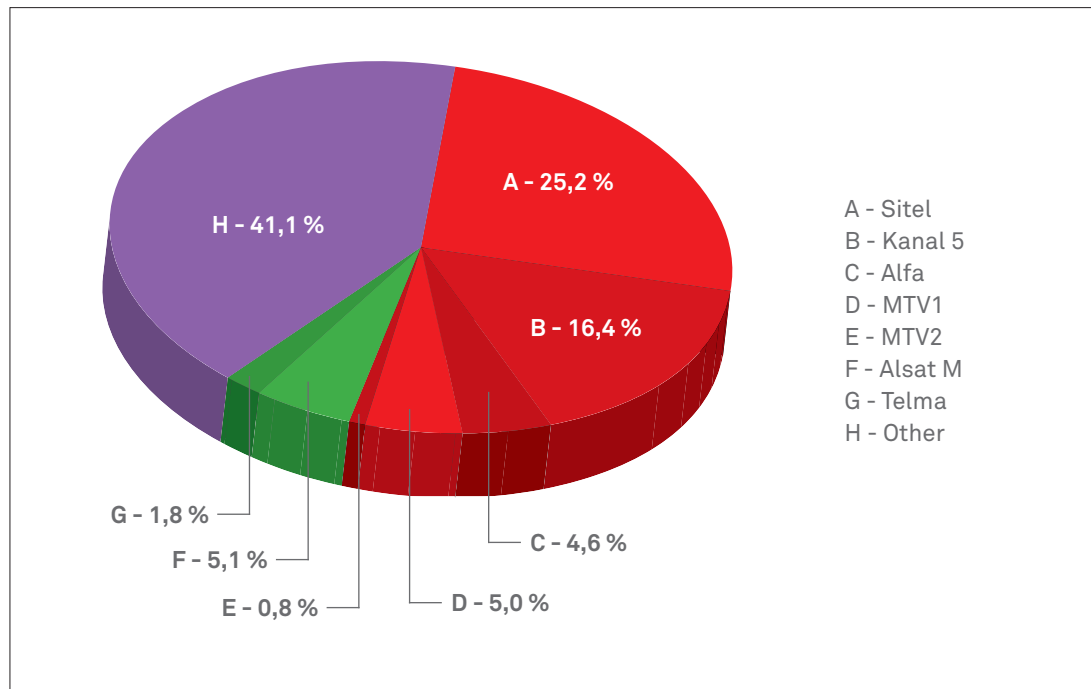
⁸⁴ Article 117 of the Law on Audio and Audiovisual Media Services stipulates that the members of the MRT Program Council, following a public competition, are proposed by the following authorized nominators: the Inter-University Conference (one member); the National Institution - Albanian Theatre (one member); the National Institution - Turkish Theatre (one member); the two journalists' associations (one member each); the Association of the Local Self-government Units (three members); the Committee for Elections and Appointments of the Assembly of the Republic of Macedonia (five members).

⁸⁵ Klime Babunski, interview with the authors, May 14, 2015.

competition. The day-to-day operation of MRT is managed by the Executive Director and his Deputy, also elected by the Program Council, by way of public competition. The total number of employees of Macedonian Radio and Television in December 2014 was 852 persons.⁸⁶

The share of MTV in the market is far behind the shares of the commercial TV stations. For example, in 2013, the audience share of MTV 1 was 6.6% of the total viewing, while the share of the private television channels at a national level was: Sitel - 28.6%, Kanal 5 - 12.8%, Alsat M - 5.3%, TV Alpha - 3.2% and TV Telma - 3%. The marginalization of MTV is a process that started in the 1990s, when the first private TV stations started operating on the media market, but the main reason for the loss of confidence and continuous decrease in viewing figures is the political influence that all previous governments have exerted on the PSB's editorial policy.

Table 1: The most influential TV stations in 2014



Source: Media Freedom Curbed with Public Money⁸⁷

⁸⁶ Macedonian Radio Television, Годишен извештај за финансиското работење на ЈРП Македонска радио телевизија за 2014 година [Annual Report on Financial Working of the Public Broadcasting Enterprise Macedonian Radio Television for 2014] (Skopje: Macedonian Radio Television, March 2015).

⁸⁷ Nikodinovska and Grozdanovska-Dimishkovska, "State-Media Financial Relations in Macedonia", p. 7.

Data in the Table above show that the MTV 1 share was 5.0% in 2014, while the share of the second channel, MTV 2, which broadcasts in different languages, was less than 1%. The red colour denotes the political bias of the TV stations in favour of the ruling parties VMRO-DPMNE (Macedonian coalition partner) and DUI (Albanian coalition partner). The stations depicted in green report in a neutral manner.⁸⁸ It can be clearly seen that the two TV channels of the public broadcaster are marginalized in terms of their influence on public opinion.

⁸⁸ See: Institute of Communication Studies, Third Monthly Report Based on the Monitoring of Media Content through the Rapid Response Media Mechanism (time-frame: 6th February – 4th March 2016), (Skopje: Modem, 2016).

4.

Research Findings: PSB in Macedonia

4.1 PSB Regulation and Independence

The establishment, mission, and program functions of the public broadcasting service are regulated in the Law on Audio and Audiovisual Media Services (2013).⁸⁹ The Law explicitly stipulates that the function of PSB in Macedonia is performed by Macedonian Radio Television (MRT). It also emphasizes that MRT is independent from any state body, other public legal entity, or enterprise, and should be impartial in its editorial and business policy.⁹⁰ MRT's institutional autonomy is guaranteed with the provision that states that "the property and operational assets of MRT shall be managed and used by MRT, in a manner and under the conditions determined by this Law."⁹¹

The types of programs and program services to be provided by MRT are listed in detail and designed to reflect the cultural and ethnic diversity of Macedonian society.⁹² MRT is obliged to broadcast at least one television channel in Macedonian and one service in the languages spoken by non-majority ethnic communities; at least two radio services in Macedonian and one service in the languages spoken by non-majority ethnic communities; special radio programmes in foreign languages aimed at the neighbouring countries and Europe; special radio programmes, one radio and one TV service via satellite (and/or via Internet) aimed at informing emigrants and Macedonian citizens who live abroad in Europe and on other continents, in Macedonian and in the languages spoken by non-majority ethnic communities; the programme service for the Parliamentary Channel; and special radio and television programmes aimed at covering regional and local events in the country.

While producing and broadcasting radio and television programs, MRT is obliged to fulfill the public interest which is defined broadly in the law, taking into consideration the pluralism and diversity of the MRT program. 'Universality'

⁸⁹ "Закон за аудио и аудиовизуелни медиумски услуги" [Law on Audio and Audiovisual Media Services] *Official Gazette of Republic of Macedonia* 184/13, 13/14, 44/14, 101/14 and 132/14, Article 104 paragraph 1.

⁹⁰ *Ibid*, Article 104 paragraph 3.

⁹¹ *Ibid*, Article 104 paragraph 8.

⁹² *Ibid*, Article 107.

as one of the key program functions of the public service is related to the general availability of its overall programming to all segments of the population in order to ensure that the public's right to know is satisfied in equal measure throughout the whole territory. For example, MRT is obliged to develop and broadcast programmes available to the general public, to plan the programme scheme in the interest of the overall public for all society segments without any discrimination, taking into account the special groups in the society.”⁹³

The second function of the public service, 'diversity', is defined with regard to all its dimensions: the genres of programs offered, the audiences targeted, and the subjects discussed. For example, MRT is obliged to create and broadcast "... high-quality programs on all political, economic, social, health related, cultural, entertaining, educational, scientific, religious, environmental, sporting and other events.”⁹⁴ In addition, MRT has to produce all forms of domestic audiovisual works, to provide information on regional and local characteristics and events, to inform and educate about other cultures in Europe and worldwide, to produce and broadcast high-quality programs with entertaining content intended for all ages, to promote science and create and broadcast high-quality educational shows which will disseminate a wide range of religious, social, scientific, and technological topics.

The 'independence' of the news and current affairs programs is formally introduced to ensure that MRT is a forum where ideas, opinions, and criticism can be expressed freely. MRT programs shall be, thereby, independent and protected from any kind of influence from the Government, political organizations or other centres of economic and political power. The basic professional and ethical standards of reporting are plainly incorporated in the Law as standards and principles of MRT's editorial policy.

The definition of 'distinctiveness' is widely defined embracing different aspects of MRT programming. This encompasses aspects such as high technical and production standards; cultural and linguistic distinctiveness; innovativeness and quality of programs without excluding any genre; nurture and development of language standards; respect and promotion of fundamental human rights and freedoms, privacy, dignity, reputation and honour of the people, tolerance, understanding and respect for differences, the sense of peace, justice, democratic values and institutions, protection of minors, gender equality, suppression of discrimination and the benefits of the civic society.⁹⁵

The national regulatory body has quite clear competences with regard to monitoring MRT programming *a posteriori*, while the MRT Program Council is in charge of general program obligations and basic standards and principles of MRT programming. For example, the Agency on Audio and Audiovisual Media Services

⁹³ *Ibid*, Article 110, paragraph 1 and 2.

⁹⁴ *Ibid*, Article 110, paragraphs 3 and 4.

⁹⁵ *Ibid*, Article 110, paragraphs 6 to 10.

is responsible for the protection and development of pluralism in the audio and audiovisual media services (including the services provided by the MRT), as well as for encouraging and supporting the existence of diverse and independent audio and audiovisual media services.⁹⁶ The Agency is also explicitly responsible for the supervision of the programmes of all broadcasters (including MRT)⁹⁷ and for implementing measures in cases of violation of the provisions of the Law or the by-laws adopted by the Agency.⁹⁸ They monitor different aspects of the program obligations of MRT (minority protection, quotas for European audiovisual works and for works originally produced in Macedonian language, advertising limits, rules on sponsorship and product placement etc.). However, one crucial aspect of MRT's programming is not mentioned explicitly in the law: what happens if the PSB does not fulfil its core obligation – to reflect political pluralism in the society. On the other side, the Programming Council of MRT is obligated to protect the interests of the public regarding the overall program content of MRT, to monitor the realisation of the programme obligations, principles and standards defined in the Law, and in the case of non-compliance to send a written warning to the director of MRT and to request termination of the programme broadcasting.⁹⁹ The Program Council is also obliged to monitor the comments and suggestions of the audience regarding MRT programming and may accordingly request the MRT Director to adjust the scope, structure and overall quality of the program content.¹⁰⁰ These provisions show that there is certain confusion and overlapping of the supervisory competences between the regulatory body and the Programming Council. This has resulted in a situation wherein the regulator has taken the position not to monitor or assess the fulfilment of the PSB remit and its general programming functions. This is to certain extent clarified in the methodology for conducting program supervision (monitoring) adopted by the Agency.¹⁰¹ The Agency makes a distinction between the legal provisions that are obligatory for all broadcasters and the specific provisions obligatory only for the public service. Concerning the general program obligations and basic standards and principles of MRT programming, the regulator can conduct analyses or monitoring, but can only inform the Programming Council of MRT or the Parliament on the results.

Initiated during 2015, as the result of the so called 'phone tapping scandal', there has been a revival of debate concerning the PSB status and operation. The debates opened hitherto were confined to the media community and they have been ignored

⁹⁶ *Ibid*, Article 6.

⁹⁷ *Ibid*, Article 28.

⁹⁸ *Ibid*, Articles 6 and 23.

⁹⁹ *Ibid*, Article 124.

¹⁰⁰ *Ibid*.

¹⁰¹ Agency for Audio and Audiovisual Media Services, Методологија за вршење програмски надзор (мониторинг) [Methodology for Conducting Program Supervision (monitoring)] (Skopje: Agency for Audio and Audiovisual Media Services, July 23, 2014).

by the mainstream media and by the political stakeholders. The debates opened up questions long overdue: How to restore impartiality and accountability? Is the organizational and management structure and funding of MRT suitable to sustain its operations and to serve the public interest? Can the financing model suitably enable independence, cultural diversity, and fairness within the PSB?

Following the outcomes of the affair, and the recommendations of the international expert group,¹⁰² particular concern was expressed over selective reporting and lack of editorial independence on the part of the PSB. Several recommendations were made including that the PSB “should strive to be completely impartial and independent from political, commercial and other influences and ideologies and contribute to an informed citizenship.”¹⁰³

Before the phone-tapping scandal, successive international and domestic reports clearly indicated state capture and pseudo-democracy in Macedonia.¹⁰⁴ The 2014 Progress Report of the European Commission suggested that there is a “blurring of state and governing parties.”¹⁰⁵ The scandal made obvious what the media community had already known: that the media were a key target of the ruling parties’ hijack and that MRT was the most vulnerable in this respect. Both the isolated debates prior to the scandal and the more frequent public discussions since then have focused on three main issues: (1) the independence of the journalists of the PSB and the defense of the public interest, (2) PSB’s political and cultural plurality, and (3) PSB financing. Since the issue of financing is being discussed in the next section, this section will focus on the other two.

The recently resurrected debates more openly posed the questions of independence of the journalists of the PSB and the defence of the public interest. During May 2015, a series of public debates including political opposition representatives, the NGO sector, and the media community were organized in front of the Government building in Skopje concerning the future of the media (and in particular, the future of PSB). For the first time in the past 10 years neglected topics were brought into the public realm and discussed with ruling politicians. However, there were no televised debates on MRT about the issue of its independence and remit, as the editors refused to air topics concerning the recent political developments. In the OSCE report on the municipal elections in the country in 2013, it was stated that on the first channel of the PSB there was no

¹⁰² An expert group led by the German legal expert Reinhard Priebe scanned the whole political situation in the country and produced a Report with recommendations on how to overcome the crisis. The Former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts’ Group on systemic Rule of Law Issues Relating to the Communications Interception Revealed in Spring 2015 (Brussels: June 8, 2015).

¹⁰³ *Ibid*, p. 19.

¹⁰⁴ Nikodinovska and Šopar, eds, *Development of the Media in Macedonia according to UNESCO Indicators*; Ordanoski, *Democracy under Arrest*.

¹⁰⁵ European Commission, The Former Yugoslav Republic of Macedonia 2014 Progress Report (Brussels: European Commission: October 8, 2014), p. 2.

political debate at all, and on the second channel there were 17 political debates, all of which were in favour of the political party Democratic Union for Integration (DUI) – the junior partner in the Government of Nikola Gruevski.¹⁰⁶ Debates on the future of the PSB were even less present.

The newest research studies provide comprehensive evidence on the tremendous party-political grip over the PSB editorial policy.¹⁰⁷ A comprehensive qualitative content analysis of political pluralism in news programs indicates synchronization in the daily reporting of both the public television and three pro-governmental TV stations – Sitel, Alfa and Kanal 5. In both, the selection of topics, sources cited and the framing of the stories are in favour of the ruling VMRO-DPMNE.¹⁰⁸ In addition, the analysis shows that the two public TV channels (MTV1 and MTV2) strongly favour VMRO-DPMNE and DUI respectfully. Thus, they have turned the news into a mouthpiece of the leading parties.¹⁰⁹

4.2 Financing

The main source of funding for MRT is the broadcasting tax which is legally determined as a public charge.¹¹⁰ Its collection aims to support the operation of the public service broadcaster – MRT (74.5% of collected funds), the public enterprise for transmission – MRD (19.5%) and, partly, the regulatory Agency (6%). MRT is obliged to maintain and to update the Registry of tax payers. The tax is calculated and collected from the payers (on behalf of and for the account of MRT) by the Public Revenue Office, which retains 3% of the collected amount for that purpose. The broadcasting tax amounts to 190 denars (almost 3 euro) and it is paid every month. This amount is amended once a year, depending on the cost of living in the previous year, published by the State Statistical Office. In 2014 MRT's total income was around 21.5 million euro, out of which 64.73% was income from the broadcasting tax, 18.09% was funds from the Budget, 7.32% was funds from the Budget aimed for digitalization, 3.71% was income from advertising, while the rest was from other sources.¹¹¹

¹⁰⁶ Organization for Security and Co-operation in Europe (OSCE), Office for Democratic Institutions and Human Rights, The Former Yugoslav Republic of Macedonia: Municipal Elections 24 March and 7 April 2013, OSCE/ODIHR Election Observation Mission Final Report (Warsaw: OSCE/ODIHR, July 9, 2013), p. 17.

¹⁰⁷ Institute for Communication Studies, "Report from the Monitoring of the Media Content (November 23 – December 18, 2015)".

¹⁰⁸ *Ibid*, p. 4.

¹⁰⁹ *Ibid*, p. 6.

¹¹⁰ "Law on Audio and Audiovisual Media Services", Articles 135-140.

¹¹¹ Agency on Audio and Audiovisual Media Services, *Анализа на пазарот на аудио и аудиовизуелни медиумски услуги за 2014 година [Analysis of the Broadcasting Market for 2014]* (Skopje: Agency for Audio and Audiovisual Media Services, 2015), p. 16.

Debates on media legislation in Macedonia were largely focused on the improvement of the existing funding model in order to secure means for independent and stable financing of the public service. In the first Broadcasting Law of 1997, the license fee based on the possession of a TV/Radio set was the main source of MRT funding. The Broadcasting Law of 2005 changed the model by transforming the fee into a general public charge (broadcasting tax) applicable to both households and legal entities regardless of the TV or Radio equipment owned. Indeed, the existing funding framework is that also recommended at the European level as the most appropriate approach to financing public service media given the new technological environment.

MRT has been facing financial and organizational problems since the late 1990s, which has generated a profound production crisis, decline of audience share and the erosion of its credibility. In the period before and after the adoption of the Broadcasting Law in 2005, the system for the collection of the broadcasting tax totally collapsed.¹¹² After 2009, the tax collection rate slowly began to increase, so that in 2013 MRT achieved its highest total revenue in the past ten years (1,527.83 million denars or 24.8 million euro).¹¹³ In 2014, MRT's total income decreased slightly compared to the previous year, totalling 1,326.34 million denars or 21.5 million euro.¹¹⁴

The largest share of MRT's annual revenues in 2014 was the broadcasting tax (64.7%). This income was followed by the funds from the Budget (18.1%), then the income from the Government and the Agency for Electronic Communications intended for digitalization of MRT's production equipment (7.3%), revenues from advertising (3.7%), other income from operations (3%), income from interest rates, rents etc. (1.8%), and revenues from technical and other services (0.4%). According to the MRT Annual Report, the overall income amounted to 90.5% of the planned revenues. There is no published analysis which contains a comprehensive assessment of the necessary funds for MRT to fulfil its remit effectively and to increase its program quality. But it can certainly be said that the current funds cannot cover the full operation of MRT if all program obligations are fulfilled as determined in the law.

While drafting the previous broadcasting legislation, policy-makers generally believed that funding from independent and public sources would best secure the institutional and editorial independence of MRT. Independent and public sources imply the funds collected from the subscription fee, or license fee, paid

¹¹² The MRT management team had an obligation to organize and (re)establish the collection of the broadcast tax within a period of six months. Before the adoption of the 2005 Law, however, the internal departments for keeping the register and tax collection department were closed.

¹¹³ Agency for Audio and Audiovisual Media Services, *Анализа на пазарот на аудио и аудиовизуелни медиумски услуги за 2013 година* [Analysis of the Broadcasting Market for 2013] (Skopje: Agency for Audio and Audiovisual Media Services, 2014).

¹¹⁴ Macedonian Radio Television, *Annual Report on Financial Working of the Public Broadcasting Enterprise Macedonian Radio Television for 2014*, p. 7.

by citizens and legal entities in the country.¹¹⁵ Following recommendations of the CoE¹¹⁶ the subscription fee (later broadcasting tax) was regarded as the most preferable means of financing, because funding from the budget might jeopardize MRT's editorial independence. Although it contained certain shortcomings, the model of financing established with the previous Law on Broadcasting of 2005 on the whole corresponded with international standards. The basic source of MRT funding was the broadcasting fee, and additional sources of financing were revenues from the budget (intended for non-public service obligations), advertising and sponsorship, programme sales, etc. All operations for register keeping and organization of the collection were to be conducted by MRT, and the amount of the broadcasting fee was determined as a percentage (2.5%) of the average net salary in the country paid in the last three months. From 2005, the broadcasting fee became a public tax, which had to be paid by everyone, regardless of their possession of a radio or TV set (as was the basis for the licence fee prescribed in the Broadcasting Law from 1997). In practice this model was not successfully implemented. For example, the analysis of the broadcasting market in 2008 conducted by the Broadcasting Council showed that the share of the broadcasting tax in the overall income of MRT was only 0.35%.¹¹⁷ An important reason for the collapse of MRT's funding system was the fact that the (then) opposition party VMRO-DPMNE promised the electorate that the broadcasting tax would be decreased significantly if they won the parliamentary elections in 2006. This promise was made in the period when MRT's management – considered as being close to their political opponent from the (then) ruling Social-democratic party (SDSM) – were making efforts to establish a new funding framework. Thus, most of the citizens, already dissatisfied with MRT programming, simply did not want to pay the broadcasting tax, which eventually made MRT financially very weak and dependent on the state budget.

After winning the elections in 2006, the new VMRO-DPMNE led government undertook steps to consolidate MRT's organisational and financial crisis, imposing its political influence over the new managing and supervisory bodies. In order to achieve these goals, several amendments to the 2005 Broadcasting Law were adopted in the following years. The first amendment was made in February

¹¹⁵ Trpevska et al. *Analysis of the Public Broadcasting in the Republic of Macedonia in the Context of the European Media Policy*, p. 5.

¹¹⁶ Council of Europe, Recommendation R (96) 10 of the Committee of Ministers to the Member States on the Guarantee of the Independence of Public Service Broadcasting (Council of Europe, September 11, 1996); and Recommendation Rec(2007)3 of the Committee of Ministers of the Council of Europe to Member States on the Remit of Public Service Media in the Information Society (Council of Europe, January 31, 2007).

¹¹⁷ Broadcasting Council, *Анализа на пазарот на радиодифузната дејност за 2008 година* [Analysis of the Broadcasting Market for 2008] (Skopje: Broadcasting Council, 2009), p. 23.

2007¹¹⁸ allowing the possibility of electing two executive directors of MRT, one of whom would be a foreign expert. The rationale behind this action was the idea that a foreign expert might bring new knowledge and would act independently from domestic political actors. Following this amendment, a former employee of RTV Slovenia was elected in order to consolidate MRT. One year later, the Constitutional Court abolished this amendment, stating that the position of the executive manager of MRT is "...a public function... which according to Article 23 of the Constitution might be entrusted only to a citizen of the Republic of Macedonia and not to foreign persons as stipulated in the amendment of the Law."¹¹⁹ One of the most important amendments was that of August 2008, when the Government decreased the broadcasting tax to a fixed amount of only 130 denars (about EUR 2) per month, which is far below the expected amount for an efficient fulfilment of MRT obligations and for resolving its long-term crisis.¹²⁰ These amendments were criticized both by domestic experts and by the EC. In its Progress Report for 2008 the European Commission stressed that both the public service broadcaster and the Broadcasting Council "...remain vulnerable to political interference, largely because their financial stability has not been ensured."¹²¹ The EC also warned that amendments to the Law "were enacted which provide for the possibility of initiating bankruptcy of the public service broadcaster."¹²² In addition to that, during the Stabilization and Association Committee held on 18 and 19 September 2008, the EC asked for the Government to abolish the provisions on bankruptcy and liquidation, arguing that such a possibility should not be allowed when it comes to public service broadcasting.¹²³ As a result of this criticism, the amendments adopted in January 2010 abolished these provisions.¹²⁴ The amendments of November 2010 were a serious step towards MRT's financial consolidation, introducing an explicit obligation for the

¹¹⁸ "Закон за изменување и дополнување на Законот за радиодифузната дејност" [Law on Amending and Supplementing the Law on Broadcasting Activity], *Official Gazette of Republic of Macedonia* 19/07.

¹¹⁹ Constitutional Court, Judgment No. 191/2007-0-0, January 9, 2008.

¹²⁰ "Закон за изменување и дополнување на Законот за радиодифузната дејност", [Law on Amending and Supplementing the Law on Broadcasting Activity], *Official Gazette of Republic of Macedonia* 103/08.

¹²¹ European Commission, Commission Staff Working Document: The Former Yugoslav Republic of Macedonia 2008 Progress Report (Brussels: European Commission, November 5, 2008), p. 40.

¹²² *Ibid*, p. 41.

¹²³ Broadcasting Council, Извештај за работата на Советот за радиодифузија на РМ за периодот од 01.01.2008 до 31.12.2008 година [Report from the Work of the Broadcasting Council of the RM for the Period from 01. 01. 2008 till 31. 12. 2008] (Skopje: Broadcasting Council, 2009), p. 13.

¹²⁴ "Закон за изменување и дополнување на Законот за радиодифузната дејност" [Law on Amending and Supplementing the Law on Broadcasting Activity] *Official Gazette of Republic of Macedonia* 6/10.

Public Revenue Office to collect the broadcasting tax, with MRT in charge of keeping the register of tax payers.¹²⁵

The Law on Audio and Audiovisual Media Services from 2013 kept the same funding model as was the case before.¹²⁶ It turned out that, although partially functional, this model still contains major deficiencies that prevent MRT from becoming independent. The first deficiency is that MRT has no direct control over the collection of the broadcasting tax, but depends on the work of the Public Revenue Office. This deficiency had already been created with the Law of 2005, when MRT shut down the internal department for the collection of the broadcasting tax. In its search for a functional and efficient collection model, the legislator neglected the fact that the broadcasting tax might be a strong liaison between MRT and its citizens. In periods when MRT was in charge of collecting the license fee, it could have established a direct connection with its audience and aligned it with mechanisms for receiving the views and opinions of its audience on its programs. With the new model, the fee as a link between MRT programs and the audience was interrupted. It is not enough for the MRT's management to know how much money is collected by the Public Revenue Office, but it should also "...regularly follow who does want to pay and what are the reasons for the reluctance of citizens to pay the tax."¹²⁷ The second, bigger, deficiency of the existing model is that it is too expensive. Data presented by the Association of Journalists show that "...the expenses of the Public Revenue Office for the collection of the tax per tax payer amount to two thirds (145 denars) of its actual value (190 denars)."¹²⁸ For example, for the collection of the broadcasting tax over the past three years the Public Revenue Office incurred costs of about 7.5 million euro and thereby committed a large part of its human resources.¹²⁹ This leads to the conclusion that the model is far from being efficient and functional, because, in the end, the amount of money that is collected from the tax is still not sufficient to fulfil MRT's public service obligations.

From today's perspective, some experts believe that the model based on the subscription fee collected by MRT itself was the most appropriate because it provided close connection between MRT and its audience.¹³⁰ Similarly, other experts argue that: "MRT could successfully collect the subscription fee, but only

¹²⁵ "Закон за изменување и дополнување на Законот за радиодифузната дејност" [Law on Amending and Supplementing the Law on Broadcasting Activity] *Official Gazette of Republic of Macedonia* 145/10.

¹²⁶ "Law on Audio and Audiovisual Media Services", Articles 135-140.

¹²⁷ Klime Babunski, interview with the authors, May 14, 2015.

¹²⁸ Dragan Sekulovski, Executive Director of the Association of Journalists of Macedonia, interview with the authors, May 14, 2015.

¹²⁹ *Ibid.*

¹³⁰ Ljubomir Jakimovski, former Director General of the MRT and former President of the first composition of the Broadcasting Council, interview with the authors, May 11, 2015.

if the quality of the programs offered to the audience were improved, especially with regard to the independence and impartiality of the news program.”¹³¹ It is also very important for MRT to make organizational and managerial restructuring in order to effectively plan and manage its production, technical and human resources.¹³² Recently, the Association of Journalists of Macedonia (AJM) presented its proposal for the improvement of the current funding model, which was based on a comparative review of funding frameworks in Europe and in other countries in the region. The AJM proposes to retain the existing model based on the broadcasting fee as the most appropriate, but also to combine it with a fixed percentage from the state budget. The percentage should be determined in law and should be transferred to MRT’s account automatically on a monthly basis. The intention is to avoid the current practice, whereby the Government decides on the allocation of money on an ad hoc basis, to cover the financial debts of MRT.¹³³ AJM representatives presented their proposal to an intergovernmental working group composed of different institutions, but the Government did not accept this proposal in its final Conclusions for the improvement of the collection rate.¹³⁴

4.3 Technology: Digitalization, New Media & Convergence

The process of digital switchover in Macedonia was completed in May 2013, one year later than originally planned. The first digital scenario was drafted with the strategy for development of broadcasting activity 2007-2012 adopted by the Broadcasting Council and proposed to the Parliament at the end of 2007. Eight geographic areas or allotment zones (plus one sub-zone in Skopje) were determined in the territory of the Republic of Macedonia for the digitalisation of terrestrial television.¹³⁵ Each allotment zone, except that in Skopje, has the resources for the construction of a minimum of 10 DTT-networks (i.e. multiplexes or layers). Since the multiplexes can be combined, there are resources for at least 80 (if MPEG-4 is used) national SDTV-programmes.¹³⁶

The first strategy envisaged that the entire process of digital switchover would be executed in at least two stages. In the first stage, it was foreseen to allocate the multiplexes with national coverage - one multiplex to be allocated free of charge

¹³¹ Vesna Šopar, interview with the authors, May 12, 2015.

¹³² Ljubomir Jakimovski, interview with the authors, May 11, 2015.

¹³³ Dragan Sekulovski, interview with the authors, May 14, 2015.

¹³⁴ *Ibid.*

¹³⁵ Broadcasting Council, Strategy for Development of Broadcasting Activity in the Republic of Macedonia: for the period 2007-2012, p. 15.

¹³⁶ *Ibid.*

to the Public enterprise *Makedonska Radiodifuzija* (Links and Transmitters)¹³⁷ for the transmission of MTV services. Two other multiplexes were planned to be allocated via an international tender procedure,¹³⁸ one for the transmission of the television services of the national commercial broadcasters and one for the transmission of regional TV stations in Skopje. In the second stage it was foreseen to allocate another two multiplexes, one intended for the transmission of new commercial or innovative TV services, and the other for transmission of regional TV services outside the capital. The other frequency resources were planned as a reserve for future needs (for HDTV, for pan-European services or for future innovative services). In the action plan for the implementation of the digital scenario it was planned: to adopt separate laws and by-laws on DTT (until June 2008); to start the procedure for allocating the planned national and regional multiplexes (until the end of 2009); to realize the simulcast period with an extensive campaign to supply the population with set-top-boxes (until the end of 2011); and to realize the analogue switch off (from mid-2011 until mid-2012).¹³⁹

However, the first digital scenario was not implemented as planned and the concept was entirely changed compared to the first strategic document. The main reason for that was the existing 'political tensions' between the Broadcasting Council (which was considered to be close to the political opposition) and the Government, i.e. the Ministry of Transport and Communication, which did not officially recognise or accept the strategy developed by the regulatory body. The whole process started very late, without implementing the planned successive stages and completely opposite to the concept originally proposed – to allocate multiplexes to operators which would offer a free-to-air digital terrestrial platform to the population for the transmission primarily of domestic national and regional TV channels. Instead, in 2009 the first three multiplexes (MUX1, MUX2 and MUX3) were allocated to the private company Digi Plus Media, owned by Slovenian Telecom, which operates as a pay-based platform. It means that the population had to subscribe to the platform in order to watch public TV channels and the domestic TV stations licensed for free-to-air transmission.¹⁴⁰ The digital transmission of public television services (MTV) was enacted at the beginning of 2012, when two digital networks (MUX4 and MUX5) were legally allocated to the public enterprise Macedonian Broadcasting. In November 2012 an additional

¹³⁷ This is a public enterprise, separate from MRT, which is entitled by law to manage the public transmitting networks and for transmitting the programs of the Macedonian Radio and Television.

¹³⁸ The intention was to attract foreign telecommunication companies to apply for the license for operating with multiplexes, since the introduction of DTT required significant investment.

¹³⁹ Broadcasting Council, Strategy for Development of Broadcasting Activity in the Republic of Macedonia, p. 17.

¹⁴⁰ At that time, the respective ministry and the Agency for Electronic Communications did not consider this as a problem, but it seems that later they realized that domestic TV services should be distributed through the DTT networks on a free-to-air basis and in November 2012 allocated an additional two multiplexes for that purpose.

two multiplexes (MUX6 and MUX7¹⁴¹) were allocated to the private company One aimed at free-to-air distribution of domestic commercial TV services. The date of the analogue switch off was 1 June 2013, a year later than originally planned in the first Strategy.¹⁴²

Although the usage of digital transmission resources creates more possibilities (channels) for public television to fulfil its remit, MRT still broadcasts the same three TV program services as in the analogue environment. In its second strategic document, the regulator emphasized that “the public service, depending on the needs of the audience and the financial capabilities, [has] to conceive, create and develop other specialized services.”¹⁴³ The Law stipulates only that: “MRT shall broadcast at least one television programme service in Macedonian, and one television programme service in the language spoken by at least 20% of the citizens that is different from Macedonian and the languages of the other non-majority communities.”¹⁴⁴ The decision on the number of programme services as well as MRT’s Development Program is to be adopted by MRT’s Programme Council, upon the proposal of MRT’s Director. There is no public document related to MRT’s plans for development of new digital services following the example of thematic channels offered by the public broadcasters in European countries. In the Financial Plan for 2015 it is stated that MRT expects to receive money from the Budget (122.5 million denars) to complete the Action Plan for digitalisation.¹⁴⁵

MRT does use internet and social media to disseminate news and information produced by its newsroom, but it could be argued that it remains slanted towards the ruling party. There is an official Facebook page in the Macedonian language¹⁴⁶ where most of the presented news is related to the top events in the country, but framed from the perspective of the ruling party, VMRO-DPMNE. One can easily notice that there are few comments and likes from users on the posts presented on MRT’s page. MRT has also opened a Twitter account,¹⁴⁷ where it mainly presents outdated information on its entertainment program and a few pieces of business or sport news. There is also an MRT YouTube channel, but it

¹⁴¹ Macedonia has been allocated 10 multiplexes, but the remaining three were kept for HDTV and for innovative services.

¹⁴² Broadcasting Council, Strategy for Development of Broadcasting Activity in the Republic of Macedonia, p. 17.

¹⁴³ *Ibid*, p. 18.

¹⁴⁴ “Law on Audio and Audiovisual Media Services”, Article 107.

¹⁴⁵ Macedonian Radio Television, “Предлог годишен финансиски план на ЈПТ Македонска радиотелевизија за 2015 година”, [Draft Annual Financial Plan of the Public Enterprise Macedonian Radio and Television for 2015] (Skopje: Macedonian Radio and Television, September 2014), p. 5.

¹⁴⁶ Available at: <https://www.facebook.com/mrt.com.mk?fref=ts> (Accessed on September 18, 2016).

¹⁴⁷ Available at: <https://twitter.com/mrt1web> (Accessed on September 18, 2016).

does not contain any video news or other content produced by MRT.¹⁴⁸ On MRT's website,¹⁴⁹ diverse content is presented: news on current events in the country and the world, information on MRT programming, the program schedule, as well as an on-demand service (MRT Play) where news items and other programs can be watched. The webpage does not contain a specific section where the audience is invited to contribute with user-generated content or to make comments on MRT programming.

Most current debates on MRT's mission and operation are focused on its political bias and dependence on the government, putting the issue of the implications of new technologies in a secondary position. As stated previously, MRT has been transforming from the technological and production point of view, but the usage of new technologies and communication channels is not focused on raising the interest of the audience to respond or participate in the creation of news, as in some examples of public or commercial broadcasters worldwide. It seems that 'collaborative' or 'citizens' journalism are concepts that are still unfamiliar to the managers and editors of MRT, because they do not strive to present different viewpoints and perspectives in their news programs. There is no information on MRT's plans and strategy to internally re-organize its capacities to benefit from the digital production, or to respond to ongoing trends in the media and audience markets. No one from MRT replied to our requests to talk with them to find out if there is any plan for such a re-organization.

4.4 Socio-cultural Aspects

The PSB in Macedonia does not fulfil the minimum requirements to reflect and support political pluralism while, in a cultural sense, its reporting reflects divisions along ethnic and religious lines. The large number of media outlets on the market reflects the trend of external pluralism, while the quality of their reporting rarely meets the basic professional standards and principles of inclusive journalism and balanced reporting (internal pluralism). MRT as a public broadcaster reflects polarization along political and ethnic lines. The newsrooms in Macedonian and in the languages of non-majority communities (especially the newsroom in the Albanian language) function as separate, parallel worlds which primarily focus on their own ethnic community and frame and observe events predominantly from the point of view of their own community.

The overall quality of the informative programme in the languages of ethnic communities on the PSB has significantly decreased due to the financial and production crisis, and continuous political influence exerted by the parties in

¹⁴⁸ Available at: https://www.youtube.com/channel/UCurlFwDSxgYvFaX_COFo0mQ (Accessed on September 19, 2016).

¹⁴⁹ Available at: <http://mrt.com.mk/#> (Accessed on September 20, 2016).

power.¹⁵⁰ On the second service, the programme section in Albanian language has the most extensive programme (14 hours a day), followed by the programme in Turkish (2.5 hours a day). These programme sections are large enough and have enough employees to enable them to regularly broadcast news and other informative, educational and entertaining programme units. However, the time that is allocated to smaller communities, and the number of their employees, are real obstacles for them to fulfil the legal obligation to create “... programs of public interest that reflect the social and cultural pluralism in the country, which consists of informative, cultural, educational, scientific, sports and entertainment contents.”¹⁵¹

The main news programs of the PSB, both on the First and on the Second TV service, do not fulfil the basic requirements for balanced reporting reflecting different political views. This is especially obvious during election periods. A qualitative research study conducted in 2013 revealed how political bias in MTV newsrooms is constructed during election time.¹⁵² MTV 1 allocated most of the time in its primetime news for the ruling party VMRO – DPMNE’s coalition campaign, airing an “enormous number of news items in which the ministers promote the results of the Government’s work and announce investments, infrastructural construction, investments in industrial zones and a series of other projects.”¹⁵³ On the other side, the main news in the Albanian language on MTV 2 puts the main emphasis on the campaign of DUI, the ruling party of the ethnic Albanians, by directly promoting their achieved results and by using many positive value assessments.¹⁵⁴ Other research studies provide evidence on the level of political pluralism in the news of the departments.¹⁵⁵ The presence of political news and information on the government’s activities (50% of news items) dominates the programme in the Turkish language as well. The information on local events concentrates around the activities of the Government in which the political parties of the Turkish community participate as well. The rest of the minority language sections are in even worse condition in terms of finances, which mirrors their capability to independently reflect cultural and political diversity. Instead of serving the interests of citizens and the public, they serve the interests of the party-political elites from their own community.¹⁵⁶

¹⁵⁰ Micevski, Trpevska and Trajkoska, “Media and the Non-majority Communities in Macedonia”, p. 118.

¹⁵¹ *Ibid.*

¹⁵² Snezana Trpevska and Igor Micevski, *How Does the Media Construct Their Political Bias* (Skopje: School of Journalism and Public Relations, 2013).

¹⁵³ *Ibid.*, p. 5.

¹⁵⁴ *Ibid.*, p. 12.

¹⁵⁵ Micevski, Trpevska and Trajkoska, “Media and the Non-majority Communities in Macedonia”, p. 110.

¹⁵⁶ *Ibid.*, p. 118.

MRT has no vision about fulfilling the ‘universality principle’ even in its basic supply of traditional generalist services, not to mention the development of new specialized services. Recent policy documents from the EU and from the CoE stress that the universality principle should be addressed by the public service media “having regard to technical, social and content aspects...”¹⁵⁷ Besides offering a diversity of content on the traditional (TV and radio) services, PSM should also offer a wider range of services, including “online services catered to a diversity of tastes and groups, but also interactive forums, social networking sites and search engine tools...”¹⁵⁸ Several studies conducted in Macedonia over the last years have provided evidence that MRT does not fulfil the obligation to offer ‘universality of content’ even within the existing traditional services, in particular taking into consideration the indicators of the audience that MRT programs reach.¹⁵⁹ Some analyses and audience research data published by the regulator indicate that MRT services are technically accessible to the audience in the country, but most of the content broadcast through those services does not reach the intended audience.¹⁶⁰ For example, the overall audience share of the three TV services offered by MRT in 2013 was 9%, the first service having 6.6%, the second 1.1% and the Parliamentary Channel 1.3% of the audience share.¹⁶¹ Regarding digitalization and use of new technologies, it can certainly be said that MRT has not developed any program or strategy for developing a portfolio of services, either generalist and specialized or tailored for specific audiences.

MRT fails to offer program diversity in its existing program services, neglecting the interests of some important segments of the audience. For instance, informative programs should not be limited to news and current affairs, but should also encompass other content through which the citizens obtain information on different issues of their interest. The programs of common or public interest may elaborate on different topics: legislation in different areas; consumer protection; practical advice on different topics; topics from the field of agriculture, utility services, education, social protection, public transport, etc. It is through such programs that MRT satisfies the particular needs of the citizens. In past years, in the analogue environment, MRT faced serious problems in fulfilling its obligation for genre diversity, primarily due to the fact that there was a lack of broadcasting

¹⁵⁷ Council of Europe, Recommendation Rec (2007)3 of the Committee of Ministers of the Council of Europe to Member States on the Remit of Public Service Media in the Information Society.

¹⁵⁸ Brevini, *Public Service Broadcasting Online*, p. 43.

¹⁵⁹ Trpevska et al. *Analysis of the Public Broadcasting in the Republic of Macedonia in the Context of the European Media Policy*, p. 10.

¹⁶⁰ Agency for Audio and Audiovisual Media Services, “Извештај од анализата на телевизиските програмски сервиси на јавниот радиодифузен сервис МРТ (3-9 октомври 2011 година)” [Report from the Analysis of the Television Program Services of the Public Service Broadcasting MRT (3-9 October 2011)].

¹⁶¹ Agency for Audio and Audiovisual Media Services, *Analysis of the Broadcasting Market for 2013*, p. 9.

space.¹⁶² Macedonian Television used to have three networks, two of which were intended for broadcasting programs in the Macedonian language (the first TV channel was intended to fulfil MRT's informative function, and the Second was used for educational, cultural, sport and other programs), while the third network was intended for programs for the ethnic communities. Since 2005, by amending the former Law on Broadcasting Activity, the third network was taken away from MRT in order to establish the Parliamentary Channel. The same observation is made by the Broadcasting Council in its assessment of MRT's 'diversity' obligation: "...the public service needs one more frequency to fulfil its educational function...because one of the crucial shortcomings of its programming is the lack of a serious approach towards children."¹⁶³ The problem regarding the lack of space could have been solved with the digitalisation process, but there is still neither a vision nor any concrete plans expressed by MRT managing bodies in that direction.

¹⁶² Trpevska et al. *Analysis of the Public Broadcasting in the Republic of Macedonia in the Context of the European Media Policy*, p. 11.

¹⁶³ Agency for Audio and Audiovisual Media Services, "Извештај од анализата на телевизиските програмски сервиси на јавниот радиодифузен сервис МРТ (3-9 октомври 2011 година)" [Report from the Analysis of the Television Program Services of the Public Service Broadcasting MRT (3-9 October 2011)], p. 19.

5.

Discussion

5.1 Where the Country Stands in the Context of Contemporary Debates

Academic and policy debates in Macedonia have focused predominantly on media legislation and its inconsistency with European standards, around which it has been developed to enable the democratization of the media system.¹⁶⁴ Many relevant issues have been debated over the years including the social and political conditions necessary for PSB to achieve its political independence and autonomy, funding models to secure its long-term stability, and justification for public funding, as well as ways of regaining the trust of the audience and the civil society sector. However, the questions debated at the European level, especially those related to redefinition of the PSB remit in the new technological environment, have not yet been broached.

Most of the literature on PSB transformation in Macedonia was published as part of applied or advocacy research implemented by the civil society sector. The main focus of these studies was the discrepancy between the normative and actual transformation of MRT into a PSB, lack of its editorial independence and institutional autonomy, and its long-lasting financial, production, and technological crisis. Only a few academic studies concentrate on the relation between the political and media systems, explaining the socio-political factors which led to the late democratization of the media system and the unsuccessful transformation of MRT.

There is a general agreement in the literature that MRT was only normatively defined as a public service, but that its transformation from a state to a public broadcaster has not occurred.¹⁶⁵ Although international donors have provided significant expert assistance over the years to support the transformation process, MRT has never truly performed the role of a public broadcaster that serves the interests of the citizens instead of those of the ruling parties.¹⁶⁶

¹⁶⁴ Karol Jakubowicz, *Post Communist Media Development in Perspective* (Bonn: Internat, Politikanalyse, Abt. Internat. Dialog, Friedrich-Ebert-Stiftung, 2005).

¹⁶⁵ Vesna Šopar, "Republic of Macedonia", in *Television across Europe* (Budapest: Open Society Institute, 2005), p. 1188.

¹⁶⁶ Tamara Dimitrijevska-Markoski and Zhidas Daskalovski, *Assisting Media Democratization after Low-Intensity Conflict: The Case of Macedonia* (Sarajevo: Analitika – Center for Social Research & CRPM - Center for Research and Policy Making, 2009).

Several empirical research projects have provided evidence that a reverse trend is actually happening: MRT has always functioned in reality as a state broadcaster and in recent years as a party-colonized broadcaster: it mostly offers one-sided information; critical voices are generally neglected in information programs; and it does not provide space for public debate. Almost all monitoring missions conducted by OSCE/ODIHR during election campaigns demonstrated that MRT had continuously given prominent place in its primetime coverage to the representatives of the ruling parties.¹⁶⁷ A range of local monitoring projects of the election coverage came to similar conclusions. The Media Development Center emphasized in its 2014 monitoring report that "...MRT continues to be biased towards the Government and still does not function as a service for citizens, i.e. as a modern, unbiased and professional public broadcasting service."¹⁶⁸ A research study conducted in 2013 on the qualitative aspects of media coverage of the local elections showed that the first TV channel of MRT actually functions as a tool for promoting the achievements of the executive power and that "the fundamental principle of the journalistic profession was forgotten – distance from the government and the politicians."¹⁶⁹

The reverse trend of the actual perpetuation of MRT as a state broadcaster has been thoroughly documented in other analyses. For example, an analysis of the development of the media according to UNESCO indicators summarizes the failure of MRT as a public service in almost all aspects.¹⁷⁰ The third group of indicators, out of five, refers to the media as a platform for democratic discourse, where PSB is the central aspect. Although many aspects of the fulfilment of MRT's legal functions are analysed, most relevant in this context are the conclusions related to political pluralism in the news programs of the public broadcasters outside of election campaigns. Drawing on data published by the regulatory body, the analysis of the Macedonian Institute for Media concludes that political pluralism was not provided in the news broadcast on the First TV channel, because: "...most represented were the representatives of institutions of the government (members of the Government), and far behind them were other entities, especially parties of the parliamentary majority and the parliamentary opposition."¹⁷¹ Another illustrative example of the political pressures over the PSB, which is emphasized in the analysis, was the attempt at political dismissal

¹⁶⁷ See more details in the reports from ODIHR monitoring missions at: <http://www.osce.org/odihr/elections/fyrom> (Accessed on September 29, 2016).

¹⁶⁸ Media Development Center, Мониторинг: избори 2014 - примената на медиумските одредби од Изборниот законик [Monitoring: Elections 2014 – Implementation of Electoral Code's Provisions on Media Electoral Coverage] (Skopje: Media Development Center, 2014), p. 11.

¹⁶⁹ Trpevska and Micevski, *How Does the Media Construct Their Political Bias*, p. 5.

¹⁷⁰ Nikodinovska and Šopar, eds., *Development of the Media in Macedonia according to UNESCO Indicators*, p. 16.

¹⁷¹ *Ibid*, p. 58.

of MRT's managing bodies through a process of legal 'liquidation' of the public enterprise and establishment of a new entity with the proposed amendments to the Law on Broadcasting Activity of 2010.¹⁷²

The studies focused on MRT's role as a cohesive factor in Macedonian society conclude that "the programs of the public television act in the direction of disintegration, rather than cohesion in society."¹⁷³ This was evident especially in times of crisis or interethnic tensions; Macedonian and Albanian newsrooms in MRT report from a completely different angle. For example, a qualitative analysis of the reporting on the murder in Smilkovci in 2013 concluded that "while MTV 1 minimized the blockades and went almost silent on the attacks of people and property, MTV 2 did not report at all about the reactions and protests of the local population."¹⁷⁴ The absence of a coherent editorial policy contributes to the creation of conflicting stories which seriously distort MRT's cohesive role in a society that is multiethnic. The problem of the divided or conflicting editorial policy of the public service has been present since the early 1990s and especially during the 2001 armed conflict. A typical example of that was the coverage of the 2001 massacre of eight police officers by members of the National Liberation Army, closely associated with the Kosovo Liberation Army (KLA), in the village of Vejce near Tetovo. The massacre was not even reported in the Albanian language news. Meanwhile, the Macedonian newscast aired the announcement of the Macedonian paramilitary force "Pravda", which threatened the Albanian publications and told them to leave the country.¹⁷⁵ This problem has not been debated by the regulatory authority or by the MRT Council, which is responsible for its editorial policy.

Researchers have detected several systemic and institutional reasons for MRT's failure and the prolonged crisis: political influence, the large number of commercial media and strong competition, audience fragmentation, lack of an effective model of funding, poor management etc.¹⁷⁶ Poor management, huge financial losses and political influence have contributed to the loss of MRT's program quality and erosion of its audience. This, ultimately, produces negative

¹⁷² *Ibid*, p. 64.

¹⁷³ Micevski, Trpevska and Trajkoska, "Media and the Non-majority Communities in Macedonia", p. 113.

¹⁷⁴ Misa Popovic and Igor Micevski, "Media and the Narratives of Threat: The Case of the Coverage of the Smilkovsko Lake Murders", in *Reporting on Interreligious and Interethnic Tensions: the Meaning behind the Headlines*, ed. Ljubomir Jakimovski (Skopje: School of Journalism and Public Relations – Institute for Communication Studies), p. 139.

¹⁷⁵ Petre Georgievski and Snezana Trpevska, Ролята на медиите във въоръжения конфликт през 2011 в Македонија [The Role of Media in the 2001 Armed Conflict in Macedonia], in *Images of the Balkans: Historical Approaches and Communication Perspectives*, ed. Minka Zlateva (Sofia: University St. Kliment Ohridski, 2008), pp. 292-301.

¹⁷⁶ Trpevska et al. *Analysis of the Public Broadcasting in the Republic of Macedonia in the Context of the European Media Policy*, p. 21.

public perceptions about the role and necessity of MRT as a public service broadcaster, which is reflected in particular in the refusal of payment of the license fee.

Another study on media policy development in Macedonia revealed that one of the main reasons for the unsuccessful transformation of MRT should be linked to the anomalies of the political system.¹⁷⁷ The permanent process of political ‘hegemonisation’ which has happened in all societal spheres has also shaped the structure of the media system. Forms of political pressure over the media and press have turned from concealed to direct.¹⁷⁸ Over the years, the public service has been subject to strong and direct pressures – its management and different editorial departments have been always subordinated to the political parties in power and have maintained strong connections with them. Therefore, the news content that is aired on MRT services is a product of a journalistic ideology which is in theory described as “opportunistic facilitation.”¹⁷⁹ This means that the journalists within the public service do not perceive themselves as neutral observers of the government, but rather, as its constructive partners. They are not interested at all in the potential of journalism as a critical and objective watchdog of those in power, and instead of defending the interest of the citizens, they are becoming the government’s ‘opportunistic facilitators.’

In addition to the issues debated in Western countries – commercial pressures, competition regulation and technology pressures, in Macedonia the issue of political colonization has been the most prominent. Macedonia has suffered from regime hybridization,¹⁸⁰ which implies an increasingly authoritarian grip on PSB, which has prevented its development. The Macedonian broadcaster demonstrates the tendency to advocate for particularistic political interests that is shared by most PSBs in other Southern European countries. This assessment, in line with Mancini’s theoretical framework,¹⁸¹ stems from the deficiencies in the complex political system which requires (1) ethnic power-sharing (consociational state), but which (2) creates a tendency of majoritarianism in both ‘ethnic political blocks’.

¹⁷⁷ Trpevska and Micevski, “Macedonia”, p. 310.

¹⁷⁸ *Ibid.*

¹⁷⁹ Thomas Hanitzsch, “Populist Disseminators, Detached Watchdogs, Critical Change Agents and Opportunist Facilitators: Professional Milieus, the Journalistic Field and Autonomy in 18 Countries”, *International Communication Gazette* 73, no. 6 (2011), p. 478.

¹⁸⁰ Andrew Chadwick, *The Hybrid Media System: Politics and Power* (Oxford University Press, 2013).

¹⁸¹ Paolo Mancini, “Public Service Media and the Political System”, *Media and Communication*, no. 2 (2014), p. 15.

5.2 The Focus of Current Policy Activities and Debates

The need and the future of public broadcasting in Macedonia were not at all called into question in the public debates before and during the adoption of the new legislation December 2013. The main focus of these debates was how to achieve PSB stability and editorial independence. This prevailed in all stages of media policy development, primarily because of the influence of the CoE and the EC, which repeatedly emphasized the importance of the PSB for media pluralism in the country. In the past, there were many attempts by the private media to impose the opinion that the existence of the public service was obsolete and that its operation hindered free competition on the market. The pressure of the private sector partly contributed to the marginalization of the public service in Macedonia, but the real reason for its weak position is continuous decline in program quality and political influences. Related to the legal provision, the real problem could be described as “...the discrepancy between the legal provisions and the practice, political influence on its editorial policy and lost credibility among citizens and audiences.”¹⁸²

The question of the transformation of MRT from public broadcasting into a public service medium has neither been opened nor debated so far. On the contrary, advocates of public service broadcasting are still having difficulties explaining its basic functions, although they are fully embedded in the legislation. The vastness of the discrepancy between the normative model of PSB and the actual perceptions of some policy makers and practitioners about the role of the public service is indeed indicative. A recent debate on the type of PSB needed in Macedonia showed that the management of MRT, under the term public service broadcasting, in reality very often ‘defend’ the model of state broadcasting: “MRT is an institution which is established by the state and it defends and represents the state’s interests.”¹⁸³ Some of those interviewed stated that the future of public service broadcasting in Macedonia depends directly on the will of the political parties in power and “to what extent and how the government would allow for freedom of expression, communication or free policy making in the media sphere.”¹⁸⁴

The extension of the MRT remit to new distribution platforms is not an issue on the agenda, since the regulatory policy de facto is not preoccupied with achieving pluralism in the new converged environment. The strategic document developed by the regulator for the period 2012-2017 states that MRT depends “on the needs of the audience and financial capabilities, to conceive, create and develop other

¹⁸² Sefer Tahiri, independent media expert, interview with the authors, May 21, 2015.

¹⁸³ Zoran Ricliev, “MRT – ‘State’ Service that Moves away from the Public Interest”, *Prizma*, April 16, 2015.

¹⁸⁴ Klime Babunski, interview with the authors, May 14, 2015.

specialized services.”¹⁸⁵ However, no further action has been undertaken or proposed either by the regulator or by MRT to create conditions for the fulfillment of this strategic goal. The Strategy also contains a section related to new technologies and services, where more emphasis is put on technical possibilities and benefits from digitalization,¹⁸⁶ but nothing is mentioned with regard to extension on the new platforms. It seems that the prevailing policy approach, which exists only ‘on paper’ and is very poorly defined, is the one that seeks to fit new services under the umbrella of ‘broadcasting’ (*extending broadcasting*).

The political crisis in the country, and negotiations for the implementation of the ‘Przino Agreement’, have raised many public concerns related to PSB editorial and financial independence as preconditions for institutional autonomy. Depoliticization of the supervising and managing bodies of the PSB, as well as of the chief editorial staff, was raised as one of the first issues to be agreed between the negotiating political parties. However, some of the proposals given by the political parties show that they do not even try to disguise their “atavistic” pattern of behaviour. In January 2016, the ruling party VMRO-DPMNE proposed that before each election both the ruling party and the opposition nominate editors in chief in the public service broadcaster. Thus, before elections two politically nominated editors in chief would coordinate the daily news program of the First TV Channel which broadcasts in the Macedonian language. Two other editors in chief would be nominated by the Albanian party in the Government and the opposition Albanian party for the Second TV Channel, with the Albanian language newsroom having the largest proportion of time. The Association of Journalists of Macedonia and the Union of Journalists severely criticized this proposal, arguing that such proposals are not serious and present a brutal restriction of media freedom in the country.¹⁸⁷

5.3 The Key Trends and Challenges for the Future of PSB

By tracing the key processes in the Macedonian political system we can better understand the obstacles to a democratic transformation of the media system and its PSB. *First*, the process of gradual “state capture”¹⁸⁸ that has intensified since 2008, has had tremendous effects on the marginalisation of the PSB. This is

¹⁸⁵ Agency for Audio and Audiovisual Media Services, Strategy for Development of Broadcasting Activity in the Republic of Macedonia (Proposal): for the Period 2013-2017. (Skopje: Agency for Audio and Audiovisual Media Services, 2012), p. 18.

¹⁸⁶ *Ibid.*

¹⁸⁷ “Чаусидис: Предложените решенија се брутална повреда на медиумската сфера” [Causididis: the Proposed Solutions are a Brutal Violation of the Media Sphere], PlusInfo, January 27, 2016.

¹⁸⁸ Alina Pippidi-Mungiu, “The Other Transition”, *Journal of Democracy* 21, no. 1 (2010), p. 123.

in line with arguments that if there is politicization of the state “public institutions are still under construction and different groups within the society struggle to affect its construction in their favor.”¹⁸⁹ Thus, we cannot speak about a positive trend of transforming MRT from a state into a public broadcaster, but about an inverse process of transforming the public into a ‘party-political’ broadcaster. This means that power structures have continuously viewed the Macedonian PSB as a clientelistic resource to be monopolized and have strived to colonize it and exclude others from access to it. The latest suggestion by VMRO-DPMNE to share political influence by nominating two editors in chief in the public broadcaster – one from the ruling party and the other from the opposition – shows that in a situation of politicization the very idea of PSB becomes contested, as groups cannot agree on its mission to serve the public, but rather the party interest. Even though this is also characteristic of Southern European media systems, in Macedonia the grip on the PSB goes further, as the conversations from the phone tapping scandal revealed that the ruling party functions as an editorial board of the PSB – namely government officials were recorded even ordering journalists how to structure a report on a certain issue.¹⁹⁰

We cannot expect a trend of democratic transformation and consolidation of the public broadcaster if the current tendency towards authoritarianism continues. As Mancini also argued, strong political and social institutions are another precondition for the existence of high quality PSB. The debates concerning Macedonian institutions suggest that the weak political and social institutions have hindered the consolidation of PSB. It has to be pointed out that one of the limitations of this study is that we were seeking for a justification of the existence of PSB within a weak institutional setting and for building a respective model for PSB arrangement. However, we have shown that in such a setting the PSB is a contested institution and no democratic arrangement of the PSB is feasible if the legal authority and democratic governance are not re-established in the political system.

So, the key question here is whether the PSB in Macedonia has any prospect of overcoming the obstacles for its transformation. How to find a perspective for the future of PSB in Macedonia so it can regain its: *citizenship, universality, quality*¹⁹¹ *and trust*.¹⁹² We optimistically claim that the only feasible perspective to follow is towards strengthening a solid and stable connection with the citizenry and civil society, which might lead to a ‘Participatory Public Service Model’. This is not a

¹⁸⁹ Mancini, “Public Service Media and the Political System”, p. 15.

¹⁹⁰ Igor Micevski and Snezana Trpevska, “What the Macedonian Phone-tapping Scandal Tells us about Clientelism in the Media”, *International Journal of Digital Television* 6, no. 3 (2015), pp. 319-326.

¹⁹¹ Born and Prosser, “Culture and Consumerism”, p. 657.

¹⁹² Brevini, *Public Service Broadcasting Online*, p. 31.

new concept, either at a theoretical or at a policy level,¹⁹³ but we claim that this might be the only direction to save the public interest idea and practice in the specific societal and political circumstances. PSB, by definition, is envisaged as a space which enables the flourishing of a critical and vibrant public sphere and, therefore, it has a crucial role in enabling citizens' active participation in the process of social change.

Thus we propose a participatory model which is based on the possibility of citizens' stronger participation at various levels – strengthening their engagement not only in supervisory bodies but also in program assessment and production. The precise modalities of this participatory shift in the organization of the PSB are yet to be formulated with respect to the normative ideas of the functioning of its bodies. However, on this occasion, as a starting point of the participatory shift, we make general remarks calling upon reform in three basic areas: *First*, we propose changes in the means of election, the composition and the functioning of the MRT's Programme Council; *Secondly* we propose changes in MRT's financing; and *Thirdly*, we propose changes in programing and in the nomination process and obligations of the editorial staff in the PSB.

The *first* set of changes entail that the majority of the members of MRT's Council be recruited from the relevant part of the CSO sector, in order to strengthen the know-how and democratization potential of this sector in securing the ethical standards of MRT programming with respect to the public interest. This set of changes would include obligations for the members of the MRT Council to organise regular public hearings within constituencies to discuss the most recent assessments and opinions of citizens and civil society organisations regarding MRT's programming and editorial independence. In addition, our model foresees for MRT's management to commission regular analyses and studies on citizens' perceptions and program appreciations which would be submitted to the Council for debate. Interactivity of this sort is very possible in the digital age - and this is a new opportunity rather than a disadvantage for the PSB.

The *second* set of changes need to entail transparency in the financing of the PSB so as to enable the breaking of the clientelistic ties and the party colonisation of the MRT. This would require a serious analysis which would precede a legislative change, mainly to address and regulate the state aid. The current proposals for securing stable and independent funding for MRT are focused on finding an appropriate mixed model, i.e. both from the broadcasting tax and from a legally determined percentage of the state budget that would be automatically transferred to MRT. This proposal seems to be a good long-term solution for MRT's institutional autonomy, but additional rules should be incorporated in the Law on audio and audiovisual media services in order to foster its financial transparency and accountability. Although the current legal provisions incorporate some rules

¹⁹³ Council of Europe, *Strategies of Public Service Media as Regards Promoting a Wider Democratic Participation of Individuals* (Strasbourg: Council of Europe, 2009).

on financial transparency, it is necessary to elaborate more detailed provisions in order to make MRT's diverse funding sources more transparent.

Finally, the participatory shift in MRT's program departments, especially the newsrooms, should be made to include the establishment of regular connections with its audiences (or rather 'Publics') in order to foster their active participation in programming. Again, the digital age is an enabling environment for this sort of interaction with audiences. We propose changes in the legislation in order to oblige the PSB to promote democratic participation of the citizens in its programming, as part of its remit. The PSB should also be legally obliged to develop and adopt specific internal rules on how to encourage interaction with the citizens and how to incorporate citizens' diverse opinions and content in a range of informative, educational, cultural and other programs. Next, the PSB should be obliged to establish a separate department in its internal structure which will regularly contact, collect and analyse citizens' proposals and complaints with regard to its programming.

6.

Concluding Remarks

This paper has identified the challenges PSB in Macedonia faces at present and outlines possibilities for its future transformation into Public Service Media. We have argued that PSB in Macedonia shares the challenges at the core of the Western European debate – namely market pressure from the commercial media and the pressing changes brought by the digital era. However, a more immediate threat to PSB in Macedonia is the capture of the PSB by political parties, which has to be addressed first. We consider enabling the creation and reproduction of free critical thought to be of paramount importance to determine the future of PSB. This is not possible in a situation in which the ruling parties control the funding sources, the content, and the organization of the PSB.

In sum, we have claimed that:

- i) The Macedonian PSB faces the pressure of political authoritarianism, on top of the challenges of commercial pressures and pressures from new technologies,
- ii) That the MRT has a future in the new technological environment only if it moves towards a 'participative model',
- iii) And that establishing an enduring relationship with the public and civil society sector is the first condition for PSB to regain trust and legitimacy from society.

Consequently, we claim that there is a need for a participatory shift in the functioning of the PSB to enable stronger participation through the concept of PSM and active citizenship. We claim that that model would enable *universality* - referring both to access and to content and to enable new *quality and trust* - referring to the possibility that the future PSB will be able to sustain these norms on a digital platform. A greater role for the civil sector (active citizenship) and NGOs in the matter should be a sufficient pressure point for the future development of PSB.

In Macedonia, as well as in the rest of Southern Europe, the public interest is disregarded, and usually confused with state interest. However, this is only because the concept of PSB has been hijacked by power holders. As a result of the pressure from the new technologies and multi-platforms that have fragmented audiences and out-channelled some of the audiences away from the PSB content, there is in fact a new possibility for a future PSM. The new technologies do not entail blurring of the public interest and loss of audiences. They may entail, on the contrary, strengthening participative democracy, provided that they have

a platform to which this participation would be channeled. The internet in this respect is a gate to the future of participative citizenship, which will require the construction of a new model of PSB with respect to participation. Citizens should not be identified with consumers in the sense that citizens bring about societal and political relevance in the public sphere. This concept of citizenship may thus be beneficial for a future participative model of PSB. Though these concerns are relevant for Macedonia, they are, however, of secondary importance at present.

The limitations of this approach come from the fact that either the political will of the power holders, or the organized pressure of citizens, is necessary for its implementation. Both these requirements are in fact hard to sustain in a clientelistic political environment, or in an environment of increasing authoritarianism. Further research would therefore have to focus on overcoming these predicaments by: (1) modelling a new participative structure for PSB (in this case PSM), (2) overcoming the old types of control over the PSB – such as the parties or the state institution – in favour of civil society organizations and active citizens and (3) modelling a new financing arrangement for the PSB.

7.

Recommendations

The authoritarian trajectory of rule has led the country to an unprecedented governance crisis and to the deterioration of the media system. Therefore, without structural transformation of the political system, substantial changes in the media system and in the transformation of the public broadcaster can not be expected. Within the current process of political negotiations following the 'Przino Agreement', mediated by the international community, several issues are detected by the experts and journalistic community in order to make urgent reforms in the media system. Here we present some of the most important, including those proposed in our comprehensive study published in 2014 which are still valid.¹⁹⁴ Therefore, we first present some of the original recommendations given in 2014 and then suggest how to implement them within the current process of media reforms in the country.

Media Policy

- (1) Actual independence of the regulator is of crucial importance and introduction of a general merit system by the Parliament for all public officials might raise awareness of the public interest values. This recommendation is of crucial importance for the transformation of the public broadcaster as well. It should be reflected in the urgent amendments of the Law on audio and audiovisual Media Services which are subject to political discussions as part of the Przino agreement. We support the proposal given by the international mediator for amending the system of the so-called authorised nominators in order to 'depoliticize' the regulator: a public competition on which independent experts can apply, a two-thirds majority in the Parliament to elect the members of the regulator, giving the full decision-making capacity to the Council for Audio and Audiovisual Media Services as a collective body (not to its Director as an individual) etc.
- (2) The concept of political pluralism should be clearly defined in the legislation and an obligation for the regulator to monitor and to assess the level of political pluralism in the media should be included.

¹⁹⁴ Trpevska and Micevski, "Macedonia", p. 312.

We propose to include a separate provision in the Law on Audio and Audiovisual Media Services which will impose obligations for the public broadcasting service and of commercial TV stations at state level to reflect different political views in their news and current affairs programs. Similar obligations exist in France where the broadcasters are obliged to air a certain proportion of time for the government, for the opposition and for the other political parties. The regulator is obliged to monitor the fulfillment of these obligations.

Journalists and their practices

- (1) The recently established self-regulatory system at the level of the entire media sector (Press Council) should be further strengthened. The body should consist of experienced and nonpartisan journalists and of well-known experts and academics.

The Council of Media Ethics of Macedonia (CMEM) has been established and achieved significant results in the course of 2015. It is one of the eight top priorities in the current media reform process. Its work should be further supported, both by international community and domestic organisations. The public broadcaster is part of its structure and it should be the institution that gives the biggest support to this body, because its journalistic practices should be a benchmark of quality and professionalism. The PSB editors should actively participate in the complaints and mediations system as well as in the trainings organized by CMEM aimed at advancing the professional and ethical standards of reporting.

- (2) Further strengthening of the civil society sector and professional media organisations is of great importance, since these organisations directly support journalists and their rights and freedoms.

The Association of Journalists has already become a very relevant and influential actor in the overall reform process. Its work should be further strengthened and supported by international and domestic organisations. Advocacy and capacity building activities should continue in the next years.

- (3) The Trade Union of Journalists should be supported in its efforts to introduce minimum labour rights for journalists as a precondition for their independence and freedom.

Trade Unions are still the weakest organisations and they should be given maximum support from international organisations.

Public Service

- (1) Transparency of the decision making process and of the financial work of the public service should be strengthened. All information and documents related to the work of managerial bodies should be published on the MRT Web site.

We propose here a new set of recommendations in order to develop the participatory dimension of the public service model: to amend the existing provisions of the Law with regard to the composition and manner of appointment of the members of the MRT Council, to include obligations in the PSB remit to improve democratic participation of the citizens in its programming; to foster interaction between the Council of MRT and the citizens, as well as the CSOs; to increase the accountability and transparency of MRT financing, to develop and adopt Internal Guidelines for how to interact with the citizens, to improve the internal organizational structure in terms of creating a separate department to gather, analyze and reply to citizens' opinions and content etc.

- (2) The Parliament should organise annual public hearings on the basis of the analyses of the fulfilment of MRT programing functions conducted by the audiovisual regulator and/or independent expert analysis.

The audiovisual regulator should have clear competence to monitor the fulfilment of the overall remit of PSB, and the Parliament should start a practice of open debates, inviting diverse organisations from the civil society sector and from academia to discuss how the PSB is fulfilling its remit. 3) The Public Service Broadcaster should develop a strategic document concerning the fulfilment of its remit on the new media platforms. The strategy should define necessary changes in the internal structure of the PSB, i.e. human resources development, use of new technological possibilities and new communication strategies to reach out to members of society.

8.

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ANNEX 1 – List of Interviews

1. Vesna Shopar, Media Expert, member of the first composition of the Broadcasting Council, interview with the author, May 12, 2015.
2. Klime Babunski, Media Expert, Institute for Sociological, Legal and Juridical Research, interview with the author, May 14, 2015.
3. Ljubomir Jakimovski, former Director General of the Macedonian Radio and Television and President of the first composition of the Broadcasting Council, interview with the author, May 11, 2015.
4. Dragan Sekulovski, Secretary to the Association of Journalists of Macedonia, interview with the author, May 14, 2015.
5. Mirče Adamčevski, President of the Complaints Commission of the Council of Media Ethics and former President of the Broadcasting Council (period 2006-2009), interview with the author, May 13, 2015.
6. Živko Andreski, Media Expert, professor at the European University in Skopje, interview with the author, May 11, 2015.
7. Sefer Tahiri, Media Expert, professor at the South East European University in Tetovo, interview with the author, May 21, 2015

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