

**THE MEDIA SYSTEM:
A LAW IS DELAYED – THE SITUATION IS WORSENING**

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Debate, procedural issues, expressed interests, opposing opinions and other happenings in the broader procedure of passing a new law on broadcasting in the Republic of Macedonia confirm that it is not easy to reach a good and modern legal text (and solutions, of course) on this important issue in the media system and in society in general.

In January 2003, the Government of the Republic of Macedonia announced it was ready to work together with the non-governmental sector in preparing this legal project and proclaimed that the new law would be passed by the end of June 2003 at the latest. Activities were undertaken by the Media Development Center and funded in the framework of South East Europe Stability Pact mechanisms. Many analysts and others who are informed, in the broadcasting field itself, but even more among the professional and scientific public, doubted the capacity (expertise in this area, power of coordination, professional background and personal responsibility) of people from the Center to manage and implement a complex and long-term project such as the passing of a law on broadcasting. Doubts proved justified both in creating conditions for creative and democratic debate and in the process of building proposals into the text of the law.

A New Law is Needed!

The Law on Broadcasting Activity now in effect was passed in January 1997. It resolved a number of important broadcasting issues (procedure for legal operation of electronic media, relations on the media market, amount and purpose of broadcasting tax as a public fee, introduction and powers of the Broadcasting Council...). In the 1997-2001 period, application of the law showed that some of the solutions in it were still producing conflict, that regulation of some issues was outdated, that some provisions were inapplicable and unproductive, that, in short,

reality required new legislation. Thus, a general stand was reached (clearly defined in the most visible form by the Broadcasting Council) that a new law must take more account of the general social context (market economy, political and social pluralism, international concept of human rights and liberties) and that there is a need to shape and develop the media system in the spirit of European, more developed, information and communication systems.

As said already, the procedure started in early 2003. Working groups were formed and lots of symposiums, debates and consultations were held. Towards the end of the year, one variant of the text was sent to the Council of Europe for expertise. When the European experts' suggestions were incorporated into the text of the law, it was sent to the Macedonian Government, or more precisely, to the Ministry of Transport and Communications (as legally responsible for the broadcasting sphere of society). According to unofficial information, the government procedure has not started yet, and therefore there will be no parliamentary deliberation or definitive passing of the law for a while yet. True, it should be said that even at the time of its announcement (January 2003), there were opinions, publicly expressed (including the opinion of the author of these lines) that it will be a great success if the law is endorsed in June 2004. Practice shows that these warnings were justified.

Opposition Proposal Rejected

In the meantime, the situation and relations in broadcasting have changed for the worse: the process of professionalization in electronic media has not started functioning; issues related to obeying legal provisions on economic and political advertising are unregulated; broadcasting tax is collected less than 50% of the taxpaying amount, which jeopardizes the operation and functioning of the public service both at national and at local level (the situation is critical at Macedonian Radio-Television and all 29 local public radio stations); the Broadcasting Council has limited and uninfluential powers; (ab)use of media for political purposes (especially in the interest of ruling state structures) is "visible from an airplane."

The opposition VMRO-DPMNE party on two occasions proposed its own version of the broadcasting law to the Assembly of Macedonia (in the autumn and towards the end of last year). The basis of the opposition proposal does not differ much from solutions offered during the Media Development Center-coordinated debate. The most exposed idea was to abolish payment of radio and television tax as an obligation for citizens who possess radio and television sets and to fund the public

service from the country's budget resources (approximately 20 million euros a year, of which a part would be intended for a new media development fund and operation of the Broadcasting Council).

The Parliament majority (Social-Democratic Union of Macedonia, Liberal Democratic Party and Democratic Union for Integration) rejected the opposition proposal and refused to put it on the Parliament agenda with the excuse that it was waiting for the Government proposal, which has broader support, as the ruling coalition claims. This shows that nothing can be accepted from the opposition, which is the style of governments in all countries of South East Europe.

If what is available to the public, analysts and researchers is summed up, one may say that even proposals in the government concept of the broadcasting law offer certain breakthroughs in the sense of accepting democratic and development solutions. This is related to fulfilling economic, technical and spatial standards for commercial radio and television stations to receive concessions; mechanisms for honoring commitments from concession agreements; defining the status and establishing the full regulatory capacity of the Broadcasting Council; relations in advertising and distribution of the market share.

More Account of the Media

Nevertheless, I think this approach is insufficiently founded and unjustified in the long run. Namely, both the debate and the solutions in the draft law take much more account of the media (better put, of owners and their interests), with things being viewed from the aspect of specific radio and television stations (their rights and obligations, mutual relations), than of the rights and freedoms of citizens guaranteed under the country's Constitution and international documents. It is illustrative in this regard that the programming offer of the public service is not elaborated the right way and with essential elements; the procedure for carrying a correction or reply regarding protection of one's personality is not developed; media operation in election processes is not regulated in this general law from the aspect of free, democratic, lawful and legitimate elections (although European laws recommend it); stimulation of specialized radio and television programs is not envisioned (for family, youth, children...), which would enrich the overall programming offer; a framework is not established for characteristics of advertising in order to protect one's personality; there are no clear ideas on civil, non-profit radio and television stations, although there is an evident need and justification for them. Effective mechanisms are not

envisioned for preventing influence on and abuse of media by political, economic and other power centers.

The old story and already seen experience is being repeated: grand ideas are accepted, democratic values supported, others' successes praised, while in the meantime, only one's own interests and beliefs are respected and the power of government demonstrated. No account is taken of the historically verified, although idealistic value – that in passing a law, it should suit you both while you are in the government and if you become opposition.

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