

Working Paper

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DAVOR MARKO

**Media Reforms in
Turbulent Times: The
Role of Media Assistance
in the Establishment
of Independent Media
Institutions in Serbia**

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Davor Marko



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Democracy for Development
Demokraci për zhvillim
Demokratija za razvoj



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1.

Introduction¹

The Republic of Serbia is located in the central part of the Balkan Peninsula, and is one of seven independent states, established after the break up of multiethnic socialist Yugoslavia. Following the wars at the beginning of 1990s, Serbia remained, together with Montenegro, under the umbrella of the Federal Republic of Yugoslavia until 2003 when the State Union of Serbia and Montenegro was formed. In 2006 Montenegro declared its independence from the State Union. A year later, after it was administered by UNMIK on the basis of the UN Resolution 1244, the territory of Kosovo declared its independence as well. Serbia does not recognize the declaration of independence of Kosovo, but considers the act illegal and illegitimate.²

Serbia is a parliamentary republic with a multi-party system. The National Assembly is unicameral, composed of 250 representatives who serve four year terms. Executive authority is exercised by the prime minister and the government. The president is the head of state, elected by popular vote; the role is ceremonial with little executive, legislative, or judicial authority.³ In 2011, Serbia's population (excluding Kosovo) was slightly above 7 million people. The majority of the population is comprised of ethnic Serbs (82.9%), while the rest are diverse minority ethnic groups (the largest are Hungarians with 3.9%, Bosniaks 1.8%, Roma 1.4%, etc).⁴ Belgrade is the capital of Serbia.

The media system of Serbia passed through several development phases which are closely aligned with the country's recent history. When the Communist era ended and Yugoslavia dissolved in the late 1980s and early 1990s, the Serbian regime, led by the Socialistic Party of Slobodan Milošević, facilitated the "patriotic

¹ Author is very grateful to Snežana Perković Milin, PhD candidate at the Faculty of Political Sciences in Belgrade, for her support and engagement in the process of interviewing, as well as for careful and meticulous reading of the paper.

² The official web page of the Serbian Government states that, "Serbia in its composition also comprises two autonomous provinces: Vojvodina and Kosovo-Metohija." See Official Website of the Serbian Government, <http://www.srbija.gov.rs/pages/intro.php?id=5> (Accessed November 11, 2012).

³ "Ustav Republike Srbije" [Constitution of the Republic of Serbia], *Official Gazette of the Republic of Serbia*, no. 98/2006, Articles 111 and 112.

⁴ See Popis u Srbiji 2011 website [Serbia Census 2011], last modified June 5, 2013, <http://popis2011.stat.rs/> (Accessed on June 7, 2013).

front” in the 90s⁵ which enabled Milošević to control a large portion of the media space. This period was marked by a strong etatization of the leading public media, the adoption of undemocratic laws and regulations in the media sphere, and an increasing number of local and private electronic media (the so called “chaos in ether”).⁶ Newly established independent or oppositional media were mainly supported by international donors. Successive governments in post-Milošević Serbia established a new legal framework for media in accordance with European standards. Strong ties between media outlets and political actors remain, using new forms of mutual interdependence. The Serbian media market is still overly saturated with media outlets. The inherited chaos in the print and electronic media was conducive to irregular conditions in the market, unfair competition and a general inability to establish or adhere to professional standards and values.

Today, Serbia has a dual broadcasting system with both public service broadcasters and commercial television and radio stations. Serbia’s independent regulatory body for broadcasting, the Republic Broadcasting Agency (RBA), is in charge of spectrum management, licensing and implementing the broadcasting laws and regulation. This is to be distinguished from the domain of telecommunications, which is under the supervisory author of the Republic Telecommunication Agency (RTA).

According to the IREX Media Sustainability Index 2012, Serbia has an unsustainable mixed media system. This means that “the country minimally meets objectives, with segments of the legal system and government opposed to a free media system.”⁷ Compared to previous years, there is a drastic drop in rankings in each of the categories, primarily due to economic and political downturns. In addition, donors and external supporters of independent media have slowly withdrawn their support, and the European Union does not substantially (or directly) support the media institutions but relies by and large on conditionality.

⁵ Tadeusz Mazowiecki, Specijalni izveštaj o medijima izvještača UN-a imenovanog Rezolucijom 1994/72 Komisije za ljudska prava UN-a, E/CN.4/1995/54 [UN - Commission on Human Rights, Special report on the media: Report of the Special Rapporteur submitted pursuant to Commission resolution, 1994/72, E/CN.4/1995/54], (UN - Commission on Human Rights, December 13, 1994), p. 35; Kemal Kurspahić, *Zločin u 19:30: Balkanski mediji u ratu i miru [Prime Time Crime: Balkan Media in War and Peace]* (Sarajevo: Mediacentar, 2003).

⁶ Rade Veljanovski, *Medijski sistem Srbije* [Media System of Serbia] (Beograd: Čigoja, 2009), p. 24.

⁷ IREX, “Serbia at a Glance,” in Serbia Media Sustainability Index 2012 (IREX, 2012), pp. 130-131.

Table 1.1. Scores for Serbian media, according to the IREX Media Sustainability Index

Indicator	Year			
	2001	2005	2009	2012
Free Speech	1.72	2.39	2.21	2.00
Professional Journalism	1.43	1.75	1.89	1.72
Plurality of News Sources	2.21	2.71	2.64	1.93
Business Management	1.73	2.86	2.45	1.71
Supporting Institutions	2.21	2.79	2.58	2.17
Overall Score	1.86	2.39	2.06	1.90

Source: IREX, Media Sustainability Index, 2001, 2005, 2009, 2012.

EU progress reports on Serbia for recent years have indicated some progress in the sphere of media, but qualified it as slow, inadequate and “moderately advanced.”⁸ The 2012 Report stressed the fact that the media strategy, aiming to align Serbia with the EU *acquis* in this area, has been adopted by the government but without adequate support for its implementation (e.g. action plans). The report from the previous year outlined the partial capacities of both regulatory bodies to apply the regulation and the need to strengthen their independence and accountability.⁹

Throughout the last two decades a significant role in the development of the media system can be attributed to international assistance programs. Through the period of Milošević rule, during the 90s, the assistance primarily focused on supporting independent media (Radio B92, TV Studio B, the daily *Naša borba*, newsmagazine *Vreme*, etc.) with the aim to provide an alternative voice for the public in Serbia. These assistance efforts ensured the economic survival of these independent media outlets. After the start of the democratization processes in late 2000 and the fall of the Milošević regime, international media assistance expanded in scope, trying to address various issues such as the adoption of an adequate legal framework, the establishment of regulatory bodies and practices, the transformation of the state TV into a public service broadcaster, and the empowerment of journalists and media managers to cope within the market conditions.

This chapter will explore the development of independent media institutions in Serbia, from the mid-90s until today, with special attention given to international media assistance. The contribution aims to systematize existing knowledge and available data on media assistance and the development of independent media

⁸ European Commission, Serbia 2012 Progress Report, SWD(2012) 333 (European Commission, October 10, 2012).

⁹ “Serbia 2011 Progress Report,” European Commission, 2011; “Serbia 2010 Progress Report,” European Commission, 2010, see at European Commission website: <http://ec.europa.eu/> (Accessed January 10, 2013).

institutions in Serbia, and to analyze observed trends. The main research questions that are answered relate to three domains – the contextual domain, the domain of international media assistance, and the domain related to the independence and functionality of selected media institutions in Serbia. In order to obtain more thorough insights into the link between international assistance programs and the development of media institutions in Serbia, three case studies are presented: the principal regulatory institution – the RBA, the Public Service Broadcasting of Serbia – RTS, and the private TV station – B92 – supported financially and logistically by international donors.

The chapter proceeds as follows: first it provides an overview of the link between the political context and the media, followed by an analysis of international media assistance to Serbia during the last 20 years, and the three case studies. The chapter concludes with a discussion of key findings, trying to outline potential links between the local and institutional context with media assistance efforts, and how those converge to produce different results in terms of the development of media institutions in the country.

2.

Background: Political System and Media System

Taking into account its transitional path, socialistic legacy, cultural heritage, political and economic development, Serbia could be classified as a “hybrid” regime.¹⁰ In combining various characteristics of its preceding authoritarian regimes (socialistic during the former Yugoslavia, and autocratic during Milošević in the 1990s) with the introduction of democratic institutions and their further development, Serbia now seems to be somewhere in between – it is no longer an autocracy, but neither is it a fully developed democracy.¹¹ As political scientists in Serbia claim, “democratization effects range, in an unspecified field, between above the threshold of electoral democracy and below consolidated democracy.”¹² It has the form (laws, institutions, procedures, party pluralism, etc.) but lacks the substance of a meaningful democratic political culture.

Serbia resembles a subject political culture¹³ that is inherited from the socialistic period and determines the perceptions and behavior of ordinary people towards political and public authorities, including public service broadcasting. The crisis of the common Yugoslav identity and the rise of Serbian nationalism during the late 1980s and early 1990s led to the birth of a new authoritarian culture in Serbia.¹⁴ This culture, which some would describe as a “regime of fear” produced the

¹⁰ Katrin Voltmer, “How Far Can Media Systems Travel?,” in *Comparing Media Systems Beyond the Western World*, eds. Daniel C. Hallin and Paolo Mancini (New York: Cambridge University Press, 2012), pp. 240-241.

¹¹ Ibid.

¹² Jovanka Matić, “(Too) High expectations of democracy in Serbia? Interpretation of empirical research,” *Southeastern Europe* 36, no 3 (2012), p. 305.

¹³ Subject political culture, as a type of pure political culture (besides parochial and participant), has been outlined by Almond and Verba in their *Civic Culture* (1963). As they described, subject political culture can be detected when “citizens are aware of central government, and are heavily subjected to its decisions with little scope for dissent.” Additionally, they are aware of the main actors in politics, but are subjected to their decisions, rather than being an active part of the political community. See Gabriel A. Almond and Sidney Verba, *The Civic Culture* (Boston, MA: Little, Brown and Company, 1965).

¹⁴ Zagorka Golubović, Bora Kuzmanović and Mirjana Vasović, *Društveni karakter i društvene promene u svetlu nacionalnih sukoba* [Social Character and Social Change in the Light of National Conflicts], (Beograd: Institut za filozofiju i društvenu teoriju “Filip Višnjić,” 1995).

phenomenon of “plebiscetarian-ceasarism” when one subject governs the state as a dictator, using all legal and democratic means to remain in power.¹⁵ The case of Serbia mirrors researchers’ claims that media systems are social constructions, reflecting conditions and changes at a political level, and specific patterns of politics-media relations.¹⁶ As a consequence of the one party dominance Serbian citizens witnessed a “hegemonic public sphere in which the ruling party’s interpretation of the political situation prevails while oppositional views are marginalized and even delegitimized.”¹⁷

Consequently, mainstream media in 1990s Serbia were misused by the regime. The installation of directors and editors-in-chief loyal to Milošević and his Serbian Socialistic Party (SPS) enabled control of the major part of media space, spreading propaganda and excluding oppositional voices. The main regime-controlled media were the state broadcaster RTS and the newspaper *Politika*.¹⁸ This period was also characterized by the adoption of undemocratic laws and regulations in the media sphere, an increased number of media (so called “chaos in ether”), an unregulated market, and the establishment of independent media outlets and associations.¹⁹

The instrumentalization of the mainstream media called for the establishment of an alternative voice for the Serbian public. At the beginning of the 1990s, foreign donors supported the development of independent media. The Serbian media scene was sharply divided into two camps, pro-governmental, and non- or even counter-regime media. Many would additionally divide non-regime media into the oppositional and the independent. While the former, with a strong anti-Milošević agenda, operated in line with oppositional parties, independent media strived for establishing professional, politically unbiased, standards in their work.

Independent media, along with the movement “Otpor” (Resistance), were among the most active in the preparation of the October revolution when Milošević was overthrown. Following his rejection of the election results for the President of the Federal Republic of Yugoslavia, a series of events, leading to revolution and his final downfall occurred in Serbia. Some call this event the “Bulldozer revolution” since one of the most memorable episodes from the days of the protest was when

¹⁵ Milan Podunavac, *Revolution, Legitimacy and Order: The Case of Serbia* (Belgrade: Čigoja), pp. 261-286.

¹⁶ This is actually not only Voltmer’s claim but can be traced back to Humphreys 1996, Hallin and Mancini 2004. In total we call this “systemic parallelism.” See in: Voltmer, “How Far Media Systems Travel?,” p. 236.

¹⁷ Ibid, p. 242.

¹⁸ Mark Thompson, *Kovanje rata: Mediji u Srbiji, Hrvatskoj i Bosni i Hercegovini* [Forging War: The Media in Serbia, Croatia, Bosnia and Hercegovina], trans. Miodrag Pavić (Zagreb: Hrvatski helsinški odbor, Građanska inicijativa za slobodu javne riječi i ARTICLE 19, 1995); Dušan Reljić, *Killing Screens: Media in Times of Conflict* (Dusseldorf and Paris: European Institute for the Media, 2001); Kurspahić, *Prime Time Crime*.

¹⁹ Veljanovski, *Media System of Serbia*, p. 24.

the protesters used a bulldozer to charge against the RTS building. Following the political changes in 2000, links between the government and the leading media in Serbia gradually weakened and the content and the manner of reporting became more pluralised. The formerly strict division between pro-regime and oppositional media disappeared, and the newly elected government considered the media as their partners.

In practice, post-Milošević governments - declaratively of pro-European and democratic orientation - continue to misuse and exert control over the media in a subtle way. Notably, elected politicians have obstructed necessary structural changes to the media system as described below. Instead of stable, strategic and long-term goals at the beginning of the media transition, the state only adopted laws necessary for initial transition and regulation.²⁰ After the assassination of Serbian Prime Minister Zoran Đinđić in March 2003, the government introduced a 42-day state of emergency. During this period, the government suddenly adopted a new Public Information Act, "introducing last-minute restrictions on the media without consulting the independent media experts who had co-written the law."²¹ Arguably, most media laws were only adopted in order to meet preconditions for membership of the Council of Europe and the EU. Professional demands and criteria became less important and even dismissed, while political loyalty was given advantage.

Reforms in the domain of the legislative were important for setting the new environment, open for the establishment and further development of important media institutions. Following the main idea of the veto players theory, that "in order to change the legislative *status quo* a certain number of individual / or collective actors have to agree,"²² it seems that the Serbian case seems to exemplify policy stability. Besides the National Assembly, the key state organ entitled to discuss, amend, and adopt laws, are political parties (collective) that influence the process of legislation adoption through Government and various parliamentary bodies (for example, the Committee on Information and Media). However, Serbian practice indicates that, in the preparation of new legislation, various ministries and state organs behave as the sole "masters of the game", neglecting the role of other players, and diminishing legislative stability. It seems that the *modus operandi* of their work has been, repeatedly, that having established expert working groups that

²⁰ The most important laws adopted in this period were the "Zakon o radiodifuziji" [Broadcasting Act] *Official Gazette of the Republic of Serbia*, no. 42/2002, 97/2004, 76/2005, 79/2005, 62/2006, 85/2006 i 86/2006, the "Zakon o javnom informisanju" [Law on Public Information], *Official Gazette of the Republic of Serbia*, no. 43/2003, 61/2005, the "Zakon o slobodnom pristupu informacijama od javnog značaja" [Law on Free Access to Information of Public Importance], *Official Gazette of the Republic of Serbia*, no. 120/2004, 54/2007 and the "Zakon o oglašavanju" [Law on Advertising], *Official Gazette of the Republic of Serbia*, no. 79/2005.

²¹ IREX, Serbia Media Sustainability Index 2003 (IREX, 2003), p. 89.

²² George Tsebelis, *Veto players: How Political Institutions Work* (UCLA, 2008), p. 34.

prepare the texts of laws that follow the best international practices, and having conducted working meetings, the expert working groups then become forgotten or neglected, or are given short and unrealistic deadlines.²³ This was the case with the Public Information Law in 2003 (adopted during the state of emergency), The Law on Amendments to the Public Information Law (2009, proposed with total disregard of the working group), and the Media Strategy (2011).

Important agents able to influence the preparation, adoption and even obstruction of media laws in Serbia were business groups (very influential), courts (corrective role), and non-governmental organizations and professional associations (less influential). For instance, one business group, the Association of Private Media, the organization of the most influential print media owners and publishers, successfully stopped the adoption of the Law regulating ownership transparency and media concentration in 2008. “This association blocked the process of passing the Law (...) even though the law was made during a two-year process, went through a public hearing, and received a positive opinion from the European experts.”²⁴ In 2010, the Constitutional Court found most of the provisions of the Law on Amendments to the Law on Public Information, adopted in 2009, to be in disaccord with the Constitution and international treaties.²⁵

The Serbian media market is too small to be able to meet the needs of all media. The advertising revenue in the media sector is approximately EUR 175 million. Out of this amount, 98 million go to TV, 42 million to print, 8 million to radio, and 6.5 million to Internet.²⁶ In comparison, in 2001 revenues were \$US 30 million (EUR 22 million), and the biggest increases in revenues were recorded in 2002 (67 per cent) and in 2007 (52 per cent). Most of the media projected their budgets in line with the (expected) annual increase of advertising revenues on the market. However, in 2009, there was a decrease of 22 per cent, which seriously questioned the survival of many commercial media in Serbia.

Table 2.1. Annual advertising revenues on the Serbian market 2001 - 2011 (in million EUR)

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Revenues	30 ²⁷	50	65	80	95	115	175	206	161	175	175

Sources: IREX Media Sustainability Index

²³ Slobodan Kremenjak, “Obstacles on the Road towards a New Regulatory Framework for the Media in Serbia,” *ANEM Publication*, no IV, December 2010, pp. 31-33.

²⁴ Interview with Dr. Rade Veljanovski, Media Expert, Faculty of Political Sciences Belgrade, January 21, 2013.

²⁵ Interview with Dr. Vladimir Vodinelić, Expert on media law, Faculty of Law, University of Union, Belgrade, February 28, 2013.

²⁶ AGB Nielsen, cited in the “Serbia at a Glance,” p. 130.

²⁷ This amount is in US \$.

This situation made the media vulnerable and easy to manipulate by the state. As the former USAID representative responsible for media assistance in Serbia, Rich McClear, stated, “the continuing economic problems reinforced the government’s will to maintain its traditional control over the media, leaving outlets in Serbia very vulnerable to pressures by the state and political and business interest groups.”²⁸ The State exercised its influence on the media through budget lines aimed to support public information – funds that local-level governments (municipal governments) regularly spend on media as well as contracts for the provision of information and other specialized services between government institutions and media outlets. Based on the analysis from 2010, approximately one quarter of media income comes from state institutions.²⁹ Out of EUR 175 million of total advertising money on the Serbian market in 2010, the state spent EUR 15 million on advertising and promotion and up to EUR 25 million through various public calls for financing.³⁰ In recent years the questionable practice of “allocating state-owned company advertising to individual media outlets along clientelistic lines”³¹ continued. In 2010, the Serbian government spent around EUR 450,000 on indirect media services on the basis of specialized services for information and contract services, with no clue on how this support contributes to media development.³² As a very likely consequence, the media supported in this way provide a positive coverage of the incumbent politicians and parties.³³ This results in a business determined dependency, when business interests partially overlap with political interests.³⁴

Arguably, state authorities intentionally licensed an unusually high number of media to operate legitimately in Serbia. At the beginning of the 2000s, more than 1000 TV and radio stations existed in Serbia.³⁵ Today 186 radio and 173 TV stations

²⁸ Interview with Rich McClear, Former Chief of Party of USAID media assistance programs, February 11, 2013.

²⁹ Government of the Republic of Serbia Anti-Corruption Council, Report on Pressures on & Control of Media in Serbia, 72 no. 07-00-6614/2011-01 (Belgrade: Government of the Republic of Serbia Anti-Corruption Council, September 19, 2011), pp. 3-4.

³⁰ Ibid.

³¹ Jan Zielonka and Paolo Mancini, “Executive Summary: A Media Map of Central and Eastern Europe” (United Kingdom: University of Oxford, London School of Economics and Politics, 2011), p. 5.

³² BIRN Serbia, “Ministarstva potrošila milione na medijske usluge,” [Ministries spent millions on media services] Skockajte budžet, November 2, 2011, www.skockajtebudzet.rs (Accessed on January 11, 2013).

³³ Interview with Dr. Jovanka Matić, Media researcher and analyst, Institute for Social Sciences Belgrade, January 25, 2013.

³⁴ Voltmer, “How Far Can Media Systems Travel?”; Zielonka and Mancini, “Executive Summary.”

³⁵ Veljanovski, *Media System of Serbia*, pp. 66-67.

are still licensed for their work.³⁶ When discussing the number of broadcasting licenses, some experts³⁷ criticized the logic undertaken by the RBA. Instead of taking into account the economic aspect and potential of media to survive in a small and undeveloped market, the maximum number of licenses, in technical terms, were distributed.

Recent reports³⁸ indicate undeveloped professional standards and weak institutionalized self-regulation in Serbia. The Ethical Code, agreed in 2006, was an important step in advancing professional self-regulation. It contains all the necessary provisions related to safeguarding the journalistic profession, such as objective reporting, independence of the media, responsibility, provisions related to sources, privacy and authorship protection. However, it has been violated many times, and the main violations have been particularly frequent in daily political tabloid papers.³⁹ The Press Council in Serbia was established in 2010, following a long discussion on its structure, decision-making and sources of finance. It monitors the way the print media respect the Ethical Code and deals with individual and institutional complaints related to violations of its provisions.

Serbian civil society promoted the establishment and the rise of independent media and alternative voices during the '90s. However, similar to many states of the region, civil society was not developed as a distinct societal force, free from state influence and instrumentalization for political purposes.⁴⁰ At the beginning of the 2000s, some of the civil society groups lost their *raison d'être* (counter-Milošević struggle) and disappeared from the scene, or changed their missions according to the new conditions (became legitimizers of certain politics or advocates of EU integration). From 2000, in the field of media, the role of professional associations became increasingly important. The main obstacle for their joint work is the fact that they were divided along ideological and even territorial lines. For example, in the case of the Association of Journalists of Serbia, UNS, and the Independent Association of Journalists of Serbia, NUNS, what divides them is their relation

³⁶ The Republic Broadcasting Agency, *Komercijalni emiteri sa nacionalnim pokrivanjem: Načini ispunjavanja zakonskih i programskih obaveza: Izveštaj za 2011. godinu* [Commercial Broadcaster with National Scope: How They Meet Legislative and Program Demands: Report for 2011 Year], (Belgrade: The Republic Broadcasting Agency, November 2012).

³⁷ For example Jovanka Matić from the Institute for Social Sciences and Rade Veljanovski from the Faculty of Political Sciences.

³⁸ Jovanka Matić, "Serbian Media scene vs. European Standards: Report based on Council of Europe's Indicators for Media in a Democracy" (Belgrade: ANEM, 2012).

³⁹ Veljanovski, *Media System of Serbia*, pp. 150-153.

⁴⁰ The best example, illustrating this trend, is the people's movement "Otpor" (Resistance), which played a crucial role in 1999, 2000 when the regime of Slobodan Milošević was abolished, and democratic changes happened. In 2003 "Otpor" became a political party, but failed to achieve a significant result in elections, and in 2004 it was merged with the Democratic Party.

towards the past and the 1990s.⁴¹ The Independent Association of Journalists of Vojvodina (NDNV) serves as an illustration for territorial divisions, to have a regional self-governing organization of journalists can be considered a positive development. It works closely with NUNS, sharing its ideological stance, and showing in its work a much higher degree of sensitivity towards minority issues and diversity.

In 2010, five associations (the three above-mentioned plus ANEM - Association of Independent Electronic Media⁴² and Local Press⁴³), established cooperation within the frame of a media coalition. All five associations agreed on a common platform in order to create an equal partner to the state of Serbia, and their ultimate activity was to draft the Strategy for the Development of the Public Information System in the Republic of Serbia until 2016.⁴⁴ The Strategy aims to define the main directions of development of the public information system in Serbia, taking into account the freedom of the media as a basic principle. This was an externally-supported initiative by IREX and the European Commission.

In sum, the Serbian media system reflects existing research on transition countries of CEE in the domains of state politicization, political parallelism, and media professionalism as elaborated by Zielonka and Mancini (2011) and Votmer (2012). When analyzing Serbia against the parameters of Hallin and Mancini's concept of media systems, it meets most of the characteristics of the polarized-pluralist model.⁴⁵ Apart from strong political parallelism, the main characteristics of its media system are the hegemonic role of the state over non-state actors, the increased role of political parties (developed into a "partitocracy", which could be

⁴¹ In 1994, former UNS members established a new association, adding the term 'independent' to the name. NUNS strongly opposed political instrumentalization of the media and openly resisted attempts to put the media in the service of the Milošević's regime. In 2009, NUNS filed a criminal charge against an unnamed journalist who worked for RTV Belgrade, RTV Novi Sad and dailies *Vecernje Novosti* and *Politika* in the 1990s. UNS strongly opposed the idea of examining the media's role during those years. See Davor Marko, "The role of professional journalist associations in generating professionalism and accountability of the media in BiH (policy study)" (Sarajevo: Open Society Foundation, 2012), pp. 12-15.

⁴² The Association of Independent Electronic Media (ANEM) is a business association comprised of 28 radio stations and 16 television companies, as well as more than 60 affiliated organizations. It was founded in 1993 in order to strengthen independent broadcasters in a period that was very difficult for the media that opposed the regime. Their activities include lobbying for media laws, education of media staff, legal help, and technical support for their members.

⁴³ Local Press is a media organisation gathering local print media. It was established in 1995, and currently has 25 members. Its activities include representing the professional interests of its members, joint marketing and business initiatives, and staff training.

⁴⁴ See OSCE Mission to Serbia website: <http://www.osce.org/serbia/78448> (Accessed on January 15, 2013).

⁴⁵ Daniel C. Hallin and Paolo Mancini, *Comparing Media Systems: Three Models of Media and Politics* (New York: Cambridge University Press, 2004), pp. 46-65.

considered as a type of a “hybrid” model), and weak and insufficient development of a rational legal authority. Various media outlets in Serbia, depending on state and advertising money controlled by the existing political options, report in favour of exclusive political options (usually those in power). Even the public service, RTS, has been labelled as “politicized,” favouring the political options and politicians in power, neglecting the oppositional voices and marginalizing minorities in its structures and its program.

Besides external pluralism, what characterizes journalism practices in Serbia are commentary-oriented journalism, the lack of professional standards in reporting and investigative journalism, relatively biased reporting and reliance on unilateral sources.⁴⁶ In addition, media content reflects political divisions within society, as well as ethnical and territorial divisions. The trend of tabloidization represents a new means for various groups to spread and promote their particular interests. Short-lived tabloids are regularly used in campaigns against persons, companies and organisations. Matić observes that “their editorial policies are characterised by conservatism, nationalistic ideology, hate speech, and disregard of professional and ethical norms. Their sources often remain murky, and their possible ties with the secret service and shadowy businesses are frequently discussed in professional and public circles.”⁴⁷

⁴⁶ Interview with Dr. Jovanka Matić, Media researcher and analyst, Institute for Social Sciences Belgrade, January 25, 2013.

⁴⁷ Ibid.

3.

Democratization and Media Assistance: An Overview

This section offers an overview of the most important international efforts to support Serbian independent media. Media assistance, the most significant approaches, their intensity and levels, and the most important actors, have been analysed through five significant phases provided within this section.

3.1 Phases and Approaches

Media assistance in Serbia was established at the beginning of the 90s. In general, it was a long-term process, of non-linear character, requiring different and contextually dependent approaches and strategies. It could be analysed through at least five phases significant in the socio-economic and political development of Serbia. The phase from 1990 to 1995 we can mark as a period of severely restricted access; after 1995 to 1998 we have the post-Dayton phase; in 1998 and 1999 the Kosovo conflict provoked a crisis and a new repression of independent media by the Serbian regime. From 2000 to 2008 political changes resulted with more policy oriented and substantial steps in the reform of the media sector, while the economic crisis in 2008 influenced a decrease in the media market and in Serbia as a whole, and instigated a new form of dependency on the state.

Table 3.1. Media Assistance in Serbia – phases and main characteristics

Phase	Main characteristics / Contextual	Media assistance	
		Main characteristics	Main Actors
<i>Severely restricted access</i> (1990 – 1995)	<ul style="list-style-type: none"> • Strong and authoritarian rule of the Milošević regime • Restricted access for donors • Independent media in “survival mode” 	<ul style="list-style-type: none"> • Directed mostly to individual media outlets (through trainings and technical support) • No focus on broader policy issues • No coordination • The help to local media was classified as humanitarian assistance 	<ul style="list-style-type: none"> • Open Society Fund (OSF) • EU (through the International Federation of Journalists) • US Government (through International Media Fund) • Swedish Helsinki Committee (SHC)

Phase	Main characteristics / Contextual	Media assistance	
		Main characteristics	Main Actors
<i>Post-Dayton phase (1995 – 1998)</i>	<ul style="list-style-type: none"> • End of the war in BiH and Croatia (1995) • Opposition won elections in local communities all across Serbia (1996) • Pro-active role of independent media 	<ul style="list-style-type: none"> • Liberalized access of donors to independent media • Politically-driven support (independent media as a means of political change) • Coordination among donors • Creation of ANEM as a joint platform for local media 	<ul style="list-style-type: none"> • OSF • USAID • IREX • EU (through SHC) • British Embassy
<i>Kosovo crisis and a new repression (1998-1999)</i>	<ul style="list-style-type: none"> • Armed conflict in Kosovo (1998, 1999) • NATO bombing over Serbia (1999) • Independent media became stronger and more influential • Adoption of the “draconian” Public Information Law 	<ul style="list-style-type: none"> • US officials were not allowed to work in Serbia • Politically-driven support (independent media as a means of political change) • Strong and institutionalized coordination among donors 	<ul style="list-style-type: none"> • US based donors (including US Embassy, USAID, IREX, OSF) • The Swedish Helsinki Committee • Norwegian People’s Aid • EU
<i>Democratic changes and building enabling environment (2000-2008)</i>	<ul style="list-style-type: none"> • Democratic changes on October 5, 2000 – overthrow of Milosevic • Adoption of new laws and regulations in the domain of the media • Setting the EU enlargement agenda as the main goal • Clash between government and independent media over their mission 	<ul style="list-style-type: none"> • International donors flooded Serbia with money • Policy oriented assistance - building an enabling environment • focus on contextual changes – legislative reform, institution building, and trainings in the field of media management and marketing 	<ul style="list-style-type: none"> • This period brought a new shift in donor strategies – US based donors were moving to other regions • But, USAID, IREX, and NED remained, • The EU (through EAR, CARDS, IPA, Stability Pact, and EIDHR)
<i>Economic crisis, and “partitocracy” (2008 – present)</i>	<ul style="list-style-type: none"> • Economic crisis • Decline in market revenues in 2009 • New forms of dependence on state money • No more substantial support from the donors • Adoption of Media strategy 	<ul style="list-style-type: none"> • International donors decreased their investment and provided support for project-based initiatives (for example, EU promotional projects). • There is no strategically oriented and direct financial support for media development 	<ul style="list-style-type: none"> • The EU (through EAR, CARDS, IPA, Stability Pact, and EIDHR) • USAID, IREX, NED • Civil Rights Defenders • KAS Media Program

Until 1995, due to severe isolation and sanctions, the access of donors to Serbia was restricted. Direct involvement of Western governments was not welcomed by Milošević's regime. The help given to local media outlets was not categorized as media assistance, but rather direct supplies (usually paper for newsprint) were classified as humanitarian assistance.⁴⁸ The development and survival of independent media largely depended on international aid. The OSF, the EU (through the International Federation of Journalists), the US government (through the International Media Fund), and the Swedish Helsinki Committee (SHC), were the main donors. As one media expert explained in the USAID assessment report (2002): "US support [from 1990 to 1995] was sporadic, European aid was small but steady, and Soros was our lifesaver."⁴⁹ External support was directed mostly to individual media outlets while there was no major focus on broader policy issues. Trainings and technical support were provided in order to strengthen independent and oppositional media "to overcome state domination and allow citizens to develop and support alternatives to authoritarian regimes."⁵⁰ In terms of strategy, media assistance in this phase was characterized by high external funding dependence, non-systemic support to particular media outlets and organizations (namely Studio B, Radio B92, Vreme, Danas, and later Independent Journalist's Association of Serbia, Mediacentre). It was externally designed and developed, and it was of a rather disruptive character due to the lack of enabling environment for the development of independent media.⁵¹ This period was also characterized by the lack of coordination among donors.

After the Dayton Agreement in 1995, international donors, governments and agencies had greater access to Serbian media. In spite of the fact that the regime tended to present itself as peacemaking,⁵² the authoritarian regime continued to use repression over the media.⁵³ The turning point for further media liberalization

⁴⁸ Monroe Price, "Mapping Media Assistance" (The Programme in Comparative Media Law & Policy, Centre for Socio-Legal Studies, University of Oxford, February 2002), p. 1.

⁴⁹ Rich McClear, Suzi McClear, and Peter Graves, "US Media Assistance Programs in Serbia: July 1997 – June 2002" (Bureau for Policy and Program Coordination, November 2003), p. 5.

⁵⁰ Aaron Rhodes, *Ten Years of Media Support to the Balkans: An Assessment* (Amsterdam: Media Task Force of the Stability Pact for South Eastern Europe, 2007), pp. 11, 18-19.

⁵¹ Price, "Mapping Media Assistance," p. 57.

⁵² Even the international community for years considered Milošević as the only politician that could bring peace to the former Yugoslavia. See Adam LeBor, "Comment: Milošević the Peacemaker," Institute for War and Peace Reporting, April 29, 2005.

⁵³ In the form of a ban (in December 1996, the Serbian Government shut down Radio Boom 93 from Požarevac) or take over (in 1996, the regime installed a new management in the independent RTV Studio B from Belgrade).

was the political changes at the local level that happened in 1996/1997.⁵⁴ As a consequence, local media were liberalized from direct political influence and repression, and a new basis for media assistance was created. This was the period when Radio B92 and Radio Index gained over a million weekly listeners each.⁵⁵ In June 1997, the ANEM⁵⁶ launched a network consisting of 19 affiliated members, all independent local media. This number dramatically increased to 35 members in 1998, and by 2000, its membership had increased to more than 100 radio/TV stations. This network, supported by various donors, developed into a powerful platform that empowered local media. In this period, the activities of international actors became more focused, coherent, coordinated, and strategically oriented, aiming to influence political changes in Serbia. Besides direct financing, technical support and trainings, international actors offered their assistance in awareness-rising. Substantial donor aid helped independent media to develop into active agents on the Serbian media scene, capable of spreading information quickly. “Surveys showed that large numbers of Serbs received information from these stations. Independent news agencies and publications influenced public and elite opinion and aided the regime-change effort.”⁵⁷ The most active international actors involved in media assistance programs were OSF, EU (through Swedish Helsinki Committee) and USAID. This was the period when donors started to coordinate their activities.⁵⁸

From February 1998 until June 1999 the armed conflict over Kosovo⁵⁹ took place. While independent media became stronger and more influential, Milošević’s regime weakened and became vulnerable. In 1998, the Serbian regime attempted

⁵⁴ Anti-regime protests in Serbia took place during the winter of 1996-1997, when the oppositional coalition “Zajedno” (Engl. Together) and students reacted to the electoral fraud after local elections held in 1996. Protests lasted until February 1997 when Milosevic signed the “lexspecialis” which confirmed the victory of opposition parties in several Serbian cities and enabled them to establish local governments. See “Protests in Belgrade and throughout Yugoslavia—1996/1997,” The Balkan Peace Team, December 13 1996.

⁵⁵ BeoMedia, “Radio Listening Report, January 5–9, 1997” (Belgrade: BeoMedia, 1997).

⁵⁶ ANEM was founded in 1993 by Radio B92 from Belgrade, Radio Boom 93 from Pozarevac, and Radio Bajina Basta, while first to join them were Radio Smederevo and Radio Cetinje. Their initial goal was to unite existing isolated media as the first step towards breaking the state-controlled media monopoly. In 1997, ANEM was formally registered by its founders - Radio B92, Radio Boom and Radio Cetinje. Source: Saša Mirković, president B92 Trust, ANEM president, e-mail message to author, April 18, 2013.

⁵⁷ McClear, McClear, and Graves, “US Media Assistance Programs in Serbia,” xi.

⁵⁸ For example, in 1998, Open Society together with USAID and the EU organized a donor conference, pledging \$ 2.5 million each to support ANEM.

⁵⁹ More on Kosovo conflict: Andrew Bacevich and Eliot Cohen, *War Over Kosovo: Politics and Strategy in a Global Age* (New York: Columbia University Press, 2001); Noel Malcolm, *Kosovo: A Short History* (London: Pan, 2002); Thomas Nigél, *The Yugoslav Wars (2): Bosnia, Kosovo And Macedonia 1992 – 2001* (Oxford: Osprey Publishing, 2006).

to impose strict control over all media with a draconian Public Information Law⁶⁰ that gave Serbian authorities a legal basis to control and interfere with the media, and to oppress independent and oppositional media. This law was based on the idea that “media are something dangerous, and that a sort of state censorship has to be established.”⁶¹ This was the period when US officials were not allowed to work in Serbia. Therefore, US-based donors established their offices in Budapest (US Embassy) or in Podgorica, Montenegro (IREX), and continued to support independent media from the outside. The Swedish Helsinki Committee, Norwegian People’s Aid, and OSF reopened their offices after the bombing ceased.

After the “October revolution” in 2000, the newly elected government supported reforms in all sectors of society, including the media. They considered donors as partners. As Presnall observes, “international donors virtually flooded Serbia with money to seize a perceived window of opportunity to boost efforts at democratization of the new order.”⁶² However, new conditions provoked a conflict between the independent media and government: Pro-democratic politicians expected the same level of support from media as they had during the Milošević period, while most of the independent media continued to do their job and criticise. In terms of media assistance, a variety of strategies and approaches were implemented. The media assistance was focused on building an enabling environment for the media to do their work, and their assistance became more policy oriented, with a focus on contextual changes – legislative reform, institution building, and trainings in the field of media management and marketing related issues. “Survival mode” was replaced with a state of development where the crucial word was – sustainability. External actors provided various kinds of help – financial (the main support went to RTS, B92, ANEM and more than hundred local and regional media), educational (for example, BBC provided an extensive training program for RTS staff), expertise and consultancy (the role of the CoE and OSCE was significant while the legislation was prepared). This period brought a new shift in donor strategies. US organizations paid less attention to Serbia after 9/11, following their international policy interests and moving to other regions. The leading role in the democratization and further development of Serbia was taken by the EU through the Stability Pact (2002-2006),⁶³

⁶⁰ This Law, usually labeled as “Vučić’s law,” was enacted when the current first deputy Prime Minister in the Serbian Government, Aleksandar Vučić (in office from July 2012), served as minister for information (1998-2000) in the Milošević regime.

⁶¹ Interview with Vladimir Vodinelić, Expert on media law, Law Faculty, University UNION, Belgrade, February 28, 2013.

⁶² Aaron Presnall, “Which way the wind blows: democracy promotion and international actors in Serbia,” *Democratization*, Vol. 16, no. 4 (August 2009), p. 662.

⁶³ WTI Media Task Force Document, Support to Media in SEE: Strategy 2001 – 2004 (Stability Pact for South Eastern Europe).

CARDS programme (European Agency for Reconstruction, 2001-2008⁶⁴), and IPA funds (from 2006). Examples of systemic approaches could be found in direct support to the transformation of public media (the case of RTS), the establishment of new commercial TV with a public mission (Television B92), and efforts to empower local actors to be able to survive in new market conditions.

The economic crisis (2008) entered the Serbian market in the form of a drastic decline of advertising revenues. While radio stations blamed the economic crisis solely, TV stations equally mentioned the persistence of unfair competition on the Serbian market, while print media regarded the social context as the most important factor influencing their work.⁶⁵ The state became one of the most important advertisers. Buying influence through indirect financial support to media was conducted in the form of subscriptions, campaigns, advertising paid by public institutions and companies under political control, and even hiring media for research services.⁶⁶ International donors decreased their investment and provided support rather for project-based initiatives. This was the case with the OSF, NED, Civil Rights Defenders, French Government, KAS Media Program (for the entire region), etc. With the exception of the EU there was no strategically oriented and direct financial support for media development. But, as recent analysis has shown the EU strategic goal was for its own promotion. While in Serbia, the EU supported more than 80 projects related to media and communication with EUR 17.7 million from 2000-2010, the “vast majority have been promotional activities or very costly infrastructure projects.”⁶⁷ The main support came for changes on the policy level. The aim was to assist Serbia to adjust the current laws and improve their practice (in line with the EU standards), and to adopt new strategic documents with regard mainly to media development and digitalization. The EU also financially supported international experts to produce a study on the Serbian media.⁶⁸ This study aimed to serve as a basis for the Strategy on media development in Serbia. However, media experts from Serbia doubted the independence of the study.⁶⁹ They voiced concerns, criticising at least four problematic issues – the fact that it was

⁶⁴ European Agency for Reconstruction, last modified September 22, 2008, <http://ec.europa.eu/enlargement/archives/ear/serbia/serbia.htm> (Accessed on January 15, 2013).

⁶⁵ OSCE Mission to Serbia and Media Department of the Faculty of Philosophy of the University of Novi Sad, “Freedom of the Media in Serbia in 2010” (Belgrade: OSCE Mission to Serbia, December 2011), <http://www.osce.org/serbia/86924> (Accessed on March 1, 2013).

⁶⁶ Government of the Republic of Serbia Anti-Corruption Council Report, Report on Pressures on & Control of Media in Serbia.

⁶⁷ EPRD, “Mapping of EU Media Support 2000-2010” (European Commission, September 2012), p. 26.

⁶⁸ EU/COWI Consortium, “Media Study Report” (European Union June, 2010).

⁶⁹ Bojana Barlovac, “Serbia: Public Discussion on Media Study to Begin,” *Balkan Insight*, June 25, 2010, <http://www.balkaninsight.com/en/article/serbia-public-discussion-on-media-study-to-begin> (Accessed on March 12, 2013).

produced by a team with no experience and knowledge of the Serbian media, that it was produced in such a short period (two months), that the cases selected for the study (Denmark, Austria, and Germany) and elements analysed within them were not relevant for Serbian media context, and finally, that the foundations of the study were rather poor and unconvincing, failing to offer indicators of justifiability and feasibility.⁷⁰ In 2011, the Ministry for Culture adopted a new Media strategy⁷¹ which should form the basis for new laws. Leading media associations, gathered around the Media Coalition, took an active part in preparing and drafting the text of the Strategy. The entire process was an externally-supported initiative by IREX and the EU.

3.2 An Overview of Funding

There is no precise data on the amount of funds directed to the Serbian media.⁷² As Rhodes estimates in his study, from the overall amount of recorded support for the media in Western Balkans (269.2 million EUR), Serbia received 44.9 million EUR (or 17%). Rhodes breaks down the distribution of this sum, as EUR 26.4 million (58%) for direct support, EUR 13.1 million (or 29%) for the media environment and the remaining EUR 5.4 million for trainings.⁷³ If we count all recorded and estimated support to Serbian media from 1991 to 2012, roughly EUR 90 million was spent on media development.⁷⁴

While US-based donors were crucial during the '90s, EU funding for Serbian media development exceeded US government funding after 2000. Since media assistance was substantial on the eve of the democratic changes, in 1999, the EU and US based efforts were jointly directed to the independent media. At a September 1999

⁷⁰ Snježana Milivojević, "Strategy, Study, Summary," in *Legal Monitoring of Serbian Media Scene: ANEM Publication IV* (ANEM, December, 2010), pp. 38-39.

⁷¹ OSCE Mission to Serbia website: <http://www.osce.org/serbia/78448> (Accessed on January 15, 2013).

⁷² Hawley Johnson, "Model Interventions: The Evolution of Media Development Strategies in Bosnia-Herzegovina, Kosovo, and Macedonia from 2000 to 2007" (PhD diss, Columbia University, 2012), pp. 8-9.

⁷³ Rhodes, *Ten Years of Media Support to the Balkans*, p. 15.

⁷⁴ This is an estimated amount based on analysis of available and published data; for example USAID published that they spent around \$38 million from 1997-2012, OSF supported Serbian media with \$28,5 million only in 1990s, EU supported media with EUR 1,7 million in 1990s, and with more than EUR 20 million from 2000 to 2012, plus EUR 8 million planned for digitalization. Additional support was provided by NED (around \$2 million from 2006 – 2012), and other donors such as Norwegian People's Aid, Balkan Trust for Democracy, Konrad Adenauer and its media program, Friedrich Ebert Stiftung, etc.

meeting in Budapest, donors pledged support to help these independent media survive. As part of this coordinated effort IREX provided “survival grants” to media outlets (the largest went to the ANEM). The US spent \$1 million in 1999 through 13 emergency grants, and this was matched by significant EU effort – EUR 1 million was spent on media support.⁷⁵

From 1990 to 1995, USAID donated \$600,000 to a few media outlets, while also temporarily discontinuing funding in 1995. This support was directed to the IMF to provide equipment to Studio B, *Vreme*, Vin (an independent production company), *Borba*, Radio B92, Media Centre, and some regional media.⁷⁶ The US intensified its support for the media during the period from 1997–2002, and its projects were mainly implemented by the National Endowment for Democracy (NED), the National Democratic Institute (NDI) and the International Republican Institute (IRI). Presnall observed that “Compared to 1995, therefore, the US government was spending respectively between 9 and 22 times as much in 1999 and 2000 on democracy promotion aid to Serbia.”⁷⁷ Instead of the Media Fund, IREX was established as the main USAID contractor providing assistance on the ground. Through IREX, USAID Serbia invested more than \$38 million between 1997 and 2012 “to help Serbian citizens be informed by a free and independent media.”⁷⁸

Other American-based foundations significantly supported Serbian media. OSF Serbia managed to substantially increase its overall democracy promotion funding assistance in 1999–2000, from roughly \$3.9 million to \$4.45 million. In 1999 its priority in Serbia was the mass media, to which it donated \$1.34 million.⁷⁹ NED became an increasingly important actor since 2005, supporting various project-based media initiatives in Serbia. Based on available data and annual reports published regularly online (2005–2011)⁸⁰ this donor supported media initiatives with around \$2 million. Support was mainly provided to strengthen independent media, at the local and regional levels and to foster interethnic understanding and historical reconciliation in the former-Yugoslav countries. Freedom of expression has been promoted through technical assistance, investigative journalism training, and disseminating objective information. Some organizations and media (such as Local Press, Hourglass, E-Novine, BETA Agency, NUNS and NDNV, *Vranjske novine*, Novi Sad School of Journalism) were supported continuously, on an annual basis.

⁷⁵ McClear, McClear, and Graves, “US Media Assistance Programs in Serbia,” p. 8.

⁷⁶ Ibid, p. 5.

⁷⁷ Presnall, “Which way the wind blows,” p. 666.

⁷⁸ IREX, “Building independent media in Serbia - documentary,” *You Tube*, 2012.

⁷⁹ Presnall, “Which way the wind blows,” pp. 667–668.

⁸⁰ National Endowment for Democracy (NED), Annual Reports, website: <http://www.ned.org/publications/annual-reports/> (Accessed on March 18, 2013).

In the period from 1993 to 1998, the EU supported media projects in Serbia with EUR 1.7 million, and this aid was administered by the IFJ.⁸¹ After 2000, the EU support to the Serbian media amounted to around EUR 20 million through the CARDS Programme. Its main focus was to advance journalism training, development of quality media production, investigative reporting skills and enforcement of media legislation; however, most of this money was spent on its own promotion. Various contractors ran the programs of direct assistance, the Swedish Helsinki Committee in 2000/2001, Press Now in 2002/2003, the (Belgrade) Media Centre in 2004/2005 and Press Now in 2006/2007. Most of this money has been administered through the European Agency for Reconstruction (EAR) that invested, based on available data, EUR 18.5 million on media support from 2000 to 2007. Half of this amount (EUR 9.64 million) has been spent on technical and logistical support, mainly to RTS.⁸²

Other areas of EU support include the 2007 IPA Multi-beneficiary Media Program (focused on production) and EUR 3.3 million aimed at enhancing public participation in debate and raising awareness in Serbia on European Integration. In 2009, the Delegation of the European Commission to Serbia launched a project “*European Integration Media Fund*” through the IPA 2008 instrument. The total value of EU contributions is EUR 3 million (there is no co-financing by the Ministry of Culture). The goal of the project was to boost the capacity of local, regional and national media for reporting about all aspects of the European integration process.⁸³

⁸¹ Presnall, “Which way the wind blows,” p. 664.

⁸² See European Agency for Reconstruction website: <http://ec.europa.eu/enlargement/archives/ear/agency/28-ContractListWeb/ser/ser.htm> (Accessed on October w11, 2013).

⁸³ In June 2010, representatives of the Ministry and donor community announced the list of 25 Serbian media that were officially awarded grants, of a total value of EUR 1.8 million, while the rest, EUR 1.2 million, was granted to BBC World Trust. The complete list of grantees is available online, <http://www.europa.rs/upload/documents/documents/news/20100618%20-%20Objedinjena%20Lista%20pobednika%20konkursa%20MF%20i%20CSF.pdf> (Accessed on January 30, 2013).

4.

Case Studies

When it comes to the cases selected for the following analyses, all three are significant from different points of view in regard to the media assistance. The creation of the regulatory agency and transformation of the former state TV into a public service were indirect results of the assistance, since as a precondition for this assistance in Serbia an enabling environment had to be established (political changes, legislative reforms, regulation procedures). On the other hand, the private TV station, B92, was established as a direct result of international assistance, accompanied by the local efforts of its management to establish a modern and professional TV station promoting informative and investigative values in journalism.

4.1 The Republic Broadcasting Agency (RBA)

The RBA, formally introduced by the Public Broadcasting Act (2002), started its activities in 2003. The act defines it “as an autonomous legal entity which is functionally independent of any state organ, as well as of any organization or persons involved in the production and broadcasting of radio and TV programs.”⁸⁴ Currently, the Agency employs 81 persons. The person in charge of these services is the Agency’s director.

4.1.1 Background and Creation of RBA

Prior to the establishment of the RBA, the media landscape of Serbia was rather chaotic, or as some would describe it, was characterized by a “controlled chaos.”⁸⁵ The state of Serbia was the main “regulator” of the media scene, tolerating a great number of media outlets operating without licenses, and following no rules.⁸⁶ This chaos, in the absence of a developed media market, created a kind of dependence

⁸⁴ “Broadcasting Act,” Article 6.

⁸⁵ Interview with Dinko Gruhonjić, President of the Independent Association of Journalists of Vojvodina, February 14, 2013.

⁸⁶ Veljanovski, *Media System of Serbia*, pp. 66-67.

on the state and on donors. According to the 2002 Public Broadcasting Act, RBA was responsible for “determining which of the estimated 1200 broadcasts outlets that jam Serbia’s radio and television dials would survive.”⁸⁷ Some experts claimed that Serbia had natural and technical possibilities for up to 400 broadcasting media (analogue signal).⁸⁸

RBA is not a convergent regulator but follows the prevailing model of independent media regulators specialized for TV and radio.⁸⁹ RBA is responsible for audio-visual content matters, frequencies and distribution questions, as well as license allocations and monitoring of broadcaster activities and their contents. Responsibility for issuing licences is shared with the RTA, the regulator in the field of telecoms. Besides monitoring the activities and services provided by the licensed operators, RBA also supervises compliance with the rules on quotas, advertising and the protection of minorities and vulnerable groups. It has a range of powers of sanction, from reprimands, warnings, the power to impose fines, the publication of decisions in the official journal, and suspension and revocation of licences.

When it comes to formal arrangements ensuring its independence, the highest decision-making organ of RBA is the Council. It is composed of nine members (of which one must be from Kosovo and Metohija), including a chairman and a vice-chairman.⁹⁰ The Council has the power to take decisions on all regulatory matters within its area of responsibility. The term of office is six years and can be renewed an indefinite number of times. No other office can be held at the same time.

RBA has adopted documents regulating its internal relations and functioning. Besides its statute,⁹¹ RBA Council members also follow the Rules on Procedure of the RBA Council. RBA regularly publishes annual reports on its activities,⁹² broadcaster activity supervision,⁹³ and annual financial plans.⁹⁴ RBA is subject

⁸⁷ IREX, Serbia Media Sustainability Index 2003, p. 91.

⁸⁸ Veljanovski, *Media System of Serbia*, p. 67.

⁸⁹ Hans Bredow Institute for Media Research, Interdisciplinary Centre for Law & ICT (ICRI), Katholieke Universiteit Leuven, Center for Media and Communication Studies (CMCS), Central European University, Cullen International, Perspective Associates, eds.: INDIREG, “Indicators for independence and efficient functioning of audio-visual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive, Study conducted on behalf of the European Commission, Final Report” (European Commission, February, 2011), p. 94.

⁹⁰ “Broadcasting Act,” Articles 22 – 30.

⁹¹ “Statut Republičke radiodifuzione agencije” [Statute of the Republic Broadcasting Agency] *Official Gazette of the RS*, 102/05.

⁹² The RBA Activity reports, see website: <http://www.rra.org.rs/english/rba-activity-reports> (Accessed March 19, 2013).

⁹³ Broadcaster Activity Supervision, see RAB website: <http://www.rra.org.rs/english/broadcaster-activity-supervision> (Accessed on March 19, 2013).

⁹⁴ Financial Plan and Report, see RAB website: <http://www.rra.org.rs/english/financial-plan-and-reports> (Accessed March on 19, 2013).

to annual financial auditing in regard to its spending. This audit has never been performed by the state, due to the lack of resources. Audits conducted by private agencies are available for 2007 and 2008.⁹⁵

4.1.2 Political Saliency of RBA Composition and Work

Since its formation, RBA has failed to establish itself as an institution of authority and credibility. In 2003, the government and the parliament obstructed the implementation of the Public Broadcasting Act by postponing the nominations of candidates for more than six months. The overall credibility of this agency has been questioned due to the fact that “the first RBA Council was elected by acclamation in the Serbian Parliament, so it was a kind of deal between political parties. In the end, they divided the seats in the Council, and its independence remained just on paper.”⁹⁶ Regarding the RBA, “it can be said that it has never been really independent, but rather has worked under the constant influence of political parties.”⁹⁷ For this failure a number of explanations have been offered, such as the lack of tradition of independent state institutions, the difficulties following its formation, as well as the strong influence of political, media and business actors on the market.⁹⁸

Continuous revisions of the provisions on election and composition of the RBA Council (in 2004, 2005, 2006, and 2009) progressively increased the possibility of political influence on this agency. The most contentious issue in regard to the state pressures on RBA’s independence has been linked to how the members of its Council are to be elected. The initial idea was to promote diverse segments of civil society through the possibility of the nomination of their candidates to the Council. The initial draft of the Public Broadcast Act proposed that the Council should consist of fifteen members, of which three would be nominated by the state, and twelve by civil society organizations. The number of Council members was reduced to nine, with four to be nominated by the state organs, four by civil society actors, and a ninth candidate, living and working on the territory of Kosovo and Metohija, was to be proposed by the already elected members of the Council. This decision was unilaterally decided by Government representatives without a public debate or expert help. Amendments to the Public Broadcasting Act in 2005 stipulated

⁹⁵ Hans Bredow Institute for Media Research et al. eds.: INDIREG, “Indicators for independence and efficient functioning of audio-visual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive,” p. 186.

⁹⁶ Interview with Ljiljana Breberina i Sanja Stanković, OSCE Media Department, Serbia, February 12, 2013.

⁹⁷ Government of the Republic of Serbia Anti-corruption Council Report, Report on Pressures on & Control of Media in Serbia, pp. 37.

⁹⁸ Matić, “Serbian Media scene vs. European Standards,” p. 53.

three different lengths of term for Council members on the basis of a political decision instead of by drawing lots (which was initially proposed). In accordance with this change, the longest service (six years) was awarded to the Council members nominated by the Parliament, while the shortest term was reserved for the nominees of the civil society organizations.⁹⁹ According to the amendments in 2009, the Committee for Culture and Information of the Parliament is authorized to make a pre-selection (without any criteria) of the candidates nominated by civil society, professional associations, media, artists, etc. This enables political parties that have their representatives in the Committee to eliminate undesirable candidates for the RBA Council.

Initial finances for the Agency's work were provided by the Serbian Government. From 2007, the Agency has received income only from licenses fees. Broadcasting fees are defined in line with the Public Broadcasting Act (article 66). RBA's Statute states that incomes and costs of the agency are defined by the financial plan approved by the Serbian Parliament (article 44). Amendments in 2006 conferred the authority for approving the RBA financial plan to the Government. According to the Public Broadcasting Act, the agency transfers all extra incomes to the state budget (article 34), which is then earmarked in equal parts for improving and developing culture, healthcare, education and social security.

Since 2007 RBA has been funded through licence fees.¹⁰⁰ According to article 34 of the Broadcasting Act, the Agency has to transfer its overall revenues each year to the state budget. In sum, from its formation, the Agency has transferred more than EUR 9 million to the state budget.¹⁰¹ If we compare annual budgets in 2007 (RSD 579.12 million or EUR 5.79 million) and in 2012 (RSD 451.58 million or EUR 3.69 million), we will notice a decrease. Reasons for this are various – inability of media to pay for the licenses (many broadcasters had their licenses revoked due to their failure to pay¹⁰²), the lower broadcasting fees,¹⁰³ and the devaluation of RSD (on December 31, 2007, EUR 1 was equal to RSD 79, while on December 31, 2012, it was RSD 114).¹⁰⁴

⁹⁹ Ibid.

¹⁰⁰ "Pravilnik o merilima za utvrđivanje visine naknade za emitovanje radio i/ili televizijskog programa" [Rulebook on the Criteria for Determining the Amount of the Fees for Radio and/or Television Broadcasting], *Official Gazette of The Republic of Serbia*, 50/2009, Article 66.

¹⁰¹ The Republic Broadcasting Agency, Financial plan for 2012 (The Republic Broadcasting Agency, 2012).

¹⁰² In September and October 2012 only, the RBA initiated 67 proceedings for revoking the broadcasting license for non-payment of the broadcasting fee. See: ANEM, "Legal Monitoring of Serbian Media Scene - Reports for December 2012" (ANEM, December 2012).

¹⁰³ In line with the amendments to the, "Rulebook on the Criteria for Determining the Amount of the Fees for Radio and/or Television Broadcasting."

¹⁰⁴ "Exchange Rate List Applicable on a Selected Date," National Bank of Serbia, <http://www.nbs.rs/internet/english/scripts/ondate.html> (Accessed on March 20, 2013).

Table 4.1. RBA Annual Budget (2007-2012)

Year	Annual budget (app.) in million EUR	Overall revenues transferred to the state budget in million EUR
2012	3.69 million	1.14 (30.8 per cent)
2011	3.84	0.5 (13 per cent)
2010	3.98	0.78 (19.5 per cent)
2009	4.78	1.46 (30.4 per cent)
2008	4.65	2.67 (57 per cent)
2007	5.79	2.984 (51 per cent)

Source: Republička radiodifuzna agencija, Izvještaji o radu, www.rra.org.rs

According to the Anti-corruption Council report from 2011, RBA has a large responsibility for the present situation in the media sector in Serbia, which is characterized by combined economic and political pressures and control, a large number of media and unreliable public service media. Additionally, “instead of defending the principle of transparency of media ownership, RBA has mostly contributed to the creation of the atmosphere of concealed interest in the electronic media because it is exactly the RBA Council which has ‘in its hands’ appropriate mechanisms for the prevention of forbidden media concentration.”¹⁰⁵

4.1.3 Assessment in the Light of International Assistance

Following the 2001 Wilton Park Conference *The Media in Serbia: Managing the Transition*, the main recommendations urged stakeholders (politicians, media, civil society, donors) to pursue media transition in Serbia in line with European standards. In this regard, the CoE’s standards were important in setting the environment for RBA’s operation.¹⁰⁶ Recommendations called for establishing a regime of temporary frequencies, adoption of licensing procedures based on the quality of program, financial capacities, and technical quality of the media. In this regard, a special regulatory body should be established that would be independent, autonomous, and transparent.¹⁰⁷ European actors played the main role in setting the ground for establishing the functional regulatory body. In a strategic sense, their approach was intensive, coordinated (EU, OSCE, CoE), and of a short term nature. At the beginning

¹⁰⁵ Government of the Republic of Serbia Anti-corruption Council Report, Report on Pressures on & Control of Media in Serbia, pp. 37 – 38.

¹⁰⁶ The Council of Europe, Indicators for Media in a Democracy, 8.15: “Regulatory authorities for the broadcasting media must function in an unbiased and effective manner, for instance when granting licenses. Print media and Internet - based media should not be required to hold a state license which goes beyond a mere business or tax registration.” See: Council of Europe, Recommendation 1848 (2008) (Parliamentary assembly).

¹⁰⁷ IREX, Media Sustainability Index Federal Republic of Yugoslavia 2001 (IREX, 2001), pp. 206-207.

of the 2000s, the Serbian democratic government accepted the creation of the Agency as part of their “homework,” considering external assistance to be crucial.

The external assistance for RBA’s establishment was desirable due to the lack of regulatory culture in general, and lack of experience in regulating broadcasting media. Initially, the help was needed for drafting the text of the Public Broadcasting Act which combines European experiences and professional principles, also reflecting the challenges and problems inherent to Serbia. While drafting the laws, working groups consisted of local media and law experts, who combined the best practices and principles of European tradition. “In spite of the fact that Serbia wasn’t a member of the CoE, and therefore their rules and principles were not obligatory in a formal sense for us, we behaved as if it was the case. As a result, we drafted a very good legislative basis for further reforms.”¹⁰⁸ It was also important to set up criteria in order to make licensing fair, competitive and apolitical, and finally to establish a tax structure for the media that is fair and sustainable.¹⁰⁹

The creation of the RBA was both a necessary step in the process of regulating the local media scene and a condition in the pre-accession procedure, and so conditional for EU membership.¹¹⁰ The initial role of international actors in the creation of the RBA was more consultative and logistical. Experts of the CoE and OSCE assisted local working groups in drafting the first edition of the Public Broadcasting Act of 2002, while regulatory bodies of various European states were used as models to create one that would fit the Serbian conditions. “We created this model combining the various models from Europe. This is rather a kind of amalgam.”¹¹¹ However, as explained above, subsequent changes to the Broadcasting Act weakened some of these guarantees.

As a candidate state for the EU, Serbia and its regulatory bodies are part of permanent, yet not very detailed monitoring. This monitoring only provides general requirements or recommendations. As an illustration, the 2010 Report states that “concerning administrative capacity, both the Regulatory Agency and the related ministry need to be strengthened.” A year before, the Report highlighted the inadequate institutional and regulatory capacity that “needs further progress.” Additionally, “the Regulatory Agency is in operation and financially autonomous, but its independence needs to be strengthened and it lacks sufficient expertise

¹⁰⁸ Interview with Dr. Vladimir Vodinelić, Expert on media law, February 28, 2013.

¹⁰⁹ For example, criteria set up in the Media Sustainability Index Federal Republic of Yugoslavia 2001, “Licensing of broadcast media is fair, competitive, and apolitical” (Legal and Social Norms to Protect Free Speech).

¹¹⁰ “The future of European regulatory audiovisual policy,” see European Union website: http://europa.eu/legislation_summaries/audiovisual_and_media/l24107_en.htm (Accessed on February 11, 2013).

¹¹¹ Interview with Mirjana Milošević, head of media development WAN, February 14, 2013.

to regulate a liberalized market.”¹¹² When it comes to local organizations, ANEM is implementing its Legal Monitoring of Serbian Media Scene which is a continuous effort to monitor and evaluate different aspects of development of the Serbian media scene, including regulatory bodies and their independence. This project was initially supported by USAID and IREX Serbia, while now it is supported by the Open Society Fund, Norwegian Embassy and Dutch Embassy.¹¹³

It seems that the most important achievement of media assistance in the creation of the RBA was its establishment as a mechanism to regulate the “chaos” on the Serbian media market. Introducing the regime of licenses, the criteria that media must fulfill in order to get one and the permanent monitoring of media with national coverage resulted in a certain order on the media scene. The role of international actors was substantial and crucial at the beginning, when the RBA was created, while later it was left to the local context to shape and adapt it. Due to the “government’s hasty creation of the RBA and the conducting of the first elections for its Council in May 2003,” a number of international organizations did not support the RBA further.¹¹⁴ Most of the international organizations, such as OSCE, CoE and EU expressed serious concern regarding the procedure for awarding licences, which was assessed as biased because it was conducted without appropriate application of the rules and criteria. The EU specifically indicated the lack of transparency in the process of decision making by the RBA. Nevertheless, most of RBA’s controversial decisions have not been changed.¹¹⁵

4.2 Radio Television of Serbia (RTS)

Radio Television of Serbia or RTS is the public service broadcaster in Serbia. Since 2001 it has been a member of the European Broadcasting Union. It broadcasts four TV programs (RTS 1, RTS 2, RTS Sat and RTS Internet), and four radio programs (Radio Belgrade 1, 2, 3, and Belgrade 202). Currently, RTS employs about 4500 people.

¹¹² European Commission, Serbia 2012 Progress Report.

¹¹³ More on the project is available on ANEM’s website, <http://www.anem.rs/en/aktivnostiAnema/monitoring.html> (Accessed on March 20, 2013).

¹¹⁴ IREX, Serbia Media Sustainability Index 2003.

¹¹⁵ Government of the Republic of Serbia Anti-corruption Council Report, Report on Pressures on & Control of Media in Serbia, p. 40.

4.2.1 Background and Creation of RTS

RTS was created in 1992, when, according to the Law on Radio-television (1991), RTV Belgrade, RTV Novi Sad and RTV Priština¹¹⁶ were merged into an RTV Serbia (RTS). During the 1990s RTS played an instrumental role in support of the regime led by Slobodan Milošević and his Socialistic Party of Serbia. Until the end of the 90s, RTV Serbia (usually labelled as “TV Bastilla” at that time) was used for political and war propaganda. In 1999, when the Kosovo crisis took place, NATO defined the broadcaster’s headquarters as a legitimate target. In what is considered by many to be a violation of the Geneva Conventions, the main RTS building was bombed on April 23, 1999, resulting in the death of 16 employees and estimated damages of around EUR 530 million.¹¹⁷

The process of the transformation of the state radio-television into a public service started in 2000, after the fall of Milošević’s regime, when the phase of democratization and the building of an enabling environment took place. Transformation of RTS was delayed until 2006 when its management board was appointed. It was a big task for the new RTS management and for donors, as it had lost its reputation during the 90s, its premises were severely damaged, and much of its audience had left. Particular emphasis was put on its human resources and improvement of the news programming.

4.2.2 Political Saliency of RTS’s Operation

The principal organ of the RTS is its Steering board. Board members can be appointed and dismissed by the RBA under conditions prescribed by the Public Broadcasting Act. Steering board members’ mandates last five years and the same person may be appointed as a member for two consecutive terms. The general manager serves a four year term, which can be renewed once. The current general manager is serving his third mandate – some would claim this is proof of stability since three different governments have not managed to remove him from this position, while others would comment that his success is due to his political affiliations and deals with various governments.¹¹⁸

Formal arrangements, important for securing RTS’s independence in terms of decision making and finances, were set up in the Public Broadcasting Act. In terms of managerial and operational independence, RTS’s decision-making structure

¹¹⁶ RTV Novi Sad and RTV Priština were launched in 1975 and named after the capital of the Autonomous Province of Vojvodina and Kosovo and Metohija, as equal members of the association of JRT – Yugoslav Radio Television.

¹¹⁷ Ben Andersen, “Serbia After Milošević: A Progress Report” (United States Helsinki Commission Briefing, March 1, 2001).

¹¹⁸ In order to get some insight and his own interpretations, we contacted Mr. Aleksandar Tijanić, but he did not reply until the end of this project.

is protected on two levels. The General Manager is appointed among qualifying applicants in a public competition by the RTS steering board, which again is formally protected from political influence. Responsibility for the appointment of other managers is shared between the general manager (proposals) and the management board (appointments).

The Public Broadcasting Act stipulates financial independence from the state, prescribing revenues from mandatory subscriptions and commercial advertising. RTS is also entitled to produce and sell specialised radio and TV programs, audio-visual content, sound and picture carriers, programming services, organisation and filming of public events. In line with international principles,¹¹⁹ Serbian legislation underlines the editorial independence of public broadcasting institutions. Article 78 of the Act prescribes the duty of public service broadcasting institutions to ensure that the programs, particularly the news, are protected from any influence that may be exerted by authorities, political organizations or economic centres of power. The principles of impartiality and objectivity are underlined in article 79. In practice, however, there are no guarantees for the pursuit of an independent editorial policy – it is not specified either by law or by the internal documents of RTS.

Despite formal changes, many problems have been encountered in practice. The functioning of this company of about 4500 employees is not transparent. Mechanisms for the public responsibility of RTS are still missing and it often appears as a one-man company, led by its omnipotent General Manager. Additionally, “RTS was shattered by several scandals which questioned the way it spends public funds (a fraud in conducting a game program, controversies over the costs of Eurosong organisation, salaries of prominent TV personalities, etc).”¹²⁰ In its report, the Anti-Corruption Council attested the problems of RTS as highly significant, pointing out that the broadcaster puts the interests of political parties and ruling elites before public interest.¹²¹

Reporting, as a mechanism of public and transparent control, has not been sufficiently developed and respected by RTS officials. As an example, the report on the management board meeting held on 1 July 2011 cited only one sentence under the title “General Manager’s Report on RTS Performance in the Previous Period,” stating: “RTS general manager Aleksandar Tijanić said that everything was

¹¹⁹ Council of Europe, Recommendation CM/Rec (2012) 1 of the Committee of Ministers to member States on public service media governance (Council of Europe).

¹²⁰ Jovanka Matić, “Media Landscape: Serbia,” European Journalism Centre, 2010. http://www.ejc.net/media_landscape/article/serbia/#15 (Accessed on November 11, 2012).

¹²¹ Government of the Republic of Serbia Anti-Corruption Council Report, Report on Pressures on & Control of Media in Serbia, p. 3.

all right at RTS.”¹²² Additionally, RTS management refused to comply with the Law on Free Access to Information of Public Importance and enable the public to see how public funds are spent. According to the Anti-Corruption Council Report, this “puts into doubt its [RTS’s] ability to fulfil the most important tasks of this public service, one of which is the fight against corruption.”¹²³

The financial stability of RTS has not been ensured so far. According to statements of its General Manager, RTS is not financially sustainable, and “for its operative costs needs over EUR 100 million, while the available budget for 2013 is EUR 68 million.”¹²⁴ According to available documents and reports, the budget for 2011 was RSD 13.38 billion (EUR 128 million), for 2010 RSD 13.58 billion (EUR 129 million), and RSD 13.087 billion in 2009 (EUR 137.7 million)¹²⁵ which puts into question the above mentioned amount for the operation of RTS.

Subscription fee collection for RTS has not been successful in the last few years. Due to the dramatic economic situation as well as many other reasons (non-competitive and commercialised programs), the collection rate dropped considerably – in 2011, out of 2.5 million subscribers, 41 per cent were paying it, while other sources listed only 37 per cent. In 2009, RTS launched a campaign to collect outstanding debts, but there is still no agreement among experts on the legal justification for this move. As alternative compensation, the General Manager expects that missing funds should be paid from the state budget, justifying it with the necessity to ensure “financial stability and maintain RTS’s independence.”¹²⁶

Some high-ranking politicians are in favour of abolishing RTS subscription fees altogether. The public discussion, organized in the first half of 2013, was part of draft legislation on Electronic Media.¹²⁷ OSCE and the EU are opposed to any permanent solution in which RTS would receive its funding directly from the state budget. Turning to the state as a source of funding could make (and did make) the PBS exposed and vulnerable to political pressure. As many would say, “compromise

¹²² Radio Television of Republic of Serbia, *Zapisnik sa III sednice Upravnog Odbora RTS* [Minutes from the III Meeting of the RTS Steering Board], item 4 (Belgrade: RTS, July 1, 2012).

¹²³ Government of the Republic of Serbia Anti-Corruption Council Report, Report on Pressures on & Control of Media in Serbia, p. 37.

¹²⁴ V. Milovanović, “Tijanac: Javni servis preuranjena ideja za Srbiju” [Tijanac: Public Service is Too Early Idea for Serbia], *Blic*, February 14, 2013.

¹²⁵ Podaci o registraciji finansijskih izveštaja [Facts on Registration of Financial Reports], see Republika Srbija - Agencija za privredne registre website: <http://fi.apr.gov.rs/prijemfi/cir/Podaci1.asp?Search=17644661&code=edf6c81b5e402002f7564142d193aa568df35710> (Accessed on March 20, 2013).

¹²⁶ Marko R. Petrović, “Tijanac: RTS da bude na budžetu četiri godine” [Tijanac: RTS should be Financed through Budget for the Four Years], *Blic*, March, 5, 2013.

¹²⁷ “Serbia’s public broadcaster to be financed from budget,” B92, April 3, 2013, http://www.b92.net/eng/news/comments.php?nav_id=85503 (Accessed April 3, 2013).

with a state is not good at all,” as this would lead to a decrease in the level of the autonomy of the public service and would be reflected in editorial policy as well.¹²⁸

The programming schedule of RTS differs only a little from other commercial broadcasters. RTS1, in fact, competes with commercial stations for better ratings by providing a considerable amount of entertainment programs. In 2009, research on the program diversity of the leading six TV stations in Serbia indicated that the second channel of RTS, showing the highest level of genre diversity, is much more devoted to fulfilling the role of public broadcaster than RTS1 is. Results indicated a high degree of similarity between the programs of RTS 1 and B92.¹²⁹ This could be explained by the fact that many current journalists and editors on RTS learned their craft and adopted professional attitudes at B92.

4.2.3 Assessment in the Light of International Media Assistance

Integration into the EU has been declared as a strategic goal of the post-2000 governments in Serbia. The EU, through its conditionality mechanisms, made it clear to the newly elected regime in Serbia (Yugoslavia at that time) that membership of the EU will not come through unless the most important laws are passed, including media laws and those regarding institutions such as a regulatory agency and public service broadcaster.¹³⁰ Serbia signed the Stabilization and Association Agreement (SAA) in 2008,¹³¹ and was finally granted EU candidate status in 2012.

The international assistance to reform RTS and establish a public service was important for many reasons. In the domain of the legislative, the experts appointed by international organizations played an important role. Grants provided by the EU have been directly invested for improving technical conditions and purchasing modern equipment. On the other hand, many employees of the former state TV were not skilled enough to work within new, improved conditions, and training for both editors and journalists was crucial to improve their reporting and professional skills.

¹²⁸ Interview with Dinko Gruhonjić, president of the Independent Journalists' Association of Vojvodina, February 14, 2013.

¹²⁹ Jovanka Matić, “Raznovrsnost TV programa u Srbiji” [Diversity of TV Programs in Serbia], in *Medijski skener*, ed. Dubravka Valić-Nedeljković (Novi Sad: Novosadska novinarska škola, 2009), pp. 24-69.

¹³⁰ In order “to secure provision of accurate information to the public by publicly-funded broadcasters, the EU assisted the restructuring of state-run Radio-Television Serbia into a public service broadcaster.” See: “Serbia: Civil Society and Media, EUR 32 million,” European Agency for Reconstruction, http://ec.europa.eu/enlargement/archives/ear/sectors/main/sec-civil_society_media_ser.htm (Accessed on March 2, 2013).

¹³¹ European Commission, “Stabilization and Association Agreement between European Communities and Serbia” (European Commission, 2008).

While drafting the new legislative framework, experts from the EU, CoE, and OSCE assisted local ministries and working groups to draft new laws. In particular, the Media Department of OSCE in close co-operation with the EU and the CoE assisted in drafting and amending media laws to meet international and European standards.¹³² Since its establishment in Serbia in 2001, the OSCE Mission has been acting as an implementing agent of the project assisting the transformation of RTS into a public service. A year later, an OSCE office was opened inside the RTS premises and the organization concentrated fully on the RTS in its political lobbying and financial requests.¹³³

Technically devastated, with a bad professional reputation, many employees, no financial and development strategy, at the beginning of the 2000s RTS seemed to need a kind of “shock therapy” for its reparation. According to the Public Broadcasting Act it was supposed to be transformed into a public service broadcasting organisation by February 1, 2003. By that time a broadcasting regulator had to be established, because its Council members were to appoint the new managing board of RTS and adopt a new statute. The state had a mainly passive role in its transformation at the beginning, while international actors invested much more effort to foster this process.

From 2001, international actors substantially supported the reform of the RTS. The approach was of multi-level character, conducting an external audit, offering various types of consultancy, tackling legislative reforms, providing institutional assistance (mainly technical), as well as training RTS staff (managerial, editorial, and journalistic). The assistance to RTS was coordinated, and the EU – through various programs (CARDS, IPA), sub-contractors (BBC, IREX, audit companies) and partners (CoE, OSCE) – was the main actor in that support. The most intensive support was in the beginning, when the normative provisions were set, and during the initial transformation phase.

From 2001 to 2008, the EAR supported RTS with EUR 3.5 million, mainly through the technical aspect of media assistance. In 2001-2002, EAR supported an external audit of RTS with EUR 495,960. In 2003, it supported the acquisition of production equipment to RTS with 1.1 million, while in 2004 it spent almost 2 million for equipment and technical assistance. While the technical assistance program was implemented through the BBC World Service Trust (its value was EUR 895,000), three different sub-contractors implemented the projects supplying RTS with IT equipment.¹³⁴

¹³² Interview with Ljiljana Breberina i Sanja Stanković, OSCE Mission to Serbia, February 12, 2013.

¹³³ “OSCE opens office within Radio-Television Serbia,” OSCE Mission to Serbia, February 21, 2013, <http://www.osce.org/serbia/54174> (Accessed on March 2, 2013).

¹³⁴ See European Union, list of contractors, see European Union website: <http://ec.europa.eu/enlargement/archives/ear/agency/28-ContractListWeb/ser/ser.htm> (Accessed on March 5, 2013).

In 2007, the BBC World Service Trust (under EAR's umbrella) launched an extensive training program for RTS. Its aim was to assist the transition of RTS through consulting on financial management, sales and marketing strategies, as well as professional development opportunities for journalists. As a project partner, IREX Europe was responsible for organizing training in several areas, including financial management, on-air branding and promotions, program scheduling, and audience research. There were more than 730 training places occupied over the 30-month lifespan of the project, including more than 100 journalists across TV and radio and more than 100 production and technical staff.

Research conducted to evaluate this project indicated that assistance provided to the RTS showed some observable results. In terms of technical assistance, the working environment and technical conditions were significantly improved. Two years of intensive training by the BBC Trust left RTS staff with improved journalistic skills. "RTS is now producing news and current affairs programs that are more professional, more human and more relevant to their audience."¹³⁵ Most of the 164 interviewed, within research conducted by Knežević, declared their overall satisfaction with trainings, though some considered that BBC instructors didn't take into account the specific circumstances in Serbia under which its media operate, while others said training was primarily targeting journalists while the education for technical staff (mainly editors) was at beginner level. This is illustrated by statements of RTS staff: "it is hard to understand the adoption of someone else's principle of work and the creation of a child of the BBC out of RTS," or "many things we learned are not possible to be implemented in such a conglomerate like RTS."¹³⁶ Only 7.14 per cent of editors and 8.7 per cent of cameramen considered this training to improve their skills.¹³⁷

Monitoring and evaluation of RTS's work has not been conducted on a continuous or systematic basis. It was rather an *ad hoc* effort, performed by civil society organizations and the regulatory agency supervising RTS. RBA published reports related to the RTS compliance with legal and program obligations for 2010 and 2011. For 2011, it concludes that RTS had failed to fulfill its legal obligation to broadcast independently produced content. The report holds that such independent content accounted for 6.27% of RTS Channel 1 and just under 7.4% on Channel 2, which remains below the legally prescribed minimum of 10%. In terms of genre, news

¹³⁵ Sofija Knežević, "Uloga programa obuke BBC-ja u transformaciji RTS-a u javni servis" [The Role of BBS Training Programs in Transformation of RTS into a Public Service], *CM - Communication management quarterly*, Vol. 7, no. 22 (2012), pp. 123-142.

¹³⁶ *Ibid*, p. 135.

¹³⁷ *Ibid*, p. 132.

programs remain the predominant content on RTS channels, accounting for almost half of the overall programming on RTS1.¹³⁸

4.3 B92 – Private Media Company

B92 is a radio and television broadcaster with national coverage. The network's key demographic is a chiefly urban and young audience. TV B92 has 485 employees, out of which approximately 315 are employed full-time and 170 part-time.¹³⁹ It is important to distinguish the role and support provided for Radio B92 (during the 90s), and for TV B92, which was established in 2000. When describing and analyzing media assistance, these media are labeled as Radio B92 or TV B92, and as B92 when referring to all operations as a whole (including radio, TV, and web portal B92). The main focus of this section will be on the establishment and development of the television operations.

4.3.1 Background and Creation of B92

Radio B92 presented a unique part of the Serbian media scene during the 90s. It was a symbol of resistance against Milosevic's regime. It served as a voice of all (including oppositional) initiatives against the regime. Its management forbade any direct political influence on its editorial policy. "I remember when the oppositional leader, Zoran Đinđić, proposed that donations should be channelled through them. We resisted this idea of being exclusively oppositional media. We stood strongly for the profession, trying to be as objective as was possible in those times," said Saša Mirković, one of the founders of Radio B92 in 1989.¹⁴⁰ In the second half of the 1990s, B92 initiated the creation of a network of independent local radio stations across Serbia, ANEM.

From its establishment, at the beginning of the 90s (radio) and 2000s (TV), the ownership of this media was of private nature. Today, B92 is registered as a closed shareholding company. It is now owned by Astonko doo (84.99 per cent), B92 Trust Ltd (11.35 per cent), and small shareholders (3.66 per cent), former and current

¹³⁸ The Republic Broadcasting Agency, "Javni servis RTS: Izveštaj za 2011. godinu" [Public Service RTS: Report for 2011], available on: http://www.rra.org.rs/uploads/useruploads/izvestaji-o-nadzoru/Izvestaj_RTS_2011.pdf (accessed on March 7, 2013).

¹³⁹ IREX web page, http://www.irex.rs/index.php?option=com_content&view=article&id=80:b92&catid=50:partners&Itemid=62 (Accessed on March 12, 2013).

¹⁴⁰ Interview with Saša Mirković, president of the Trust of B92 Ltd and president of ANEM, February 6, 2013.

employees.¹⁴¹ Astonko doo, a joint company founded by the Swedish investment fund East Capital and a Greek investor Stefanos Papadopoulos, bought the majority of B92's shares in 2010, and became the major owner. As its editor-in-chief Veran Matic explained, their first task in 2004 was to prevent the state from becoming the majority shareholder. In this situation, the Media Development Loan Fund,¹⁴² as a friendly institution, was identified as an institution which would support B92 Trust's policy as a co-owner of the company.¹⁴³ The main challenge for the B92 Trust was to ensure the independence of editorial policy through controlling shares which are an inseparable part of this structure. Under its statutory provisions, "the owners of the B92 Trust are not permitted to sell or transfer their shares in the B92 Trust, nor to receive any profit or dividend from B92 on the basis of their equity in the B92 Trust."¹⁴⁴ In this way, the latest shareholder agreement (established in 2010) stipulated that the editorial policy would remain under the control of the B92 founder.¹⁴⁵

According to the RBA's 2011 report, TV B92 is the leader when it comes to informative programs (31 per cent of its entire program, compared to TV Prva, another broadcaster with national license, which had only 32 per cent). What also characterizes B92 is its great effort to produce its own informative programs, with a large proportion of authentic and author items. TV B92 fulfills all obligations under the law prescribed for national broadcasters.¹⁴⁶ TV B92 was subject to international and local research initiatives, both focused on its content. In 2007, the Novi Sad School of Journalism analyzed its prime time news and compared it against the same variables as the public service stations in Serbia, RTS and RTV.¹⁴⁷ In 2008, Matic analyzed the diversity of programs on six TV stations, including TV B92, according to program genre, production origin, language, and target audience. Among other conclusions, the author found the program broadcast on RTS 1 and

¹⁴¹ Vlasnička struktura [Ownership structure], see B92 website: http://www.b92.net/o_nama/vlasnistvo.php (Accessed on March 12, 2013).

¹⁴² Media Development Loan Fund (MDLF) is a mission-driven investment fund for independent news outlets in countries with a history of media oppression. It provides low-cost capital; loans and technical know-how to help journalists in challenging environments build sustainable businesses around professional, responsible, and quality journalism (it has a new name now - Media Development Investment Fund). Available at The Soros files website: <http://sorosfiles.com/soros/2011/10/media-development-loan-fund.html> (Accessed on July 11, 2013).

¹⁴³ "Media cannot survive," *Balkan Insight*, No. 19, February 2006.

¹⁴⁴ B92 website: http://www.b92.net/o_nama/vlasnistvo.php (Accessed on March 12, 2013).

¹⁴⁵ Ivana Mastilović Jasnić, "Matic: Model devedestih je ponovo zaživeo" [Matic: Model of 90s Lives Again], *Blic*, December 30, 2012.

¹⁴⁶ The Republic Broadcasting Agency, Commercial Broadcasters with National Scope.

¹⁴⁷ Dubravka Valić-Nedeljković and Višnja Baćanović, "From Emotional Approach to the Fate of Kosovo to Progressive Civil Activism," in *Indicator of Public Interest*, ed. Radenko Udovičić (Sarajevo: Mediaplan instit, 2007), pp. 197–230.

B92 to be very similar, with a difference in terms of the debate programs presented on both televisions.¹⁴⁸

4.3.2 Political Saliency of B92's Operation

After 2000, assistance was fundamental for the establishment of TV B92 and transforming the former counter-regime media into a sustainable commercial media system. Technical and financial assistance provided by USAID and the EU was crucial not only for its establishment, but also for improving the unfair position in which TV B92 found itself at the beginning of its operation. Its main competitors in the market had much better starting positions, financially and otherwise. Considering the fact that an economic media market hadn't developed, RTS was privileged to be financed through public money (tax collection and budget money), and earn money through commercial activities. A commercial competitor, TV Pink, had more starting capital accumulated during the previous system which helped continue its operation.¹⁴⁹

Democratic change in Serbia and the introduction of new media regulation appeared to be promising for the development of B92. However, due to the rising trends of political parallelism, and strong clientelistic ties between media and politics and business with an unstable and undeveloped media market, B92 had to adjust its goals and mission according to the new circumstances. Due to the fact that B92 defends professional principles, and declared itself as an independent rather than oppositional media, at the beginning of 2000 relations with the new government were anything but ideal. At the same time, the international actors that supported B92 considered the new government as partners due to their pro-European orientation. Because of its principles and efforts to continue with its independent and professional editorial policy, B92 became distanced from the government, but this distancing, for different reasons, was also followed by many advertisers, who didn't consider this TV station suitable for their commercials. Distance from the government and the decrease in international help forced B92's management to find a new solution. "As a consequence, we were the first privatized

¹⁴⁸ Matić, *Diversity of TV programs in Serbia*, pp. 70-89.

¹⁴⁹ Since its creation in 1994 TV Pink was oriented towards entertainment programs that were considered light and even kitsch. The close relations of Pink's owner with the Milošević regime were the key for his RTV Pink success. However, after the political changes in 2000, Mitrović established good relations with the newly elected government and was accepted as a part of the new media scene, on as equal a basis as independent media that had contributed to Milošević's fall and the subsequent changes. Sources: Petar Luković, "Nemam problema sa svojom prošlosti" [I Have no Problems with My Past] (an interview with Željko Mitrović), *BH Dani*, Sarajevo, no. 273, September 6, 2002; Čedomir Čupić, *Medijska etika i medijski linč* [Media Ethics and Media Lynch] (Beograd: Čigoja štampa, 2010).

media in Serbia, since in 2004 we found a partner organization and changed our ownership structure.”¹⁵⁰

It was a hard task for the B92 management to cope with the new environment, as donors were phasing out. B92 faced new challenges in the form of subtle political pressure (through advertising) and economic demands. In comparison to Radio B92, TV B92 was a much more serious and expensive project, with almost 500 employees. An additional task for B92 management was to transform itself from a mission oriented media outlet to a commercial media company still taking into account high professional standards and the public interest. However, it is hard to fully implement this logic due to the fact that, within the Serbian circumstances of high political parallelism, it was impossible to follow high professional standards and investigative reporting and be financially supported by advertisers at the same time.¹⁵¹ Those who were active in the programs of external support to B92 would say that its transformation was partial. “B92 had a split personality, part surrogate public service broadcaster, part commercial, market driven media house. It never really reconciled this conflict in business models. It tried to reconcile *Big Brother* with *Insider*.”¹⁵²

Some would criticize the B92 management for introducing reality shows within its program scheme, but others do not find it as a problem. Informative programs and investigative journalism with the quality that B92 promotes are expensive investments. B92 is commercial media, without regular public income through budget and taxes, and as such it is forced to compete for the public and earn money on the market.

“In that regard, I am a supporter of this model. It is not the same when the public service broadcasts such a program financed through our, public, money. But, if RTS earns money through its commercial activities, I am still for having commercial or entertainment programs on RTS, but only if it is supported from this line.”¹⁵³

It is very hard to predict the future development of TV B92. Due to the uncertain market conditions, advertising money controlled through clientelistic lines, low ratings compared to other national broadcasters, and a very expensive informative and documentary program, it is still uncertain in which direction TV B92 will go.

¹⁵⁰ Interviews with Saša Mirković, president of the Trust of B92 Ltd and president of ANEM, February 6, 2013.

¹⁵¹ B92 was the only media reporting on controversial business activities. As a consequence, companies under state control and many private companies didn't advertise on B92.

¹⁵² Interview with Rich McClear, Former Chief of Party of USAID media assistance programs, February 11, 2013.

¹⁵³ Interview, person claimed anonymity, known to the author.

Competitive market conditions have forced B92 to adapt its programming scheme towards commercial content (it was the first to introduce Big Brother in Serbia), which is not well received by the traditional B92 audience. Today the station largely lags behind RTS and TV Pink in terms of audience share (in 2005 6.9% compared to 22.5% of TV Pink and 21.7% of RTS,¹⁵⁴ in 2012 8% compared to 24.3% of RTS, 20.4% of TV Pink, and 15.2% of TV Prva¹⁵⁵).

4.3.3 Assessment in the Light of International Media Assistance

In the 1990s Radio B92 existed through international assistance programs and projects. During this period various donors supported its survival, considering Radio B92 as the pioneer of independent and professional journalism in Serbia. The Milošević regime tried to suppress its work on a number of occasions. The station was closed several times, but each time the repression initiated ever stronger support for Radio B92 from both the donor community and the Serbian public. The accusation of being “foreign mercenaries” has often been invoked, even nowadays, to discredit and ridicule this media by those who are against them, usually right-wing politicians and ultra-conservative groups from Serbia.¹⁵⁶

The conditions under which the TV station was established were rather difficult due to legal uncertainty because the Public Broadcasting Law had not yet been adopted and broadcasting licenses were not even issued. Therefore, indirect external assistance was important to support the creation of an environment in which the new channel could operate. TV B92 was created with the idea to expand the already well known concept represented by its radio branch. TV B92 was formed immediately after the political changes. October 5, 2000, was the date when it first broadcasted in Belgrade. For the preparation and establishment of TV B92, the assistance of international donors – EU, USAID and IREX – was of the utmost importance. As one of its managers, Milan Begić, stated, “IREX was his right hand

¹⁵⁴ “TV Pink i RTS najgledanije u Srbiji” [TV Pink and RTS the most watched in Serbia], NUNS, <http://nuns.rs/info/news/3941/tv-pink-i-rts-1-najgledanije-u-srbiji.html> (Accessed on March 22, 2013).

¹⁵⁵ AGB Nielsen, “Serbia at a Glance.”

¹⁵⁶ In December 2012, the right-wing movement “SNP NAŠI” called on the competent authorities to revoke the national frequency of TV B92, alongside with other media labeled as “independent”. In their press release, this movement accused these media of “demonizing their own people in the last 20 years through crafty media manipulation and portraying Serbs as a genocidal and criminal nation, responsible for the wars of the ‘90s, for which there is plenty of evidence to back such claims and that is why the general public considers these media as stooges of international power players”. See: “Tražimo gašenje antisrpskih medija” [We are Demanding the Termination of anti-Serbian Media], SNP NAŠI, December 2, 2012 <http://nasisrbija.org/index.php/2012/12/02/trazimo-gasenje-antisrpskih-medija/> (Accessed on October 12, 2013).

in managing the new television,” and “without their help, they would not have done anything.”¹⁵⁷

The idea of the establishment of B92 as a modern and professional media system, was of local nature, and came mainly from the management of Radio B92. The idea was to expand the role of the radio and establish a TV station that would perform a public role as was the case with Channel 4 in the UK. Long before Milošević’s fall, its management was prepared for sustainability. As its founder and current editor-in-chief, Veran Matic, witnesses,

“Radio B92 hired experts two years before Milošević fell to train the management and prepare them for the post-Milosević period and for the stiff market competition that was to follow. This helped us not only to preserve our radio as the undisputed market leader but also to develop a competitive television.”¹⁵⁸

Support, internationally provided for B92, was a good example of coordination among donors. It was supported by both American and European based donors. Coordination, set up in the 90s, proved to be an effective and useful tool of providing media assistance. With the USAID support through IREX, B92 built a new broadcast centre, and through trainings and consultancy improved its professionalism. While Radio B92 remained the top-rated station in Belgrade two years after the fall of Milosevic, TV B92 has not become profitable, even though its audience has increased significantly, and the television station increased its revenue dramatically in the first quarter of 2002.¹⁵⁹ In the terms of infrastructure, in 2003 IREX supported the construction and renovation of the B92’s premises with \$ 1.2 million. This provided B92 with a new television and radio studio complex, along with a modern newsroom and office space.¹⁶⁰ IREX also extended assistance to the web site, since it was important to develop web journalism in Serbia. B92 was a pioneer in Serbia in these terms.

Complementary (but not strictly coordinated with the US donors) European based organizations also provided assistance to B92. In 2003, B92 was given a grant from the EAR for education and training provided by the European Centre for Broadcast Journalism and the BBC World Service Trust. EAR supported these activities with EUR 1.96 million split into two tranches – EUR 419,000 through the BBC for technical assistance to B92 and EUR 1.54 million to support the development of B92 into a

¹⁵⁷ IREX, “Serbia: Building Independent Media – documentary,” *You Tube*, 2012.

¹⁵⁸ “Media cannot survive,” *Balkan Insight*.

¹⁵⁹ McClear, McClear, and Graves, “US Media Assistance Programs in Serbia,” pp. 14-15.

¹⁶⁰ IREX, ProMedia/Serbia, Quarterly Report, April 1, 2003 – June 30, 2003, CA #169-A-00-99-00101-00 (Washington DC: IREX, April, 1 – June 30, 2003), p. 8.

self-sustained broadcaster.¹⁶¹ This support lasted for two years and encompassed all the employees of B92 (from journalists to top management).

It would be unfair to say that the main benefit of international intervention was the preservation of Radio B92, promotion of online journalism through its web page, and the establishment of TV B92. Besides direct financial and technical support, B92 management and journalists adopted the professional and economic-based logic of media development. This logic played a crucial role in the preservation not only of B92's editorial policy, but of its existence as well. Rich McClear, former chief of party for IREX Serbia would estimate intervention in the case of B92 to be more successful than not:

“In spite of the fact that in the end B92 was sold, the legacy of good programming remains. The ultimate beneficiary, the public, still gets quality investigative journalism, news coverage and professionalism through B92, and through other media outlets. *Insider* still does investigative reporting, B92 still has solid news, B92's website is still an important source of news. Much of what donors set out to do with B92 survives.”¹⁶²

¹⁶¹ European Agency for Reconstruction, last modified September 22, 2008, <http://ec.europa.eu/enlargement/archives/ear/serbia/serbia.htm> (Accessed on January 15, 2013).

¹⁶² Interview with Rich McClear, Former Chief of Party of USAID media assistance programs, February 11, 2013.

5.

Discussion of Findings and Concluding Remarks

At least three main patterns of support to Serbian media can be recognized. The first was “existential support”, characteristic of assistance efforts to independent media in Serbia from 1990 to 1998 when they operated under the survival mode. The second considered media as a means of political change¹⁶³ – this approach was present from 1996 to 2000. And finally, support to build an enabling environment was the approach characteristic of the period after 2000.

Following the foreign policy priorities of their respective countries, the main donors considered Serbia to be the “flavour of the day”¹⁶⁴ in regard to their strategic needs on the ground. US-based actors were playing a main role during the 90s (when Eastern Europe was in the focus of their policy attention), and their support reached its peak in 1999, when international efforts and media assistance were intensive and coordinated in order to end the authoritarian regime in Serbia. Independent media were seen more as a means for political change, than as a goal itself. The “flavour of the day” approach proved to be inefficient when it comes to media support, since it lacks strategic orientation, and mainly follows political goals defined under the umbrella of US foreign policy. The radical switch from one region to another (that happened in Serbia at the beginning of the 2000s) and a sudden decrease in support to media outlets and institutions in Serbia radically influenced their role and even forced many to cease with their work.

With the democratic changes in 2000 and the reforms that took place, the EU became the most important player and external supporter to Serbian media in this period. It took various approaches, from its conditionality and indirect help in the form of expertise and consultancy, to direct technical and financial assistance to certain media institutions (mainly public, such as RTS and B92). In comparison to the previous intensive US-based donors, EU support was more long-term policy oriented in its nature. At the beginning of Serbia’s transition into a substantial democracy, the EU support (accompanied by the OSCE and CoE) in expertise contributed to the development of modern and democratic media legislation,

¹⁶³ Tara Susman Pena, “Making Media Development More Effective” (Center for International Media Assistance, October 9, 2012), p. 26.

¹⁶⁴ Peter Cary, “US Government Funding for Media: Trends and Strategies” (Center for International Media Assistance, March 19, 2013), p. 22.

drafted and adopted in line with the European standards. These standards, at the same time, set the path for the Serbian media transition, and help international actors to externally monitor and observe the degree of transition.

On the level of direct support, independent media institutions benefited from the assistance since it enabled their survival under the hostile political circumstances (during the 90s). The most widespread form of direct support were trainings, but most of them targeted journalists (too few were focused on managers in media) in order to empower them with professional and journalistic skills. Considering their effectiveness and nature, some assessments would label them as “parachute” or *ad hoc* in design, according to the visions and needs of donors. Most of these approaches neglected the real need of supported media. For example, US-based donors supported trainings for investigative journalism while EU programs supported local media on a project basis to report on EU related issues.¹⁶⁵ Both neglected the fact that the real needs of media were in line with their economic sustainability.

In terms of further development and adjustment under the new economic and political conditions (after 2000), the donors’ mission was partly successful. Due to the lack of long-lasting strategic orientation in their support and the lack of clarity among donors on what specific changes they hoped to achieve with media, their assistance resulted in a high degree of dependency, and not the developed capacity of the supported media. Most of the media survived largely on donor support, and by the time “donors realized that it was not prudent to artificially sustain independent media outlets for their past roles or alleged commitment to democracy, they gradually stopped aid and as a result, many of these enterprises were closed down.”¹⁶⁶

In terms of the coordination of donors, and their joint efforts to support media, the Serbian case was a rather good example. This coordination was even institutionalized in 1998 and 1999 when donors of both European and US origin jointly supported independent media in Serbia to serve as a platform to fight the autocratic regime. This support was substantive, direct, short-term, with a clear political goal, where supported media served as a means, not as an end. Once the regime of Slobodan Milošević failed, coordination and donor support became weaker and dispersed (without a clear goal). In the case of Serbia ideological clashes between US and EU based donors were not encountered. We have even witnessed a kind of compromise in their approaches, since both supported the establishment and empowerment of TV B92, a private outlet with a public mission.

The three analyzed cases, each within its own capacity and mechanisms of external and internal control, coped with the changing and rather non-linear

¹⁶⁵ EPRD, “Mapping of EU Media Support 2000-2010,” p. 26.

¹⁶⁶ Krishna Kumar, “International Assistance to Promote Independent Media in Transition and Post-conflict Societies,” *Democratization*, Vol. 13, no. 4, August 2006, p. 664.

development tendencies on the Serbian political and media scene after the democratic changes in 2000. All three institutions were supported externally, but in various forms and capacities – TV B92 was established and directly financed through external aid, RBA was established as part of the EU enlargement packet and with the assistance and supervision of external experts (not financially, it was initially supported from the Serbian Government), while RTS was assisted in technical terms, through purchasing equipment and providing trainings by external actors, most notably by the BBC Trust using EU funds.

The outcomes of the development and effectiveness of the three selected institutions are rather different, due to the impact of various external factors. In the formal sense, the statuses, roles and duties of the public media institutions – RTS and RBA – are prescribed by the law, with precise institutional arrangements and mechanisms for securing their independent position in relation to the government. However, due to the fact that government succeeded to change and amend laws related to the work of these media, there was a decrease in the level of their autonomy. Constant modifications of the provisions on the election and composition of the RBA Council (in 2004, 2005, 2006, and 2009) progressively increased the possibility of political influence on this Agency. RBA is the only case without significant financial problems. On the other hand, RTS is facing large and substantial financial problems in spite of the fact that the sources for its finances are various – besides taxes, donations, projects, commercials, even the budget money could be used for its financing.

Analyzing the results of assistance efforts against the contextual variables, it is evident that most of the transformation efforts to the RTS have been deeply influenced by political parallelism, permanent changes of legislative provision that secure its independence and autonomy, a culture of informality, and clientelist relations between RTS management and the state. In spite of the overall achievements, some journalists indicated that work in RTS implies a kind of censorship meaning “voluntary acceptance of restrictions on freedom of reporting and hence is opposed to the democratic values and ideals of independent media.”¹⁶⁷ It seems that the limited editorial independence of RTS is a result of strong clientelistic ties between its management and the political and business elites in the society.¹⁶⁸ Consequently, these elites are those who define what the public interest is and what is worthwhile to report on.

The status of B92 is significantly different. International assistance was crucial for the survival of Radio B92 during the 90s, and the establishment of TV B92 at

¹⁶⁷ Knežević, *The role of BBC education programs*, p. 135.

¹⁶⁸ Matić, “Serbian media scene vs. European Standards”; R. Veljanovski, “Medijska strategija – bliže ili dalje od medijskog servisa” [Media strategy – Closer or more Faraway from Media Service], *Izazovi evropskih integracija, Službeni glasnik Beograd*, 2011; Jovanka Matić, “Post-komunističke medijske reforme iz ptičje perspektive” [Post-Communist Media Reforms from the Broader Angle], *ANEM, Publikacija VI*, (2012), pp. 17 – 20.

the beginning of the 2000s. The case of B92 is unique, due to the agility of its management, who initiated the demand-driven support and was ready for change in 2000. In this case, the ownership over the development process was in the hands of B92 management. Although its management was ready for the new challenges that came with donors withdrawal and the introduction of market competition, an uneven and underdeveloped market and further politicization of the state prevented B92 from developing its full potential and become an alternative to the public service. As a result, it was privatized early (in 2004), commercialized its contents, and reached much lower ratings than its competitors on the market, RTS and TV Pink. B92 managed to preserve its own representative editorial policy when it comes to news programs, while negotiating the new structure and position of the B92 Trust with new owners (in 2004, and in 2009).

The decrease of international media assistance programs in Serbia mostly affected the work of TV B92, since the other two analyzed institutions have (at least) continuous sources of financing (licenses for RBA and subscription fees for RTS). The B92 is a unique example of a private, commercial media house that planned its development in order to meet new demands and challenges. In spite of the fact that its management initiates training and education of its staff in the domain of marketing, political changes in 2000 were not followed with an introduction of a fair and free market game and this enabled B92 to further develop its potential. However, its tendency to maintain a high level of professionalism and investigative journalism, and preserve its recognizable editorial policy, resulted in a decrease in advertiser interest. Additionally, its early confrontation with political options in Serbia (at the beginning of the 2000s) and refusal to serve as a platform for the promotion of exclusive political options, further influenced the decreased level of advertisers (which are highly linked with political affiliation).

Taking contextual variables into account (political culture, role of civil society, political parallelism), the outcomes of the analysis of the three selected cases in Serbia have demonstrated Voltmer's claim – "the meaning of democracy and the role of the media therein are closely linked to the power relations in a society."¹⁶⁹ Power relations in Serbia are defined, but also influenced through media. The state of Serbia, instead of being the authority and the highest example in the field of communication, has become an arena of competition of various interest groups, including political parties and business subjects.¹⁷⁰ As a result, the main legislative and strategic documents, as well as the mechanisms for their implementation, were tailored more along the particular and ad hoc needs of political subjects, than to establish policies that would be in line with the public interest.

What can be learned from the Serbian experience is the fact that real reforms in any society need time, and the establishment and transformation of media institutions

¹⁶⁹ Voltmer, "How Far Can Media Systems Travel?," p. 235.

¹⁷⁰ Zielonka and Mancini, "Executive Summary," pp. 2-3.

additionally demand a changed environment. Transition in Serbia came rather late (after 2000), and a period of 12 years is still too short for substantial transition or adaptation of an environment. In this sense, the first donor mistake is the lack of a long-term strategy to create an enabling environment in Serbia. Accepting principles and adopting necessary laws is not enough. As Berkowitz claims, laws are cognitive categories¹⁷¹ and they shouldn't be imposed or transplanted, but should contain elements of local tradition and context in order to be accepted and functional. On the other hand, without a proper environment, institutions such as RBA or RTS couldn't work properly or as was expected. The lack of real assessment and an evidence and contextually-based feasibility study on their prospects of working within an environment which is in the process of development, made it impossible for these institutions to work. Constant changes of law, neglect of the economic perspective for media development, various forms of media dependence on local and external support, and the far too great expectations of these institutions to work in such a short period, have made the mission of their establishment and transformation only partially successful.

¹⁷¹ Berkowitz at al., "The Transplant Effect," *The American Journal of Comparative Law*, Vol. 51, 2003, pp. 163-203.

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ANNEX 1: List of interviewees

1. Dinko Gruhonjić, Independent Associations of Journalists of Vojvodina, president, February 14, 2013.
2. Dr Jovanka Matic, Institute for Social Sciences, Belgrade, media researcher and analyst, January 25, 2013.
3. Dr Rade Veljanovski, Faculty of Political Sciences, Belgrade, media expert, January 21, 2013.
4. Dr Vladimir Vodinelić, Law Faculty, University Union, Belgrade, expert on media law.
5. Dubravka Valić Nedeljković, Faculty of Philosophy, Novi Sad / Novi Sad School of Journalism, media expert and analyst.
6. Gordana Suša, RBA's Council, member / former member of the RTS's Council / NUNS.
7. Ljiljana Breberina i Sanja Stanković, OSCE Media Department, Serbia, February 12, 2013.
8. Ljiljana Smajlović, the Association of Journalists of Serbia, president.
9. Mirjana Milošević, World Associations of Newspapers and News Publishers(WANP), head of media development. Interview February 14, 2013.
10. Rich McClear, Former Chief of Party of USAID media assistance programs. Interview February 11, 2013.
11. Saša Mirković, B92 Trust, president / Association of Independent Electronic Media (ANEM), president interview, February 6, 2013.
12. Svetlana Đukić, EU Delegation to Serbia, program manager, Media and Civil Society.

About the Author

Davor Marko currently attends a PhD studies in culture and communication at the Faculty of Political Sciences, University of Belgrade. He holds MA in Democracy and Human Rights, joint-degree awarded by the University of Sarajevo (Bosnia and Herzegovina) and Bologna (Italia). He completed his BA studies in journalism at the Faculty of Political Sciences in Belgrade, Serbia. Last nine years he works in Sarajevo as an academic tutor, media researcher/analyst and project coordinator. As collaborator of Mediaplan, Mediacenter, Center for Human Rights, Novi Sad School of Journalism, he conducted a numerous researches on media contents related to the presentation of diversities. He was the leader of regional project Dialogue of diversities, that was implemented during 2007 and 2008, by Mediaplan, and that was consisted of educational, research and production activities. In academic year 2011/2012, he worked as media consultant for the University in Edinburgh, UK, and he was the research fellow of the Open Society Fund, BiH. He was editor in chief of magazine Novi pogledi [New perspectives], published by the Alumni of Centre for Interdisciplinary Postgraduate Studies, and he collaborated with various magazine / journals from the region. In 2009 he published a book *Zar na Zapadu postoji drugi Bog?* [Does another God exists on the West?], where he analyzed dominant stereotypes and prejudices on Islam in media of Western Balkans. Also, he is co-editor of a book *State or Nation? Challenges for Political Transition of Bosnia and Herzegovina* (2011).



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