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## THE MEDIA POLICY IN MONTENEGRO: FROM 1993 TO 2013

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### **Abstract**

*This paper attempts to emphasize the process of building the media environment in Montenegro with regards to media policy, legislation and institutional framework that followed the media boom in the last two decades. There has been a trend towards establishing new media entities, often focused predominantly focused on the sphere of politics. The emergence of several media entities on the media scene is often conflicting political and programmatic positions. The turbulent political events, learning media professionalism and ethics have caused the need for a serious approach to media policy legislation.*

*Key words: Montenegro; media policy; media institutions; legislation.*

### **THE HISTORICAL DEVELOPMENT OF MEDIA**

Since the time of the monarchy, the courts began to create representative public and separate private and public spheres in a specific, modern sense. (Habermas 1969, 19). In that manner changes have been eventually enacted at the global level and gave rise to divide the sphere of public, private and civil public relations and public officials. (Nuhanovic 1998, 181). Since the times of the Kingdom of Montenegro, political views were expressed throughout the print media and current social issues were discussed. (Vuksan 1934, 63). There is no doubt that the publishing, publicist and journalistic activity played a great role in the shaping of public opinion and political life in Montenegro, even though they were mainly influenced by the government till the emergence of an independent press. January 23, 1871 is considered as a beginning of the journalism in Montenegro, when the first issue of the newspaper for literature and policy “Montenegrin” appeared. The release date of the first Montenegrin newspaper is extremely important for the public development in Montenegro and ever since we can talk about continuity of journalism and media in Montenegro. The journal “Montenegrin” is predominantly significant for the Montenegrin journalism. After the peddling ban on the neighboring territories of Austria and Turkey in 1893, it has been issued under the name “Voice of Montenegrin” since April of the same year. (Sredanovic 2007, 61). Later on, especially in the period between the world wars, Montenegro could boast a variety of media subjects, for example: “Free thought”, “Zeta” etc. The underdevelopment of media space (only one daily newspaper and national television) characterized the post-war socialist society.

The only newspaper that was published in Montenegro until the end of the 90s was “Pobjeda”. For decades it represented an informative political magazine of the Socialist Alliance of the Working People of Montenegro. The first edition was issued in the liberated city of Niksic on October 24, 1944. Since June 1954 “Pobjeda” was released in Titograd, nowadays Podgorica. The average daily circulation of “Pobjeda” in 1982 up to 22.000 copies, and at the end of that decade and the beginning of the last decade of the millennium, a period called AB or anti-bureaucratic revolution that took place on the eve of the dissolution of former Yugoslavia. “Pobjeda” in the Montenegrin situation achieved gold circulation - between 30 and 40 thousand copies a day, until the advent of the domicile of competition (primarily “Vijesti” and “Dan”), which has significantly reduced sales of copies. Radio Titograd became operational in 1949, the former Radio stemmed from the former Radio Cetinje. The oldest local radio in Montenegro is Radio Niksic, which began its work on 18 September 1973. (Sredanovic 2007, 103). The first private radio “Elmag” became operational in 1994. The beginning of the Montenegrin television practice binds to 1964, when the first TV report was made, while until then the common Yugoslav TV program was retransmitted, as well as the signal of the Italian RAI.

At the beginning of the 90s, Montenegro introduced political pluralism in the era of the global increase in the importance of mass media. The media, especially television, have a “lasting” and general, rather than specific and formal role in forming attitudes and assumptions necessary for people's participation in social life and promoting political tolerance and different ways of thinking. Political tolerance would be the extent to which an individual is willing to let the erroneous opinions or ideas discussed, printed or propagated. (Heinemann 2004, 121). Since the introduction of the multiparty in the 90s to the present day, the Montenegrin media normative framework is marked by social and political context in which it was produced, and nothing less historical. Without the necessary level of culture there can be no medium of trust, or trust in the media, and thus neither solving of the problems that society faces. In the last two decades of continuous legal provisions and dialogue with the media community, Montenegro ranked itself in the circle of those companies which advanced European media solutions that are neither a mystery nor a taboo subject.

## **THE POLITICALLY TURBULENT PERIOD: FROM 1993 TO 1998**

The regulatory framework of the early 90s as a reflection of archetypes and perceptions of legacy media policy is predominantly generated by state supervision. With the strong imprint of actuality of political issues of that time, the media quality is typical for post-socialist societies, with all the challenges and problems of democracy in maturing. Public dialogue forum of this period is marked by the discussions that have provoked questions of always conflict field state-media relations. At the same time, the other half of this period was marked by the polarity of the representatives of the journalistic profession. And the apparent tardiness in order to create sustainable media environment, codify standards and elements that need to be objectively and professionally guided. The dualism of the media normative solutions was manifested by conflict character of the state unions of the Federal Republic of Yugoslavia (FRY) and Serbia and Montenegro. Those have produced visible antagonisms of media praxis. The process of building substantial new public information system in Montenegro started with the adoption of the Law on Public Information in 1993. The law created the legal basis for the regulation of this area in

accordance with the then achieved level of democratization and compatible European practices and experiences. For the first time, only this law clearly stipulates that any natural or legal person, regardless of the character of the property, may establish a public media service. In this way, three important ways in the direction of European standards were opened, those are: privatization of the media, the possibility of foreign investment and simplifying the procedure of establishing print media.

The period up to 1998 is essentially designed on the basis of centralistic media system, with the dominant role of the state in the supervision and management of state-run media. By the Public Information Act 1998, a significant portion of the shortcomings of regulatory decisions of the previous law is removed. In this regard, substantially new way of managing the corporate and public media is adopted, founded by the Republic or local governments. Governing board, supervisory board and director are given broad managerial rights in the business of these legal entities on a market basis, while the software aspect of the public media for the most part is linked to the program committee and the editor in chief, who freely and fully self-govern public media and freely select and appoint an editorial structure of the public media. The Public Information Law on February 16 1998 adopted by the Parliament of Montenegro shall be provided and guarantees freedom of public information. (Official Journal of the Republic of Montenegro 1998, 2).

### **REFORM OF THE PUBLIC INFORMATION – A PARADIGM OF CHANGE**

One of the main directions of the reform of the media system of this period is a fundamental change of the position, operation and control of the state media, which are transformed into public services, respectively the media in the service of their listeners and viewers. In all this, the determination of citizens for the control over the media is the most important element for understanding their overall attitude towards the media. There was also the biggest inflow of foreign donations in the media sector in Montenegro.

Just a willingness to enter into a comprehensive process of adapting the existing and construction of new legislation and the creation of a new institutional framework met with understanding in the international community. Within international cooperation and technical and professional assistance to the media and all other stakeholders in the media system to establish contacts, exchange experiences and analyze defects or untapped opportunities of existing system.

Accepting the Charter on Freedom of the Media, adopted at the regional table of the Stability Pact for South Eastern Europe on 8 June 2000 in Thessaloniki, the state bodies of the Republic of Montenegro committed to undertake continuous normative, institutional and policy initiatives within which will be guaranteed and promoted media freedom, support the development of professional journalism and provide a comprehensive transformation of electronic media in the Republic in accordance with international standards. According to the status of the early users of the Stability Pact for South Eastern Europe, Montenegro is used to display the status and projects in the field of media. This is why the European Agency for Reconstruction and the Council of Europe, 14 August 2000 signed a Joint initiative on adapting the legal framework in the media field in Montenegro. The main objective of the initiative was complete and feasible reform of the media system in the direction of creating conditions for the formation of free airtime as the main mechanism for the intensification of democratic processes in Montenegro. Its result is a set

of media laws that were adopted among which: Media Law, the Law on Broadcasting and Law on Public Broadcasting Services “Radio Montenegro” and “Television of Montenegro”. In the modern era, the clear principles and principles of the conditions for the existence of services are crystallized. (McQueen 2000, 268).

In August 2003, a new Common initiative was signed between the Council of Europe and the European Agency for Reconstruction, which continues to operate effectively in the further improvement of legislation in the field of media in Montenegro and its application. Adoption of the mentioned law from the First initiative represents an important step towards the harmonization of the Montenegrin legislation Council of Europe standards, but as stated in the Action Plan adopted by the Secretariat for Information of the Government of the Republic of Montenegro in December 2002, “there are still a lot of open questions”. It is this plan that directed team of the Council of Europe and the European Agency for Reconstruction, which prepared program of activities of the two organizations, in the direction of improving the media system in Montenegro. Historical and civilization departure from monocentric media culture and state paternalism was marked by a media reform in 2002. The essence and depth of this reform procedure set in the heart of the problem, thereby solving the most important issues for the development and creation of an atmosphere of work of mass media. Roland Larimer (1998, 63) defines mass media as social institutions that operate within certain rules and media policy. From the historical angle, the year 2002 is an important date of discontinuity with the spirit of heritage legacy of socialist practice modeling media system, which despite occasional normative tweaks, essentially did not guarantee genuine ambience of advanced democratic societies. At the same time, this was a strong impetus for progress in the wider social sustainable public dialogue discourse, much needed for a broader historical and political context in which these years Montenegro found itself.

However, the support of international experts and the partnership of governmental and non-government sector and the media community, resulted in the appropriate European solutions which were unanimously adopted by the Parliament in 2002. The presence of experts of the OSCE, Council of Europe, Article XIX and the similar, detergents democratic credibility and legitimacy of this process. In summary, significant capital elements that are rooted in its manifestation outgrew the formulation on the relationship of media, media policy and society, public and commercial media. On the influence of the media, public and commercial, John Street (2003, 82) is decisive, pointing out that the public service affects its audience as citizens who have different tastes and interests, informs, entertains, educates. While on the other hand, private, commercial media entertains its audience as an influence on its consumers. In order to guarantee the independent functioning of the media environment for amending the Criminal Code as a measure of the Action Plan for monitoring the implementation of recommendations from the European Commission - “Draft Law on Amendments to the Criminal Code - Decriminalization of defamation” of 22 June 2011.

## **THE INSTITUTIONS AND THE SELF - REGULATORY BODY**

The implementation of the media law establishes a completely new, democratic mechanisms and institutions, complex, coordinated procedures and methods in order to harmonize the actions of a large number of subjects. The full guarantee of free public speech brought by the new media laws is a basic prerequisite for realizing the concept of

open society, which implies the pursuit without no end, with the central idea of serving the needs and interests of the public, the citizens. This idea can be carried out from the perspective of public radio and television only through financing and conception of public broadcasting organizations. They should lastly serve the public interest - to work for the public and in its name. On the institutional foundations of the dual system of broadcasting commercial and public broadcasters state RTVCG is institutionally defined as a national public service broadcaster, with political, financial and institutional independence. Also according to the same model, the municipal radio and TV stations are institutionally transformed into local public service broadcasters, which is in its act of an advantage to the region of Southeast Europe. In the context of highlighting the importance of media and public relations, it is necessary to point out an observation of S. Back that distinction should be made between public relations as an integral part of the state administration and the modern concept of management as a discipline. It emphasizes that the mass media were always primarily intended for those who did not govern directly governed society. (Black 1997, 200). In 2003, the Agency for Broadcasting was founded (since 2008 the Agency for Electronic Media) as the authority responsible for the regulation of broadcasting. The agency is legally separate and independent from state authorities and all legal and natural persons engaged to the production, transmission and broadcasting of radio and television programs. The Agency manages the Agency Council, and authorized nominators are: Montenegrin Pen Center, University of Montenegro, and Broadcasters' associations in Montenegro, thereby excluding associations of public broadcasting services, Non-governmental organizations dealing with the protection of human rights and freedoms, Non-governmental organizations in the field of media. A member of the Council Agency performs their duties independently, according to their own knowledge and conscience, in accordance with the law. In order to provide better regulation of the media, media ownership and freedom of media legislation, inspirational and theoretical assumptions from media sphere theorists such as A. Nuhanovic (2005, 153), J. Keane (2003), K. Jakubovic (1995), are used. The aging methods of work and organization of the state administration were performed by the Ministry of Culture - Media Sector. The previous period was institutionally defined as normative and played regulatory role of the Secretariat to inform the Government of Montenegro.

## CONCLUSION

In the past twenty years, the issue of media freedom was the topic that caused the sharpest legislative and public debate that is often attended by totally opposing irreconcilable benchmarks. Historical-social cultural situation of the analyzed period significantly influenced and determined the character of the media writing in Montenegro. It remains a paradigm that without the necessary level of democratic-civil culture there can not media trust, nor trust in the media, and consequently solution of the problems society is facing. Media reform is indeed fight for a free public and citizens. The new institutional framework (the independent regulator, deregulated media system, support for self-regulation, the acceptance of the European Court of Human Rights etc., is identified in the final and positive reports of the European Commission, dedicated to fulfillment of obligations in the field of harmonization of the national legal system with the European legal framework. Since the media are an inseparable part of society, their development,

problems, challenges and vision are ultimately more or less reflexes of general feature of the Montenegrin society - democratic, historical, political, civilizational, economic and social. The historical-political-social environment for the period 1993-2013 was full of the widest repercussions and public debates that accompanied Montenegro in its state-political evolution and period temptations of the break-through status of the republic in Yugoslavia and the state union of Serbia and Montenegro to restore independence in 2006. The period from the state independence until today, patiently and persistently, is by the state and in order to join European media values used for the implementation of experiences and solutions appropriate to the civil character of the state. One of the main directions of the reform of the media system, in line with European standards, whose normative redesign began in 2002, is a fundamental change in the position, performance and control of state electronic media transformed into public service broadcasters, as well as the deregulation of media policy on the basis of the institutional position independent regulator for the electronic media and the principle of self-regulation, as well as purposeful substitute of measures of state regulation of the media.

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