

MONTENEGRO

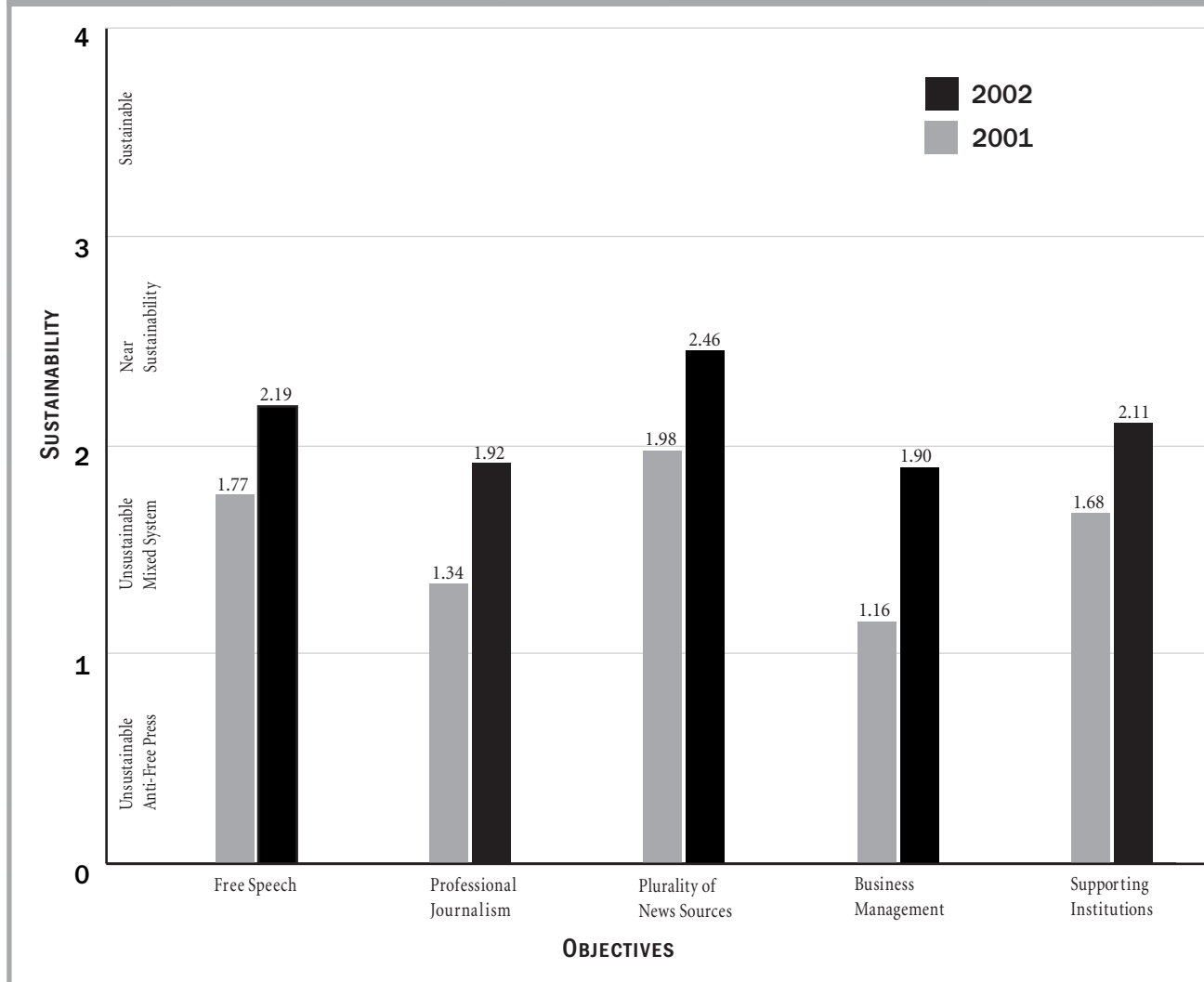
INTRODUCTION

Media in Montenegro continue to operate in a political environment dominated by the question of independence. Since 1992, Montenegro has been part of the Federal Republic of Yugoslavia with Serbia. After Milo Djukanovic won the elections in 1997, relations between the two republics deteriorated and Montenegro took a separatist line. Under Western pressure, however, Montenegro postponed the goal of immediate independence and in March 2002, signed the European Union-brokered Belgrade Agreement, which defines the terms of a new, looser union with Serbia. As a result of disputes and rivalry, the Montenegrin and Serbian parliaments are still drafting the constitutional charter at year's end. During this politicized period, implementation of much-needed social, legal, and economic reforms was not realized.

The graph below summarizes how the Media Sustainability Index (MSI) 2002 panel rated the five objectives used to measure media development and systems. While the number of media outlets in Montenegro grew, providing citizens multiple news sources, the overall quality of these sources and the degree of professional journalism displayed remain at low levels. The panelists agree that this growth trend is not sustainable and that increased competition to capture a share in a small market will have a positive impact on the quality over time. The passage of progressive media laws in September and the drafting process of additional legislation represent important steps forward in the transformation of state-run media into public enterprises and the development of competition, which should further promote free speech and access to public information. There appears to be considerable improvement in the area of business management, compared with last year's Objective 4 score of 1.16. This can be attributed to the increased commercialization of journalism with new television networks, new print outlets, and foreign investment in the daily *Vijesti*. Finally, supporting institutions are increasingly functioning in the interest of the media. The Montenegro Media Institute, for example, is leading the effort to educate journalists.

Overall, the opinion prevails that the most significant challenges facing the media are not in the legal domain; rather, the challenges lie in overcoming the negative state-political influence and financial, technical, commercial, and professional limits.

MONTENEGRO-MEDIA SUSTAINABILITY INDEX



OBJECTIVE SCORING

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

3 and above: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government is not fully supportive

0-1: Country meets few indicators; government and society actively oppose change

INDICATOR SCORING

Each indicator is scored using the following system:

0 = Country does not meet indicator; government or social forces may actively oppose its implementation

1 = Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change

2 = Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces

3 = Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability

4 = Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

OBJECTIVE 1: FREE SPEECH

Montenegro Objective Score: 2.19/4.0—Montenegro is beginning to demonstrate many of the indicators of the legal and social norms that protect and promote free speech and access to public information. Working groups comprised of representatives of the Montenegrin government, the media community, and the nongovernmental sector finalized a legal framework for the media system reform in compliance with international standards. Throughout the process, the working groups actively sought input from the Council of Europe and other international institutions interested in the media reform process. In May 2002, the three proposed laws were sent to the Montenegrin parliament, and after eight postponements, the media legislation was unanimously passed on Sept. 16, 2002.

The Media Law stipulates general principles and provisions on which the media system is based. Among these principles are the rights of journalists to maintain the anonymity of their sources and the prohibition of public entities to establish private media.

The Broadcasting Law mandates the establishment of an independent broadcasting regulator, the Broadcasting Council, to issue licenses and allocate

broadcast frequencies. The management of the signal distribution system also will come under the authority of the Broadcasting Council, once transferred from Montenegrin Telecom.

Finally, the Law on Public Broadcasting Services requires state-owned broadcasters—both on the national and municipal level—to become public broadcasting services under board management, representative of civil society. Office bearers affiliated with state or political parties will be disqualified from membership.

Many media experts herald this new legislation as one of the most advanced legal frameworks for media in Southeast Europe. The panel agrees that the adoption of the new media legislation marks a new era for media in Montenegro and obligates the government to provide and guarantee such rights as freedom of the press as stated in the Constitution of the Republic of Montenegro. However, the panel expressed concern regarding the implementation of the laws, which began Nov. 12, 2002. Some fear that the restrictive interpretation of the laws and the transformation of the state-owned broadcasters and agency for telecommunications, which are responsible for implementation activities, could jeopardize the intent of the progressive media legislation.

Despite concerns over implementation activities, the panelists expect that the new laws will eliminate the favored position of state media. Panelists assert that in the current state, the equality between state and independent media is only theoretical; the state media are controlled and financed significantly by the government, contributing to unfair competition.

The panelists also are hopeful that the new Broadcasting Law will make the allocation of broadcasting licenses fair, competitive, and apolitical for radio and television. Serbian TV Pink is cited as an example of how politics influences the licensing process. TV Pink obtained a temporary license to broadcast in Montenegro within a very short time without going through a tender process, while other applications of independent Montenegrin broadcasters have been denied. However, discussion confirms that the expansion of the private media sector demonstrates that bureaucratic obstacles to entering the market are decreasing. During 2002, three television stations and two radio stations began operations.

In addition to effective implementation of the new media laws, panelists overwhelmingly stressed the urgency for additional media reform laws on free access to public information, decriminalization of libel, and media concentration. One panelist noted that a working

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/social protections of free speech exist and are enforced.
	Licensing of broadcast media is fair, competitive, and apolitical.
	Market entry and tax structure for media are fair and comparable to other industries.
	Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

group is completing the first version of the Free Access to Public Information Law, which will provide all interested citizens access to information and documents at the disposal of state authorities or institutions in Montenegro.

Under Montenegrin law, libel is a criminal—not a civil—offense per international standards. All panelists urge for this media law reform and referenced the Asanin case as an example of suppressing freedom of expression and the anachronistic work of Montenegrin courts. Vladislav Asanin, former editor in chief of the daily *Dan*, was convicted of libel and sentenced to three months in prison for his decision to re-publish articles from the Croatian daily *Nacional* alleging the involvement of Montenegrin President Djukanovic and controversial businessman Sranko Subotic in cigarette smuggling.

Regarding free speech, participants stated that political parties influence and control the editorial policy of certain media outlets, as evidenced during the election campaign. Some media delivered unbalanced reporting in favor of certain candidates. On the whole, however, it is concluded that most independent media delivered balanced election reporting that created a forum for all political opinions, thereby increasing public awareness of the candidates and issues.

Overall, the opinion prevails that the most significant challenges facing the media are not in the legal domain; rather, the challenges lie in overcoming the negative state-political influence and financial, technical, commercial, and professional limits. According to one panelist, the problem is “in the inherited practice and in the slow process of establishing the high-quality and professional journalism.” While journalism as a profession is marked as an indispensable pillar of a democratic society, panelists believe that political powers do not recognize journalists as such.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Montenegro Objective Score: 1.92/4.0—Though the degree to which journalism in Montenegro meets professional standards is inconsistent, panelists generally rate the standards low.

The panel regards the adoption of the Code of Ethics (Codex) as a significant step toward achieving recognition and acceptance of ethical standards and raising the overall quality of journalism. The Codex, initiated by the Montenegro Media Institute (MMI) and IREX, outlines 12 basic principles for media professionals as well as guidelines for interpretation and applica-

tion of the principles. On May 21, 2002, the major media associations in Montenegro signed the Codex. Signatories include the Association of Young Journalists, the Association of Independent Print Media—Montpress, the Independent Union of the Journalists of Montenegro, the Association of Independent Broadcast Media of Montenegro—UNEM, the Union of the Journalists of Montenegro, and the Union of the Professional Journalists of Montenegro. The Codex is the first attempt on the part of the Montenegrin media toward any kind of self-regulation.

Now that the Codex has been signed, implementation lies ahead. The panelists acknowledge that the impact of the Codex will depend on journalists’ respecting and applying the principles. A next step in the implementation process is to establish the Montenegro Media Standards Committee, which will serve as an appeals body.

Despite this achievement, the panelists discussed various factors, which damage the quality of reporting and programming. The threat of libel charges, which is a criminal offense under Montenegrin law, contributes to self-censorship by journalists and editors. Concerns about personal safety discourage journalists from investigating sensitive issues. Also, sensationalism is a growing, negative trend that is undermining the credibility of journalism. Given the extreme competition, media

Journalism meets professional standards of quality.	
Professional Journalism Indicators	Reporting is fair, objective, and well sourced.
	Journalists follow recognized and accepted ethical standards.
	Journalists and editors do not practice self-censorship.
	Journalists cover key events and issues.
	Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	Entertainment programming does not eclipse news and information programming.
	Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	Quality niche reporting and programming exists (investigative, economics/business, local, political).

outlets are simply publishing false information to capture market share.

Generally speaking, Montenegrin journalism has a strongly manifested political character. Political issues have primacy over others, especially economic ones.

In addition to safety concerns, panelists assert that there is a lack of investigative journalism due to financial costs, time constraints, uncertain results, and lack of human resources. The majority of independent media in Montenegro employ few staff. The crews at most independent broadcasters are so small that the absence of one person can jeopardize the whole working operation.

Generally speaking, Montenegrin journalism has a strongly manifested political character. Political issues have primacy over others, especially economic ones. The business reporting by the MINA news agency has started to change things in a positive direction. The agency has influenced most media to introduce dedicated economic pages and programs. Compared with a year and a half ago, when no Montenegrin paper had a dedicated economic page, today it is difficult to find a paper without it.

There are still a great number of social, political, and economic issues waiting to be investigated in a professional manner. The habit of informing citizens in a simple, superficial way—without intending to compete for readers, listeners, and viewers—is visible. This is especially the case for broadcasters that believe entertainment programming is the key to attract a wider audience. One exception is the weekly *Monitor* magazine, which not only reports the issues but also goes in depth using investigative journalism techniques.

On the upside, compared with the observations of the 2001 MSI panel, there are no improper language references to national minorities in Montenegro. However, improper language has been used when referring to political rivals or people who advocate different opinions from those of the media.

Salaries for journalists are low and often irregular, and most journalists receive no insurance. Panel members agree that low salaries “open the door” for corruption and speculate on the connection between political

powers and the daily *Publika* and TV IN, both of which offer high monthly pay levels up to 2,500 euros.

Technical facilities and equipment for gathering, producing, and distributing news vary and range from very poor to modern, as is the case with TV IN and Serbian TV Pink. Regardless, the equipment often does not meet Western standards. Personnel often require additional training to properly maximize the equipment they do have. The average private television station in Montenegro has two Beta SP cameras and one editing suite. Print media, particularly dailies, have adequate equipment, which remains idle due to the excessive printing capacity.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Montenegro Objective Score: 2.46/4.0—The media market in Montenegro is saturated. Almost 40 radio stations, 12 television stations, five dailies, and three weeklies/bi-weeklies serve Montenegro’s population of approximately 650,000 people. Panelists believe market mechanisms will make necessary selections, especially now that donor money from the international community is decreasing and the coffers of political parties are dwindling. Already the daily *Glas Crnogoraca* and Radio Free Montenegro have gone out of business. The

Multiple news sources provide citizens with reliable and objective news.	
Plurality of News Sources Indicators	A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	Citizens’ access to domestic or international media is not restricted.
	State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	Independent news agencies gather and distribute news for print and broadcast media.
	Independent broadcast media produce their own news programs.
	Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

rest are fighting for market share and are now competing with foreign market entrants, including Serbian TV Pink.

The Internet population is growing slowly in Montenegro due to the financial status of the average Montenegrin. The average monthly salary is 200 euros, and one-third of the population lives at the poverty level, which makes computers out of reach for most. The sole Internet service provider in Montenegro is also able to dictate high fees. The monthly fee for a single dedicated Internet line is roughly \$400. The number of Internet cafés in Montenegro is increasing slowly from one Internet café in 2001 to five today. And now the Montenegrin Post offers Internet access in the larger cities, though the panelists believe the public is not aware of this service. In the northern area of the republic, only a small number of people can use the Internet because of poor language skills.

Given the volume of media outlets, the problem in Montenegro is not the lack of information sources but rather the quality. Instead of generating original reports, the majority of the media rely on news agencies that are, in effect, the predominant news source.

Regarding reach of the traditional media, it is estimated that the average citizen does not regularly buy print media because the daily paper is more expensive than a loaf of bread—0,50 euros compared with 0,40 euros. While print media reach urban and rural areas, only state television and radio broadcast republic-wide. Other broadcasters are concentrated mainly in urban areas.

There is one news agency in Montenegro, MINA, that supplies media with general and economic news. Panelists consider MINA the primary source of information in Montenegro and deem its influence positive. MINA's reporting is regarded as fair and balanced, but the network of republic-wide correspondents is limited, which results in a lack of coverage for important events in remote areas.

Although most broadcasters have their own information newscast, the material used is primarily

news-agency material. Exceptions are Radio Antena M and MBC TV, whose original coverage and reporting are high. According to the Parliamentary Elections 2002 Media Monitoring Report (August 31 to October 12) published by the Association of Young Journalists (AYJ), MBC TV achieved the highest share of original coverage and reporting at 80 percent, compared with state television's 65 percent.

Given the volume of media outlets, the problem in Montenegro is not the lack of information sources but rather the quality. Instead of generating original reports, the majority of the media rely on news agencies that are, in effect, the predominant news source. It has also been noticed that the same agency information is often interpreted differently depending on how the information is presented. At times, not all information is published, and components are manipulated to satisfy the aims of the media outlet.

Panel members agree that media ownership is for the most part not transparent. Since it is unofficially known that the same owners control several media outlets, it is necessary not only to make ownership transparent, but also to create antimonopoly law in the media sphere.

It is evident that the ongoing political instability in Montenegro has driven the content of news coverage, putting aside all other issues—economic, cultural, and educational programming. Only a small number of media succeed in providing comprehensive public-affairs coverage. Most media outlets avoid such sensitive issues as corruption, abuse of power, mismanagement, human trafficking, and so on. The MINA news agency and the weekly *Monitor* are considered two exceptions. In November, *Monitor* published a report on the widespread problem of human trafficking. The report included the exclusive testimony of a female victim of forced prostitution. As a result of this story, several high judiciary and law-enforcement officials were arrested, including the Montenegrin deputy prosecutor.

The number of media organizations dedicated to serving ethnic minorities in Montenegro has been increasing as a result of stronger, better-organized advocacy groups and increased general awareness of minority needs. As of 2001, there was only media outlet, Radio Mir. Today, TV Teuta, TV Boin, Radio Plav, the bi-weekly *Kronika*, and the first women's magazine in the Albanian language, *Nora*, are operating.

OBJECTIVE 4: BUSINESS MANAGEMENT

Montenegro Objective Score: 1.90/4.0—For print media outlets, the cost of distribution is a serious barrier to financial sustainability. Distributors demand between 25 and 30 percent from the sale of periodicals. While a year ago there was just one small distributor, today there are three. In addition to Bega Press, Oglas Press and Stampa are now operating. The mass-selling daily newspaper *Vijesti* now owns 70 percent of the largest (former state) distributor Stampa, which owns approximately 400 newsstands in Montenegro. Despite the increased competition, the percentage charged for distribution remains constant. As a result, various competitors are considering joint distributions as a strategy for reducing costs.

The capacity of printing facilities far exceeds the demand of the Montenegrin print market. The major owners of printing plants are *Vijesti*, *Dan*, and *Pobjeda*. *Pobjeda*'s printing plant is described as modern, with the capacity to print the entire circulation of Montenegrin papers in three hours. *Vijesti* and *Dan* accuse state-owned *Pobjeda* of using government subsidies to offer below-market pricing to print outlets, thus creating unfair competition. Once *Pobjeda* is privatized under the new law on transformation of state-owned media into public service, the situation will change.

While *Vijesti* and *Dan* are profitable entities that can survive in the market, panelists point out that

some print media are sustained by the financial support received from anonymous sources. For example, the daily *Publika* is known for paying the best monthly salaries, on average 1,500 euros, to journalists in Montenegro even though its circulation is only 4,000. *Vijesti*, on the other hand, compensates its journalists between 700 and 1,000 euros monthly and has a circulation of 25,000. The speculation of *Publika*'s financial dependency on the political elite is substantiated by its consistent alignment with the government's position. As an example, when a comprising photo of a powerful Montenegrin businessman with close ties to the leading politicians appeared, the entire circulation of paper was destroyed.

For the majority of private media owners, the existence of state-owed media serves as an excuse for their failure to run their outlets as businesses.

The future of private broadcasting depends greatly on the ability to attract commercial advertising. With the exception of TV IN, and to a lesser degree MBC TV, no outlets have succeeded in attracting large accounts. These broadcasters are surviving on revenue generated by small ads and simple commercial spots. Panelists are anxious that the situation will only worsen given new market entrants such as Serbian TV Pink. The two biggest advertisers are cell-phone companies Pro Monte and Monet, which advertise on TV IN, TV Pink, and state television. Based on rough estimations, these three stations attract almost 70 percent of all advertising money.

To encourage commercial advertising, the Association of Independent Broadcasters of Montenegro (UNEM) initiated a joint marketing department to work for its members. In its first year, the UNEM marketing department earned 60,000 euros, which will be distributed among its members.

Generally, media managers in Montenegro have not learned the basic principle that increasing viewers or listeners through targeted programming will attract advertisers and therefore increase revenue. Programming decisions are often based on costs rather than longer-term investment. Panelists fault editorial and marketing executives for not coordinating to insert ads into quality programs.

Independent media are well-managed businesses, allowing editorial independence.	
Business Management Indicators	Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	Media receive revenue from a multitude of sources.
	Advertising agencies and related industries support an advertising market.
	Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	Independent media do not receive government subsidies.
	Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	Broadcast ratings and circulation figures are reliably and independently produced.

The financial situation for print outlets is worse. Just two of them—the dailies *Vijesti* and *Dan*—bring in sufficient sales and advertising to be sustainable. The others hardly earn 30 percent of their income from advertising and rely heavily on donor sources.

For the majority of private media owners, the existence of state-owed media serves as an excuse for their failure to run their outlets as businesses. Only a few private owners can be looked upon as good managers who employ business plans and survey tools. Objective, accurate market research is available in Montenegro. The rest, even those who possess basic knowledge of media-management principles, resist using management tools for better planning and positioning in the market probably because they do not understand their value. It can be a difficult challenge to translate survey findings into better programming and results.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Montenegro Objective Score: 2.11/4.0—Panelists suggest that media are recognizing the importance of lobbying for and protecting their interests and are of the opinion that UNEM has effectively done so for its members.

UNEM is credited as one of the leaders driving the media reform process, not only in terms of drafting legislation but also in bringing key stakeholders together and launching a public-awareness campaign on the signifi-

cance of the media law reform. After the three new media laws were passed on September 16, UNEM led an effort to pressure the Montenegrin parliament into moving up the media law implementation date. UNEM organized media stakeholders to protest the parliament's inaction by con-

The nongovernmental organization (NGO) sector and media have started to develop closer cooperation, particularly in areas that have a significant impact on the public, e.g., human rights, anti-corruption, and so on.

ducting a transmission boycott with a daily 30-minute blackout through October 14. UNEM also campaigned for immediate implementation through television advertisements and roundtable discussions. Since parliament voted to begin the implementation activities in November, UNEM has continued to serve its members by taking an active role in the implementation planning along with the Montenegrin Secretariat of Information.

UNEM and other associations such as the Journalist Trade Association and the Association of Young Journalists actively seek to protect free speech. Their efforts resulted in consensus to draft a new law on defamation. The same organizations are also drafting the Free Access to Information Law.

In general, relationships between the civil society institutions and organizations and the media sector are still undeveloped, although there are some encouraging signs. The nongovernmental organization (NGO) sector and media have started to develop closer cooperation, particularly in areas that have a significant impact on the public, e.g., human rights, anti-corruption, and so on. There are 1,600 NGOs in Montenegro.

Panelists agree that the Montenegro Media Institute (MMI) has started to fill the gap in journalistic education. MMI conducts short-term, practical training activities under the motto “learning by doing.” The majority of training participants are learning what professional journalism means for the first time. Results of this training will become visible slowly because journalists very often receive resistance from their editors, who are not open to new ideas and standards. This underscores the importance of training editors as well.

Supporting institutions function in the professional interests of independent media.	
Supporting Institutions Indicators	Trade associations represent the interests of private media owners and provide member services.
	Professional associations work to protect journalists' rights.
	NGOs support free speech and independent media.
	Quality journalism degree programs that provide substantial practical experience exist.
	Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Unfortunately, opportunities for journalists to earn journalistic degrees abroad are limited due to financial constraints. As a way of establishing quality programs at home, MMI will soon launch a diploma course in journalism, which will be the first certified, higher-education program for journalists in Montenegro. The target audience is future journalists who have already been or will soon be graduated. The course will consist of 16 weeks of general, print, and broadcast media training followed by a two-month internship. The curriculum has been designed in coordination with the Danish School of Journalism, which will also jointly undertake the implementation of the diploma course,

expected to begin in spring 2003. Panel participants have high expectations for the program.

There is no newsprint production in Montenegro, and printing houses and media are importing newsprint. Private printing plants are market-oriented and work without discrimination.

According to panelists, most channels of media distribution appear apolitical and well managed. Compared with the past, kiosks no longer refuse to offer print products that do not reflect their political beliefs. Montenegro's only Internet service provider, though partially owned by the government, also shows no barriers to the distribution of information.

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