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THE FREE SPEECH: HOW GOVERNMENT CONTROLLED IT?

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Abstract

The data show that the media in the Republic of Macedonia became associates of the government propaganda, circumventing the professional and democratic principles of informing. The Government is one of the biggest advertisers in the country and there is concern that the funds are allocated to the television channels which support the Government. The collected data will be illustrated through analysis and comparison of the annual reports of the Organization "Reporters without Borders" and the annual reports of the European Commission, but this does not mean that other academic research will be excluded. The survey results show that in Macedonia the media freedom is not achieved, but on the contrary we have drastic deterioration of the freedom of expression. Because of this the media lose their mission to inform and educate their audience, regardless of any political pressure.

Key words: Republic of Macedonia; Government; Control; Media

INTRODUCTION

The freedom of speech and communication with the public are international standards that differ from those authoritarian democratic societies and their malfunction definitely shows a real picture of a democratic society. The right of the public to know, to be informed and to have an opportunity actively to participate in the processes of the society is undeniable and is part of the national and international right, but also it is part of the generally accepted, media, professional and ethical principles. The citizens and also the public exercise this right mainly through the media, which except as a platform for informing the public, serve to the public as platform for articulating the views and place for development of social debate, but also as a mean of pressure on institutions and on the centers of power so that they could act in accordance with the interests of the society. The duty of the media is to be guardians of the public interest, to protect and promote, but also to improve and take to task the office-bearers and the politicians, to disclose the cases and the events which are important for the citizens, the public and the society.

Reporting about the corruption, crime, abuses by institutions or other powers is of inherent public interest. Besides that, the democracy and the good governance, the human rights and freedoms can be listed as important areas of the public interest. However, the current situation does not indicate that the media in Macedonia are creators and guardians of the public interest. On the contrary, they increasingly serve to the narrow, particular interests, to the centers of power, and in this particular case they serve to the government and to the business. The reasons for that are numerous and they could be recognized in almost every aspects of their functioning, from which as the most important reasons can be distinguished the way of production of contents, their quality, as well as functioning of the media in the current professional and legal environment.

The numerous reports and public pleas from the international organizations , such as the Report for Progress of the European Commission or OSCE, or the assessments of the international or national professional or media organizations, through more research whose findings are included in the final analysis for media and public interest, suggest that the problems are numerous and multilayered. However, they are not result of the underdevelopment of the media system as a whole or the absence of legislation and mechanisms for its implementation. The achievement of the democratic standards in Macedonia, when it comes to the freedom of expression, during the period of 2003-2016, will be illustrated through the analysis and comparison of the annual reports published by the World Organization "Reporters without Borders" and the reports published by the European Commission for Prosperity of the Republic of Macedonia for the period 2010-2016. As a conclusion to all of this, the main priority, that is to say the freedom of the media has not been achieved yet, but on the contrary, there is deterioration of the situation.

PROBLEM STATEMENT

The Republic of Macedonia has a huge number of media, technology and personnel which enable the country to fulfill its role, to have relatively good legislation, developed systems for digital transmission of information, and carried digitalization, solid penetration of the internet and pretty much vibrant online media sphere, educational institutions for formal and continuous informal education of the media personnel, mechanisms for self-regulation and guild association. However, in practice all these elements are subject to distortion, whereupon the created anomalies and dysfunction at the end will result not only with bad performances in many aspects, but also with alienation of the media from the public interest.

On the other hand, Macedonia suffers a decline of professional and ethical standards which are seen as low. At the same time, the media is not free from the influence of power. Although the legal framework satisfies the largest international standards, in practice the situation is seen differently. Another concerning problem is the market media which is not favorable to the media who want to be independent and which cannot survive on their market, but they need help from the state. Professional standards are generally low and the media is not free from governmental influence. There are also cases where the media close to the government promote ethnic hatred and the same ones are not sanctioned. Macedonia has more than enough, even too many media (especially electronic media), which are often used by "the outsiders", and most often by the politicians in power as an argument for existence of "pluralism" in the media space. National private media (primarily

televisions) are dominant over the public media. There is almost complete absence of the non-profit electronic media, while the local media and the media of the community, some of which were shut down in the last few years, fight for survival every day. The regulation and the self-regulation follow the European media policies, but their implementation is facing serious resistance, which can be seen in the non-enforcement, impunity or selective and biased enforcement and (dis)respect by the institutions and part of the media community, as well as absence of will to create more functional media environment (Saracini 2016). The Constitution excludes censorship, but it does not exclude the efforts to influence the media that are not prone to authority.

The contest for profit, which in the last few years is predominantly acquired by the state funds (government aids), directly affects the freedom of expression, and it will be object of this scientific research. In practice, most of the mainstream media are almost entirely dependent on the instrumentation for professional and political purposes, and also the local media are entirely dependent on the politics and the businessmen at a local level.

THE MEDIA BEFORE AND AFTER THE PLURALISM

The Republic of Macedonia 24 years since its independence and pluralism still to date has failed to establish the system of impartial and independent media which will meet international standards of media. After the first publication of the newspaper "Nova Makedonija" in Macedonian language on 29th of November, 1944, was also published the first Albanian newspaper "Flaka e Vellazerimit", in April of 1945. Radio-programs in Albanian and Turkish began to broadcast during the 1960s within the Yugoslav radio based in Belgrade. Later in Skopje, the Macedonian Radio Television, began the program in Macedonian and then broadcasted news in Albanian and Turkish (Ramet and Simkus 2013, 89). In socialist Yugoslavia, Macedonian media system was under tight state control and the absence of alternative media. With the collapse of the socialist regime system and with the advent of pluralism and democracy followed the liberalization of the media. Changes first swept the field of electronic media, which were opened many private televisions and radio stations (more than 300), most of whom worked illegally. The number of electronic media is reduced by the adoption of the first Law on Broadcasting in 1997. In 1991, the program began to broadcast the first private radio, and in 1993 opened the first private television (it was A1 TV, that stopped working in 2011). With the opening of private electronic media the monopoly public service broadcaster MRT started to wobble. Pluralism in the field of print media, however, came with the release of the private daily newspaper "Dnevnik" in 1996 (Macedonian Institute of Media 2012). In 1998 appeared the private newspaper in Albanian "Fakti" which later went out for financial reasons (Macedonian Institute of Media, 2004). The same fate later had the newspapers "Koha e Re" and "Zhurnal". In 2014, the Government announced a competition to award concessions. Competition provoked strong reactions, especially in existing national commercial TV stations, which claimed that the market is already too fragmented and can"t with stand greater number broadcasters, and this will certainly have a negative impact on the performance of existing broadcasters (Howley 2010, 118). Until January 2008, 271 electronic media operated lawfully in Macedonia (Sluzben Vesnik, 2005). According to the Agency for audio and audiovisual media services, today in Macedonia operate over 70 media (excluding print media), of which 13 broadcast programs in Albanian language.

INDIRECT GOVERNMENTAL CONTROL AND THE ROLE OF MEDIA IN DEMOCRATIC SOCIETY

Scientific theory recognizes different forms and models of governmental control over the media. Based on the theory of Lawson, about governmental control of the media, they think that in the post-communist countries there are two models of control. Firstly, the model of "direct governmental control", that is state ownership. And secondly, the model of "indirect governmental control" (Lawson and McCann 2007). Even if the owner of the station is private, however, the government may be able to "indirectly" control news content, providing subsidize, governmental advertising, or outright bribes to encourage the private owner to bias coverage away from the commercially optimal editorial policy (Laughey 2007, 3). Acording to Grossman and Helpman this provided various benefits to private media in return for favorable coverage, including tax privileges, subsidized newsprint, and cash payments to journalists. As a consequence, "a plethora of pro-government newspapers could operate without serious regard to circulation, commercial advertising, or other normal requisites of financial viability" (Grossman and Helpman 2001). Conceptually, the relationship between government and private owner is analogous to a lobbying problem, though here the government plays the role of lobby and private owner the role of policy maker (Grossman and Helpman 2001). Although in the media space in Macedonia appear elements of both models, we think that the second model is more widespread and are determined in the practical part to analyze the second model, the model - "indirect governmental control over media. But if you go back to the other side, in western democracies, media is perceived in two ways, positively (as a democratic source of truth) and negatively (as a powerful manipulative of the truth). In countries where the media is entirely controlled by the government, by contrast, social and cultural sense of the media can be described in broad political sense as a means of propaganda and social control (Talbot 2007, 3). Media should function as a "market" open to all ideas and opinions regardless of their content (Cammaerts and Carpentier 2007, 191). Media has an important role in democracy. Media provides information on political issues, gives us the opportunity to speak out our opinion on various issues, giving citizens the opportunity to be a guard of policy-makers and decision-makers (Coyne and Leeson 2009, 122-123). An independent media influences as incentive for government actors to monitor the reforms that benefit the country and are related to their narrow interests. Basic logic implies that a free media provides citizens critical information regarding current affairs and political activities. Free media serves as a resource to inform their political activities, where citizens can evaluate politicians to reward or to punish them. Having the power, people to punish politicians during elections (SELDI 2002, 161)

THE FALL AND NEGATIVE REMARKS

Chronologically, the decline of Macedonia starts in 2009, when it falls from the 34th place to the 68th (Reporters without Borders, Press Freedom Index 2009). In 2011 and 2012, our country was on the 94th place and this year it is on the 118th place (Reporters without Borders, Press Freedom Index 2016). Comparing the annual reports of the Reporters without Borders, formally speaking, the inglorious 118th place on the ranging is a step forward of seven places compared to the 123rd place from the report of the Reporters

without Borders from 2014 (Reporters without Borders, Press Freedom Index, 2014). This is definitely the most negative result that our country had since we have reports of the media freedom, which is seen as a huge disappointment. "The situation with the media in Macedonia continues to be bad during 2016, which was marked by the abuse of the legal provisions of defamations and also it was also marked by the politically motivated promotion of advertising campaigns financed by the state budget" (Reporters without Borders, Press Freedom Index 2016).

According to this report, Republic of Macedonia for more consecutive years is going backwards in terms of the situation in the media, public information and freedom of expression. According to the published rankings, Republic of Macedonia in 2003 was for the first time placed in the RSF and was ranked on the 51st place from 158 monitored countries, whereupon had the higher position than some countries in this region.[1]

In the period from 2004 until 2009, Macedonia is placed at even higher positions. In 2004 Macedonia was on the 49th place out of 158 ranked countries. In 2007 Macedonia is on the higher 36th place out of 164 countries, while in 2009 Macedonia reached the highest position where in a competition with even 170 countries is placed in the 34th place. However, that position according to the subsequent rankings, as well as according to the reality of the situations that are perceived in the Macedonian society in the next five years, proved to be like a swan song for the Macedonian media and for the democratic conditions. Yet in 2010 the fall of the position in the Republic of Macedonia can be noticed, since Macedonia was placed on the 68th place out of 173 monitored countries. During the period between 2011 and 2012, the situation with the media freedom in the Republic of Macedonia is obviously drastically deteriorated because Macedonia was falling down to the bottom of the table and was placed on the 94th place, and after that on the 116th place out of 178 countries on the list. According to "Reporters without Borders", Republic of Macedonia was persuasively worse ranked in 2014 when it felt to the 123 place in the ranking out of 180 countries. These assessments are more than worrying when you consider that according to the methodology of the RSF, Republic of Macedonia in 2013 passed the boundary of the countries, which according to the parameters are ranked in the group of countries with "significant problems" in the sphere of the media freedom and public informing, and entered in the group of countries which are established to be in a "difficult situation".

[1] As for instance, Serbia (and Montenegro) – 85th place, Croatia – 69th place, or Romania – 59th place.

Table 1: Assessment of the freedom of speech (Source: Reporters without Borders, Press Freedom Index for Republic of Macedonia 2003-2016)

	Progress of media freedom													
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Monitored Countries	51	49	43	45	36	42	34	68	94	116	116	123	117	118
Monitored Countries	158	167	167	164	164	170	173	178	178	179	179	180	180	180
Situation of the media (progress-regress)	-	rise	rise	fall	rise	fall	rice	fall	fall	fall	-	fall	rice	fall

Given the progress of the media reforms, the results are not satisfying, but on the other hand there is deterioration of the situation. It is a fact that the European Commission in the annual reports repeatedly asks the countries to stop this practise of the government advertisements in the pro-government media (European Commission 2015). The latest annual report for Macedonia (2015) is a serious concern despite the previous invocations for the first time as it is determined in the report. The Union emphasized that "this reform should immediately be given priority". (European Commission 2015). As it is stated in the Report for progress of the country, the treat for fulfilment of this priority is spending of the government advertisements, which are oriented only to the pro-government media. It is almost impossible to achieve the wanted democratic standards until the media have the complete freedom in the reporting of the public affairs in the area of different corruption case, politicization of the public administration and so on, which will be difficult to fight against these occurrences without free media. The democratic standards for the information demand for full respect of the principles of independence of the media and those standards have not been achieved yet.

Table 2: Chronology of the view-points of the EU for indirect control of the government on the media (Source: European Commission, Progress Reports for Republic of Macedonia 2011 – 2015)

2011	The Government is one of the biggest advertisers in the country and there is a concern that the funds are allocated to television channels which support the government
2012	There is still concern that much of the advertisments financed by the government are directed towards the media which support the government.
2013	There is still concern about spending of the government advertisments for which a lot of people claim that they are oriented only to the pro-government media, giving them a significant financial advantage
2014	There is indirect state control of the media production through government adverts and media favoured by the government (and towards which it is inclined)
2015	Government advertising provides the largest single source of funding and has a major influence on the media market at both national and local level. There is no systematic or detailed reporting on government advertising. Moreover, the content of the intercepted communications revealed close links between government and media owners with the highest viewership and circulation, who also receive most of the funding allocated to government advertising campaigns. The "Urgent Reform Priorities" include a commitment to ensure full transparency on government advertising and to develop a mechanism for unpaid public service announcements of a truly public interest character.

THE COST OF FREE SPEECH

The Constitution excludes censorship, but the same does not preclude efforts to influence the media that are not prone to power. Since 24 years from the country"s independence, there have been cases of financial control in the media and pressure being blackmailed owners about other businesses they possess (Ramadani 2013). Double standards exist only for independent media, the opposition media and the Albanian media. In Macedonia, the voice of opposition media is pale. The events are still fresh of recent years when the government has shown that it can threaten and take severe "measures" to put pressure on media that are critical of governmental programs or are close to the opposition. The biggest beneficiaries of all this game appear to be the local media close to the government and their journalists, although that they do not meet professional standards and journalistic code about information, but in exchange for the benefits, the advertising division of state institutions have agreed to conduct the newsletter performance of the biggest party that leads the state (European Commission 2010). Violence against media and journalists has become common practice of power. Intimidation of journalists who face political pressure and threats is still a serious selective problem at present[2] (Koha 2010). In November of 2010 the action of state bodies expressed concern in A1 Television, (Greenslade 2013) the resulting statistics showed A1 to be the most watched media in Macedonia and some other daily newspapers. Using the methods of frightening and threatening to criticism and investigative reports against A1, reached its peak with the imprisonment and deprivation of liberty of journalist Tomislav Kezharovski, using at the same time the courts as part of the governmental "campaign" against the free speech. His sentence woke drastic prestigious international media interest and considered it as an unprecedented case (Vidimliski 2013). Frightening trends in the media noted also Frank La Rue, the special reporter on freedom of opinion and expression of the UN, which in 2013 has observed the developments in the country. The closure of the A1 television and four newspapers in 2011, then weekly Focus and the investigation for the death of its editor Nikola Mladenov, as well as the case of a complaint against the journalists of Focus on transmitted statement, are four cases that La Rue says openly speak to intimidate critical media. For him is unclear why the government did not pursue a criminal investigation against the death of Mladenov (Conclusions of Accessible High-level Dialogue 2012). The findings of the international observers about informing of the media during elections, about the way for which they cover different important events, such as the publication of the so-called "bombs of the opposition", the protests of the students, the case "Spy", the case "Pooch", etc., indicate that the infiltration of the politics and business in the "creation" of the public interest in the media is already too deep and it degrades their key role and function.

One of the five points on the agenda of the political dialogue at high level that the Government started with the European Commission on 15thof March is the freedom of the media - a topic that has come under criticism in the last annual report of the Commission on the progress and by several international organizations.

[2] NGO "Transparency Macedonia", in its monthly report for November 2010, "concern on the occasion of the action of the state bodies A1 Television. The action of executive power under the "Transparency Macedonia" that are completely mixed jurisdictions and powers of the Public Revenue Office, MIA, financial police and various inspections, point to doubt that it is a political action, not legal background.

INDIRECT CONTROL OVER THE MEDIA IN PRACTICE

Generally institutions in R.M are not open enough to cooperate with the media. Media are always favored and selection depends on the proximity to the ruling party. As mentioned above, based on the theory of "indirect government control over the media", in Macedonia, there are elements of this nature. A special type of financing media is dividing funds to help the independent print media, which is conducted by a committee that is appointed by the Government of the Republic of Macedonia. Funds are given once a year, without strict criteria and regularly encourage resentment among the media, which did not receive enough financial aid or assistance at all. Some of these media are dissatisfied considering this separation as a reward for media close to the authorities and the media that do little pressure (Dimitrijevska and Daskalovski 2013). The issue of governmental advertising in the media has again raised the debate on transparency of these funds, and also the continuing practice through such advertising, the independent media to be purchased. The process in which the government chooses newspapers that will be advertised is problematic and is done in a non-transparent manner and advertising revenue are often not correlated with the ratings of the medium, but the closeness of Government with certain mediums (Kadriu 2014). Sponsorship and advertising by the Government opens the possibility to control and select the media. While there are no principles about the allocation of advertising, such media will necessarily depend on the power and will play the role of a maid. Based on this rule, the media are obliged to support the government, rather than challenge it by increasing the transparency of the work of governmental structures. But on the other hand, the media that favors the central government does not help building public opinion on issues related to vertical, voter-elected. Despite numerous requests, including calls by representatives of OSCE for the freedom of media, government has never come up with data on amounts spent, while the media daily published numerous advertisements on its activities, in particular in the pre-election period as it happens now in Macedonia. EU urged the government to come up with data on how money is spent on advertising. A report made by the European Commission experts last year shows that the government has an annual budget of 20 million Euros on advertising, which also appears as the largest advertiser in the country (Macedonian Institute for Media 2012). The structure of the media industry has not changed for a long time. The main actors are the national commercial TV stations, while many local radio and TV stations are struggling to survive. The situation is even worse in small towns with poor economies. Most violations of the legal provisions are related to advertising.

CONCLUSION

Even with the advent of democracy, till today it was not reached a space to create an impartial and independent media from the state and censorship, which will meet international standards of media and its audience. Media in Macedonia are characterized by considerable legal freedom among its operation and with a relatively large media based on population and the divided linguistic market. As a result most of the media faces problems in the benefit and some of them can hardly survive. Most of them depend on the financing of political parties and the business community. The government should ensure that the separation of governmental funds for the media should be done by a professional and

independent body, which should produce a program in advance with strict rules and clear criteria for media that will apply for funds. More space should be given to smaller media. The same program should include provisions that would protect the Albanian media from ethnic discrimination. Media should remain as a platform for public debate on which everyone should have the opportunity regardless of their diverse opinions. This will remain as an infrastructure to support the independence and pluralism of the media. The pluralism in the media content and the greater representation of the contents connected to the public interest should be encouraged also through international funds for that purpose, but also it should be encouraged through the support of the public funds, which should be oriented according to the previously known expert criteria, and the selection of the recipients of these funds to be made by competent and independent bodies, both on public and transparent way. Besides the support of the contents, one should also think in the direction for developing of the non-profit media, which hardly exist, as well as of the media of the communities and local media that are endangered.

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