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KOSOVO MEDIA ASSISTANCE PROGRAM FINAL EVALUATION REPORT

MARCH 2008

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The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
EXECUTIVE SUMMARY.....	i
Part One: What has been the impact of KMAP?.....	i
Part Two: Analysis and Evaluation Relevant to Possible Future Programming.....	v
LIST OF ACRONYMS.....	viii
INTRODUCTION.....	9
PART ONE: What has been the impact of KMAP?.....	10
A. Questions 1 and 2 – the media environment.....	10
B. Questions 3 and 4 – KMAP goals.....	11
C. Question 5 – KMAP impact.....	11
D. Questions 6 and 7: Performance Monitoring.....	15
E. Questions 8, 9 and 10 – what worked well, what worked poorly, and unintended impacts.....	16
F. Question 11 – Sustainability.....	18
G. Questions 12 and 18 – KMAP’s work with minority media.....	24
H. Question 13: Key Lessons Learned.....	32
I. Question 14 –Recommendations for possible future programming.....	33
PART TWO: Analysis and Evaluation Relevant to Possible Future USAID Media Programming.....	36
J. Question 15 – Improving the framework for freedom of expression.....	36
K. Question 16 – Supporting a robust independent media sector.....	37
L. Questions 17 and 19 – Continuing support for minority media.....	41
ATTACHMENT 1: Interview Schedule.....	A1
ATTACHMENT 2: Kosovo Media Sustainability Index 2008.....	A4
ATTACHMENT 3: McClear Memo to Naile Selimaj, IMC, 11/28/2007.....	A17
ATTACHMENT 4: Notes on the Kosovo Law on Access to Official Documents.....	A25
ATTACHMENT 5: Program Schedule Radio Ophelia.....	A27
ATTACHMENT 6: McClear Memo to Clayton and Kusari re: Public Broadcast Fee, 12/13/07.....	A28
ATTACHMENT 7: Clayton, Options for Supporting Serbian Language TV Stations, 10/05/07.....	A30

EXECUTIVE SUMMARY

This evaluation of USAID’s Kosovo Media Assistance Project (KMAP) took place close to the end of the three-year project, and addressed two main issues: (1) what has been the impact of KMAP? and (2) based on findings related to KMAP, what recommendations can be made to guide possible future USAID media programming in Kosovo? The Scope of Work (SOW) poses 19 questions and directs that the body of the evaluation should answer these questions. Therefore, we address each question below. In some instances, we have grouped like questions together and provided a combined answer.

Part One: What has been the impact of KMAP?

Questions 1 and 2 – the media environment

Question 1: Were the tasks, the IR, sub-IRs, goals and activities selected for KMAP appropriate for meeting the needs of the media sector in Kosovo? If not, why not?

Question 2: Were the activities selected for KMAP appropriate for achieving the overarching Strategic Objective, Civil Society and Government are More Effective Partners in Achieving Good Governance, as well as the IR and sub-IRs?

In designing KMAP, USAID drew on more than a decade of direct experience with media strengthening programs in Eastern Europe and in post conflict societies. The IRs and sub-IRs were based on this experience and rested on a perceptive analysis of the needs of weak and immature media institutions in a difficult post conflict environment. This market oriented assistance to the media sector, we believe, made a solid contribution to USAID’s Strategic Objective, especially through enhancing the diversity of information sources, improving the viability of the two independent television stations and training journalists in the techniques of news reporting.

Questions 3 and 4 – KMAP goals

Question 3: Did KMAP achieve the goals set out at the beginning of the program? If so, document and describe how. If not, document and describe why not.

Question 4: Did the activities implemented under each task contribute to the achievement of the goals? If so, how? If not, why not? Would other activities have been more appropriate? If so, what other activities might have been more effective?

The evaluation team concluded that the KMAP program was well designed and well implemented. In answers to later questions, we discuss what other activities might have been more appropriate or more effective in contributing to program goals. See Qs 8, 9, 10 and 13 (what worked well, what worked poorly, unintended impacts, lessons learned).

Question 5 – KMAP impact

Question 5: What was the impact of activities implemented under KMAP on individual media outlets, and supporting institutions, and on the media sector more broadly?

As to impact on KTV, RTV 21, KTTN and GIMEK, see Q11. In addition:

Assistance to local partners (sub-IRs 1.3 and 2.2) had some impact on a selected group of local stations. Except for TV Tema, the small size and limited capacity of these stations meant that impact was low.

News content (IR 2) improved at KTV and RTV 21, but could have improved more. Professionalism of journalism overall did not show improvement on the MSI, but the MSI narrative notes that there is an increasing number of good journalists in Kosovo.

Legal and regulatory framework (sub-IR 3.1). KMAP advice has provided stop-gap assistance for the IMC, and has helped it to fulfill some regulatory responsibilities. However, this assistance is not sufficient to overcome the problems at the IMC, see Q.16 below.

Public Broadcaster (sub-IR 3.2). No perceptible impact to date. KMAP does not have much leverage to assist with resolving problems at RTK.

Professional associations (IR 4) AMPEK has developed into a highly effective lobbyist for its members, owners of independent media. APJK has not gained traction as a professional organization for Kosovar journalists. Neither association is self-sustaining.

Questions 6 and 7 – performance monitoring

Question 6: Review the indicators selected for performance monitoring and their results. Were the indicators appropriate for measuring the impact of activities, the IR and sub-IRs? If so, why? If not, why not?

Question 7: If indicator results did not meet targets, why not? Could better indicators have been selected to measure program impact? If so, what could they have been?

The PMP is highly professional, thorough and well-maintained. When indicator results did not meet milestones or targets, it was generally because of factors outside the control of IREX, such as failure to pass legislation or fluctuations in the economy.

Questions 8, 9 and 10 – what worked well, what worked poorly, unintended impacts

Question 8: What aspects of KMAP worked well? Why?

Work on business sustainability of RTV 21 and KTV; creation of KTTN as a sustainable public company; fostering a sophisticated ad sales market through GIMEK.

Question 9: Were there any aspects of KMAP that did not work well? Why not?

KMAP was a generally successful program. Key constraints that prevented it from fulfilling its mandate in full are discussed under Lessons Learned (Q13 below). Some of the minor impairments are set out here:

KTV & RTV 21: senior managers responded to one on one coaching on business and management issues, but did not adopt Professional Development Plans.

KTTN: Board members of KTTN, who are also users of the KTTN service, have a conflict of interest when they sit on the KTTN board.

GIMEK: A grant allowing GIMEK to hire administrative staff would have helped GIMEK move more quickly towards sustainability.

Local partners: The limited assistance to KMAP partner stations did not create discernible impact on the media sector. A well-planned relicensing process, using public interest criteria, would lay the groundwork for better local broadcast service.

Question 10: Were there any unintended positive or negative impacts resulting from KMAP? If so, what were they?

Lack of a “legacy institution.” Any future USAID assistance to the media sector should consider how to resolve the lack of a legacy institution, and should explore cooperation with other donors to support and expand the role of the Kosovo Media Institute (KMI) to fulfill that role.

Question 11 – Sustainability.

Question 11: Evaluate the sustainability of KTV, RTV 21, KTTN and JIC [GIMEK]. Identify strengths and weaknesses of each organization. How has KMAP contributed to improving each organization’s prospects for sustainability?

KTV and RTV 21, KTTN and GIMEK all are sustainable businesses, but the history of sustainability is short and all face difficulties ahead. The best guarantee of their continued sustainability would be steady improvement in Kosovo’s economy.

KTV and RTV 21: KMAP’s principal contributions to sustainability have come through working with each station to improve understanding of the market for broadcast advertising and the relationship between programming, viewership, demographics and revenues; through coaching on business management and leadership training to station managers; and through technical assistance to improve the quality of news reporting. KTV’s greatest strength is improved news coverage; RTV 21’s greatest strength is improved business management.

KTTN’s principal strength is its possession of a unique and valuable resource; its weakness is that conflicts of interest among board members need to be resolved.

GIMEK. All board members understand that audience research is a key to their sustainability and strongly support GIMEK. Reaching this consensus was difficult; IREX’s credibility was key. GIMEK still struggles financially.

Questions 12 and 18 – KMAP’s work with minority media

Question 12: Was programming targeted to minority media, including specifically Kosovar Serb media outlets, effective? Was there impact? If so, please describe and document the impact. If not, please document and determine why not.

Question 18: Did the activities crafted to address minority media in the 3rd year IREX work plan contribute to the achievement of the goals? If so, how? If not, why not? Would other activities have been more appropriate? If so, what other activities might have been more effective? Was there impact?

KMAP programming targeted to Kosovar Serb media occurred in KMAP Y3, and generally followed the pattern of assistance to local media in prior years. Given the short time frame, impact is still uncertain, though a survey currently underway will give some indications. New activities included investigation of the possibility of developing a Serb TV network and a feasibility study for such a network. The networking effort did not bear fruit. However, KMAP's efforts may have laid the groundwork for a new initiative to build a content-sharing network for Serb radio and TV.

Response to Qs 12 and 18 includes an inventory of Serb media outlets in Kosovo – all television stations, leading radio stations, and print media – with assessment of their future development interest.

Questions 13 and 14 – Lessons learned and recommendations

Question 13: What are key lessons learned from KMAP?

1. Given the ethnic diversity and ethnic tensions within Kosovo, efforts to work directly with minority media should have been a large part of KMAP from the beginning.
2. The progress of the IMC as an independent regulator has been impaired because it has not received the support and attention that it needs from the government of Kosovo. But even if that problem were resolved, the IMC also suffers from a serious lack of personnel and expertise.
3. Kosovo lacks a supporting institution in the media sector to serve as a “watchdog” on media independence and free speech issues in Kosovo. A solution is needed, but the institution will need donor assistance to get started and an affiliation with an entity that can generate revenue for sustainability. Kosovo Media Institute (KMI) may have potential to fill this role. An association with another media center or centers in the Balkan region would be advantageous.
4. There are some roadblocks to a stronger media sector that cannot be resolved by the implementer. These include:
 - Dissension between RTK and KEK regarding collection of the public broadcaster's fee. If RTK starts aggressively pursuing commercial ad revenue, KTV and RTV 21 will see drastic shrinkage in their principal revenue stream.
 - Management of the Minority Media Fund, presently alleged to be under the control of the Prime Minister's Office. Minority media are not likely to become self-sustaining in the near future; these funds should be available to assist their survival.
 - Deterioration at the IMC. The IMC is hobbled by lack of funds, and appointments to the IMC Council (and to the RTK board) have been pending since last summer.

Question 14: Based on review of implementation and results from KMAP, what recommendations do you have for possible future USAID media programming?

We recommend USAID should continue assistance to the media sector in Kosovo for another 2-3 years. Within that time period, assistance should include the following areas:

1. Continued work with Serb media. The principal recommendation is that USAID should develop a turn-key network, that is, a complete plan for an audio-video content sharing network with decisions already made as to technical format and conditions of use, to be presented to potential Serb media participants for a prompt decision as to whether or not they wish to participate. Provided there is an adequate response, the network would go forward with willing participants.
2. Continued work with the IMC. USAID should provide the IMC with technical assistance to tackle and complete the difficult task of relicensing all Kosovo media outlets.
3. Continued work on free speech and media environment. USAID should foster a supporting institution to serve as a “watchdog” on media independence and free speech issues. The only institution currently on the horizon that has promise in that regard is the KMI.
4. USAID should cooperate with US trade promotion services to determine whether there is a business opportunity for establishment of a high quality digital media equipment service center in Kosovo.
5. USAID should consider whether to convene a high level donor working group to address with the Government of Kosovo the roadblocks (see Q13 above) to a stronger media sector.

Part Two: Analysis and Evaluation Relevant to Possible Future Programming

Question 15: Improving the framework for freedom of expression

Question 15: Given the weak institutional framework for freedom of expression affecting both majority and minority media, are there modest activities that can address this issue?

A modest grant program to assist interested groups in working for restoration of a right of access to information under the Law on Access to Official Documents (LAOD) could be an effective way to promote freedom of expression.

Question 16: Supporting a robust, independent media sector.

Question 16: Provide an analysis of how regulatory bodies impact media (broadcast and print), including impacts on the optimal number of media outlets from the perspectives of coverage and quality, but also advertising revenues, competition and market shares. Are there activities that could usefully affect the institutional environment to support a robust independent sector for both majority and minority media?

The IMC today is not an effective and well-respected regulator. It should impact the broadcast media positively, through providing fair and transparent broadcast licensing and regulation. It is not capable of fulfilling this role. The IMC's regulatory presence in the broadcast media marketplace is weak, and in this environment abuses are certain to occur.

Coverage, Quality, Competition and Market Shares. Licensing can be based on criteria that limit the number of outlets in some markets and encourage expansion in others. The licensing process takes into account market shares in order to promote sustainable service, sound competition and quality programming.

Advertising. Regulation of advertising sets out public policy on type and amount of advertising in various program formats. Good regulations, reliably enforced, create certainty in the market for commercial advertising and are conducive to market growth.

The RTK Advertising Issue. The issue between KEK and RTK about collection of fees urgently needs to be resolved. Thereafter, the IMC needs to carry out its mandate to limit the amount of advertising on RTK, taking into account the financial health of RTK and the independent broadcasters.

Strengthening the institutional environment means strengthening the IMC. Apart from the need for better support from the Government of Kosovo, the most immediate and urgent problem at IMC is its inability to effectively tackle the relicensing process.

Questions 17 and 19: Continuing support for minority media

Question 17: In evaluating IREX's assistance to minority media, are there programmatic means not tried (including links to majority media, other) offering openings for assistance?

Question 19: Provide suggestions regarding the best way to continue to support minority media, especially the environment for minority media and coverage of minority issues in Kosovo.

We make three recommendations for strengthening Serb media in Kosovo.

1. We propose development of a turn-key network, a complete plan for an audio-video content sharing network with decisions already made as to technical format and conditions of use. The defining characteristic of this proposal is that rather than asking Serb media stakeholders to agree and to plan the network, they are presented with a *fait accompli* which represents their best survival option. The network would go forward with those who wish to participate.
2. We recommend vigorous efforts to unlock the Minority Media Fund and to see that it is put to work on behalf of Serb media and other target groups.
3. We propose that any future program should facilitate content sharing and other cooperative activities between Serb (and other minority languages) and Albanian language media. The vehicle for such sharing could be a new or existing organization. KMI, which has members from both Albanian and Serb Kosovar communities, may be suited to carry out this role.

Although this does not have sole application to Serb media, we also suggest that USAID should cooperate with the US Department of Commerce or other appropriate agency to determine whether there is a business opportunity for a digital equipment service center in Kosovo.

LIST OF ACRONYMS

AMPEK	Independent Electronic Media Owners Assn.
APJK	Kosovo Professional Journalists Assn.
BIRN	Balkan Investigative Reporting Network
COP	Chief of Party
EAR	European Agency for Reconstruction
EPS	Euros Per Second
EU	European Union
GIMEK	General Industry Committee of Electronic Media in Kosovo
IMC	Independent Media Commission
IR	Intermediate Result
JIC	Joint Industry Committee (Old name for GIMEK)
KEK	Kosovo Electric Corporation
KMAP	Kosovo Media Assistance Program
KMI	Kosovo Media Institute
KOSMA	Serb radio network
KTA	Kosovo Trust Authority
KTTN	Kosovo Terrestrial Transmission Network
KTV	Independent Kosovo-wide TV station
LAOD	Law on Access to Official Documents
LLC	Limited Liability Company
MMF	Minority Media Fund
MSI	Media Sustainability Index
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
PDP	Professional Development Plan
PMP	Performance Monitoring Plan
PTK	Post and Telecomm Kosovo
RFP	Request for Proposals
RTK	Radio Television Kosovo
RTS	Radio Television Serbia
RTV21	Independent Kosovo-wide TV station
SEENPM	South East European Network for Professionalization of the Media
SO	Strategic Objective
SOW	Scope of Work
TA	Technical Assistance
USAID	US Agency for International Development

INTRODUCTION

This evaluation of USAID's Kosovo Media Assistance Project (KMAP) took place close to the end of the three-year project, and addressed two main issues: (1) what has been the impact of KMAP; and (2) based on findings related to KMAP, what recommendations can be made to guide possible future USAID media programming in Kosovo.

Democracy International (DI) fielded a team to conduct this assessment consisting of Frances Chetwynd, team leader, an attorney specializing in telecommunications and media regulation; David Smith, a specialist in radio management and media project assessment, with particular experience in post-conflict media projects; and Jehona Gjurgjeala, an independent business consultant with experience working with the Kosovar media sector. The team gathered information for the assessment from interviews conducted during a two-week stay in Kosovo from mid to late February 2008, from documents provided by USAID and implementing partners, and from various other documentary sources gathered by team members. Over the course of the field work, the team conducted approximately 45 interviews in Pristina, Ferizaj, Silovo, Zvecan, Mitrovice, Strpce, Kline, Leposavic, Peje and Cagllavice. See Attachment 1.

It is germane to note that this evaluation took place before and after Kosovo's declaration of independence, and therefore covered a period of extraordinary tumult in Kosovo and the surrounding area. Nonetheless, we were able to conduct productive interviews in Pristina and surrounding communities, including the Serb areas, and were received everywhere with courtesy and consideration.

Although the evaluation addresses two main issues, the Scope of Work (SOW) expands these issues into 19 more specific Evaluation Questions (see pp 4-5 of the SOW) and directs that the body of the evaluation report should answer these questions. Therefore, we address each question below. In some instances, for economy of presentation, we have combined similar questions or cross-referenced other answers. In the interests of clarity, we have kept cross-references to a minimum.

PART ONE: What has been the impact of KMAP?

A. Questions 1 and 2 – the media environment

- 1. Were the tasks, the IR, sub-IRs, goals and activities selected for KMAP appropriate for meeting the needs of the media sector in Kosovo? If not, why not?*
- 2. Were the activities selected for KMAP appropriate for achieving the overarching Strategic Objective, Civil Society and Government are More Effective Partners in Achieving Good Governance, as well as the IR and sub-IRs?*

These questions ask us to take a big-picture look at the needs of the media sector and at whether, in the context of USAID's Strategic Objective, KMAP was an appropriate way of addressing those needs.

In 2005, the Kosovar media sector, “reborn” in 1999, had been rebuilding with international assistance for only about 5 years (with status unresolved); and the entire sector had been severely criticized for unbalanced reporting that aggravated inter-ethnic violence in the 2004 riots.

In designing KMAP, USAID drew on more than a decade of direct experience with media strengthening programs in Eastern Europe and in post conflict societies.¹ The IRs and sub-IRs were based on this experience and rested on a perceptive analysis of the needs of weak and immature media institutions in a difficult post conflict environment. As designed, the program brought a strong emphasis on independent media (providing a variety of information sources), sound business practices (enhancing the survivability of assisted private entities), and a politically neutral regulator (able to protect a diverse marketplace) – in contrast to the emphasis on assistance for tax supported public broadcasting more familiar to other donors.

This market oriented assistance to the media sector, we believe, made a solid contribution to USAID's Strategic Objective, especially through enhancing the diversity of information sources, improving the viability of the two independent television stations and training journalists in the techniques of news reporting.

There is, however, one need of the media sector that, in 2005 and today, is both critical to the continued growth of independent media and beyond the reach of media assistance programs. A vibrant media sector requires a vibrant economy. Whether and when such an economy will develop in Kosovo is still unsure.

¹ For a history of USAID's support for independent media, see USAID Bureau for Policy and Program Coordination, PPC Evaluation Working Paper No. 16, *USAID's Media Assistance: Policy and Programmatic Lessons*, PN-ACU-777 (Jan. 2004)

B. Questions 3 and 4 – KMAP goals

3. *Did KMAP achieve the goals set out at the beginning of the program? If so, document and describe how. If not, document and describe why not.*

4. *Did the activities implemented under each task contribute to the achievement of the goals? If so, how? If not, why not? Would other activities have been more appropriate? If so, what other activities might have been more effective?*

We think that KMAP was well designed. The goals set out at the beginning of the program (reflected in the tasks defined in the contract) were well chosen, and the activities implemented under these tasks were effective ways to move towards these goals.²

Further, we believe that the program was well implemented. Activities were carefully planned and well managed, with attention to achieving results. Mid-stream adjustments were made when needed. Evaluation was made easy by IREX's careful documentation of plans, activities and results. Although some activities were less successful than others, on the whole the evaluators regard KMAP as a successful program in a difficult environment.

In response to later questions, we discuss what other activities might have been more appropriate or more effective in contributing to program goals. See especially responses to questions 8, 9, 10 and 13 (what worked well, what worked poorly, unintended impacts and lessons learned).

C. Question 5 – KMAP impact

5. *What was the impact of activities implemented under KMAP on individual media outlets, and supporting institutions, and on the media sector more broadly?*

Breaking this question down into its components:

- We assess the impact of KMAP on the media sector in the response to Questions 1-4.
- We discuss the impact of KMAP activities on KTV, RTV 21, KTTN and GIMEK in Question 11. Question 11 deals specifically with sustainability, but we believe the question of impact is adequately dealt with under that heading.
- We discuss the impact of KMAP activities on Serb outlets in response to Questions 12 and 18.

² The goals set out at the beginning of the KMAP program were (1) to assure the viability of targeted media outlets as businesses; (2) to enhance the professionalism of media practitioners and improve the content of media broadcasts to help promote tolerance and respect for the rights of minorities; (3) to improve the legal, regulatory and policy framework for media in Kosovo; and (4) to improve the organizational capacity of trade and professional media associations as key supporting institutions. An additional goal, derived from USAID/K's diversity action plan, was to sensitize the media to special issues of gender, youth and ethnicity, and to assist in building greater tolerance of diversity.

Under the Question 5 heading, we will deal briefly with the specific impact of five activities not fully discussed elsewhere.

1. Assistance to local stations

KMAP activities under IR 1, sub-IR 1.3, were to improve the business performance of selected (local) media outlets. These local media outlets were also targeted under IR 2.2, increased professionalism and quality of journalism.

KMAP selected 14 regional and local broadcasters (TV and radio) as local media partners, based on the stations' community links and desire for business and professional improvement (the group dropped to 12 in the second year). KMAP staff and consultants offered all local partners a mix of news production and journalism training, business management consulting and legal advice on compliance with IMC and other regulations. Assistance to all local partners ended at the end of 2007, except for Kosovar Serb partners (some of whom were part of the original group and some added in the third year).

Impact: The evaluation team visited TV Tema, the star of the local partner group, and the Serb stations that have been part of the program in the third year. Based on these visits and on interviews at IREX, we believe that the KMAP assistance had a positive, but relatively modest impact.

The radio stations assisted under this activity mostly operated in small communities with low levels of economic activity.

The stations certainly were in need of assistance with book-keeping and managerial skills, business planning, and regulatory compliance, and generally were receptive to this assistance, though some were unwilling to disclose all financial aspects of their business.

Staff turnover at the stations, especially the television stations, is quite high, and journalists trained at the local level don't necessarily stay there. However, some have moved on to other larger stations, increasing the stock of young IREX trained professionals in Kosovo.

Lessons learned: Where the media landscape is overcrowded with small and inefficient stations, limited assistance to a few of those stations will not create discernible impact on the media sector.

Recommendation: IREX has gained a thorough understanding of the business, technical and professional issues common to local media outlets in Kosovo. This experience could be captured in a practical how-to guide on small station operation, covering licensing, legal requirements, accounting and tax requirements, sales and marketing. The guide would preserve the legacy of KMAP local partner programs, relieve the burden on the regulatory agency and enhance transparency in the regulatory process, while helping to bring rationality to the business side of media operations. This could be particularly valuable as stations face the relicensing process.

2. Improved news content

Under IR 2 KMAP was tasked with improving news content through increased professionalism of journalists.³ Several activities were identified with this IR:

- Journalism training given to local partners and to targeted media outlets (KTV, RTV 21);
- Training through seminars on particular topics, carried out in partnerships with other USAID implementers. For instance, IREX invited journalists to seminars with USAID implementer National Center for State Courts on reporting on the judicial system, with Catholic Relief Services on trafficking, and with IREX Civil Society Program on higher education, health policy and illegal construction. Sessions like these typically had 15-20 attendees.
- Incentive grants. These small grants are designed to improve the production and journalism skills of grantees while encouraging coverage of women's issues, business and economic topics, ethnicity, and other issues relating to Kosovo's future status. For the second round of grants, IREX had 34 applications and made 12 grants, half to minority media.

Impact: At KTV and RTV 21, professionalism of news coverage improved perceptibly, as measured by the PMP. IREX believes it would have improved more if KTV and RTV 21 editors had accepted IREX recommendations for better newsroom management. At local partner stations, the PMP also showed modest improvements in professionalism (though starting from a very low baseline). After the topical seminars with other USAID implementers, news stories on the covered civil society topics would typically increase sharply.

Professionalism of journalism in Kosovo generally, as measured by the Media Sustainability Index (MSI), did not improve over the KMAP period. But the 2007/08 MSI narrative comments that although the overall quality of journalism in Kosovo is low, the country “has never had as many good journalists as now.” The 2007/08 MSI (still in draft) is Attachment 2 to this report.

3. Legal and regulatory framework

After the Independent Media Commission (IMC) began operations in August 2006, KMAP provided independent advice to IMC to advance “a legal and regulatory framework that supports fair and transparent broadcast licensing and regulation” (sub-IR 3.1). IREX supported and advised AMPEK in its lobbying activities on behalf of media owners. An IREX consultant (Rich McClear) provided the IMC with advice on setting an advertising limit for RTK, and criteria and ground rules for the broadcast license tender.⁴ IREX also assisted IMC in developing a regulatory regime for cable television and regulations on the protection of minors; worked with the IMC to prepare for the Assembly Media Committee

³ IR 2 included 2 sub-IRs. 2.1 went to increasing professionalism of national broadcasters, 2.2 went to improving professionalism of journalists. 2.1 is covered under Q11 below.

⁴ See Memo, Rich McClear to Naile Selimaj, Nov. 28, 2007 (Attachment 3 to this report)

hearing on the 'TV Mitrovica case,'⁵ and is presently working with the IMC monitoring division on monitoring broadcasters' compliance with IMC rules on advertising.

Impact: KMAP advice has provided stop-gap assistance for the IMC, and has helped it to fulfill some regulatory responsibilities. However, this assistance is not sufficient to overcome the problems at the IMC, which include lack of leadership, a dearth of resources and insufficient expertise. These issues are further discussed below under Question 16.

4. Legal and regulatory framework – public broadcaster

Activities under IR 3, sub-IR 3.2, contribute to supporting an independent and sustainable public broadcaster. The LOE allocated to these activities was low, as RTK has received substantial donor assistance from other sources. However, KMAP has intervened on some critical issues. For instance, the KMAP Chief of Party supported NGOs lobbying for appointments to the RTK board, provided assistance to the Office of the Prime Minister for development of policies and procedures for the Minority Media Fund, and advised the IMC on its role in resolving the dispute between RTK and KEK over collection of the public broadcaster fee.

Impact: Impact of these activities is not measurable. None of the issues listed in the paragraph above has been resolved, and in fact, KMAP does not have much traction on these issues. See Q13 below (lessons learned).

5. Professional associations

The first year of KMAP included activities related to two media organizations, AMPEK (the Independent Electronic Media Owners Association) and APJK (Association of Professional Journalists in Kosovo). Activities included work to bolster their advocacy skills by providing expert assessments of legislative and regulatory drafts, monitoring issues that affected their members, and development of ethical codes, as well as strategic planning for sustainability.

Impact: AMPEK has developed into a highly effective lobbying organization for its members. IREX has worked together with the AMPEK executive director on numerous regulatory issues, and has noted her effectiveness, entrée and authority when speaking on broadcast issues. These achievements are noteworthy. However, an effective lobbyist should have a keen understanding of the public interest, so that vigorous lobbying on behalf of a limited constituency does not result in unbalanced regulation; AMPEK would benefit from some further advice and counseling in this regard. The association is not yet self-sustaining.

Work with APJK has been less successful. While it does serve as a repository for journalists' complaints of harassment and employment disputes, the association is entirely donor-dependent and does not collect membership fees or provide revenue-generating services to

⁵ TV Mitrovica was broadcasting to a wider area than authorized by its license. Experts (including an expert hired by the station) agreed that the station's claim that it could not comply with license requirements was untrue. The station ignored warnings issued over a 2 year period; the IMC Council authorized license revocation. The sanction was affirmed by the Media Appeals Board. See <http://www.imc-ko.org/index.php?id=358&l=e> The Assembly Media Committee hearing appeared to be a last ditch attempt to defeat the sanction and appeal process through political channels.

its members. It is questionable whether the media sector in a nation the size of Kosovo can support such an entity.

D. Questions 6 and 7: Performance Monitoring

6. Review the indicators selected for performance monitoring and their results. Were the indicators appropriate for measuring the impact of activities, the IR and sub-IRs? If so, why? If not, why not?

7. If indicator results did not meet targets, why not? Could better indicators have been selected to measure program impact? If so, what could they have been?

Our general impression of the PMP is that indicators are carefully tailored to measuring the impact of activities and appropriately relate the results to the IR and sub-IRs. On the whole, we regard the PMP as a highly professional document, thorough and well maintained. Some more specific comments follow:

In some instances, indicator results did not meet milestones or targets because of factors outside the control of IREX. For instance:

- Milestones were not met under sub-IR 3.1 (Legal and Regulatory Framework Supports Fair and Transparent Licensing) because there were delays in implementing the IMC law.
- Some targets under IR1.1 for business performance at KTV and RTV21 were not met because, when targets were set, it was impossible to anticipate market fluctuations.⁶
- Targets based on the IREX MSI were not met, perhaps because they were overly ambitious. For instance, the table below shows use of the Kosovo MSI score for Objective 2 (Professionalism of Journalism) as an indicator for IR 2.1, Improved News Content of Media. The baseline is the MSI score on Objective 2 for 2005. The chart shows that the PMP target did not reach the actual MSI score in either of the following years.

MSI Scores on Objective 2 Used for KMAP PMP			
Year	Baseline (MSI)	PMP Target	MSI Actual
2005	2.30		
2006		2.50	2.35
2007		2.75	2.24

⁶ For instance, the annual target for Euros Per Second advertising revenues were set in 2005 at €4.0 on a baseline of about €3.0. RTV 21 passed the €4 target in 2006, but KTV did not. Neither station met the target in 2007, a year in which ad revenue was sharply down for both stations.

The target for progress in implementation of the Law on Access to Official Documents (LAOD) (sub-IR 3.3) is not meaningful. The indicator is a numerical score based on journalists' reports of whether their requests for access have been successful. It is intended to test whether government entities' responses to requests for access to information under the LAOD are improving. But a review of the law and secondary (implementing) legislation shows that the LAOD and particularly its implementing legislation fail to give an effective right of access. Consequently, this test (on which scores are very low) cannot be said to track progress (even if scores improve), since progress is virtually impossible until there is a revision to the secondary legislation. A better approach on this indicator would have been to track lobbying efforts to make the law effective.⁷

Using the MSI in the PMP – Greater separation between KMAP and IREX in preparation of the MSI for Kosovo would have been desirable. The team was concerned that the objectivity of the MSI as an “outside” validator of KMAP performance may have been undermined by the fact that for 2005/6 and 2006/7 the Kosovo MSI panel was managed by IREX/Kosovo. Objectivity of MSI results might have been enhanced if IREX had maintained a more rigid separation between KMAP and MSI, by contracting out the management of the MSI evaluation to a Kosovar entity, as was done for 2007/8. The possibly greater objectivity is reflected in somewhat lower scores for Kosovo in this most recent MSI (see Att. 2).

E. Questions 8, 9 and 10 – what worked well, what worked poorly, and unintended impacts

8. What aspects of KMAP worked well? Why?

In order for something to work well, it has to be well designed, well resourced, well implemented, well received and successful in serving the intended goal. Some of the most important activities that satisfied all of these criteria are work on business sustainability of RTV 21 and KTV; creation of KTTN as a sustainable private company; fostering a credible and sophisticated market for ad sales through GIMEK.

9. Were there any aspects of KMAP that did not work well? Why not?

KMAP was a generally successful program. Some of the key constraints that prevented it from fulfilling its entire mandate are discussed under Lessons Learned (Q13 below). Some of the lesser impairments are set out here:

- KTV and RTV 21: In the cultural environment of Kosovo, one on one coaching was an effective way to work with senior management personnel at KTV and RTV 21. Professional Development Plans were not acceptable to senior managers.
- KTTN: Board members of KTTN, who are also users of the KTTN service, had difficulty separating the needs of KTTN from the desires of their other businesses.

⁷ Attachment 4 gives some additional background to this critique.

Board members would have benefited from more legal guidance on their responsibilities to KTTN.

- GIMEK: Several of the institutions that KMAP worked with (KTTN, APJK, AMPEK) were able to use KMAP grants to hire administrative staff. This kind of assistance was not available to GIMEK, but would have helped GIMEK move more quickly towards sustainability.
- Local partners: The media landscape in Kosovo is overcrowded with small and inefficient broadcasters. The limited assistance that KMAP provided to local partner stations helped some of those stations individually but did not create discernible impact on the media sector. A well-planned relicensing process, using public interest criteria, would lay the groundwork for better local broadcast service.
- APJK: A professional organization that depends upon charging fees to underpaid journalists will not survive without donor support.

10. *Were there any unintended positive or negative impacts resulting from KMAP? If so, what were they?*

Lack of a “Legacy Institution.” Under Task 4, KMAP worked with media associations APJK and AMPEK. The assistance to these organizations took place in Year 1, and low-key, informal assistance continued in years 2 and 3. One objective of the assistance was to promote the associations’ role as free speech advocates. Neither association has assumed a significant role in free speech advocacy, and neither association is presently financially viable. An unintended consequence of this failure is that there is no “legacy institution” to carry on a watchdog role as protector of free speech and media independence in Kosovo.

Nor is there a training institution that has grown out of or been supported by the KMAP program that is capable of carrying on the training and education role that IREX has been fulfilling under KMAP. The lack of a legacy training institution is partly because there has been so much training carried out for news media in Kosovo by so many donors. The result is that there is not much demand or market for more training, particularly classroom training. This is unfortunate, because IREX will leave behind some well-qualified and experienced trainers.⁸

Recommendation: Any future USAID assistance to the media sector should consider how to resolve the lack of a legacy institution. Based on the APJK experience, it seems clear that such a media support organization would have to be part of a larger entity that was capable of generating revenue, and would need donor support to get launched. Membership in a successful regional association such as the South East European Network for Professionalization of the Media (SEENPM) would enhance the chances for success of such

⁸ The KMAP legal advisor has trained at local partner stations on media legal issues; international video journalism consultant Matt Shelley was paired with local consultant Blerim Krasniqi; international video journalist Martha Dixon was paired with Kosovar production consultant Gazmend Avdiu; business advice to local stations was provided by a Kosovar business consultant directly employed by KMAP; at KTV and RTV 21, local consultants have been trained to work with audience research, showing their respective stations how to use it in programming and ad sales.

an organization, by providing it with access to wider contacts and regional expertise.⁹ (We have heard that SEENPM has invited KMI to join.) It has been suggested that Telekritika (a Ukrainian online listserv that tracks national media issues and trends, freedom of information and professional ethics) might serve as a model for a low cost media center appropriate to Kosovo's needs. A possible approach would be to explore cooperation with other donors to support and expand the role of the KMI as a supporting institution, adding a role as media monitor and free speech advocate to its other functions.

F. Question 11 – Sustainability

11. Evaluate the sustainability of KTV, RTV 21, KTTN and JIC [GIMEK]. Identify strengths and weaknesses of each organization. How has KMAP contributed to improving each organization's prospects for sustainability?

1. KTV and RTV 21

In 2004, USAID's Media Assessment commented that independent broadcasters were complacent, depending heavily on donor support, and lacking incentive to improve commercial viability.¹⁰ This situation has changed. The two independent television stations, RTV 21 and KTV, today are competitive businesses, with improved management and better professional product, no longer donor dependent, and confident of their ability to operate in a modernizing media market. According to the KMAP COP, each has passed an international audit for two years in a row, with minimal reservations.

KMAP's contributions to sustainability

There are two principal ways in which IREX has contributed to improving prospects for sustainability at KTV and RTV 21. First is through working with each station to improve understanding of the market for broadcast advertising and the relationship between programming, viewership, demographics and revenues. IREX has succeeded in convincing station managers (especially KTV, which was quite resistant) of the value of market research. Each station works closely with an IREX-trained Kosovar consultant (one consultant working with each station) on interpreting audience research and using it to maximize revenues and improve scheduling. Managers at both stations stress that the marketing, advertising and program consulting has been an outstanding success, improving revenue and directly contributing to financial sustainability.

Second, KMAP has conducted quarterly business reviews with the executive directors at each station that include detailed analysis of financial operating results, as well as discussions of business development, plant and premises, grant implementation and personnel management. In this way, KMAP has provided business management and leadership training to executive personnel who were otherwise resistant to the concept of professional development.

In addition, KMAP has:

⁹ See <http://www.seenpm.org/new/>

¹⁰ Media Assessment at p.18

- Advised on acquisition of new premises. Both independent broadcasters have an interest in expanded studio facilities and additional office space. They have sought, through a consortium, to buy a building known as the Media House Annex, a Socially Owned Enterprise (SOE) scheduled for privatization. KMAP and the stations have made heroic efforts to move this process forward, but privatization still has not occurred.
- Made grants for equipment purchase, assisting the broadcasters in the grant process through acquisition planning, grant application, and accountability.
- Improved professional standards for production and reporting of newscasts through on-the-job coaching and other training from national and international experts. IREX's regular review of news stories (scoring them for relevance, production quality, editorial correctness and creativity) and program quality ratings (scoring factual accuracy, balance and production quality) show that the quality of newscasts has improved at both stations, though more at KTV than at RTV 21.

Strengths and weaknesses

RTV 21 is entrepreneurial and aggressive in its business management and has diversified into other businesses that give greater financial depth and capability. Management acknowledges that KMAP support helped them appreciate the importance of market research in business planning, view the long-term implications of their business ideas, identify blind spots in their planning and operations, and have more confidence about the success of their ventures. However, RTV 21 has not been fully accepting of advice on editorial management and personnel management and its news coverage tends to support the status quo. Consequently, its news product is sometimes of disappointing quality. It has difficulty retaining trained reporters.

KTV has good newsroom management and higher journalistic standards. However, its present cramped quarters do not provide adequate space for good quality production, and this is holding back progress on news and programming. KTV is less diversified and somewhat weaker than RTV 21 on the business management side.

Shared strengths. Managers at both stations have accepted the need for audience research and understand the relationship between reliable data on viewership, advertising and program scheduling. Both stations are reasonably well equipped, thanks to KMAP's equipment grants.

Management at both stations acknowledged and appreciated the collaborative decision-making that characterized the grant process, and both stations now feel well set to deal with future needs in this area on their own.

Shared weaknesses. Some of the weaknesses affecting KTV and RTV 21 are beyond their control. For instance the premises issue, outlined above, has created uncertainty for both broadcasters, since they do not know whether, when, or on what terms they can acquire the building. In addition:

- There are uncertainties in the advertising market that may affect the stations' most important revenue stream. The most urgent of these is concern that the current issues between KEK and RTK regarding the license fee collection will drive RTK deeper into the commercial advertising market, impacting advertising revenues at KTV and RTV21.
- Less urgent, but clearly on the horizon, is the prospect of a more fractionalized market for advertising as digitalization, cable television and TV over internet (TVIP) create multiple sources of video entertainment, and therefore many more opportunities for placement of video ads in the national market.
- Digitalization will create challenges for both stations, including investment in equipment, new programming, and new services.
- Slack regulation inhibits planning for future growth. Uncertain enforcement of rules on advertising will hamper market expansion, inhibit the creation of long-term advertising contracts and drive advertising to unregulated media such as satellite and cable channels.
- Similarly, a chaotic relicensing process creates market uncertainties and undermines business planning.

Sustainability

KTV and RTV 21 are presently sustainable businesses, but their record of sustainability is short. Profitable in the first year of KMAP, they suffered losses in the second year but returned to profitability in the third year. Their principal revenue stream is from national advertising. As pointed out above, there are uncertainties in the advertising market. Nonetheless, provided the economy is stable and improving, and provided the stations continue to apply the improved business practices that have been introduced during the KMAP period, they seem poised to go forward as successful, viable and sustainable independent businesses. Managers at both stations express confidence in the future and in their ability to survive without further donor assistance.

Lessons learned

An activity proposed at the outset of KMAP was improvement in investigative reporting, particularly on anti-corruption themes. Investigative reporting requires strong editorial direction and a willingness to commit time and other resources to careful and often difficult investigation that may or may not result in a useable story. This was a stretch for both RTV 21 and KTV. Local stations that benefited from KMAP training were even less able to support investigative reporting work. This proposed activity was not realistic within the KMAP program.

An activity proposed at the outset of KMAP and later dropped was agreement on Professional Development Plans with senior personnel at KTV and RTV 21. KMAP learned that one on one coaching is a more effective way to introduce change to senior personnel. Even so, there was a limit to the amount of change managers were willing to

accept. The lesson learned is that senior managers and editors who have been in charge for a long time are not inclined to change management style or to engage in the self-evaluation and introspection necessary for a PDP.

2. KTTN

KTTN is the owner and operator of a network of 10 microwave transmission towers that enable communication links throughout Kosovo.

KMAP's contributions to sustainability

KMAP worked with KTTN to facilitate reorganization from a donor-supported NGO to a self-sustaining private company. KMAP has provided equipment and operating funds to KTTN through grants, and has also paid for and overseen financial audits.

The process of transformation has been difficult, complex and time consuming. Perhaps the most difficult issue has been assisting KTTN in obtaining clear access and occupation rights at its 10 transmission tower sites. While the evaluation team was in Pristina, KTTN finally obtained those rights, clearing the way for completing transformation of KTTN from an NGO to a limited liability company.

Strengths and weaknesses

KTTN's strength is that it is a unique facility, indispensable to a modern telecommunications sector, and that it is well poised to take advantage of an expanding need for telecommunications services as Kosovo enjoys increased economic activity. The fact that KTTN is run as a business under private control is also a strength, provided that the company is run on a sound business basis. However, there are weaknesses in the KTTN board:

Board members are users of KTTN's facilities, and to date have not charged commercial rates to themselves for transmission services. This is not good business practice. When sitting as members of the KTTN board, board members are obliged¹¹ to act in the interests of KTTN. This means that KTTN should have a rational rate structure that applies without preference to all users. A rate structure distorted by heavy subsidies to existing board members obviously impacts profitability, and will impair any effort to obtain additional capital, whether through loans or direct investment.

KTTN needs new equipment to transmit digital signals, rather than the analog signals currently in use. Planning for digitalization should be underway, and the conversion needs to be complete by 2015. KTTN needs a major infusion of capital to finance this conversion. Although two KTTN board members maintain that the board has found a willing investor, it is probable that the problem of board responsibility outlined above will need to be resolved before due diligence for the investment can be completed and the investment secured.

¹¹ Without reviewing Kosovo's law on corporations, we can't be sure whether this is a legal obligation. It certainly is a legal obligation under US and EU law.

We have been informed that board member/users may be reluctant to provide KTTN services to users who potentially or actually compete with the board members' other businesses. Legally speaking, any action to exclude competitors from KTTN facilities could be a restraint of trade.¹²

Sustainability

In the second half of 2007, KTTN obtained new clients and showed a clear profit. Although the record of profitability is short, KTTN controls valuable assets and holds the key to essential facilities for the telecommunications sector. If the problems of board responsibility outlined above can be resolved, it should be a profitable business. The board members express strong commitment to maintaining KTTN as a viable business.

Lessons learned

Problems of conflict of interest within the board are quite serious. These problems could perhaps have been mitigated if from the beginning the board had included outside directors and internal safeguards in the corporate bylaws against abuse of privilege. It seems that board members would have benefited from stronger legal guidance on their responsibilities to the KTTN entity.

3. GIMEK (JIC)¹³

GIMEK is a consortium of broadcasters and advertising agencies, legally established as an NGO, for the purpose of commissioning audience research. Audience research (in the US, often referred to as audience sweeps) provides audience demographics for each show. It enables efficiencies in the ad market, allowing agencies to sell television ad time based on reliable information about viewers, and it enables broadcasters to adjust programming to maximize advertising revenue. The existence of a marketing entity such as GIMEK makes an important contribution to the development of independent media.

KMAP's contributions to sustainability

Early in the KMAP program, IREX assisted in the establishment of the JIC. The JIC had five board members, RTK, RTV 21 and KTV, plus two leading Kosovar advertising agencies. IREX worked with board members on organizational structure and criteria for the needed research, and assisted the board in issuing an RFP and choosing a marketing research company (Strategic Puls Research Kosovo, SPRK).

The early stages of GIMEK were rocky. KTV initially refused to accept viewership figures, while RTV 21 was reluctant to agree to the contract with Strategic Puls. Considerable diplomacy was required to establish a cooperative relationship among the competitive companies that were represented on the board. Board members say that IREX's credibility was an essential factor in creating the trust and consensus that enabled GIMEK to move forward.

¹² It would be an obvious restraint of trade in the US, since the KTTN towers are an essential facility that cannot easily be replicated by competitors. Might it also be contrary to the KTTN Charter and Founders' Agreement?

¹³ The Industrial Group of Electronic Media in Kosovo, previously the Joint Industry Committee (JIC).

GIMEK signed a contract with SPRK late in 2006. Audience surveys have taken place each quarter since then (with the exception described below), partly paid for with KMAP grant funds and partly financed by the GIMEK board. All three of the nation-wide TV stations accept and make use of the results of the sweeps. KTV and RTV 21 managers enthusiastically endorse the audience research process, its importance and their reliance on it.

Strengths and weaknesses

GIMEK's strength is that it has a sound product that is highly valued by its users, that has a ready-made market and good prospects for additional sales within that market. However, there are weaknesses:

- The reluctance of board members to commit necessary resources, both to pay for the sweeps and to underwrite marketing staff for GIMEK, suggests the existence of underlying tensions among board members.
- A GIMEK representative stated to an evaluation team member that GIMEK intended to look for more donor assistance. While this is perhaps defensible given the difficult economic conditions in Kosovo at present, it is disappointing in light of the fact that none of the three TV stations with board representation is in immediate financial distress.
- Expansion of GIMEK sales is hampered by uncertainties in the advertising market, including weak regulation and unreliable electrical supply. (Contracts for ad placement can't be fulfilled when broadcasts are interrupted by power cuts.)
- GIMEK, like KTTN, will need a substantial infusion of capital in the near future. Present audience research is based on diaries, which are unreliable and slow. The state of the art is to use people meters, which are much more reliable and can, in addition, provide overnight results on audience characteristics.

Sustainability

GIMEK is poised for success, but the evaluators note some reservations. GIMEK struggles financially. In fact, the December sweep was disrupted by GIMEK's failure to pay its share of the SPRK bill. After a tense board meeting in January, the issue was resolved and the first quarter sweep for 2008 has been conducted. IREX has advised the board that it could generate income if board members would hire a manager who would promote and sell the SPRK product. So far, GIMEK has not hired a manager.

Lessons learned

Operational problems might have been avoided or mitigated if support to GIMEK in the first year of operation had included an allocation for staffing, providing someone to oversee administrative details on the SPRK contract and to initiate marketing.

G. Questions 12 and 18 – KMAP’s work with minority media

12. *Was programming targeted to minority media, including specifically Kosovar Serb media outlets, effective? Was there impact? If so, please describe and document the impact. If not, please document and determine why not.*

18. *Did the activities crafted to address minority media in the 3rd year IREX work plan contribute to the achievement of the goals? If so, how? If not, why not? Would other activities have been more appropriate? If so, what other activities might have been more effective? Was there impact?*

1. **Background – the environment for Serb media in Kosovo**

The Serb population in Kosovo is fractured. Just over one hundred thousand ethnic Serbs are scattered over much of the territory, with important concentrations in the North, South and the East. It would be incorrect to call the entire population a “Serb community” as little currently binds them together apart from language and a shared history. While the settlements are not homogeneous, they do bear some similar characteristics; they are isolated from other Serb settlements as well as surrounding Albanian areas, the average age tends to be higher in Serb-dominated zones, those zones tend to be agricultural in nature and also tend to suffer from greater economic impoverishment than their Albanian counterparts.¹⁴

There is no single Kosovar media source which brings together Serbs in Kosovo either in print or over the airwaves.¹⁵ Radio and television stations operate locally and, with few exceptions, are extremely modest operations reaching out to small population groups within the reach of what are generally low-powered transmitters, doing little to build a sense of community or to draw Kosovo’s Serbs into the Kosovar community. Reconciliation between Serb and Albanian Kosovars is further hindered by the absence of substantial cooperation between the media houses belonging to each language group.

Much of the weakness inherent to Serb media in its current form would be offset if Radio Television Kosovo (RTK) fulfilled its mandate as a public broadcaster. It is generally the role of a public broadcaster to provide programming of a nature and to a target audience that is not necessarily economically viable and not likely to be taken up by the private sector. RTK makes little attempt to serve the Serb community with original material, relying rather on translations of content already broadcast to an Albanian audience.

Despite this rather gloomy landscape, there are some Serb media outlets that do look to a future within an independent Kosovo. In Part 2 below (Questions 17 and 19), we look at how these exceptions may be used as a platform for extending inter-linguistic cooperation and thus contributing to integration and nation-building.

¹⁴ A Note on Poverty in Kosovo. William Davidson Institute, University of Michigan, Dec. 2005.

¹⁵ The only Serbian-language media outlet with the potential to reach all Kosovar Serbs is Radio Television Serbia (RTS). RTS is carried after-hours on some local TV services as well as being available via satellite. As RTS does not recognize any control over Kosovo other than that of the federal parliament in Belgrade, its programming cannot be expected to contribute to nation-building within Kosovo or to the integration of Serbs into Kosovo society.

2. KMAP's activities with Serb media outlets

Responding to USAID's request, IREX initiated new activities working with Serb media outlets in KMAP Y3. These activities included business training designed to assist Serbian language media in advancing toward self-sustainability, newsroom training for editors and staff of Serb media, and grant funding to Serb media for specialized reporting projects or other activities. The extent to which these activities contributed to strengthening Serb media through increased viewership will be determined by a survey that is underway at this time (early March 2008).

New activities also included investigation of the possibility of developing a Serb television network for Kosovo, and a feasibility study for such a network. These efforts did not bear fruit. IREX's work on a Serb network may have prepared the ground for a second attempt.

Although KMAP has made admirable progress in helping to lead Albanian media towards sustainability, the hope for similar success stories on the Serbian side of the linguistic barrier is extremely low. Without a national signal for Serb electronic media, it is not possible for potential advertisers to consider targeting a Kosovo-wide Serb audience. Even if such a signal existed, the Serb population is still too small and too impoverished to generate for TV and radio enough advertising expenditure to cover operating expenses.

3. Serb Media Outlets in Kosovo – Television, Radio and Press

In this section, summary notes on Kosovo Serb media (television, radio and press) are followed by tables inventorying Serb media outlets and assessing the extent to which each is interested in taking part in future programs.

Television

Television is a much more fractured form of electronic media in Kosovo than its audio counterpart, radio. While radio has the benefit of creating a partial community of listeners through the KOSMA radio network, a content-sharing facility, television has no counterpart. The television stations serve small communities in or near some of the Serb enclaves. It is difficult to imagine television serving in a capacity of nation-builder or integration tool if some form of content sharing on a Kosovo-wide basis is not explored. All Serb TV stations freely expressed their needs for further development, and a few were specific about collaboration. See Table 1 below for a station-by-station assessment.

Radio

There are many more Serb radio stations than are economically sustainable. If several stations cease to broadcast, there will still be enough outlets to more than cover Kosovo.¹⁶

Should the economic situation continue to deteriorate, and the electricity supply remain intermittent, the role of radio as a purveyor of information is likely to increase, as buying power diminishes and the need for information pertaining to security remains high.

¹⁶ However, given Kosovo's 40% unemployment rate, it doesn't seem constructive to suggest thinning these stations out. They at least provide a creative outlet and a kind of part-time employment, even if the programming product is quite marginal.

Table 2 consists of a list of the most important content-generating Serb radio stations. There are many others currently broadcasting. Many stations not listed are nothing more than what are locally referred to as “juke boxes;” they play music from an automated server.

Print – Magazines

There are no Serb dailies in Kosovo. If a daily were to be launched, it is highly improbable that the market could support it. Disposable income amongst the Serb population is extremely limited, leaving newspapers without buyers. Serbs are so widely dispersed across Kosovo in relatively small numbers that distribution will remain too heavy a financial burden to be absorbed by the publisher. Serbs in Kosovo are served only by magazines. Table 3 describes Serb print media.

Table I - Serb Media Landscape, Television

Station, Location or Service Area, and Ownership	Description	IREX Involvement	Future Development Interest
<p>RTK</p> <p>National State Broadcaster, Pristina-based</p>	<p>RTK is required to devote 5% of programming to minority ethnic groups. This programming is original Albanian content translated into Serbian. Serbs do not find the arrangement acceptable; for the most part ignoring RTK. Recurring complaint within Serb media circles that content doesn't reflect Serb concerns, and is Pristina-centric, giving insufficient coverage of regions outside the capital city.</p>	<p>IREX has not been involved in capacity building at RTK.</p>	<p>RTK receives considerable funding from international funders but it is functioning neither as a public broadcaster nor is it providing adequate programming for the Serb population. Future media support programmes could consider joint funding proposals in order to influence direction and functioning of the operation.</p>
<p>TV Herc</p> <p>Private Broadcaster, Strpce</p>	<p>Struggling to survive since OSCE funding ended in 2006. Since then staff complement has dropped from thirteen to eight, with three Albanian staff members amongst those losing their positions. Director Bojan Mladenovic intends to increase the reach of TV Herc by placing a transmitter at Gracanica, which will also cover the Pristina area; an IMC license covering the expansion has been granted.</p>	<p>TV Herc has received limited support from IREX. A grant of five thousand dollars in 2006 used to produce six documentaries on youth in Kosovo. Support in the form of journalism and TV skills training ongoing.</p>	<p>Interested in being a partner station in any future network of content sharing between Serb television stations. TV Herc's apparently imminent plan to erect a transmitter in Gracanica in order to cover the capital region could make it one of the most important content suppliers to any future network. Content sharing already exists between TV Herc and its Albanian counterpart in Ferizaj, TV Tema.</p>
<p>TV Puls</p> <p>Private broadcaster, Silovo</p>	<p>Provides programming in the Gjilan and Ferizaj region. Started as a producer and broadcaster of children's programmes in 2001 with a staff of two, now employs 15 people and has added cultural and current affairs programming to its schedule; some of its output is rebroadcast on RTS.</p>	<p>Continues to benefit from journalism and TV skills training. IREX funded series of documentaries dealing with realities in Kosovo with attention to gender, addressing alcoholism, drug abuse and unemployment, each featuring a debate including Albanian opinions. Producers currently one third of the way through production of twenty six part series funded by IREX, focusing on health, education and other social issues; part of a strategy to increase viewership.</p>	<p>Management is clear about how it would like to proceed in a best-case scenario – participation in a network of content sharing is the number one priority. Director Zlata Milenkovic sees such a plan as a means to improving content quality and improving means to reaching sustainability. Within the rubric of improving content quality is the desire to have a full-time in house trainer. Improved business skills within the organization are also high on the wish list.</p>

Table I, cont. - Serb Media Landscape, Television

Station, Location or Service Area, and Ownership	Description	IREX Involvement	Future Development Interest
<p>TV Most</p> <p>Private broadcaster with links to Radio Television Serbia, Zvecan</p>	<p>Biggest of the local Serb television stations, covering Kosovo's northern regions and staffed to a large extent by former employees of Radio Television Pristina (now RTK). Support for station comes from RTS, which it carries on its overnight service. Other programming includes material from the British Council and a morning current affairs programme produced in-house. RTS Novi Sad carries some TV Most programming. TV Most and TV Puls exchange programming on a weekly basis, through physical delivery of content.</p>	<p>IREX involvement with TV Most has been limited primarily to technical assistance in the form of TV skills training as well as support for a TV series on women in the media and the development of female marketing skills. KMAP sponsored research on the electronic media carried out by Helen Harrison has also proved useful to the station.</p>	<p>Although previously reluctant to play anything but a leading role in any proposed content-sharing network, chief editor Veroljub Miletic is willing to return to negotiating table. Appears to be a strong desire to find ways to increase revenue and station management has expressed a strong interest in increasing its ability to understand how to target markets and how to effectively schedule advertising.</p>
<p>TV Mir</p> <p>Private broadcaster, Leposavic</p>	<p>Small operation covering Kosovo's northern regions. Businessman owner and sometimes politician Nenad Radosavljevic finances TV Mir with earnings from his construction and property businesses. A locally produced news programme also runs on TV Mir's radio service, Radio Mir. Most of the programming is of a light entertainment nature and also includes rebroadcast of content from B92 in Belgrade and VOA.</p>	<p>Support over the past year has been in the form of TV skills and marketing training, both of which the station owner appreciates. Support has also been given for the production of programmes including debates, youth issues, health, and education and policing.</p>	<p>Nenad Radosavljevic claims to be the author of a project for a content-sharing network amongst Serb TV stations. As such, he may prove to be the most difficult potential partner at a table intending to thrash out an agreement; however he does appear to understand that some sort of agreement must be reached. His claim that other Serb stations in Kosovo see TV Mir as a vital element in any future network was not echoed by his counterparts referred to in this report. TV Mir will likely carry on in its current form with or without support from the donor community. Should more support be forthcoming, Mr. Radosavljevic has expressed an interest in further capacity building within the marketing segment of his operation.</p>

Table 2 - Serb Media Landscape, Radio

Station, Location or Service Area, and Ownership	Description	IREX Involvement	Future Development Interest
<p>Radio Blue Sky</p> <p>National service, part of RTK, Pristina-based</p>	<p>Part of RTK network, mostly Albanian except for two hours mid afternoon in Serbian.¹⁷ As with RTK TV, Serbian programming is mostly translation of Albanian content; virtually no interest to Serb listeners.¹⁸ Could become Kosovo-wide Serb service; unlikely without outside pressure.</p>	<p>IREX has not been involved in capacity building at Radio Blue Sky.</p>	<p>More state than public broadcaster, Blue Sky does not provide adequate programming for the Serb population. RTK has had considerable funding from other donors. Future programme might consider joint funding proposals in order to influence the direction and functioning of the operation.</p>
<p>Radio Mir</p> <p>Private Broadcaster, Leposavic</p>	<p>Housed in the same building as TV Mir; little original content apart from audio from TV Mir productions. Music fills most of the broadcast day, when the station is on auto-pilot.</p>	<p>Radio Mir and TV Mir staff is one in the same and hence benefit from the same IREX support.</p>	<p>Will benefit from any improvement in content output or business acumen developed through outside support.</p>
<p>Radio Borzani</p> <p>Private Broadcaster, Brezovica</p>	<p>Officially part of the KOSMA Radio Network carrying KOSMA material but does not contribute content. Produces programming targeting internally displaced persons (IDPs).¹⁹</p>	<p>None.</p>	<p>As a weak member of the KOSMA network, capacity building could help make it a provider of content rather than simply a user. Should the ski resort at Brezovica revive, it would enhance Radio Borzani's potential to target a market with excess income.</p>
<p>Radio Contact Plus</p> <p>Private broadcaster, Mitrovica</p>	<p>One of the three anchors of KOSMA. Housed in OSCE building, has the largest staff complement of any Serb station in Kosovo. Station management identified its target market as twenty to thirty-five year olds, assuming that older listeners tune in for news and current affairs programming. Anecdotal evidence pointed to Radio Contact Plus being the most listened-to radio station within its coverage zone.</p>	<p>Support from IREX has been in the form of business training, women in media training, format development and support for programmes on decentralisation, youth, the economy and ecology.</p>	<p>Station director Mirjana Milutinovic recognises need to increase revenue through advertising. Initial marketing training by Rich McClear well received but Ms Milutinovic says more is needed; station in need of a marketing strategy and access to regularly updated marketing surveys. Strong interest in expanding the reach and content of KOSMA, including a project to include KOSMA content on the Serbia-wide INDEX radio service.</p>

¹⁷ RTKlive.com, 2008

¹⁸ Radio for Peace, Democracy and Human Rights, Dr. Hansjoerg Biener, University of Erlangen-Nurnberg, 2007.

¹⁹ List of Specialized Media Outlets for Internally Displaced Persons from Kosovo, UNMIK, 2007.

Table 2, cont. - Serb Media Landscape, Radio

Station, Location or Service Area, and Ownership	Description	IREX Involvement	Future Development Interest
<p>Radio Gorazdevac</p> <p>Private broadcaster, Peje</p>	<p>Small, well-run local station due to leadership of manager Darko Dimitrijevic. Smallest of the three members of KOSMA, serves an area without local community-based television. Survives on funding from the donor community, largest donor is Italian.</p>	<p>Benefited from business training and an IREX program to improve the quality of its content.</p>	<p>Mr. Dimitrijevic sees KOSMA network as the future of Serb radio in Kosovo. He is committed to strengthening the service. He sees it as a means to unite and integrate people. Strengthening of this station is likely to help promote multiculturalism in the Peje region.</p>
<p>Radio Herc</p> <p>Private broadcaster, Strpce</p>	<p>Extension of television operation of same name. Station relies on staff and content generated from TV service and is able to cover a relatively large area with a low power transmitter due to location on one of highest peaks in region.</p>	<p>Herc and TV Herc staff is one in the same and hence benefit from the same IREX support.</p>	<p>Will benefit from improvement in content or business acumen developed through outside support. With Radio Borzani located very close to Radio Herc, consideration should be given on whether to offer support to both radio stations.</p>
<p>Radio Kim</p> <p>Private broadcaster, Cagllavica (Pristina)</p>	<p>Only serious Serb news and current affairs station serving Pristina, and member of KOSMA. Generates content that director, Isak Vorgucic says builds bridges between Serb and Albanian communities in capital region. Mr. Vorgucic refuses to allow content, including musical, promoting nationalism. Survives on donations but generates some income through content sales to Serbian media outlets.</p>	<p>Recipient of IREX support in the form of management, technical and business training. Mr. Vorgucic is responsible for grant applications and says he would have applied for funds from KMAP if, in his words – “it wasn’t so much work to qualify for two or three thousand euros.”</p>	<p>Radio Kim’s director echoes the thoughts of his counterparts in Mitrovica and Peje on KOSMA; he sees it as the only hope for allowing Serb stations to have any sort of serious income.</p>
<p>Radio Kamenica</p> <p>Private broadcaster, Kamenica</p>	<p>Officially part of KOSMA and carries KOSMA material. Does not contribute content to the network.</p>	<p>None.</p>	<p>As a weak member of KOSMA, capacity building could help make station a provider of content rather than simply a user. Capacity building will help create a sense of community and potential for integration in region not well served by Serb media.</p>
<p>Ophélie FM</p> <p>UN radio station, UNMIK HQ See Attachment 5 – Ophelia Content Schedule</p>	<p>Local news bulletins generated in Serbian at UNHQ in Pristina, and carried on station’s four FM transmitters located at regional UNMIK offices throughout the territory. Also relays programs in Serbian produced by the BBC and Deutsche Welle.</p>	<p>None.</p>	<p>The fate of Ophélie FM lies with the fate of UNMIK. It would be a useful exercise to examine the electronic file sharing format used by Ophélie should any support be given to strengthening and expanding the KOSMA network.</p>

Table 3 - Serb Media Landscape, Print Magazines

Station, Location or Service Area, and Ownership	Description	IREX Involvement	Future Development Interest
<p>Jedinstvo</p> <p>Private news magazine, Mitrovica</p>	<p>Monthly with nationalistic tendencies. Kosovo Press Council managed to soften its editorial line by fining the magazine €7 thousand. Payment of the fine waived on condition that Jedinstvo join the council, which it did. Press Council president Nehat Islami sees this development as a step towards eventual cooperation.</p>	<p>None</p>	<p>Not good value for money given current economic situation and weak demographics.</p>
<p>Gradjanski Glasnik</p> <p>Private news magazine, Pristina</p>	<p>Fortnightly publication supported in part by Dutch organisation Press Now. Kosovo Press Council refers to it as a democratic publication promoting respect for human rights and reconciliation. Editor Jelena Bjelica is a member of the press council.</p>	<p>None</p>	<p>Not good value for money given current economic situation and weak demographics.</p>

H. Question 13: Key Lessons Learned

13. What are key lessons learned from KMAP?

In this section, we step back to look at the bigger picture, to discern some of the key lessons from working in this very new, very small Balkan country, at and immediately prior to independence.

1. Assistance to independent media

KMAP was successful in assisting media businesses (RTV 21, KTV, KTTN, GIMEK) because it provided systematic and robust support, covering all key aspects of running the business, support was long term and adapted as needed to changing circumstances and needs on the ground; and support reflected the needs of the partners and was executed in a cooperative manner.

2. Working with minority populations.

Given the ethnic diversity and ethnic tensions within Kosovo, efforts to work directly with minority media should have been a larger part of KMAP from the beginning. Even if work with Serb minority media prior to independence proved impossible, working with Bosniak or Turkish minorities might have developed a good model for working with the Serb minority post independence.

3. Working with the legal and regulatory framework.

The progress of the IMC as an independent regulator has been impaired because it has not received the support and attention that it needs from the government of Kosovo. But even if that problem were resolved, the IMC also suffers from a serious lack of expertise. The IMC statute assumes that the IMC will develop regulatory controls for the broadcast sector. This is a huge and complex task, made more difficult by the fact that the technology is constantly changing and regulatory regimes to which the IMC might turn for a model are also in flux. Task 3 asked KMAP to work towards an improved legal and regulatory framework for the media, but the amount that KMAP was able to accomplish was quite limited. The KMAP project should have included a larger component for providing technical assistance for regulatory work at the IMC.

4. A supporting institution as a media sector "watchdog".

There is currently no supporting institution to serve as a “watchdog” on media independence and free speech issues in Kosovo. This is a serious lack. In a very small nation like Kosovo, the NGO sector will not support the variety and range of organizations that may be possible on a larger population base. For instance, a professional association like APJK is not likely to be sustainable because the small pool of journalists who might be interested in peer to peer learning and other professional activities is quite limited (and most are already well-acquainted). The only entity in the Kosovo landscape at present that seems likely to develop to fill this void is KMI.

I. Question I4 –Recommendations for possible future programming

14. *Based on review of implementation and results from KMAP, what recommendations do you have for possible future USAID media programming?*

We recommend USAID should continue assistance to the media sector in Kosovo for another 2-3 years. Within that time period, assistance should focus in three primary areas:

1. *Working with Serb minority media.*

Continue work with Serb media to encourage ethnic Serbs to identify with Kosovo rather than Belgrade, creating stronger, more relevant and credible television and radio services which cooperate through the sharing of content, providing Kosovo Serbs with reliable news about events in Kosovo and reducing isolation of Serb enclaves. Based on interviews at all Serb television stations, and several leading Serb radio stations, we believe that this may be the moment when a cooperative content-sharing network of this kind may be possible.

We recommend a turn-key approach to developing a content sharing network for Serb radio and television in Kosovo. That is, we recommend that USAID's next implementer develop a complete plan for an audio-video network with decisions already made as to technical format and conditions of use. The defining characteristic of this proposal is that rather than asking Serb media stakeholders to agree and then to plan the network, the USAID implementer would present stakeholders with a *fait accompli* and ask them to decide promptly whether they are in it or not – in effect, whether they want to be on the life raft or sink or swim alone. More detail on how this might be done is set out in Part 2 (Qs 17 & 19) below.

Additional proposals for working with Serb media to integrate Serb enclaves into mainstream Kosovo society are:

- Promote cooperation between Serb and Albanian media outlets at a local level, establishing or expanding an existing NGO as a base for such cooperation, possibly building on the start that has been made at KMI, which has a good mix of Albanian and Serb media members.
- Do what needs to be done to unlock and activate the Minority Media Fund.

2. *Working with the IMC*

We recommend assistance to the IMC to provide it with technical assistance to tackle and complete the difficult task of relicensing all Kosovo media outlets. There are numerous other regulatory challenges that IMC will have to face, but establishing a fair, credible, transparent, well-managed and enforceable licensing system is an essential first step to building an improved regulatory framework and enhancing the credibility of IMC as an even-handed, independent, non-politicized regulator.

3. Cultivating a supporting institution

Kosovo needs a supporting institution to serve as a “watchdog” on media independence and free speech issues. The only institution currently on the horizon that has promise in that regard is the KMI. We recommend working to strengthen KMI and to broaden its mandate, possibly incorporating APJK or its functions into the KMI framework. We recommend a focus on KMI because we believe the media sector in Kosovo is too small at present to support more than one supporting institution. Centralizing support functions in a single institution will give that institution a better chance to survive. This will require cooperation with other donors, even though other agendas may not exactly match that of USAID.

To build expertise and strength in media monitoring, KMI might join a regional association, or might develop a twinning relationship with another national media center.²⁰ This would have the additional advantage of encouraging media professionals in Kosovo to build relationships with their counterparts in neighboring countries, helping to build links into the wider Balkan community.

4. Additional proposals.

Electronic Media Repair Center. Radio and television stations in Kosovo suffer serious interruptions in programming because aging equipment often needs repair, and much electronic equipment needs to be sent to Frankfurt for servicing. USAID might cooperate with US trade promotion services to determine whether there is an opportunity for a high-quality digital media equipment service center in Kosovo.²¹

Using USAID influence to resolve some urgent problems. There are some issues that hold back the media sector, and they will continue to hold it back unless they are resolved:

- The dispute between RTK and KEK regarding collection of the public broadcaster’s fee urgently needs resolution. IREX’s media expert, Rich McClear, states that there is no practical alternative to having KEK collect this fee.²² USAID may be well situated to facilitate resolution of this issue because of USAID’s role in assisting the energy sector, and specifically, its role in advising KEK on bill collection procedures.
- The Minority Media Fund is a substantial allocation that is in the control of the Prime Minister’s Office and that should be available to assist with minority media needs. No official action has been taken on this fund since last June, and the present dispute between RTK and KEK may jeopardize its availability, if in fact it has not already been diverted.²³ USAID’s intervention to find the present status of the fund

²⁰ See comments on SEENPM in Q10 above.

²¹ The team heard from more than one source that equipment servicing is a real problem. We also heard that there is a servicing facility in Slovenia. Nonetheless, we believe this suggestion is worth follow-up.

²² See Memo., Dec. 13, 2007 Rich McClear to Andrew Clayton and Albana Kusari re Public Broadcasting Fee, Attachment 6 to this report.

²³ According to a public statement by the IMC Council, KEK has transferred the MMF funds to RTK, and RTK has retained them. The IMC calls on RTK “to immediately remit all amounts due to the MMF, since this money does not belong to RTK.” See *Public Statement of the IMC Council with respect to secure financing for RTK* (Dec. 24, 2007), available at <http://www.imc-ko.org/index.php?id=352&l=e>

and to promote fair and transparent management of it would be appropriate, particularly if USAID intends to continue to assist minority media.

- The IMC is hobbled by lack of funds, and appointments to the IMC Council have been pending since last summer. Similarly, appointments to the RTK board have been stalled for many months. The Government of Kosovo needs to pay urgent attention to these media sector issues. Resolving the issue of appointments should be relatively easy. The issue of providing adequate funding for the IMC clearly is much more difficult, but there is true urgency in this matter if the international community's investment in the media sector is not to be jeopardized.

Ideally, USAID would convene a high level donors' working group to address these issues. Serious and concerted high-level pressure would certainly be needed to get movement from the Government of Kosovo at a time when it has many urgent and pressing issues following on from independence. Nonetheless, media integrity is not a minor issue. Donors have, by one estimate, about €36 million invested in the media sector. Protection of this investment is warranted.

PART TWO: Analysis and Evaluation Relevant to Possible Future USAID Media Programming

J. Question 15 – Improving the framework for freedom of expression

15. *Given the weak institutional framework for freedom of expression affecting both majority and minority media, are there modest activities that can address this issue?*

Access to official information is a key component for freedom of expression, critical for journalists and others who want to understand what government entities are doing, why, how and at what cost. A right of access to information is particularly critical for minority news media, who, without a clear right, are more apt to face denials and evasions when they seek to obtain information from government entities effectively controlled by the majority ethnic group.

In Kosovo, the Law on Access to Official Documents (LAOD) recognizes that the public has a right of access to government information, but an extraordinarily restrictive implementing instruction (“the Administrative Instruction”) effectively takes that right away.²⁴

Recommendation: A modest grant program to assist interested groups in working for restoration of the right of access could be an effective way to promote freedom of expression.

For instance, NGOs with an interest in transparency – such as the Youth Initiative for Human Rights, APJK, Rule of Law programs, Transparency International – might form a coalition to support measures to restore the commitment to transparency that is expressed in the LAOD. An effective tool might be preparation of a position paper that discussed international norms on access to official documents (e.g. European Union, US and Canada, and possibly some Balkan examples)²⁵ and ways in which the LAOD falls short of these norms.

The Administrative Instruction sets out a list of documents that can be made available routinely. It is limited to “statements for media, contact information for the citizens, or institutions forms and or brochures”.²⁶ NGOs could lobby for a modest expansion of this list.

An alternative approach to expanding the right to information might be to look at areas where there are commitments to transparency that don’t depend on the LAOD. Several Kosovo municipalities have adopted a transparency plan that includes budget information. Another area where there are transparency requirements is in government procurement.

²⁴ Some further details on the LAOD and the AI are set out in Attachment 4.

²⁵ Similar laws in Bulgaria (we know) and Serbia (we have been told) have been more successfully implemented.

²⁶ Admin. Instr. Art. 3.2(vi).

K. Question 16 – Supporting a robust independent media sector

16. Provide an analysis of how regulatory bodies impact media (broadcast and print), including impacts on the optimal number of media outlets from the perspectives of coverage and quality, but also advertising revenues, competition and market shares. Are there activities that could usefully affect the institutional environment to support a robust independent sector for both majority and minority media?

1. The present status of the IMC

The key institution for development of a robust, independent media sector is the IMC, which should be independent and expert, outside of political control, having a keen sense of the public interest and a good understanding of the technical side of media regulation. It's estimated that donors have put about €36 million into building the media sector in Kosovo.²⁷ An effective regulatory environment is needed to protect this investment.

The IMC today is not capable of fulfilling its role. It is understaffed and underfunded, leadership within the Commission has not been able to resolve these issues, and the IMC Council is below full strength. We believe these and other factors have brought the IMC to a point at which the public interest in effective and apolitical broadcast regulation is in jeopardy. There are a number of factors:

The executive director reports to the Council of the IMC, which has seven members. The Council is short two members. Council members are not receiving their statutory stipends, and it is difficult to get a quorum. Nominations for the two needed additional members have been pending since last June. Because the Council is below strength, its ability to set strategy and determine policy, as envisaged by the IMC Law, is impaired.

The budget is low, indefinite, and probably in danger of further cuts.²⁸ The budget is only being released month by month, and the executive director expects further cuts. Inadequate budget leads to loss of staff.

As explained below, the relicensing process that the IMC should carry out this year is critical, and the IMC cannot carry it out effectively without reliable funding and more expertise.

Although the technical quality of most IMC decisions is satisfactory, it is reactive rather than proactive. Consequently, it is sometimes ignored. For instance, we heard that there is widespread disregard for the IMC regulations on broadcast advertising.

In sum, the Commission does not command respect and its ability to carry out its mission is compromised. There is a clear danger that rather than protecting the public interest, IMC decisions will begin to be influenced – if they are not already -- by powerful political and business interests that have their own interests, rather than the public interests, at heart.

The specific issues set out in Question 16 are discussed below. In reviewing these issues, the weakness of the IMC is a factor that should be kept in mind, as it influences everything.

²⁷ Estimate by Cees Van Sweeden, formerly media representative of OSCE, presently adviser to KMI.

²⁸ In December 2007, the IMC led a meeting of independent agencies protesting budget process at the Ministry of Economy and Finance. See press release, at <http://www.imc-ko.org/index.php?id=349&l=e>

2. The IMC impacts broadcast media through the licensing process

Broadcast regulation is built around the licensing process.²⁹ Generally, in order to obtain a license a broadcaster must show that it is financially viable, technically capable, legally in compliance or ready to comply (for instance with business registrations and tax laws, as well as IMC rules).³⁰ In addition, it must show that it serves the public interest. Usually this means that it provides local news and public affairs programming, is politically neutral (is not bound to a particular political party) and has a commitment to balanced reporting. Failure to meet these criteria means a license won't be awarded; failure to stay in compliance during the license period means the license can be withdrawn or can be the basis for sanctions.

3. How licensing affects the number of media outlets, competition and market shares

IMC regulation affects the number of media outlets and the competition among them primarily through the licensing process. Regulation of the number of outlets, however, is more a by-product than an objective of licensing. For instance, in the relicensing process, the IMC could strictly apply standard broadcast license requirements – such as financial viability, technical capacity and legal compliance – to eliminate the least capable outlets and thus provide a market situation in which the more capable licensees can thrive and provide a better quality product.

However, action to limit the number of outlets needs to be done with care and with consideration of the characteristics of each media market. Licensing considerations in markets where there is active competition among licensees might take into account the viewership of each station, requiring licensees to have a certain proportion of the market in order to qualify for a license. It has been suggested that the IMC might develop a point system, awarding points, for instance, for the quality of the signal, a record of compliance with IMC rules, the amount of public service programming, programs to enhance inter-ethnic dialog or original programming.³¹

We have heard comments about the need to eliminate very small radio stations that function more like “juke boxes” than like community broadcasters. But very small radio stations are have potential to be a significant voice for the community. Rather than seeking to eliminate the very smallest broadcasters, it might be better to incentivize them to provide more community-oriented services, which could be particularly important as decentralization transfers more responsibilities to local governments.

²⁹ The documents setting out criteria for the licensing process are the Broadcasting Policy adopted by the IMC Council (CIMC-2006/5, 28 August 2006), and IMC Rule 2005/1, Qualifications for a Broadcast License, which is still used by the Commission. For the way in which these criteria are being applied, see IMC, *Public Tender for a local television station in ...Mitrovica* (Feb. 2008), available at <http://www.imc-ko.org/index.php?id=370&l=e>

³⁰ Usually, the broadcaster would have to show it is in compliance with copyright laws. Kosovo has not yet established a copyright regime; the broadcast policy only requires that applicants “demonstrate a commitment and ability to acquire commercial programming by legal means.”

³¹ A thoughtful memorandum that touches on this topic, drawing on experience with the point system used by the regulator in BiH, is the McClear memo of 11/28/07. Att. 3.

4. How IMC regulation affects the market for broadcast advertising

Broadcast licensees must comply with IMC rules on advertising, which promote the public interest in quality programming and protect the public interest in other ways, for instance by prohibiting inappropriate advertising in children's programming and promoting public health. The IMC issued rules on advertising in 2007, limiting advertising to no more than 20 minutes per hour, disallowing advertising within news bulletins that last less than 30 minutes and banning tobacco advertising.³²

As discussed above, GIMEK has provided a good basis for growth in broadcast advertising in Kosovo through provision of reliable audience research, which enables potential advertisers to place advertising where it will efficiently reach the desired demographic. But advertisers who want to take advantage of this audience research rely on consistent IMC regulation. For instance, if a 10 minute newscast is off-limits for advertising, potential advertisers want to know that it will be off-limits to their competitors as well as to them – and this means they want to know that the IMC will enforce its rule against advertising within short news bulletins.

For most media outlets in Kosovo, however, the problem with advertising is that there is too little of it. IMC cannot control this, though it can affect the market tangentially in a positive way by fostering a vigorous independent media sector. The best cure for a lack of advertising, and therefore a lack of revenue at small stations, is a general improvement in economic conditions in Kosovo.

5. The issue of advertising on public broadcaster RTK

Article 17 of the IMC law gives IMC the responsibility for overseeing reduction of the RTK's reliance on advertising revenue. The IMC is mandated to ensure that RTK does not charge lower rates for advertising than commercial advertisers and must assure that advertising regulations do not undermine the viability of either public or private broadcasters.³³

To carry out these responsibilities, the IMC needs to limit the amount of commercial advertising that RTK can carry. In order to do this, it needs reliable information about RTK's financial situation. RTK is supposed to provide financial reports to the IMC, but we are told that there is a lack of transparency in those reports and that the audit of RTK accounts has many exceptions.³⁴ At present, RTK has a larger share of the advertising market than either RTV 21 or KTV;³⁵ it may not be complying with the IMC's limits on amount and kind of advertising; and the current dispute with KEK over collection of the fee means that RTK is unlikely to accept new limits on its ability to sell advertising at this time.

This is a dispute that urgently needs resolution. It is closely tied up with the KEK dispute over collection of the public broadcaster fee. Any intervention that USAID makes to assist with resolution of that problem should be conditioned on RTK providing complete financial

³² See <http://www.imc-ko.org/IMG/pdf/Advertising%20Rule%20for%20Broadcasters.%20eng.PDF>

³³ See IMC Law Art. 17.1, available at: http://www.imc-ko.org/IMG/pdf/IMC_Law_ENG_FINAL.pdf

³⁴ Interview, Andrew Clayton, KMAP COP

³⁵ See McClear Memo. 11/28/07, Att. 3.

information on advertising income to IMC, and complying with IMC rules limiting advertising as they are at present, and as they may be after IMC has an effective opportunity to review RTK finances.

6. Press Council impact on print media

The Press Council is an independent NGO with a self-regulatory role, critical in protecting the independence of print media. Consequently, the Press Council needs to show its capability to handle difficult self-regulatory issues. It was challenged with such an issue last year (*Infopress*) and proved unable to cope.³⁶ However, it may have learned from this experience. It has successfully handled a number of less divisive complaints.

7. What can be done to strengthen the institutional environment to support a robust independent sector for both majority and minority media?

Strengthening the institutional environment means, first of all, strengthening the IMC. While weak regulation disadvantages honest media outlets in both the majority and minority communities, it is a greater disadvantage for minority outlets. If regulatory controls are weak, media businesses will try to go around the IMC if they need to get something done, such as getting rule violations overlooked, or getting licenses issued without fulfilling public interest criteria. It will be much easier for Kosovar Albanians to tap into old-fashioned client networks to solve such problems. A robust independent media requires an independent regulator.

Recommendation. Some of the problems that weaken the IMC must be solved by the government of Kosovo – notably the disabling lack of budget and the neglected appointments to the IMC council, and also the tardiness of the Ministry of Culture in setting up a copyright regime. Any influence that USAID could bring to bear on these issues would be well-spent.

Recommendation: The IMC also needs assistance most urgently to get the critical work of relicensing underway, competently managed, with a clear concept of the public interest, and careful attention to the licensing of minority media. Among other needs, many of which could be carried out by the IMC without assistance if it had an adequate budget allocation and the ability to hire additional personnel:

- There is no copyright enforcement regimen in Kosovo. Initially, this is the responsibility of the Ministry of Culture. A copyright collection system (through collecting societies) should be in place. Then the IMC can require broadcasters to comply with copyright requirements.

³⁶ A newspaper called *Infopress* published names of Serbs who had joined the Territorial Defence organization in the late 1990s. The issue was referred to the Press Council, which found that *Infopress* had not broken the code of conduct. The chair of the Council and a number of others resigned as a result. The Council ceased operations for a few weeks, until a mediation effort by OSCE persuaded the chair to resume his position, at which time the Council resumed operations.

- The IMC needs to monitor broadcasters' compliance with IMC rules. For instance, monitoring the national broadcasters' compliance with advertising rules could be done on a commercial basis by SPRK, with a possible cost saving to the IMC.³⁷
- A regulatory regime for cable operators has been initiated. It needs to be monitored and enforced.
- Video broadcasters (and to a lesser extent, radio broadcasters) need to prepare for digitalization. It would be relatively simple for IMC to convene a meeting to educate broadcasters on what they must do to prepare.
- The IMC needs to establish regulatory control over RTK, through resolving the issue of collection of the public broadcaster fee, then through close examination of its finances, then through establishing criteria to govern its presence in the market for commercial advertising (including the rates it charges, the amount of time it sells, and the circumstances under which its presence in the market can be reduced).
- IMC needs to develop a strategic plan and budget projections to get it through the next two or three critical years. By then the relicensing process should be completed, and it is possible that licensing fees will alleviate the shortage of resources.³⁸
- IMC needs to participate in resolving issues related to the Minority Media Fund.

L. Questions 17 and 19 – Continuing support for minority media

17. *In evaluating IREX's assistance to minority media, are there programmatic means not tried (including links to majority media, other) offering openings for assistance?*

19. *Provide suggestions regarding the best way to continue to support minority media, especially the environment for minority media and coverage of minority issues in Kosovo.*

The future of Serb media in Kosovo is not bright. Maintaining the status quo is likely to see a deterioration of what already exists, as the population remains fractured with little incentive to do much more than survive. Integration is not likely to come from within. With neither Serb nor Albanian linguistic groups keen on fraternizing with the other, the ghettoization of the enclaves will probably continue until most of the Serbs either die or leave. A strong, credible and responsible electronic media has the power to reverse such a trend.³⁹

³⁷ See McClear Memo 11/28/07, Att. 3.

³⁸ IMC funding: the IMC law provides that license fees shall be deposited to an IMC account (Art. 16). Art. 27 provides that the IMC "shall be allocated sufficient funds from the Kosovo Consolidated Budget to allow them to carry out their functions fully and independently....License fees collected pursuant to Article 16 shall be supplementary to budgetary funding" While this sounds as if license fees will provide IMC with some independent funding, we are told this system is not yet in place.

³⁹ We note that the Ahtisaari Report, Annex 2, provides that minorities have a right to their own media, and mandates that Kosovo shall provide a "licensed Kosovo wide independent Serbian language television channel." Annex II, Art.3, Section 3.1(k)

A relatively vibrant Serb media could be established and supported using the weak infrastructure which already exists. On the radio side, the KOSMA network provides not only a good platform but also a measure of goodwill to create a Serb community in Kosovo through the airwaves.

Assuming continued hardship for Kosovo's economy and assuming that infrastructure, including the power grid will remain fragile, radio is likely to remain the most efficient, inexpensive and reliable means of information dissemination around Kosovo.

Assuming that television will remain the dominant means of imported entertainment even in times of economic difficulty, it makes sense to use this tool as a means to unite and promote reconciliation.

USAID might consider four steps aimed at strengthening and sustaining Serb media in Kosovo, with the understanding that commercial sustainability is not a realistic short-term goal.

1. Content-sharing Network – Turn-key Proposal

The evaluators understand the difficulties entailed thus far in establishing any form of consensus amongst the players in the television business. IREX has already produced a report on options for supporting Serb TV stations (see Att. 7), all of which are reasonable and technically sound. The weakness with these options is that they require the Serb media stakeholders to agree to cooperate, which proved impossible. However, at this unique moment, immediately following Kosovo's declaration of independence, there may be a possibility of moving forward. While Serb media continues to be fragmented, there is a growing realization amongst the players that their options for survival are diminishing. Kosovo's new political dispensation is forcing them to examine new ways forward.

The evaluators also understand the unique terrain in which the KMAP program has been operating; unique terrain requiring unique measures in which to operate. The goal is to create stronger, more relevant and credible television services which cooperate through the sharing of content, thus providing Kosovo Serbs with a Kosovo-wide picture and a tool for preventing rumor-mongering and the further balkanization of the enclaves. Reaching that goal will require a certain amount of ingenuity and an acceptance of risk.

To meet this challenge, rather than presenting a plan that requires the Serb stakeholders to agree in advance to cooperate, we propose presenting them with a turn-key network, a complete plan for an audio-video content sharing network with decisions already made as to technical format and conditions of use. The defining characteristic of this proposal is that rather than asking Serb media stakeholders to agree and to plan the network, they are presented with a *fait accompli* that must be *sold* to the stakeholders as their best survival option. This would facilitate the creation of a virtual television network and an expanded capacity of the KOSMA radio network.⁴⁰

⁴⁰ An internal video and audio sharing network used and developed by UNMIK Public Information could serve as a model.

To become a member of the network, stakeholders need do nothing more than plug into the service and agree on how the addition and use of content will be regulated.

Initial cost and maintenance of the physical infrastructure is a burden of the donor community rather than the end users.

Plans to transition away from donor financing should be made in cooperation with the Government of Kosovo, with funding from the Minority Media Fund.

Recommendation: Commission a study which will produce a turn-key plan for the creation of the technical backbone for an audio and video exchange network. In order to implement this recommendation, the following steps should be taken:

- Convene a meeting of the key stakeholders in Serb television and radio (see Tables 1 and 2 above). The facilitator of such a meeting should robustly present the turn-key plan for the network, with an invitation for all interested parties to take part on an equal footing. Stakeholders should be given one week to consider the plan.
- One week later, convene a second meeting of the stakeholders to determine who the initial members of the network are. Dissension should be treated as other business to be attended to once the network is up and running.
- Provide a technical and marketing specialist who will maintain the network and exploit its income-generating potential.
- Once the participants have been determined, implement the plan promptly.
- Work with the IMC to facilitate issuance of licenses to qualified broadcasters for coverage of regions where broadcast services originating in Kosovo are weak or unavailable (mostly in the east and south-west).

2. The Minority Media Fund

The Minority Media Fund has enormous potential to build capacity within Serb and other minority media. A regular dedication of funds towards content production and producer support at radio and television stations committed to sharing programming would not only strengthen minority media, it would also serve as a strong indicator for Serbs that Kosovo is committed to their well-being and cultural survival.

Recommendation: Use available channels to ensure that the Minority Media Fund is unlocked and distributed in a transparent, predictable and regular manner. Independent auditing will be essential, and a citizen oversight board, including representatives of minority media, would be desirable.

3. Media Integration

Integration of the enclaves into mainstream Kosovo society is almost impossible without some form of media integration between Serb and Albanian media outlets. Some

cooperation already exists at the local level. Perhaps the most encouraging example is that of TV Tema in Ferizaj and TV Herc in Strpce. These stations regularly exchange content

Recommendation: Facilitate cross-pollination of media activities between Serb and Albanian-language media. The program should be closely aligned with the proposed new content-sharing network, and could perhaps be based in the KMI or another local NGO.

4. Sustainability of Electronic Media Infrastructure

Shoestring operations such as many Serb radio and television services are in Kosovo often fall prey to poor or inadequate maintenance of equipment. We heard from multiple sources that radio and television stations, whether they be Serb or Albanian language facilities can suffer severe interruptions in programming while waiting for parts or equipment to return from repair service centers often halfway across Europe.⁴¹

Recommendation: USAID should cooperate with the US Department of Commerce to determine whether there is a business opportunity for establishment of an internationally recognized digital media equipment service centre in Pristina. Such an installation, apart from keeping electronic media on the air, would generate employment and also serve as an important foreign currency earner serving a region well beyond the borders of Kosovo.

⁴¹ UNMIK sends its public information equipment to Frankfurt, the closest authorized service centre.

ATTACHMENT I: Interview Schedule

EVALUATION INTERVIEWS, FEB. 12-24 2008

KEY TO COLUMN 5:

D = DAVID SMITH, F = FRAN CHETWYND, J = JEHONA GJURGJEALA

LAST NAME	FIRST NAME	ORG	TRE #	DI STAFF
AHMETASEVIC	NIDJARA	BIRN BIH		J
ALIU	LUNDRIM	APJK	044.110.504	DJF
ANDERSON	JOHN	USAID	038.243.673	F
BERISHA	EMINE	IREX DEPUTY COP		D
BERISHA	VISAR	GAP INSTITUTE		J
BJELICA	JELENA	GRADJANSKI GLASNIK	044 431 106	J
CAKIQI	ISMET	MINORITY MEDIA FUND	044 124 997 381 38 201 14 625	J
CLAYTON	ANDREW	KMAP	044 248 883 (CELL)	DJF
CVETANOVIC	JELENA	RADIO KONTAKT PLUS JOURNALIST	064 454 8194	D
DIMITRIJEVIC	DARKO	RADIO GORAZDEVAC NEAR PEJA	063 8214 734	DJF
DIXON	MARTHA	KMAP CONSULTANT		DJF
DUFFY	PETER	USAID	038.243.673	DJF
FETIU	ARTA	KTTN	044 506 382 38 225 612 226853	F
GAYDOSIK	MEG	USAID	202.712.5005	F
GRAZHDANI	ARGJENTINA	EAST WEST MGMT INST	044 508 631	FJ
HAJREDINAJ	ARBEN	OSCE	044.220.290	F
HOTI	VISAR	TV TEMA FERIZAJ	044 120 487	D
ISLAMI	NEHAT	PRESS COUNCIL	044 158 261	D
JOKSIMOVIC	ZARKO AND ALEKSANDRA	LINK PRODUCTIONS	044 784 500 063 86 888 064 82 50 819	DJF
HAPCIU	KELMEND	KMI	049 148 549	F
KELMENDI	ADRIATIK	KTV	044 600 006	J

**Kosovo Media Assistance Program
Final Evaluation Report**

KUSARI	ALBANA	USAID	044.504.464 (CELL)	DJF
MALIQI	SHKELZEN	GAZETA EXPRESS	044120 911	J
MERAKU	GENC	ZERO POSITIVE	038 22 00 20 044 414 414	J
MILENKOVIC	ZLATA	TV PULS SILOVO	0280 25 977	DJF
MILENKOVIC	NENAD	TV PULS SILOVO	044 911 808	DJF
MILETIC	VEROLJUB	TV MOST ZVECAN	381 28 665 653	DJF
MILUTINOVIC	MIRJANA	RADIO KONTAKT PLUS MITROVICE	064 23 51 644	D
MLADENOVIC	BOJAN	TV HERC STRPCE	+381.63.436.723	D
MORRISON	PATRICK	UNMIK PUBLIC INFORMATION	044 500 037	D
MULLIQI	SHPRESA	OSCE MEDIA REP	044 115 679	F
MUSOLLI	LEKE	RADIO ALBA KLINE	381 39 71 592 381 39 71 593	D
RADOSAVLJEVIC	NENAD	TV MIR LEPOSAVIC	064 488 4717	DJF
SALGADO	OLIVIER	UNMIK PUBLIC INFORMATION	044 500 107	D
SARAQINI	AFERDITA	RTV21	038 241 523	J
SARAQINI	EUGEN	GIMEK	044 120 120	J
SELIMAJ	NAILE	IMC	038 245 031 044 507 596	FJ
SIMIC	JOVAN	TV PULS, SILOVO	+381.63.734.2318	DJF
TURDISIC	ZELJKO	KOSMA NETWORK		D
VAN ZWEEDEN	CEES	KMI (OSCE)	044 948 445 038 248 456	F
VORGUCIC	ISAK	RADIO KIM, CAGLLAVICE	044 185 120	D
WHITEHOUSE	MARK	IREX	202.628.8188	F
XHARRA	JETA	BIRN	44135209	J
ZEJNULLAHU	ARDITA	AMPEK	044 220 786	F
ZHERKA	LEKE	KTV	044 502 485	J

**Kosovo Media Assistance Program
Final Evaluation Report**

			038 248 015	
			038 226 445	

ATTACHMENT 2: Kosovo Media Sustainability Index 2008

Media Sustainability Index 2008

IREX DRAFT

Introduction

Overall Country Score: 2.27

The past year was filled with significant developments relevant not only for development of the media sector, but also for the future of Kosovo. February saw the tragic killing by the international police of two protesters from Albin Kurti's *Vetëvendosje* movement while protesting against negotiations with Serbia and the Ahtisaari package and for a referendum on independence. Negotiations between Kosovo and Serbia, mediated by UN Secretary General Special Envoy Marti Ahtisaari, ended in February 2007 with a proposal of conditional independence for Kosovo, which was accepted by Kosovo Albanian leaders, western countries, and the UN, but opposed by Serbia and Russia. Expectations were high that Kosovo's status would be resolved by the middle of 2007; however the UN Security Council failed to approve the Ahtisaari package due to Russian opposition. The Contact Group for Kosovo proposed another set of 120-day negotiations between Kosovo and Serbia with the mediation of the so-called "troika," representing the US, EU, and Russia. During the negotiations, there was much debate in Kosovo whether elections, both national and local, should be held since the time had legally come. Elections were eventually held and returned surprising results, for the first time the war-wing Democratic Party of Kosovo won, with 34 percent, and the moderate Democratic League of Kosovo, winner of all previous elections, came in second with 22 percent of votes. Soon after the elections, negotiations between Kosovo and Serbia ended without any success, leading to the support of Kosovo's leadership by most western countries to declare a coordinated independence, which was made on February 17, 2008.

These developments tested the media's ability to obtain first-hand information and adhere to standards of objective, ethnical reporting. Kosovo has enjoyed development, institutionally and legally, to better support media sustainability. However, these institutions, laws, and regulations remain weak and unstable in practice. The overall Kosovo MSI score dropped slightly, from 2.56 last year to 2.27, with lower scores in every objective. This decrease may not be a result of a worsening situation with regard to media sustainability in Kosovo, but a reflection of dissatisfaction on the part of panelists with lack of further development.

The MSI panel gave its highest rating, 2.40, to Objective 3, plurality of news sources. However, this objective dropped slightly this year after three years at above 2.60. Business management of media outlets was the worst rated objective by the panel, the score suffering a drop to 1.96 from 2.50 last year. The drop reflects a lack of development in this objective, as panelists perceived some media as unprofessional organizations due to political influence. Although Objective 5, on supporting institutions, was one of the highest rated objectives by this year's panel, these institutions, with a few exceptions, are still considered to be relatively weak in providing protection for journalists and fighting for a better legal working

environment. This objective therefore also suffered a loss of nearly half a point compared to last year, coming in at 2.39.

Objective 1: Freedom of Speech – Score: 2.33

There were no significant developments with regard to free speech in the media in the past year. According to panelists, this is mainly due to the lack of public interest; past public reaction to events impacting media typically produced no results or was followed by additional sanctions against the media. This lack of development with regard to free speech resulted in a minor drop of the score from 2.45 last year to 2.33 now; this is down from a high of 2.50 in 2005. Most indicators fell close to the final average, with only Indicator 4, crimes against journalists, lagging noticeably behind. Indicators 8 and 9, covering media access to foreign news sources and entry into the journalism profession, did score nearly a full point higher each.

Indicator 4, dealing with crimes against journalists, fared the worst in the minds of panelists not because of actual crimes but because of the panel's perspectives on working environment and lack of security. Almost all panelists agreed with Ibrahim Berisha, Professor of Sociology at the University of Prishtina, who said "Journalists are not safe. One of the obstacles to them being completely free to investigate and practice free speech is the fact that they are unprotected financially and physically, and also from psychological pressure it is hard for them to take any individual responsibility... there may be more consequences [to them for reporting on sensitive issues] than impact [on the reputations of the people they report on]."

In this respect, Besim Abazi, Journalist for Voice of America, said that the procedures for journalist protection in case they feel at risk are so complicated that "one may die and be forgotten by the time something is done by the authorities." He also mentioned that journalists may have been attacked by the police in riots because of their attitude towards the *Vetëvendosje* movement.

Berat Buzhala, editor in chief of the daily newspaper *Express*, indicated that the safety of journalists had worsened in the past year, pointing to the fact that media professionals had started to deal with the issue of Kosovo's status. Furthermore, several panelists mentioned resistance by editors, as well as pressure from politicians and international players, to undertake investigative journalism, as uncovering problems might jeopardize the political equilibrium created for the sake of resolving the final status. However, this is seen as something that could hurt journalism in Kosovo in the longer term: panelists felt that once organized crime and the perceived fear from it become institutionalized in journalism, it will be very hard to leave in the past post-independence.

Buzhala summed it up, saying "Journalists feel betrayed, especially by internationals who informally support free speech and investigation of corruption, because as soon as your reporting uncovers corruption you see that the same internationals do not take any action whatsoever related to the case."

Legal and social protection of free speech formally exists; however in practice problems and restrictions remain. One of the indirect phenomena that affects free speech is the government's practice to cancel its advertisements in critical media outlets. Another problem raised by panelists is the fact that there are officials in positions of power who have in the past threatened journalists as part of their public denunciations of them. "Journalists have now learned the red lines and they don't cross them. The only times when journalists are courageous enough to talk about particular events with regard to these people is when these people show up in police reports and their crimes become formal and official," said Buzhala.

Panelists could not recall any cases of assaults on journalists over the past year. However, the International Freedom of Expression Exchange reported one instance, a physical assault against Vesna Bojicic, a Prishtina-based journalist and correspondent for VOA's Serbian-language service. Panelists asserted that the absence of attacks is not necessarily an indicator of a healthy media. Buzhala explained that journalists and editors are recognizing that certain topics are off limits and therefore the quality and type of information presented to the public affected. "*Express* has analyzed the first 1,000 editions of the newspaper and out of the first 500 editions, 400 carried main stories on non-political issues (corruption, investigative journalism, etc.) and 100 carried main stories on straight politics. In the second 500 editions, the proportion was the other way around."

The case of Albin Kurti, leader of *Vetëvendosje*, was also surfaced in the panel discussion. Panelists criticized authorities for suppressing Kurti's ability to practice free speech over the past year. Ibrahim Berisha said that no one has reacted sufficiently, including the media, most likely fearing loss of funds from the international community or risking good relations with the government.

The system of licensing broadcast media in Kosovo still seems chaotic. All panelists agreed that after the initial licensing by KFOR, the international radio and television regulator Temporary Media Commissioner (TMC) simply renewed the same licenses without any criteria and without tendering procedures. TMC, now the local Independent Media Council (IMC), is considered to be non-transparent, not encouraging market liberalization or foreign investment in the media, and, above all, responsible for the blockage of new licenses. "Licenses are simply not given to new TV or radio stations. The reasons may be political, related to the involvement of internationals until now. It could also be due to monopolization and perhaps a lack of professionalism," Ibrahim Berisha said. Nevertheless, Ardita Zejnullahu, executive director of AMPEK, the electronic media owners' association, expects downsizing in the number of electronic media in 2008, since the IMC will begin a tendering procedure for re-licensing. She feels this could also positively restructure the Kosovo media market.

Panelists indicated that the public media seem to be privileged with regard to the tax system in Kosovo. The private media are considered as an ordinary businesses, whereas the public broadcaster is exempt from value added tax (VAT). The majority of panelists agreed that private media should pay less VAT, as well as enjoy other tax concessions including a waiver for customs duties for equipment and lower interest rates on loans used for investment. Several panelists also thought that there should be restrictions for the public media with

regard to advertising space, since they felt in a small and underdeveloped market such as Kosovo public media is crowding out the only source of funding for private media.

Panelists reported the financial and editorial independence of the public broadcaster, RTK, is threatened by political decisions. This was shown this year when the board of the Energy Corporation of Kosovo (KEK) headed by the minister of energy and mining decided not to allow the public broadcaster RTK to collect its subscription fee, upon which RTK's budget heavily relies, through KEK bills. Although this decision was later reversed, Buzhala said that if Kosovars are committed to have a public service broadcaster, the law should not allow any minister to cut the source of financing. "We also cannot allow an adviser from the prime minister's office to threaten RTK for its reporting, as happened recently," Buzhala said.

Defamation and insult are included in the Provisional Criminal Code. Although there was no amendment to the Criminal Code in this respect, the Assembly of Kosovo passed the Civil Law on Defamation and Insult in 2007 (also promulgated by the Special Representative of the UN Secretary General), making defamation and insult a civil issues as well as criminal.

The past year saw no progress with respect to accessing public information and official documents. Ibrahim Berisha said the problem with the Law on Access to Official Documents is that all documents are considered protected unless a review committee in the respective ministry decides to release them. He felt it should be the other way around. Generally, officials are not willing to provide comments and interviews, especially when they perceive the matter to go against their personal or their party's interests. Some also have preferences for certain media outlets that may show a bias in their party's favor.

Media in Kosovo, according to all panelists, do not face any problems with access to international news and news sources. Further, the government does not impose any licensing restrictions or special rights for journalists. However, some of the panelists mentioned that entry into journalism may be too free in terms of lack of quality criteria imposed by the media itself when recruiting journalists, though they quickly agreed this is not a matter for the government.

Objective 2: Professional Journalism – Score: 2.24

According to the panel, the practice of journalism in Kosovo is less than satisfactory in terms of professionalism. All panelists agreed that the large number of media that sprung up in the uncontrolled media market after the war in 1999 has created such a high demand for journalists. Kosovo has been unable to produce quality journalists in high numbers in a short period of time. However, some panelists also noted that Kosovo has never had as many good journalists as now, but added the good ones are overshadowed by a large number of unethical or poorly trained ones. Objective 2 also marked a slight drop from 2.35 last year to 2.24. All indicators fell within a third of a point of the average, with Indicator 3, self censorship, the lowest and Indicator 7, modern facilities and equipment, the highest.

Self-censorship remains a problem for professional journalism in Kosovo, as evidenced by it being rated lowest by the panelists. Self-censorship has grown among majority of media,

especially after the violent events of March 2004 when the media, mostly broadcasters, were blamed for sparking inter-ethnic violence. Besim Abazi from Voice of America said “Now, not only do they censor themselves, but they are completely consumed with trying to be cautious with reporting. This is mostly visible in the case of RTK, because they were the most criticized for poor reporting during the March 17 events.” However, Berat Buzhala from *Express* indicates that recently, censorship is much more present when writing about organized crime or suspicious individuals than when writing about politics. He confirmed that this will be present in the future as well, which will continue to affect journalism negatively.

When reporting is not fair and objective, panelists observed, it can be traced to both the low level of professionalism among journalists and editors, and also to the outright bias towards political parties or other interests by some media outlets. The current overall environment in Kosovo was described by some panelists as “controlled anarchy.” But panelists decried the state of journalism, saying that even in these circumstances, and even under dictatorial regimes, journalism should keep up standards of objectivity, fairness, and ethical reporting. Buzhala said that there exists a pool of journalists (he referred to them as “free atoms”) who lack respect for standards of quality journalism. “They wander from one media outlet to another, having no problem that these media are tools of political parties. These kinds of journalists put a stain on the name of journalists in general, because there are definitely good, honest, professional and uncorrupt journalists that are lost in this pool,” he said.

The panel generally agreed that professional and ethical standards of editors and managers are lower than those of journalists. Bytyqi mentioned the case of the prime minister canceling his participation on a local TV show in Prizren, causing the manager to instruct the journalist/host to publicly attack and insult the prime minister on the air in retribution. After the journalist refused to do so, the manager began suspension proceedings against him. In this respect Abazi said that the large number of media has negatively affected professionalism in journalism, due to the negative impact of unprofessional managers in the work of journalists, as well as the incompetence of managers and their lack of information about journalism as a profession. “We hear a lot about journalist training; we would really like to hear about management and editor training too,” he declared.

Despite the reality of the situation painted by the panel, a code of ethics does exist that was promulgated via the Press Council and formally accepted and signed by representatives of nearly all print media outlets. AMPEK also developed a code of ethics for broadcast journalism.

Panelists reported having a sense that the best journalists are not encouraged to continue producing high quality stories. Ibrahim Berisha mused that the exceptions among media outlets and individual journalists, those producing high quality work, get ganged up on with the intent to push them out of business. “We tend to kill the exception: [the pervasive thought is] let’s all stay at the same level,” he said. Kelmend Hapçiu, Director of news agency Kosova Live, also said that the international administration in Kosovo had absorbed most of the young people who could have been good journalists, and this has negatively affected the professionalism of journalism in general. “Good journalists have also become

targets for public relations and spokesperson positions in large public or private corporations,” he continued.

Some of the panelists felt that certain key events in 2007 were not sufficiently covered by the Kosovo media. For instance, the media were criticized for not giving more space to the visit by US President Bush to Albania, particularly the president’s remarks on Kosovo’s independence. Some of the panelists specifically blamed the public broadcaster RTK, saying it does not produce up to date information because it has a stable annual income that is not impacted by the quality of information it provides. Other panelists laid wider blame, noting that other television stations did not better in this case as well as generally providing up-to-date news and information. Argjentina Grazhdani from East West Management Institute mentioned the example of the November 2007 elections that in her opinion received better coverage on Albanian television stations. Buzhala also added that there was not enough debate in the media about the preliminary election results; it was Albanian television stations doing more calculations on the makeup of the future Kosovo government than the Kosovo media.

Pay levels for journalists are generally insufficient, though panelists generally felt this to be the case for all occupations in Kosovo. Journalists are all paid more or less the same; therefore there is no distinctive criteria differentiating high quality journalists. Some panelists disagreed with the specific situation facing journalists, saying that in most of the media salaries are around twice as high as the average salary in the public sector.

Nevertheless, the concern about difference in salaries still remains, since salaries still vary between public and private broadcasters. Ardita Zejnullahu, executive director of AMPEK, pointed out that private broadcasters have become training centers for RTK, because many journalists and other staff have been moving from private television stations to RTK. In addition to higher salaries, job security is perceived to be higher at RTK. Albana Kusari, media program manager at USAID, further said that the media do not do a sufficient job of motivating good journalists to stay in that company.

With regard to corruption in the media, panelists asserted that there is no salary high enough to prevent corruption. Panelists agreed that corruption in the media is not high and is not organized or systematic. Buzhala said that corruption that does exist is not typically in the form of cash payments, rather employment of family members, vacations, and gifts. Panelists described situations where, if a journalist gets to know certain people in high positions, they avoid writing critically about them, but avoid writing anything overly positive. Buzhala did mention cases, however, when journalists have blackmailed politicians with information they possessed.

The panel agreed that entertainment programming generally eclipses news and information programming, especially in television stations. Buzhala noted that the radio market in Kosovo is mainly directed towards entertainment. Isak Vorgucic, manager of Serbian-language Radio KIM explained how many radio stations in his region have mainly entertainment programming and they attract the majority of advertisements with ridiculously low prices. Generally, people can get receive newscasts on television or radio at scheduled

times. Occasionally the media is not up to date on reporting recent events; sometimes the reports only come out much later in the day or even the day after.

Technical facilities and equipment for gathering, producing and distributing news in the Kosovo media are mainly modern, thanks to investments in equipment and facilities from international donors and aid organizations. However, panelists last year noted that some of this equipment is already nearing the end of its service life; panelists this year did not report a significant investment in replacement equipment.

As in years past, panelists felt that investigative reporting was often of good quality but niche reporting was generally criticized as requiring more attention. However, the reporting on the developments surrounding the establishment of independence showed that the media has the ability to be efficient in getting the information and presenting it efficiently to the public. Argjentina Grazhdani, director of the East West Management Institute, pointed to the talks in Vienna: although the process was closed, when the Ahtisaari package was released it was no surprise for the public, because the media had already obtained and written about it. “The Kosovo media were determined to get information from the Vienna talks and from the Ahtisaari proposal, even before it was fully public, from many different sources,” she said.

Objective 3: Plurality of News Sources – Score: 2.40

Panelists felt that plurality of news is generally strong in Kosovo, and the panel gave this objective its highest score. Nevertheless, problems remain providing citizens with objective and reliable news, as well as with reflections of broad social interests, such as coverage of minority problems and minority-language information sources. This year’s MSI panel still provided a somewhat lower score than last year, a decrease of .22 points. Indicator 2, covering restrictions on foreign news sources, was by far the best-ranked indicator, while Indicator 3, public media reflecting the views of the political spectrum and interests of society at large fared the worst, trailing the average by half a point. The rest of the indicators fell very close to the overall average.

According to panelists, citizens can rely on multiple sources of news and information. Such sources could be newspapers, television, radio stations, the Internet, or international magazines. Citizens’ access to domestic or international media is not legally restricted. However, problems occur in rural areas where it is harder to receive signals from some of the broadcasters. Panelists also noted a lack of proper distribution for daily newspapers in some areas of Kosovo. “There is a difference between urban and rural areas in having access to these news sources. It is usually hard to get information in rural areas due to a lack of a wider coverage. Distribution of newspapers still remains a problem. Only a small fraction of people who live in rural villages have a chance to read the daily newspapers,” said Berat Buzhala of *Express*.

Another problem emphasized by Isak Vorgucic from Radio KIM is the lack of a Kosovo-wide broadcaster to broadcast news and information by and about Kosovar Serbs. He said the amount of Serbian language programming on RTK is insufficient. Further, a network of Serbian-language radio stations broadcasts news and information, but only once per day. Kosovar Serbs have access to television from Serbia, but this is not specifically covering

events affecting their daily lives. There are three Serbian-language print publications produced in Kosovo, one of them, *Gradjanski Glasnik*, is independent.

The panel did not report any changes in the character of RTK. Last year panelists indicated that it takes sufficient steps to represent the political spectrum and obtains differing views on issues, but could do a better job acting as a public service broadcaster by presenting more programs serving youth, women, and educational needs. The panel's general feeling was that RTK's election coverage was not skewed toward any one party.

Most news agencies are viewed as agents of particular political parties, except Kosova Live, which is considered independent. Its subscribers include daily newspapers and 25 local radio stations that can not afford to have correspondents cover the whole of Kosova. However, some media occasionally will not properly cite Kosova Live as the source of the information.

A significant portion of news and information programming aired by commercial broadcasters is produced in-house and not simply a rebroadcast of recorded news feeds from other sources. The consensus is that private broadcasters do provide a slightly different perspective than, for example, RTK news and therefore they increase plurality, especially Koha Vision that occasionally produces investigative stories.

The majority of panel participants agreed that there is a link between media and political interests that has an impact on programming and content. Panelists pointed to a pervasive feeling, that they felt to be detrimental to the media landscape, that if one owns a media outlet, one has political power. However, according to Ibrahim Berisha, university lecturer, the small size of the market in Kosovo means that it is not difficult to determine the ownership and financing of media outlets. "Anyway, a good thing about our media is that newspaper management are composed of media personalities and not involved in criminal enterprises, money laundering, etc.," he said. Generally speaking the public at-large is aware of what biases, if any, media ownership would impart on editorial content.

Although many social issues and interests are covered by the Kosovo media, panelists considered coverage to be overshadowed by political issues and therefore insufficient. Minority representation is even more insufficiently covered. Berat Buzhala from the daily *Express* indicated that due to the hesitation of the media to deal with minority issues, there is a difference when it comes to the selection of news. "The anger, noticed in newspapers between Albanians and Serbs just after the war has been replaced with a total lack of reporting of these issues. Media should pay more attention to the case of minority issues in order to reflect the reality of how people of Kosova live," he said. Mifail Bytyqi from TV Prizren decried discrimination among different religions and nationalities. "All groups should be integrated and receive proper representation. However, it seems that sometimes some of the minorities [in this case Kosovar Serbs] living in Kosova are influenced by Belgrade politics. The case when a team from a local TV station in Prizren visited an orthodox church in a village exemplifies this. The team was told by church officials that they needed to request permission from Belgrade in order to give a statement," he said.

This point was further addressed by Besim Abazi from Voice of America, who said that due to lack of information exchange between communities there are discrepancies in information. "A robbery that happened in a church in Kamenica shows that the media have

prejudices, as seen from speculation on who committed that act. The first mistake occurred when immediately the finger was pointed [by Serb media] at Albanians, while the second mistake showed racism in the [ethnic Albanian] media when it turned out that the reported thief was a Roma,” said Abazi. Initially the ethnic-Albanian media had downplayed the possible involvement of ethnic Albanians in the crime, but once it was discovered it was a Roma, it made a point of mentioning that fact prominently.

Objective 4: Business Management – Score: 1.96

Business management of media outlets received the lowest ranking of any objective by the panel: the score suffered a drop from 2.50 last year to 1.96 this year. Panelists expressed a feeling that there was no development in this objective during the past year, and explained that this colored their scores. All indicators fell very close to the final overall average.

Panelists questioned the level of efficiency and professional management in media organizations. Many emphasized the fact that some media, especially print media, are seen as instruments that serve political masters rather than investors interested in profitability. Panelists also brought into doubt media’s independence in a climate of poor investment, though some panelists attributed the problem to Kosovo’s (until very recently) unresolved political status. Panelists also agreed that the print media market needed investment in supporting industries to be efficient and sustainable. Berat Buzhala of *Express* said “The problems media face, and especially the print media, are printing houses, distribution, and network coverage.” Kosovo still relies on kiosks for newspaper sales, compared to more developed countries where the majority of newspapers are prepaid and distributed to homes.

Visar Hoti, manager of local radio and television station RTV Tema in Ferizaj, said that the financial sustainability of media is hurt by inadequate allocation of frequencies. He also complained about the lack of monitoring and enforcement by the IMC that allows the local media, in particular, to flaunt copyright laws, giving them a competitive edge in terms of budget and audience that translates into more advertising revenue. But other panelists pointed out the hardships faced by local media (although they indicated this is a problem for private broadcasters generally) of paying license fees. For some broadcasters, the fee amounts to upwards of 70 percent of their annual budget.

For Kosovar Serbs, a limited audience means that, while there are a few TV stations and many radio stations in the Serbian language, most of them have severe difficulties achieving financial sustainability. There are no local Serb print media—only national—and the vast majority of Serbian-language newspapers come from Serbia, distributed via OSCE van.

In the first years after the war, media received revenues from a multitude of sources including donors, international aid, and advertising. However, commercial media now receive revenue almost exclusively from advertising, emphasized Ardita Zejnullahu from AMPEK. She also indicated that national media stationed in Prishtina were favored by donors over local media. RTK is financed through its subscription fee as well as advertising revenue. In discussing the financial sustainability of local media, Mifail Bytyqi from TV Prizreni said “The budget of local media depends on businesses or corporations that operate in our local environment. The public broadcaster RTK damages us very much with regard to

marketing and advertising revenue, since it covers all of Kosovo.” Commercial media rely on many advertisers for their revenue, including, typically, a few large clients. It is not a common practice for advertising clients to influence news content.

There are several advertising agencies in Kosovo, most of them small. The advertising market is controlled by three or four main agencies, two affiliated with international companies (Zero Pozitive Publicis and Karrota-Ogilvy), and two home-grown companies (CMB productions and B2 PR). Most of these agencies are well respected and fiercely compete for bigger clients, and almost all of them operate centrally from Prishtina. Despite a multitude of advertising, panelists did not feel that advertisements crowd out news and information content.

Private media in Kosovo do not receive subsidies from the government. However, the panel pointed out the existence of the Minority Media Fund. This fund is supposed to be financed with five percent of RTK’s subscription revenues. The fund was initially subsidized by the government with €50,000 for the first wave of grants but the fund only functioned for a short time. Panelists said the government, RTK, and KEK (who collects RTK subscriptions through its bills) have no interest to implement this fund, although minority media showed enthusiasm for it at first. Panelists agreed that RTK is not interested in revisiting the matter; the Minority Media Fund never actually received the five percent from RTK subscriptions and in the mean time this money has been used for RTK’s general operations. Isak Vorgucic from Radio KIM said that, in any case, the one time it was implemented the amount was very low, less than €5,000, since there were about a dozen minority media selected.

There are several agencies in Kosovo who provide market research services, including two specializing in media audience research: Index Kosova and Strategic Puls Research. Media outlets, associations, advertising agencies, GIMEK (the Joint Industry Committee), and advertisers use audience research, though the panel indicated it is on a fairly limited basis. Ardita Zejnullahu from AMPEK said the national media use surveys to inform their strategic planning. Panelists disagreed about the usefulness of the research. Visar Hoti from RTV Tema said that the audience and market research is unprofessional, and all results consider Kosovo as one market without local market details, reinforcing the centralization of advertising revenue to the detriment of local media. Argjentina Grazhdani, on the other hand, said that the national media finance their own audience research through GIMEK, but it is not feasible for financial reasons to transfer the practice to the local level, mainly due to the large number of local media. The GIMEK research includes audience figures for television and radio and some readership data on printed press. However, auditing of published circulation figures does not exist at this time.

Objective 5: Supporting Institutions – Score: 2.39

Although this objective was one of the highest rated objectives by this year’s panel, similar to other objectives it fell from 2.86 last year to 2.39. Panelists praised the work of some associations in advocating and lobbying, however they were heavily critical of some associations who were unable to provide protection for journalists. All indicators were close to the final objective average, with the exception of Indicator 6 covering access to print facilities and newsprint, which was notably higher.

AMPEK is an association of commercial and electronic media in Kosovo with 63 members. It focuses on advocating and lobbying for favorable laws and regulations affecting commercial media. “The association [AMPEK] has consistently lent its expertise to the legislative process,” said Argjentina Grazhdani of East West Management Institute. Ardita Zejnullahu, AMPEK’s executive director, explained that the past year was characterized as a success for the association. It played a key role in stopping the implementation of an IMC license regulation that would have charged fees to media outlets without any specific criteria and influenced the drafting of regulations to make advertisements compatible with EU broadcast regulations. Another achievement for AMPEK was the nomination of two of its members to the IMC. Internationally, AMPEK is considered a regional partner and a legitimate representative of Kosovo’s media, and is a member of regional media organizations. According to Zejnullahu and Vorgucic, AMPEK enjoys a good working relationship with local Serb media in Kosovo. AMPEK and RTK also work well together on promoting common interests, explained Zejnullahu.

Other associations include the Union of Regional Television Stations and the Association of Professional Journalists in Kosova (AGPK). Berat Buzhala from *Express* asserted, and other panelists silently agreed, that AGPK does not sufficiently protect journalists’ rights, does not use donor funds properly, and is not committed to accomplishing its mission. Buzhala continued “There is no trade union for journalists in Kosovo. Most media outlets don’t pay taxes and pension contributions for journalists; they work illegally, they don’t have contracts. And this leads to a heavy movement of journalists from one media outlet to another. The most critical issue for the journalists’ working environment is to have someone or something that protects them legally.” He further explained that AGPK assembly is dominated by printing houses, RTK, and KTV, and that these influence the decisions of the board. A majority of media do not participate in this association, therefore issues raised by AGPK are usually related to the interests of these members. He said there should be more proportional participation among the media. Ibrahim Berisha, university professor, echoed the call for a trade union, adding that it would review the status of journalists and help improve their security.

The Press Council was created as a way for citizens to provide feedback and complaints about stories in daily newspapers. Buzhala and the rest of the panel considered it a failure because it never managed to analyze the concerns it received and it had no power to penalize the media. “It mostly served media’s interests rather than those of citizens,” said Buzhala.

There are a limited number of NGOs dealing with human rights and other issues that also serve the media’s interests in freedom of speech and media independence. While this work is important and last year’s panel had positive comments regarding the work of NGOs, this year’s panel expressed a desire for there to be stronger coordination and cooperation with the media to undertake media advocacy work.

Mifail Bytyqi of TV Prizreni indicated that students from Kosovo’s universities do not show an understanding of the qualities that make up professional journalism, despite the fact that all seem to receive high grades. There are limited journalism degree programs, present only in private higher education institutions. All panelists agreed that these programs do not offer

sufficient training, theoretical or practical, in order to have young people to enter the profession of journalism well-prepared.

The Kosovo Institute of Journalism and Communication, founded in 2005, offers training programs for media workers, including a two-year program offered to practicing journalists. The institute was established at the request of media outlets and who serve as the ownership and help develop the curriculum. About 32 media outlets, including minority media, are members in this institute, which panelists considered a success.

All panelists agreed that sources of newsprint and printing facilities in Kosovo are privately owned and unrestricted, allowing for diversity of choice and competition. However, problems remain with the services that these companies offer, primarily the quality of printing.

Channels of media distribution are generally in private hands or within the non-governmental sector and they mostly try to remain apolitical. Internet providers are privately owned and the most efficiently managed, self-sustainable, and profitable. Other media distribution channels may not necessarily be self-sustainable. The Kosovo Terrestrial Telecommunications Network, for example, has many clients—including national television and radio stations, international broadcasters, Internet providers, and other entities—but is still funded by USAID, although it is seeking to become self-sustainable.

List of Panel Participants:

1. Argjentina Grazhdani, director, East West Management Institute, Prishtina
2. Berat Buzhala, editor in chief, Express, Prishtina
3. Besim Abazi, journalist, Voice of America, Prishtina
4. Ibrahim Berisha, professor of sociology, University of Prishtina, Prishtina
5. Mifail Bytyqi, managing director, TV Prizreni, Prizren
6. Visar Hoti, manager, RTV Tema, Ferizaj (participated only in the second part of the discussion, Objectives 4 and 5)
7. Ardita Zejnullahu, executive director, AMPEK, Prishtina
8. Albana Kusari, Media Program Manager, USAID, Prishtina
9. Isak Vorgucic, manager, Radio KIM, Caglavica
10. Kelmend Hapçiu, director, Kosova Live, Prishtina

Moderator and Author:

Visar H Berisha, program director, Institute for Advanced Studies GAP, Prishtina

Observer:

Driton Qeriqi, legal media adviser, IREX, Prishtina

Kosovo at a Glance

General

- **Population:** 2.1 million (Statistical Office of Kosovo, 2007)

- **Capital city:** Prishtina
- **Ethnic groups (% of population):** Kosovar Albanian 92%, Kosovar Serb 5.3%, Other 2.7% (Statistical Office of Kosovo, 2007)
- **Religions (% of population):** Muslim, Catholicism, Eastern Orthodox
- **Languages (% of population):** Albanian, Serbian and other (Turkish, Roma, Bosnian, Croatian)
- **GNI (2006-Atlas):** N/A
- **GNI per capita (2006-PPP):** N/A
- **Literacy rate:** 94.2% (UNDP, 2004)
- **President or top authority:** President Fatmir Sejdiu
- **Next scheduled elections:** Local (2009), Presidential (2011)

Media-Specific

- **Number of active print outlets, radio stations, television stations:** print: 8 daily; radio: 96; television: 25
- **Newspaper circulation statistics:** N/A, *Koha ditore* is the leading newspaper (Index Kosova, 2007)
- **Broadcast ratings:** RTK 39%, RTV21 30%, KTV 19%; Radio Dukagjini 5%, Radio Kosova 4%, Radio 21 1% (Index Kosova, 2007)
- **News agencies:** Kosova Live, Kosova Press, Telegrafi, Kosovo Information Center
- **Annual advertising revenue in media sector:** Approximately \$13.5 million (IREX and advertising agencies estimate, 2007)
- **Internet usage:** Households with Internet access 28%, People claiming daily use of Internet 18% (Index Kosova, 2007)

ATTACHMENT 3: McClear Memo to Naile Selimaj, IMC, 11/28/2007

November 28, 2007

To: Naile Selimaj Krasniqi,
Cc: Andrew Clayton
Fm: Rich McClear
Re: IMC thoughts

Summary:

In mid November I had several meetings at the IMC and later with stations. IREX has asked me to comment on three areas of interest in regulation; KEK license fee collection, the proper RTK share of the commercial market and relicensing.

KEK fee collection of Public Broadcasting Fee: This is a political problem. If Kosovo wants a public service broadcaster with enough funds to produce, commission and transmit programs that may not necessarily be commercially viable but provide necessary service to the development of a democratic and economically prosperous society in Kosovo, Public Broadcasting needs an independent source of funds that does not rely on either the government of the day or commercial advertising. At present KEK is the only reasonable agency to collect that fee. The current law authorizes RTK to negotiate with KEK or another entity to collect the €3.50 monthly fee. If KEK wants to stop collecting the fee it is in the public interest for the government to intervene and mandate fee collection.

RTK Share of the Commercial Market: The RTK law mandates that the public broadcasting fee be the main source of public broadcast funding and that commercial activity is one of several secondary sources. In order to ensure a strong mixed system of broadcasting the IMC should limit RTK's share of the commercial market. The law permits it to do this.

The IMC needs good data on which to make its decision. The IMC must be able to enforce transparency rules on RTK to learn its real financial situation. It should seek help from public funds in monitoring the commercial broadcasting market, perhaps by contracting with a commercial monitoring agency.

While any decision on RTK commercial limitation needs to be based on information on the market share, I can recommend now that regulations should aim at having RTK charge the highest rates it can for its commercial time. This can best be done by limiting the time RTK can sell commercially. This will drive the whole market up and help commercial broadcasters while preserving the public service nature of RTK by limiting the time it must spend on commercials and teleshopping.

IMC License Tender Process: As it considers relicensing tenders in 2008 the IMC needs to look at several issues including:

- A comprehensive frequency plan based on policy needs,
- A transparent plan to rank applicants (such as the point system used in Bosnia)
- Possible creation of classes of service with different licensing requirements (national service, metro service, rural or community service, minority service or service to other disadvantaged citizens.)
- Consider limiting the number of stations in order to allow the orderly development of a commercial market that can sustain those stations on the air. This could mean not offering all of the frequencies available in the frequency plan in this 2008 tender.
- A plan for additional tenders in later years as the market or needs develop.
- Multiple ownership of stations and network rules.
- Digital conversion of radio and television stations.

The Report:

On November 13-15 I met with various people at the IMC including:

- Naile Selimaj Krasniqi, Chief Executive
- Luan Latifi, Head of the Licensing Division
- Verena Bucaj, head of the Monitoring and Compliance Division, along with many of her monitoring staff and
- Rame Bajraktari, Head of the Legal Division

I was asked to look into three areas of concern, the KEK license fee collection, the RTK share of the commercial marketing and re-licensing. These thoughts are also informed by meetings with several broadcasters who offered their thoughts.

KEK Collection of Public Broadcasting Fee:

This is a political and policy question, or, in effect, two questions. The first question is;

Does Kosovo want a public broadcaster with the resources to produce, commission and present programming that is not commercially viable but that serves the public interest, especially minorities? Does Kosovo want a public broadcaster with the resources to commission special public affairs, cultural and educational programming, and to foster independent production that does not need to be interrupted by commercial messages? Or does Kosovo want a public service broadcaster subject to the same commercial pressures as private broadcasters?

If it wants the first option, Kosovo has to find an adequate source of funding outside commercial advertising, sponsorship and teleshopping. The second question is:

Does Kosovo want a public service broadcaster independent of political pressure and the funding cycles of the parliament? If the answer to this is yes that broadcaster must have an independent and dedicated source of funds.

There are safeguards to RTK's independence in the law concerning the appointment of the governing board, but independent and automatic funding is a keystone in maintaining independence of the public broadcaster.

The current law says that "RTK shall be funded mainly by the Public Broadcasting Fee." (Chapter III, Article 19, Sources of Funding.) Right now that source of independent funding is a €3.50 a month fee paid through the electric bill. Currently the law says that "The RTK board is authorized to decide which organization it deems suitable, including the Kosovo Electric Corporation and other agencies, to provide services necessary for the collection of such a fee." (Chapter III, Article 20, paragraph 5).

The law does not mandate that KEK collect the fees. KEK, for reasons that are valid for its own purposes, reasons actually supported by international advisors, wants to stop collecting the fees in February, 2008. The RTK contract with KEK runs through November 2008, according to the IMC. RTK should use every effort to enforce the contract until November.

But in the end this is a political question. No one I have spoken with believes there is an alternative to KEK collecting the fee. The telephone is not universal, and there soon will be competing mobile services. Collection through another agency would be difficult.

If the Assembly of Kosovo believes there is an overriding public interest in Kosovo having an independently funded public broadcaster it needs to mandate cooperation between RTK and KEK in collecting the fees for a set duration of time, perhaps the period of the RTK license.

RTK Share of the Commercial Market:

The RTK enabling legislation says (Chapter III, Article 19) that "RTK shall be mainly funded by the Public Broadcasting Fee." It allows other sources of funding, including money from the Kosovo Consolidated Budget and earned income including advertising and sponsorships. But the point of the law is clear, that the main source should be the Public Broadcasting Fee and not commercial advertising.

The first step the IMC should take is to learn what, exactly, the income from the public broadcasting fee is, and how quickly it is paid to RTK by KEK. In a paper in 2002 I estimated that net income from the fee could be as high as €7,200,000 a year based on KEK's projection that it will reach 90% collection of fees, and based on a €3.00 Euro monthly fee. This seems optimistic to me now but IMC needs to confirm the real figures. The IMC should get all of the support necessary in obtaining this data.

IMC must then determine how much money RTK gets from other sources. Income from the Kosovo Consolidated Budget to serve minority audiences is public record. Other income may be harder to determine. RTK gives the IMC its financial reports but those reports come in late. This is probably not any sign of ill-will but is due to the complex nature of RTK's finances. There are reports that RTK is not always transparent. Some relationships are not clear. For instance the RTK's should be more transparent in its relationship with its contractors like the CMB advertising agency, which has an exclusive

contract to sell RTK airtime. This relationship is also tied up in commissioning independent production.

The IMC does have monitoring capacity and has just gotten new monitoring equipment. But the monitoring staff is overstretched because it also must deal with enforcement. The IMC did monitor commercials on all of the Kosova wide TV channels in August, 2008, but the monitoring was not designed for this purpose. The results show gross figures but do not do the hour by hour analysis to determine what income comes in at what rates and they do not show when, during prime time, RTK advertising takes place.

The figures from IMC monitoring show (in percent of air time):

	RTV 21	KTV	RTK
Ads	4.10%	2.35%	4.24%
Teleshopping	3.77%	3.37%	5.95%
Ads and Teleshopping	7.87%	5.72%	10.19%
Sponsorships	1.28%	2.38%	3.45%

It would be useful to determine how much money comes in from each source to each station to help the IMC make decisions. Strategic Marketing, Puls has a service called ADEX that monitors advertising on national channels and estimates income based on standard rate cards. These estimates will be high but having the billed rate for ads will help the IMC determine RTK income. If the ADEX report shows RTK income higher than it actually is, this may encourage RTK to be more transparent in telling its story (In fact, in Serbia Strategic Marketing also estimated income based on discounts.) I met with Vjollca Krasniqi from Strategic Marketing, Puls. The firm does not do ADEX now but wants to start. It is trying to get GIMIK interested but may start on speculation. She estimates it would take about 2 weeks to start the monitoring. I also emailed Srdjan Bogosavljevic from Strategic Marketing in Belgrade to ask him about the availability of this service and the cost. If the cost is reasonable, this would be a useful service for the IMC and would help it in making its decisions.

Finally, the IMC needs to look at the RTK budget to determine if it is a reasonable. Even though it is not IMC's job to set the RTK budget, its commercial regulations will have an impact on what the income is.

However, without the precise information, I can still make some tentative recommendations for the IMC in looking at regulating RTK advertising;

It is in the best interest of Kosovo to limit RTKs advertising for two reasons.

- Kosovo wants to maintain the public service nature of Kosovo Public Broadcasting. Having to devote time to teleshopping and creating programs that will be commercial hits may work against the interests of public broadcasting and

- Private broadcasting needs access to commercial revenue to develop and thrive as an alternative to public broadcasting, especially in a period when the markets are still developing.

A mixed system serves Kosovo best.

Until a public broadcasting fee is fully functioning RTK may need commercial revenue. Indeed, in most of Europe public broadcasting relies on commercial revenue. This balance between public funding and commercial income for public broadcasting is an issue throughout Europe.

The Law establishing RTK allows the IMC to establish commercial limits on RTK programming “up to 20% at the beginning of each year by the IMC Council in accordance with European Practices and Standards.” (Article 14, paragraph 1) The IMC has not set a separate standard for RTK advertising. The limit for all broadcasters reads; “The proportion of advertising spots and teleshopping spots within a given clock hour shall not exceed 20%” (Advertising Rule for Broadcasters, 11.1, CIMC – 2007/06).

IMC regulation of RTK advertising should aim to keep RTK advertising rates high to prevent RTK from dumping advertising prices and depressing the market. The best way to do this is to limit the amount of time RTK can run advertising and teleshopping. Setting Euro limits on the amount of money RTK can raise with advertising may result in RTK dumping prices to easily sell to its limit. (This happened in Slovakia, they could earn only a set amount of crowns from advertising but they had a good deal of available of time to sell so they did the easy thing, they dumped prices and the spots, in effect, sold themselves.) If this happens in Kosovo it will depress the entire commercial market. Limits on RTK’s permitted advertising time would better serve this goal of protecting private commercial broadcasters. It would not be unreasonable to cap RTK’s advertising time where it is now (according to IMC’s monitoring), at 10% of its broadcast day (6 minutes an hour.) This will force RTK, if it wants to raise revenue, to raise its rates. This will drive the whole market upward. If, after investigation of actual revenue from KEK and the existing advertising revenue the IMC finds RTK’s income inadequate, it can set a higher limit on the condition that it revisit that annually. In one model it could allow RTK to sell 15% of its minutes outside prime time, keeping the 10% limit in prime time. Other European countries allow public broadcasters fewer advertising minutes than they allow private commercial broadcasters.

If the research shows that RTK does not need as much money from commercial advertising as it is currently getting the IMC could cap advertising in prime time at 5% and allow 10% the rest of the day.

The IMC should monitor income from the Public Broadcasting Fee to assure that it remains the main source of funding as mandated in the law. As collections of the fee increase the IMC should revisit the time limits it sets on RTK advertising.

The IMC Regulations do not include sponsorship time limits. Sponsorship announcements are a traditional way for public broadcasting to raise funds. The IMC regulations on

sponsorship read. “Sponsorship shall not constitute advertising as defined in this Rule. Sponsorship announcements shall not make promotional references to the products and/or services of the sponsor which contain advertising copy, product descriptions, endorsements, attributes or a call to action. Generic branding slogans are permitted.” (Advertising Rule for Broadcasters, 9.3, CIMC – 2007/06). This is almost identical to the American Public Broadcasting sponsorship rules. I recommend no limits on this type of sponsorship announcement for the moment. It is in the best interests of the market to have this type of “institutional” announcement on public radio and TV and let the hard sell happen on private-commercial stations.

One other thing for the IMC to consider, if the Commission discovers that RTK radio advertising is harming the development of commercial radio, especially local radio viability, it could ban advertising on public radio while allowing restricted ads on TV (as outlines above.) Canada bans advertising on CBC radio while allowing it on TV.

IMC License Tender Process;

The IMC will have to renew licenses of its existing stations in 2008. Kosovo needs a good frequency plan. This plan needs to be based on policy needs. For instance, the revised Ahtisaari plan calls for a Kosovo-wide Serbian language radio channel. This may be a priority over relicensing other stations that may be marginal in either service or listenership. The plan should also consider low power FM or TV “translators” or boosters to extend the signal of regional stations or help those stations fill in holes in coverage created by terrain. Once this plan is adopted by the engineers, adherence to this plan may require that there be fewer radio or television stations. The IMC will have to set standards as to which stations get licenses and which do not.

The IMC frequency plan needs to take into account the coverage of K4 radio even though K4 radio does not seem to want to cooperate with the IMC. Radio K4 is a “fact on the ground” and the IMC must build its plan around Radio K4 and try to incorporate it into its new scheme.

There is discussion of merging the IMC with another telecommunications agency that is responsible for spectrum. A dual licensing plan in which broadcasters have to apply for a technical license and a “content” license is cumbersome and subject to misuse. There are advantages to having one regulatory agency but at this state in Kosovo’s development a dual system could leave some stations open to political influence by the spectrum regulating agency. If there needs to be spectrum coordination all technical broadcast licenses could be issued “blind” to the IMC, which could re-issue them along with the “content” license.

The IMC is looking at Bosnia as a model for re-licensing. In Bosnia stations were given points, and those with scores above a cutoff were licensed and those below were not. The process worked reasonably well in Bosnia. My comments should be taken in the light of Kosovo developing a “Bosnia like” plan.

In developing a relicensing (and coverage) plan for Kosovo the IMC should take into consideration the needs of rural citizens. Any plan should allow for national coverage and

local coverage. It may make sense to establish classes of stations; national licenses, metro licenses serving larger communities, like Prishtina and Peja, regional licenses with one or more transmitters (or boosters) to serve areas with difficult terrain for coverage, community licenses serving local rural areas, and ethnic or defined specialty communities both in rural areas and cities. The different classes of station may have different sets of rules. They may also have different “point” requirements in relicensing. For instance, for metro class stations the IMC may want to set a listenership threshold. If the IMC could commission research it may require that a station have a certain minimum share of the market in order to get a license.

In awarding points the IMC should consider both past performance for existing licensees and future proposals. Past performance could include warnings or fines and could also include requiring stations to submit tapes from specified days to see if the station complied with its past promises.

In some countries regulators have limited the number of licenses in order to develop a financially strong private media sector. Slovakia had frequencies allocated but allocated them in tranches, allowing stations to be established. There may be places in Kosovo where competition is driving the quality of broadcasting down because no one has the critical mass to do a good job. Some municipalities have a lot of radio stations to serve their population and live off the area’s economic activity. The IMC may want to consider not putting all the frequencies it has available in its frequency plan in this 2008 tender. It can reserve some frequencies for later tenders as the market or service needs evolve and develop. In return for limiting completion (or, to put it another way, protecting stations from competition) the IMC may require more public service programming from those stations so protected, especially stations providing sole local service for a municipality.

The IMC will have to consider multiple ownership of stations. In several countries applicants that did not get national licenses have bought up local licenses to create a de-facto national network, or worse, to create an almost national network that serves major markets but not rural areas, taking national advertising revenue that could support real national broadcasters with a mandate for national service. Regulating this could be tricky. Sometimes a large owner can provide the resources to build a good local service. The IMC could consider regulation that either limits multiple ownership of local licenses or that sets conditions for multiple ownership assuring continuation of local service. Some regulators have tried to accomplish this by limiting networking, but networking, like the Kosma network, can be useful to development of local radio. The IMC needs to craft regulations that permit networking (both in programming and sales) that helps local stations but prevents them from becoming de-facto repeaters of a national service.

Another question of multiple ownership is if a national service can also own a local station. In some countries this is permitted, especially when there is no local service in an area and the application promises local TV service. There is also the question of foreign ownership.

One concern I had in meeting with the IMC staff is how it defines public service programs in a competitive application. The staff seemed to think that promises of long form programs would get preference over stations proposing campaigns of public service spots.

Regulators need to take into consideration how radio and TV work in influencing listeners and viewers. Often longer form programs give satisfaction to regulators and donors but no one listens. At times a well executed campaign of spot announcements or short features can have a greater impact on the public. In areas of AIDs prevention, traffic safety, get out the vote, and anti smoking well-executed campaigns have a greater impact on the public than programs. In analyzing tenders the IMC staff needs to realize this.

During the license term beginning in 2008 TV stations, at least, will have to face digitalization. Europe has a “shutoff” date for analogue TV in 2015 (individual countries have selected dates even earlier.) TV stations will have to have digital transmission in place before that to accommodate the switchover. I understand that Kosovo has problems with the ITU in getting digital frequencies but it still needs to let stations know that they have to plan for digitalization.

The tender should consider requiring TV applicants to have a plan for TV applicants to convert to digital.

Some stations may not be able to convert because of financial considerations. The IMC may want to consider a plan where these stations get limited renewals so they have time to “migrate” into becoming cable only TV providers.

The problem of digital radio is more unsettled. In Europe some countries are converting to the Eureka 147 system of digital transmission. This system, with its multiplex transmitters, presents problems for local radio stations that may not be near a multiplex. There is some anxiety among stations about which system will be used and what stations will be required to do. Currently there is no analogue switch-off date for radio anywhere in Europe, although Ofcom (office of communications) in the UK are arguing for one sometime after 2012. There is a lot of opposition to that in the UK.

In my visits to stations I have gotten several queries about digital conversation. Stations do not know what to expect. The IMC, perhaps in cooperation with AMPEK, should consider convening a conference on digitalization to share ideas and information with broadcasters.

ATTACHMENT 4: Notes on the Kosovo Law on Access to Official Documents

Citations:

Law No. 2003/12, Law on Access to Official Documents

Administrative Instruction 3/2006, Implementing the Law on Access to Official Documents

Quick summary: Can this be Open Government?

Under the Kosovo Law on Access to Official Documents (LAOD), access to documents can be refused if:

- The document is not a press release, contact address, government form, or brochure, and,
- The government has not determined that the document is not sensitive, or
- The document contains information used by a government agency in its daily work.

With these kinds of restrictions, the law cannot promote the kind of transparency essential to a democratic government.

The basis for these conclusions is explained further below, and the conclusions are confirmed by experience: the KMAP survey shows that only about 1% of requests under the LAOD for access to documents are successful.

The right of access and conventional limits on it.

The fundamental right of public access to official documents is set out in Article 3.1 of the LAOD. As is usual in laws on public access, the right is said to be subject to prescribed limits. The “prescribed limits” on the right of access are set out in Article 4, and include the usual exceptions for public security, defense, fiscal policy and individual privacy. Article 1, which states the purpose of the law, says that the purpose is to define access rights and limits on them, and “to establish rules ensuring the easiest possible access to this right.” Art. 1(b)

Article 3.4 says that “documents shall be made available to the public following a written application.” Documents can also be made available through an official register, but in this section it seems that a right of access is independent of the existence of the register

Some very unconventional limits on the right of access.

Article 4.3 says that government offices are to draw up a list of sensitive documents and Article 4.4 says that disclosure can be refused when the institution has not decided whether a document is sensitive. The Administrative Instruction (AI) interprets these provisions narrowly, ruling that “all information of the institution that explicitly is not determined as Unrestricted (Public)” is regarded as “sensitive.” Art. 3.2(v). In other words, the AI appears to direct that everything is to be regarded as sensitive (and non-disclosable) unless there has been an explicit determination that it is not sensitive. This interpretation virtually defeats the right of access and turns the principle of public access on its head.

Other provisions of the Administrative Instruction also seem to be incompatible with democratic principles of transparency. For instance:

- The AI has a list of documents that can be freely disclosed (ie that are not sensitive). It is limited to press releases, contact addresses, government forms and brochures. AI Sec. 3.2(vi)
- Government officials are directed that all information used in the daily work of government institutions is “internal information” that “should not be disclosed outside without being sure that such a thing is allowed” and can be disclosed “only if it is necessary for the institution to accomplish its duties successfully.” AI Sec. 3.2 (vii)
- Each government agency is to appoint an archivist. It appears that the archivist is to oversee the cataloging of documents in a register, where each document is to be dated, described and classified. This appears to apply to virtually all documents produced by the institution.

ATTACHMENT 5: Program Schedule Radio Ophelia

RADIO OPHELIA CONTENT SCHEDULE							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06:00	CNN	CNN	CNN	CNN	CNN	CNN	CNN
06:10	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES
06:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
06:40	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES
07:00	CNN	CNN	CNN	CNN	CNN	CNN	CNN
07:10	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES
07:20	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK		
07:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
07:40	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES
08:00	CNN	CNN	CNN	CNN	CNN	CNN	CNN
08:10	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES
08:20	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK		
08:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
08:40	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES
08:50	NY REPORTS	NY REPORTS	NY REPORTS	NY REPORTS	NY REPORTS		
09:00	CNN	CNN	CNN	CNN	CNN	CNN	CNN
09:10	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES
09:30	UNMIK News Report ENG	UNMIK News Report ENG	UNMIK News Report ENG	UNMIK News Report ENG	UNMIK News Report ENG		
09:45	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
10:00	D Welle 1 Serb	D Welle 1 Serb	D Welle 1 Serb	D Welle 1 Serb	D Welle 1 Serb		
10:30	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb		
10:45	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb		
11:00	D Welle 1 Serb	D Welle 1 Serb	D Welle 1 Serb	D Welle 1 Serb	D Welle 1 Serb		
11:45	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb		
12:00	D Welle 2 Serb	D Welle 2 Serb	D Welle 2 Serb	D Welle 2 Serb	D Welle 2 Serb		
12:20	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb		
12:30	D Welle 2 Serb	D Welle 2 Serb	D Welle 2 Serb	D Welle 2 Serb	D Welle 2 Serb		
13:00			UNMIK Serb Press Conf	UNMIK Serb Press Conf			
13:20	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb		
13:45	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb		
14:00	BBC Midday Serb	BBC Midday Serb	BBC Midday Serb	BBC Midday Serb	BBC Midday Serb		
14:30	D Welle 3 Serb	D Welle 3 Serb	D Welle 3 Serb	D Welle 3 Serb	D Welle 3 Serb		
15:00	BBC Midday Serb	BBC Midday Serb	BBC Midday Serb	BBC Midday Serb	BBC Midday Serb		
15:30	D Welle 3 Serb	D Welle 3 Serb	D Welle 3 Serb	D Welle 3 Serb	D Welle 3 Serb		
15:45	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb	UNMIK News Report Serb		
16:00	D Welle 4 Serb	D Welle 4 Serb	D Welle 4 Serb	D Welle 4 Serb	D Welle 4 Serb		
16:20	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb	UNMIK UN Wire Serb		
16:30	UNMIK US & Neighb SERB	UNMIK US & Neighb SERB	UNMIK US & Neighb SERB	UNMIK US & Neighb SERB	UNMIK US & Neighb SERB		
17:00	D Welle 5 Serb	D Welle 5 Serb	D Welle 5 Serb	D Welle 5 Serb	D Welle 5 Serb		
17:30	D Welle 5 Serb	D Welle 5 Serb	D Welle 5 Serb	D Welle 5 Serb	D Welle 5 Serb		
17:45	UNMIK US & Neighb SERB	UNMIK US & Neighb SERB	UNMIK US & Neighb SERB	UNMIK US & Neighb SERB	UNMIK US & Neighb SERB		
18:00	CNN	CNN	CNN	CNN	CNN	CNN	CNN
18:10	NY REPORTS	NY REPORTS	NY REPORTS	NY REPORTS	NY REPORTS		
18:15	UNMIK NEWS ROUND	UNMIK NEWS ROUND	UNMIK NEWS ROUND	UNMIK NEWS ROUND	UNMIK NEWS ROUND		
18:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
18:45	US AND THE NEIGHB ENG	US AND THE NEIGHB ENG	US AND THE NEIGHB ENG	US AND THE NEIGHB ENG	US AND THE NEIGHB ENG		
18:52	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES		
19:00	CNN	CNN	CNN	CNN	CNN	CNN	CNN
19:10	NY REPORTS	NY REPORTS	NY REPORTS	NY REPORTS	NY REPORTS		
19:15	UNMIK NEWS ROUND	UNMIK NEWS ROUND	UNMIK NEWS ROUND	UNMIK NEWS ROUND	UNMIK NEWS ROUND		
19:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
19:45	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK		
19:52	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES		
20:00	CNN	CNN	CNN	CNN	CNN	CNN	CNN
20:15	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG		
20:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
20:45	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK		
20:52	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES	UNHQ STORIES		
21:00	CNN	CNN	CNN	CNN	CNN	CNN	CNN
21:15	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG		
21:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
21:45	UN RADIO NEWS	UN RADIO NEWS	UN RADIO NEWS	UN RADIO NEWS	UN RADIO NEWS		
22:00	DEMOCRACY NOW	DEMOCRACY NOW	DEMOCRACY NOW	DEMOCRACY NOW	DEMOCRACY NOW		
23:15	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG	UNMIK US & Neighb ENG		
23:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
23:45	UN RADIO NEWS	UN RADIO NEWS	UN RADIO NEWS	UN RADIO NEWS	UN RADIO NEWS		
00:00	CNN	CNN	CNN	CNN	CNN		
00:30	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG	D WELLE NEWS ENG		
00:45	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK	UN Wire UNMIK		
01:00							
	Dwelle1= Sendung 08:30	OPHELIA IP:			Updated on:		
	Dwelle2= Sendung 10:30	http://10.132.6.56:8080			05 03 2008		
	Dwelle3= Sendung 11:30	Remotes password:					
	Dwelle4= Sendung 14:30	radio					
	Dwelle5= Sendung 15:30	123456					

ATTACHMENT 6: McClear Memo to Clayton and Kusari re: Public Broadcast Fee, 12/13/07

December 13, 2007

To: Andrew Clayton
Albana Kusari
Fm: Rich McClear
Re: Public Broadcasting Fee.

Andrew asked me to elaborate on why I think KEK is the most viable option for collecting the Public Broadcasting Fee. There are many different types of agencies collecting public broadcasting fees around the world. They can be broken into categories.

- Utilities
 - The Electric Utility
 - The Telephone Company
- The public broadcaster or a wholly owned subsidiary of the public broadcaster
- Private companies including
 - NGOs set up to collect public broadcasting fees on behalf of several public broadcasters in a country.
 - Commercial collection agencies
- State agencies
 - The Finance Ministry
 - The Post Office
 - The State Telecommunications agency
 - The Motor Vehicle licensing agency
 - An independent state funded corporation

When fees are collected through utilities there is a built in enforcement mechanism, shutting off the utility if there is no payment. That is why utilities are favored in many countries. In Kosovo KEK is the most appropriate utility. It is more universal than other utilities and has a collection mechanism already in place. The telephone utilities are fragmented with both land lines and soon to be two mobile phone companies, uniform collection through telephone companies would be difficult.

It would be costly for RTK to set up its own collection and enforcement agency, and if the public broadcaster or any other private or independent agency is to collect the fee there has to be the strong force of law behind that agency. Experience has shown that fines for non-payment have to be substantially more than the fee itself and enforced strictly in order to get payments. In Britain the public broadcasting fee is enforced by criminal law and ten years ago, according to the Howard Journal of Criminal Justice, 57% of all criminal convictions of women in the UK were due to non-payment of the receiver fees. Without strong laws and state willingness to enforce those laws private agencies have had trouble enforcing licensee fees.

Countries where private or semi-private firms, NGOs, or public corporations collect the license fees (Germany, UK, Singapore, Japan) have well developed and widely used infrastructure for paying bills, including on-line payment, direct debit from bank accounts, automatic payment through credit cards, or a network of “pay point” outlets in newsstands and other retail outlets. Kosovo does not yet have this infrastructure.

The one collection scheme that shows some promise is collecting the fee when a car or driver is licensed. There is automatic enforcement but not every household has a car and the payment will probably have to be made in an annual lump sum. €42 a year may be a stiff onetime payment.

If Cable TV becomes more universal, collecting the fee through the cable system may become an option. I don't know of a country where this is done now.

KEK collection is not perfect. In a paper in 2002 I estimated that net income from the fee could be as high as €7,200,000 a year by 2007 based on KEKs projection that it will reach 90% collection of fees. This was clearly optimistic. Sources in the IMC estimate collections closer to €2,200,000.

No one has developed a perfect system. In many countries there is a high non-payment rate. Using a vehicle which already has the infrastructure for collecting bills from most of the population and which has a built in enforcement incentive is the best option at Kosovo's current state of development. KEK is the only agency that meets that description.

ATTACHMENT 7: Clayton, Options for Supporting Serbian Language TV Stations, 10/05/07

Options for Supporting Serbian Language TV Stations in Kosovo

October 5, 2007

Background

At the request of USAID the Kosovo Media Assistance Program (KMAP) has commissioned a feasibility study for a network of Serbian language local TV stations in Kosovo (TV Herc in Strpce, TV Mir in Leposavic, TV Most in Zvecan and TV Puls in Silovo). The purpose of this was to ascertain if the technology was available for a server based private network linking the stations, with a hub in or near Pristina to facilitate the distribution of news from the capital to the local communities. It would also allow them to exchange news and other video material, strengthening their overall coverage of the Serb communities in Kosovo. The network would serve to lessen the sense of isolation of these communities and strengthen the capacity of the stations to generate their own news about Kosovo, not take it from Belgrade through agencies and broadcasters.

Feasibility Study Technical Conclusions

The feasibility study concludes that, using current technology, a network can be built in Kosovo which will allow the stations to exchange broadcast quality video on demand. Initially this would only be possible with recorded material but it could be upgraded for real time streaming at a later date. The network would use standard customer access lines (a range of fiber optics, cable and wireless links are available in Kosovo). The routers and Cisco servers required are standard technology. The stations have the technical capacity to operate the network. The study recommends a hub, preferably in the Serb Media Center in Caglavica, to store video material to be exchanged and to feed material from Pristina. The technology proposed is being used increasingly by major broadcasters around the world. Others in the region are likely to adopt it, including Albanian language stations in Kosovo. Technically, the network does not have to be private; they can build relationships with whomever they like.

Reservations and Concerns

The most recent audience research (September 2007) shows that the audience share of these four stations taken together is less than 10% of the Serbian population of Kosovo. 35% watch RTS, 17% Pink and 7.75% Fox. Apart from TV Most, their news gathering capacity is weak. TV Mir and TV Herc are operating at a very low level, perhaps generating less of their own material than required by their license to operate. All of them have their own ambitions and aspirations which work against the purpose of the network. TV Herc has already said it does not wish to take part. TV Most is unlikely to cooperate in a network it does not dominate and wants the hub to be in Mitrovica. TV Mir would not be associated with any network dominated by TV Most. With these concerns in mind there are some options as to how to proceed.

Option 1: Build the Network Regardless

This would require changing TV Herc's mind and making the others realize, as they are beginning to, that they can all use the network in the way they want. Apart from training, the stations would be left to get on with it, within the framework of a broader program designed to provide other assistance. The costs are outlined in **budget 1**. **Drawbacks:** the stations might not use it and would require a strong implementation program to back it up. .

Option 2: Support the Central Hub

In addition to Option 1, provide equipment and support for newsgathering by an operator at the hub for a three year period. This would address the prime objective of the network; to get more Pristina sourced news into the stations' bulletins. The operation of the hub would be put out to tender. The costs are outlined in **budget 2**. **Drawbacks:** the stations say that their own newsgathering capacity should be strengthened as well and that the hub should not get all the available support. They might accept material from Pristina but would be reluctant to use the network to exchange material.

Option 3: Support for all Participants

This is more expensive (see **budget 3**) but addresses the concerns already expressed by the stations about option two. It would provide all the stations with new camera equipment and some support for their newsgathering activities. **Drawbacks:** the cost is high and it does not address the question of the location of the hub. A possible solution is to do without the hub, which is technically feasible but more expensive because the specification of each server has to be higher.

Option 4: Abandon the Network and Support all Stations

This addresses the original concerns about the newsgathering capacities of the stations. It would use the available money to enable them to report from Pristina and their own communities without using a network. **Drawbacks:** sustainability; all the stations function at a low level. If you encourage a higher level of activity they will be unable to sustain it when support is withdrawn. To an extent this is true of all the options but the network has the chance of attracting support from advertisers. Elsewhere in the world, advertisers pay to distribute their messages from central servers. In addition this option doesn't take into account the Independent Media Commission's (IMC) re-licensing process which might give some stations wider franchises than others.

Option 5: Support TV Most (or perhaps TV Herc) exclusively

There is logic to this. TV Most is the station with the greatest capacity and provides the strongest service to its local community. It also has the widest audience. It has ambitions to be a Kosovo-wide broadcaster and is open to cooperation with RTK and others. TV Herc has less capacity, but has cooperated with OSCE in the past and its program making and newsgathering could be rebuilt comparatively easily. **Drawbacks:** TV Most has strong links with RTS and is based in north Kosovo. TV Herc is currently very weak and its audience share is poor.

Context

These options must be seen in the context of KMAP's current activities, which end in May 2008.

KMAP has begun a series of five intensive two week video journalism training programs, which will build program making capacity. These are conducted by one international and one Serbian trainer. In addition there will be six weekend marketing and advertising sales courses, conducted by two Serbian specialists, which will build sustainability by assisting them to be more effective sellers of their advertising space. There is also a small amount (\$5000 each) of grant money which can be for equipment or program support. TV Puls, TV Most and Link Production are currently working on incentive grant funded documentary programs. KMAP is also providing assistance for Serbian language radio stations with journalism and production training. The radio stations will also attend the advertising sales training outlined above. Radio KIM, the Serb station based in Caglavica, is also an incentive grantee.

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