

## Independent Media

1999	2001	2002	2003	2004	2005	2006	2007
4.50	4.25	4.00	4.00	3.75	4.00	3.75	3.75

During 2006, important changes were made in the media regulatory framework that raised concerns about the vulnerability of the media to politics. Although business links between media owners and the public purse (characteristic of the previous Socialist government) have been severed, direct and indirect pressures on the media continued during the year. The unilateral changes in the composition of the Steering Council of Albanian Radio (SCART) and Television and the National Council of Radio and Television (NCRT) from balanced political representation to civil society representation elected by the Parliament opened the way to the election of pro-government representatives in these two media regulatory bodies. Moreover, the hasty manner in which changes in the Law on Electronic Media were carried out—in a majority-only parliamentary session in the National Assembly’s administrative building (while opposition MPs occupied its legal chambers) and without any preceding public debate—raised questions about the ruling majority’s motives.

The role of the Parliamentary Committee on Education and Public Information Media in overseeing media affairs decreased in 2006. Committee members changed completely after the 2005 elections, and a great deal of time was needed for new members to become familiarized with media issues. Since the committee covers culture, education, and tourism as well, the range and intensity of its work are quite high. This could explain why the press draft legislation that decriminalizes defamation and libel and regulates the digital broadcasting market has yet to pass in committee.

On the other hand, the Parliament passed two draft laws that changed the media’s legal framework: the Law on Radio and Television and the Law on Information Classified as State Secret. The amendments to the first law, which had to be voted on twice owing to the president’s refusal to decree it,<sup>38</sup> changed the composition of the two electronic media regulatory bodies from politically balanced representation

to civil society representation.<sup>39</sup> Although the August 30 agreement between the two parties opened the way to consensual amendments to the law, these have yet to pass in the Parliament because of the failure to implement the agreement. The Law on Information Classified as State Secret was amended in May 2006 by adding a new, vague level of classification for “state secrets,” which many deemed to be in violation of the constitutional right to free information.<sup>40</sup>

While print media have operated with an almost total lack of regulation since a *laissez-faire* Law on the Press was passed in 1997, the broadcasting market is regulated by the Law on Radio and Television, which established the SCART and the NCRT to oversee the market. Responsible for implementing the law, the NCRT has demonstrated a lack of will to face the market’s main problem—unregulated digital broadcasting. Nevertheless, the NCRT expects to submit a new draft law on the issue to the current legislature.<sup>41</sup>

The media market continues to be oversaturated. There are 26 dailies and at least 5 other newspapers in a country of three million people.<sup>42</sup> During the Socialist governments, such an explosion of newspapers could be explained by the link between media ownership and access to public tenders. However, the new center-right majority severed this link through amendments to the Law on Radio and Television, although there is unsubstantiated anecdotal evidence that the editorial policies of media outlets can help or harm their business operations. Nevertheless, new newspapers such as the *Standard*, *Shqip*, *Telegraf*, and *Ndryshe* were launched in 2006. According to official data, the country also has 85 television and 49 radio stations—there are 2 national public televisions and 2 national public radio stations.<sup>43</sup> Three digital cable television stations operate without any legal supervision, as there is no legislation to regulate digital broadcasting.

One of the greatest problems facing the Albanian media market is its unclear ownership structure. Currently, it is impossible to state definitively who owns which media outlets. This jeopardizes the transparency of media financial declarations to the extent that even the NCRT is uncertain which outlets are profitable,<sup>44</sup> opening the way for political as well as economic violations. For example, the NCRT was accused of issuing a new license to a local television outlet owned by an 18-year-old cousin of one of the owners of the pro-government KLAN national television station. While national media owners are prohibited by law from owning local outlets, the unclear ownership structure makes it hard to prove such accusations.

This has also made it difficult to implement the labor code to protect the rights of journalists, making quality journalism in Albania a distant goal. The situation motivated the Albanian Media Institute to work together with journalists associations and media owners to revise the 1996 voluntary code of ethics, which until then had been left up to journalists to individually self-enforce. A new Council of Ethics was created to oversee implementation of the code and review complaints by media or the general public. While it remains to be seen how effective the new code of ethics will be, the inclusive process that led to its adoption shows the degree of concern in media circles about existing practices and a strong desire to achieve some progress in this area.

Although the amendments to the Law on Radio and Television severed economic interests from politics by forbidding media owners from participating in public tenders and the privatization of public property, political pressure on media that fail to toe the government line continued in 2006. One example was the sudden regulation of the broadcasting of live assembly sessions by private television stations; this occurred after stations interrupted live coverage of the parliamentary session on the resolution condemning crimes of Communism just as Prime Minister Berisha took the floor.<sup>45</sup> The ban was quickly revoked after vociferous protests by the media. In another significant example, the government declared its intention to revoke a 20-year lease to Top Media in a publicly owned building. The fact that Top Media is constantly critical of the government aroused public suspicion of government motives. Although the contract was valid, Prime Minister Berisha stated that it was more appropriate for the National Library to use the Top Media premises.<sup>46</sup> The government gave Top Media a December 17 deadline to vacate. However, the deadline passed without any government action on this regard.

Developments in 2006 created the basis for a more free and transparent media in Albania. With the links between political power and media magnates mostly severed, the financial bankruptcy of the press is being exposed. Previously, a “chain of illegality” created an oversaturated market that was corrupt, unresponsive to reader demand, and financially unviable: Media owners were not paying the printing houses, which in turn were not paying taxes, as they were “protected” by owners whose real business interests lie in public tenders, not the media market. If the government can apply the law equally to all media and ignore the temptation to interfere, Albanian media could soon pass into a period of upheaval as unprofitable media outlets close down while the winners consolidate. But since history shows that making predictions in Albania is a very unprofitable enterprise, few are betting on this optimistic scenario.