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# **The Future of Public Service Broadcasting in Kosovo**

Naser Miftari



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# 1.

## Introduction\*

With a population of 1.8 million, where Albanians make up more than 90 percent,<sup>1</sup> Kosovo is the smallest and the last territorial unit that emerged as an independent state from former Yugoslavia. Formerly, it had the status of an autonomous province in Yugoslavia and later Serbia. Then for almost a decade before declaring independence in 2008<sup>2</sup> Kosovo was under the functional governance of the United Nations Mission in Kosovo (UNMIK) a UN-led mission mandated to run the day to day affairs and set up institutions of self-government in the post-conflict Kosovo, based on the UN Security Council Resolution 1244 adopted in June 1999.

The development of the media sector in Kosovo was part of the UNMIK mandate and under a decade-long international management, the media sector experienced important transformation.<sup>3</sup> The liberal media regime introduced by UNMIK was successful in ensuring the diversification of the media sector. However, the liberalization of the media sector and the post-conflict rapid increase in media outlets has led to a saturated and weak media market with declining sources of revenue.<sup>4</sup>

One of the major projects in the media sector initiated by UNMIK in post-conflict Kosovo was to set up the country's national public broadcaster – Radio Television of Kosovo (RTK). This paper investigates the current position, role and functioning of RTK – in a diachronic perspective - from its inception in 1999 to the present. It explores whether the overall context in which the RTK is embedded provides a favorable environment for its future prospects and continued

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\* This report is updated as of December 2016.

<sup>1</sup> Kosovo Statistical Agency, *Statistical Yearbook of the Republic of Kosovo* (Pristina: Kosovo Agency of Statistics, 2015).

<sup>2</sup> Based on Kosovo's Ministry of Foreign Affairs, to date Kosovo is recognized by 112 countries of the world as an independent state.

<sup>3</sup> When UNMIK was deployed in Kosovo in 1999, its structure consisted of four pillars operating under the UN umbrella. The third pillar of UNMIK – Democratization and Institution Building - was entrusted to the OSCE. OSCE helped establish a range of institutions, including the Radio Television of Kosovo (RTK) by entrusting the European Broadcasting Union (EBU) with the task. UNMIK and OSCE also played a crucial role in the transformation of RTK from internationally run, to locally managed.

<sup>4</sup> Naser Miftari, "Starting from Scratch: The Role of Media Assistance in the Establishment of Independent Media Institutions in Kosovo" (Sarajevo: Analitika – Center for Social Research; D4D – Democracy for Development, 2013).

development by focusing on the challenges that RTK is facing at present with respect to regulatory, financial, technological and socio-political trends.

Upholding the independence and long-term sustainability of RTK are commitments that the Kosovo Government set out to meet upon embarking on the European integrations process.<sup>5</sup> In 2015 Kosovo signed the Stabilization and Association Agreement (SAA) as a first important step towards the European integrations process. Meanwhile, the need to address the vulnerable position of RTK and ways to ensure its editorial independence, have been systematically highlighted in the EU's Kosovo progress reports in recent years.<sup>6</sup> From the EU perspective, nurturing the independence and financial sustainability of RTK is seen as a firm assurance that Kosovo will continue to have a universally accessible public forum where ideas, opinions and political views are presented and debated. It is also a firm assurance that the diverse segments of Kosovo's multicultural landscape will feel represented.<sup>7</sup> However, keeping on air a public broadcasting system fully dependent on state budget and not vulnerable to political interference, in Kosovo's conditions, seems difficult, if not impossible.

The paper is based on the review of different processes related to the developments around RTK. It includes analysis of legislation, strategic documents, official correspondence between Kosovo legislators, the European Broadcasting Union (EBU) and Organization for Security and Cooperation in Europe Mission in Kosovo (OSCE) as well as interviews with a number of interlocutors (media experts, RTK managers, former RTK consultants and other stakeholders). The analysis is framed within contemporary international debates on the future of PSB in a changing media environment and taking into consideration specificities of the development of PSB in post-communist societies and Western Balkan countries in particular. The paper also explores the current perspective and challenges for future development of PSB (e.g. digitalization and the EU driven perspective on commercialization etc.) In light of the new paradigm promoted by the EU with provisions that emphasize an inherent bias toward market liberalization, it is important to understand the implications that such policies might have for the prospects of the media market and the challenges that such policies entail with regards to access and future paths of the PSB development in Kosovo.

In efforts to provide a coherent outlook on the present and the future of RTK the research is guided by three broad questions. The first question relates to

<sup>5</sup> Government of Kosovo, Action Plan on the Negotiations for the Stabilization and Association Agreement (SAA) (Pristina: Government of Kosovo, December 2012).

<sup>6</sup> European Commission, Kosovo 2013 Progress Reports (Brussels: European Commission, October 16, 2013). European Commission, Kosovo 2014 Progress Report (Brussels: European Commission, October 8, 2014); European Commission, Kosovo 2015 Progress Report (Brussels: European Commission, November 10, 2015).

<sup>7</sup> An implicit as well as explicit requirement for the operation of PSB in Kosovo is that it has been set up to assist towards bridging the ethnic divide that still persists in Kosovo where ethnic tensions are still high, and this is another strong argument in favor of keeping the PSB alive.

the process of initial media policy adoption and the role of various actors played within it (e.g. influence of EU, local power elites, etc.). The second question explores the current situation of PSB and the extent of implementation of the current media policies. The third question seeks to provide answers to the future developments and prospects of PSB in Kosovo.

The paper sets a theoretical and analytical framework against which the analysis of RTK is conducted. It is divided into three sections.

The first section reflects on the contemporary debates on PSB on a global and EU level followed by an outline of relevant characteristics of PSB in post-communist and Western Balkan countries. The section also takes into account some of the relevant approaches to explain the PSB transformation in the specific context. It explores propositions put forward by Jakubowicz and Sükösd<sup>8</sup> on the idealistic, mimetic and atavistic orientations in the transformation of PSB in the former communist bloc, propositions that were further advanced in Voltmer,<sup>9</sup> to see whether the same can be applied in the trajectory of the setup, development and current operation of Kosovo's PSB. The second section provides a brief overview of the methodological approach used in this research. The third section, the analysis section, concludes with a discussion of the research findings and offers a set of recommendations that could be useful in addressing the current status of RTK and the challenges ahead in the future.

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<sup>8</sup> Karol Jakubowicz and Miklós Sükösd, "Twelve Concepts Regarding Media System Evolution and Democratization in Post-Communist Societies", in *Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective*, ed. Karol Jakubowicz et al. (Bristol: Intellect Books, 2008), pp. 17-20.

<sup>9</sup> Katrin Voltmer, "How Far Can Media Systems Travel? Applying Hallin & Mancini's Comparative Framework Outside the Western World" in *Comparing Media Systems beyond the Western World*, eds. D. C. Hallin and P. Mancini (Cambridge: Cambridge University Press, 2012), pp. 224-245.



## 2.

## Theoretical and Methodological Framework

### 2.1 Contemporary Debates on PSB on a Global and EU Level

Being in a state of flux, and at different levels of development worldwide, the concept of PSB in certain parts of the world is still thriving while elsewhere it is facing a deep crisis and its impact being eroded, with skeptics seeing its near-future demise.<sup>10</sup> In some parts of the world such as the Middle East the concept of PSB was never embraced, as states remain altogether resistant to the whole idea of PSB.<sup>11</sup> Yet, in other parts of the world the situation seems more promising and PSB is better positioned to see its rise and be firmly rooted in.<sup>12</sup>

As the past, the present and the future of the PSB trigger debates across the spectrum one of the most important challenges for public broadcasting around the world remains to find a balance between commercial viability and public interest.<sup>13</sup> In addition, while technological advances in our time encourage

<sup>10</sup> Recall here that the Greek government took the unprecedented measure of shutting down the public broadcaster ERT in 2013, and in 2010 Israel had serious plans to shut down its own public broadcaster.

<sup>11</sup> Karol Jakubowicz, "Public Service Broadcasting: Product (and Victim?) of Public Policy" in *Handbook on Global Media and Communication Policy*, ed. Robin Mansell and Marc Raboy (New York: Blackwell-Wiley, 2011), pp. 210-229.

<sup>12</sup> In South-East Asia (Indonesia, Malaysia, Singapore, and Thailand) television is still the dominant medium and primary source of news but none of these countries has a truly independent broadcaster. In the Indian sub-continent, India and Pakistan, countries with traditionally robust public discourse, PSBs have further degenerated into government mouthpieces. Elsewhere, authorities have taken steps towards the introduction of Public Service or towards the improvement of existing public service organizations (Afghanistan, Cambodia, Malawi, Panama, Sri Lanka etc.). In Latin America, public service media either function as state media or are indistinguishable from private media. While in Africa, public broadcasting is state-run with the partial exception of South Africa. Viewers in Nigeria and Kenya have little trust in their state broadcasters. Nevertheless, the state broadcasters in Nigeria and South Africa are powerful players with significant resources. See: Marius Dragomir and Mark Thompson, *Digital Journalism: Making News, Breaking News* (New York: Open Society Foundation, 2014); Jakubowicz, "Public Service Broadcasting", pp. 210-229 for a more detailed elaboration on PSB issues and challenges on a global scale.

<sup>13</sup> Indrajit Banerjee and Kalinga Seneviratne, *Public Service Broadcasting in the Age of Globalization*, (Singapore: Asian Media Information and Communication Centre (AMIC) and the School of Communication and Information, Nanyang Technological University, 2006), p. 3.

important discussions on the role of PSB in a multichannel and converged environment, in particular in Western Europe and other developed parts of the world, in new democracies the focus is more on the ability and commitment of governments to transform state broadcasting institutions into genuine public service; on supportive policies that encourage the development of PSB, and the introduction of viable models of funding.

Such reflections take place in conditions where PSB is facing a decline in audience shares (especially among youth), a growing hostility from both commercial broadcasters, cable and IPTV operators, and an increasing dictate from political environments in which the PSBs operate. As a consequence issues related to the transition of public service broadcasting to Public Service Media (PSM) models, financed entirely, or in part, by license fees, and their remit, are becoming ever more contentious and politicized issues.

Within the EU, alongside the debate about the need to sustain and protect PSB, a more central focus is paid to the discussion on whether traditional forms of regulation related to broadcasting are still relevant in the emerging digital media system.<sup>14</sup> Thus, in recent years, calls for the “reinvention” of PSB and policies related to its mission, programming, organization, and funding have intensified.<sup>15</sup> Their argument is that while the fundamental rationale for PSB’s existence must remain the same, everything else with regard to how national PSBs perform their remit should change.<sup>16</sup> Here, aspects such as regulation, modes of financing and the implications of technological advancement in reference to PSB’s remit are central points of contention. Their rationales are based on the understanding that in the past few decades there is a structural bias of the European Union (EU) towards market liberalization and this has had an impact on how the role of PSB is seen in perspective.<sup>17</sup>

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<sup>14</sup> Jakubowicz, “Public Service Broadcasting”, pp. 210-229.

<sup>15</sup> Johannes Bardoel and Leen d’Haenens, “Reinventing Public Service Broadcasting in Europe: Prospects, Promises and Problems”, *Media, Culture & Society* 30, no. 3 (2008), pp. 337–355.

<sup>16</sup> Jakubowicz, “Public Service Broadcasting”.

<sup>17</sup> European Parliament Resolution 438/2028 (2010) Public service broadcasting in the digital era: the future of the dual system adopted on November 25, 2010, reaffirms its commitment to the dual broadcasting system and reiterates the need to maintain strong and vibrant independent public service broadcasting, whilst adapting it to the requirements of the digital age. It emphasizes that the lack in some member states of legal provisions relating to PSB activities on the Internet could affect the sector’s ability to expand into new platforms. The ECs broadcasting communication (July 2009) Communication from the Commission on the application of State aid rules to public service broadcasting (2009/C 257/01) recognizes the right of public service broadcasters to be present on all relevant distribution platforms and reaffirms the competence of the member states to define the remit, funding and organization of public service broadcasting and calls on member states to maintain a balance amongst the digital media services on offer, to ensure fair competition between public service broadcasting and private media to preserve a vibrant media landscape in the online environment.

With regard to media regulation (media laws, policies), it is observed that as technological advancements spur developments in media, an ongoing struggle is being principally fought between the public broadcasters and commercial media as concepts such as diversity, quality, PSB remit and its status as a public good are increasingly contested and re-defined. The struggle, at least when it comes to mature democracies in Western Europe, is a legitimate one. In circumstances of heavily segmented media markets where commercial media manage to successfully address and fulfill the needs of diversity and representation, the traditional role assigned to PSB is seen as somewhat obsolete. In other words, the critics of PSB legitimately wonder why they should continue to pour money into something that commercial broadcasters are already doing. Such logic has increased the burden on PSB to demonstrate that what it does is really necessary, unique and comprehensive. That is why countries such as Great Britain – where the tradition of public broadcasting is strong – have taken further steps and are championing the method by which the designated programs of the PSB undergo ex-ante or post-ante evaluations to meet the public value tests regarding programming.<sup>18</sup> Apart from the public value tests in regard to the programming and the growing scrutiny over PSB on how it delivers what it promises, a whole set of new issues regarding the remit of PSB has emerged due to advancement in broadcasting technologies. Thus, the spur in technology has shifted the battleground and was expanded into the legal definition of PSB, that is, what its *raison d'être* is and how comprehensive different regulatory approaches might be in addressing its mission.<sup>19</sup>

On the matter of the forms of financing, important questions emerge as to whether it is necessary, fair, or legitimate to fund PSB through public money at all? If yes, to what extent should this be done and for what purposes? This question becomes crucial and relates to the transformation of ways in which a license fee should be collected (if at all) and the scope of the right to advertise across platforms, especially related to PSB's remit, given the expansion in new technologies. Both the license fee and right to advertise across different platforms were subject to important changes stemming from the regulation, market potential and technological advances. At present on the broader European level three options for PSM funding seem to prevail in the debate as a growing number of viewers rely on computers and mobile devices to access media content

<sup>18</sup> Christian M. Bron, "Financing and Supervision of Public Service Broadcasting: Public Service Media: Money for Content", *IRIS plus*, no. 4 (2010), pp. 18-25.

<sup>19</sup> Alan Peacock, *Public Service Broadcasting without the BBC?* (London: Institute of Economic Affairs, 2004); Hallvard Moe, "Governing Public Service Broadcasting: 'Public Value Tests' in Different National Contexts", *Communication, Culture & Critique* 1, no. 3 (2010), pp. 207-223.; Hallvard Moe, "Defining Public Service beyond Broadcasting: the Legitimacy of Different Approaches", *International Journal of Cultural Policy* 17, no. 1 (2011), pp. 52-68; Robert G. Picard and Paolo Siciliani eds., *Is there Still a Place for Public Service Television? Effects of the Changing Economics of Broadcasting: Report* (Oxford: University of Oxford, Reuters Institute for the Study of Journalism, 2013).

instead of through a TV box. Such developments have made it necessary to invent alternative forms of collecting the license fee (as described in the footnote) in order to prevent PSB from becoming marginalized.<sup>20</sup>

When it comes to the extent of access to advertising, especially regarding to PSB's remit, the implications of the wide-ranging debate and struggle between PSB and commercial media have yielded the almost universal acceptance of the EC Directive "Television Without Frontiers" (i.e. a maximum of up to 12 minutes of advertising per hour throughout the day for public channels.) Yet as the advertising time gets reduced, the advertising revenues are shrinking as more media compete over the same advertising sources. This in turn leads marketers to lower the prices for advertising time and ultimately translates into less and less revenue from advertising for both commercial and public broadcasters. The bottom line is that the economic downfall has affected commercial broadcasters and at the same time governments have cut budgets for public broadcasters. For PSBs mostly dependent on the license fee, this is no longer a financial guarantee for survival, especially amid the growing costs that producing or importing qualitative program requires (including sports and film rights) and/or retaining professional entertainment show hosts, journalists, and managers.<sup>21</sup>

The emergence of new technologies, such as the spread of tablets, smartphones, and PCs, and growing segments of audiences opting to receive content via computers and mobile devices, are constantly pushing the boundaries - regarding the platforms in which public broadcasting can compete alongside commercial media. Thus, adjusting to a new converged environment continues to be a major challenge for PSB. The debate on this matter is focused around such questions as to whether PSB through the processes of convergence is allowed to broadcast the same content or variations of such content (this entails more advertising as well) through other platforms and to what extent it should be allowed to broadcast online. Central to this debate is the need to re-define PSB's remit in a changed

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<sup>20</sup> Three options for PSM funding seem to prevail. See: Christian S. Nissen, *Public Service Media in the Information Society: Report Prepared for the Council of Europe's Group of Specialists on Public Service Broadcasting in the Information Society (MC-S-PSB)* (Strasbourg: Council of Europe, 2006). a) Expanding the basis for collecting the license fee for all types of receiving devices; b). Abandoning the license fee or, c). Changing the license fee to a compulsory 'excise duty' collected from all households and citizens. Yet, there are also variations on the tax to be collected. Christian M. Bron, "Financing and Supervision of Public Service Broadcasting", pp. 18–25. For example, France collects what it calls Residence Tax yet Germany and Finland, have chosen the third option. Sweden seems to have opted for the first option while others, such as the Netherlands, have abandoned the fee in favor of direct state budget funding. See also: Christian Herzog and Kari Karppinen, "Policy Streams and Public Service Media Funding Reforms in Germany and Finland", *European Journal of Communication* 29, no. 4, (2014), pp. 416–432.

<sup>21</sup> Kees Brants, "Auditing Public Broadcasting Performance: Its Theory and Practice", *Javnost / The Public* 10, no. 3 (2003), pp. 5–11.

technological and digital context.<sup>22</sup> In this regard another crucial question that emerges is what in fact constitutes broadcasting, and how to extend this concept in regard to the use of new technologies. This puzzle continues to be a sticking point in the broadcasting sector in mature democracies.

The aforementioned dimensions of the debate also touch upon the socio-political and cultural aspects of the role and function of PSB. Traditionally, the role assigned to PSB has been to promote the respective state's political agenda, influence public opinion towards such goals and ensure political cohesion. However, the growing 'mediatization' of politics, whereby media take a prominent role in packaging the politicians and politics, has led to criticism wherein PSB is increasingly blamed for being politically biased and cynical; for moving from a descriptive and informative journalism to interpretative framing; for emphasizing the failures and not the accomplishments of politics; for over-focusing on scandal, conflict, the negative and the personal; for hyping a self-constructed reality and, by doing that; for misusing their powerful and independent position.<sup>23</sup> From the cultural angle, all this happens in conditions where digital technologies have given rise to an unprecedented level of individualization in society, leading to fragmented audiences and numerous minorities in modern societies, with implications for PSBs in losing touch with or having difficulties tailoring to the ever growing niches and tastes of various demographics. Here, other pressing challenges surface and raise important questions as to whether PSB should strive to cater to fragmented audiences and different minorities in modern societies or draw a line in favor of qualitative programming at the expense of losing ratings and audience? Such questions have economic as well social implications for the role of PSB. Furthermore, the unprecedented growth in technologies and the internet and the capacity to access quality resources of knowledge have also raised the bar much higher for PSB to justify its existence. Maintaining the role of champion in the education of the public might have been an important task before the age of the internet. It becomes a much more complex task in conditions where educational programming and resources are available in abundance – much of them of high quality, and often free of charge. Such trends make it a paramount for PSB not only to redefine its mission, but also produce high quality programming, produce it at low cost, improve performance exponentially, and given its public stature, to also agree to more transparent and realistic forms of accountability.

Across the board PSB is faced with the above outlined challenges. Yet, it should be noted that the anticipations related to the socio-cultural and political role of the PSB in mature democracies and new democracies are somewhat different. While in mature democracies the idea that PSB has to perform a

<sup>22</sup> Herzog and Karppinen, "Policy Streams and Public Service Media Funding Reforms in Germany and Finland", pp. 416-432.

<sup>23</sup> Brants, "Auditing Public Broadcasting Performance", pp. 5-11.

broader social cohesive role might be waning, PSB has managed to transcend itself into a universally accepted norm, and the question of its future is how it will continue? In other words, in Western Europe, despite ongoing challenges the public service media institutions are firmly rooted in, and in a relatively strong position. Therefore, even if their *raison d'être* might be questioned, it is only questioned with the goal of re-positioning them better in the emerging digital world. In new democracies, many of them still undergoing the process of inner consolidation, manifesting incongruent political cultures, and facing challenges to accommodate ethnically diverse or divided societies, PSB is still regarded as an aspiration, often not perceived as a common good, or as a universally accepted norm, leaving it vulnerable to attacks for selective bias. In particular among the semi-consolidated democracies in the Western Balkans, where PSB is under threat from endemic politicization and increased reliance on state aid, often the question raised is, why should PSB exist at all?

## 2.2 Issues Related to PSB in Post-communist Societies and Western Balkan Countries

In their analysis of the media situation in the countries of the former Eastern bloc countries, while recognizing their different patterns of transition from communism, Zielonka and Mancini (2011) identify a set of similarities. These include politicization of the state and political parties as the leading actors in this process, business parallelism (i.e. assertion of overlapping business interests in the production of the media), the overlap between media, politics and business, small and weak media markets, fuzzy ownership, floating laws and procedures, the opaque imitation of external models, a disoriented journalistic profession, and blurred professional identity of journalists and editors.<sup>24</sup>

Finding it challenging to adjust to the new conditions in the former Eastern bloc, PSB lingers between what Jakubowicz and Sükösd have described as the 'idealistic', 'mimetic' and 'atavistic' orientations.<sup>25</sup> As argued in Jakubowicz and Sükösd the 'idealistic' model, as stated itself, represents ideal perception of freedom of expression and press freedom without taking into account the constraints that come legitimately with such freedom, and was perceived principally in contrast to the communist system. It assumed the introduction of a direct communicative democracy as part of a change of social power relations with some broader emphasis on freedom in general and freedom of speech and

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<sup>24</sup> Jan Zielonka and Paolo Mancini, *A Media Map of Central and Eastern Europe* (Oxford: Department of Politics and International Relations of the University of Oxford; London: Department of Media and Communications of the London School of Economics and Political Science, 2011).

<sup>25</sup> Jakubowicz and Sükösd, "Twelve Concepts Regarding Media System Evolution and Democratization in Post-Communist Societies", pp. 17-20.



the press in particular. 'Mimetic' orientation in media policy was conceived as a way of achieving realistic and practical approximation to 'the West', including full liberalization of the print media and creation of a dual system of broadcasting. It entailed the social responsibility of the press, a guardianship/stewardship role for the media, an administrative paradigm, service and democratic surveillance functions for journalists. The 'mimetic' orientation, however, fails to take into account the local context, disregarding the fact that a certain threshold needs to be reached before the fresh 'transplant' would feel accommodated into the 'old body'. In other words, it is the local context that determines what features the media will reflect once introduced, and such a context cannot be changed overnight.

Jakubowicz and Sükösd argue that the 'atavistic' orientation posits that what really emerged in post-communist countries after transition was not civil society but a political society, 'partitocratic' systems dominated or colonized by political parties. There is no doubt that the new power elites, while ostensibly accepting the 'mimetic' orientation, in many cases sought to cling to any elements of the old command system they could still maintain. In this model, journalists are expected to be 'cooperative', i.e., guided by a sense of responsibility for the process of transformation and assist the government as the leader of the process, rather than exercise an independent, impartial and critical watchdog role.<sup>26</sup>

Pursuing this line of argument and focusing more closely on the problem of the local context, Voltmer notes that the transformation processes in the former Eastern bloc rather triggered the emergence of hybrid media systems, as media landscapes in new democracies, while following international standards, had to adapt to the local conditions or contexts.<sup>27</sup> Hybrid media systems, as argued by Voltmer, are defined as a blend of already existing practices and new practices exported from a new or foreign media system. As such the foreign models are adapted to the particular historic, geographical, social and cultural characteristics of the domestic media system. Rather than a temporary state of transformation, hybrid media systems are considered the equilibrium between the two types of orientations – mimetic and atavistic. Thus, hybrid media systems are mostly located between authoritarian and democratic political systems. Although, the semi-consolidated democracies may have introduced competitive elections, they may not strengthen further democratic institutions beyond the basic requirements. Therefore, Voltmer argues that the degree to which hybrid systems adopt democratic practices varies from state to state. But what characterizes all new democracies is that hybrid systems have built distinct patterns of political-media relations with significant differences from Western media systems.<sup>28</sup>

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<sup>26</sup> *Ibid.*

<sup>27</sup> Voltmer, "How Far Can Media Systems Travel?" pp. 224-245.

<sup>28</sup> *Ibid.*

## 2.3 Methodological Framework

The research methodology used in the study on Kosovo's PSB is qualitative. It is based on the analysis of laws, including the present RTK Law 2012 and the previous laws of 2006 and 2003, the Laws on IMC (2012 and 2005) and the Law on Digitalization (2015). In addition, various policy documents, such as organizational procedures, rules and regulations for the operation of RTK, official correspondence between legislators and relevant institutions such as European Broadcasting Union (EBU) and Organization for Security and Cooperation in Europe – Mission in Kosovo (OMIK), the annual RTK reports, auditing reports, annual progress reports of the European Commission on Kosovo, annual Media Sustainability Index Reports on Kosovo prepared by IREX as well as relevant media reports pertaining to RTK, were reviewed and analyzed. The research also relies on interviews with a number of interlocutors including two RTK managers, one international RTK advisor that served on the RTK board and later as a liaison between RTK and EBU and two media researchers who have experienced and observed the development of RTK from up close in recent years. Interviews were also conducted with the chief executive officer of the Independent Media Commission (IMC) and the representative of the Association of Independent Electronic Media of Kosovo (AMPEK), with a particular focus on the upcoming process of digitalization. Interviews were based on a semi-structured questionnaire, and conducted either face to face or via Skype and Facebook between September and December 2015. Interviews were recorded, transcripts made available in both Albanian and English and later analyzed. Important feedback was also received from other stakeholders who agreed to provide input for the research either through interviews or phone conversations, but did not agree to be identified as sources for the research. All the selected interviewees were well positioned to offer relevant feedback with regards to where RTK stands and what challenges it might face in terms of realizing its potential and its capacity to be economically self-sustainable. (See Annex 1 for a full list of interviewed persons).

Some of the limitations of this research relate to the timing of the research; the lack of feedback from legislators and international media experts as well as the absence of public input regarding RTK's performance. The timing of the research is perhaps the most challenging. The research was carried out over a period of time when RTK was – and it still is – in a state of limbo. The legislation related to RTK has been put up for review and amendment. However, the process of going ahead with amendments has been slow, largely left pending due to political calculations. RTK's funding model has been put up for review and the broadcaster is likely to return to the model of license fee in 2018 while remaining still partially dependent on funding from the state budget. The uncertain path of transition for RTK seemed to discourage the experts and stakeholders from offering more definite and clear responses or a greater vision on what might be the (better or



the best) path forward for RTK. The absence of direct, on record, feedback from legislators and important actors on the ground such as the OSCE or EU experts involved in the process of amending the legislation on RTK given the delicate nature of the process, is another shortcoming for this research. Ultimately the lack of timely qualitative input about the role and importance of RTK for the Kosovo public and better and comprehensive clues from the broader public on whether RTK delivers on what it promises also represents a major challenge. Such shortcomings prevent us from providing a more nuanced picture of RTK, leaving us with a somewhat general picture of where RTK stands and what outlook there might be for RTK in the coming period.

Future research on the topic might put a greater focus on audience feedback to be able to see how RTK's constituent parts have evolved over time and what progress and/or shortcomings can be reported in that regard.

## 3.

# Country Background

## 3.1 Socio-political and Economic Context

With a population of 1.8 million, a ¼ of which lives in the capital Pristina and a GDP/GNI per capita listed in the lower middle income, standing at \$ 3,950 based on the World Bank Development Indicators 2015,<sup>29</sup> Kosovo ranks 136<sup>th</sup> in the world, and is slightly behind other countries in the region. Albanians make up more than 90 % of the total population. Other communities include Serbs, Turks, Bosnians, Montenegrins, Croats as well as Roma, Ashkali and Egyptians. The average population age is 30.3 years, the youngest in Europe, while the average household is the largest in Europe (5.7 members per household) with literacy rate standing at 91.9 percent.<sup>30</sup> As a new state, Kosovo's economic wellbeing is still heavily dependent on remittances from abroad. Its economic revitalization has been sluggish and foreign direct investments are still limited. While Kosovo's economy has seen some progress in recent years the unemployment rate is still endemic at more than 40 percent as per the last census data.<sup>31</sup>

Kosovo is a parliamentary democracy with a multi-party system and a proportional electoral system. The 120-member unicameral National Assembly is the most important legislative, representative and oversight institution. The Assembly elects the president, who serves a five-year term. The prime minister is nominated by the president and requires the Assembly's approval. The central decision-making powers are vested with the government and the prime minister. The two main parties that form the current governing coalition are the Democratic Party of Kosovo (PDK) led by Kadri Veseli, the current Speaker of the Kosovo Assembly and the Democratic League of Kosovo (LDK) led by Isa Mustafa, the current Prime Minister of Kosovo. Both parties are on the centre-right of the ideological spectrum. As principal actors in the politicization of the state (in joint coalitions and/or in coalition with less-sizeable parties) LDK and PDK have determined the outcomes of government coalitions over the past 16 years.

As Kosovo's fragmented political system is susceptible to low policy consensus syndrome the voting on relevant legislation, including media legislation, is often

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<sup>29</sup> World Bank – Kosovo data, available at <http://databank.worldbank.org/data/download/GNIPC.pdf> (Accessed on September 15, 2016).

<sup>30</sup> Kosovo Statistical Agency, *Statistical Yearbook of the Republic of Kosovo*.

<sup>31</sup> *Ibid.*

driven alongside political party lines. The legislation regarding Kosovo's public broadcaster is no exception to this pattern. Here it should be noted that the extent of mutual distrust between political parties sometimes even among the parties that form joint governing coalitions (as is the case at present), feeds into the prospects of low policy consensus.

## 3.2 Media System of Kosovo

After the conflict of 1999 Kosovo introduced a dual media system that combines public service and commercial radio and television. Up to 2009 television was recognized as the most important source of information for the majority of the adult population.<sup>32</sup> There are no reliable data to indicate whether and to what extent the popularity of television might have declined in subsequent years. However, comparative ratings of the main Kosovo broadcasters – both public and commercial – reflect a significant overall decline of their programming. The decline might be attributed to many factors as well to the changing media landscape experiencing a growing internet penetration – 85 percent of households in Kosovo have access to internet – and an increasing number of people (especially youth (ages 20-35) who make up more than 70 percent of Kosovo's population) subscribing to new technologies such as smart phones, tablets and other gadgets to access news and information.<sup>33</sup> Likewise, the number of users of mobile phones in 2014 was listed at 1,763,728 and the usage rate at 98 percent.<sup>34</sup>

Many outlets operate in the media market of Kosovo. Currently, the number of licensed broadcasters in Kosovo is 186, with 20 TV stations, 78 radio stations, 34 cable operators and 54 service providers that operate through cable service.<sup>35</sup> The cable broadcasting in particular has seen a substantial surge in recent years. Of the 21 TV stations, three have Kosovo-wide coverage: the public broadcaster Radio and Television of Kosovo (RTK), and the commercial broadcasters – Radio and Television 21 (RTV21) and Kohavision (KTV). Eleven (11) TV stations provide regional coverage; six (6) stations provide local coverage, and one (1) has a low power transmission. Of the 20 television stations including RTK, 13 broadcast in

<sup>32</sup> Index Kosova, "Press Release: Media Picture in Kosova", *Index Kosova*, December 9, 2008.

<sup>33</sup> Association for IT and Communications of Kosovo, *Internet Penetration and Usage in Kosovo* (Prishtina: Association for IT and Communications of Kosovo, August 2013).

<sup>34</sup> Kosova Democratic Institute, IDK: Hulumtim Parlamentar, Financimi i Transmetuesit Publik, Përgatitur për: Komisionin për Administratë Publike, Qeverisje Lokale dhe Media, Korrik, 2015 [KDI: Parliamentary Inquiry: Financing of the Public Broadcaster: Prepared for the Committee on Public Administration, Local Government and Media, June 2015] (Pristina: Kosova Democratic Institute, July 2015).

<sup>35</sup> Independent Media Commission, Annual Report 2014 (Prishtina: Independent Media Commission, 2014), p. 18.

Albanian language, 5 in Serbian and 1 in Turkish. In addition, there are four nation-wide radio stations, out of which two are public service radios (Radio Kosova and Radio Blue Sky), and two private radios (Radio 21 and Radio Dukagjini). Another 74 local radio stations are spread throughout Kosovo. There are 44 radio stations in Albanian language, 22 radio stations in Serbian, 3 in Bosnian, 2 in Turkish, 2 in Gorani, 1 in Roma and 2 are multi-ethnic radio stations.<sup>36</sup>

In recent years the media scene has experienced a rapid emergence and growth of internet based media – especially online news portals, while the number of traditional print format newspapers continues to decline and print circulation is shrinking. At present, there are still six daily printed newspapers in Kosovo including Koha Ditore, Zëri, Kosova Sot, Bota Sot, Gazeta Tribuna and Epoka e Re. Some other publications such as Gazeta Express and Gazeta Tribuna have switched from print to online versions. There are no independent data on the exact number of copies sold and the newspaper figures are usually inflated by publishers to claim a greater share in the advertising market.<sup>37</sup> At the same time, online media has experienced a rapid growth with the number of visitors for the top news portals reaching between 200,000 and 800,000 clicks daily based on the comparative statistics pulled from Amazon's Alexa.com and Similarweb.com. Such figures translate into 200,000-300,000 unique visitors on a daily basis for some of the leading online media in Kosovo.

An overview of the Kosovo media sector based on the indicators set forth by IREX's Media Sustainability Index (MSI) shows a decline in all indicators during 2015, the lowest average score received since 2010. The IREX MSI indicators suggest that free speech, media pluralism and access to public information in Kosovo enjoy good legal and social protection and the norms that guarantee free speech, pluralism and access to information are harmonized with the EU and international standards.<sup>38</sup> However, legal guarantees regarding free speech are not fully implemented and the challenges that persist over the years include growing attacks and pressure against journalists, the inadequate provisions for the independence of Radio and Television of Kosovo (RTK), and declining levels of professionalism.

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<sup>36</sup> *Ibid.*

<sup>37</sup> Organization for Security and Co-operation in Europe (OSCE), Mission in Kosovo, *Freedom of Media and Safety of Journalists in Kosovo* (OSCE, June 2014).

<sup>38</sup> "Constitution of the Republic of Kosovo", June 15, 2008. Freedom of speech, the right to access public information, and media pluralism are each regulated in Articles 40-42 of the Constitution of Kosovo. Apart from Kosovo's constitution, there are specific laws that also guarantee the freedom of speech.

*Table 1. Indicators of media sustainability in Kosovo 2010-2015*

Indicator	Year					
	2010	2011	2012	2013	2014	2015
Free speech	2.53	2.70	2.46	2.52	2.65	2.25
Professional journalism	2.63	2.54	2.20	2.38	2.32	2.13
Plurality of news sources	2.77	2.78	2.51	2.64	2.90	2.57
Business management	2.32	2.15	1.88	2.22	2.27	2.02
Supporting institutions	2.76	2.50	2.63	2.53	2.58	2.36
Overall score	<b>2.60</b>	<b>2.53</b>	<b>2.33</b>	<b>2.46</b>	<b>2.54</b>	<b>2.27</b>

Source: IREX Media Sustainability Index on Kosovo (2010-2015)

Regarding the size/value of the media market the latest available statistics remain those from a 2013 IMC report. The report presented to the Kosovo Assembly indicated that the size/value of the media market when it comes to advertising is close to €30 million annually.<sup>39</sup> Approximately 34 percent – or €10 million – goes to the national broadcasters (TV and radio). RTK and its two national radio stations receive about one-third of the €10 million. However, the report was downplayed by commercial media as being an inaccurate estimate of the real situation in the advertising sector. Nonetheless, the report serves as a benchmark or an approximate indicator of the advertising sector revenues. The annual budget of the RTK over the past decade has fluctuated between € 8-12 million and has traditionally been twice as big as the combined budget of the two national commercial broadcasters – KTV and RTV 21 - which according to the estimates of one of the interviewees, does not exceed € 2-3 million annually.

*Table 2: Advertising market division according to media*

Medium	Percentage (%)	Monetary value (€)
National TV	20	5,989,144
Local TV	22	6,502,499
National Radio	14	4,021,282
Local Radio	17	4,990,953
Internet	3	912,631
Newspaper	12	3,422,368
Cable TV	7	2,081,940
Other (eg. billboards, posters etc.)	6	1,711,184
Approximate value of advertising market	100 %	<b>€ 29,632,000</b>

Source: Independent Media Commission of Kosovo Report 2013

<sup>39</sup> Independent Media Commission, Advertising Market Research and Analysis in Kosovo (Prishtina: Independent Media Commission, September 2013).

In terms of broadcasters' ratings the public broadcaster and the national commercial broadcasters KTV and RTV 21 have seen a significant decline over the years based on a comparative analysis of IREX ratings for Kosovo TV in 2014 with those from 2009. Based on that comparison RTK ratings declined from 52 to 22 percent. KTV also marked a decline from 28 percent to 24 percent between 2009 and 2014, whereas RTV 21 reflects a minor decline, from 21.49 percent to 21.30 percent.<sup>40</sup> When it comes to different programs within the broadcasters, RTK still holds the prime position in regard to news bulletins, and its prime time news still attracts high ratings. Nonetheless, the overall viewership rates of RTK are declining, especially during prime time, due to strong competition from commercial television channels RTV 21 and KTV with Latin American and Turkish soap operas and other entertainment programs.<sup>41</sup>

Meanwhile, despite the decline in TV ratings, the national radio broadcasters, as elsewhere in the Western Balkans, are experiencing a surge. Radio Kosova, the national public broadcaster, has seen an increase in audience from 5 percent in 2009 to 8 percent in 2014. Likewise, Radio Dukagjini, the largest commercial radio station in Kosovo, has seen a surge from 8 percent in 2009 to 29 percent in 2014.

*Table 3: Ratings of the national broadcasters of Kosovo*

Mainstream Broadcasters	2009	2014	Difference
RTK	52%	22%	-30%
KTV	28%	24%	-4%
RTV 21	21.49%	21.30%	- 0.19%
Radio Kosova	5%	8%	+ 3%
Radio Dukagjini	8%	29%	+21%

Source: Index Kosova 2009/2014

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<sup>40</sup> International Research and Exchanges Board (IREX), *Kosovo Media Sustainability Index 2009* (Washington: IREX, 2009); International Research and Exchanges Board (IREX), *Kosovo Media Sustainability Index 2014* (Washington: IREX, 2014).

<sup>41</sup> According to an RTK internal needs commissioned survey conducted by Novus Consulting Group made available for review to the author

## 4.

## Research Findings on PSB in Kosovo: Key Issues

Radio Television of Kosovo (RTK) is the country's main public service broadcaster established in 1999 by UNMIK through a Memorandum of Understanding (MoU) with European Broadcasting Union (EBU). It represents a unique case in the region where the public broadcaster did not emerge as a continuation of the former state broadcaster – Radio and Television Pristina (RTP) – but started from scratch. The RTK started off under an unclear, dubious mandate, without clear medium or long-term goals and in a relatively hostile environment – due to the circumstances in which it was set up.

It broadcasts in four TV channels<sup>42</sup> of which RTK 1, RTK 3 and RTK 4 are terrestrial channels, and RTK 2 in Serbian, is broadcasted via cable. Content wise, RTK 3 and 4 broadcast primarily info and entertainment, education, science and culture programs. Under its umbrella, RTK also has two radio stations, Radio Kosovo 1 and 2 and RTK web (rtklive.com). The website is perceived as growing in importance and it grew to 8 staff members since 2015.

Based on the current statutes of the EBU, RTK is not a full member of the EBU as Kosovo has yet to be recognized as an independent country by the International Telecommunications Union. However, RTK enjoys a comprehensive service agreement with the EBU and in 2013 Radio Television of Kosovo (RTK) via its chairman of the board re-affirmed and pledged to adopt and promote EBU's core public service values of universality, independence, excellence, diversity, accountability and innovation.<sup>43</sup>

The debate on the role, functioning, and future of public service broadcasting in Kosovo differs from the contemporary debates on the EU level regarding the current challenges and the future of public broadcasting. The major challenges for RTK are to ensure long-term and sustainable financing, preserve its editorial independence from political interference and resolve the issue of succession over the facilities that legally belong to the now defunct former state broadcaster – Radio Television of Pristina (RTP) and which RTK has used ever since it was established in 1999. However, in dealing with these challenges RTK is constrained from both the inside and the outside. Inside RTK there is a lack of willingness on

<sup>42</sup> David Lewis, EBU Head of Member Relations "Speech for Launch of Kosovo's New Channels RTK3 and RTK4", March 13, 2014.

<sup>43</sup> "RTK Pledges to Adopt Core Public Service Values", European Broadcasting Union, March 8, 2013.



the part of its management and board to be more assertive in seeking the re-introduction of public funding or pursue greater editorial independence. Outside RTK, in the political decision-making arena, there seems to be a lack of a political goodwill to see RTK move towards becoming more dependent on the public, a scenario that would enable RTK to break away from political control. Since both RTK management and the politicians seem motivated by short-term gains, rather than long-term goals, their positions converge in sustaining the vulnerable status-quo of the RTK.

Henretty argues that in circumstances where the legislation governing the broadcaster grants politicians an extensive role vis-à-vis the broadcaster, politicians' opportunities to interfere in the broadcaster will be extensive, and political interference can result. Based on the same rationale, those standing to benefit the most would be politicians' legally sanctioned role in determining aspects of the broadcaster's operation, and in staffing the top levels of management of the broadcaster. It further argues that in order to interfere in public broadcasters, politicians must have both the motive to interfere and the opportunity to do so, noting that where politicians lack either, the politicians will not interfere, and the broadcaster will be independent.<sup>44</sup>

In Kosovo's case such conditions exist and politicians are legally sanctioned to determine aspects of the broadcaster's operation – through the review of RTK's annual reports, as well as in determining the selection of board members and consequently top management, as stipulated in the RTK law of 2012. Their potential for influence and interference is further increased through the procedures of allocating the budget and the appointment of board members, which will be elaborated in more detail below.

The provisions regarding RTK's independence are stipulated in Article 3 of the Law on RTK (2012), and its freedom to pursue an independent editorial policy is provided in Articles 18 and 23 of the RTK Law. However, even if on a formal level its *de facto* independence is guaranteed other provisions included in the same legislation on RTK enable Kosovo legislators to have the upper hand in influencing and determining the selection of board members and consequently high management appointments within RTK, making it unlikely for professionals who are not affiliated with political parties to get on the Board and/or consequently the RTK management.

In order to understand the debate on the sense of publicness, that is, the extent to which the RTK is regarded as a public good, and how it is embedded in the cultural milieu of Kosovo, a short background of RTK's emergence is provided below.

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<sup>44</sup> Chris Hanretty, *Public Broadcasting and Political Interference* (New York: Routledge, 2011), pp. 5-6.



## 4.1 Background: Socio-political and Cultural Aspects of RTK's Operation

Before RTK was first introduced in Kosovo, the only public broadcaster that had existed in the Albanian language was the Radio Television of Pristina (RTP). RTP was part of the larger network of Yugoslavia's state broadcasting from 1975 until 1990. Following the revocation of Kosovo's autonomy by Serbia and the clampdown that ensued in July 5, 1990 against Kosovo institutions, RTP was transformed from a state broadcaster, into a subset of the Radio-Television of Serbia (RTS), a mouthpiece of the Serbian regime. Its programming, which up until that point was primarily in Albanian, was limited to a 30 minute news bulletin daily, altogether disregarded by Kosovo Albanians from that point on.<sup>45</sup> The rest of the programming consisted in re-broadcasts of Radio-Television of Serbia programs.

A few years after the introduction of the extraordinary measures at RTP, with the support of the Kosovo government in exile, a group of the expelled Albanian employees of RTP started preparing a few hours of satellite broadcasting from neighboring Albania and continued to do so until the end of conflict in Kosovo in 1999.<sup>46</sup> When the Kosovo conflict ended, the broadcasting from Albania via satellite feed, made possible through funding from Kosovo's government in exile, also ceased.

It was expected that UNMIK would invite the structures of RTP that had managed the broadcaster after the Serbian clampdown in 1990, and that the work of the former state broadcaster would resume where it was cut off in 1990.<sup>47</sup> That did not happen. In fact, when former employees tried to return en-masse in June 1999 to the RTP building, UNMIK peacekeepers prevented them from entering, in a clear signal that their return to the service en masse was not acceptable.<sup>48</sup> In a press release issued in the wake of the incident, announcing the set up of broadcasting in Kosovo, UNMIK noted that it was acutely aware of the growing concern about the future of RTP and assured the people of Kosovo that broadcasting at RTP would resume in the near future, but under international supervision. It further noted that the OSCE was in the process of setting the foundations for a genuine public service broadcaster in Kosovo that would operate with professional management and staff that would serve and

<sup>45</sup> Mark Thompson, *Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo International Assistance to Media* (Vienna: Organization for Security and Co-operation in Europe, Office of the Representative of Freedom of Media, 2000), pp. 61-74.

<sup>46</sup> Ibid.

<sup>47</sup> United Nations Mission in Kosovo (UNMIK), "UNMIK Sets out Plans for Revival and Development of RTP and Independent Media in Kosovo: Press Release", *UNMIK PR/13*, July 21, 1999.

<sup>48</sup> Thompson, *Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo International Assistance to Media*.

reflect Kosovo's communities.<sup>49</sup> In other words, UNMIK was letting the former employees know that the broadcasting would resume soon but not with the former employees in charge.

Thus, instead of a transformation of the old broadcaster, Kosovo gained a new institution with a public mandate. Shortly after, instead of by the OSCE, the contractual negotiations to set up the broadcaster were conducted between UNMIK and EBU, and instead of a broadcaster tailored for the needs of the Kosovo public, RTK emerged as an "Emergency Satellite TV Service", defined as a "new station" that "would serve both as a relay for UNMIK public information programs and as the nucleus of a future public service."<sup>50</sup> While in charge during 1999-2001, the European Broadcasting Union (EBU) strived to set certain general standards for RTK following the BBC model. Initially, UNMIK put Richard Dill, a German former journalist from the German public television ARD in charge of setting up the RTK project.<sup>51</sup> As the project evolved in the summer of 1999, UNMIK replaced Dill and appointed Erik Lehmann, a former president of the Board of the Swiss Broadcasting Association as a general director of RTK. Nine months later Lehmann was replaced with a former BBC manager, Richard Lucas.<sup>52</sup>

What started as an "emergency service" that the EBU was contracted to provide and which was foreseen as a self-contained, outside-broadcasting unit, became a local television station with a sizeable number of local employees (over 100 in February 2000) working in reshuffled studios under an international management.<sup>53</sup> In a nutshell, the "interim solution" ironically dubbed Radio-Television Kouchner (RTK) (in reference to the then head of the UNMIK administration Bernard Kouchner) became a permanent project. At that point the RTK still had no charter and no statute, the interim international director-general operated without a local deputy-director, and editors and managers were appointed by the EBU without consulting with the OSCE first. The editors and managers were also hired without prior public advertisements.<sup>54</sup> Furthermore, the launch of RTK as it did further exacerbated the poor relations of OSCE with

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<sup>49</sup> UNMIK, "UNMIK Sets out Plans for Revival and Development of RTP and Independent Media in Kosovo".

<sup>50</sup> Thompson, *Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo International Assistance to Media*.

<sup>51</sup> Bob Borrink, "Zwischen Minenfeldern" [Between the Minefields], *Die Welt*, September 23, 2000.

<sup>52</sup> Stacy Sullivan, "Restructuring the Media in Post-Conflict Societies: Four Perspectives – The Experience of Intergovernmental and Non-Governmental Organizations" (A Background Paper for the UNESCO World Press Day Conference, Geneva, May 2000).

<sup>53</sup> Thompson, *Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo International Assistance to Media*.

<sup>54</sup> *Ibid.*

the workers council, representing more than 1,000 of the pre-1990 employees of RTP.<sup>55</sup>

The decision to set up RTK was part of an ongoing democratization process in Kosovo and represents a clear case of an external intervention. It was launched by UNMIK as a project from scratch. However, its functioning began on the premises of the old state broadcaster, giving rise to the issue of RTP succession. The appointment of internationals as managers in the first stage of operation of RTK, and then the hiring of local staff on individual basis, instead of re-hiring en-masse those who had worked at RTP prior to 1989, characterized the first stage of the set-up of RTK.<sup>56</sup> The first important step that set RTK on a given course was the decision to put in charge Agim Zatriqi, a former director of the state broadcaster (RTP) during the 1980s.<sup>57</sup> Albeit Zatriqi was one of the rare professionals in the post-conflict Kosovo that had the necessary qualifications for a general manager, on a professional level, he was regarded as belonging to the “old (communist) school”. Understanding that Zatriqi might not be universally acceptable, the OSCE put Zatriqi’s candidature to test in an *ad hoc* ballot before the RTK employees, despite the fact he was selected through a hiring committee made up of OSCE and local representatives beforehand. He also got the votes of the RTK staff. Hiring Zatriqi showed that the international community took the local context into account, albeit only to the extent that it could share the blame with the local context, in case the RTK experiment/project failed. In this case it appears that the local context played a role in preventing a more progressive model for RTK from being embraced.

<sup>55</sup> As part of the UNMIK’s efforts to liberalize the media market, licenses were also granted to two other nation-wide commercial channels to operate in Kosovo – Koha Vision and RTV 21 – but their broadcasting started nine months after RTK went on air. In the case of Kosovo (different from Bosnia and Herzegovina), the OSCE Mission sought to postpone for as long as possible the introduction of commercial broadcasting in order to allow RTK to gain the upper hand in the media market, justified by the OSCE based on the concerns that introducing commercial broadcasters too soon posed the risk that the channels could be used by their owners for political purposes (ahead of the first democratic elections in Kosovo) and could thus disrupt the fragile peace in Kosovo. The US based International Research and Exchange Board (IREX) Office in Kosovo, which was the principal donor and had helped set up the two commercial broadcasters KTV and RTV 21, was interested in seeing the commercial media thrive in the post-conflict Kosovo and tended to downplay such fears. This created a rift between the OSCE and IREX about the best way forward for the media sector development in Kosovo and the rift was also reflected in the un-principled competition between RTK and commercial broadcasters, which still goes on.

<sup>56</sup> According to the input provided by RTK’s Director General, in later years some of the former employees of the state broadcaster were re-hired on a case by case basis or have had family members (sons and daughters) hired to work for the broadcaster in what amounts to a preferential status given to the former RTP employees. However, the former RTP staffers were not able to collectively return to work at RTK.

<sup>57</sup> Agim Zatriqi was the director of RTP in the late 1970s and early 1980s. He was then put in charge of RTK in 2001 and remained in the position until 2009 when he resigned from the position of director general of RTK.

In a nutshell, the post-conflict emergence of RTK reflects the three orientations – idealistic (UNMIK’s expectations when it embarked on setting up the medium), mimetic and atavistic – played out in this case. Regarded as a reformed ex-communist, once he took over, Zatriqi became the embodiment of the mimetic and atavistic approaches, walking hand-in-hand with the management of RTK and in the ways that RTK operated, that is, rhetorically promoting RTK as an independent service, but otherwise remaining subordinate to power, as the broadcaster traditionally was during communism. As noted by Krenar Gashi, one of the interlocutors in this research:

“Zatriqi was seen as the ideal candidate for the position as he was the embodiment of the manager who told the internationals what internationals preferred to hear and acted locally in the traditional method! (i.e. atavistic model).<sup>58</sup>”

In 2001, UNMIK Broadcasting Regulation 2001/13 formally established RTK as an independent public service broadcaster with a Board of Directors made up of local staff. The decision formally ended the EBU’s mandate in setting up the RTK. At that point, RTK engaged the retiring international Director General, Richard Lucas, (a former BBC manager) for another six months as an advisor to the new Director General. RTK received a one-year bridging fund from the Kosovo Budget, pending the introduction of a license fee in 2003. Further on UNMIK signed the Directive on the implementation of the license fee, thus enabling the RTK to launch its 24 hour programming scheme.<sup>59</sup>

In the wake of the March 2004 riots in Kosovo,<sup>60</sup> international consultants were imposed back at RTK and until 2006 RTK had various direct monitors from OSCE or international consultants who advised RTK on editorial issues. When the last international consultant left in the spring of 2006, RTK refused to accept a successor OSCE monitor, claiming its decision-making independence. Nonetheless, two international members continued to sit on the RTK Board even after 2006.<sup>61</sup>

As a result of the uneven transformation of the RTK, which includes discontinuity with the previous broadcaster, the issue of the use of facilities has remained a challenge. Based on a Kosovo Privatization Agency (AKP) eviction

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<sup>58</sup> Krenar Gashi, Media Researcher, Centre for European Studies, Ghent University, Skype interview with the author, September 9, 2015.

<sup>59</sup> Sullivan, “Restructuring the Media in Post-Conflict Societies”.

<sup>60</sup> The professionalism of the RTK was challenged as a result of its reckless reporting on a tragic event in Mitrovica after two Albanian boys accidentally drowned in a river and the ensuing inter-ethnic violence which spread across Kosovo left 19 dead, close to 1,000 wounded and thousands displaced. See: Miklós Haraszti, *The Role of the Media in the March 2004 Events in Kosovo: Report* (Vienna: Organization for Security and Cooperation in Europe, 2004).

<sup>61</sup> Miftari, “Starting from Scratch”.

order, the facilities and the assets of the now-defunct Radio Television of Pristina (RTP) were illegally occupied by the RTK since 1999 and will have to be handed over to the original owner, that is, the former state broadcaster Radio Television of Pristina or its successors.<sup>62</sup> The Privatization Agency has ordered the RTK to pay back the rent for illegally occupying the facilities and using RTP assets since 1999. The issue of succession remains yet to be solved. The amended Law on RTK 2012 has taken into account certain recommendations from the EU which concerned succession rights of RTK as well as a host of other aspects such as PSB remit, RTK funding, digitalisation process and harmonisation with AVSM directive and other aspects of *aquis communautaire*. The problem, however, remains the non-implementation or better said the selective and politically opportune implementation of the Law on RTK which leaves the issue of succession also pending.

Regarding its programming, RTK now operates with four television channels, including the Serbian-language RTK 2, which was launched in 2013 and has been proactively promoted by RTK. However, RTK 2 is only available via cable and does not reach all of the Kosovo Serb population, especially in the north of Kosovo. Since, the IMC has not imposed its 'must carry clause' for public broadcasters throughout Kosovo, RTK has no terrestrial signal in northern Kosovo. RTK 2 started working in 2013 and now has a staff of about 90, most of them local Kosovo Serbs, with 47 working full-time. Initially it began with funds allocated to it from RTK's main budget line and an additional equipment grant of € 200,000 provided by the Kosovo Government. It produces an average of 10 hours a day of programming. It has six operational units in the field producing informative programme with a focus on Kosovo and regional politics, documentary programmes and entertainment programming tailored to the needs of minority communities.

Meanwhile, representatives of the Serb community media outside RTK continue to push forward with calls to establish a public broadcasting channel, physically separate from RTK with a seat in Gracanica, just outside Pristina. The matter is contentious and is of a political nature, given that separate studios for the public broadcaster would create potential for challenging the unitary nature of the Republic of Kosovo and prevent closer cooperation between the media workers of different ethnic groups. One of the interlocutors for this research, Anamari Repic,<sup>63</sup> believes that the reasons for not having RTK2 in Northern Kosovo via terrestrial network might be political, assuming that Serbs in the area do not want to be exposed to the news coming from Pristina. She also notes that the motives might be economical as well, given that the local Serb media in the northern part of Kosovo (TV Most, TV Mir, Nezavisna TV Mreza) do not want

<sup>62</sup> Erjonë Popova and Përparim Isufi, "Kosovo Broadcaster Faces Threat of Eviction", Balkan Investigative Reporting Network, May 25, 2016.

<sup>63</sup> Anamari Repic, Radio Television of Kosovo Channel 2, Facebook Interview with the author, November 19, 2015.

competition from a public broadcaster such as RTK. Ms. Repic believes that digitalization will help overcome some of those challenges. Regardless of the challenges that emerge at a political level, Repic notes that the staff of RTK2 channel operate in a smooth manner in Pristina, its journalists host guests from all communities; cooperate, exchange materials and make efficient use of common services with their Albanian colleagues and so on. She notes that RTK2 was not created to close down existing Serb media, but rather to enable Serbs to have their own access to the public broadcaster, not an ethnically divided one, but rather in interaction with Albanians and other communities in Kosovo. Repic believes that going forward the dwindling advertising revenues and the weakened media market in the areas inhabited by the Serb community around Kosovo will press RTK2 to involve Serbian community media and independent productions in content production and material exchange with RTK.

## 4.2 Regulation of PSB

RTK operates based on the Law on RTK (2012) as well as in line with RTK's Statute and Professional Standards and Ethical Principles of Journalism.<sup>64</sup> Externally, there are 17 other laws RTK is formally obliged to abide by.<sup>65</sup> Additionally, internal operation of RTK is determined by a set of 8 regulations, sub-legal acts and by-laws. This includes the IMC's Broadcasting Policy, the Code of Conduct for the Broadcast Media, the Advertising Guidelines, the Regulation on Protection of Minors, and the IMC's Regulation 2014/03 on the level and manner of payment of the license tax.<sup>66</sup> However given that IMC cannot revoke the RTK license, its power over RTK is curtailed as RTK often owes IMC in back payments for the license fee. IMC is careful to avoid taking measures against RTK in cases where the broadcaster exceeds its advertising quota or has otherwise been in breach of the levels of the advertising cap. In such circumstances IMC has limited itself to issuing verbal notes and warnings to RTK but has fallen short of initiating sanctions. Ultimately, there are 16 house rules and sub-legal acts that regulate the internal functioning of RTK, including the Regulation on Internal Organization, on Rights and Responsibilities, Regulation on Preventing Conflict of Interest etc.

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<sup>64</sup> The list of laws, documents and relevant policies that guide the operation of RTK are highlighted in the RTK Annual Report 2015. Radio Television of Kosovo, Raport Vjetor i Punës 2015 [Annual Report 2015] (Prishtina: Radio Television of Kosovo, 2015), pp. 6-8.

<sup>65</sup> Among others these include the Law on IMC (2012), the Penal Code of Kosovo, Law No. 02/L-065 on Libel and Slander, Law on Access to Official Documents No. 04/L-065 and Law on the Protection of Journalist Sources No. 04/L-137 and so on. Article 7, paragraph 4 of the Law on RTK stipulates that RTK shall perform its broadcasting activities, work in complete accordance with applicable laws in Kosovo and with all rules, regulations and IMC provisions, including the Law on IMC and IMC strategies for digitalization.

<sup>66</sup> "Law No. 04/L-046 on Radio Television of Kosovo", *Official Gazette of the Republic of Kosova* 7/12.



The RTK Law (2012), the main legislation regulating the status and operation of RTK, recognizes RTK as the public broadcaster of Kosovo, a legal non-profit entity with the status of an independent public institution of particular importance. It recognizes the Kosovo Assembly as its founder and stipulates that the Kosovo Assembly must ensure RTK's institutional autonomy, as well as adequate financing for the execution of RTK's public service mission. The Law on RTK stipulates that RTK's mission is informative, educative, cultural and entertaining.<sup>67</sup> Article 7 of the Law, which stipulates the obligations of RTK regarding content, channels and services, notes that promoting a culture of civic dialogue and providing a wide arena for public discussion, realization of the constitutional rights of the Serb community and other national communities regarding the provision of public information and distribution of the content offered by RTK among others are some of the main duties that the broadcaster needs to fulfill.

In total, the broadcaster has 872 employees, 698 as permanent staff and 234 under contract.<sup>68</sup> The main governing bodies of the RTK are the RTK Board and General Director.<sup>69</sup> The Board of RTK is comprised of 11 members and on a formal level it is the main decision making authority of RTK. Based on Article 26 of the RTK Law 2012 the Board members are appointed by the Kosovo Assembly. Given that the mandate of the chair of the Board and of members varies and lasts between 2 to 4 years, the selection process for board members is carried out at different points in time and practically board members get selected every year. Procedurally, RTK announces the bid for new Board members 90 days prior to the expiry of the mandate of old Board members. Upon the review of all candidatures, within 30 days the Ad Hoc Committee of the Assembly recommends to the Kosovo Assembly two candidates for each Board position. The two candidates are then voted on in a future session of the Assembly on the first past the post principle.

RTK is additionally organized based on its Internal Organization Document that sets out the levels of management within RTK. In a nutshell, it is a top down hierarchical structure where the Board of RTK is the main decision making authority. In practice however, the RTK Board often gets sidelined by the RTK Director General who usually engages in direct communication with the Kosovo Assembly, bypassing the competences of the RTK Board, as the sole formal authority to engage in direct communication with the Kosovo Assembly.

The General Director, in accordance with RTK Law 2012, the Regulation on Internal Organization and other bylaws, organizes and manages the working process and operations within the RTK. The Director is formally accountable

<sup>67</sup> *Ibid.*

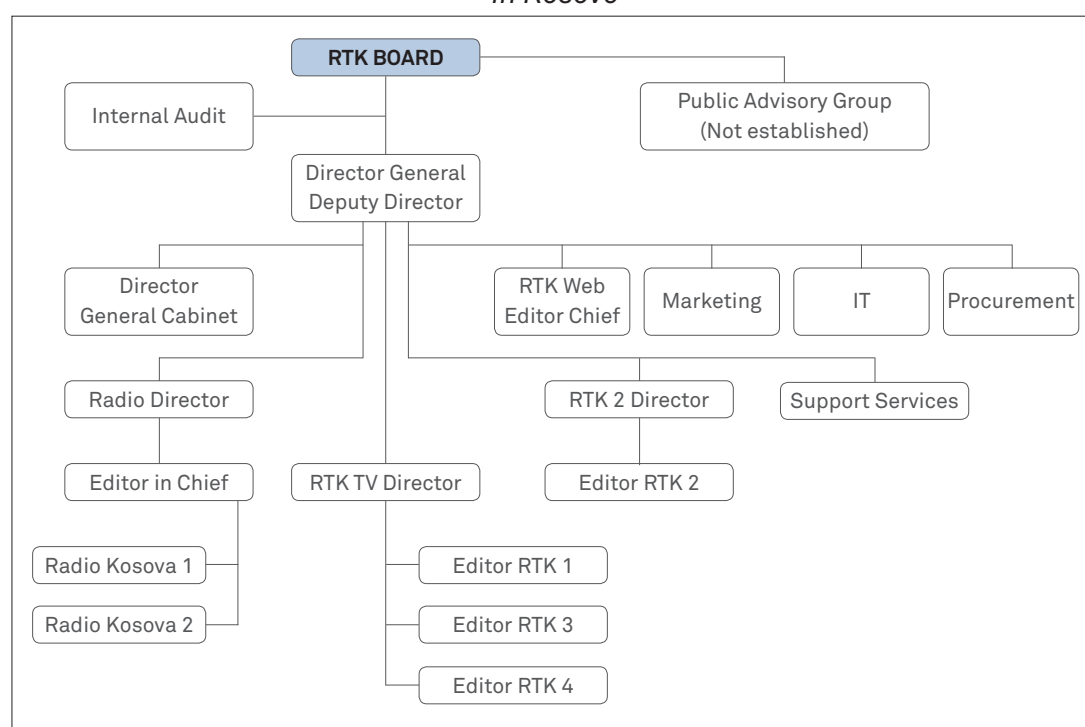
<sup>68</sup> Committee for Public Services, Local Administration and Media, Procesverbal nga Komisioni për Administratë Publike, Qeverisje Lokale dhe Media, Mbledhja No. 6 [Transcript from the 6th meeting of the Committee for Public Administration, Local Government and Media, Collection 06] (Prishtinë: Committee for Public Services, Local Administration and Media, February 18, 2015).

<sup>69</sup> "Law No. 04/L-046 on Radio Television of Kosovo", Article 24.

to the Board, issuing reports once a month to the Board. The Board has the competencies to appoint and/or dismiss the Director General of RTK based on Article 29, paragraph 2.6 and Article 33 of the Law on RTK stipulates that the Director General is appointed by 2/3 of the votes of the whole Board, with a mandate of 3 years and the possibility to be re-elected for another mandate. However, if on a formal level the RTK Board is the main decision-making authority, in practice, the Board remains somewhat sub-ordinate to the RTK management.

Between the Director General and the RTK Board stands RTK's Internal Auditor. The Director General maintains the key responsibilities in regard to the overall programming and managerial issues related to the operation of the public broadcaster. The Director General is also the principal liaison between the RTK management and the Board of RTK. It is important to highlight that the Director General operates with a Cabinet, which consists of numerous associates and advisors including the Internal Revision Representative, Manager for International Affairs, Manager for Projects and Developments, Manager for Archives, the Head of the Procurement Unit of the RTK and the Editor of the RTK Web. Based on RTK's Internal Regulation the Director General can appoint additional members to this cabinet on an as-needed basis.

*Figure 1: Simplified organizational scheme of the Public Service Broadcasting in Kosovo*



Source: Illustration of the Internal Organizational Structure of the RTK based on RTK's general organizational scheme



In terms of editorial independence, Article 18, paragraph 3 states that “RTK shall lead, develop and cultivate editorial policy with sound, positive, impartial, creative perspective, and civilizing, professional and humane content.” In 2015 RTK re-introduced its in-house code of professional standards and ethical principles to guide the work of RTK journalists and editors. Introduced originally in 2005<sup>70</sup> the code was disregarded and lacked important clauses that would have made it functionally applicable.<sup>71</sup> It remains to be seen whether its re-introduction will positively influence RTK’s functioning in the future.

The decline of RTK’s editorial independence has been gradual and steady. Following the amendments in the RTK law (2006), RTK entered its “hard times”<sup>72</sup> and the risk of compromising its independence grew real. Particularly, Articles 14 and 19,<sup>73</sup> and the changes that ensued in the legislation after Kosovo’s independence, further cemented the road for legitimizing the formal political influence over RTK. Article 20 of the RTK Law 2006 opened the door for contesting the license fee for RTK. In late 2007, a grand coalition between the two main parties (LDK and PDK) had been formed. The new government coincided with the declaration of Kosovo’s independence in February 2008 and changes were proposed in the Kosovo Constitution to reflect the new realities and to remove references to UNMIK. Thus the relevant laws, including the 2005 Law on Independent Media Commission<sup>74</sup> (IMC) and the 2006 Law on RTK<sup>75</sup> were proposed for amendments. Their review began immediately but the changes were left pending for more than three years. However, the coalition government broke up in its third year and an extra-ordinary election was called, leaving the work on amendments pending. The extra-ordinary elections held in 2010 produced a new coalition government and when the modified Law on RTK came up for voting in 2012 it again received the votes of the new governing coalition but not the votes

<sup>70</sup> Radio Television of Kosovo, *Standardet Profesionale dhe Parimet Etike të Gazetarisë në Programin e Radiotelevizionit të Kosovës* [Professional Standards and Ethical Principles in the Programming of the RTK] (Prishtina: RTK, January 2005).

<sup>71</sup> Kosovar Institute for Policy and Research Development (KIPRED), *Monitorimi i Programit Informativ të Radio Televizionit të Kosovës* [Monitoring of the Informative Program of RTK] (Pristina: KIPRED, January, 2011). The report found out that out of 1,444 news items broadcasted over four months - April 15 through July 15, 2010 in 21 percent of the total news items there were breaches of the Code of Conduct of RTK. In a follow up analysis that KIPRED performed later that year it found out that a similar approach to reporting the news in a biased manner and disregard for the Code has persisted. See: Kosovar Institute for Policy Research and Development (KIPRED), *RTK Challenge* (Pristina: Kosovar Institute for Policy Research and Development, December 2011).

<sup>72</sup> Artan Mustafa, “Re të zeza mbi RTK-në” [Dark Clouds over RTK], *Gazeta Express*, April 18, 2006.

<sup>73</sup> “Law No. 02/L-47 on Radio Television of Kosovo”, 2006.

<sup>74</sup> “Law No. 02/L-15 for the Independent Media Commission and Broadcasting”, 2005.

<sup>75</sup> “Law No. 02/L-47 on Radio Television of Kosovo”, 2006.

of the opposition.<sup>76</sup> (RTK Law was voted with 42 votes in favor, 36 against and 4 abstaining.)

Preventing political influence in the appointment of board members remains a problem. The process of nomination of RTK Board members as stipulated in the Law on RTK (2012) is done within the Assembly, and political affiliation and loyalty to political parties are taken into account more than professionalism for the selection. Attention has been drawn to the issue of politically influenced board appointments in the European Commission's annual progress reports on Kosovo for the past three years (2013, 2014 and 2015). However, given the current political set-up it is unlikely that this situation will change, unless the law is amended to provide for introduction of a more depoliticised board and RTK management in the foreseeable future.

The latest developments around RTK in 2015 continued to reflect the same signs of politicians' disregard for the editorial independence of RTK and their continuous attempts to politically influence the public broadcaster. When new board members of RTK were up for election in 2015 the members of the Assembly disregarded some of the more qualified candidates and voted for others with stronger ties to the leading political parties. This despite a letter from the head of the OSCE addressed to the Speaker of the Assembly, to take into consideration the concerns of civil society and other institutional stakeholders upon deciding on board member candidatures and to strive to bring in a more apolitical board.<sup>77</sup>

## 4.3 Financial Aspects of PSB

The primary source of RTK funding is the state budget. Based on the RTK Law (2012), apart from the Assembly funding, RTK can be funded through the license fee, self-funding and through its economic activity, as well as through other sources of revenue including contracts with third parties, other program services, sponsorships and donations and in house production and sale of programs. When the Law was approved it contained provisions that the Assembly would allocate 0.7% of the Kosovo Budget for the next three years to finance the RTK. It noted that the Assembly had one year from the date of the publication in the Official Gazette of Republic of the Law on RTK (April 27, 2012) to find a solution for the long-term funding. However, as noted in the most recent Progress Report (2015) Kosovo has failed to meet its legal obligation to ensure RTK's financial independence within the required timeframe. The license fee could be introduced in 2018. Nonetheless, RTK will still remain partially dependent on state budget.

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<sup>76</sup> Opozita braktis seancën, shkaku i projektligjit për RTK-ne, [Opposition Departs the Plenary Session in Protest over the Draft-law on RTK], March 29, 2012.

<sup>77</sup> A copy of the correspondence from the OSCE head of Mission in Kosovo sent to the Speaker of Kosovo Assembly 2015.

Between 2002-07 prior to falling under Assembly control, RTK strived to achieve financial independence from the Kosovo budget, considering its dependence on the license fee as the most acceptable approach.<sup>78</sup> If we look at the numbers, the license fee collected via Kosovo Electric Corporation (KEK) ensured RTKs sustainability during 2005-2009.

Table 4: RTK annual income: 2001-14

Year	Donors	License fee	Marketing	Kosovo Budget	Other Sources	Total
2001	8,294,473	0	2,569,975	0	1,074,040	11,938,488
2002	4,827,398	0	n/a	0	4,813,870	9,641,268
2003	750,000	1,929,140	1,311,275	2,000,000	937,578	6,927,993
2004	0	4,800,000	1,387,969	1,000,000	713,625	7,901,594
2005	63,300	5,160,000	801,309	600,000	728,450	7,353,060
2006	0	7,080,000	1,432,654	0	325,334	8,837,988
2007	0	7,991,363	1,526,519	0	294,400	9,812,282
2008	0	8,652,000	1,493,000	0	244,000	10,389,000
2009	0	7,080,276	2,540,445	0	107,345	9,785,042
2010	0	0	1,733,817	10,464,000	107,345	12,305,162
2011	0	0	1,474,000	7,900,000	212,000	9,586,000
2012	0	0	1,900,000	8,900,000	0	10,800,000
2013	0	0	2,100,000	9,700,000	0	11,800,000
2014	0	0	2,072,000	9,348,000	256,000	11,676,000
2015	0	0	2,221,000	9,769,000	279,000	12,269,000

Source: RTK Annual and Audit Reports 2001-2015.<sup>79</sup>

However, the arrangement with KEK did not leave much space for political interference on RTK. Therefore, a year before its expiry KEK decided to unilaterally terminate the contract with the RTK claiming that it was suffering losses.<sup>80</sup> Next, the Constitutional Court of Kosovo suspended the RTK license fee, considering its collection unconstitutional.<sup>81</sup> The then RTK management saw this development as a political effort to interfere with RTK ahead of the elections scheduled for

<sup>78</sup> Radio Television of Kosovo, Raport Vjetor për vitin 2005 [RTK Annual Report 2005], (Pristina: Radio Television of Kosovo, 2006), p. 5.

<sup>79</sup> Main sources of revenues for RTK 2001-2015 – amounts listed in Deutschmarks for 2001 and in Euro (€) for other years. Revenues from marketing in 2002 listed under Other Sources.

<sup>80</sup> Institute for Advanced Studies (GAP), *RTK's Financial Sustainability: Finding Alternatives to Public Broadcaster Financing*, GAP Policy Brief, October 12, 2011. The Court required from the Assembly to review Article 20.1. of the RTK Law (2006) by Dec 1, 2009. On June 14, 2010 the Court reiterated the temporary measure until January 1, 2011. The case is still open. See: Miftari, "Starting from Scratch".

<sup>81</sup> Decision of the Constitutional Court on the temporary measure Case KI 11/09, Tomë Krasniqi vs. RTK et al. available online at: <http://www.gjk-ks.org/?cid=2,57> (Accessed on April 23, 2017).

2007.<sup>82</sup> RTK also cited UNMIK's lack of support to the collection of the license fee, despite the recommendations of the EBU.<sup>83</sup> After KEK terminated the contract, allowing RTK six months to find an alternative solution, the Kosovo Assembly dragged the matter further and failed to adopt a new law on RTK, while the suspension remained in effect. In the absence of a solution, in 2010, RTK moved from a situation in which it was securing 85% of its income from the license fee and the rest from the advertising, to become fully dependent on the Kosovo state budget. Two months ahead of the termination of the contract with KEK, amid alleged political pressure, its general director Agim Zatriqi resigned.<sup>84</sup>

Surprisingly, there was neither much contestation from the public, nor comprehensive debates about the RTK's falling under the Assembly control once the collection of licence fee was suspended. Given that Kosovo in 2006 was still a society in the initial democratisation stages and neither the sense of checks and balances nor the sense of a public broadcaster as a common public good were much ingrained in the collective understanding of the Kosovo public, placing RTK under political control happened without great resistance. Furthermore, the competing national commercial broadcasters, eager to see the competition from RTK curtailed, had also under-reported the implications of this handover.

In the words of Astrit Salihu, the fate of the RTK was not so much determined by the political formations in Kosovo. It was rather determined by the internal media struggles led principally by the national commercial broadcaster seeking to deprive RTK from either the right to a license fee or from access to advertising revenues. He recalls that negative campaigns were carried by the commercial broadcasters – KTV and RTV21 – in response to RTK's awareness campaign to introduce the licence fee back in the early 2000s. Thus, he notes that the concern that RTK is under government control now is beside the point, because Kosovo citizens collectively fell into the trap that sought to strip the RTK from the licence fee and place it under government control, years ago, back in 2009.

Setting a cap on the advertising revenues for RTK is a debate that has persisted for years, in particular with regard to the status of RTK vis-à-vis the national commercial broadcasters. RTK has access to multiple sources of revenue, including advertising, and for many years the debate was marked by efforts of the two commercial stations to put a cap on RTK's right to access advertising revenues. This dimension of regulation of RTK has somewhat ceased to be a focus ever since the Law on RTK was amended and approved in the Assembly in 2012. On its part, RTK has steadily decreased its reliance on advertising revenues to

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<sup>82</sup> RTK Annual Report 2007: The RTK annual report cited a Government spokesperson's remarks that "the re-introduction of the contract with RTK can be done if RTK changed its editorial policy towards the Government" as a signal that politics was behind the termination of contract.

<sup>83</sup> Radio Television of Kosovo, Raport Vjetor për vitin 2007 [RTK Annual report 2007] (Prishtina: Radio Television of Kosovo, 2008), p. 7.

<sup>84</sup> KIPRED, Monitoring of the Informative Program of RTK.

around 10-15 percent, to meet the conditions set forth by the Independent Media Commission (IMC). However, issues such as the continued lack of transparency of RTK, in particular with regard to the use of public funds to purchase programming or services from independent productions or sources regarded as being close to or dubbed as the clientele of RTK, are often raised.

RTK has traditionally had issues with providing timely updates on how much it earned and where it spent the funds.<sup>85</sup> Interviewed for this research, Agron Demi also raised the point about RTK management having spent more funds for salaries and compensations to board members and managers than was planned in the budget in 2015 and noted that the failure of the Board to prevent over-spending has put the Board in breach of the Law on RTK Article 29, paragraph 2.9. The article stipulates that one of the responsibilities of the RTK Board is to ensure that the annual budget is planned accordingly and the PSB does not end up spending more resources than it has allocated on an annual basis.

RTK management has failed to develop a functional mechanism to replace the budget funding. In 2012, when the Law on RTK was approved, the Kosovo Assembly was obliged to offer a commitment to finance the PSB for three years through the Kosovo budget until the solution for an alternative source of funding could be found. However, the funding was conditional upon RTK finding an alternative source through which to collect the license fee six months after the Law on RTK went into effect in 2012. Such a solution has not been found. The RTK Board in coordination with the Assembly Commission on the Media has analyzed the options for sustainable and long-term funding of the RTK. The Board has pushed forward three options – one of them to be introduced after May 2015.

- Option#1. Direct financing from the Kosovo annual Budget (1.2 percent of the total)
- Option#2: Return to the funding from license fee through the electricity bills.
- Option#3: Funding through excise tax or the so called *Sin Tax*, which is levied from products that are considered harmful to health (tobacco, oil, alcohol).

As of recently, a compromise solution seems to have emerged where RTK will begin to be funded through the license fee in 2018 and will continue to be funded through the Kosovo budget in the amount of 0.4 percent of the total budget instead of 0.7 as it has been the case in recent years.

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<sup>85</sup> Cees Van Zweeken, "The State of the Media in Kosovo", *Helsinki Monitor: Security and Human Rights* 18, no. 2 (2007), pp. 138-149.

## 4.4 Technological Aspects: Digitalization, New Media and Convergence

Kosovo is still in the infant stages of the process of transition from analogue to digital transmission. Kosovo authorities were not able to meet the deadline of June 2015 as set forth by the International Telecommunications Union (ITU).<sup>86</sup> The reasons for this stem in part from the political challenges that the process entails but also from the fact that digitalization in the case of Kosovo has cross-border implications with Serbia, given that Belgrade does not recognize Kosovo's statehood. Since Kosovo is not recognized universally as a state by the UN General Assembly either, it could not take part as a recognized state in the ITU conference in Geneva. As it is noted in the EU's 2015 Progress Report on Kosovo, the state failed to meet the 2015 deadline, and IMC was late in adopting a strategy for digitalisation which left the technical preparations for digital switchover and other important issues related to the process, undefined. It further warned that Kosovo needs to ensure that the digital switchover process is carried out in full transparency.<sup>87</sup>

Kosovo's Independent Media Commission (IMC) was given the mandate to draft a strategy for the transfer to Digital Broadcasting in the territory of Kosovo.<sup>88</sup> Despite considerable delays and mistakes in the process, IMC has managed to put forward a strategy.<sup>89</sup> The strategy contains the main parameters regarding how the process should be carried out, but the Kosovo government has not reviewed it yet. Therefore, the Law on Digitalization was approved before the digitalization strategy, despite the former having been in the making years ago. Also the objectives and competencies were mixed as the IMC is mandated to carry out the process of digitalization while the Regulatory Authority of Frequencies (ARKEP) is in charge of monitoring the technical aspect of the process. Certain provisions in the Law require the introduction of by-laws by the IMC in order to initiate the process. These in turn, are prescribed in the digitalization strategy, which has not yet been approved. Therefore, the application of the by-laws and consequently the application of the Law on Digitalization itself will have to wait for approval of the digitalization strategy.

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<sup>86</sup> In the ITU International Symposium on the Digital Switchover that was held in Geneva in 2006 (GE-06), June 2015 was set as the deadline for the transition to digital platform.

<sup>87</sup> European Commission, Kosovo 2015 Progress Report.

<sup>88</sup> The Law on IMC No. 04 / L-44, Article 3, section 1.1 stipulates that the IMC will be the institution mandated to carry out the strategy of digitalization.

<sup>89</sup> Initially, the Digitalization Strategy was drafted and submitted in 2012 for approval to Kosovo's government from a departing IMC Board without passing public discussion. As such, the strategy was considered in breach of the IMC Law and was returned to the IMC for further revision and completion. Likewise, a number of clauses in the law put forward by the Ministry of Economic Development were in breach and in contradiction of the Kosovo Constitution and were also removed when the Law was approved.



The Law on Digitalization was approved and promulgated in August 2015.<sup>90</sup> Article 13 of the Law entails that the public broadcaster is awarded the right for a multiplex with coverage of the entire territory of Kosovo, without conducting a public call procedure. It further stipulates that the public broadcaster shall use the multiplex for its channels, and for other non-commercial channels under conditions approved by the IMC. The Law nonetheless was approved before the Strategy of Digitalization, which has been designed by the IMC, and as such it cannot be implemented. In the absence of an approved Strategy there remain questions regarding who will bear the cost of the switchover from analogue to digital and what the time-frame for the process will be. In the Strategy for Digitalization which was put forward by the IMC it is noted that the Kosovo Assembly should bear the costs, says Ardita Zejnullahu.<sup>91</sup> But it is not clear how this will be accomplished given that the 2016 budget has not offered clear provisions for the digitalization strategy.

The delays in the process leave the work of RTK towards digitalization pending. At its end, the RTK management believes that it will be able to manage the switchover at a low cost, so long as it can reach quality agreements with Post and Telecom Kosovo (PTK) – the largest public communications entity to use its network – which covers 95 percent of Kosovo's territory for its digital signal. In turn, based on the plans of RTK's general director, PTK will be enabled to introduce one or two channels into the multiplex, as it sees fit.

In the context of the digital broadcasting needs, Kosovo became engaged in the process of digitalization with ITU while making use of the allotment 7 assigned formally to Serbia but falling within Kosovo's territory. However, given that allotment 7 actually covers only 52% of Kosovo's territory and the remaining territory is assigned to allotments 5 and 8 in Serbia (respectively Kopaonik/Jastrebac and Besna/Kobila), the IMC introduced a modified plan to ensure that the re-positioning of assignments within allotment 7 would enhance the coverage to about 95% of Kosovo's territory. In 2009 the IMC prepared a project to precede the process of transition to digital television broadcasting technology called Kosovo's Alternative Techniques for Digital Frequency plan under ITU standards and has inserted the recommendations in its strategy.<sup>92</sup>

The revised digitalization strategy, pushed forward by the new IMC Board, contains guidelines on the stages of digitalization, as well as an action plan for the implementation of the strategy in one step, without division into regions. The proposed format for compression and broadcast in the digitalization strategy put

<sup>90</sup> "Law No. 05/L-027 on Digitalization of Terrestrial Broadcasting", *Official Gazette of the Republic of Kosovo* 26/15.

<sup>91</sup> Ardita Zejnullahu, executive director AMPEK, Skype interview with the author, September 11, 2015.

<sup>92</sup> Emil Blakaj and Elton Poga, Report on the Technical Analysis of the Numerical Plan Approved for Kosovo in Geneva Conference 2006: New Proposed Plan, Notification Methods and Recognition of the New Plan as well as References for the Strategy Document on the Development of the Radio and Television Sector in Kosovo, September 2009.

forward by the IMC Board is DVB-T2 with MPEG4, version 10, with H265 HEVC (High Efficiency Video Coding) promoted as its option. The IMC Board has also proposed an estimated budget of € 20-25 million for financing the transition from analogue to digital in the first stage, when the first multiplex (MUX) 1 is expected to become operational. It highlights that RTK is entitled to one MUX but it does not offer a clear timetable on when this might happen and how it will be technically realized. The revised strategy also offers some direction regarding the future concession of multiplexes, network technology, and the compression system most appropriate to be used, but doesn't offer guidelines, for example, on how the operators at different levels will be categorized given that in the terrestrial network there are local, regional, and national broadcasters and the digitalization would transcend their geographical boundaries. The Law on Digitalization has addressed some of those challenges but IMC will have to address the matters in its bylaws.

Interlocutors believe that the missed deadline will be met at a later point. Ms. Ardita Zejnullahu from the Association of Independent Electronic Media of Kosovo (AMPEK), believes that the digitalization process – having missed the 2015 deadline – will hopefully be accomplished in 2017. She notes that much could have been accomplished in the years ahead through international aid or long-term loans from the European Bank for digital transition were it not for the sluggishness of the IMC and of the politics interfering in the process. Other interlocutors also blamed the IMC and politicians for not being more proactive in this regard.

Interviewed for this research, the executive director of IMC, Naile Selimaj-Krasniqi, has noted that the process of convergence, restructuring and consequently overall digital production within the main newsrooms of the Kosovo broadcaster has been accomplished or is underway, including in some of the regional broadcasters. Yet the problem lies with the kick off of the digital broadcasting and with setting up of the digital network – matters that still remain to be determined in the legal framework.<sup>93</sup> Selimaj-Krasniqi believes that digitalisation will influence how traditional broadcasters operate and their survival in the digital context will not be ensured with inclusion solely of additional elements in their operations such as web-portals and social network pages, but that it will require much more.

At present there is not much debate on RTK's expansion in relation to the introduction of new media content, use of social media and websites and live streaming. Similarly there has been no debate so far to address the role of RTK or other commercial broadcasters in a multichannel environment. In 2015 RTK received fresh assistance from Japan's International Development Agency (JICA) in the amount of €1.2 million for a project that would see the internal digitalization of RTK's newsroom into an Integrated Media Service. It is expected that in 2016 RTK will have digitalized its Master Control Room, making RTK a leading broadcaster in

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<sup>93</sup> Naile Selimaj-Krasniqi, Executive Director of IMC, face to face interview with the author, December 9, 2015.



the implementation of advanced technologies in the region. To this end, since 2012, in its efforts to switch from analogue to digital technology, RTK has started using the File Based Production System or digital filing. The system has reduced the time needed for production, it has lowered the costs of production and offers a higher quality. The system also enables the the inter-connectedness between all four RTK channels in real-time and monitoring production in real-time, thus enabling the exchange of materials at a much faster pace.

In another related development in recent months RTK has taken steps toward upgrading its online presence and improving its online appeal. RTK has updated its web page and added new features in an effort to increase its appeal. A quick data comparison of the online presence of Western Balkans broadcasters shows that RTKlive.com is successful to a certain degree in retaining online audiences and in particular the audience in the diaspora. However, it remains puzzling whether it will manage to attract fresh audiences given the fragmented nature of the Kosovo public and the fact that RTK trails behind strong news portals in embracing new technologies.

The RTK 2015 annual report notes that its programs on Youtube have started to inject funding in the RTK budget. RTK programs, albeit selectively, are also well promoted on the RTK page on facebook which has close to 300,000 likes, almost an equal number to Serbia's RTS, the largest broadcaster in the region.<sup>94</sup> According to the 2015 annual report rtklive.com had between 76,400 and 142,350 visitors daily, considered a normal traffic flow in Kosovo's developing internet highway. The percentage of visitors from Kosovo is just above 40 percent, while 60 percent comes from the Albanian diaspora. RTKs youtube.com channel has 75,112 subscribers – which, based on some estimates, is the highest figure among all ten broadcasters from the region.<sup>95</sup>

Although the public and commercial broadcasters in Kosovo are already engaged in experimental digital broadcasting and production, there is a stated fear that the introduction of more advanced technology, such as 5G, in the near future, might make the costs towards the current digitalization process less worth it. So, the question that is raised is whether it is worth investing in digitalization at this point in time, in a place like Kosovo? It is considered an expensive process and neither the IMC nor the government, have taken the necessary steps to receive donor funding towards accomplishing such a goal. When taken into account that cable broadcasting has also seen a surge in Kosovo, due in particular to the fact that cable operators offer bundle services (internet & cable access) at a low cost compared to the costs that access to multiplex channel and digital broadcasting would entail, digitalization further losses its appeal. Therefore, no wonder, some of the media managers in Kosovo see continued cable broadcasting and maintaining the analog program as a viable alternative to a terrestrial digital network.

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<sup>94</sup> RTK's Official Facebook page <https://www.facebook.com/rtklivecom/> (Accessed on April 23, 2017).

<sup>95</sup> RTK's Official Youtube channel <https://www.youtube.com/user/rtkstream> (Accessed on April 23, 2017).

## 5.

# Discussion

As Kosovo is still in the process of inner consolidation and facing challenges to accommodate its ethnic Serb minority within its institutional umbrella, the role of RTK remains important. The funding sources, governance, the formula of the selection of the RTK board and management, accountability and responsibility, the scope and utility of audits etc., are all part of the debate related to the present and future of PSB in Kosovo. Yet there seem to be neither political willingness, nor genuine public interest to address all those important RTK challenges in a systematic manner. At the same time there is little debate on the role of PSB in a new digital and technological environment, redefinition of its remit, audit processes, three step tests and the possibility of revoking its license in the case of non-compliance, all matters of importance for a genuine public broadcaster.

The selective implementation of PSB related legislation makes RTK vulnerable to external pressures. Notwithstanding its shortcomings, it should be noted that the RTK law meets and reflects the necessary European standards and principles. However, legislation fails to take into account the socio-political context in Kosovo, thus leaving room for politics to determine the selection of management and board members as well as the timeframe regarding how funding is disbursed to the service. What we observe in the case of Kosovo is a continued selective appropriation and implementation of the principles and guidelines that drive the rationale behind public broadcasting or as argued in Zielonka and Mancini, an “opaque imitation of external models”. In the case of RTK legislation one sees a mixture of models from Western European countries that have yielded a hybrid-model of PSB. Here, we also observe the problem of floating laws and procedures as laws are adopted with limited parliamentary or public debate, with the end result being legal uncertainty and regulatory chaos, which can be observed in the relationship between the IMC and RTK on the extent of oversight, the uncertain financial position of RTK and the problem of succession, and the assertion of informal rules over formal ones, as is the case of the RTK management engaging in direct communication with the legislators instead of communicating with them through the Board of RTK as it should.

The selective appropriation of norms and principles is also witnessed in regard to RTK's accountability. As argued in Brants (2003) accountability comes in different forms and guises and can be measured either from a broad

or narrow perspective.<sup>96</sup> The formal grounds which stipulate the ways in which RTK will reflect its accountability are selectively appropriated and not followed through with due diligence. This is due to the fact that the annual reports of RTK – both the programming and financial reports – are first reviewed by the Assembly Committee on Media and then are forwarded to the plenary for debate and approval by the MPs in the Kosovo Assembly. The reports for the past two years have been turned down and returned to RTK with MPs seeking more answers from RTK regarding the funding and transparency. However, RTK, just like other independent institutions set up in the post-conflict Kosovo, is never held up fully to account when it comes to implementing the recommendations and re-submitting the refused incompliant reports. This is due to the fact that the recommendations given on the Kosovo Assembly floor are not recorded in a systematic manner. Furthermore, the lack of accountability also stems from the absence of legal obligations for public institutions regarding the re-submission of annual reports and the lack of sanctions in cases of their failure to comply.<sup>97</sup> More precisely, this happens because the suggestions offered from the EU, as the Law on RTK was being drafted in 2012, that a court of auditors shall perform the audit on RTK on a periodical basis, was interpreted by RTK as a right to hire private auditing companies on its own terms, rather than agree to be audited from the Office of the Auditor General (OAG). Despite the pressure from different parliamentary groups within the Kosovo Assembly for RTK to undergo auditing from the OAG, to date RTK has only agreed to a non-statutory audit, the recommendations of which it was not obliged to implement.<sup>98</sup>

From the legislative perspective it is obvious that the subjugation of RTK to political will has been gradual yet consistent. Research clearly indicates that the influence of local political elites in determining the fate of RTK through legislation became substantial after 2006. Having become more empowered in the process of institutional handover from UNMIK to Kosovo institutions, after 2006 local political elites were able to change and amend the legislation to meet their political needs and introduce greater control over RTK through legislation. This trend, which began with the second version of the RTK Law approved in 2006, was cemented in the amended Law on RTK in 2012. If we refer to Hallin and Mancini's (2004)<sup>99</sup> rationale, in the case of Kosovo, if there was a proportional representation model of control over the broadcaster before 2008, past that period we see more

<sup>96</sup> Brants, "Auditing Public Broadcasting Performance", pp. 5-10.

<sup>97</sup> Kosovo Democratic Institute, *Agjencitë e (Pa) Varura dhe Ndërmarrjet "Publike" në Kosovë* [In (dependent) Agencies and 'Public Enterprises' in Kosovo] (Pristina: Kosovo Democratic Institute, September, 2014).

<sup>98</sup> Office of the Auditor General, *Dizajni dhe Funksioni i Sistemit të Menaxhimit të Radio Televizionit të Kosovës* [Audit Report, Document No. 21.0; 23.1.9-2012/2014-08 Design and Functioning of the System of Management within RTK]. (Prishtinë/Pristina: Office of the Auditor General, Maj/May 2015).

<sup>99</sup> Daniel C. Hallin and Paolo Mancini, *Comparing Media Systems: Three Models of Media and Politics* (New York: Cambridge University Press, 2004), pp. 30-32.

resemblance to a government model of broadcasting reflecting politics-over-broadcasting (rather than the proportional representation model which entails the division of control over the public broadcaster among political parties). In this case, we see that the broadcaster is under the control of the political majority. Here, likewise, the directors of the public broadcaster are appointed by the Parliament, not directly by the government. However, in the end the outcome is that this gives the majority effective control over the broadcaster.

When it comes to RTK's management, from 2006 it was handed over to local staff, which combined various elements from different European models, but in practice demonstrates what Voltmer calls symptoms of a "hybrid model." It is neither a state broadcaster in the true sense, nor a public broadcaster as conventionally understood in its modern concept in consolidated democracies. Instead, RTK has remained a vulnerable service, shaped according to the short-term needs and interests and selective agendas of multiple stakeholders on the ground – first UNMIK and OSCE, later the Kosovo Assembly and Kosovo government and also by default, the political parties.

Interlocutors have drawn attention to the fact that the problem of RTK is also the lack of diligent managers. An EBU media advisor, Boris Bergant said that even "the most diligent (managers) are politically nominated and afraid to make problems with politics." For him, "the RTK management accepts the current system of funding and control because for them it is easier to be paid from the budget." Both the government and opposition, consider the current setting as a good instrument to influence RTK, and do nothing to change the situation. These reasons should urge various actors, including civil society and media, to overcome their narrow interest and push for a public service dependent on the public.<sup>100</sup>

Analysis shows that the process of appointments of the members of the RTK's managing body favors political affiliation and party loyalty rather than professionalism and expertise. The issue could have been avoided if the Law on RTK entailed board members to be elected by two-thirds of all members of the Kosovo Assembly or if more experts were to sit in the Assembly committee, with expert evaluations taking precedence over those of MPs. However, it appears that even the international actors, primarily the EU, were not essentially interested to solve the problem of selection since "the process was nominally in line with practices in other democratic countries."<sup>101</sup> As the internationals did not want to leave the potential for deadlocks in the Kosovo Assembly on issues that are seen as less relevant such as the independence of PSB, compared to much bigger concerns, such as the need to sustain the fragile political stability in Kosovo, such suggestions were dropped. It is unclear, given the current political set up in Kosovo, whether the amended RTK law will move in the future towards

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<sup>100</sup> Boris Bergant, EBU media advisor, Skype interview with the author, September 11, 2015.

<sup>101</sup> Krenar Gashi, Skype interview with the author, September 9, 2015.

a more civic/corporatist model of control over the broadcaster or return to the proportional model, given the strength of the current coalition government.

Regarding funding, since 2009, RTK has been dependent almost entirely on the state budget. The ad-hoc budget reflects the lack of a long-term strategy for the funding of RTK. The amount was committed with the understanding that the collection of the license fee would be re-introduced at some point before mid-2016.<sup>102</sup> Meanwhile, the license fee might be re-introduced in 2018, yet there appears to be little willingness among Kosovo legislators or RTK management to return to the license fee model. In a state where, during 2015, the government forfeited the accumulated unpaid utilities bills to the general public to avoid growing social tensions, it appears that the legislators are reluctant to impose additional levies on the public. The RTK Board and management likewise might feel uncertain about letting go of the state funding and returning instead to the “unpredictable” public funding. The current set up allows RTK to operate without much public scrutiny and accountability and also enables legislators an easy path to exercise greater political influence over RTK. Changing the existing set up will require a lot of goodwill from both sides – the politicians and the RTK management. And even then the end result might be some sort of compromise outcome.

The shift in RTK funding since 2009 has also influenced the programming, making the RTK employees prone to becoming politicized. Despite a persistent assumption about the inherent pro-government bias of RTK, its managers insist that while RTK strives to offer quantitatively equitable amount of time to all, it might not do its best in qualitative terms. Mentor Shala, director general of RTK, notes that in a number of cases RTK journalists have been issued warnings in the disciplinary commission based on the allegations that the journalists were in breach of the Standards and Principles of Professional Reporting of the RTK for bias in their reporting.<sup>103</sup> The issue however is whether RTK’s reporting can reach the point where it is considered unbiased in regard to different political options. In circumstances where many journalists and editors have their jobs in the RTK in part due to the connections with politicians, this seems unlikely. Furthermore, in the present political set-up in Kosovo, where commercial broadcasters have grown antagonist to the government agenda, RTK remains the sole medium through which the government can push forward its agenda and the greater push from governing political parties to accommodate their supporters in managerial and editorial positions within RTK becomes somewhat of a natural instinct.

The interlocutors interviewed for this research generally agree that the continued dependence on Kosovo budget funding leaves RTK vulnerable to political interference. This in turn increases the likelihood for compromising its editorial independence. The perception is best echoed in the words of Astrit

<sup>102</sup> “RTK-së i ndahen 4.8 milionë euro” [RTK Gets €4.8 Million], Koha.net, December 8, 2015.

<sup>103</sup> Mentor Shala, director general RTK, face to face interview with the author, November 13, 2015.

Salihu, a former deputy-director of RTK. He notes that, “With RTK dependent on the state budget there can be little discussion of editorial independence. We all know that RTK strives to maintain some independence but that is quite impossible.”<sup>104</sup> The view is shared by most of the interviewees, and to some degree by RTK managers who recognize the potential for political interference within the existing set-up, yet believe that the outcome is the lesser evil.<sup>105</sup>

Recent efforts from RTK to put energies towards upgrading its online presence and improving its online appeal reflect willingness on the side of the broadcaster to remain competitive with other commercial broadcasters in a multichannel environment.

However, so long as the central question of funding of its core traditional operations remains pending, it seems unlikely that RTK will direct energies towards further upgrading them or press the legislators harder to put more money into the process.

Given the circumstances in which RTK is today, interlocutors see three scenarios related to the future of RTK. The first, and more idealistic one, is that at some point a consensus will emerge within the political elite to understand that a depoliticized public service broadcaster is in everyone’s interest and a law which will provide *de facto* and *de jure* guarantees on RTK’s independence will be pushed forward with a depoliticized board and management and full accountability to the Kosovo public.

The second scenario is where RTK growingly takes on features of a state broadcaster common still in authoritarian or semi-authoritarian regimes. In such a scenario we could witness the agonizing death of RTK, meaning that the weak competition in the Kosovo media market ensures that RTK continues on the same path and remains dependent on state budget funding while continuing a more subtle degradation of its editorial independence, resulting in RTK losing influence, credibility and ratings, thus steadily terminating itself down the road.

The third, and more likely scenario, is that RTK remains a somewhat powerful medium, but still substantially dependent on state funding. Such a scenario entails that RTK continues to receive funding from the Kosovo Assembly without a defined timeframe or alternative funding method and continues to be used for short-term gains from politics. This means that for the foreseeable future it remains essentially non-accountable neither to the Kosovo public nor entirely to politics. Given that the proposals were pushed forward from the RTK management and the RTK board and the Kosovo Assembly is slow to act upon them, it appears that the political elite and the RTK management and board feel comfortable with the current set up and would feel most inclined to embrace this scenario. However, if the tables are turned and RTK moves towards the ideal scenario #

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<sup>104</sup> Astrit Salihu, former vice-director of RTK, face to face interview with the author, November 10, 2015.

<sup>105</sup> Mentor Shala, face to face interview with the author, November 13, 2015.



1, this will be a result of political goodwill and perhaps eventual strong pressure coming from the EU.

The path of development of RTK also leads us to conclude that the process of politicization of the state has positioned political parties as the principal actors in the process of politicization, and increasingly turned RTK into a political asset. This is understood both as a means to convey their messages and party platforms, but also as a place/organization where parties can appease or accommodate their supporters and membership (by giving them jobs in RTK). Being almost entirely vulnerable to political influence, RTK is unable and to a good degree even unwilling to exercise its political independence.



## 6.

# Conclusion

This paper explored whether the context in which Kosovo PSB is embedded provides a favorable environment for its future prospects and continued development and how it relates to the ongoing trends on the global and EU level affecting the development of PSB. It explored the main critical junctions/stages that the RTK has gone through in the process as a result of laws or media policies adopted over the years in Kosovo with the goal of regulating the role of the public broadcaster. The amended laws have curtailed its projected growth and also the potential of its editorial independence. The findings from this research indicate that the external players including UNMIK (via OSCE) and the EBU, were crucial in setting up and later consolidating the PSB in Kosovo, through the introduction of the license fee model for the RTK. Consequently, as Kosovo grew increasingly connected to the EU integration processes, the European Commission's Office in Kosovo became more assertive in pushing forward a legal framework for RTK to be in line with the EU standards and directives. In reality, EU standards were often taken into account, but their local implementation has yielded outcomes much different from what was intended by them.

A number of important findings have emerged from this research, confirming that PSB in Kosovo was more consolidated and public interest oriented ten years ago than it is now. Instead of being universally accepted as a true public service forum, the service lingers between a model of state broadcaster and a weak replication of a public media. Initially identified as a service of UNMIK, later on, upon the institutional handover (i.e. 'Kosovarisation' process) it started to be regarded as a government service and controlled by the governing political parties. The only period when it more resembled the public broadcaster model was between 2002-2007, prior to its subsequent institutional handover.

The research has helped re-emphasize that the issue of political interference in RTK has intensified following 'Kosovarization'. The move from securing its sustainability fully from the licence fee (85 percent) and advertising (15 percent) to being almost fully dependent on the state budget has made RTK more vulnerable to political influence. A closer examination of the conditions of RTK points to a number of challenges and barriers that stood on the path towards RTK's meaningful consolidation. The method of funding remains a key challenge. What RTK has now is not even a sustainable model of financing as the current set-up was meant to be only temporary. The politicization of the state has played against the greater independence of RTK and is reflected in the politicization

of management and board appointments, informality and floating laws that seriously inhibit the proper functioning of the service.

Debates on the future of PSB in Kosovo lack many dimensions of contemporary EU debate on PSB. While the public broadcasting debate in consolidated democracies focuses on issues such as the legitimacy of traditional forms of PSB in a new digital and technological environment, redefinition of its remit, audit processes, three step tests, the possibility of revoking the broadcasting license in cases of non-compliance, all of which are relevant matters for a genuine public broadcaster, such issues are not raised in the context of Kosovo's PSB. Their absence in Kosovo's PSB debate reflects precisely where Kosovo lags in EU processes and how far behind it falls in the contemporary public broadcasting service debate.

To summarize, it becomes clear that the level of consolidation of a public broadcasting service requires a certain threshold of democratization to be passed in a given state. While on the surface Kosovo seems to have reached certain benchmarks to meet the minimalist conditions of democracy – holding elections and providing for the peaceful transition of the government as natural processes of democratization – much remains to be done to see services such as RTK become truly independent and recognized genuinely and collectively as a public good. In other words, the decontamination of Kosovo's PSB from political influence will take more time as RTK seems to have turned the subservient position to politics into something akin to a norm.

If Kosovo wants to move forward in the EU processes RTK needs to find a proper and sustainable system of funding. The license fee is the prevailing model of financing and it constitutes a direct relationship between citizens and the broadcaster. Thus, the RTK will either turn into a proper public broadcaster with the advantages and disadvantages that PSBs across Europe face or turn into a state broadcaster with negative long-term implications for Kosovo, given that state broadcasting and state funding are not considered as acceptable standards for aspirants to the EU.

Granted, the future of RTK is closely linked with the improvement of the political climate in Kosovo and the growing acceptance of institutional checks and balances. Yet, without a public political consensus that independent public broadcasting is necessary there is no bright path forward for RTK. The consensus should also help solve financial problems and depending on what such an agreement might be, it would determine the future modernization of RTK.

## 7.

# Recommendations

Based on the analysis of the RTK situation and the input provided from the interlocutors in the course of the research, a set of recommendations are provided below:

- Legislation on RTK should take into account the context in which the law is applied. One of the major problems that affect the RTK is that legislation is interpreted in a selective manner. As such it turns out not to serve the purposes intended. In such conditions, much is left to political good will, which is not in abundance. Loop-holes in the law should be narrowed down, enabling a meaningful inclusion of media experts and representatives of civil society in the decision-making, in particular in regard to the appointment of board members and consequently the senior management of RTK, as well as on the financial decision making, auditing and annual performance review processes of RTK.
- The process of proposing board members and their selection by the Kosovo Assembly should not be left at the mercy of political good will and turned into a façade. As per the present Law the formula of selection seems fair but it is often used in a subjective manner by the MPs in the Kosovo Assembly, despite criticism from the EC and OSCE against such appointments. A different form of selection of the board members should be introduced - one that does not allow the Committee members to dismiss qualified candidates based on point criteria and one in which their evaluation remains secondary to the expert suggestions. In other words, in the evaluation of candidates before the Assembly's ad-hoc committee, the verdict of MPs should not be detrimental to the selection of board members. Instead, the detrimental factors in decision should be the opinions of qualified media experts on the value of the candidate. In the future the board should be composed of public figures with professional qualifications in various areas such as culture, art, journalism, law, and academia who have demonstrated political impartiality, instead of continuing the practice of selection of members who are close to political parties and often nurture political ties.
- Ideally the funding for RTK should be provided through a dedicated tax. If RTK is regarded as a public medium of special importance in the logic of law, it should also be treated as such. This will help raise the awareness of the Kosovo public that RTK indeed belongs to the public and the relationship between the broadcaster and the citizen will be direct, not indirect as it has been in recent years, leading the public to believe that RTK is indeed subservient to the state.

- If a dedicated tax might not get traction, forward funding, within the current setup, or, funding allocated in advance for 3-5 years to RTK, should be sought. Forward funding will enable RTK not to be dependent on the political mood of the moment or to have to report periodically (every three months) before the Kosovo Assembly and risk being under pressure and political influence all the time. Forward funding would be the most suitable solution in the case that other long-term forms of financing do not seem realistic. However, even in that case, strict procedures should be in place to ensure a much greater accountability from RTK's end.
- Another option could be that the Kosovo Assembly, not the government, set aside a budget for the media. Such a budget, modelled upon the US model of financing the public broadcasting media, would ideally be distributed based on projects where all media could participate. Such a fund could be managed and distributed through an independent commission and an independent board. Under such circumstances RTK would most likely be the most eligible to receive the lion's share of projects due to its capacities and potential as well as needs. However in this case its projects would be scrutinized more closely and should be pressed to stand up to a public value test. In other words, the management would have to be more creative, work harder and offer a higher quality program to the Kosovo public in order to justify its existence.
- Cultural pluralism should not be pursued for the sake of meeting a formal quota, but rather with the intent to bring the minority channels closer to the mainstream and enable greater exposure of minority cultural programming into the mainstream and vice-versa. RTK should strive to include independent producers and media from minority communities and support the exchange of the programming as a means to strengthen the appeal of RTK across the board and throughout Kosovo as a means of strengthening the cultural and socio-political cohesion of Kosovo as a new state. Such steps are necessary in order to ensure the cultural and socio-political cohesion of the new state.
- One point of contention over the years remains the issue of percentage of advertising that RTK is entitled to tap into. In theory, advertising for public television is restricted to six minutes per hour, compared with the 12 minutes allotted to commercial television stations. In practice this is not always the case. According to interlocutors, for many years, the public television has been violating this regulation, and both the RTK and IMC seem to be in silent agreement about such violations not being sanctioned. As it stands now, RTK formally remains responsible to IMC in staying within its 6 minute per hour quota. However the IMC cannot revoke RTK's license if it exceeds its quota limits. In theory the IMC can issue a fine, which in the past has often been disregarded by RTK. This privileged position that RTK has, compared to all other broadcasters, with IMC reflects a handicap on the side of IMC and at the same time it shows that independent institutions such as IMC are still far from realizing their functional independence. This privilege should not be extended further. If RTK violates its terms of operation, sanctions from IMC should ensue.

- The shift in RTK funding since 2009 has also influenced RTK employees and made them prone to becoming politicized. The blame game that goes on between the union and the management of RTK does nothing but diminish RTK's collective drive to produce quality programming and alienates the employees within the service who feel pressed to become entrenched in opposing camps, and as a result the quality of the RTK program collectively suffers. The board and the management should be more assertive in bringing the journalists collectively more closely around greater common interests – that is enforcing the Standards and Principles of Professional Reporting – and strive to sanction bias in the reporting, to ensure that RTK remains independent and non-biased in its reporting.
- An important point of concern is RTK's own accountability. RTK, just like other independent institutions, is not held to account as it should be when it comes to providing accountability before the Kosovo Assembly. This is due to the fact that the recommendations given on the Kosovo Assembly floor are not recorded in a systematic manner and also due to the absence of legal obligation stipulated to public institutions regarding the re-submission of annual reports and lack of sanctions in cases of failure to comply. The Assembly needs to introduce such procedures and start acting on them in cases of non-compliance. RTK needs to agree to be audited fully by the Office of Auditor General (OAG) and not just undergo non-statutory audits, meaning that RTK is not obliged to implement its recommendations.
- Ultimately, there is a need to upgrade the technology to meet the demands of the process of digitalization. Digitalization will be a challenge for local television stations and government intervention through subsidies might be necessary. At the same time, given the fact that cable operators also offer internet at low cost, the media managers in Kosovo seem to have started to diminish their interest in digital broadcasting altogether. If digitalization plans are to move ahead then the state needs to step in much more assertively. It should support RTK's plans to initiate digitalization through supporting its arrangements with PTK or another suitable carrier to ensure its full success. Furthermore, as a central actor in the process of digitalization, the IMC needs to be more proactive in pushing forward for the Digitalization Strategy to be approved by the government. Supplementing legislation and by-laws should also be in place soon for the process to resume. At the same time, IMC needs to do more to ensure that RTK expands its plans to include the large Albanian communities in the US and across Europe (in particular Switzerland, Germany and Austria) in its programming projects as one of the ways to ensure secure funding for a sustainable RTK in the future.

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## ANNEX 1 – The list of persons interviewed

1. Agron Demi – Media Researcher, GAP Institute
2. Ardita Zejnullahu – Executive Director, Association of Electronic Media (AMPEK)
3. Anamari Repic, Editor, Radio Television of Kosovo channel 2 in Serbian language
4. Astrit Salihu – Professor, University of Pristina, former deputy-director RTK
5. Boris Bergant – EBU media advisor/ex-board member and advisor of RTK
6. Krenar Gashi – Media Researcher, Centre for European Studies, Ghent University, Belgium
7. Mentor Shala – Director General of Radio Television of Kosovo (RTK)
8. Naile Selimaj-Krasniqi – Executive Director, Independent Media Commission (IMC)

## About the Author

Dr. Naser Miftari holds a PhD in Political Science from the University of Nebraska-Lincoln and a Master's in Journalism from Temple University-Philadelphia. His main areas of interest are political communication and comparative media development and democratization.





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