

# **MEDIA STRATEGY FOR RULE OF LAW PROJECT DPK/Garner**

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## **Objective and Background**

In an open and democratic society the role of media in supporting the development and maintenance of the rule of law is that of watchdog, existing in a constant state of alertness for any violation of accepted democratic principles and in pursuit of any lapses of governance. To strengthen core democratic institutions you must strengthen those who are charged with the responsibility of serving in the interest of that public trust, the media.

The USAID Rule of Law Program in Albania is aimed, in significant part, at promoting a better functioning and more accountable court system. To this end there are two relevant components, one concerned with directly working with the courts, and the second –addressed in this document, the civil society component, including the news media. In keeping with the general principles mentioned above, no doubt courts will be encouraged and provoked to be more accountable when civil society, including media, are more insistent.

With this objective in mind it is important to take into consideration the current state of media in Albania today and acknowledge the limitations of the capacity that media has to play their role as a civil society partner. There are clear economic limitations that both weigh upon and pose a barrier to the complete emergence of the news media as a public monitor.

In this there are also mitigating factors such as the absence of a solid and well established bilateral relationship between government institutions or agencies and the media and an overall lack of maturity, diversity and institutional independence – each of these are factors that inhibit vigorous journalistic vigilance.

Further investigative journalism operates effectively when the level of journalist development is sufficiently advanced and the environment is such that it “permits” or at least does not widely suppress this independent behaviour. It is my observation that the level of investigative journalism and the type of environment that would support investigative journalism adequate to hold the court system up to the light of public scrutiny are not firmly in place. Among the

elements absent are clarified government regulations overseeing the media's access to information and a clear sense of to whom, institutionally speaking, one goes to seek out information. In addition, the media outlets by and large lack the independence financially and politically that would permit them to publish credible, independent investigative pieces.

Thus the goal of this strategy is to provide some of the tools needed by the Albanian media, both print and broadcast, to gain better access to and a better insight of the Albanian court system and to use these tools to better cover these courts in a much deeper and more consistent way. This in time and with more experience will lead to an evolution in journalism where investigative journalism is a more evident and potent presence.

### **Summary of Proposals >**

**Each of the proposals that follows has a suggested structure, budget and ideas as to who can best facilitate each one. And each can be deployed unilaterally or in unison.**

#### **- Lawyers Database and Media Guide to the Courts**

To develop a database of Legal Experts who have the background and expertise to assist journalists technically in their coverage of the courts and related government institutions. The individuals who would be identified in the database would be drawn from existing groups and tailored to meet specific media needs and special attention to the independence, bona fides, and absence of conflict of interest would have to be assured.

The Media Guide would expand on this structure and provide the News Media with a literal guide to navigate through the various government institutions that relate to courts and general public accountability.

#### **-Open Media Forum**

This forum would promote an ongoing dialogue between the news media and the legal community and allow for greater examination of legal issues such as the various Freedom of Information laws and mandates as well as permit discussion/training/exploration of new laws, e.g. law against domestic violence and new procedures, e.g. witness protection procedures.

### **-Chancellors Media Education Program**

This would be an interactive training of the key court administrators in how best to provide the news media with the information they need and should have access to as part of the public record in order to cover the courts more effectively. This would involve a skilled facilitator to shadow the court administrators in their daily routines.

### **-Law and Order TV**

A prime time program devoted to court cases and those issues related to accountability institutions. The format of this would be to take the real facts of a court case and distill them down to an episodic program highlighting court cases and procedure and engage in public dialogue on a variety of legal issues.

### **Observations of the Media in Albania >**

During my time in Albania working on this project, I met with a broad swath of the media community. I found them to be, for the most part, open and eager to see their access to the legal infrastructure improve in order to better produce broader and deeper coverage of the courts and related government institutions.

It is clear from my examination of the media situation here as well as my experiences in developing media in the region that there has been a great deal of training provided to the local media from organizations and NGO's that are well-skilled in this field. Most of these sessions were done in a lecture format with limited practical exposure. The need for further education among journalists in Albania has not diminished in any way, but it is now time for it to migrate to a more practical format that reflects the day to day realities of news coverage in Albania. It is important to move it beyond the case study classroom environment.

That said, there needs to be an acknowledgment that while there is a dynamic media community in Albania, overall it lacks professionalism and a firm infrastructure. Individually, journalists lack any sense of economic security or markers that would indicate that their role is valued. This type of environment easily drains both ambition and any sense of editorial independence. It also leads to a draining off of talent. After operating in a underpaid and unacknowledged arena the most experienced and the most talented often leave the field for other professions or even other countries.

As a consequence of an environment where there is no real practical training or skill development, where there are significant personal safety concerns and where media managers as well as a government hostile to their role in this democracy, the average journalist here has little incentive to do his/her job well.

From the perspective of the media owners, for whom having a successful media operation or more specifically, an operating level of professional journalism is not their primary mission, raising the quality of investigative journalism is even less a priority. This is easily seen in the poor overall quality in this field. I found no one willing or able to cite consistent examples of journalistic skill. Certainly there are exceptions but they remain just that, exceptions.

The most mentioned "investigative" program, is *Fiks Fare*. It, however, is more a combination radio shock jock program with bouts of ambush journalism thrown in for entertainment value rather than anything substantive or illuminating.

The various standards to which journalists in Albania adhere are haphazard and can in fact inhibit diligent or even accurate coverage of the various rule of law developments that are occurring. There are no clear journalistic standards for emerging court related issues and how to cover them including how to treat the privacy of witnesses and minors or the boundaries in asking for access to the courts. There are some mechanisms in place that are supposed to address these issues, court administrators, press spokespeople and redress outlets such as the complaints board for the national broadcast regulator, but thus far they seem to be universally disregarded by the media and underutilized by the courts or vice versa.

One contributing state of affairs is the ownership relationship between broadcast outlets and print outlets. In the small advertising market that exists in Albania to have the high cost burden of both types of media outlets carried by a small number of owners further supports the widely held belief that the media outlets are merely that - outlets for other endeavors, political pursuits and possibly other extra-legal activities.

### **The Media Community and the Courts >**

Based on my various conversations with journalists, a review of various media reports here, and conversations with those related to

the court system including lawyers, the administrative staff of most courts seem to enjoy a certain autonomy with regards to the media. Those involved in the courts seem impervious to media scrutiny and isolated from media inquiries. There are few judges who are willing to be interviewed, few prosecutors willing to make any public comment and often a court is closed if there is request for coverage by the media. As a consequence of this limited interaction between the two there appears to be profound procedural ignorance, perceived isolation, and a core level of misunderstanding between them.

These various parties in the court infrastructure seem to be unified in having little if any faith that journalists will adhere to any set of coverage rules. Their reaction is frequently to systematically reject requests which often results in journalists getting a little bit of information and simply making up the rest. Or in some cases reported to me, simply paying the bailiff for court records.

In a non-court, yet important, exception to this, my conversation with the director of HIDAA would suggest that she has established a solid working relationship with journalists.

The overall result is not a healthy environment for civic engagement where the media can properly play their role as a vigorous monitor for the public trust.

The media community, both print and broadcast, in Albania is not wildly different from the independent media development experiences of the surrounding Balkan nations. There are classic and tragic examples in Serbia, Bosnia and Kosovo where the media becomes an actor for unrest through manipulation of facts and information. Having an under-skilled journalistic base makes this kind of media manipulation all the more hazardous. Frequently in these cases media, primarily the broadcast media, are a vehicle that serves several other goals, be they economic or political. In most cases one cannot be separated from the other. The experience in Albania appears to be little different from that model.

## **Proposals**

In spite of all the challenges that are cited above, there are positive measures that can be pursued to bring about credible change. As mentioned, training in the more understood sense has been done frequently but now comes the time that practical measures coupled

with an ongoing education can be of the most use to members of the media. The measures I propose invite development as well as furthering the interest of the media in covering the courts and the emerging rule of law procedures that are being implemented in Albania.

I also feel that the proposals listed will engage the managers of the various media outlets in a way that they have not had available to them in the past. It is now the turn of editors and the directors to have a more inclusive role in their own media development. They are among the core group that are often excluded from any kind of media development and yet are the decision makers in any newsroom and oversee the fundamental story selection and story structure each day. In order to bring about change they must be included in the discussion.

Further these concepts invite ongoing interaction between these two groups –the media and the accountability institutions that, with oversight, can lead to a sustainable interest on the part of the media as opposed to the hit and run method they now employ.

The proposals below are realistically designed as to not be so consuming as to detract from the core mission of the USAID/DPK ROLP program but are still quite achievable.

They are also meant to incur only modest costs, most of which would be at the start. And they are designed to be maintained with the cooperation and oversight by agencies deemed qualified within the existing Albanian media or legal communities. These four proposals are designed to be established either unilaterally or in conjunction with each other.

Finally, it needs to be well understood that there are no neutral parties in the small media landscape here so everyone involved or proposed to be involved comes with some societally imbued weight against him or her which cannot be avoided but which does need to be acknowledged.

### **Legal Expert Database and Media Guide >**

| To develop a database [listing](#) of credible legal experts drawn from the Albanian legal community as well as those outside the legal community who can be called up on by the media to explain the workings of the law on an as needed basis. An example of the kind of database to which I refer can be found at the web site of most major law schools in

the United States. It is standard source from which media in the US normally draw for legal opinions and legal guidance as it relates to court cases. (See *attachment 1*) This would go a long way in aiding those journalists who are actively engaged in more investigative pursuits as it would provide a tangible and credible source for information.

It would consist primarily of lawyers who have dealt with the ever changing and dynamic environment of the Albanian courts at various levels, be it civil or criminal. It would be best if initially these were "experts" who did not need to be on the record. Being off the record would allow for a wider distribution of information without the burden of having to be quoted in the media as a source. This would not relieve the legal sources from being accurate but would allow them to be more fulsome in their comments to the media.

I would describe this as the cornerstone of this media strategy to more effectively engage the media in their civic oversight role. It especially aids journalists who, like many in the field here, operate independently and who most often are the only ones who are doing the longer format investigative work. It is an invaluable tool for them to pursue story leads, navigate available public resources and records and root out credible information.

It would also draw upon the legal community in related fields, such as active anti corruption CSO's and enables them to make more effective use of their limited resources in pursuing consistent coverage of the courts.

In my conversations with the media two things to note: One, there was not a single group at any level that did not consider this to be a vital addition to the media landscape.

Two, the feeling is that as long as it is maintained financially by a neutral party the usefulness and profile of it would be deemed very credible by members of the media. The goal of this would be to give the media community an alternative to the current "system" that relies on in some way on corrupting court officials with payments for information or more profoundly a trend in which journalists simply make up what they think is the law or regulation or to fictionalize some version of a court case.

Those most in favor seem to be the various independent journalists with whom I spoke but more critically the media managers at two of

the leading broadcast outlets with whom I broadly discussed this concept fully endorsed its value to the development of the local news media.

In terms of how this would function, the designated lawyer would need to be someone who is active in the courts and not involved in the case that is the topic of the news report. Thus, the database would need to be broad enough as to eliminate potential conflicts of interest.

The contact information for each individual would need to include their office, mobile and email address. In addition the database should probably include information about the lawyer such as areas of expertise, legal experience, years of service, known business associations or connections (this to eliminate potential conflicts of interest) and related background information. The extent of the collected information would have to be determined as the process is developed.

A number of CSO's with whom I spoke indicated they frequently work with the legal community and some indicated that they have a core group of willing lawyers who could potentially jump start the process.

There would need to be some vetting but organizations like the CAO/Transparency International chapter, Mjaft! and the Albania Human Rights Group have all expressed an interest in contributing their legal teams.

This would also need to be a database large enough to in some fashion extend to the court system outside of Tirana. It is in these communities that court-related information is not only vital but also far more difficult to obtain from a local, credible source.

Additionally, it would mean the fuller exploiting of existing legal tools by the media community such as the FOIA laws. Right now basic Freedom of Information laws, while active and in place are frequently considered far too cumbersome for practical use by journalists. However if there was a deeper understanding as to what these laws are and how to use them as well as how they can practically serve a media inquiry then it could potentially alleviate a great deal of miscommunication and reluctance in using these laws. It would also encourage greater access to the emerging institutional oversight organizations such as HIDAA by providing knowledgeable legal professionals to the media community.

A byproduct of this proposal would be to craft a Media Guide to the court system and all of the various navigation tools that are available to the media from both the perspective of legal tools, such as the Freedom of Information laws (FOIA) as well as the more basic sources for data such as court and government agency websites which contain public records. In my conversations with journalists who are active in investigative journalism in Albania they expressed surprise at the number of government and related agency websites that contained open and useful information. There is evidence to suggest that this information and where to find it is not commonly known among in the media. Preparing a handbook that is both digestible and portable as well as being available online would assist in streamlining this type of vital information.

### **Proposed structure >**

This would draw upon the skill and background of a number of existing Civil Society Organizations such as BIRN (Balkan Insight Reporters Network), Center for Development and Democratization of Institutions, Center for Transparency, CAO and Mjaft!(Enough!) As this project is only in the formulation phase many, in discussions, have expressed a willingness to assist in vetting credible lawyers and including the ones with whom they currently work to seed the database.

A secure electronic link to these names could be added to a number of related organizations most critically the Press Council and the Trade Union for Journalists where membership or association acts as a protective gateway to access to this database. This link system would also be a place to find the media guide both as a whole and in parts as it relates to specific issues such a various government agencies and open access regulations.

As discussed below the Media Guide could either be a fully printed handbook or an all electronic document depending on which audience it is determined would be able to make the most use.

The Guide should be constructed so that it truly is a navigation tool that leads journalists to the best source of information, documentation and guidance for public records. This tool, or anything like it, is something absent in the media landscape at this time. It can easily stand alone as a tool that supplements the legal database and gives direction to vast array of various public offices, courts and institutions that the media should regularly call upon in the course of story development.

It would list all government institutions, key personnel/positions in each as well as general areas of responsibility. It is as simple as names and addresses, telephone numbers and web addresses all in an easy to use format outlined for ready access.

### **Proposed Costs >**

Most of the initial costs could be in the vetting and establishing of the database online. But there would need to be a stipend for the lawyers who agree to participate.

In terms of long term funding of this; I would suggest that once a healthy list of willing participants is identified and each is compensated with a modest retainer for their services. It would need to be modest enough as to avoid having a corrupting influence yet sufficient enough to gain their enthusiastic participation. Depending on the success and sustainability of this; if it works, then the goal is the habit will lead to a willingness to fund it in a pool fashion by the entire media community.

For an initial set up phase the estimated costs would be \$5,000.

For maintenance of the secure link the estimated monthly fee would be \$50 a month.

The stipend for the lawyers, initially ten lawyers would be sought as to not become unmanageable-would need to be consistent for each at approximately \$100 per month for a period of 1 year at a total cost of \$12,000.

The cost of the Media Guide would vary widely depending on whether there is actually a hard copy of it printed and the cost of contracting an author to prepare the document. An all electronic version would be the simplest but could potentially exclude those members of the media who operate without computer access. It would also be extremely valuable to have hard copies for future training that will be done and to contribute to the ongoing development of journalists who are still in school and more critically those who have already left an educational environment.

### **Groups or individuals best suited to facilitate >**

The team at CAO/Transparency International is best suited for the database portion of this proposal. They have a firm grounding in the legal and advocacy community that would contribute to the building of the legal database certainly but also serve a credible bridge between the courts and the media. They already have a team of lawyers in place who do what is essentially pro bono work as advocates for the public. Not that they should be the only legal resources to draw from but they have the structure already in place that could easily assist in facilitating this proposal.

As for the Media Guide, the Albanian Media Institute is best able to manage the oversight, development and distribution of this type of material. It naturally grows from their long experience in media development and with their regional relationships they can draw upon a wealth of knowledge and anecdotal data to make this a very relevant document for the Albanian Media community.

### **Open Media Community Legal Forum >**

Designed for continuing the “legal” education of journalists. It also serves to expose members of the legal community to the needs and demands of the media and to broaden their understanding as to the media’s civil society role. Several topics related to the law could be devised between the two groups to sustain interest. This would allow journalists to gain further insight as to what issues are specifically tied to court coverage, legal evolution and assist them in working their way through the emerging legal infrastructure effectively. This would open the eyes of the journalism community to go beyond the flashier big name cases and pursue a much broader spectrum of court cases.

In conversation, one topic that seemed to whet the appetite was a discussion on the range of domestic abuse and child protection laws. These are not the usual vein of cases that are currently covered but clearly provide for greater interaction between the courts and media coverage. This also provides a forum for the debate on professional Ethics and standards in the media community.

This is one area that can further engage organizations such as the Trade Union for Journalists but also civic organizations related to legal issues such as the Albanian Human Rights Watch and the Center for Transparency and similar groups.

One truly critical area that is frequently among the most misunderstood in the relationship between the various accountability

institutions and the media are those laws that relate to public access and freedom of information. Under the general banner of Freedom of Information Laws or FOIA there is the general perception that any public document is fair game and only to be requested. However the reality is vastly more complex, especially as it relates to the court system. What needs to be better understood is what are the limitations, the mechanisms, the time frame and at the most basic level where to start the process of gaining access to public documents for journalists, This forum is a key starting point for correcting misperceptions and filling in gaps in understanding.

FOIA and laws related to it in any open civic engagement environment are frequently underutilized and in most cases, even where FOIA laws are well established the public is unaware of their role in accessing them. As this is one of the core utilities available to journalists in an open society have a broad ranging, well informed discussion and no doubt a lively debate as to its power and its weakness is undeniably important.

Other topics that need to be aired and can effectively be done in this forum are how to best handle the showing of witnesses or minors on television or in press photos. This level of unchecked exposure has a chilling effect on court cases and to establish a consistent dialogue to aid in the development of ground rules in this regard is vital.

### **Proposed structure >**

This would be the simplest of the proposals in that it would need minimal oversight and minimal costs. The forum which could meet at least once every two months but possibly as frequently as once a month could be administered by any number of related organizations for a service fee.

An initial selection of three topics should be put forth so that it eases the burden on the potential pool of participants should one need to cancel or any other changes emerge.

In order to be most effective this would be an informal gathering of journalists from all Mediums that would exclude cameras and an "on the record" environment and thus encourage a more open dialogue on vital issues related to the Albanian legal structures. There would be an informal record of the discussion maintained as a touchstone for future discussion and selection of topics.

### **Proposed Cost > \$5,000 annually**

\$5000 for administrative costs described in the structure. If the appetite is there and the media community finds this a useful tool then after the first year the costs should be picked up by the media community.

### **Group or individual best suited to facilitate >**

The Center for Development and the Democratization of Institutions are the most likely venues or administrators based on their experience and reputation for organizing events that touch on this dimension of public discourse.

Their responsibility would be to gather input and participants for their administrative fee. The participants could be drawn from the database of lawyers from Point 1. The topics would be determined by the administrator in consultation with media institutions, media managers, journalism schools and other civic organizations.

### **Chancellors Media Education Program >**

This would be designed to make the courts more accessible to the media and hopefully reduce the under the table or behind closed door relationship that currently exists between the courts and members of the news media. The core of this would be to essentially train the various chancellors of the court –in their role as administrators- in how to best and more effectively communicate with the media and make available court proceedings to the public surrogates, the media.

In discussions with those who are familiar with the court structure as it exists today there are a number of dueling priorities as it relates to the media. You have the self interest of the judge and bilaterally the prosecutor. First, they are not allowed to openly discuss any ongoing cases with the media however it is frequently in their interest to leak information for purposes of self promotion or to in effect to try a case through the media. This is not a problem that is exclusive to the Albanian courts but in more developed environments there are effective counter measures to this way of doing business.

One method to employ here would be to provide the media with a clear single point of contact within the courts who knows about the ongoing cases and can fully understand the parameters of what can and cannot be discussed with the media. One aspect that appears to

be unique to the Albanian media is a pretty complete disregard for the concept of "*off the record*." So one area that will need to be thoroughly discussed is the consequence of any comments made to the media.

This aids the entire court operation and aids in the public's right to know as well as feeds a healthy appetite in media coverage.

### **Proposed Structure >**

The clearest way to expose these chancellors to their responsibilities in working with the media would be to find someone qualified in court procedures and someone who speaks Albanian. They would need to shadow a couple of court chancellors as they go through their day so that they can be on the spot when there is any encounter with the media. The best course would be to find an active court where there are opportunities to encounter the media.

The further goal would be then to have these key court chancellors used as template for other court cases and court rooms for a somewhat standardized environment. This "shadow" system would be intensive but in this environment the best way to have access to the primary point of contact for the courts and effectively convey the best method of communications between the two parties.

### **Proposed Cost > \$3,000**

There are a number of variables that would determine the costs, primarily the source and availability of skilled facilitator and whether they are located in Albania or would have to be brought in and for how long. If an Albanian such as the person I mention below is available I believe that a flat fee should be proposed for a term of his service of now more than four months to be structured as best suits the available court personnel and best suits the facilitator's available time.

### **Group or Individual best suited to facilitate>**

In this case I think that best person here that I could suggest as a possibility to facilitate this would be a journalist with broad international experience and whose work as a journalist frequently puts him in contact with the Albanian courts, Altin Raxhimi. He is also a former Harvard/Neiman Fellow and thus can draw upon his experiences in that environment to assist in facilitating this program.

## **Law and Order TV >**

The development points listed above are what I would consider to be the primary areas and methods for a more directed media strategy in furthering the pro-active role of the media in coverage of legal affairs and the courts. They are designed, in part, to carry forward the training that many in the media have been exposed to at this time and also to bring forward the court personnel that have had little training or exposure to the daily appetites of the media.

The next stage for media interaction as it relates to the courts would be outside of journalism or the news media but into the spectrum of entertainment and public discourse.

This would be a television program where an identifiable host introduces what would essentially be a single act play that lays out the key points in a sample court case. The case could resemble any number of actual court cases and would draw upon either law students or actors in a kind of moot court environment to go through the major points of the case and to play the various roles of those in the case.

Then following the staged and abbreviated re-creation of the case the host would then turn to a panel of legal experts and those related to the field such as CSO's who would discuss the points of the case, how it unfolded and some of the legal consequences of the trial on the parties as well as the broader meaning for the public.

All of this would need to be guided by an energetic host who is both media savvy as well as capable of being entertaining and somewhat well informed about points of law as to ask informed questions of the panel. The cases would need to be ones that are relevant to the public and presented in such a way as to engage the public interest in a distilled forum.

The discussion portion of the program would be one in which the legal experts would debate not arcane points of law but the core how and why of each case. They would be guided by the host but they would also be encouraged to debate these points among themselves.

Each episode would present just one case so that the viewing public has an opportunity to see all sides of how the legal system works and how their advocates can argue on their behalf in a realistic setting.

As the program grows it could potentially expand to include two of the following elements. 1) viewer comments called in and left on a monitored voice mail and 2) public call-in segments from viewers who face similar circumstances in their courts. I would suggest these last two items as evolutionary elements once the program's producers have a sense of the ebb and flow of the program as it is originally designed.

I would suggest that program be produced by a production house that is able secure a slated time slot in prime time- for the program on rotation of no more than once a week and no further apart than once a month. The show should be structured in two parts; the introduction of the "case/play" a break and then the panel discussion.

The cases that are presented are only recreations of actual cases so no actual names or locations should be used in order to potentially put at risk any actual court participants.

No cases should be drawn from active cases and some monitoring of the courts should be done to make sure that the lawyers who participate in the panel discussions are not caught up in any sort of conflict of interest situations.

### **Proposal Structure >**

The would be an episodic program designed for no less than six episodes on a range of court cases that demonstrate real court related issues such as domestic abuse or serious crimes involving corruption or similar breaches of law. The pre-production of the program would be where most of the work is done in researching and writing the condensed version of the cases, lining up those would portray the case, either actors or law students willing to participate, acquiring a broadcast time slot, lining the panelists, the studio and the studio and control room personnel such as directors and technicians as well as the post production personnel, editors, writers and publicists.

Once this groundwork has been achieved then each of the episodes could be produced in studio and then the post production and delivery of the programs would commence. It is possible to find all the technical personnel in an existing production house which would cut down on the time factor in locating qualified audio/video teams.

## **Proposal Cost Factors>**

Many of the cost factors would be related to the various elements described in the structure. Each stage of the production carries with it a cost factor. There is the production team, the editorial team, the research and the cost of actors, air time, the panelists and whatever costs would be associated with acquiring an air slot.

Based on my experience in regional markets that were various stages of economic health and therefore relevant to the state of the Albanian market and doing some research with available information from either production houses in the region or broadcasters in the region who do productions. The core technical and production costs per episode would be estimated at no less than \$8,000 but possibly higher.

This would include the rental of a studio with a full production crew of cameras, lighting technicians, control room personnel as well as any equipment rental. Further, the post production personnel such as writers and editors to put the final episode together with elements such as online editing, music mixing, graphics, titles, rights and clearances and final mixing would all need to be priced and factored in at either a program run of six episodes or with an altered cost structure for a pilot program. A single pilot program without a committed broadcaster and thus the built-in infrastructure that would aid in promotion and potentially lower production figures would elevate costs.

This figure would not include the editorial costs such as research, writing, staging, programming and publicity. These factors would be difficult to determine without making a commitment to a program as there are several determining factors first and foremost willingness of a broadcaster to carry the program and other factors such as the presence of any advertising, co-production interest, actual number of episodes produced and their distribution. The costs for many of these items would be difficult to obtain without some sort of firm commitment in place. If a "pilot" program were produced to gauge interest in the project without a committed broadcaster in place the core production figure would remain the same but associated editorial figures would be different

## **Factors related to the cost of this proposal>**

There are a number of cost variables that will need to be considered to make this a reality should it be further developed. Among them the

cost of operating the studio and thus the supporting personnel and equipment, the cost of paying the host and any of the participants, the administrative costs, the cost of promotion and editing and the cost of distribution.

Further the exploration of how any of this would be offset by advertising revenue since ultimately the goal would be to develop a program that is entertaining enough to warrant advertising interest. Even in a relatively low cost environment such as the Balkans this kind of endeavor represents a substantial investment of capital.

It also has enormous potential to be a clarifying program that talks to the public about vital issues in a way that removes the journalistic filter. As it is a recreation of fact it also has the potential for engaging the public in an energizing way that goes beyond the lecture format that is normally found on the public broadcaster's more public spirited programming.

In sum, it would not be unreasonable to expect that a per episode cost for this show to be approximately \$20,000.

### **Broadcast Media Observations >**

As my area of specialty is broadcast media development in the Balkans I wish to add my further thoughts on this environment as I have observed it in Albania. As the broadcasters of any nation are licensed to use a public resource for their enterprise they are frequently examined in their task by governments. The Albanian media regulation agency has recently issued licenses to a number of the broadcasters for analog signals but thus far as I understand it the regulator has made no new regulations with regard to digital media. Amendments to existing laws governing the broadcasters seem to be held up in Parliament by opposing political forces.

This is the situation despite the presence of at least three digital signals being operated by three of the largest television stations. I am told that the broadcasters have all asked for regulations and I know that the regulatory agency has been seeking guidance on how to govern this development since at least 2004. There have been a number of research reports all of which are uniform in their call for better oversight and clarified regulation on this issue.

*(See attachment 2)*

The media in Albania is clearly dominated by the television outlets although even they defer in citing heftier journalistic substance to the print media, small though it may be. This is not an uncommon relationship between print and broadcast but this also distorts their place in the market.

One clear hazard in not having a clear outline is the incredible loss of potential revenue to the state and a lost opportunity to clarify ownership of broadcasters by asking for a justifiable re-licensing based on these new assets and new costs. Each of these choices has an impact on the State. In the case of at least one broadcaster their digital platform is built in part to allow customers to use the digital platform for wireless internet access in their homes. In a marketplace where there is such limited access to wireless communications this is a remarkable loss of public resource and potential public revenue.

Also there is the negative impact on analogue viewers which make up the vast majority of viewers in Albania. If, in fact, all the major and more broadly watched stations all move to digital transmissions then what would be the impact of viewers who do not have the equipment necessary for watching digital channels? And who is responsible for covering the costs of making these signals available to the wider public. Right now a slim but obviously well heeled minority is served but an extra-legal activity that draws upon a public resource. This also creates an additional infrastructure cost as broadcasters will have to maintain an analogue channel to reach most viewers. One example of this two tiered system is Top Channel, one of the more successful broadcasters. Just last year they gained a national license and have a digital platform but one that is completely unregulated.

I site all of this in part as it reflects a set of priorities for the dominant medium that is far removed from the more public spirited mandates that a healthy news media should pursue. It is also a sample of low regard that the media currently holds for the various public institutions that they either cover or are covered by regulations. Overall it is emblematic of the profound out of balance relationship that the media has with the pantheon of government institutions that they are charged with monitoring as civic guardians.

### **Sources for research in the development of this document >**

Of the many people with whom we met during our time here I feel that there are several who in some way could potentially make a contribution to the project proposals as they go forward. They have

the history and the skills to contribute to the various proposals that I include here.

The groups that I met with during my time here include the following:

- **Remzi Lani/Albanian Media Institute**
- **Illir Aliaj/Centre for Development & Democratization of Institutions**
- **Antuen Skenderi/MJAFT! (Enough!)**
- **Ornela Bego/Ashley and Holmes (Media Agency Tirana)**
- **Marjana Papa/CAO-Transparency International**
- **Elsa Ballauri/Albanian Human Rights Group**
- **Besar Likmeta/BIRN-Balkan Insight Albanian Editor**
- **Hartmut Purner/OSCE**
- **Ida Vodica/Dept of Media – Supreme Court**
- **Mentor Kikia/Top Channel News Director**
- **Alfred Peza/Ora News –Director**
- **Sami Neza/Center for Transparency & Free Information**
- **Albert Gjorka/Editor Albanian Daily News**
- **Altin Raxhimi-Independent Journalist/Neiman Fellow**
- **Fatmira Laska/HIDAA**
- **Ardian Visha/Prosecutor**
- **Andrea Stefani/IREX**
- **Auron Pasha/IDRA**

## **Conclusions**

The media environment in Albania is one that is frequently hostile or at least perceived to be hostile to the stated aims of reform and development. But as is seen in some successful media programs there *is* an appetite for exposing the shortcomings of government and the shortfalls of policy makers, public servants or their associates. This certainly aids in fostering their role as the public's watchdog but without sustained coverage or core journalistic integrity there is a danger of entertainment being mistaken for journalism. It takes on a sort of hit an run quality with more splash and trash than actual consequence.

As the goal of this strategy is not to broaden the development of the media but more pointedly to bring the heft of media attention onto the developing institutions of regulation and oversight as well as the court system, these proposals are all designed to keep the core issues of this program before the public through their agent, the media.

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**Attachments:**

(1) Georgetown Law School/Faculty list of Lawyers available

<http://mirror.law.georgetown.edu/faculty/facinfo/list.cfm?Type=FullTime&Letter=A>

(2) Albanian Media Institute and OSCE Presence in Albania

<http://www.institutemedia.org/documenta/Albania%20paper.pdf>

[http://www.osce.org/documents/html/pdftohtml/3769\\_en.pdf.html](http://www.osce.org/documents/html/pdftohtml/3769_en.pdf.html)

[http://www.osce.org/documents/html/pdftohtml/3619\\_en.pdf.html](http://www.osce.org/documents/html/pdftohtml/3619_en.pdf.html)