

THE EDITORS' ROLE IN MEDIA INTEGRITY PROTECTION IN MONTENEGRO

DIVIDED TO THE DETRIMENT OF THE PROFESSION

by DANIELA VRANKOVIĆ

INTRODUCTION

The editors in the media in Montenegro, particularly the editors at public broadcaster *RTCG*, are vulnerable to political divisions and conflicts in the country. That is well illustrated by the resignation of the editors at *TVCG* as a consequence of negotiations between political parties in early 2016.¹ No one mentioned the law, the legal procedure or the public broadcaster's independence, although all of this is strictly regulated in the *TVCG*'s legal framework. Yet, its programme along with part of the private media was perceived as a stronghold of the ruling Democratic Party of Socialists (DPS), and that is why the opposition insisted on the resignations in the first place. On the other hand, the rest of the media are seen as government opponents. It is of no relevance whether this division is true in its particulars; the fact is that it prevents the media community from reaching agreement and unity in most matters related to journalism.

Media regulations in Montenegro hardly mention editors. Basically, they have no delegated responsibilities. No legal responsibility means no legal rights. Self-regulation also pays no special attention to the status of editors. Several non-governmental organisations have proposed amendments to media legislation, some of which have to do with the role of editors in the media. However, this is not likely to become a subject of public discussion any time soon. In this kind of situation, the public interest, supposedly guarded by editors, is rarely the interest that prevails.

¹ The political crisis which broke out in mid-2015 with the division of the Socialist Democratic Party (SDP), the minor party in the ruling coalition, culminated at the beginning of 2016, when a segment of the SDP refused to support the government in Parliament. Talks between part of the opposition and the ruling DPS on how to create conditions for free elections in the months that followed ended with an agreement when the minor party's last condition was met: the editorial team of the *TVCG* public broadcaster was to be replaced. All of them resigned in April 2016. Since then, the majority and minority in the Parliament are seeking suitable personnel for the positions. See <http://portalanalitika.me/clanak/219035/zahtjev-opozicije-dovoljna-ostavka-rutovic-ili-urednickog-tima-rtcg>. Accessed 29 April 2016.

The results of our small-scale research on the role of editors in defending media integrity in Montenegro boil down to one sentence: every interview agrees that editors have a crucial role in defending media integrity but that they do not fulfil that role.

According to our research, the average editor in Montenegro is 40 years old and has a law, political science or philosophy degree, in addition to having attended numerous seminars, and training courses. Their salary is at least twice as large as the average in the country, and twice the amount of the journalistic average.

This study on the role of editors in defending the integrity of the media in Montenegro was conducted in February, March and April 2016. It includes surveys, interviews and a legal framework analysis. A total of 15 editors took part in the survey, mostly from the media with national coverage,² both private and public service broadcasters, TV, radio, the press and online media. The survey includes interviews with editors-in-chief and one former executive editor – Mihailo Jovović, Darko Šuković, Nikola Marković, Novak Uskoković, Nedeljko Rudović, all of them working for media outlets perceived as both pro- and anti-government, plus seven other media experts.³

1 EDUCATION: LAW, PHILOSOPHY AND POLITICAL SCIENCE

Six of 15 editors taking part in our survey graduated from the Faculty of Law in Podgorica; five graduated from faculties of political science, and the other four hold degrees from faculties of philosophy from across the former Yugoslavia.

All of them declare that they have also acquired informal education at various training sessions, seminars and through fellowships. Some of them, however, have had no training in the recent past, and, of these, many have had none in

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² Representatives of *RTCG*, *TV Vijesti*, *Prva TV*, *Atlas TV*, *Dan*, *Vijesti*, *Informer*, *Monitor*, *Dnevne novine*, *Antena M*, *Radio CG*, *Radio Kotor*, *Slobodna Evropa*, *Vijesti.me* and *Pobjeda* participated in the survey. Web portal *www.cdm.me* refused to take part, the portal *www.portalanalitika.me* and *Pink M TV* at first agreed to participate, but eventually failed to provide answers.

³ The following experts have been interviewed: Dragoljub Duško Vuković, media analyst, who was Media Institute contributor in the 2001-2007 period; Jadranka Vojvodić, Deputy Director of the Agency for Electronic Media; Ranko Vujović, head of the Media Self-Regulation Council; Goran Đurović, member of the *RTCG* Council; Rade Vojvodić, *RTCG* Director General; Mirjana Radović, NGO Human Rights Action activist, and deputy Minister of Culture Željko Rutović.

the last 10 years. Seven of 15 participants in the survey speak English at a basic beginner level,⁴ and most of others also lack extensive language skills.⁵

2 REGULATIONS: EDITORS NOT MENTIONED

From reading the current Montenegrin media legal framework, one would be unable to deduce a single thing about the role of editors. In the Media Law (2002, and subsequent modifications), Electronic Media Law (2010, and subsequent modifications) and the Law on Public Broadcasting Services (2008, and subsequent modifications), the word “editor” is hardly ever mentioned. This new legal framework is considered a big step toward media freedom, says Deputy Director of the Agency for Electronic Media, Jadranka Vojvodić. The previously valid, Public Information Law used to adduce more importance to the role of editors. Editors also had an important role in the right to correction and the right to reply. Now these are related to the media and not to the editor-in-chief, Vojvodić explains. Data on the editor had to be part of a media outlet’s founding act. Now, the accent is placed on the media founder and the author. According to Vojvodić, “[the law] *defines the rights of journalists in general, but it doesn’t deal with editors as a specific group in charge of creating and carrying out media editorial policy.*”⁶

One of the rare articles of the Media Law mentioning editors, yet not explicitly, states that *“the journalist and other individuals involved, who during the collecting, editorial intervention or publishing of program content come into possession of information which might reveal the identity of the information source are not obligated to reveal the identity of the source to the legal, or judicial or executive authorities, if the source demands to remain anonymous.”*⁷

There are also no articles dealing with editorial independence from the owners, nor those who would impose the adoption of self-regulatory acts to regulate this. Thus, less than 30 percent of polled editors said that there were such documents at their media outlet. The rest are divided on the subject: some say that having such a document would help, while others are sceptical and think such documents to be unnecessary or unlikely to bring about change.

4 All the provided data are the editors’ own self-assessments.

5 Three of them described themselves as being fluent, at an advanced or proficient level, while the rest, five out of 15, said that they “do understand” English, or that they have “middle level” English skills. Also, four of them said they understood or had a basic knowledge of another language – Russian, Italian or French - and another two that they speak Russian.

6 Written interview with Jadranka Vojvodić, Deputy Director, Agency for Electronic Media, 16 March 2016.

7 Media Law, Article 20, 2002, and subsequent modifications. Available at: http://www.ardcg.org/index.php?option=com_docman&task=cat_view&gid=48&Itemid=26. Accessed 19 February 2016.

FROM READING THE CURRENT MONTENEGRIN MEDIA LEGAL FRAMEWORK, ONE WOULD BE UNABLE TO DEDUCE A SINGLE THING ABOUT THE ROLE OF EDITORS.

As far as the law is concerned, anyone chosen by the owner can be an editor at a private media. At the public service broadcaster, some of the basic requirements set by general internal regulation should be fulfilled. According to Vojvodić, *“as a rule, someone is chosen to be an editor (or at least that is the way it should be) after a public competition, which defines the precise terms and assignments for a certain job position.”*⁸ In her opinion, legal regulations should not impose restrictions, but on the other hand, self-regulation is more than welcome: *“Every media should have a self-regulatory act defining the minimum requirements for employing someone, in addition to a description of jobs and responsibilities.”*⁹ But in a deeply divided community, it is hard to imagine media professionals reaching agreement on what could be seen as exclusion criteria. Only three survey participants said that political party membership or activism, ownership of a business or any other kind of conflict of interest should be considered exclusion criteria. On the other hand, nine of 15 survey participants say an editor should not be someone who has been unprofessional or lacks professional skills and competences.

In such circumstances, an editor essentially has no responsibility for the media content. The only one responsible for the content, according to the Media Law,¹⁰ is the founder of the media. Also, if the information published results in a legal dispute, the ones who will be held responsible are the author of the disputed article and the media founder: *“In other words, there is no mention of the editor or the rights and obligations of the author in cases where the meaning of a report is changed through editorial intervention.”*¹¹

There is no official, or even measurable data on how much editors do interfere with journalistic work. Media Self-Regulation Council executive secretary Ranko Vujović says it is obvious that this does occur: *“In my opinion, this happens more frequently in the print and online media. The headlines, titles and subtitles, which are all part of a text and are very often sensationalist, frequently do not fit the report. This is why it seems to me that it must be an editorial choice.”*¹²

At this point it becomes clear that the laws initially meant to protect editors’ independence are unsuitable for everyday practice. The Human Rights Action (HRA) working group has suggested that the Media Law must stress the importance of the editors’ role.¹³ They propose that Article 20, which defines the

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9 Ibid.

10 Media Law, Article 20, 2002, and subsequent modifications. Available at: http://www.arcdg.org/index.php?option=com_docman&task=cat_view&gid=48&Itemid=26. Accessed 19 February 2016.

11 Written interview with Jadranka Vojvodić, Deputy Director, Agency for Electronic Media, 16 March 2016.

12 Written interview with Ranko Vujović, executive secretary, Media Self-Regulation Council, 15 March 2016.

13 HRA is an NGO based in Podgorica.

author, editor-in-chief and the media founder as jointly liable, be amended.¹⁴ “Since the editor-in-chief is in most cases a journalist too, they, necessarily the most capable, should also be the most responsible in looking after the interest of the media outlet, and, having in view their knowledge, should stop the publication of information which is a product of ignorance, lack of experience, or bad intentions,” says HRA activist Mirjana Radović.¹⁵

At the beginning of March 2016, the HRA urged the relevant parliamentary committee to debate the proposal, but it is not known whether or when the amendments will be placed on the Parliamentary agenda. According to Radović, “the Montenegrin Parliament has never mentioned the idea of discussing media freedoms, nor has it discussed a set of media laws as a whole. There is no public information strategy, the Media Law has not been changed for 13 years, and even though it is not bad, it should be updated.”¹⁶

2.1

PUBLIC BROADCASTER: A BIGGER BUDGET DOES (NOT) MEAN GREATER INDEPENDENCE

In mid-April 2016, the director of *TVCG 1* Radojka Rutović, the head of the news desk Vesna Terić, and the news programme editor Aleksandra Pavićević, all resigned, after several months of political negotiations and opposition pressure in the wake of the smaller coalition partner SDP leaving the government.¹⁷ The term of office of *TVCG 1* editor-in-chief Marina Vuković ended in March 2016, and she was not re-elected.

Contrary to the media legal framework in general, a couple of articles in the valid Law on Public Broadcasting Services do tackle the question of independence – trying to ensure that journalists only work in the public interest,¹⁸ that no

ARTICLE 18 CLEARLY STIPULATES THAT THE MANNER AND CONDITIONS OF PROVIDING FUNDS FROM THE BUDGET OF MONTENEGRO CANNOT INFLUENCE THE EDITORIAL INDEPENDENCE OF RTCG. YET, THE BIGGEST CONFLICT SURROUNDING THE PUBLIC BROADCASTER HAS TO DO WITH ITS INDEPENDENCE.

14 “The media founder is held responsible for the published programming content, unless the law specifies otherwise. The author, editor-in-chief and the media founder are jointly liable for the damage caused by publishing untrue, incomplete or other programming content whose publishing is prohibited by this law, and which damage the honour or violate the rights of an individual, if it is proved that the author or the editor-in-chief were acting contrary to the required professional attention.” See: HRA, Prijedlog izmjena i dopuna Zakona o medijima, p.2, 2015. Available at: <http://www.hracion.org/wp-content/uploads/Predlog-Radne-grupe-Akcije-za-ljudska-prava-jun-2015.pdf>. Accessed 20 March 2016.

15 Written interview with Mirjana Radović, activist, Human Rights Action, 22 March 2016.

16 Ibid.

17 See <http://www.rtcg.me/vijesti/drustvo/125717/radojka-rutovic-podnijela-ostavku.html>. Accessed 19 April 2016.

18 “*RTCG* journalists are independent in their work and act in the public interest. Journalists cannot be dismissed, have their salaries reduced, or their status in the company changed, nor can they be held accountable for an attitude or opinion which is published in line with professional standards and programming rules.” See Law on the Public Broadcasting Services, 2008, and subsequent modifications. Available at: http://www.ardcg.org/index.php?option=com_docman&task=cat_view&gid=48&Itemid=26. Accessed 19 February 2016.

one can influence *RTCG* Council members,¹⁹ and Article 18 clearly stipulates that the manner and conditions of providing funds from the budget of Montenegro cannot influence the editorial independence of *RTCG*. Yet, the biggest conflict surrounding the public broadcaster has to do with its independence.

The *RTCG* Complaints Committee considers the editorial team as being most responsible for the poor quality of information programming, says *RTCG* Council member Goran Đurović, now in his second term: *“In most cases, the news programme lacks credibility, accuracy and impartiality. Despite constant warnings of the fact that the same violations of professional standards have been made by the newsroom, nothing is being done to improve the situation and impose sanctions against those in charge.”*²⁰

RTCG Director General Rade Vojvodić agrees that news programme/bulletins can be improved, but in his view, it is all only a matter of “packaging.” In his opinion, *“it is all about how you package things, nothing else, if you have an extra piece of information, if the information you have should be aired first, second or third; we all know what makes news. That’s all, that’s what you need to pay attention to.”*²¹ Vojvodić claims that “certain Council members” have ulterior motives for their programme evaluations: *“If even before a Council meeting certain media outlets publish what will be discussed at it, and if certain Council members are paid honoraria that are by one-half higher than what an average journalist receives for a month’s work just for coming to a meeting once a month and sometimes not even showing up, this makes us wonder whose interest those people serve,”* Vojvodić says.²²

The EU Report on Montenegro for 2015 also refers to the public broadcaster’s independence. It points out that *“Montenegro needs to prioritize the editorial independence of RTCG, since a well-functioning and truly independent public service media outlet represents a key aspect of media pluralism.”*²³

The government adopted amendments to the Law on the Public Broadcasting Services in November 2014. A month later, it was submitted to Parliament, says Željko Rutović, Director General of the Media Directorate at the Ministry of

19 “Council members do not represent the institutions or organisations which proposed them, but must fulfil their duty on their own, independently and according to their own knowledge and conscience, according to the law, the *RTCG* statute and other general acts. No one has the right to influence the work of a Council member, nor is a council member obliged to follow anyone’s instructions regarding his/her work, unless a court decision says otherwise.” See Law on the Public Broadcasting Services, 2008, and subsequent modifications. Available at: http://www.ardcg.org/index.php?option=com_docman&task=cat_view&gid=48&Itemid=26. Accessed 19 February 2016.

20 Written interview with Goran Đurović, *RTCG* Council member, 18 March 2016.

21 Interview with Rade Vojvodić, Director General, *RTCG*, Podgorica, 31 March 2016.

22 Ibid.

23 European Commission, *Commission staff working document: Montenegro 2015 Report*, 10 November 2015. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_montenegro.pdf. Accessed 31 March 2016.

Culture. He explained: “So far two committees have discussed the paper. These amendments were still not discussed at a plenary Parliament session, and we do not know when that might happen.”²⁴ On the other hand, Đurović claims that this is not going to change the status of the editorial team, nor affect the essence of the problem – the lack of independence. That is why at the end of 2014 he proposed amendments to the government’s proposition, for which he obtained support from 19 non-governmental organisations: “We suggested that the RTCG Council have 11, instead of nine members, so it could better reflect the interest of citizens, especially in the part that pertains to NGO representatives. In this amendment we suggested that in the category Authorised Representatives it ought to consist of four, instead of two NGO representatives.” In this manner, the RTCG Council would appoint the RTCG Director General according to their references, not because of political influence, as has been the case so far, Đurović explains. A Director General appointed in such a manner would select both the directors of TV and radio and the editors, based on their references, instead of political preferences, he argues.²⁵

It is very likely that political preferences, or the preferences of political parties, will have the last word in the election of the next editorial board. In the midst of talks on how to reach an “agreement on free elections,” at the beginning of 2016, there is no official or unofficial mention of legal solutions. Instead, there is talk of which party finds whom suitable for the job of TVCG director and editor-in-chief.

2.2

SELF-REGULATION DOES NOT MENTION EDITORS

Unlike the media legal framework, self-regulation has made a step forward. At the very end of 2015, amendments to the Code of Montenegrin Journalists were adopted.²⁶ However, the code still does not recognise editors as stakeholders in self-regulation. What pertains to journalists pertains to them as well. They have no special duties, nor do they require special treatment. When it comes to ethics and professional standards, all of them have the same obligations, says Media Self-Regulation Council (MSC) executive secretary Ranko Vujović.²⁷ Complaints filed at MSC do not specifically refer to authors but to problems. That is why the MSC has no insight into how many violations of the code could be ascribed to ed-

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24 Written interview with Željko Rutović, Director General, Media Directorate at the Ministry of Culture, 25 March 2016.

25 Written interview with Goran Đurović, RTCG Council member, 18 March 2016.

26 Media Self-Regulation Council representatives and the dailies *Vijesti* and *Dan*, and the weekly *Monitor* reached agreement on the changes, with coordination by the OSCE and the Council of Europe. See <http://medijskisavjet.me/index.php/aktuelnosti/10-usvojene-izmjene-i-dopune-kodeksa-novinara-crne-gore>. Accessed 2 April 2016.

27 Written interview with Ranko Vujović, executive secretary, Media Self-Regulation Council, 15 March 2016.

itors. Also, this is just a small, and probably less significant portion of the issues appearing in Montenegro's self-regulatory practice.

For a year now, the MSC has not been publishing monitoring reports. Lacking resources, it deals only with complaints. *"It was during this period that we were preparing reports aimed at shedding light on the problems Montenegro had in the area of ethics and professional standards in the media, because that was the time of major abuses in this sector,"* says Vujović.²⁸

Darko Šuković, *Radio Antena M* owner and editor, who is also a member of the MSC, believes that its initiatives yielded results: *"The journalists are now a bit more cautious; it is not as easy as before to write or air false information, or publish insults and reports disregarding basic human dignity or the presumption of innocence."*²⁹

On the other hand, media analyst Dragoljub Duško Vuković is less optimistic: *"You have a self-regulatory body which is a travesty of self-regulation. In several years the Council, which has twenty or so members from the media, had made more decisions concerning the media not represented in it, than those which are. Later on, when some media decided to introduce autonomous, i.e. self-regulatory mechanisms of their own – the Ombudsman and the Media Self-Regulation Council were turned into appeals bodies. That is a travesty of self-regulation."*³⁰

Vujović claims it is a common European practice for self-regulatory bodies to deal with all complaints, regardless of whether an outlet is a member or not, and, according to him, that is not problematic. What is problematic, is the lack of capacity: *"It is not serious – and in our view it is even impossible – for three people to monitor 70 electronic media. We are aware that some of our TV members have broken the journalists' Code of Conduct, but we just couldn't accept the responsibility."*³¹

Even though the media community has reached an agreement on the Code of Montenegrin Journalists, differences between media perceived by the public as pro- and anti-government are still too great. It is hard to imagine that in the near future an agreement could be reached on a common institution to monitor and sanction violations of the Code.

This explains the position of the daily *Vijesti* editor Mihailo Jovović. *"Self-regulation? There is no self-regulation. We have the Media Self-Regulation Council, which self-regulates us, which serves the government's interests and not the interests of self-regulation. Since the very beginning we were in favour of self-regulation, and now we have an ombudsman who is independent, who*

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28 Ibid.

29 Interview with Darko Šuković, owner and editor-in-chief, *Radio Antena M*, Podgorica, 23 March 2016.

30 Interview with Dragoljub Duško Vuković, media analyst, Podgorica, 23 March 2016.

31 Written interview with Ranko Vujović, executive secretary, Media Self-Regulation Council, 15 March 2016.

criticises us, whose decisions we publish regularly. What does the self-regulation council serve for? It is a bludgeon in the hands of the government,” says Jovović.³²

3 JOB ANNOUNCEMENTS: (NOT) LOOKING FOR INTEGRITY

Anyone attracted by a “no legal duty, no legal responsibility” position would have a hard time finding an announcement for an editor’s job. *“I do not remember any public advertisement for the position of editor at any leading media in the country which would say – we are looking for an editor-in-chief who can offer his/her concept of editorial policy. That would make sense. If an editor is offering his/her skills, i.e. knowledge, intelligence, experience and similar, an employer should go out to the market and look for the best and the smartest one,”* says media analyst Dragoljub Duško Vuković.³³ It is hard for an outsider to be hired through a job announcement, but it is not much easier for insiders, either. Although there is no precise data, it is common knowledge that internal position announcements appear quite rarely.

All of the editors who took part in the survey say that, officially, they were appointed by directors or boards of directors. In one instance, there was a direct agreement with the owner. Personal connections and ties seem to be working much more effectively. None of the editors can boast of awards or other professional recognitions.³⁴

“There are no special requirements or any legal or self-regulation exclusion criteria. Anyone can become an editor or a journalist, and that is only right,” Ranko Vujović says. In his opinion, *“that is up to management bodies, and they have the right to appoint any person they find suitable for a position. But in the process it rarely matters whether the person in question is a capable and good editor. Often, some other qualities matter more.”*³⁵

Since there are no exclusion criteria, there are hardly any job announcements for editors, and, at least officially, it is not clear what qualifications are actually required for such positions. Unofficially, integrity is not high on the list of desirable qualities; most respondents are unanimous on that. Here is what some of them had to say:

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32 Interview with Mihailo Jovović, editor-in-chief, daily *Vijesti*, Podgorica, 23 March 2016.

33 Interview with Dragoljub Duško Vuković, media analyst, Podgorica, 23 March 2016.

34 Data obtained through a survey.

35 Written interview with Ranko Vujović, executive secretary, Media Self-Regulation Council, 15 March 2016.

“Most of the media in Montenegro have no integrity, and this is primarily the fault of the editors; the same goes for the media that do have integrity – editors are the ones to thank for that.”³⁶

“The role and influence of editors are dominant, but, sadly, they mostly comply with the editorial policies created by owners and/or in indirect, hidden ways by advertisers and sponsors.”³⁷

“It appears to me more like a sort of clientelism: I give you a nice pay check and you will be loyal to me and loyal to the public to the extent my interest coincides with that of the public.”³⁸

“There is no outlet where an editor is fully independent. He or she has the obligation to fulfil the set editorial policy which the directors or owners demand be followed, no matter what they think about it.”³⁹

“No private media owner is going to appoint an editor who is independent. No way. That does not exist. The editor gets clear instructions from the media owner to work on behalf of his interests.” The interviewee also added: *“Why would a private media care about the public interest? They can hide behind that empty phrase. If the public interest accounts for 20 percent [of what is done], the owner’s interest accounts for 80 percent.”⁴⁰*

Owners, i.e. media founders have an interest in making money, but editors should have the same interests as the public, says Dragoljub Duško Vuković. *“My experience confirms that every time when the interest of the public did not coincide with the interest of the owner, the editorial policy was always closer to the interest of the owner,”* says Vuković, who himself is a former editor.⁴¹

In such circumstances the journalists have no say in the appointment of editors. It was only in one small local public broadcasting service that the journalists were consulted when a new editor-in-chief was supposed to be appointed. Even though such a mechanism does not exist, 12 out of 15 surveyed editors said that they would have more independence if journalists voted in the process of their appointment. Three respondents said that this would “make[s] no sense,” and that in a private company, journalists should have a say only if they were shareholders.

Contrary to the French *Libération* case in which the journalists objected to their newspaper being treated like any other kind of business enterprise,⁴² the attitude of Montenegrin editors is exactly the opposite: they equate media

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36 Interview with Mihailo Jovović, editor-in-chief, daily *Vijesti*, Podgorica, 23 March 2016.

37 Written interview with Jadranka Vojvodić, Deputy Director, Agency for Electronic Media, 16 March 2016.

38 Interview with Dragoljub Duško Vuković, media analyst, Podgorica, 23 March 2016.

39 Written interview with Ranko Vujović, executive secretary, Media Self-Regulation Council, 15 March 2016.

40 Interview with Rade Vojvodić, Director General, *RTCG*, Podgorica, 31 March 2016.

41 Interview with Dragoljub Duško Vuković, media analyst, Podgorica, 23 March 2016.

42 See <http://www.theguardian.com/media/2014/feb/09/liberation-journalists-shareholders-france>. Accessed 31 March 2016.

outlets to other businesses or services. However, the role of employees in the decision-making process should not to be underestimated, and the notion of “public interest” needs to be underlined in the media.

When appointed, editors face no precisely defined regulations or restrictions. In most cases, the length of their mandates is not set, and their rights and obligations are not clearly defined in contracts. Only half of them said that the procedure and reasons for their dismissal had been determined in advance. Yet, there is no organisation or association bringing them together, nor do they belong to any international organisations.⁴³

4 ECONOMIC STATUS OF EDITORS: A SAFE PLACE

With regular employment and a permanent work contract, according to our survey, editors are in a safe place. Only two survey participants said that they had a fixed-term contract. All others said that their contracts are open-ended.

A survey conducted a year and a half ago by the OSCE and the Center for Democracy and Human Rights (CEDEM), an NGO, showed that approximately 75 percent of employees in the media sector have open-ended contracts. According to the same survey, the average monthly pay of journalists is 470 euro.⁴⁴ Compared to the data from our survey of 15 editors, this is less than half of what editors earn per month. Nine out of 15 editors said that their monthly salaries ranged from 1,000 to 3,000 euro. All of them, with the exception of two, whose salaries are negotiable, have fixed incomes. Four of them receive less than 1,000 euro per month. Three of those four work in public service broadcasting organisations and one in a private media outlet.⁴⁵ The fact that the sample in the OSCE survey on the social status of journalists included about 10 percent of all editors,⁴⁶ suggests that the salary gap between editors and journalists is even wider.

43 More than half of the survey participants (nine of 15) say that the length of their terms in office is not set. The mandates of the remaining six vary from 2 to 5 years, but in several cases the contracts have been renewed on several occasions. Most of the respondents (13 of 15) said their rights and obligations were precisely defined in the contracts. The situation is somewhat different when it comes to the dismissal procedure. Eight of the respondents said that the conditions leading to their eventual dismissal had been precisely set out. The others said that their contracts were of a standard type, i.e. the same as for all the other employees. Only one respondent said he/she was a member of the Trade Union of Media.

44 OSCE Mission to Montenegro and CEDEM, *Social status of journalists in Montenegro: report*, November 2014. Available at: <http://www.osce.org/montenegro/135551>. Accessed 20 March 2016.

45 Two editors refused to answer this question, saying it was “indiscreet” and “improper.”

46 OSCE Mission to Montenegro and CEDEM, *Social status of journalists in Montenegro: report*, November 2014. Available at: <http://www.osce.org/montenegro/135551>. Accessed 20 March 2016.

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With two exceptions, the editors said that their salaries were paid regularly. In view of the fact that in many outlets payments are late, or have been delayed for months, it seems that the editors are not treated by the owners in the same way as the rest of media employees.

Editorial contracts bring no additional benefits, at least none that are guaranteed by the contracts. Only one editor, who is at the same time a director, has a contract defining his bonuses in the event the company makes profit. For some 70 percent of the respondents, the salary they receive as editors is their only source of income. Four respondents occasionally have other sources of income. Several respondents said they hold shares in the company where they work, but have no income from that source.

The *RTCG* Code of Ethics is one of the rare publicly available statutes defining restrictions concerning other jobs.⁴⁷ *RTCG* employees are prohibited from working for a company that might be considered a rival. Under special circumstances, they may take another job if it does not harm the interests of *RTCG*. In all other media, most contracts signed by editors do include restrictions on work for a rival company, but most of them have no other restrictions.⁴⁸ Some 40 percent of the surveyed editors do not see taking another job as problematic per se. They say restrictions should be made only if that would constitute a conflict of interest. But the perception of what a conflict of interest actually entails is problematic. In general, it is understood as working for another media outlet, while other potential dangers are not recognised. Four survey participants are both editors and directors of media outlets.

Media analyst Dragoljub Duško Vuković says that such an arrangement ensures that the public interest does not prevail over the interest of the business. *“In this manner it is easier to control this ‘schizophrenic’ personality of editor-in-chief/director. If the editor-in-chief says ‘This is public interest. I want to be loyal to the public,’ the owner says ‘Wait, your director half has to be loyal to me.’ I think these positions have to be separated. To put it simply – it is healthier,”* says Vuković.⁴⁹

Darko Šuković, who is the owner of the outlet where he also works as an editor, is also sceptical that these two functions can be performed well simultaneously. *“Maybe it depends on the character of the person involved. There are multi-talented people, who know how to make money and how to make a programme, or at least they think so. I know many people who know how to make money – they definitely do – but usually I am not thrilled with the programme*

THE EDITORS SAID THAT THEIR SALARIES WERE PAID REGULARLY. IN VIEW OF THE FACT THAT IN MANY OUTLETS PAYMENTS ARE LATE, OR HAVE BEEN DELAYED FOR MONTHS, IT SEEMS THAT THE EDITORS ARE NOT TREATED BY THE OWNERS IN THE SAME WAY AS THE REST OF MEDIA EMPLOYEES.

47 JP Radio i Televizija Crne Gore and Savjet RTCG, Etički kodeks Radija i Televizije Crne Gore, p.5. Available at: <http://www.rtcg.me/rtcg/organizacija.html>. Accessed 22 February 2016.

48 Ten of 15 survey participants said they had no restrictions regarding taking any other jobs. Four of them said that their contract prohibited them from taking another job while in the capacity of editor, and one said that he would need approval for that by the “mother” company.

49 Interview with Dragoljub Duško Vuković, media analyst, Podgorica, 23 March 2016.

they prepare, and I think that this is programming with the sole purpose of making money,” Šuković said.⁵⁰

Some of our respondents compared the current position of editors with that of twenty years ago. “The biggest difference compared with the 1990 war-time era journalism is that then no one expected to make money in journalism, and it was much easier to set an editorial policy, because it was established by people who shared the same clear anti-war attitude,” Vuković says. “Today you generally have entirely different relations. You have a mortgage, and you have to work for a small salary in order to pay off your loan. That is unhealthy and the product is bad journalism,” concluded Vuković.⁵¹

5 POLITICS VS. JOURNALISM

Even though it is undoubtedly more lucrative than journalism, politics as a profession is not very popular among journalists. Some of them entered Parliament so long ago that they are no longer perceived by the public as journalists or editors. Rarely do editors take part in politics directly.⁵² Political party membership is not public, so it is not possible to know with certainty whether editors are party members, but if it were public, or if editors at least went public about the matter, it would solve half the problem, Dragoljub Duško Vuković believes. “No law, code or legislation can prohibit that if they want it, but I think it is important that the media audience should be informed of the fact that an editor-in-chief is a member of a party, or a party leadership, a trade union, an NGO, or other organisations,” Vuković says.⁵³

Although officially or openly the editors are not political activists, the media are edited by politics to an extent that raises concern. Regardless of whether a media outlet is perceived as pro- or anti- government, the editors have a unanimous view on the matter. Subtle media profiling has never existed in Montenegro. Pro or contra a certain policy is not a problem, says Darko Šuković. He established that “in our media, of four lines in a news item, one-and-a-half lines will constitute interpretation. There is no journalism there: what you have in the key media is a hard-core political agenda.”⁵⁴ Yet nine out of 15 respondents claim that they have never been influenced by anyone or

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50 Interview with Darko Šuković, owner and editor-in-chief, *Radio Antena M*, Podgorica, 23 March 2016.

51 Interview with Dragoljub Duško Vuković, media analyst, Podgorica, 23 March 2016.

52 One of those rare examples is former executive editor at the daily *Vijesti*, Nedeljko Rudović. More in the Case studies section.

53 Interview with Dragoljub Duško Vuković, media analyst, Podgorica, 23 March 2016.

54 Interview with Darko Šuković, owner and editor-in-chief, *Radio Antena M*, Podgorica, 23 March 2016.

pressured to change their professional attitude, and that even if they were pressured, they did not submit to it. It is rather difficult to understand why the media are then perceived as PR agents for certain political agendas, if it is not a case of everyone adhering to the “it’s-not-us-it’s-them” philosophy. Šuković says that those labelling *Antena M* as pro-government “have no clue” about journalism,⁵⁵ and *Vijesti* editor-in-chief Mihailo Jovović says that editors’ political preferences do influence the editorial policies, but that this is not the case at *Vijesti*.⁵⁶ Montenegro’s public service broadcaster’s Director General Rade Vojvodić, holds a similar stand: “*It is clear which political party is represented by which private media. And then those editors speak as if they invented professionalism and independence. Editors here [RTCG public service] are more independent than those in private media.*”⁵⁷

Depending on whether their editorial policy is perceived as pro- or anti-government, media outlets may be and are exposed to financial, legal and physical pressure or threats. In such circumstances, the media and their editors are left to struggle for survival in the market. In such a ruthless struggle the public interest does not always have priority. “*The only way to improve the status of editors is to improve the conditions in which media operate,*” says RTCG Council member Goran Đurović. “*The state should provide stronger support, via the media pluralism funds, for those media which work in the public interest. Such media should be privileged in advertising by state authorities,*” says Đurović.⁵⁸ There are privileged media, but *Vijesti* editor Mihailo Jovović claims that the privileges depend on whether or not you criticise the government. “*State institutions should understand advertising as public procurement and, in accordance with that, call tenders where the best bidder should win and thus the very purpose of advertising be fulfilled. The only purpose now is to suffocate independent media,*” says Jovović.⁵⁹

A study by the Centre for Civic Education titled *Equal opportunities for all media in Montenegro?* shows that 2014 public spending in the media sector reached 2.1 million euro.⁶⁰ The report points out that the government exerts inappropriate pressure on the media market through non-transparent and selective public financing, whereby funds are transferred to media outlets on different bases and that this, combined with the fact that companies spend less on advertising while the spending of public funds based on no clear criteria is on the rise,

“THE ONLY WAY TO IMPROVE THE STATUS OF EDITORS IS TO IMPROVE THE CONDITIONS IN WHICH MEDIA OPERATE,” SAYS RTCG COUNCIL MEMBER GORAN ĐUROVIĆ.

55 Ibid.

56 Interview with Mihailo Jovović, editor-in-chief, daily *Vijesti*, Podgorica, 23 March 2016.

57 Interview with Rade Vojvodić, Director General, RTCG, Podgorica, 31 March 2016.

58 Written interview with Goran Đurović, RTCG Council member, 18 March 2016.

59 Interview with Mihailo Jovović, editor-in-chief, daily *Vijesti*, Podgorica, 23 March 2016.

60 Sixty-six percent (226) of the 342 public sector bodies included in the research provided the requested data to the researchers. See Centre for Civic Education, *Jednake šanse za sve medije v Crnoj Gori? Godišnji izvještaj za 2014, 2015*. Available at: <http://media.cgo-cce.org/2015/12/cgo-cce-jednake-sanse-za-sve-medije-u-cg.pdf>. Accessed 1 April 2016.

constitutes concealed censorship in Montenegro. That is why this civil society organisation prepared amendments which aim to have this area of public spending regulated.⁶¹ These amendments, as with all other media legislation proposals, are still pending. On the other hand, legal pressure is hardly overly common: 11 out of 15 survey participants say they have never been taken to court.

Financial and legal pressures seriously impact the operation of news media, but physical threats endanger lives. The EU Report on Montenegro for 2015 points out: “Three cases of violence were concluded in the recent period and hearings are ongoing for another three. Work needs to continue to solve older cases, including the 2004 murder of an editor-in-chief, and identify not only the material perpetrators but also those behind the attacks. However, there was limited progress on this.”⁶² *Vijesti* editor-in-chief Mihailo Jovović remembers clearly the night, over two years ago, when the hand grenade went off in the daily’s offices: “I became aware what might have happened only the day after, when we gathered for a meeting in our coats, because there were no window panes... What if a grenade had gone off at that moment or any other when there were more people in the office?”⁶³ Two years later, there is still no final verdict. Jovović believes that this is only logical, because, in his view, the investigation was not conducted in a proper manner.

The Commission to monitor the work of the competent authorities in investigating cases of threats and violence against journalists, murders of journalists and attacks on media property ended its second one-year term in December last year. The OSCE is facilitating talks on extending the Commission’s term, but in this round, its president, editor-in-chief of the daily *Dan*, Nikola Marković suggests that it should not be an interim body but a permanent one. He believes the Commission has contributed to some progress being made: for the first time there is a database on all the attacks, and some of them have been solved (the attack on Lidija Nikčević), while other journalists involved (Tufik Softić) were granted, at the Commission’s insistence, around-the-clock protection. “The main problem is the obstruction by the police, who refuse to allow us access to the relevant data under the excuse of protecting personal information, even though all Commission members have the right to access secret records and have undergone National security agency checks,” says Marković.⁶⁴ Jovović, who himself was also the victim of a physical attack by a former mayor of Podgorica, his son and his driver, claims that police in many cases not

FINANCIAL AND LEGAL PRESSURES SERIOUSLY IMPACT THE OPERATION OF NEWS MEDIA, BUT PHYSICAL THREATS ENDANGER LIVES. “I THINK THAT BY NOT SOLVING THE ATTACKS ON OUR COLLEAGUES, THE STATE PROMOTES IMPUNITY AND ENCOURAGES NEW ATTACKS. OUR SECURITY IS ENDANGERED BECAUSE THE PREVIOUS CASES HAVE NOT BEEN SOLVED,” SAYS MARKOVIĆ.

61 See <http://media.cgo-cce.org/2016/03/set-amandmana.pdf>. Accessed 31 March 2016.

62 European Commission, *Commission staff working document: Montenegro 2015 Report*, 10 November 2015. Available at: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_montenegro.pdf. Accessed 31 March 2016.

63 Interview with Mihailo Jovović, editor-in-chief, daily *Vijesti*, Podgorica, 23 March 2016.

64 Written interview with Nikola Marković, Commission to monitor the work of the competent authorities in investigating cases of threats and violence against journalists, murders of journalists and attacks on media property, editor-in-chief of daily *Dan*, 4 April 2016.

involving the government have proven very competent and, when willing, are able to solve any criminal case. Yet, somehow, investigations of assaults on journalists have not been conducted in a proper manner.⁶⁵

This kind of attitude is exactly what makes journalism unsafe. *“I think that by not solving the attacks on our colleagues, the state promotes impunity and encourages new attacks. Our security is endangered because the previous cases have not been solved,”* says Marković.⁶⁶ On one side, the state failed, and, on the other, so did the media community, Jovović claims. *“People from most of the media in Montenegro, probably as a result of the division into pro- and anti-government, didn’t even call me to ask what had happened. When I was attacked by the former mayor of Podgorica and his companions, the pro-government media reported in his favour, and in the case of the attack on Olja Lakić, she was crucified by the daily Pobjeda on a daily basis. They kept reporting that she hadn’t been attacked at all, that she had made the whole thing up, and with absolutely no proof...”* says Jovović.⁶⁷

6 CASE STUDIES

Editors, even editors-in-chief, are rarely recognisable public figures and seldom get public attention. If they do, the publicity usually involves politics, or violence and pressure against the media where they work. The former executive editor of *Vijesti*, Neđeljko Rudović is one of the rare journalists who left journalism for politics. On the other hand, Novak Uskoković, editor-in-chief of the daily *Informer*, got into the spotlight after a series of reports on a scandal allegedly involving an NGO activist. Distribution of some issues of the paper was prohibited by a court decision, and the reports were condemned by many individuals and organisations.⁶⁸ Yet another court case involving the *Informer* and Uskoković seems to illustrate much better an editor’s role and his/her “independence.”

Rudović left his position on 31 August 2015, and the following month became a member of the Civic movement URA and its coordinating committee. Rudović explains that he had personal, private motives for trying to change something, and because politics and journalism do not mix well, he chose politics: *“I realised that politics attracted me much more, and didn’t want to regret in a few years not having tried to change something. Doctors, lawyers and*

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65 Interview with Mihailo Jovović, editor-in-chief, daily *Vijesti*, Podgorica, 23 March 2016.

66 Written interview with Nikola Marković, Commission to monitor the work of the competent authorities in investigating cases of threats and violence against journalists, murders of journalists and attacks on media property, editor-in-chief of daily *Dan*, 4 April 2016.

67 Interview with Mihailo Jovović, editor-in-chief, daily *Vijesti*, Podgorica, 23 March 2016.

68 See <http://www.blic.rs/vesti/politika/sud-u-podgorici-zabranio-odredene-brojeve-informera/7ggvqhqr>. Accessed 1 May 2016.

professors do not abandon their professions to enter politics, but I had to leave mine and put my only source of income at risk.”⁶⁹ Rudović is confident that his political views influenced his editorial job but that they didn’t affect the public interest. According to him, “I have always emphasised those subjects which revealed the nature of this government and its mistaken decisions. I had no party preferences, and, in line with that, I have supported all government decisions which I found to be a step forward.” Rudović thinks that no code should prescribe the rules regarding political activism and journalism: “This is something that should be understood.”⁷⁰

At the end of 2014 the Office of the State Prosecutor filed a lawsuit against the *Informer* editor-in-chief Novak Uskoković for this daily’s reports on how the Albanians celebrated following a football match between Serbia and Albania in Belgrade in October 2014. A headline with negative connotations regarding the Albanian minority was the reason for the Basic Court in Podgorica to rule that Uskoković should pay 3,000 euro in fines. At that point the *Informer* was edited in Montenegro, printed in Serbia, and then distributed back to Montenegro. The situation in which Uskoković as a newspaper editor-in-chief and director found himself after the headline was put up in Belgrade, where the editorial office of the paper’s mother company is headquartered, tells volumes about the independence and status of editors. The *Informer* has often been criticised as a tabloid serving the purposes of the ruling DPS party, but Uskoković nevertheless claims that *Informer CG* and he personally are not influenced by anyone. Now, the entire production process takes place in Montenegro. “We have absolute independence, especially since we started printing the paper in Podgorica,” claims Uskoković.⁷¹ Apparently, this case has not influenced the circulation of the daily. On the other hand, the public, both professional and lay, discussing the said headline, has failed to pay attention to the fact that someone outside the media is actually allowed to edit reports or parts thereof.

7 CONCLUSIONS

Although the role of editor should be crucial in defending media integrity, in Montenegro editors play only a supporting role. The media legal framework meant to safeguard the freedom and independence of the profession does not work in practice. Forgotten by the laws, with no special duties or legal rights, editors could have sought protection of their role through self-regulatory

69 Written interview with Nedeljko Rudović, member of coordinating committee of Civic movement URA, former executive editor of daily *Vijesti*, 23 March 2016.

70 Ibid.

71 Written interview with Novak Uskoković, director and editor-in-chief, daily *Informer*, 17 March 2016.

mechanisms. However, reaching an agreement on an institution that would protect proper journalism practices is difficult even to imagine in a divided community such as Montenegro's media sector.

A lack of awareness seems also to be a problem. Editors do perceive that their role is important, but apparently very few of them understand that, although they work in private companies, ensuring profit is not their sole interest. The editor is the point where the interests of the owner and the public converge, and the public should be certain that public interests will prevail. This should not depend on whether a given media is perceived as pro- or anti-government, but this appears to continue to be the single most important criterion for the editor's role. In such circumstances, editors have not managed to overcome their differences and, for instance, form an association to protect their independence and professional interests.

The time until the realisation of all journalism professionals that the interests of the editor are not equal to the interests of the owners will be lengthy. Herein lurks another threat. Editors seem to lack awareness of a potential conflict of interest even in some basic points such as having multiple sources of income, or holding simultaneously the positions of director and editor. On the other hand, in private media, the owner's word is understood as final, and such a situation is taken for granted. It is hard to imagine that Montenegrin media workers, with editors at their head, will any time soon reach a level at which the private media will not be viewed as just another private business, as it happened with the French *Libération*.⁷² Even though Montenegro was not part of the 2014 Media Integrity Matters study undertaken by the SEE Media Observatory, its findings in the region are quite applicable in the country: "*Professional and economic degradation, however, did not trigger an organized resistance on the part of journalists. Even today, in circumstances which they describe as 'worse than ever', they remain passive, polarized and fragmented.*"⁷³

The Montenegrin media community seems to need outside support to overcome the situation with media independence, including the independence and integrity of editors. The support of international organisations is needed, but also the engagement of civil society and citizens in favour of independent journalism. Nothing, however, can be changed without an initiative by and engagement of media professionals, journalists and editors, in protecting their own profession.

72 See <http://www.theguardian.com/media/2014/feb/09/liberation-journalists-shareholders-france>. Accessed 1 May 2015.

73 See <http://mediaobservatory.net/sites/default/files/regional%20overview.pdf>. Accessed 1 May 2016.

FORGOTTEN BY THE LAWS, WITH NO SPECIAL DUTIES OR LEGAL RIGHTS, EDITORS COULD HAVE SOUGHT PROTECTION OF THEIR ROLE THROUGH SELF-REGULATORY MECHANISMS. EDITORS DO PERCEIVE THAT THEIR ROLE IS IMPORTANT, BUT APPARENTLY VERY FEW OF THEM UNDERSTAND THAT, ALTHOUGH THEY WORK IN PRIVATE COMPANIES, ENSURING PROFIT IS NOT THEIR SOLE INTEREST.

TO IMPROVE THE POSITION OF EDITORS:

1. The Media Law amendments proposed by Human Rights Action, stressing the importance of the editors' role, should be considered and discussed.
2. The liability of editors in cases where the programme content violates the defined rules of the profession need to be emphasised. Editors should have the last word.
3. The media industry and policy makers should introduce a clear separation of the positions of director/manager from that of the editor through regulation or self-regulation.
4. Unity among the media community on self-regulatory mechanisms is needed. Assistance, support and facilitation by international organisations to unite a divided media community would be welcome.
5. Support of international organisations is needed in providing training and organising courses, seminars and exchange programmes to raise awareness among editors about potential conflict of interest situations and other issues related to professional integrity of editors.
6. Amendments to the public service broadcasting law prepared by a group of NGOs should be taken into account, particularly having in mind that the source of income (the state budget) affects independence of the Montenegrin public service broadcasting. Changes in the governing structures of *RTCG*, including the structure of the *RTCG* Council, should also be discussed, aiming to protect editorial independence of the public broadcaster.

TO IMPROVE THE GENERAL SITUATION OF MEDIA FREEDOMS AND INTEGRITY:

1. The legal framework should be amended to provide for transparency of public spending for advertising.
2. The government should extend the mandate of the Commission to monitor the work of the competent authorities in investigating cases of threats and violence against journalists, murders of journalists and attacks on media property, so that it can continue to carry out its work.
3. The funds supporting public interest programming should be made available to the media. In doing so, special attention will have to be paid to how the funds will be distributed, lest this be turned into a mechanism of pressure against the media.
4. Amendments to the public service broadcasting law regulating the funding of the public broadcaster proposed by the government have to be adopted. The public service needs a steady and secure income.

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**THE EDITORS' ROLE IN
MEDIA INTEGRITY PROTECTION
IN MONTENEGRO**
**DIVIDED TO THE DETRIMENT
OF THE PROFESSION**