

The Impact of European Integration on the Media in Croatia and the FYR of Macedonia

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Abstract

European integration is considered to be a powerful motivating tool for aspiring members to reform domestic politics and economic policies towards establishing democratic societies with market economies. The integration is conditional upon aligning domestic legal frameworks and practices with European standards. Compliance with European requirements on democracy, the rule of law and freedom of expression is one of the crucial elements of the accession process. In 2001, the European Union embarked upon the road of integrating the Western Balkan region. Croatia and the Former Yugoslav Republic of Macedonia were the first two countries of the region to be granted the ‘candidate’ status. However, a puzzling pattern emerged over the last decade. While democratic form of governance has been strengthening in the two countries, the level of freedom of the media has been declining. This research investigates the reasons for non-compliance, with a primary focus on the media, by tracing the evolution of EU relations with the two countries and the underlying mechanisms of non-compliance. It argues that such patterns can be explained using the rationalist theoretical approach and explains why any analysis based on this approach must always factor in socio-historical context of a country.

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Introduction

It is generally assumed that democracy and freedom of the media are two complementary concepts. As a country gets freer politically, the media follows the same path. After the collapse of the Soviet Union, there has been a wave of democratization in former communist countries of Central, Eastern as well as Southeastern Europe. Some countries, like the Baltic states, fully embraced their democratic transitions and were among the first ones to join the European Union. For others, like Romania and Bulgaria, the process of democratization was more problematic, yet successful in the end. The Balkan Peninsula, on the other hand, went through a violent period of ethno-nationalistic wars in the 1990s, delaying the transition towards free and open societies with market economies. European integration has been perceived as a powerful normative tool that assists countries in their political transformations. To facilitate this process, the European Union designed a special framework for the region, known as the Stabilization and Association Process (SAP). SAP serves as a basis for EU-Balkan multilateral relations with the envisioned end point being full integration of the region into the EU. Croatia and the Former Yugoslav Republic of Macedonia were the first ones to sign the Stabilization and Association Agreements. Both are expected to join the Union within the next few years, although Croatia's accession is most likely going to happen sooner.

The European Union has been assisting the two countries to liberalize their politics and economies. Despite these efforts, it seems that domestic media in both countries has suffered some set-backs in the process. In 2002, the Freedom House assigned Croatia and Macedonia the scores of 2 and 4, respectively (1 being the best possible score and 7 the worst). By the year 2010 the scores had improved to 1.5 and 3, respectively.¹ Meanwhile, freedom of the media was given

¹ "Freedom in the World." Freedom House, <http://www.freedomhouse.org/template.cfm?page=15&year=0> (accessed April 30, 2011)

the scores of 8.75 in Croatia in 2002 and 9.67 in Macedonia in 2003.² The higher the score a country is assigned, the more media violations there are. By 2010 both countries got higher scores: 17.50 for Croatia and 18.40 for Macedonia. The discrepancy in the level of media and political freedoms in these countries is a puzzle. Why is there a growing divergence between democracy and media freedom in Croatia and Macedonia, despite similar pressures from the EU to both democratize their political process and liberalize their media? The relations between candidate countries and the European Union are based on the understanding that when a country has met all the conditions for accession, it will become a full member of the European community. Since the EU appears to have succeeded in inducing democratic reforms but ultimately failed to induce meaningful media reform in these countries, the Macedonian-EU and Croatian-EU accession processes will be examined in order to ascertain the reasons why compliance has lagged in the area of media liberalization.

The literature on compliance is vast, representing a range of views from constructivism to rationalism. However, before reviewing this literature, it is useful to outline some basic debates over conditionality since this is one of the core mechanisms by which outside actors induce reform through non-coercive techniques. At the end, this research tests theories on compliance by taking a closer look at Croatia and Macedonia, tracing the step-by-step transformations in the areas of politics, media and foreign affairs with the EU. The goal of a case-study process-tracing technique is to identify the underlying mechanisms and actors behind the discrepancy in the levels of freedom of media and politics in the two countries.

After covering the debates on conditionality and compliance, I will give a more in-depth overview of the research design and methods. Chapters 2 and 3 are devoted to case studies and will first introduce the reader to some basic legal frameworks within the candidate countries as well as EU's general requirements in terms of legal harmonization and then discuss each

² "Press Freedom Index 2010." Reporters Without Borders, <http://en.rsfb.org/press-freedom-index-2010,1034.html> (accessed April 30, 2011)

country's media violations along with the main actors. The core analysis aims to assess the reasons for limited compliance in the area of media reform in both countries. It is followed by analysis of a media-democracy puzzle and the reasons why there seems to be compliance in the area of democracy but non-compliance in the media sector.

The findings will show that non-compliance is mainly due to rationalist behavior of the actors based on cost-benefit calculation. The study will demonstrate that despite the fact that Croatia is further along its accession process there has been no process of socialization and learning. The progress that has been achieved in both countries in terms of compliance depends on the material incentives perceived by the governments. At the same time, socialization theory cannot be discredited altogether, as the process has taken place on the level of civil society. However, such adaptation of civil society to EU norms and standards is not enough to modify government behavior.

Finally, the analysis will contribute to the rationalist theories of compliance by arguing that the cost-benefit approach has to incorporate a wider socio-historical context to understand the underlying mechanisms that lead to (non-)compliance. Without such a context, it is impossible to accurately establish whether conditionality leads to compliance and whether such compliance is a result of socialization or calculation of costs and benefits.

Chapter 1 – Literature Review and Research Design

1.1. Literature Review/Debate

In order to assess the impact of the accession prospects on policy reforms in potential member states, the theoretical framework is split into two inter-related and complementary debates: compliance theories and the principle of conditionality. The concepts of ‘conditionality’ and ‘compliance’ are often used interchangeably. By separating the two in the following overview of literature, this section emphasizes the point that ‘conditionality’ should be understood as a process of imposing certain provisions in exchange for an agreed-upon reward, whereas ‘compliance’ refers to the process of actually satisfying the agreed-upon conditions. In other words, the principle of conditionality is fulfilled when a state agrees to implement certain reforms in exchange for its eventual membership. Compliance, on the other hand, is achieved when a state successfully implements the reforms. Not only are the two processes equally relevant to this and other similar stories, but the distinction between the two illustrates that the effectiveness of external interventions is not as straightforward as interveners may wish.

The debate on conditionality is in large part based on three questions: (1) does conditionality work; (2) if it does work, to what extent is this form of intervention responsible for transformations in policy; and (3), is the mechanism of conditionality based on cost-benefit calculations or socialization processes and, relatedly, the internationalization of norms. Many scholars of European politics and EU’s institutions address these questions individually; however, actual interventions must manage each of these issues simultaneously in order to achieve some degree of success in the real world.

Judith Kelley, after conducting her study on Baltic and Eastern European states, argues that transformations in domestic behavior are mainly the result of the principle of conditionality imposed by the European Union on target states. Although these transformations are often guided by socialization-based efforts, it is during the socialization processes that domestic

opposition is the strongest.³ As a result, using socialization tools alone does not lead to any significant domestic changes. Rather, membership conditionality, an incentive-based method, is decisive for policy changes, which means that candidate countries make decisions using cost-benefit calculations associated with rationalism, rather than due to learning or as a function of adopted norms.⁴ Applying her theory to this particular research would mean that Macedonia and Croatia embarked upon media reforms only because of their determination to join the European Union.

An opposite argument is presented by Martin Brusis, according to whom EU conditionality is not decisive when it comes to policy change. Instead, it is only complementary. Studying the cases of Czech Republic and Slovakia, Bruses shows that conditionality, or rather the way it was perceived domestically, affects domestic opportunity structures, which are then manipulated by domestic actors to promote certain political objectives.⁵ As a result, a top-down approach to conditionality is defective as it ignores deeper processes occurring at domestic levels. The assumption that every policy change results from European pressure simply because of a state's eagerness to join the Union risks overlooking the cases when such changes were genuinely based on domestic needs and considerations.⁶ Zsuzsa Csergo demonstrates Brusis' point in her book, where she explores the evolution of the relationship between Hungarian minority groups and the governments of Slovakia and Romania. She argues that despite EU-imposed conditionality, socio-political changes in treatment and accommodation of the minority groups occurred only when domestic transformations took place, transformations brought about from within the state based on local needs and demands.⁷ Brusis and Csergo force a question:

³ Judith Kelley, "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions," *International Organization* 58, no.3 (2004): 432.

⁴ Ibid., 453

⁵ Martin Brusis, "The Instrumental Use of European Union Conditionality: Regionalization in the Czech Republic and Slovakia," *East European Politics and Societies* 19 (2005): 306-307.

⁶ Ibid., 299.

⁷ Zsuzsa Cserco, *Talk of the nation : language and conflict in Romania and Slovakia* (Ithaca : Cornell University Press, 2007).

are media reforms in Croatia and Macedonia the result of EU conditionality or can there be traced domestic mechanisms that have forced change from within?

Heather Grabbe brings a pragmatic angle to this debate. She argues that, although on the surface the EU's conditions seem straightforward, when it comes to practice they are quite vague.⁸ For example, while a potential member state must qualify as a 'democracy' with a 'market economy,' the EU does not define these terms and their elements, leaving much to interpretation. Consequently, analyzing the impact of conditionality on post-communist transition beyond fixed theoretical models presents a challenge. Moreover, the lack of consensus within the Union as well as the great variety of channels through which the EU interacts with multiple levels of government further constrain the ability to measure the impact of EU conditionality on domestic policies and socio-political developments.⁹ Grabbe's argument can shed light on compliance patterns in Croatia and Macedonia. Since conditionality is perceived as more of a general framework as opposed to a set of strictly defined norms, the governments have the opportunity of manipulating reforms and actions to satisfy only basic requirements, thus, avoiding implementation of any real changes.

Challenges highlighted by Grabbe seem valid to Othon and Dimitar. However, they argue that the impact of conditionality can, in fact, be measured, and, according to their assessment, the method is failing to fulfill its objectives.¹⁰ According to them, EU-promoted reforms are not sustainable. Neither is the EU capable of producing local consensus regarding the need for these reforms in first place.¹¹ However, their argument is primarily based on the absence of a clear strategy on the integration process of the Western Balkan region. While this might be true for some of the Balkan states, like Serbia or Bosnia, which do not yet have a clear

⁸ Heather Grabbe, "European Union Conditionality and the "Acquis Communautaire,"" *International Political Science Review* 23, no.3 (2002): 250.

⁹ Ibid., 263.

¹⁰ Othon Anastasakis and Dimitar Bechev, "EU Conditionality in South East Europe: Bringing Commitment to the Process," *South East European Studies Program, University of Oxford* (2003): 3, accessed May 18, 2011, <http://www.emins.org/sr/aktivnosti/konferencije/solun/pdf/ostala/conditio.pdf>.

¹¹ Ibid.

accession program, the situation at the moment is different for Croatia and Macedonia. Since they officially have the status of ‘candidate’ states, domestic and European strategies towards accession are more-or-less defined. Therefore, the question that arises regarding the two case studies is: does the EU’s commitment change the governments’ perception of conditionality?

Finally, there is a middle ground in the debate presented by Hans Agne. He argues that the principle of conditionality can be seen both as an effective and redundant means of policy change depending on one’s definition of ‘conditionality.’¹² For example, if one perceives it as the process of setting conditions in exchange for certain benefits conducted through negotiations and constant dialogue, then the principle of conditionality has the power to impact domestic context in a meaningful way. When a country participates in a dialogue with an outside actor it is more prone to normative changes. If, on the other hand, conditionality is defined as a one-sided process, where a stronger party imposes reforms on a weaker one, then the idea of this stronger party achieving the desired changes seems dubious.¹³ Of course, a stronger party might be able to force a weaker one to pass certain reforms, but it would be much more difficult to make a weaker side abide by these laws. Although Agne does not pick one position over the other, he argues that both definitions must be given serious evaluation before proceeding to discuss the impact the practice of conditionality has on states. This point is relevant to the research puzzle. If the governments of Croatia and Macedonia see their relationship with EU as one-sided, they will be less willing to fully comply with conditionality by limiting their actions to superficial reforms. However, if the relationship is perceived as a dialogue and, thus, involves socialization of norms, compliance is more likely to manifest itself beyond legislative amendments and to extend to implementation of reforms.

As mentioned earlier, theories on conditionality tend to focus on the process of policy enactment. Compliance theorists, on the other hand, are more concerned with a practical

¹² Hans Agne, “European Union Conditionality: Coercion or Voluntary Adaptation?” *Alternatives: Turkish Journal of International Relations* 44, no.1(2009): 2

¹³ Ibid.

application of these policies, meaning implementation and enforcement. It is not enough to pass the ‘right’ laws. They should be respected in everyday practices to be truly functional.

Geoffrey Pridham argues that states comply with EU requirements not because such behavior is imposed upon them but rather due to the learning process, socialization of norms and voluntary adaptation.¹⁴ He sees conditionality’s effectiveness as largely hinging on persuasion. Therefore, a threat of discontinued or prolonged accession process in the case of a country’s failure to satisfy EU conditions does not constitute an act of coercion. If Pridham is right, then Croatia and Macedonia’s certain degree of compliance is the result of their adaptation of EU norms. However, the immediate question is: if there, in fact, is a process of socialization, why do these countries comply only partially?

On the other side of the debate is Frank Schimmelfennig, who, among other things, argues that compliance is a process of cost-benefit manipulation based on actors’ goals. These actors try to shape and interpret EU norms in a way that would be compatible with their actions, thus, paying the least possible price for domestic reforms.¹⁵ Moreover, if the costs of adaptation are higher than the benefits of compliance, a target government will be less likely to conform to these norms.¹⁶ Schimmelfennig’s theory has the potential of explaining the lack of compliance on behalf of Croatia and Macedonia. They only pass those reforms that meet basic EU requirements. However, if the cost of implementation is higher than potential benefits, the governments do not comply. In this case, the cost of implementation could be the loss of power by certain political parties.

Somewhere in the middle of the debate is Jeffery Checkel, who argues that compliance and its underlying mechanisms highly depend on the nature of actors involved as well as an

¹⁴ Geoffrey Pridham, “Complying with the European Union’s Democratic Conditionality: Transnational Party Linkages and Regime Change in Slovakia, 1993-1998,” *Europe-Asia Studies* 51, no.7 (1999): 1223.

¹⁵ Frank Schimmelfennig, “Strategic Calculation and International Socialization: Membership Incentives, Party Constellations, and Sustained Compliance in Central and Eastern Europe,” *International Organization* 59 (2005): 830.

¹⁶ *Ibid.*, 855.

overall context of negotiations over reform.¹⁷ For example, argumentative persuasion is more likely to succeed in pushing through reforms if an actor finds himself in an unknown environment, meaning that he will be “cognitively motivated to analyze new information.”¹⁸ Similarly, persuasion tends to be more effective when conducted as a dialogue as opposed to a lecture or a set of demands. Therefore, if we assume that democracy-building presents an unknown environment for Croatia and Macedonia, then they will be more receptive to EU norms and the degree of compliance will be higher. However, since this research is concerned with explaining the discrepancy between the level of democracy and media freedom in the two countries, the more appropriate way of applying Checkel’s reasoning would be to look at the way the EU interacts with the states on the media issue. Does it dictate its wishes or does it engage in a dialogue, providing constant assistance to resolve existent media problems?

Following Checkel, Emilian Kavalski and Wojciech Sadurski also take a middle ground in this debate. Kavalski’s starting point is the concept of ‘international socialization,’ which he sees as having both instructive and coercive aspects.¹⁹ It requires both compliance, or socialization by international organizations and learning to comply, or socialization in international organizations. In other words, Croatia’s and Macedonia’s integration is a two-fold process. The first one is the process of domestic alterations that allow a country to become a member of a club. The second process involves countries learning to comply, meaning that they learn how to be a part of an international body that has certain rules and responsibilities. The two processes do not necessarily overlap or come in a particular order. Such an approach to compliance has the potential to shed much light on the lack of compliance in the cases of Croatia and Macedonia. It might be the case that the two countries are in the process of socialization by international organization. They pass reforms because of the coercive nature of the relationship with the EU,

¹⁷ Jeffrey Checkel, “Why Comply? Social Learning and European Identity Change,” *International Organization* 55, no.3 (2001): 564.

¹⁸ Ibid., 562.

¹⁹ Emilian Kavalski, “From the Western Balkans to the Greater Balkans Area: The External Conditioning of “Awkward” and “Integrated” States,” *Mediterranean Quarterly* 17, no.3 (2006): 90.

not because there has been normative change in the countries. Actual abidance by newly passed reforms will come when they socialize in international institutions, meaning once they adapt to European standards and modify their behavior accordingly.

Kavalski also argues that socialization must be targeted at state elites because (1) they have the power to implement domestic reforms, and (2) they serve as critical agents that facilitate domestic adaptation to externally-imposed norms.²⁰ Accordingly, even though compliance depends on the effectiveness of enforcement and favorable cost-benefit calculations by the state, it also depends on the skills of domestic agents to sell the reforms to the people so that compliance does not stop at a merely governmental level and EU standards become a part of social fabric. However, his theory seems to be problematic when applying to the case of Macedonia, where the government exerts most of the pressure on the media, while the society raises concerns over increased interferences. Considering the fact that the EU mainly interacts with the representatives of Macedonian government, it would be fair to assume that socialization is not really working.

Similarly to Kavalski, Sadurski on the example of Central and Eastern European countries argues that compliance does require a degree of enforcement and paying a 'fee' to join the club; however, to be successful it must conform to perceived domestic needs and social pressures.²¹ Consequently, compliance is a process of "interaction between 'external' factors of conditionality and the domestic calculus of the costs and benefits of transforming an institution (or adopting a rule)."²² This could explain the lack of compliance in the media sector of Croatia and Macedonia. Incoherent compliance is a result of interaction between EU-imposed conditionality and the domestic calculus by the ruling parties of the potential costs (losing the elections) and benefits (joining the EU) if they enact certain media policies or, at least, stop interfering in this sector.

²⁰ Ibid., 92.

²¹ Wojciech Sadurski, "Accession's Democracy Dividend: The Impact of the EU Enlargement upon Democracy in the New Member States of Central and Eastern Europe," *European Law Journal* 10, no.4 (2004): 375-376.

²² Ibid., 399.

Thomas Risse takes a different track. According to him, compliance is a process based on communication, which is a distinct mode of social interaction. Consisting of argumentation, deliberation and persuasion, his communication model differs from rationalists' perspective of strategic bargaining as well as from constructivists' or sociological institutionalists' arguments on rule-guided behavior.²³ According to him, the process of communication cannot be reduced to either utility-maximizing actions or rule-guided behavior. It is ultimately based on various actors coming to mutual understanding based on a reasoned consensus, which they reach during a truth-seeking process.²⁴ Therefore, compliance is a two-way street, which shapes and modifies the behavior of all actors involved in the process. This would mean that as Croatia and Macedonia reshape their preferences and perceptions, the EU does the same. However, it hardly seems to be the case considering the disproportional power of the EU and the fact that Croatia and Macedonia have more to gain from the EU than the EU from Croatia and Macedonia.

A significant point to the debate is added by Vachudova, who argues that before analyzing the role of compliance, one should differentiate between, what she calls, "passive" and "active" leverage.²⁵ Passive leverage is the possibility of EU membership and the lure of its benefits, whereas active leverage refers to the very process of imposing conditionality at the pre-accession stage. Therefore, depending on a state's domestic political scene, different states respond differently to conditionality, following different paths of compliance. Those states whose domestic policies' vision coincides with that of the EU have lower costs of compliance. On the other hand, if domestic political scene is torn by (ethno-)nationalism, monopolization of power and other problems, the cost of compliance increases. Yet, as Vachudova points out, when conducting a cost-benefit analysis it is important to factor in the cost of exclusion, which

²³ Thomas Risse, "Let's Argue!: Communicative Action in World Politics," *International Organization* 54, no.1 (Winter 2000): 23.

²⁴ Ibid., 32.

²⁵ Milada A. Vachudová, Milada A, *Europe undivided: democracy, leverage, and integration after communism* (New York: Oxford University Press Inc., 2005), 63.

at times could be higher than the benefit of inclusion.²⁶ When a state evaluates its foreign policy in terms of EU accession in this light, passive leverage paves the way to increased concessions, slowly transforming even extremist ruling parties into moderate ones.²⁷ Her theory possesses much explanatory power for this research's case studies. On the one hand there is Croatia, ruled by the same party, HDZ, for the last two decades. However, over time it transformed from a highly nationalistic and radical party to a more moderate one. On the other hand there is Macedonia, ruled by two competing parties ever since the early 1990s. Therefore, media manipulation to gain advantage could be rather tempting for these parties.

At the same time, Eiki Berg and Wim Van Meurs argue that due to the violent past of South East Europe, the incentives for compliance are much higher than for the first round enlargement countries.²⁸ However, if this is, indeed, the case, why does the accession process for these countries seem to be more complicated than for Estonia, Latvia or Lithuania, for example? Perhaps the answer lies in analyzing the incentives to comply on the one hand and social, historical and political context, on the other. A country might have very strong incentives to join the EU, yet the accession is complicated by domestic restrictions that cannot be eliminated overnight.

Despite the extensive corpus of research on the topic of European Union and compliance, there has not been any recent work analyzing the subject of socialization and conditionality in the Western Balkan region. This is a potentially important omission because it could be that this region presents a unique set of cases from the rest of the new member states of the EU. Although there are some historical similarities with Eastern European and the Baltic states in terms of post-communist state building, economic underdevelopment and ethnic tensions, the scale of ethnic violence present in the recent past was not experienced by any other new member state. Moreover, there is a lack of research on the subject of compliance and its

²⁶ Ibid., 71.

²⁷ Ibid., 78.

²⁸ Eiki Berg and Wim Van Meurs, "Borders and Orders in Europe: Limits of Nation- and State-Building in Estonia, Macedonia and Moldova," *Journal of Communist Studies and Transition Politics* 18, no.4 (2002): 54.

impact on the media when it comes to the Western Balkan region. This is exactly what the thesis explores. Thus, it aims to contribute to the literature on compliance by closely examining and bridging the links between EU and domestic politics, domestic politics and media and media and society. Such step-by-step research will shed light on the inner mechanisms of the compliance process in cases of states that face far greater initial obstacles to democratic reforms. Finally, this research addresses an issue that has not been adequately covered by literature. Namely, why democratic and media reforms do not necessarily follow the same path. The existing literature does not provide any answers as to why political transformations have been achieved easier than media transformations, an important subject for research in international relations and political science.

1.2. Research Design and Methods

This research project focuses on two Western Balkan countries: Croatia and Macedonia. The reasons are two-fold. First, the two countries share a rather similar path towards accession to the European Union time-wise. They were among the first countries in the region to sign the Stabilization and Association Agreement in 2001 (European Commission).^{29 30} The two countries applied for membership and were officially granted the status of ‘candidate’ countries with a one-year difference (see appendix, table 1). They are most likely to be the first Western Balkan countries at the moment to join the Union, especially Croatia. Second, both countries are extremely eager to join the European Union and are highly motivated to take all necessary steps to speed up the process. Ever since the first free elections in Croatia in 1991, in spite of the fact that politics were hyper-nationalized, parties agreed on the path of Europeanization. In fact, being a member of the European community has been a top priority ever since the early 1990s.³¹

²⁹ “EU – the former Yugoslav Republic of Macedonia relations.” European Commission, accessed May 1, 2011, http://ec.europa.eu/enlargement/candidate-countries/the_former_yugoslav_republic_of_macedonia/relation/index_en.htm.

³⁰ “Croatia: EU – Croatia relations.” European Commission, accessed May 1, 2011, http://ec.europa.eu/enlargement/candidate-countries/croatia/relation/index_en.htm.

³¹ Neven Santic, “Croatia’s European dreams and reality: Just one step to go,” *EURReporter* (2011): 13

Macedonia similarly sees itself as part of the community in the near to medium-term future. In 2008, a pro-EU government led by Prime Minister Nikola Gruevski came to power, promising to take all necessary measures to speed up the integration of Macedonia into the EU.³²

Because of the strong commitment on behalf of Croatian and Macedonian governments to EU integration, there was not much resistance to EU conditionality. These cases were chosen in order to explain the puzzling fact that the media has become less free even as EU accession progresses – the subject that compliance literature does not have a satisfactory answer for.

Process-tracing, a research technique designed by Alexander George in 1997, is the most appropriate method for conducting this analysis. The central logic of the process-tracing case-based technique is its examination of the causes of diversity³³ of outcomes in two or more cases by scrutinizing and evaluating the cases in a diachronic framework.³⁴ As Checkel points out, this method is a viable technique for theoretical bridge building.³⁵ More specifically, not only does this method help establish the reason for discrepancy in the levels of freedom of politics and the media, it helps deepen our knowledge on compliance and conditionality and their underlying mechanisms by identifying intermediate causal steps that lead to unexpected divergent outcomes on the variable of interest. Checkel specifically argues in favor of process-tracing when researching European politics, saying that with such a method one can “minimize the lag between international institutions (cause) and socializing outcomes (effect) at the state or unit level.”³⁶

³² Elitsa Vucheva, “Pro-EU government takes power in Macedonia,” *EUObserver.com*, accessed May 1, 2011, <http://euobserver.com/9/26550/?rk=1>

³³ Donatella Della Porta, “Comparative analysis: case-oriented versus variable oriented research,” in *Approaches and Methodologies in the Social Sciences*, ed. Donatella Della Porta (Cambridge: Cambridge University Press, 2008), 220.

³⁴ John Gerring, “What is a Case Study and What Is It Good For?” *American Political Science Review* 98, no.2 (May 2004): 343.

³⁵ Jeffrey Checkel, “Process Tracing,” in *Qualitative Methods in International Relations*, ed. by Audie Klotz and Deepa Prakash (New York: Palgrave Macmillan, 2008), 115.

³⁶ Checkel, Jeffrey. “It’s the Process Stupid! Process Tracing in the Study of European and International Politics.” Center for European Studies, University of Oslo: 4, accessed May 15, 2011, http://www.sv.uio.no/arena/english/research/publications/arena-publications/workingpapers/workingpapers2005/wp05_26.pdf

Although process-tracing can be conducted with only one case study, as George and Bennett acknowledge, being able to compare the results between two or more cases gives the conclusion a stronger basis.³⁷ Moreover, as opposed to cross-case comparison, the risk of having potential inferential errors is much lower with process-tracing.³⁸ Analyzing the over-time impact of an independent variable on a dependent one (outcome) is the main feature of this method. In case of this particular research, the EU conditionality is an independent variable. The project, therefore, examines the impact of this process on domestic socio-political context, trying to explain the outcome – difference in freedom levels of politics and the media both across cases and over time. Since the research is based on exploring the variables and underlying causal dynamics, it leads to positivist implications.³⁹

The specific technique of process-tracing used was longitudinal analysis. The process of EU integration for the two countries has been divided into multiple time periods, based on key events that signal shifts in the independent variable of external conditionality. These events include submitting the application for membership, being granted the status of a ‘candidate’ country, etc. It has been noticed that prior to every major step, freedom of the media (the outcome or dependent variable) was improving; however, immediately after the stage was complete it declined (see table 2, appendix). The hypothesis is that both countries pass media-related reforms in order to comply with EU requirements, yet neither country proved to be ready or capable of fully implementing and enforcing these reforms. As the number of laws increased, so too did the number of violations. Such hypothesis implies a cost-benefit rationalist perspective on the issue, meaning that laws were being passed only to fulfill EU requirements, without truly implementing them in practice.

³⁷ Alexander L. George, and Andrew Bennett, “Process-Tracing and Historical Explanation,” in *Case Studies and Theory Development in the Social Sciences*, ed. Alexander George and Andrew Bennett (Cambridge, MA: MIT Press, 2005), 220.

³⁸ Ibid., 223.

³⁹ Ibid., 6.

Considering the nature of the chosen method, it predominantly generates qualitative data. As Checkel cautions, data in such types of research could be voluminous.⁴⁰ Therefore, careful filtration of information is one of the most crucial elements of successfully executing such analyses. Both primary and secondary sources have been used to process data, which include interviews, texts of political reforms and proposed legislature targeting the media sector, accounts on media's response to various reforms, accounts on media's rhetoric and raised concerns, evaluation of the level of media freedom and political liberalization by international observers at various points in time and others. More specifically, I am seeking to explain patterns in violations of media laws, including but not limited to assassination and assaults on workers in the media sector, law suits designed to repress freedom of the press, legislature that limits the scope of freedom of the media, etc. Such in-depth examination in both cases over time allows me to establish the causes of variable media restrictions across cases and over time, in the context of efforts by the EU to reform media practices in the two countries through the accession process.

I use such sources as Freedom House, Reporters Without Borders, Eurobarometer, Eurostat, The Guardian, The Economist Intelligence Unit, Association of European Journalists, European Journalism Center, Balkan Watch, European Commission's Progress Reports, Open Society Institute's database, etc. These sources are appropriate for the following reasons: (1) They are widely considered credible, unbiased, and accurate; (2) They cover media-politics relationship from different angles, such as legislative reforms, application of these reforms, violation of media freedom by various actors, etc. Moreover, the project uses governmental documents and legislation texts to establish the political framework.

Before explaining the use of primary sources, it is important to clarify why this project uses the annual reports of Reporters without Borders as opposed to Freedom House. The reason is the difference in methodological approach used by the two sources when assessing freedom of

⁴⁰ Checkel, "Process Tracing," 116.

the media around the world. Freedom House is more focused on legal and political frameworks present or absent in a country. Reporters without Borders, on the other hand, are more concerned with violations of media laws, which are more relevant for this research because the question is not so much about explaining the presence or absence of media laws or reforms in the West Balkan countries, but why, once they are in place, there is variable compliance with such laws. This source also takes legal frameworks into account; however, its focus is largely on practice and implementation of laws (see Table 6 of the appendix for a cross-methodological comparison). Moreover, Reporters without Borders includes journalists in its count of media violations only when it is certain that they took place because of their work as journalists.⁴¹ Having said that, both sources show that Croatian media has changed in a negative direction over the last decade. In terms of Macedonia, Freedom House evaluations show that it has remained largely constant over time, while Reporters without Borders show a degradation of press freedoms now as compared to ten years ago. It is, therefore, important to keep in mind that, although one source is chosen over the other, neither one shows that there has been a positive change in the media development.

Finally, to assess possible reasons for these over-time, cross-case differences, research from secondary sources are supplemented with interviews, which were conducted with knowledgeable Croatian journalists, who have had experience working in the region over the last two decades and who could therefore provide useful assessment of the reasons for the patterns of press freedoms in both Croatia and Macedonia over time. Data triangulation will help in validating claims that arise from initial research.⁴²

⁴¹ "Press Freedom 2006, the deadliest year since 1994," *New African* (2007): 54

⁴² Wendy Olsen, "Triangulation in Social Research: Qualitative and Quantitative Methods Can Really Be Mixed," in *Developments in Sociology*, ed. Holborn (Ormskirk: Causeway Press, 2004): 3, accessed May 27, 2011, <http://www.ccsr.ac.uk/staff/Triangulation.pdf>

Chapter 2 – Case Study: Macedonia

2.1. Legal Harmonization

2.1.1. European Standards

In order to join the European Union, candidate countries have had to reach certain standards – the Copenhagen criteria. These include institutional stability as a guarantor of democracy, the rule of law, human rights and protection of minorities. The European Commission monitors and annually records the progress in institutional compliance and implementation of various norms and standards in practice. For example, in order to evaluate the practice of democracy along with its rights and freedoms, including freedom of expression, the Commission analyzes the behavior of political parties, evaluates opinions of a non-governmental sector, and looks at media practices.

The first step in EU-Macedonian relations was made in April 2001, when the parties signed the Stabilization and Association Agreement. Among numerous clauses framing this relationship, there is one that specifically requires harmonization of Macedonian national laws with those of the Community.

*The Parties recognise the importance of the approximation of the existing and future laws of the former Yugoslav Republic of Macedonia to those of the Community. The former Yugoslav Republic of Macedonia shall endeavour to ensure that its laws will be gradually made compatible with those of the Community.*⁴³

In order to assess the level of Macedonia's compliance with EU norms and standards in terms of the media, it is first necessary to identify them. They fall into two broad categories: (1) Human rights, which include civil, political, economic and social rights; (2) Audio-visual and media policies, concerned with technical issues of information society building. The human rights framework is based on such documents as the Universal Declaration of Human Rights, the Helsinki Final Act, the Charter of Paris for a New Europe, and the European Convention on

⁴³ Council of the European Union. *Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part.* (Brussels, 2001), article 68.

Human Rights.⁴⁴ These documents outline basic freedoms, including the freedom of expression, as, for example, in Article 10 of the European Convention on Human Rights:

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

Therefore, the main standard in terms of the media from the perspective of human rights is the creation of a socio-political and economic environment that safeguards and encourages freedom of expression.

Technical aspects of the European media policy are mainly based on two documents: the European Convention on Transfrontier Television adopted in 1989 and “Television without Frontiers” Directive, also of 1989. These instruments set ground rules for harmonized operations of television programs in terms of financial mechanisms, advertising and sponsorship requirements, protection of minors, duties of a state and rights of viewers. For example, article 9 of the directive states that “sponsorship must not affect the broadcaster's editorial independence.”⁴⁵ It is important to mention one of the articles of the Convention, as it will be relevant in the further discussion. Article 6 on Provision of Information states,

*Information about the broadcaster shall be made available, upon request, by the competent authority of transmitting Party. Such information shall include, as a minimum, the name or denomination, seat and status of the broadcaster, the name of the legal representative, the composition of the capital, the nature, purpose and mode of financing of the programme service the broadcaster is providing or intends providing.*⁴⁶

Additionally, there are various articles in EU treaties related to audio-visual policies, right of establishment, freedom to provide services and cultural protection. The one worth mentioning is the Protocol on the system of public broadcasting in the Member States of Treaty of

⁴⁴ Ibid., article 2.

⁴⁵ Council of the European Union, “Television Without Frontiers,” *Directive 89/552/EEC* (Brussels, 1989), accessed May 20, 2011, <http://ics.leeds.ac.uk/papers/vp01.cfm?outfit=pmt&folder=141&paper=405>

⁴⁶ Council of Europe, *European Convention on Transfrontier Television* (Strasbourg, 1989), accessed May 15, 2011, <http://conventions.coe.int/treaty/en/treaties/html/132.htm>

Amsterdam, the purpose of which is to allow member states to provide funding for such broadcasting. It provides for

*funding of public service broadcasting insofar as such funding is granted to broadcasting organisations for the fulfilment of the public service remit as conferred, defined and organised by each Member State, and insofar as such funding does not affect trading conditions and competition in the Community to an extent which would be contrary to the common interest, while the realisation of the remit of that public service shall be taken into account*⁴⁷

2.1.2. Macedonian Legal Framework

The legal framework in Macedonia will be discussed only in regards to broadcasting outlets (television and radio) and print media, because the two constitute the main outlets of information for the majority of citizens with 77.3 percent getting informed about events from television, 34.1 percent from newspapers and 22.6 from radio.⁴⁸

Freedom of speech and access to information are guaranteed by Article 16 of the Constitution of Macedonia adopted in 1991, which also prohibits any form of censorship.

The Macedonian Broadcasting Law was adopted in 1997. However, it did not fulfill EU standards and had to be revised multiple times. Attempts were made in 2003, 2004 and 2005, with the adoption of the final version in November 2005.⁴⁹ The main objective was to bring it in line with the Television Without Frontiers Directive.⁵⁰ Draft laws were continuously reviewed and analyzed by the Directorate General for Information Society and Media of the European Commission, which also provided recommendations for further improvements. Although each consecutive draft showed some improvement, many of the recommendations were persistently ignored by the Macedonian Parliament. For example, in direct violation of EU standards, the

⁴⁷ Council of European Union, "Protocol on the system of public broadcasting in the Member States," in *Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Related Acts* (1997), accessed May 15, 2011, <http://eur-lex.europa.eu/en/treaties/dat/11997D/htm/11997D.html#0109010012>

⁴⁸ Andriana Skerlev-Cakar and Borce Manevski, "The Media in South-East Europe Comparative Media Law and Policy Study Country Report Macedonia," 3, accessed May 26, 2011, http://www.emr-sb.de/service/EMR_Macedonia_CountryReport_FES_SEE.pdf.

⁴⁹ Karol Jakubowicz, "Analysis and Review of a draft Law on Broadcasting activity of the "former Yugoslav Republic of Macedonia" prepared by the Ministry of Transportation," *Stability Pact for South Eastern Europe* (2005):3, accessed May 15, 2011, http://ec.europa.eu/avpolicy/docs/ext/fyrom_en.pdf

⁵⁰ <http://merlin.obs.coe.int/iris/2006/4/article30.en.html>

draft laws failed to make it explicit that Macedonian Radio and Television would be granted institutional and editorial independence. It did not make it clear that funding and sponsorship cannot be made conditional, meaning the source of funding cannot influence editorial content. Finally, the laws left room for local broadcasters being controlled by local politicians, which was violating democratic broadcasting principles of the EU. The Directorate General was highly concerned about the nature of the law, which allowed for political control over media content.⁵¹

Interestingly, there are currently no laws that directly regulate print media.⁵² This sector is guided by self-regulatory mechanisms and the Criminal Code. In 2001 the Association of Journalists of Macedonia adopted a “Code of Conduct of the Journalists.” Its main goal was to set ethical and professional standards that must be respected by every journalist. The Criminal Code, which was adopted in 1996 and amended in 2006, contains sanctions and penalties against defamation, libel, etc. Until the 2006 revision of the Criminal Code, a court could impose prison sentences for libel and defamation.⁵³

The process of compliance in terms of modifying domestic legal framework to fit EU standards is still not complete. Despite the fact that Macedonia has been eager to join the Union for more than decade, reforming the legal system has proven to be a very slow process and much work remains. The following section will trace the process of compliance, or rather non-compliance, and the EU’s response to it.

2.2. Violations

According to Reporters without Borders, the media situation in Macedonia has worsened over the last decade. This is why it is necessary to take a closer look at what has been happening and to identify the main factors that have negatively impacted the situation over time.

In September 2002, Macedonia held parliamentary elections. The Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-

⁵¹ Jakubowicz, “Analysis and Review,” 20-65.

⁵² Skerlev-Cakar and Manevski, “The Media in South-East Europe,” 13

⁵³ Ibid., 13.

DPMNE) had the largest number of seats in the Assembly up until 2002. Boris Trajkovski, the president at that point, was a member of that party as well. In the run-up to elections, the Interior Ministry threatened media representatives to use criminal prosecution against them if they "disgraced" the ruling party.⁵⁴ Moreover, one week before the elections, there were rumors in the capital, that police had put together a list of journalists to arrest.⁵⁵ VMRO-DPMNE had lost the 2002 elections to the Social Democratic Union of Macedonia (SDSM)-led coalition. A few days after their defeat, Zoran Bozinovski, an editor of a radio station Tumba, was beaten up by three armed men. The attackers were identified by Bozinovski as members of a special police unit, set up during the 2001 conflict, the "Lions."⁵⁶ Bozinovski had been investigating corruption, which implicated Dragan Daravelski, a senior official of the VMRO-DPMNE. The station reported cases of alleged corruption and other criminal activities committed by some of the members of this right-wing nationalistic party, and it was commonly believed that the attack was ordered by this particular party.⁵⁷ Other cases of attacks on journalists that year included the destruction of the car of Ljupco Pavelski, the owner of a daily newspaper; an assault in a restaurant on a reporter Simon Ilievski; and an attack on Mare Stoilova, a reporter for A1 Television. In addition, the Interior Minister Ljube Boskovski took Marjan Djurovski, a reporter for a weekly newspaper, to court after she published an article in which she accused the government of planning to start a war in a desperate attempt to postpone the elections.⁵⁸ What united these media representatives was their critical remarks and reports on the ruling party, VMRO-DPMNE. Although the attackers were not identified in any of the cases, it would be a fair assumption that the right-wing party VMRO-DPMNE was involved, especially in light of the fact that in August that year, foreign and interior ministers had made public accusations that

⁵⁴ "Map of Press Freedom 2003: Macedonia," Freedom House, accessed May 20, 2011, <http://www.freedomhouse.org/template.cfm?page=251&year=2003>

⁵⁵ "Attacks on the Press 2002: Macedonia," Committee to Protect Journalists, accessed May 20, 2011, <http://www.cpj.org/2003/03/attacks-on-the-press-2002-macedonia.php>

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

certain journalists and diplomats were trying to destabilize the government. Minister Boskovski made a public statement that he was going to take measures to put an end to it.⁵⁹

Such media situation did not go unnoticed by the EU. In its Stabilization and Association Report for the year 2002 the European Commission described freedom of expression as being “only formally guaranteed in the Constitution” with media structurally weak and not independent.⁶⁰ It added that “the government-owned and the private media need to learn how to become more responsible” and made it clear that the EU was aware of the cases when journalists were intimidated and their work was obstructed. Moreover, the document appealed for radical reforms in the media sector.

Despite the fact that a new coalition had come to power in the 2002 elections and the EU concerns regarding the media sector, the situation did not change for the better the following year. On the contrary, amendments were passed in the Criminal Code, which expanded the criminal character of libel.⁶¹ Following these changes, three court cases were brought against journalists on charges of libel.⁶² The media environment was additionally influenced by the strong separation within the media along ethnic lines. European Commission’s report for that year referred to the same issues as it did the year before, once again emphasizing the need for radical reforms in the sector to ensure that information was presented in an independent, professional and ethical manner. It pointed out the need for strengthened legal framework, in particular in regards with print media and the issue of ownership transparency. Finally, the document called for changes in the state-controlled media in order to bring it in line with

⁵⁹ “Map of Press Freedom 2003: Macedonia,” Freedom House, accessed May 20, 2011, <http://www.freedomhouse.org/template.cfm?page=251&year=2003>

⁶⁰ Commission of the European Community, *Former Yugoslav Republic of Macedonia: Stabilisation and Association Report*, (Brussels, 2002): 9

⁶¹ “Map of Press Freedom 2005: Macedonia,” Freedom House, accessed May 20, 2011, <http://www.freedomhouse.org/template.cfm?page=47&nit=364&year=2005>

⁶² Ibid

European standards on the independence of the journalists and the unbiased provision of information.⁶³

Despite such negative evaluation of the media sector in Macedonia, the government made no attempts to comply. Once again a journalist was sentenced to a four-month prison term (suspended) for libel. It is important to mention that in 2002 the European Council made a decision to de-criminalize libel and defamation,⁶⁴ meaning there was no inclination on behalf of the government to comply with EU standards. The EU responded by calling the government to review the legal definition of defamation and to de-criminalize it.⁶⁵ It once again pointed out the need for a more suitable legal framework and emphasized the persistence of such problems as the lack of media independence and the fact that it was being split along ethnic lines.

Following such assessment of Macedonian media by the European Commission and in the immediate aftermath of submitting its membership application, the situation improved in 2005, but only slightly and, mainly, in terms of the legislative framework. For example, a new Broadcasting Law was introduced. However, political interference continued. Zoran Bozinovski, the same person who had been beaten up in 2002, was taken to court and found guilty of libel. He was sentenced to two prison terms, one of them suspended, for an article he published in *Bulevar* magazine critical of the ruling party. At one point, there were 73 defamation and libel lawsuits against him.⁶⁶ In total, between 2003 and 2005 there were 450 defamation and slander court cases brought against journalists, and the overwhelming majority of them were brought by members of the government.⁶⁷ Ethnic tensions could be observed in the media multiple times. For example, Rajmonda Malecka, an Albanian journalist, was sentenced to five years in jail after

⁶³ Commission of the European Community, *Former Yugoslav Republic of Macedonia: Stabilisation and Association Report*, (Brussels, 2003): 9

⁶⁴ Mile Bosnjakovski, "Defamation and libel in Macedonia," *Mediaonline.ba: Southeast Europe Media Journal*, accessed May 26, 2011, <http://www.mediaonline.ba/en/print.asp?ID=361>

⁶⁵ Commission of the European Community, *Former Yugoslav Republic of Macedonia: Stabilisation and Association Report*, (Brussels, 2004): 11

⁶⁶ Bethany Scott, "Macedonian Media Fighting for its Freedom," *Studies in Global Media*, accessed May 5, 2011, <http://www.media-studies.ca/globalmedia3/scott/macedonia.htm>

⁶⁷ Ibid.

she interviewed one of the leaders of a paramilitary group, which resulted in her allegedly participating in terrorist activities.⁶⁸ The ruling was overturned upon appeal to a higher court.

In the analytical report for the opinion on Macedonian application, the Commission emphasized the presence of economic and political ties in the media and, once again, called for implementation of stronger mechanisms to ensure media independence.⁶⁹ The OSCE additionally called for the need of legislature to regulate print media⁷⁰ and yet again made an appeal to de-criminalize libel and defamation.⁷¹ Despite the above-mentioned concerns, the EU decided to grant Macedonia the ‘candidate’ status, thus, increasing the country’s incentive to comply.

There was some improvement in terms of compliance with legislative demands in 2006, when the Parliament amended the Criminal Code eliminating imprisonment penalty for libel and defamation. Yet, Zoran Bozinovski was still given a jail sentence. Only with direct EU intervention was he released.⁷² Violence escalated in 2007. During one of the parliamentary sessions, tensions started building up between two rival ethnic Albanian parties. There were a few reporters who were covering the incident. They were subsequently assaulted by security guards, who also demanded the video recordings of the incident. After this event, the television station Alsat-M, where some of the assaulted reporters had been working, was repeatedly inspected by the police.⁷³ There were cases of break-ins with transmission equipment destruction in addition to continuous threats by members of the government to revoke its license.⁷⁴ Ethnic and religious slurs were noticed in an Albanian-language newspaper *Koha*, in a column by Iso

⁶⁸ “Amnesty says Ohrid Agreement still not implemented properly,” *Press Online*, accessed May 6, 2011, <http://www.pressonline.com.mk/default-en.asp?ItemID=A537119F2783184680B9B3DC6345EF10>

⁶⁹ Commission of the EC, *Analytical Report for the Opinion on the application from the former Yugoslav Republic of Macedonia for EU membership*, (Brussels, 2005): 26

⁷⁰ OSCE, “Freedom and Responsibility,” *Yearbook* (2005), 144

⁷¹ *Ibid*, 146.

⁷² “Map of Press Freedom 2007: Macedonia,” Freedom House, accessed May 20, 2011, <http://www.freedomhouse.org/template.cfm?page=251&year=2007>

⁷³ IPI, “SEEMO deeply concerned as two journalists assaulted, video footage seized,” *Protectionline*, accessed May 28, 2011, <http://www.protectionline.org/Lirim-Dullovi-Igor-Ljubovceviski.html>

⁷⁴ “Map of Press Freedom 2008: Macedonia,” Freedom House, accessed May 20, 2011, <http://www.freedomhouse.org/template.cfm?page=251&year=2008>

Rusi, where he used “Fascism lexicon” evincing poor journalistic professionalism.⁷⁵ In its annual report, the Commission recognized some improvement in terms of legislative framework, saying that “overall, alignment with the *acquis* in this area is well advanced. However, implementation of the legislation is lagging behind and enforcement remains weak.”⁷⁶ It pointed out that such framework did not yet translate into media independence, emphasizing that this sector continued to be subject to significant political influence. It characterized the quality of the service provided by the public broadcaster as “inadequate.”⁷⁷

Following the assessment, the year 2008 was only slightly better for press freedom. In January, the Parliament passed a law that required various members of society, including media, academia, civil service, judiciary and NGOs to sign affidavits saying they had not collaborated with the secret services during communism.⁷⁸ In 2008, Macedonia was holding parliamentary elections, so socio-political atmosphere was getting heated up from the beginning of the year with competing parties trying to get ahead in the elections. Alstat-M, a private television station, which was perceived as favoring an Albanian opposition party, had its transmission equipment stolen, resulting in its inability to broadcast some key events. In the past, this station reported to have been pressured by the Democratic Party of Albanians, which was one of the parties in the ruling coalition.⁷⁹ However, the year also brought some optimism to media representatives when the government pledged to stop taking journalists to court.⁸⁰ This pledge was never upheld, though.

One of the EU’s major concerns for that year was inadequate usage of the media during the elections due to the inability to implement certain reforms and inexistence of others. For

⁷⁵ “Hate speech common to state officials and the media,” *HRHN*, accessed May 28, 2011, <http://humanrightshouse.org/Articles/8098.html>

⁷⁶ Commission of the EC, *FYR of Macedonia 2007: Progress Report*, (Brussels, 2007): 35

⁷⁷ *Ibid.*, 13

⁷⁸ “Macedonia passes lustration law,” *Macedonian News*, accessed May 21, 2011, <http://www.vmacedonianews.com/2008/02/macedonia-passes-lustration-law.html>

⁷⁹ “Map of Press Freedom 2009: Macedonia,” Freedom House, accessed May 20, 2011, <http://www.freedomhouse.org/template.cfm?page=251&year=2009>

⁸⁰ “Macedonia Media Face Record Number of Libel Suits,” *BalkanInsight*, accessed May 16, 2011, <http://www.balkaninsight.com/en/article/macedonia-media-face-record-number-of-libel-suits>

example, due to the failure of the Broadcasting Council to fully implement a fee-based system, it lacked independence. As a result, access to the media was not equal among various political parties. Moreover, the issue of equal access to the media could not be properly addressed by the Broadcasting Council because of the non-existent legislature in this field.⁸¹ Finally, the Commission once again reminded that Macedonia did not have any legislative provision addressing media ownership concentration,⁸² an issue that could undermine editorial independence and diversity of opinions.

Media violations continued in 2009. The law on open access to public information adopted in 2007 had not been properly implemented.⁸³ There were multiple complaints from journalists and news outlets regarding the behavior of the newly elected Prime Minister Nikola Gruevski and his government. In an attempt to control the way Macedonia-EU relationship was portrayed in the media, only favored reporters were provided with support, while others were getting isolated from the process.⁸⁴ The EU once again appealed to the government to address the same problems that were continuously brought up by the Commission, saying that “political interference in the media is a source of concern as it leads to self-censorship and limits freedom of expression.”⁸⁵ This time, the EU, or more specifically the Schengen countries, decided to put away sticks and give Macedonia some carrots by waiving visa requirements to enter the Schengen area.⁸⁶

Such actions on behalf of the EU member states should have given more incentives to Macedonia to comply. However, in 2010, despite some progress in aligning legislature with the *acquis*, the media situation had further deteriorated. Two years after the government promised to stop taking journalists to court, the Balkan Insight recorded the highest number of law suits filed

⁸¹ Commission of the EC, *FYR of Macedonia 2008: Progress Report*, (Brussels, 2008): 17

⁸² Ibid., 41

⁸³ “Map of Press Freedom 2010: Macedonia,” Freedom House, accessed May 20, 2011, <http://www.freedomhouse.org/template.cfm?page=251&year=2010>

⁸⁴ Ibid.

⁸⁵ Commission of the EC, *FYR of Macedonia 2009: Progress Report*, (Brussels, 2009): 17

⁸⁶ “Asylum surge: EU may scrap Balkans visa waiver,” *BBC News*, May 24, 2011, accessed May 29, 2011, <http://www.bbc.co.uk/news/world-europe-13509403>

against journalists on the charges of defamation – 170 in total (in comparison to 27 libel charges in 2006)⁸⁷. Considering that VMRO-DPMNE-led coalition won the majority of seats in Parliament in 2008 and Gjorge Ivanov, a member of the same party, was elected the president in 2009, it came as no surprise that most of the law suits were started against those reporters who worked for media outlets critical of the party. Such pressure forced one of the political newspapers, Focus, to write to foreign embassies and international journalists associations in an attempt to moderate the government's behavior.⁸⁸ Ethnic inter-party tensions continued as well. The situation deteriorated in 2010 to the point that the EU Commission raised serious concerns with press freedoms in the country, reminding the government of Macedonia that freedom of expression was an integral component of a democratic society. As Roberto Belicanec, a representative of a Macedonian NGO Media Development Center, put it, "The government is using the media for nationalistic mobilization of the nation. Hence, each medium which takes a critical stance is labeled as a traitor."⁸⁹ After these concerns went unanswered, the EU decided to take more drastic measures. Slovenian MEP Zoran Thaler drafted a resolution in February 2011 that was later presented to the foreign affairs committee of the European Parliament.⁹⁰ The draft emphasized "increasing political interference in the work of journalists" as well as the use of intimidation against those crucial towards the government, resulting in a "growing tendency among journalists to opt for calculated self-censorship."⁹¹

2.3. Compliance

So now that the main legal framework and patterns of legal compliance with the *acquis* as well as violations have been discussed, it is time to analyze the situation in terms of Macedonian non-compliance with EU's conditionality. Is Frank Schimmelfennig right in arguing that compliance is nothing but a cost-benefit manipulation depending on actors' goals? Or is there

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ "EU Resolution Voices Alarm Over Macedonia Media," *BalkanInsight*, February 11, 2011, accessed May 21, 2011, <http://www.balkaninsight.com/en/article/ep-draft-marks-deteriorating-media-freedom-in-macedonia>

⁹¹ Ibid.

some truth to Geoffrey Pridham's argument that compliance involves a learning process and voluntary adaptation? Finally, maybe Jeffrey Checkel and a number of other scholars make a valid point saying that compliance is a multi-layered process, which involves both rationalism and socialization?

2.3.1. Compliance and Socialization

Socialization is a process of learning and adaptation of, in this case, European norms and standards. In theory, the definition is straightforward. However, it is not that easy to show how the theory can be applied to concrete cases. Say a government follows all the relevant EU rules, passes the required legislature, and on top of that actually implements it. Does this mean the government genuinely tries to do the right thing by respecting the law and ensuring freedom of expression (socialization) or is it simply the result of material incentives to comply (cost-benefit calculation)? There is always the possibility that once in, the government's action will change for the worse. Take Hungary and its new media law of 2011. It drew much criticism from the European Union and is generally considered to be a set-back for Hungarian press freedoms.

The case of Macedonia seems quite obvious on the surface in terms of the learning process. There has been none. As shown in the previous section, political pressure and intimidations only increased in the last decade. Only two parties were in power, VMRO-DPMNE and SDSM. Both are highly conservative and came to power in the 1990s, when the country was only beginning its transition from communism to democracy. It is, therefore, quite difficult for them to adjust their behavior to the rapidly developing socio-political needs.

The fact that Macedonia is strongly divided along ethnic lines when it comes to media, politics and everyday life only further aggravates the situation. It appears that in the case of Macedonia, adjusting to European norms and expressing ethno-nationalistic needs are two contradictory processes. Adjusting to European standards would require ethnic groups and their representatives in politics to respect freedom of expression. At the same time, remaining in power, whether by dominating the Parliament or being in a ruling coalition, requires a favorable

presentation in the media. The most efficient, sure-fire way to achieve this is to put pressure on the media outlets. The evidence of the lack of respect for freedom of expression lies in the rhetoric of various political figures. For example, in 2002, during parliamentary elections, the Interior Ministry threatened journalists with criminal prosecution if they "disgraced" the ruling party.⁹² In 2009, legislator Amdi Bajram verbally attacked the media by shouting "You work for the CIA. If I had my way I would put you in prison," adding that the journalists should be "beaten up."⁹³ Examples of similar rhetoric are numerous.

Having said that, it would be one-sided to look at socialization as simply a top-down process. Just because the government does not appear to conform to EU standards does not mean that there is no process of learning at all. For example, the Journalists Union of Macedonia has been getting more outspoken over the last decade, trying to protect journalists' rights and freedoms in terms of expression, pay and work conditions. NGOs raise increasing concerns as, for example, the Media Development Center. The harder the government tries to gain control over media, the stronger is the opposition to it. They are learning to use different channels to get their message across as, for example, appealing to the South East Europe Media Organization (SEEMO). This, in part, is the result of exposure to European standards and Macedonia's eagerness to join the Union. One of the examples of the civil sector's increased respect for freedom of expression and professionalism in the media is a campaign organized by the Media Development Center and Info-Center against increased division in the media along ethnic lines. They made an appeal, titled "Stop Hate Speech and Inter-Ethnic Tensions and Incidents."⁹⁴ Another example is the Association of Journalists of Macedonia, which, despite troubled times for the media, remained multi-ethnic and representative. In order to increase awareness regarding freedom of expression and put additional pressure on the government, it

⁹² "Map of Press Freedom 2003: Macedonia," Freedom House, accessed May 20, 2011, <http://www.freedomhouse.org/template.cfm?page=251&year=2003>

⁹³ "Bajram To Journalists: I'm Sorry," *BalkanInsight*, June 17, 2009, accessed May 12, 2011, <http://www.balkaninsight.com/en/article/bajram-to-journalists-i-m-sorry>

⁹⁴ "Macedonia: Reactions to kale Incident and Hate Speech," *GlobalVoices*, February 16, 2011, accessed May 15, 2011, <http://globalvoicesonline.org/2011/02/16/macedonia-reactions-to-kale-incident-and-hate-speech/>

has been cooperating with International Research & Exchanges Board Europe, in designing and financing various projects.⁹⁵ Therefore, although there has not been much learning at the top, there definitely has been some at lower levels, meaning that socialization theory of compliance cannot be disregarded all together. Admittedly, the situation cannot change dramatically if the government remains oppressive of the media. However, chances are higher that the situation will change if pressure on the government comes from both above (the EU) and below (civil society).

2.3.2. Compliance and Rationalism

Despite the fact that Macedonian government continues to put significant pressure on the media, it has passed a number of laws to fulfill the requirements of conditionality. The process has been slow and complicated and is far from being complete; however, it is underway. The government's willingness to modify its policies according to EU standards can be explained in terms of cost-benefit calculations on behalf of politicians. As Frank Schimelfennig argues, the higher are the costs of adaptation, the higher are the costs of compliance, meaning that the less likely a state is to conform. This seems to be the case in Macedonia. The costs of adaptation would be the possibility of losing power, which for the government appears to be too high. Rationalism is a very individualistic approach based on the assumption that compliance is a process of manipulation of strategies and behavior.⁹⁶ Therefore, the process of interaction between the EU and Macedonia is not so much about persuasion as it is about bargaining. Macedonian government agrees to follow some EU standards, like amending the Criminal Code to eliminate prison sentence as a punishment for libel, but at the same time increases the number of law suits for defamation and libel making it costly for the media to be critical of the government and its actions, thus, violating the spirit of law.

⁹⁵ "Macedonia - Support to AJM," *IREX*, accessed May 25, 2011, <http://www.irex-europe.fr/spip.php?article53>

⁹⁶ Checkel, "Why Comply?" 556.

However, new understandings of bargaining theory put special emphasis on contextual understanding of compliance in decision-making.⁹⁷ In other words, the decisions to comply or not comply by the government are based not only on its self-interest, but also its perception of the overall socio-political situation within the country and its needs. For example, the government might perceive economic development of the country as one of the top priorities, putting democratic consolidation and the rule of law on a secondary plane. In fact, Macedonia has witnessed substantial economic growth over the last decade. In 2001, the GDP per capita was \$ 1,703. It increased to \$4,663 by 2008.⁹⁸ VMRO-DPMNE and SDSM taking credit for such economic improvement, being the only two parties in power for the last decade, would explain their determination to remain in power even at the cost of taking a step back on basic freedoms, like that of expression. Yet even economic development could be a secondary goal for the government and used as an incentive for people to keep them in power during elections.

Non-compliance is the result of the lack of material incentives provided by the European Union that would tip the scale towards full compliance. The EU signed the Stabilization and Association Agreement, gave Macedonia the official 'candidate' status and waived visa requirements. However, it has not shown much determination to resolve the on-going dispute between Macedonia and one of the EU member states, Greece, over the official name. Continuous referral to Macedonia as the Former Yugoslav Republic of Macedonia sends the signal to the country that the EU is not truly committed to integrating Macedonia. Considering the fact that Macedonia cannot enter the EU without Greece's approval, compliance with EU norms may seem pointless to the government considering the incentives are perceived as too low.

⁹⁷ Ibid.

⁹⁸ "World Development Indicators," *World Bank*, accessed May 28, 2011, http://www.google.com/publicdata?ds=wb-wdi&met_y=ny_gdp_pcap_cd&idim=country:MKD&dl=en&hl=en&q=gdp+per+capita+macedonia

2.3.3. Compliance as a Hybrid

After looking at the non-compliance process of Macedonia from the theoretical perspectives of socialization and rationalism, it appears that both theories have a degree of purchase for this particular case study. It is time to evaluate the arguments of some of the scholars who chose to take a middle ground in the debate and see which one comes closest to explaining the behavior of Macedonian government in the area of media reforms.

Checkel's main argument is based on the theory that compliance comes from argumentative persuasion, which hypothesizes a process of interaction at the end of which attitudes of the actors mutually change. This necessitates a genuine change of attitudes. Interaction is a long process and a mechanism through which actors may or may not adjust their preferences.⁹⁹ When applying his theory to the case of Macedonia, the crucial element is to identify EU-Macedonian relations as based on coercion or argumentative persuasion. Arguably, imposition of conditionality is in itself an act of coercion, through which the stronger party – the EU - forces the weaker party – Macedonia - to either fulfill the requirements or forfeit possible membership in the Union.

However, EU conditionality is a more complex process than that. The level of compliance does not have to be absolute. To establish the rule of law and a functioning democracy that ensures and protects basic freedoms does not mean that a political system should be perfect. Moreover, failure to accomplish certain requirements does not terminate the relationships between the EU and Macedonia altogether. It does not even abolish the 'candidate' status of the country. It simply delays the accession date. In addition, the EU provides financial and technical assistance to potential member states through various programs. For example, participation in the Stabilization and Association Process gives the participants an opportunity to apply for CARDS Program, which provides support for democracy and the rule of law as well as

⁹⁹ Checkel, "Why Comply?" 562

interregional cooperation and economic sustainability.¹⁰⁰ Therefore, despite the fact that EU is a stronger party in terms of what it has to offer than is Macedonia, the relationship is not based so much on coercion as constant interaction, evaluation of achievements and guidance for further improvement. After all, the EU did not force Macedonian government to apply for membership. It was a voluntary step based on understanding of potential gains from membership.

However, despite the fact that EU-Macedonia relations are based on interaction as opposed to coercion, the media situation has been getting worse over the last decade, indicating that such interaction did not translate into socialization and was rather a bargaining process based on the government's cost-benefit calculations.

Similarly, the argument that Kavalski makes cannot be applied for the case of Macedonia. He sees socialization as a two-layered process: compliance (socialization *by* international organizations) and learning to comply (socialization *in* international organizations).¹⁰¹ In the Macedonia-specific context that would mean adapting European norms to domestic politics and economics as well as learning to be a part of a larger inter-state organization, which requires certain commitments and compromises for the common good. However, both processes are inexistent in Macedonia. Government's continuous pressure on the media indicates the absence of compliance, while the increase in violations on its behalf indicates the absence of learning to comply. The fact that the government passed certain amendments to its legislature in order to fit EU standards, yet, does not respect the spirit of these laws, shows that it tries to do the minimum to get into the EU and, at the same time, avoiding socialization as shown earlier with the rhetoric of government officials.

Finally, compliance is a process that should be evaluated in a specific socio-political context, taking into account the history of the country. For almost half a century, Macedonia was a part of a communist regime, where power was concentrated in the hands of one strong leader.

¹⁰⁰ "The CARDS Program," *EUROPA*, accessed May 22, 2011, http://europa.eu/legislation_summaries/enlargement/western_balkans/r18002_en.htm

¹⁰¹ Kavalski, "From the Western Balkans to the Greater Balkans Area," 90

It is a part of the region, where ethno-nationalistic goals often take priority over democratic development and the rule of law. The case of Macedonia shows improvement in terms of its political development and even in terms of media when viewed in a wider context. Earlier analysis shows that compliance is mainly due to cost-benefit calculations. In turn, non-compliance is a result of the lack of perceived incentives and material benefits. The process of learning, socialization and adaptation cannot be yet observed on the governmental level; however, it is present at the level of civil society. It might be a matter of time before more moderate parties come to power, as Vachukova predicts, that will embrace European values more fully and respect the rule of law. However, there are no guarantees of that. At this point and for the last decade Macedonian patterns of compliance and non-compliance were the result of cost-benefit calculations, and there is always a chance that once in, Macedonia will resume its old practices, as has happened in various EU countries, Hungary and its recent media law being one of the examples.

2.4. Media and Democracy

Now that Macedonian non-compliance has been explained in terms of a rationalist theory, it is time to look at the original puzzle, the discrepancy between the levels of democracy and freedom of the media. How is it possible that the government went further in its compliance with the democratic requirements and backwards with the media ones? The answer lies in the definition of democracy in terms of EU's understanding of it.

EU's understanding of democracy, in turn, is quite vague. For example, the European Instrument for Democracy and Human Rights sees its main objectives in this area as: (1) promoting respect for human rights and freedoms; (2) empowering civil society; (3) strengthening frameworks for the protection of the rule of law and democracy; (4) working on

transparency of democratic electoral processes, and a number of other, similarly shapeless tasks.¹⁰²

There are thirty five chapters that a country must close in the course of accession before it can become a full member. The vast majority of these chapters are concerned with ensuring that a country is ready to join the single market. The first four cover the four fundamental freedoms: movement of goods, people, capital and services. Others' main objective is to harmonize economic and financial policies in such areas as taxation, fisheries, company law, agriculture, competition rules, energy and statistics. A couple of chapters focus on infrastructure and network-building. Of these thirty five chapters, not one deals directly with the issue of democracy. It is indirectly evaluated through such chapters as "Information society and media," "Social policy and employment," "Judiciary and fundamental rights" and "Justice, freedom and security."¹⁰³

As a result, compliance with such vague requirements does not present as much of a challenge as compliance with the media ones. The reason Macedonian government managed to do better in terms of democracy than in the media sector is that the latter constitutes only one component of the former. Looking at one of the EU progress reports' sections on democracy and the rule of law shows that Macedonian government has a range of democratic factors to choose from. The following examples demonstrate how the government can receive credit for minor improvements. Progress report of 2006 said "There were significant efforts to improve the electoral system in the period leading up to the Elections."¹⁰⁴ In 2007 it stated "Decentralisation has continued to make progress, notably thanks to a spirit of cooperation between the central authorities and municipalities."¹⁰⁵ In 2008 it was political dialogue. "The work of the parliament proceeded on the basis of dialogue between the governing coalition and

¹⁰² "European Instrument for Democracy & Human Rights (EIDHR)," European Commission, accessed May 22, 2011, http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm

¹⁰³ "Eurojargon," *Europa*, accessed May 22, 2011, http://europa.eu/abc/eurojargon/index_en.htm

¹⁰⁴ Commission of the EC. *Croatia: 2006 Progress Report*, (Brussels, 2006): 5

¹⁰⁵ Commission of the EC. *Croatia: 2007 Progress Report*, (Brussels, 2007): 8.

the opposition, a key priority of the Accession Partnership.”¹⁰⁶ Even in 2010, the year Macedonian media took a major step back, the report said “The e-Parliament continues to function smoothly. The existing rules of procedure have overall been satisfactorily implemented.”¹⁰⁷ Increasing the number of women in the Parliament, establishing a national framework for implementation of the Ohrid agreement, strengthening institutional capacity, launching investigations in corruption cases, holding regular elections and parliamentary sessions, adoption of pro-democratic reforms, establishing a council for EU integration – there are hundreds of factors that fall under the category of ‘democracy.’ This means that the government needs to show improvement on only some of these sub-sections to receive positive feedback on its democratic development.

At the same time, freedom of the media serves as a trade-off to democratic development. The more the government allows other parties participate in elections, the more difficult it is to stay in power. The further it progresses on the way to joining the EU, the more flaws are revealed about the system. Media, being an intermediary tool between the government and the people, plays an integral role in maintaining power. As shown in the earlier section, the government tries to control the way EU-Macedonian relations are portrayed in the media. That indicates that the government is desperately trying to remain in charge and depict a favorable image of itself. That is why there is a discrepancy between the level of democracy and freedom of the media in Macedonia. In a way, compliance with democracy- and economy- related issues leads to non-compliance with freedom of expression.

¹⁰⁶ Commission of the EC. *Croatia: 2009 Progress Report*, (Brussels, 2009): 7

¹⁰⁷ Commission of the EC. *Croatia: 2010 Progress Report*, (Brussels, 2010): 7

Chapter 3 – Case Study: Croatia

3.1. Legal Framework

Croatian Constitutions guarantees freedom of the press and of expression. The Media Act, the Electronic Media Act, the Law on Croatia Radio Television and the Law on Croatian Information News Agency compose the basis for media market regulation. The latter was adopted in 2001, while the rest received parliamentary approval in 2003. In 2004, Croatia adopted the new Media Law followed the European Commission's recommendations; however, the issue of ownership transparency was yet to be addressed. In 2005, the new Telecommunications Act came into force, once again moving Croatia forward in its legal compliance with EU standards.¹⁰⁸

Croatia continued to make further progress by amending its Penal Code in 2004, allowing for a less rigid libel system.¹⁰⁹ However, it was not until June 2006 that the Parliament approved modifications to abolish prison sentence as a punishment for libel.¹¹⁰ By March 2008, Croatia had fully aligned its Law on Electronic Media with the Television without Frontiers Directive, which gave the country the right to participate in the EU media programs.¹¹¹ In 2009, the Parliament amended its Electronic Media Act, achieving its full compliance with the *acquis*. In total there are 19 different laws and regulations directly related to media.¹¹²

Print media is regulated by the Media Law and the Law on Public Information. The former is concerned with such fundamental principles as freedom of the media, freedom of expression, and a number of professional rights. It also defines a journalist as a “person who deals with collecting, processing, shaping or distributing information to publish in the media and

¹⁰⁸ Commission of the EC. *Croatia: 2005 Progress Report*, (Brussels, 2005)

¹⁰⁹ Ibid

¹¹⁰ Commission of the EC. *Croatia: 2006 Progress Report*, (Brussels, 2006): 9

¹¹¹ Commission of the EC. *Croatia: 2008 Progress Report*, (Brussels, 2008): 37

¹¹² Zdenko Duka, “Violations of Media Laws: The Case of Croatia,” *Report for the AEJ* (2008), accessed May 21, 2011, www.acj-uk.org/media-08-Cro-1.doc

who does it as an employed person or as a self-employed person in line with the law.”¹¹³ The Law on Public Information aims at regulation the relations between editors, publishers and journalists.¹¹⁴

However, the road toward legal harmonization in the area of media freedom has been a rather long and often painful process. Much pressure has been exerted by those who have interest in controlling the media as for example major businesses, media owners and politicians.¹¹⁵

3.2. Violations

The media situation in Croatia is quite different from the one in Macedonia. Political pressure has been decreasing over the last decade, yet the level of professionalism and media quality has been decreasing as well. It appears that control over this sector has been slowly shifting from politics to business. A number of influential commercial companies emerged in the early 1990s that promoted the interests of various politicians. Today these companies have much control over newspapers and electronic media. The main tool of control is their manipulation of advertising contracts. Considering that for many media outlets advertising presents the main source of funding, withdrawal of a big contract could potentially result in financial unsustainability. One example is the case of an insurance company Osiguranje, which at one point refused to continue its contract with a daily newspaper *Jutarnji list*, because it published a series of articles critical of the company.¹¹⁶ This section will trace the transformation of media censorship from the political to the commercial realm.

At the beginning of the decade, there was much interference by the Counter-Intelligence Agency (POA). For example, between the years 2003 and 2004, a number of journalists had their phones tapped by the POA unit due to their suspicion that the journalists were taking part in a

¹¹³ Marinka Boljkovac-Borkovic, “Croatia,” *IJC*, 3, accessed May 25, 2011, <http://ijc.md/Publicatii/seenpm/Croatia.pdf>

¹¹⁴ Ibid., 2

¹¹⁵ Ibid., 1

¹¹⁶ Zdenko Duka, “Croatia,” *Report for the AEJ* (2007), accessed May 21, 2011, www.aej-uk.org/AEJ-mediasurvey-cro.doc

media-intelligence campaign against Croatia.¹¹⁷ The same unit interviewed another journalist, Helena Puljiz. However, the interview soon turned into a five-hour interrogation during which there were attempts at bribery and blackmail. POA was demanding her cooperation in informing it about the actions of her colleagues and threatened to reveal to the public details of her private life if she were to refuse to cooperate.¹¹⁸ In 2004 another journalist, Ljubica Letinic, received a two-month suspended prison sentence by a court in Split on charges of defamation of a local businessman in March 2002. The sentence was upheld even upon her appeal to a higher court the following year.¹¹⁹

Despite the above mentioned violations, the EU was highly optimistic about the developments in Croatia. The process of integration had begun under the new government led by the Social Democratic Party. Considering the fact that Croatian politics was dominated by a highly conservative party HDZ all throughout the 1990s, the EU saluted the newcomer, SDP, a center-left party. It gave positive feedback on the progress in the areas of human rights, the rule of law and freedom of expression. However, it also pointed out the fact that the government was more focused on the rhetoric of European integration than on taking actual steps to fulfill EU requirements.¹²⁰

In 2003, Croatia applied for membership. The following year it was granted the ‘candidate’ status. In its opinion report, the European Commission described the media situation as “considerably improved,” acknowledging the fact that throughout the 1990s, media was victimized through overt pressure, harassment, financial extortion and arbitrary prosecutions.¹²¹ At the same time, the Commission raised concerns about continuing possibilities for political

¹¹⁷ “Press Freedom 2005,” *SEEMO*, February 18, 2005, accessed May 22, 2011, <http://www.seemo.org/activities/pressfreedom/05/press0501.html>

¹¹⁸ “Press Freedom 2004,” *SEEMO*, November 29, 2004, accessed May 22, 2011, <http://www.seemo.org/activities/pressfreedom/04/press0411.html>

¹¹⁹ “Press Freedom 2005,” *SEEMO*, accessed May 22, 2011, <http://www.seemo.org/activities/pressfreedom/05/press0501.html>

¹²⁰ Commission of the EC, *The Stabilisation and Association process for South East Europe: First Annual Report*, (Brussels, 2002): 19.

¹²¹ Commission of the EC, *Opinion on Croatia's Application for Membership of the European Union*, (Brussels, 2004): 22

pressure at local levels. It also pointed out to the need to improve media ownership transparency in the print media sector and made a few recommendations regarding existing legal framework.

With political pressure still taking place on occasional basis, commercial censorship became more marked by 2005, when the Europa Press Holding (EPH) took over Slobodna Dalmacija, based in Split. As a result of this acquisition, EPH's daily market share in Croatia increased to over 40 percent, which was illegal under the Media Law of Croatia. EPH was obligated to reduce its share within six months.¹²² The Commission expressed concerns regarding this acquisition and recommended to take appropriate measures. It further reminded Croatia that the problem of occasional political influence on the media on municipal level had not seized to exist.¹²³

Political pressure was not entirely eliminated despite EU's continued pressure to resolve the problem. In 2006, Ladislav Tomas, a journalist for Novi list, wrote an article discussing the involvement of ex-intelligence agents in organized crime. His main point of inquiry was how someone who was charged with state funds' misuse managed to receive the post of the Secretary General of a powerful national association. A few days after the article was published, Tomas received an anonymous letter with death threats.¹²⁴ Having said that, it is important to acknowledge the fact that political interference has been slowly decreasing throughout the decade, which could be observed in the annual reports by the European Commission. According to one in 2008, most of the interference was coming from economic and only partly political interest groups.¹²⁵ It also acknowledged some progress in legal alignment with the *acquis* since EU's recommendations in 2004.¹²⁶

Media in Croatia is also under threat from organized crime. For example, in 2008 a reporter for Jutarnji List daily, Dusan Miljus, who in his career exposed many organized crime

¹²² Commission of the EC, *Croatia: 2005*, 18

¹²³ Ibid.

¹²⁴ "Case Tomicic," PSD, accessed May 18, 2011, <http://www.psd.hr/en/index.php?content=page&kat=38>

¹²⁵ Commission of the EC, *Croatia: 2008*, 37

¹²⁶ Commission of the EC, *Croatia: 2007*, 11

and corruption cases, got attacked by two men outside of his house, who had beaten him with baseball bats.¹²⁷ The most important part of this crime as the victim correctly pointed out was to find out the person(s) who order the crime as opposed to those who carried it out.¹²⁸ The same year, a car of Ivo Pukanic, the owner and editor-in-chief of one of the biggest political weeklies in Croatia, was bombed.¹²⁹ Previous attempts to kill him were made earlier in the year. In 2010, six men were convicted for this crime in what was labeled as a “mafia-style murder.”¹³⁰ One of the possibilities was that his murder was a result of his investigation into cigarette smuggling. Others say it was linked to his publication of an interview with a former general, Ante Gotovina, in 2003. The International Criminal Tribunal for former Yugoslavia had sought to try Gotovina for some time.¹³¹ EU immediately responded to this event, warning Croatia that its prospects of membership were under threat from organized crime.¹³²

The European Union made it clear to Croatia that it was aware of the ongoing violations in its 2008 report, saying that “cases of physical attacks as well as death threats against journalists have gained in prominence and require more thorough investigations. Journalists working on corruption cases or organised crime are increasingly targeted.”¹³³ In terms of legal alignment, the Commission gave positive feedback on “good progress.”¹³⁴

In 2010-2011, press freedoms in Croatia took a major step back when the government proposed changes to Croatia’s Penal Code in order to increase the severity of penalties for libel and defamation as well as to simplify the process of claiming damages by plaintiffs.¹³⁵

¹²⁷ Zoran Radosavljevic, “Croat Journalist beaten up in Zagreb,” *Reuters*, June 3, 2008, accessed May 22, 2011, <http://www.reuters.com/article/2008/06/03/idUSI03226730>

¹²⁸ “Croatian Journalists Protest Beating,” *BalkanInsight*, June 6, 2008, accessed May 22, 2011, <http://www.balkaninsight.com/en/article/croatian-journalists-protest-beating>

¹²⁹ “Croatia,” *Reporters Without Borders*, accessed May 15, 2011, <http://en.rsf.org/report-croatia,99.html>

¹³⁰ “Six jailed for Pukanic’s murder,” *IFEX*, November 10, 2010, accessed May 15, 2011, http://www.ifex.org/croatia/2010/11/10/sentence_pukanic_killers/

¹³¹ “Croatia,” *Reporters Without Borders*, accessed May 15, 2011, <http://en.rsf.org/report-croatia,99.html>

¹³² “Croatian EU membership threatened by crime,” *Channelnewsasia.com*, October 25, 2008, accessed May 15, 2011, http://www.channelnewsasia.com/stories/afp_world/view/385276/1/.html

¹³³ Commission of the EC, *Croatia: 2008*, 11

¹³⁴ *Ibid.*, 37

¹³⁵ Boric Babic, “Croatian journalists raise concerns over proposed media law,” *MeG News*, January 25, 2011, accessed May 25, 2011,

At this point, many reports characterize Croatian media as “overcommercialized.” Foreign media corporations dominate the market, in particular German Westdeutsche Allgemeine Zeitung and Austrian Syria. Other corporations include Swedish Bonnier, Finnish Sanoma and German RTL. While part of Yugoslavia, Croatia’s media was under complete political control. Today the relationship between politics and the media is much more complicated; at the same time, media repression is not easily traceable. Influence exerted on media outlets is not as obvious and is achieved through various channels. Not only did the quality of journalism diminish, but self-censorship is now an everyday occurrence. Receiving advertisement contracts is more important than delivering news.¹³⁶ Moreover, there is still a lack of transparency in terms of media ownership of electronic media, making the implementation of a number of laws rather challenging. Finally, there is no single professional organization of media owners at the national level that would oversee the implementation of laws and protect the rights and freedoms of media owners.¹³⁷

In the course of this research, I interviewed two prominent Croatian journalists, Krunoslav Kvidic and Davor Glavas. Both of them confirmed the fact that media control has changed from political to commercial over the last decade. They also pointed out that the quality of media has decreased dramatically, leading to drastic declines in public trust in media.

On a more positive note, the European Commission’s reports were continuously emphasizing the constant decrease in presence of minority prejudices in the media and increased inclusion of various opinions. Moreover, continued occasional political pressure is not surprising. Croatian Democratic Union (HDZ), a conservative nationalistic political party, has been in power for the last two decades with its complete control throughout the 1990s and coalition-led control from 2003 to present. Being a conservative party accustomed to having a tight grip over

http://www.monstersandcritics.com/news/europe/features/article_1614357.php/Croatian-journalists-raise-concerns-over-proposed-media-law-Feature

¹³⁶ Boljkovac-Borkovic, “Croatia,” 6

¹³⁷ Ibid., 2

the socio-political and economic developments in the country, it is only natural that its behavior did not change overnight, but instead adjusted slowly to the new rules of the game.

3.3. Compliance

3.3.1. Compliance and Socialization

The case of Croatia is quite different from that of Macedonian. Despite the fact that both countries applied for membership the same year and were granted ‘candidate’ status with only one year difference, Croatia is much further along the accession process than Macedonia. It is currently in its final stages of negotiations, having closed most of the chapters, including the one on Information Society and Media. Is it the result of Croatia more easily adapting to EU norms? Not quite.

On the one hand, Croatian media seem to be doing better than Macedonian media in terms of ranking. On the other hand, it witnessed a decline in quality and the level of freedom over the last decade. By the time Croatia and Macedonia had embarked on the road to European integration, Croatia’s conditions for EU integration were more favorable. Its level of democracy was higher; its media was freer at that point. The main reason the Croatian government appears to have adapted more readily to European standards is that Macedonia is only now going through what Croatia had gone through already in the 1990s. It was mainly during that period that the media was under strong governmental pressure.¹³⁸ It was during that time that media centers and NGOs along with the international community were raising concerns and urging the government to take stronger steps to guarantee media freedoms. By the time Croatia decided to apply for EU membership, its domestic conditions were better fit to comply with EU requirements on media freedoms.

At first glance, it might seem that Croatian success relative to Macedonia is the result of socialization and politicians finally learning to respect the laws they passed to fit EU standards.

¹³⁸ Based on interviews

However, this is not the case. Croatian media still experiences occasional government pressure. Socialization process has not taken place here. For example, in 2008, Tomislav Karamarko, who was and still is the Interior Minister of Croatia, took a journalist Zeljko Peratovic to court accusing him of defamation, violation of confidentiality of a judicial investigation and divulgement of information liable to disturb public order.¹³⁹ According to Zeljko Peratovic, the Minister had obstructed his investigation of the car bombing killing of Milan Levar, who was a witness under protection of the International Criminal Tribunal for the former Yugoslavia.¹⁴⁰ This example indicates that not only do the government officials still violate the spirit of law when it comes to the media, they also violate their promise to fully cooperate with the ICTY, one of the most important conditions imposed on Croatia by the EU. Therefore, the somewhat improved behavior on behalf of politicians is not the result of genuine learning, but rather of cost-benefit analysis.

Another reason to believe that socialization has not taken place in Croatia is the Parliament's elimination of prison sentence as a punishment for libel and defamation in 2004 only to consider re-introduction of harsh measures in 2011. Finally, the process of compliance on the issue of freedom of expression is far from complete. Croatia has yet to close the chapter on judiciary and fundamental rights, which, unlike most of the other chapters, is not generally aligned with the *acquis*.

At the same time, the country still suffers from lack of professionalism when it comes to media as censorship pressures shifted from politics to businesses. This is the result of financial unsustainability of private media outlets, which in order to maintain advertising contracts, practice self-censorship.

¹³⁹ "Croatia," *Reporters Without Borders*, accessed May 23, 2011, <http://en.rsfb.org/report-croatia,99.html>

¹⁴⁰ Ibid.

3.3.2. Compliance and Rationalism

Croatia has and probably always had much stronger aspiration to join the European community than other countries in the region. It was among the first to declare independence from former Yugoslavia and was willing to fight a war to get it. Its eagerness to be a part of the European community was obvious from the very beginning of the 1990s. In this sense, it could be compared to the Baltic states. Like Estonia, Lithuania and Latvia, Croatia wanted to move away from its communist past and re-orient itself towards Europe as fast as possible. This is the main reason why the Baltic states completed their accession process so quickly. The cost of being outside the EU was perceived by these countries as much higher than the cost of compliance.

Croatia appears to be following a similar path. Having put its communist past behind it, it perceives the costs of being excluded from the EU unacceptably high. With HDZ in government for the last two decades with the exception of three years in the early 2000s, the country liberalized its politics and economics. This conservative party was in charge of the privatization process in the country and managed to make the country the richest in the region, even ahead of some EU countries. Its GDP per capita rose from \$2,291 in 1992 to \$15,637 in 2008.¹⁴¹ However, this process of privatization was highly corrupt, with HDZ playing a big role in it.¹⁴² Many of the politicians involved still remain in power. Ivo Sanader, Croatian Prime Minister between 2003 and 2009 and the leader of HDZ between 2000 and 2009, is believed to have strong links with “organized crime, nefarious entrepreneurs, shadowy intelligence services and the former communist nomenklatura.”¹⁴³ Economic ‘tycoons’ are intimately tied to politics, which is another factor explaining the shift of media pressure from politics to businesses.

¹⁴¹ “World Development Indicator,” *World Bank*, accessed May 30, 2011, http://www.google.com/publicdata?ds=wb-wdi&met_y=ny_gdp_pcap_cd&idim=country:HRV&dl=en&hl=en&q=croatia+gdp+per+capita

¹⁴² “If I am to blame, then so is the HDZ leadership,” *Nacional*, accessed May 28, 2011, <http://www.nacional.hr/en/clanak/50533/if-i-am-to-blame-then-so-is-the-hdz-leadership>

¹⁴³ Jeffrey Kuhner, “Croatia’s Leaders Resign,” *Washington Times*, July 4, 2009, accessed May 25, 2011, <http://www.washingtontimes.com/news/2009/jul/04/croatias-leader-resigns/?page=2>

Considering that politicians like Ivo Sanader remain in power in Croatia, it would be highly unlikely that whatever compliance Croatia has achieved was the result of socialization. On the contrary, it was the result of cost-benefit calculation. Non-compliance, i.e. continued political pressure and increased commercial influence, is explained by the fact that if the media gets a chance to operate freely, it will investigate and expose many politicians and businesses, which is a price too high to pay.

3.3.3. Compliance as a Hybrid

The case of Macedonia and Croatia both show that the EU might be able to force a country to pass the necessary legislature; however, it is much more difficult to force it to comply with norms and standards by actually implementing new laws. Croatian case reveals the underlying mechanisms of non-compliance. It shows that on the surface it might seem that since Croatia is expected to join the EU within the next two to three years, meaning that it fits the general EU requirements, the government has gone through the process of socialization. However, zooming in on the media situation, violations and the main actors, it becomes more visible that socialization, in fact, failed to take place. Progressive reforms adopted by the government were primarily based on perceived benefits of joining the EU.

Croatia also shows that compliance is not a one-way street, where the EU gets to impose its rules on a potential member state. The costs and benefits of joining the Union could be easily manipulated by those in power in order to promote their own agenda. A political party can adopt the European perspective in order to win elections. A government can pass laws and directives under the pretext of EU conditionality. Therefore, compliance cannot be imposed on a country, because it is a multi-layered interrelated set of processes, which might be shaped and guided by the outside actors, but are ultimately based on domestic political structures.

The fact that many Croatian government officials are inter-linked with organized crime and big businesses forces an important addition to the rationalist approach to compliance. When trying to estimate potential costs and benefits that a government might be facing as well as to

explain reasons for non-compliance it is crucial to factor in a historical context. For example, Croatian government and, in particular, the HDZ party has links to organized crime and big businesses as well as suffers from corruption because of its historical evolution. It was during the ethno-nationalistic wars of the 1990s when HDZ became so powerful and employed various methods to gain independence. It was during the transition from communism to democracy when close links between politics and big businesses were established. Therefore, calculations of costs if Croatian government and businesses stop interfering in the media sector skyrocket when one considers the impact of journalists being free to conduct investigations and reveal their findings.

3.4. Media and Democracy

In terms of explaining the gap between freedom of the media and the state of democracy, Croatian case is in many ways similar to Macedonia. It managed to show improvement in terms of democracy building over the last two decades because it started building democracy from scratch after the collapse of communism and disintegration of Yugoslavia. Any progress, no matter how small, in liberalizing the country was greeted and encouraged by the European Union. Compliance with democratic standards, therefore, was an easier process than compliance with freedom of the media.

However, what explains the fact that political pressure on the media has decreased in Croatia yet increased in Macedonia considering both countries have shown improvement in terms of democracy building? The answer is two-fold. First, the incentives and the prospects of joining the EU are higher for Croatia. Having already closed most of the chapters it is a matter of a couple of years before it becomes a member. This means that the more chapters the government closes, the higher are the incentives and the smaller is the room for non-compliance. Macedonian accession, on the other hand, still does not have a definite time-frame. It has not even started the negotiation process, let alone closed a single chapter. The dispute with Greece and the veto power that Greece has on the question of Macedonian accession further delay its

full integration. Therefore, although the costs of releasing control over the media, even on the surface, remain high for Croatia, so are the benefits of joining the EU.

Second, the government, having alleged connections with organized crime and big businesses has indirect channels of influencing the media. The following example demonstrates how indirect control can be exercised. In 2006, the general manager of Croatian Radio-Television (HRT) Mirko Galix indefinitely removed two journalists Danko Druzijanic and Groan Rotim from editing prime time news.¹⁴⁴ The piece they were editing was a 30-second clip, filmed in 1992, in which Stipe Mesic, Croatian President in 2006, spoke affirmatively about the fascist past of the country.¹⁴⁵ Interestingly, Mirco Galic was at that point a candidate for the post of ambassador to France – a post which requires presidential approval.

It is important to qualify the above analysis to Croatia-specific context. The fact that control of the media has gone ‘underground’ does not mean that it is a general pattern of non-compliance for all countries that already have gone or will go through the process of European integration. This is where factoring in a historical context comes back into the picture. The reason the government has indirect channels to influence the media and the reason organized crime and financial ‘tycoons’ currently pressure the sector is the violent past of the country and the region. Countries like Poland, Estonia or Lithuania, for example, did not have a similar context, which is why once there was little room for non-compliance left media got its freedom.

Having said that, the point of this section is not to accuse each and every one in Croatian government to have ties to either organized crime or big businesses. The point is to show that some links exist and they do have an impact on the media. Additionally, not every business that exerts pressure on the media is tied in with politics, meaning that whatever censorship it imposes, it does so independently from politics. As the government loosens control over media, space automatically opens up for commercial interests. The less funding is provided by the

¹⁴⁴ Vesna Peric Zimonjic, “Journalists Suspended over Some Old Quotes,” *IPS*, December 12, 2006, accessed May 23, 2011, <http://www.ipsnews.net/news.asp?idnews=35817>

¹⁴⁵ Ibid.

government to media outlets, the higher is the need to find alternative means of financial sustainability, which is where private businesses come in the picture. Therefore, compliance with democratic and economic requirements of liberalization leads to the need to reconsider the means of sustainability. Considering the relative inexperience of Croatian media to function under the market rules, it gets dependent on businesses, trapping itself into self-censorship, resulting in non-compliance.

Conclusion

Macedonia and Croatia represent two similar and at the same time different cases. On the one hand both countries are on the way towards joining the EU being the first countries in the Western Balkan region to be granted the 'candidate' status. They exhibited similar trends in terms of media and democracy over the last decade, with the former deteriorating and the latter strengthening. Both show patterns of non-compliance with EU conditionality. On the other hand, the underlying mechanisms differ in the two instances. In Macedonia, the government puts most of the pressure on the media and it does so quite openly. In Croatia, censorship patterns shifted from the government to big businesses, organized crime and covert government channels. Yet in both cases, non-compliance is explained in terms of rationalist theories, which argue that the decision to whether comply or not depends on how high the costs of compliance are relative to the benefits of doing so. This research also demonstrates that in order to properly employ rationalist theories of compliance, one has to factor in a socio-historical context of a country.

Finally, the gap between the level of democracy and freedom of the media can also be explained in terms of cost-benefit analysis. Croatian case demonstrates that the higher the incentives and the stronger the prospects of joining the European Union are, the smaller is the room for overt government control of the media. The opened-up space, in turn, is filled by commercial pressures, which, combined with the still existent government ties, lead to a deteriorating media situation. Macedonia, on the other hand, remains not too far along its accession process. The prospects of becoming a member in the next few years are further complicated by its dispute with one of the member states, Greece, which has the power of veto. Therefore, there is still much room for the government to try and control the media.

The field of compliance is vast and contains much room for research. It is also a very relevant field for international relations scholars. Compliance theories are not limited to EU integration. Any time an external actor imposes conditionality on a state, the question of

mechanisms underlying such relations becomes crucial for our understanding of domestic politics and the impact of such conditionality on the behavior of domestic actors.

Appendix:

Table 1: EU-Croatia/Macedonia relations

| | Croatia | Macedonia |
|--|---------|-----------|
| Stabilization and Association Agreement (SAA) signed | 2001 | 2001 |
| Applied for membership | 2003 | 2004 |
| SAA came into force | 2005 | 2004 |
| ‘Candidate’ status granted | 2004 | 2005 |

Table 2: Process tracing: longitudinal analysis (1)

Croatia: Status of the media as Croatia-EU relations progress

| | <i>Gets Better</i> | <i>Gets Worse</i> | <i>Remains the Same</i> |
|---|--------------------|-------------------|-------------------------|
| Preparation of application | X | | |
| Waiting for the decision on the application | | X | |
| Preparation for the Screening process | X | | |
| Screening process | | X | |
| Chapters’ assessment | X | | |
| Chapter on media closed | | X | |

Table 3: Process tracing: longitudinal analysis (1)

Macedonia: Status of the media as Macedonia-EU relations progress

| | <i>Gets Better</i> | <i>Gets Worse</i> | <i>Remains the Same</i> |
|--|---------------------------|--------------------------|--------------------------------|
| Preparation of application | X | | |
| Waiting for the decision on the application | | X | |
| Preparation for negotiations | X | | |
| Negotiations begin | | X | |

Table 4. Process tracing: longitudinal analysis (2)

Scores assigned by Reporters without Borders. The higher the number, the worse is the level of media freedom

Croatia

| Period | | <i>Sep1, 2001</i> | <i>Sep1, 2002</i> | <i>Sep1, 2003</i> | <i>Sep1, 2004</i> | <i>Sep1, 2005</i> | <i>Sep1, 2006</i> | <i>Sep1, 2007</i> | <i>Sep1, 2008</i> | <i>Sep1, 2009</i> |
|--|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| | | – | – | – | – | – | – | – | – | – |
| | | <i>Sep1, 2002</i> | <i>Sep1, 2003</i> | <i>Sep1, 2004</i> | <i>Sep1, 2005</i> | <i>Sep1, 2006</i> | <i>Sep1, 2007</i> | <i>Sep1, 2008</i> | <i>Sep1, 2009</i> | <i>Sep1, 2010</i> |
| Nov. 2000 – Oct.2001 (SAA signed) | | | | | | | | | | |
| Oct. 2001 – Feb. 2003 (applies for EU) | <i>Preparation of application</i> | 8.75 | 16.50 | | | | | | | |
| Feb. 2003 - June 2004 (candidate status granted) | <i>Waiting for decision on application</i> | | 16.50 | 11.83 | | | | | | |
| June 2004 - Feb. 2005 (SAA enters into force) | | | | | 12.83 | | | | | |

| | | | | | | | | | | |
|---|--|--|--|--|-------|-------|-------|------|-------|-------|
| Feb. 2005 – Oct. 2005 (Screening stage begins) | <i>Preparation for the screening process</i> | | | | 12.83 | | | | | |
| Oct. 2005 – Oct. 2006 (screening concluded) | <i>Screening process</i> | | | | | 13.00 | | | | |
| Oct. 2006 – Dec. 2008 (chapter on media closed) | <i>Chapters assessment</i> | | | | | | 12.50 | 8.50 | 17.17 | |
| after | | | | | | | | | 17.17 | 17.50 |

Table 5. Process tracing: longitudinal analysis (2)

Scores assigned by Reporters without Borders. The higher the number, the worse is the level of media freedom

Macedonia

| Period | | <i>Sep1, 2001</i> | <i>Sep1, 2002</i> | <i>Sep1, 2003</i> | <i>Sep1, 2004</i> | <i>Sep1, 2005</i> | <i>Sep1, 2006</i> | <i>Sep1, 2007</i> | <i>Sep1, 2008</i> | <i>Sep1, 2009</i> |
|---|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | | <i>– Sep1, 2002</i> | <i>– Sep1, 2003</i> | <i>– Sep1, 2004</i> | <i>– Sep1, 2005</i> | <i>– Sep1, 2006</i> | <i>– Sep1, 2007</i> | <i>– Sep1, 2008</i> | <i>– Sep1, 2009</i> | <i>– Sep1, 2010</i> |
| Nov. 2000 – Apr. 2001 (SAA signed) | | | | | | | | | | |
| Apr. 2001 – Apr. 2004 (applies for EU + SAA enters into force) | <i>Preparation of application</i> | | 9.67 | 11.25 | | | | | | |
| Apr. 2004 – Dec. 2005 (candidate status granted) | <i>Waiting for decision on application</i> | | | 11.25 | 8.75 | | | | | |

| | | | | | | | | | | |
|--|--|--|--|--|------|-------|-------|------|------|-------|
| Dec 2005 - Dec. 2009 (opening negotiations) | <i>Preparation for negotiation</i> | | | | 8.75 | 11.50 | 11.50 | 8.25 | 8.75 | |
| after | | | | | | | | | | 18.40 |

Table 6. Freedom House vs Reporters without Borders Methodological Comparison

| FREEDOM HOUSE | REPORTERS WITHOUT BORDERS |
|--|--|
| Legal Environment | Physical Attacks, Imprisonment and Direct Threats |
| Do the constitution or other basic laws contain provisions designed to protect freedom of the press and of expression and are they enforced? | <i>Were there any cases of journalists:</i> Being illegally detained? Being tortured or ill-treated? Being kidnapped or disappearing? |
| Do the penal code, security laws, or any other laws restrict reporting and are journalists punished under these laws? | <i>Were there:</i> Armed militias or secret organizations regularly targeting journalists? Journalists who had to have bodyguards or use security measures in the course of their work? |
| Are there penalties for libeling officials or the state and are they enforced? | Indirect Threats, Pressures and Access to Information |
| Are media regulatory bodies, such as a broadcasting authority or national press or communications council, able to operate freely and independently? | <i>Were there cases of:</i> Surveillance of journalists by the state? Journalists employed by privately-owned media being forced to stop working because of threats or political pressure? |
| Can individuals or business entities legally establish and operate private media outlets without undue interference? | Serious difficulty accessing public or official information? Restrictions on access to or coverage of any regions in the country? |
| Freedom of Information legislation in place and are journalists able to make use of it? | Foreign journalists deported or prevented from entering the country? |
| Is the judiciary independent and do courts judge cases concerning the media impartially? | Censorship and Self-censorship |
| Is there freedom to become a journalist and to practice journalism, and can professional groups freely support journalists' rights and interests? | How many news media were censored, had issues seized, had their premises ransacked or had their operating license withdrawn by the state? |
| Political Environment | <i>Was there:</i> Systematic prior censorship of all the media (control before publication)? Widespread self-censorship in the privately-owned media? |
| To what extent are media outlets' news and information content determined by the | Important news that was suppressed or not covered because of political or business |

| | |
|--|---|
| government or a particular partisan interest? | pressure? Frequent detailed investigative reporting on a range of sensitive subjects? |
| Is there official censorship? | Public Media |
| Is access to official or unofficial sources generally controlled? | <i>Was there or were there:</i> A state monopoly of TV? A state monopoly of radio? A state monopoly of printing or distribution facilities? Opposition access to state-owned media? |
| Are journalists or media outlets subject to extra-legal intimidation or physical violence by state authorities or any other actor? | Government control of what the state-owned media publish or broadcast? Unjustified dismissals of journalists in the state-owned media? |
| Do journalists practice self-censorship? | Economic, Legal and Administrative Pressure |
| Do people have access to media coverage that is robust and reflects a diversity of viewpoints? | <i>Was there or were there:</i> Unjustified or improper use of fines, summonses or legal action against journalists or media outlets? |
| Economic Environment | Attempts to violate the confidentiality of journalistic sources? Use of the withdrawal of advertising to pressure news media? |
| Is private media ownership highly concentrated and does it influence diversity of content? | A requirement to obtain a license in order to start up a newspaper or magazine? |
| To what extent are media owned or controlled by the government and does this influence their diversity of views? | Serious threats to news diversity, including threats resulting from narrow ownership of media outlets? |
| Is private media ownership transparent, thus allowing consumers to judge the impartiality of the news? | A government takeover of any privately-owned media during this period, either directly or through government-controlled firms? |
| Are there restrictions on the means of journalistic production and distribution? | Internet and New Media |
| Does the state place prohibitively high costs on the establishment and operation of media outlets? | <i>Was there or were there:</i> A state monopoly of Internet service providers |
| Do the state or other actors try to control the media through allocation of advertising or subsidies? | Cases of access to news, cultural or political websites being blocked by filtering mechanisms or being closed down by the authorities? |
| Do journalists receive payment from private or public sources whose design is to influence their journalistic content? | Cases of cyber-dissidents or bloggers being detained for more than a day? How many? |
| Does the overall economic situation negatively impact media outlets' financial sustainability? | Number of Journalists Murdered, Detained, Physically Attacked or Threatened, and Government's Role in this. |
| | <i>How many journalists, media assistants or press</i> |

| | |
|--|---|
| | <i>freedom activists:</i> Were killed in connection with their work? Were killed in situations in which the government was involved? Were detained or jailed? Were still in prison at the end of this period as a result of receiving a long jail sentence for a press offence? |
| | Were physically attacked or injured? Were any or all of these acts of violence carried out by representatives of the state? |
| | In the above cases, did the authorities do their best to punish those responsible for these press freedom violations? |
| | Or did the authorities take steps to prevent those responsible for these press freedom violations from being prosecuted? |
| | Country Media Data |
| | Give an estimate of the number of: Independent or opposition news media operating in the country. |

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“Television without Frontiers” Directive of 1989

The Protocol on the system of public broadcasting in the Member States of Treaty of Amsterdam of 1997

Macedonia

Macedonian Constitution of 1991

The Macedonian Broadcasting Law of 1997

Macedonian Criminal Code of 1996

Broadcasting Law of 2005

Croatia

Croatian Constitution of 1990

The Media Act of 2003

The Electronic Media Act of 2003

The Law on Croatia Radio Television of 2003

The Law on Croatian Information News Agency of 2001

Croatian Criminal Code of 1998

Law on Public Information of 2003

Online newspapers and other sources

BBC News

Committee to Protect Journalists

EUObserver

EUropa

European Commission

Freedom House

Human Rights House Network

International Freedom of Expression Exchange

International Research and Exchanges Board
Mediaonline.ba: Southeast Europe Media Journal
Nacional (Croatian Newspaper)
Press Online
Protectionline
Reporters without Borders
Reuters
South East Europe Media Organization
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Washington Times
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