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ASSOCIATION
OF JOURNALISTS
OF MACEDONIA

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TOWARDS A SUCCESSFUL
LOBBYING

AND ADVOCACY

STRATEGY FOR JOURNALISTS

AIMED AT IMPROVING

THE GENERAL SITUATION OF THE
MEDIA IN MACEDONIA

TOWARDS A SUCCESSFUL **LOBBYING** AND
ADVOCACY **STRATEGY** FOR JOURNALISTS AIMED AT
IMPROVING THE GENERAL SITUATION OF
THE MEDIA IN MACEDONIA



*Freedom of the press
is not just important to democracy,
it is democracy.
(Walter Cronkite)*

Peter Vanhoutte
High level mediator
July 2017

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This paper was requested by the Association of Journalists Macedonia (AJM) as follow-up of a series of events organised in June and related to the preparation of the submission of amendments to the Media Law by the Government.

The aim of this paper is to contribute to a more effective planning and strategy for AJM in order to improve the overall situation of media in Macedonia.

I am particularly grateful for AJM who offered me the opportunity to return to Skopje after more than a year and to see the recent changes in favour of democracy and free media. Citizens hope for a better and more democratic future, including EU and NATO integration. Achieving this is only possible with active support of free, critical and open minded media.

Peter Vanhoutte, July 2017

1. Introduction

In the period 2008 – 2017, media have been increasingly under pressure of an increasingly authoritarian Government, which considered free media and critical media organizations as a threat, if they didn't obey and promote the agenda and objectives of the Government.

The 2016 elections, followed by the formation of an alternative coalition government, created a new momentum for the development of free and critical media, independent from governmental influences and political party interests. It will be of key importance to consolidate the new developments in the coming years, and to make it impossible to undermine the functioning of media again.

This paper provides an outline to further strengthen the position of AJM and the position of journalists and media supporting a democratic society with a focus on strategic planning in relation to effective lobbying and advocacy.

2. Lobbying and strategic planning

2.1 Need for internal unity

Effective lobbying and advocacy start with the creation of a common platform within AJM. This platform should clearly define the necessary steps to improve the situation of media in Macedonia, support the professional development of journalists and develop additional self-regulatory mechanisms to foster a mature and independent media landscape. It is an essential tool for discussions with other media stakeholders and the Government.

It is important that all members of AJM unite to support this platform. In addition, it is important that all members agree to speak with one voice – ideally through AJM. Dissenting opinions should be avoided during lobby-meetings with any of the external stakeholders as this can be very damaging to achieve the overall objectives of a specific lobbying-activity.

Internally, however, there certainly should be sufficient space to critically reflect on any proposal of suggestion. The objective of internal meetings is to build a workable compromise on a common platform. Generally, a compromise is good if all parties involved feel a bit unhappy about the final compromise on the table. Building a compromise around a platform is difficult if the person(s) leading the discussion are also actively involved in the discussion and might even defend a particular agenda. If that is the case, a compromise might be difficult to achieve and tensions can build up. If this results in a platform, imposed by a majority of the members, e.g. with a simple majority, those who don't agree with the final result might continue to oppose, both internally and public. To avoid such development from the very start, it is always better to agree on a neutral chair for discussions on a compromise platform, someone without particular interests and position, able to listen, to analyse and to discover opportunities for compromise.

Building a compromise on a possible platform also means that you aim for consensus among all members. To avoid a weak compromise, it is important that a working group before any decision on a platform, agrees on the bottom line – the minimum conditions without which a compromise doesn't make sense. A compromise on a platform of course should always aim high initially, focus on the main issues, and can never end below the bottom line.

Though a platform based on an internal compromise might at first sight seem weak and unsatisfactory, it provides those who need to lobby and/or negotiate on it with external parties with a much stronger starting position as the platform has everyone's backing.

Without unity, achieving concrete results is very difficult if not impossible.

2.2 Need for an effective strategic plan

Besides the need for an organisation-wide strategic plan for AJM, it is important to develop a specific separate strategic plan for a lobbying and advocacy strategy. Strategic planning is simply a set of concepts, procedures and tools supporting those engaging in it to think, act (and learn) strategically. The aim of strategic planning is to help AHM producing effective decisions and actions with added value in line with AJMs mission and mandate.

This strategic plan, dealing with media reform in all key aspects should be developed internally, before any broad consultation with other stakeholders and should reflect clearly the goals and ambitions of AJM and its members.

Such strategic plan (timeline up to 4 years) should include the following:

- **A SWOT analysis.** This should include both the substance (what changes do we need to reinforce an independent professional media landscape?) and the structures/available capacities. In addition, opportunities (e.g. the new government) and eventual challenges to progress should be defined. The SWOT analysis can provide an excellent and detailed insight in possible challenges AJM could face when engaging in lobbying activities and how to avoid possible failures.
- **Objectives,** these should be broad, achievable in principle and clearly defined. Setting short term objectives is important, as this details the concrete work-plan at a next level with lobbying and advocacy activities. Setting short term objectives is also an effective method to work during lobbying activities with a comprehensive step by step approach, where at each step results can be measured before moving to the next level.
- **Stakeholders:** for each objective, the different stakeholders should be carefully defined and assessed. It is important to provide sufficient details on the stakeholders and their possible interest as this can provide additional insight in the way they do want to engage in the process to achieve specific objectives. However, it is important to also engage in an inclusive process, engaging all relevant stakeholders, also those who might be critical or opposed to achieving certain objectives.
- **Annual priorities:** The drafting of an action plan with annual priorities should consider the political reality, best and worst case scenario's and external factors one should consider (e.g.: the economic situation, problems with the state budget, early elections...). Given the fluidity of the Macedonian context, regular evaluation of the agreed annual priorities during their implementation, is useful to avoid delays and problems with non- or delayed implementation.

2.3 Lobbying in the Macedonian context

Achieving effective progress in the media situation is only possible with extensive lobbying. Lobbying is “the activity of trying to persuade someone in authority, usually a member of the Government, to support laws, rules or regulations that give your organization or sector an advantage”. If lobbying only occurs randomly, based on incidental contacts or meetings and based on an ad hoc agenda, chances for solid substantial changes that can affect the (media) sector in the long term, are limited.

The starting point of effective lobbying is an annual action plan, which results from a strategic plan targeting necessary changes as defined by the media stakeholders (AJM). The action plan for Macedonia should consider the current political situation (the new Government, Parliament with a small majority, main opposition party in obstruction mood).

Given the tight majority, the buy-in from remaining opposition parties at some stages could be helpful to overcome political resistance within parts of the majority. In general, however, it seems like the relationship between political parties and media should also be open for discussion as most of them tend to control media – as this seems the easiest way to convey the messages they want to the citizens and to censor what they don't like. Changing the political attitude towards media requests a major shift in the perception of the relation between political parties and how parties can promote themselves and even benefit from independent and critical media.

Any media reform should start with adapting the legal context to the current needs, supporting professional, independent and free media. Changes in the current media legislation should create the necessary space for this. The target group of the media reforms should include the public broadcaster, print media, audio-visual as well as online media. For AJM, besides legislative reforms, the working conditions and professionalism of journalists in relation to free and critical reporting while working in any of these organisations should be the first target.

The address book

Before engaging in lobbying activities, one needs to develop a detailed address book. An address book allows always to quickly find back relevant contacts and stakeholders, to swiftly schedule meetings and informal encounters and discussions, which is key for an effective lobbying process.

An address book should include:

All possible stakeholders, including their competencies in relation to media

- **Government;**
- **Parliament;**
- **Political parties;**
- **Judicial institutions;**
- **Independent institutions;**
- **Regulatory agencies;**
- **International community (EU, US, international organizations (UN, OSCE, CoE...) and bilateral embassies);**
- **International organisations dealing with media;**
- **National organisations and institutions (academia) dealing with media;**
- **Extensive list of media;**
- **Experts (national and international);**

Next, one needs to provide at the level of each of the stakeholders a list of key persons and possible contacts, including email, mobile phone number, skype, what's app/viber, social media (Facebook, twitter...).

For each person, it is important to indicate to which extend he/she can be seen as an ally, neutral or an opponent and their specific field of expertise and eventual names of people within AJM who are well connected to this person. This will make it easier to contact certain people even during difficult discussions.

For the list of media, it is important to provide key information about financial structure, number of people employed, number of journalists/freelancers employed. Though most of this information might already be available, reviewing the actual data also in view of the recent changes in the print media, might certainly be useful.

Information from social media can also provide interesting and to the point information related to ongoing developments. Often comments provided on social media are more direct and reflect better the real thoughts and perceptions of the author. If time allows, it can be very useful in the margin of lobbying activities, to also follow-up and analyse careful Facebook pages and Twitter accounts of key stakeholders in the discussions.

All the above information, once collected should be well secured and treated as confidential. Access to this information should be granted only to a limited number of people.

The annual action plan

An annual action plan for media reform should include i.a. (but not be limited to):

- **Changes in the current media legislation.** The main aim is to realize a clear disconnect between politics, the government and media as well as independence of editorial staff from private financiers and investors. Changes in the media legislation are urgent to indicate a clear breach with the past and create a perspective for broader changes in the coming time. Not engaging in urgent changes of the current media legislation might be problematic as it could be interpreted as a message to those curtailing media before that the way media were controlled doesn't need any real changes. The recent change of Government is also an excellent opportunity to stress the need for critical and independent journalism.

- **Shifting policies from sanctions and restrictions towards empowering.** So far media legislation has often been too restrictive, threatening with sanctions – which often were implemented depending the client and imposing obligations in relation to the percentage of national productions, without convincing the stakeholders of the added values of both the fines and the quota. Lifting these restrictions can be a first step in the creation of a more free and independent environment. Fines should only remain as a possible ultimate solution for serious infractions if mediation to settle such problem doesn't work.
- **Review of the mandate and functioning of regulatory agencies.** We agreed so far that the review process is not urgent. A preferable starting point might be a review of each of the agencies involved separately (including financial, personnel and the extent to which agencies exceeded their mandate in recent years). The review process can be followed by the development of a structural reform approach. One should aim to avoid that the agencies continue to function as independent islands used to park people for ample work and a high salary.
- **Journalists as a protected profession** (certain criteria need to be met before you can call yourself a professional journalist – criteria to be discussed and agreed upon as part of the self-regulation). The starting point for professional journalists is that not everyone can call him or herself a journalist, because one needs to apply specific professional criteria on them.
- **Improving mechanisms of self-regulation** (cf. Council of ethics);
- **Role and functioning of the public broadcaster.**
- **Actions supporting the print media in the current phase of transition.** So far it is unclear whether print media should be subsidized in a transitional phase and how to set the conditions for this. In case subventions would not be considered, it might be necessary to support their transition by providing technical support and training.

Ideally, the annual action plan should take into account the governmental action plan when it comes to reform of media legislation. Given the urgency of some reforms, we agree that some of it in a first phase can be submitted swiftly to parliament after a short public consultation process. However, for any next steps, we believe the process of amending legislation can be conducted in a more proactive way. Before the drafting or amending of legislation, AJM could consult media stakeholders in order to agree on a concept and strategy for changes. Based on exchanges with the government, changes could then be drafted and opened for further consultation.

Consultation of media stakeholders

For any future change, it is important that AJM, together with other relevant media stakeholders agrees on the approach. The starting point for any action AJM has already agreed upon internally, should be to gather broad support from other stakeholders first, before engaging the government. So far, we see that immediately, when AJM defends a certain position or launches a proposal, other media stakeholders start opposing – often more for the sake of opposing than based on fundamental differences. Finding allies for a proposal is possible, if the approach to gather allies is carefully balanced and if proposals in the end are not presented as the proposal of one organization only, but of all organization willing to engage.

This type of concerted action is necessary to avoid frictions between stakeholders. As a starting point, one should consider discrete informal contacts (see address book!), avoiding formal ways of communication (email, ...). Informal contacts and meetings allow open discussion without obligation for any commitment.

They are an extremely useful tool to figure out to which extend the conditions put forward on the other side of the table will meet AJM's bottom line(s). If a problem arises, internal consultation on how to deal with it, are possible. Using suitable contacts (see address book!) to engage the partners is crucial at this stage to reach an agreement. If the agreement fails, at least AJM will know how and why it fails and when going public with their proposal or when contacting the Government or other external stakeholders for further lobbying, this can be included in the further communication. This informal approach is very effective to demine possible resistance from other media stakeholders in advance.

Engaging with the Government

Before engaging with the Government on a particular issue, it is of key importance to prepare the field first. Most effective is to establish regular informal contacts with the respective sectoral ministers and ministries. Such contacts can be a win-win situation for the two sides. It allows AJM to provide valuable advice and allows the Government to accept it, even without obligation to always refer to AJM (the Minister can accept the advice and claim it was his to get all the credits for it, while AJM will know it was their advice and more important it was accepted by the Government). Such approach will encourage the Government to consult AJM even on a more regular basis, resulting in a cooperation which is beneficial for the two sides. The only minor downside of this approach is that AJM will not always be able to claim the credits. If the Government acts smart, they will promote a broad system of informal consultations with their stakeholders, as it lowers the chances for strong stakeholder-opposition against the Government.

In addition, AJM could be supportive to the respective Ministers – at least as long as they behave constructive - by inviting them from time to time for the opening of a public event, this way contributing to their public profile. In return the Minister(s) would feel obliged to return somehow such invitations by even more careful considering AJM proposals.

Engaging with the Government at an early stage is important if one wants to have a real impact on policies and legislation. Currently, more than 90 percent of legislation or amendments to existing legislation originates from the Government. If one does want to have an effective impact on it, it is necessary to provide constructive input at an early stage, preferably before the Law of amendments have been drafted. Know it first in order to act first! And policies as a rule are designed the Government and often never end up in Parliament, engaging during the initial drafting stage of policies is key to have an impact on it. Besides the regular informal contacts, it is therefore key to establish a proper mechanism for regular formal meetings with the sectoral Ministers. This offers an opportunity to discuss the activity schedule for the coming time, to be prepared for public and/or parliamentary consultations at a later stage. It also offers a formal opportunity to provide feedback on any pending proposals or to discuss in a more formal setting any proposal supported by AJM.

For the design of a specific media policy, the use of both the informal and formal meeting framework allows to have an important impact even before the drafting stage.

When finally, public consultations are scheduled by the Government, before submission of a proposal to Government, AJM can comfortably lean back, explain and/or defend certain proposals or focus on minor details that still might need attention. However, public consultations can offer a different platform, focused more on advocacy and for a broader group of stakeholders, than purely lobbying.

When lobbying at the level of the Government, it is important not to focus exclusively on the sectoral Ministers, but to the extent necessary, also to engage other Ministers, responsible for Telecom, Finance, Budget... . Such multi-sectoral approach will contribute to a more active engagement of the Government as a whole when discussing proposals with e.g. possible financial or technical impact.

Engaging with Parliament

At the end of the process, proposals are submitted to Parliament. If all goes well, they will pass without problem. As a matter of good practice however, often parliamentary hearings can be organised, again providing an opportunity to discuss the proposals and suggest eventual additional amendments. If the whole process is well managed from the early beginning, parliament can be considered as an emergency break. Intensive lobbying is only necessary at this level if parliament doesn't intend to follow the Government, or if the proposals submitted by the Government are not in line with AJM's initial suggestions. To avoid any complications at this level, it is always useful to establish some insides, both with the majority and the opposition, as this allows to detect eventual problems at an early stage in the parliamentary procedure. We suggest not to wait for a public hearing if problems arise at this stage, but to engage in bilateral discussions with MPs either with political groups. If even at this stage there is no concrete

result, the last resort is the public hearing (if any), where, as an invitee, one can raise in public any concerns about the pending proposal and suggest amendments, preferably in close concertation with other media stakeholders and experts.

If nothing helps and a bad Law is finally approved, there still exists a mechanism to review the law¹, the so-called post legislative scrutiny. This procedure is used by an increasing number of parliaments in the EU on a systematic basis and allows a thorough review of the impact of legislation 4 to 5 years after the initial approval.

Appointments to Councils and independent regulatory bodies

In recent years, there has been a tendency to move the selection and appointment of members of various Councils, such as the Public Broadcasting Council and the Regulatory Agencies to Parliament. In principle, as is the case for any parliament, selecting and appointing people for any position should be the exception to the rule as far as parliament is concerned. In the case of Macedonia, there currently is a lack of competent technical staff and procedures for the initial selection of candidates. A system to adequately measure the quality of the competencies of candidates is also non-existent.

In addition, usually, the final appointment is the result of a trade-off between the main political parties and often doesn't result in getting the most suitable candidates for such positions. On the contrary, the procedure often results in weak Councils, due to the high level of politicization. Solving underlying issues as this one might contribute to more effective and independent Councils. Alternatively, the responsibility for the appointment could be transferred completely to the organisations accepted to propose members for the Councils.

The role of the International Community

The International community can play a key role in promoting values connected to free and independent media as part of the ongoing renewed democratization process. Knowledge present within the OSCE and the Council of Europe can provide first hand guidance to support media and professional journalism, in line with professional ethical standards and based on self-regulation. In addition, experts from various EU member states can provide hands-on technical expertise and support related to specific issues such as the funding and development of the Public Broadcaster and the channels in different languages, the restructuring and eventual merging of the different regulatory agencies and technical issues related to broadcasting of the audiovisual media.

In case the process of media reform might be blocked or obstructed by political party or business interests, bilateral consultations with the International Community representatives, including the US and the EU, can be helpful for a low-profile demining of the situation. In addition, these countries can be used as a reference when promoting good practices and standards.

Priority setting

When discussing a proposal with the Government or Parliament, it is important to have some experts in the background on standby, as often there is no time to waste. Time, or lack thereof is often used in negotiations to pressure a party to give in. When you have some experts on standby, you can avoid failure when lack of time suddenly becomes an argument.

Be well prepared for any negotiations of lobbying activities. It is important to define well in advance the bottom-line as well as priorities. One example: during the recent discussions on the Public Broadcaster, several times the budget was discussed. The current proposal on the table is that the Broadcaster would get one percent of the State Budget on an annual basis. However, this might not be feasible as of the coming year. A possible compromise is

1 In exceptional circumstances one can consider to start a procedure at the Constitutional Court, but this should really be the exception to the rule, and should only be used if a Law is not in line with the Constitution.

to introduce this gradually in several years. It is however important that one agrees internally how important this issue is in the whole framework of the existing media legislation and the ambitions to improve the overall media situation. Any decision to oppose a final proposal or to support it needs to be based on such considerations.

Setting the priorities to improve the media situation should be based on the principle “first things first”. A limited initial number of amendments to a law can trigger additional ones as it might open new questions. The strategic plan should try to carefully balance priorities and the succession of actions.

Media and self-regulation

The system of self-regulation of media in Macedonia still needs a lot of attention. The recent past showed that despite efforts by one of the former governing parties to undermine this in favour of complete control, there was some progress. The Council of Media Ethics proves that self-regulation can work. Today, an increasing number of lawyer rely on the decisions of the Council to start a judicial procedure. To provide even more visibility for the Council, one could consider to add a media ombudsperson to the Council, who would be the first contact point for all media related complaints and mediate for any dispute between journalists and editors. This would result in a lower threshold for both citizens and journalists and make the Council even more visible as a key component of a self-regulatory media landscape.

However, next steps are also needed in addition, as self-regulation shouldn't deal with complaints only, but also foster professional journalism. To support the further development of professional journalism, it is important that anyone who would like to start working as a professional journalist first follows an introductory course, introducing him/her into the basics of professional journalism – the type of introduction that i.a. AJM could take care of. Countries within the EU often rely on self-regulatory mechanisms of accreditation for professional journalists, which at the same time could be helpful to improve the quality and professionalism of online media.

2.4 Advocacy

AJM could also play a key role promoting a functioning and professional journalism and providing support to setting ethical standards.

It is necessary for all new journalists and editors to get accustomed to basic standards of professional journalism. These can be summarized as follows²:

Truth and Accuracy

- **Journalists cannot always guarantee ‘truth’,** but getting the facts right is the cardinal principle of journalism. They should always strive for accuracy; give all the relevant facts they have and ensure that they have been checked. When they cannot corroborate information, they should say so.

Independence

- **Journalists must be independent voices;** they should not act, formally or informally, on behalf of special interests whether political, corporate or cultural. They should declare to their editors – or the audience – any of their political affiliations, financial arrangements or other personal information that might constitute a conflict of interest.

² See for more detailed information <http://ethicaljournalismnetwork.org/>. Given the importance of these standards, I decided to include them in this document.

Fairness and Impartiality

- **Most stories have at least two sides.** While there is no obligation to present every side in every piece, stories should be balanced and add context. Objectivity is not always possible, and may not always be desirable (in the face for example of brutality or inhumanity), but impartial reporting builds trust and confidence.

Humanity

- **Journalists should do no harm.** What they publish or broadcast may be hurtful, but they should be aware of the impact of their words and images on the lives of others.

Accountability

- **A sure sign of professionalism and responsible journalism is the ability to hold themselves accountable.** When they commit errors, they must correct them and their expressions of regret must be sincere, not cynical. They listen to the concerns of their audience. They may not change what readers write or say but they will always provide remedies when they are unfair.

In the current educational environment, organizations such as AJM could play a major advocacy role. Promoting the ethical standards mentioned above should be done at different levels:

- Specific professional course for new/future professional journalists. In principle such course should be an obligatory starting point.
- Inclusion in the curriculum of secondary schools (for students age 12 -18)
- Courses for specific target groups, e.g. future judges and prosecutors, civil servants (introductory course), e.a.

Involving professional journalists in this type of courses to speak about professional standards and media ethics is probably the best way to raise awareness at the level of the whole society about the role of independent critical journalists and why a democratic society needs them. As a matter of self-regulation, these standards should not be included in any legal framework but accepted by all professional journalists and the Council of Ethics as guidance for their activities.

3. Conclusions

Lobbying and advocacy are two types of necessary activities for AJM that can contribute to a serious improvement of the media in Macedonia. One should however consider that the implementation of changes is a long-term process, actively engaging stakeholders and citizens at various levels. The implementation of legal changes is a first important step supporting overall improvements. However, without a change of attitude at the level of political parties, professional journalists, editors, financiers and investors, changes will be difficult to implement, even though they are part of the EU integration process. AJM can play a key role in this development by effectively using a lobbying- approach at various levels and advocacy to raise awareness.

This paper is drafted within the project “Journalists’ Network for Media Freedoms in Macedonia” is financed by the European Union and implemented by the Association of Journalists of Macedonia. The contents of this publication are sole responsibility of the Association of Journalists in Macedonia and its author, and can in no circumstances be regarded as reflecting the position of the European Union.



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