Ways to Establish Self-Regulation on the Part of the Albanian Electronic Media in Coherence with European Union Prospects

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Abstract

The electronic media in Albania are among the most competitive and developed actors in society and the media performance in industrial and commercial terms, is greater than ever before. However, their role as dynamic social institutions is neglected and the understanding of their contribution to democratic values and principles through their professional approach is often limited. Due to such an important role to play in a democratic society, the bureaucratic regulation from outside is necessary, but not the only way to achieve democratic standards, in coherence with the European Union directives regarding electronic communications. This paper tries to argue that for this end, it is of great importance to look at the implementation aspects related to processes of self-regulation on the part of the electronic media operators as well as continual and functional dialogue with the public authorities of the electronic media from a public interest approach. For this purpose, the methodology used to conduct the research is basically the media agency analysis and textual analysis. First, this paper is going to identify the media instruments and media practices at work that inhibit self-regulation on the part of the media itself. Secondly, public discourses on the part of the public authorities of the electronic media shall be discussed. In theoretical terms, in the area of media studies, this stance is fueled by the phenomenological tradition and the socio-cultural tradition. From within these combined approaches it is of most importance to look at the way the information is produced in terms of codes of practices as well as the interpretations of the texts produced. This objective-interpretative stance with ethnographic traits in qualitative terms should enable this paper to retrieve results such as the negative correlation between a lack of a Journalistic Code of Practice and a possible self-regulation prospect in professional terms, but also flaws in institutional and democratic standards expected. The analyses at a theoretical level begin with Berger and Luckmann's theory of the "Social Construction of Reality", go on with the notions of the social production of news, tracing back from authors such as Herbert Gans on "Deciding what's news" or Michael Schudson on "The Sociology of news". Finally the paper shall propose ways to establish a dialogue among the involved actors in order to raise the democratic standards and values in terms of social and public responsibility taking, through a professional approach to questions of ethics and quality of the media content.

Introduction

The media in Albania, especially the electronic media, are among the most competitive and developed actors in society and the media performance in industrial and commercial terms, is greater than ever before. However, their role as dynamic social institutions is neglected and the understanding of their contribution to democratic values and principles through their professional approach is often limited. Due to such an important role to play in a democratic society, the bureaucratic regulation from outside is necessary, but not the only way to achieve democratic standards, in coherence with the European Union directives regarding especially electronic communications.

This paper tries to argue that for this end, it is of great importance to look at the implementation aspects related to processes of self-regulation on the part of the media operators as well as continual and functional dialogue with the society actors and public authorities from a public interest approach.

For this purpose, the methodology used to conduct the research is basically the analysis of the agency. Therefore, this paper is going to identify the media instruments and media practices at work that inhibit self-regulation on the part of the media itself.

In the area of media studies, the self-regulation approach is fueled by the phenomenological tradition and the socio-cultural tradition as well as the normative theories of the media. From within these combined approaches it is of most importance to look at the way the information is produced in terms of codes of practices. This objective-interpretative stance with ethnographic traits in qualitative terms should enable this paper to retrieve results such as the negative correlation between a lack of a Journalistic Code of Practice and a possible self-regulation prospect in professional terms, but also flaws in institutional and democratic standards expected.

Finally the paper shall propose ways to establish a dialogue among the involved actors in order to raise the democratic standards and values in terms of social and public responsibility taking, through a professional approach to questions of ethics and quality of the media content.

1. The Albanian Media self-regulation prospects

"Albania is adapting to enter the western European time", - announces Ismail Kadare in the forward of the book "Three periods of Albania in Time Magazine" referring to the paradigm of time as central not only to poetics but also to the media scientific studies. This is to say, in his words, that "this is a time when the public opinion in Albania is growing more sensible and interested in the foreign public opinions towards Albania" (Kadare in Budini, 2014. p. XVI) . What is more, in this process of adaptation in order to enter the western European time, there is no other choice but to acknowledge its opinions not as mere curiosity but as part of the contemporary history making process. It is therefore necessary to know how to adapt to the European prospects not only in terms of bureaucratic regulations but also in qualitative terms so as to questions of content and professional approaches in the media sphere. Self-regulation of the media in Albania is a process that should enable better prospects of democratic and institutional standards in the country.

2.1 The methodology

In this paper I have researched the media agencies in Albania in terms of the practical principles that underpin the professional work of Albanian journalists. Therefore, the methodology used to conduct the research is basically the media agency analysis.

The main objective is to identify the media instruments and media practices at work that inhibit self-regulation on the part of the media itself. This should enable this paper to retrieve results such as the correlation between a lack of a Journalistic Code of Practice and the self-regulation prospect in professional journalism terms, but also in terms of institutional and democratic standards.

2.2 The theoretical approach

It comes not only from the academic knowledge but also out of the practical knowledge that the media are social institutions apart from being an industry. Therefore, the understanding of the structuration principles and media dynamics requests as a must the consideration of socio-cultural aspects, as well as economic, political and often technical-judicial ones (McQuail, 2005).

In theoretical terms, in the area of media studies, the self-regulation approach is fueled by the phenomenological tradition and the socio-cultural tradition. From within these combined

approaches it is of most importance to look at the way the information is produced in terms of codes of practices.

Social responsibility theory (found more in Europe and countries under European influence) is a modified version of free press theory placing greater emphasis upon the accountability of the media (especially broadcasting) to society. Media are free but they should accept obligations to serve the public good. The means of ensuring compliance with these obligations can either be through professional self-regulation or public intervention (or both) (ibid.)

The self-regulation aspects are more closely related, at a theoretical base, to the media accountability discussions. Accountability can be defined as "all the voluntary or involuntary processes by which the media answer directly or indirectly to their society for the quality and/or consequences of publication" (McQuail, 2005, p.207).

Accountability is therefore based on the existence of standards and responsibilities which the media either accept or which may be imposed on them. Where those standards and responsibilities are self-imposed, there we have to do with self-regulation.

The basic accountality mechanisms for the media are the market itself in terms of the competition with other media agencies for audience and advertisers, the public opinion as pressure groups or other outside forms of evalutations, the juridical legislation in terms of legal pursuits, and the sphere of the industry or the professional self-regulation. In this context, accountability is usually voluntary but carried out according to set procedures. It does not usually lead to any material penalty

Commercial media are free to choose their own objectives, in the sense of whichever consumer audience or advertising market they want to serve. They are primarily accountable to owners, investors and clients. However, quite often there are additional advisory or supervisory bodies that play a part in the regulatory framework with varying aims and degrees of competence (ibid).

2.3 Self-regulation, the concept

In contrast to formal and bureaucratic regulation mainly by state and government, self-regulation refers to "responsibilities assigned to media operators to implement by themselves or that are voluntarily chosen by them. Such rules often have the character of desirable goals, guidelines or principles, rather than fixed or compulsory standards to be achieved. They are `policed' either within and by the media organization itself or by some intermediate body representing public and industry interests. The means of accountability are typically "voluntaristic" and non-punitive" (Haraszti, 2008. p. 34). Self-regulation in the press mainly takes the form of journalistic codes of practice for accuracy and fairness plus some procedures

for implementation. In broadcasting, it abounds in various forms such as guidelines for reporting on controversial issues such as terrorism or violence. Self-regulation also tends to deal with privacy issues, the protection of journalistic sources and standards in advertising (ibid.).

2. Self-regulation of the media in Albania, a perspective

A code of ethics is at the core of the self-regulation processes. However, its existence does not imply its implementation, as it is precisely the case in Albania. The Code of ethics for the Albanian media, published since 1996 and reviewed in 2006, does not constitute an agreed and followed document on the part of the media professional bodies in the country, neither editors and journalists nor publishers and owners. It does exist, in paper, a Code of the investigative journalism as well, published and thoughtfully conceived by the Albanian Media Institute, but hardly any media institution follows from there. These papers are well conceived and revised, but poorly promoted.

With few exceptions such as Shekulli Newspaper, between the period 2000 and 2005, no other media in Albania has ever tried to pro-actively engage in self-regulations processes. There was an office of the ethics opened at Shekulli newspaper, but as it turned out it did not properly serve the journalist or the public interest, because it didn't have clear cut roles between the owner, the editors and the journalists (Zlatev O. (eds) 2011).

However, experiences in Turkey, Bosnia and Herzegovina, and Kosovo, where press councils are functional, suggest that "self-regulation in the Balkans is not a mission impossible" (Lani (eds), 2011, p. 63)

The lack of the interest of the media owners to be involved in self-regulation development is evident as well as a number of factors in the journalistic milieu such as the employment relations and the lack of proper labor contracts, as well as a lack of tradition in organization on the part of the media staffs by themselves. The media professional bodies in Albania do not adhere to syndicates or any other efficient professional organization and the competition between the media outlets is more important than their agreement upon the professional standards (Zlatev O. (eds) 2011). Overall, there is a lack of awareness so as to self-regulation principles and benefits.

3.1 The mechanisms for self-regulation

In Albania there is a lack of public bodies to monitor standards of performance in specific areas (e.g. advertising, privacy); press subsidy systems; voluntary codes of practice and ethics for media organizations (self-regulation); outside pressure groups, etc. In the process of self-regulation, it is necessary to have such professional bodies observing and monitoring the code

of practice or the code of ethics, as well as press councils or kind of "ombudsman" for taking the media accountable.

It is accepted that will always have media that don't' accept other responsibilities that those imposed and driven by the market forces, but the interactive approach, based on dialogue and public and institutional debates, should prevail.

3.1.1 The Press Council

Establishing an active press council is proved necessary in order for the code of journalistic conduct to be implemented. It is suggested that if the code does not provide the establishment of a press council, it should be amended. In some countries, adoption of a new code has been the first step towards the creation of a press council, generating a consensus before its foundation (Hulin and Smith (eds) 2008)

Such a council, according to the self-regulation guidebook should be made up predominantly of journalists, media owners and of publishers. They are professional rather than political bodies, therefore professional qualities of media representatives should prevail. Sound procedures for avoiding conflicts of interests should be established to secure political impartiality. Such procedures might include a rule that members of decision-making bodies of political parties cannot be board members of a press council, and a requirement that members sign a declaration to avoid conflict of interests. (ibid)

The main duties of a press council are to accept complaints, verify the eligibility of the complaint for the process, review the complaint thoroughly from all angles, serve as a mediator between the plaintiff and the media, take decisions on complaints based on rules and regulations, identify breaches by the media of the code of ethics, secure the transparency of and publicity for all decisions taken, analyze and comment on trends in the media, and provide guidance regarding norms, set professional standards for journalists, suggest amendments to the code of ethics (if mandated to do so), defend press freedom (ibid.)

3.1.2 The News Ombudsman as the missing news authority

Another mechanism proved successful as a means to achieve self-regulation in the media is the institution of the news ombudsman.This media actor is considered as "the conscience of the news reporting. There is no tradition of an institutionalized news ombudsman in Albania, but the role of the ombudsman is occasionally taken by academic personalities and senior journalists related to specific events when they chose to have their say.

As a matter of fact, the concept of news ombudsman-ship has developed a new historical context, and has come to mean 'the person representing the public', 'person with a delegation' and the 'citizens' representative' (Nauman cited in Baydar 2011). Ombudsman has become a

widely established international term used to define an office possessing genuine independence to scrutinize authority.

The job of the journalist and that of the ombudsman can serve therefore as an engine for democracy as long as they are taken accountable by the public."Ombudsmen play a key role for those news institutions that understand the value of transparency, accountability and ethical behavior. Ombudsmen build a bridge between the public and the newspaper or broadcaster. They help make news institutions more transparent to the audience so that they can see how the news institution operates internally. The ombudsmen become the critical voice of the public internally. By giving the audience a sense of belonging they promote a more trusting relationship between the audience and the news organization" (Baydar, 2001. p. 67)

Here are a number of reasons why Ombudsmen are key players for self-regulation in the newsrooms:

- To improve the quality of news reporting by monitoring accuracy, fairness and balance;
- To help his or her news provider to become more accessibleand accountable to readers or audience members and, thus, to become more credible;
- To increase the awareness of its news professionals about the public's concerns;
- To save time for publishers and senior editors, or broadcasters and news directors, by channeling complaints and other inquiries to one responsible individual;
- To resolve some complaints that might otherwise be sent to attorneys and become costly lawsuits.
- To explain and clarify the rationale for the daily practices of news outlets and the mindset of journalists to the audience. (cited ibid. p. 76)

3. Conclusions

This paper argued that the lack of accountability mechanisms by the Albanian media inhibits the processes of self-regulation. Therefore the role of the media as social institutions with potential for contribution to democratic values through the professional approach is often limited.

Looking at the implementation aspects related to processes of self-regulation on the part of the media operators, the paper identified the media instruments and media practices at work that inhibit self-regulation on the part of the media itself. There is a negative correlation between a lack of a Journalistic Code of Practice and a possible self-regulation prospect in professional terms, producing flaws in institutional and democratic standards expected.

Finally the paper proposed a number of mechanisms in order for the media institutionalization of the media accountability. Therefore, the Press Council, the Code of Practice and the News Ombudsman are the most important mechanisms in order for the media to achieve higher standards of news content, greater public responsibility and contribute to a more democratic public sphere in Albania.

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