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**The European Dimension of Mass-Media in the Republic of Moldova:
Roles and Responsibilities in the Process of Europeanizing Public Space**

The Europeanization of the public space from Moldova produces not only with the support of the governmental institutions but at the same time with the direct contribution of the civil society and above all with the effort made by the mass-media institutions. It is without doubt the fact that the media institutions have a series of roles and responsibilities just like the institutions from other societal spheres. Still, for the media institutions to bring the right support to the Moldavian Europeanization process, they have to beneficiate of a proper legislative environment of activity, harmonized fully with the European standards and practices. Therefore, in this paper I will refer myself to the aspects regarding the Europeanization processes of the Moldavian mass-media legislation. Even though, at first sight, the title of the contribution has nothing to do with the domain – legislative harmonization – still, this contribution fundamentals itself on the practices regarding the Europeanization of the legislation in the mass-media domain. In this way, in the first part of the paper, I will make a short theoretical introduction regarding the aspects of the European dimension in the framework represented by the mass-media legislation, and in the second part I will try to find an answer for the question: “How and in what manner Europeanizes the legislation from the mass-media domain from the Republic of Moldova?”

Even from the beginning I want to clarify the fact that this paper is elaborated from the public policies perspective. The justification lies in the fact that a political analyst or expert’s eye in the public policies domain is concentrated on the identification of the causalities and the evaluation of their effects, proposing in this way solutions to surpass the negative situations. Still, without several juridical coordinates it is impossible to reveal how exactly evaluated the process and which are the positive or the negative consequences over the media sector from the Republic of Moldova and also over the entire “pruto – dnestrin” society.

Personal considerations regarding media products

If we are to report ourselves to the media domain, then we will identify multiple aspects that relate directly with the other domains and sectors of social activity. In this way, the legislation in the mass-media domain is a veritable indicator regarding democracy’s health in a certain society. On one hand, I my personal consideration is that, as regards the legislative area in the mass-media domain, is not only a judicial, but a profoundly inter-sectoral emanation. On the other hand, in a state of right and in a democratic society, especially one that has aspirations to an integrationist structure (like EU), the legislative area in the mass-media domain must respect criteria such as:

- A media product is a entrepreneurial activity, no matter the sphere in which that product was generated;
- A media product is generated by an organization with public character, with formal or informal judicial statute;
- A media product is generated in an equitable and transparent legislative and institutional area;
- A media product is the result of the accessibility of all the competitors from the market of one community or society;

- A media product guarantees the respect for the diversity of opinions;
- A media product builds itself on the interests of the community to which it addresses.

To these criteria, one can add even other criteria from an administrative, financial, ethical etc. point of view. Undoubtedly, in the case of the enounced criteria, there can take place multiple debates and contradictory discussions. Still, a democratic and capitalist society fundamentals on an entrepreneurial activity. In this sense, the media institutions are nothing less than organizations that have the role to realize certain types of informational services, in their quality of public goods.

The European dimension in the mass-media legislation: from suppositions to realities

Still, additionally and in the context of the European integration and cooperation an essential role is played by the European dimension component. At first sight, the “European dimension” concept is thoroughly vague and doesn’t express a concrete result. In reality though, the European dimension is more than a concept utilized in academic contexts. The Europeanization process explored fully this component by becoming a transversal element of the public policies applicable at a communitarian or extracommunitarian level. In this way, the mass-media role is to create and facilitate a debate framework and one of public interaction so that Europeanization refers to every citizen and not to a short category of people. If mass-media offers a framework, than the European dimension is an instrument of the Europeanization. But, first of all, so that mass-media offers a proper environment, necessary to the European process, these must beneficiate of a legislative framework corroborated with the European practices and principles. The respective legislative framework must guarantee a European dimension of the media products: not only through reporting to certain standards and principles (the centripetal aspect of Europeanization) but also through the dissemination in the entire European space (the centrifugal aspect of Europeanization). Contrary to these requirements, the mass-media works are just a series of results done at the governmental institutions’ command. We will observe from now on what happens in the case of the public space from the Republic of Moldova and how is applied the European dimension in the environment created by the internal legislation regarding the activity of the mass-media institutions.

All the studies and the theoretical approaches from the Europeanization spheres specifies the fact that the European dimension refers to the full capitalization of the following elements: the conscientization of belonging to a common cultural space, the contribution to the creation of the european identity and citizenship through the active participation to the communities’ life, the assuming of pro-active roles at communities’ level and the understanding/practice of tolerant approaches regarding the ethnical, cultural, spiritual, gender diversity etc. In this manner, the media institutions from the european-continental space, regardless of the domain in which it activates, or the type of organization, utilize fully the instrument of the European dimension, even if the respective products reflect a negative or a positive state of facts. Through the capitalization of this instrument, along with the information role, mass-media possesses an educational role acting as an incentive for the citizens and contributing actively to the political, economical and social integration of the local and regional entities in the context of the European continental space or the EU communitarian space. But, this is fully possible in those European communities and societies where the liberty of expression is guaranteed, the institutional and legislative settlements offer accessibility to all media competitors, the normative space is transparent, there is cooperation between the authority of settlement and the media institutions, etc. In other way, if these criteria are not fulfilled, all mass-media work is transformed in the contribution in the

promotion of an indoctrination action of the consumers. This is why, the legislation in the mass-media domain must fundement, firstly, on the consumers' necessity, in their quality of citizens, and the on the governmental capacities of a certain state.

Why did I make this somehow theoretical and abstract introduction? Firstly, I meant to point out some basic lines of the elements I have presented in this paper. Secondly, the mass-media Europeanization is a continual process of adapting to the consumers' needs and preferences, what makes that the legislation in the mass-media domain embody all these social desiderates. Thirdly, the Moldavian mass-media needs, first of all, a visionary framework and then normative lines, this having to give an impulse to the realization of public debates and of many mobility actions of those that produce media products, this referring also to the managerial staff.

Media cleavages in the Republic of Moldova

So as to be incisive, but sincere, I consider that at this moment, that means on October 11, 2007, the mass-media legislation from the Republic of Moldova respects at a minimum the main stipulations of recommendation elaborated by the European organizations, mainly by the Council of Europe and by Organization for Security an Co-operation in Europe. This state of facts is a direct result of the current governance's will, which prefers only to mark the realization of some actions, instead of reforming, conceptually and structurally speaking the legislative documents that regard the mass-media activity. In this way, even it exists a hidden agenda, the current governance's actions are not fundemented, strategically and visionary speaking, so as the legislative framework in the mass-media domain and also in that of the press liberty enters the line of the Europeanization of the Republic of Moldova actions. Activity in the reglementation domain is of a declared forced type action and of applied escapism.

Still, referring to the mass-media legislation we have in mind the following juridical benchmarks that are current at the moment in Moldova:

- The Republic of Moldova Constitution;
- The Audiovisual law;
- Te press law;
- The law regarding Teleradio-Moldova Company;
- The law regarding the access to information;
- The law regarding advertising;
- The law regarding philanthropy and sponsorship;
- The law regarding the author's right and the conex rights;
- The Civil Code;
- The electoral Code;
- The law regarding entrepreneurship and companies;
- The telecommunications law.

Getting out of this legislative framework we can define two categories of cleavages:

1. ***Media institutions in favor of the political power versus opposition media institutions;***
2. ***Media institutions of national production versus media institution of foreign production.***

If the first cleavage is a classical one, we identify it in almost every European state, and then the second cleavage is more specific to the political, social and economic context specific to Moldova. Still, both cleavages have essential effects over the harmonization of the media legislation with the European standards and requirements. Practically, through the

utilization of these analysis models, we can figure out the current trends as regards the harmonization of the legislation with the European standards.

The first cleavage reflects “the battle” of the governmental with the media institutions in generating a proper environment for activity. Therefore, the governmental institutions trend is to monopolize the media space, through the limitation of the access to informational and financial resources, the intimidation of certain media institutions and of some opinion formatters, arriving even to the retraction of the activity license. On the other hand, the media institutions, even the ones that are partners with the political power, struggle for the definitivation of an equitable and accessible environment for all competitors. Some media institutions that are in opposition look for subsidies to governments and philanthropist organization. This is how part of the opposition mass-media depends on the resources given by the Romanian government. It is without any doubt that without this financing source, part of the mass-media of opposition would go bankrupt. But it is this financing and this dependence of resources that gives birth to a rigid control and to an accentuated critic of the Moldavian authorities.

The second cleavage contains more stratified sub cleavages on certain criteria: language, distribution area, state of deriving, ideological orientation etc. Due to the limited time I cannot realize a comprehensive analysis of all the above mentioned stratified cleavages. Still, I would like to focus on certain aspects specific to this type of cleavage. Several times we apply the logic that the foreign media institutions undermine the interests and the statute of the Republic of Moldova. This logic applies specifically to the media institutions sponsored by the Romanian government, as I mentioned above. In the case of the media institutions that distribute foreign media production, the case of the audiovisual institutions, there are a few emission conditions that have certain effects on the internal legislation. For example, the foreign productions must contain national informational packages. According to the current settlements for the audiovisual productions, the own national production with analytical and informational character must be not less than 70%. Still, the written media is not settled in the sense of protecting the cultural and linguistic heritage of the country. In this case, the market still remains the main reglementation agent. Following on my presentation we will observe how the above mentioned cleavages intersect and which are their interferences in the Europeanization of mass-media.

Europeanization of the mass-media legislation in the top-down model

Europeanization of mass-media legislation in the Republic of Moldova produces following the top-down model, which means from the European and pan European organizations requirements (for instance, the Council of Europe) and a bit from the communitarian ones (the European Commission). In this way, the reformation process of the mass-media legislation is not one that invokes a certain political will of the Moldavian governmental institutions. From the “down” level, the reformation of the mass-media legislation is a desire belonging to the civil society and to certain political parties of the opposition. Still, these do not have the capacity of negotiation and of imposing themselves. Practically, the effects of the democratic deficit, on one hand, and those of the democratic centralism on the other hand, are becoming more visible. Placed in the situation of accepting essential modifications of the legislative framework, more for the sake of respecting certain assumed obligations, the enforced governmental institutions practice the half – measure method. For instance, in the new code of the Audiovisual, adopted on 27th July 2006 and enforced on August 18th 2006 there are multiple ambiguous provisions that are in favor of the governmental institutions maintaining control over local media institutions, in favor of the

institutions that create a pact with the political power. At the same time, the designation of the representatives in the Co-ordination Council of the Audiovisual (CCA) was made based on a series of non transparent practices and according to political preferences and obediences and eliminating the professionalism criteria. Therefore, we cannot talk about the creation of an autonomous institution of transparent and neuter monitoring, politically speaking. Therefore, even though in the Republic of Moldova was enforced a new Code of the Audiovisual, since this was the result of the requirements of some external institutions, its quality has still deficits and the approach to the European standards is still a political chimera.

At the same time, under the pretext of joining her internal legislation to the European standards in the mass-media domain, the actions of the governmental institutions are often contrary to the European spirit and requirements. The causes of this state of facts reside in the lack of knowledge or in bad intentions. For instance, for the elimination of some electoral competitors, under the pretext of breaking the law, some media institutions were and still are obstructioned, and to other institutions they retracted the activity license, closing them in the end. Of course, for the vast majority of these cases the political commands arrived to an end with the direct implication of the Co-ordination Council of the Audiovisual. It is the case of some internet services operators, radio operators or other publications.

The last action that is part of this procedure of abusive regulation is the getting into a competition of some radio frequencies given to the Romanian Television Society (SRTv) for the retransmission on the Moldavian territory of the TVR1 channel. This decision was taken on a nontransparent manner, even though SRTv has a license emission of the TVR1 channel on the Moldavian territory up to 2011. The decision generated an immense scandal in the CCA and led to the demission of the president of the institution and to the election of a new president, through an ad-hoc circumstance. Still, on September 27, 2007, the frequencies belonging to SRTv were given to another media institution from the Republic of Moldova. By naming these cases, we can observe that the Europeanization of mass-media legislation has better negative than a positive consequences. We can therefore consider that no matter which are the European standards in the mass-media legislation domain, the current political power from Chisinau will practice methods of fighting those media institutions that do not respect the political will of the governmental institutions.

Journalists as “*watching dogs*” of democracy

Beginning with 2002, the Republic of Moldova is monitored by many European institutions in the domain of respecting the state of law, democracy and human rights. The monitoring process is due to the multiple abuses of the political power over the media institutions and even over to their employees. Personally, I assisted on March 7, 2006, to the hearing of the case Manole and Others versus Moldova (no. 13936/02) at the European Court of Human Rights. The case is still on work and fundamentals on the application of 9 journalists, current and former employees of the Teleradio-Moldova Company, who had the courage to condemn the practices and the tactics of the central public authorities for eliminating the censure and the preferential and authoritarian style of the institutionalized management. Indeed, on February, 25, 2002, over 300 employees of the Teleradio-Moldova Company signed a declaration in which they were incriminating the governmental institutions (presidency, parliament and government) of political censure in a sovietic style. After this declaration, on 26 February 2002, more than approximately 20 thousands people blocked the company's building protesting in this way against the censure actions. Following these manifestations, the authorities introduced military troops, and part of the employees were demitted or imposed to leave the building. The case judged at the moment at the European

Court of Human Rights demonstrates the imperfection and the opaque character of the legislative framework regarding the activity of the media institutions.

This case is not a singular one in the Moldavian area. From 2001 up to now, practically every year there are at least two such cases regarding the governmental intervention in the editorial politics of the media institutions, the interruption of some “irritant” program’s to the political power, the intimidation of some journalists that are not in favor of the governmental institutions, the preferential treatment for some media institutions or the privatization of some institutions (the case of the Radio Antenna C channel and Euro TV channel). All these happen with the contribution of the governmental institutions, their actions being justified by some escapes in the legislative and normative framework regarding the mass-media institutions, but also by some closer legislative measures. If we are to refer to the Teleradio-Moldova Company case from that moment and from 2005, there was a starving revolt based on the fact that they did not respect the reformation procedure of this public institution and the censure and the interference in the professional activity remained the basic rules of the game.

The mass-media restructuring of state mass-media, the success pill for the elimination of unwanted competitors

One of the conditions of respecting the European standards in the mass-media domain refers to an equitable and transparent subsidizing from the state and local budgets of the media institutions and products. Therefore, one of the requirements enounced by the Council of Europe and by Organization for Security and Co-operation in Europe was the denationalization of mass-media - it signified restructuring process by privatization of the state mass-media. The recommendation was enounced to eradicate the situation of excessive and unilateral support of some media institutions, in the detriment of other public or private media institutions. In this way, for respecting this measure, in June 2005, through two Govern Decisions, the governmental publications “Nezavisimaya Moldova” and “Moldova Suverană” were excluded from the governmental financing scheme and the companies were reorganized under the form of some commercial institutions. Even though these two publications are not governmental anymore, they continue to be in favor of the current political power, and inaccessible to political and nongovernmental organizations belonging to the opposition.

The denationalization process continued also in the cases of some media institutions financed by the local budgets. It is the case of the Press-Agency Info-Prim, of the “Antenna C” radio channel and “EuroTV” television channel. If in the first case, the process of denationalization was a successful one, the press agency reorganized in such a way that it is one of the main news providers from Moldova, then, the reformation of the other two institutions was made by breaking the measures of the Audiovisual Code and of the closer legislation regarding the activity of the media institutions. In fact, breaking the measures of the Audiovisual Code is not well said because the law stipulates the reorganization of these media institutions, but does not mention the mechanism of creation of this measure. This fact is considered by some experts as being one of the premeditated actions of the current political power. Therefore, the reorganization of these two public institutions was done ignoring the transparency principle of the reformation process. In this way, according to a political understanding of the two parliamentary parties, the two media institutions were object to a political division. In reality, the biggest loss was to the part of the consumers of the two media products that lost a scheme of programmes important to their interests. The reorganization of these two media institutions represents a bad practice of the Europeanization process in the legislative framework from Moldova. The failure is due to some groups of interest, to which

the liberty of mass-media is not convenient: the current governance party and a party belonging to the opposition that has a pro European doctrine label.

It deserves to be remembered the fact that access to public auctions and also to the publicity contracts is limited for mass-media and for the opposition. If the pro - Romanian media institutions beneficiate of a financial support offered by the Romanian government, then other media institutions need to accept the political partnership with the current political power or else to liquidate themselves. As an example, it is the case of the publication "Moldavskie Vedomosti", whose team recognized the fact that they cannot activate in such a small, partisan environment.

The supervising effects of the Council of Europe

From its admission into the Council of Europe in 1995, Moldova is cyclically monitored by the Council's institutions. After the political crises from 2002-2003, the Council of Europe decided to supervising continuously and more attentively the social and political situation from Moldova. Therefore, in the Parliamentary Assemble of the Council of Europe that takes place at every two years it is presented a report of supervising of Moldova and is adopted a resolution in this sense. It must be specified the fact that among multiple domains that handle the democratic functioning of the state institutions and the guarantee of the human rights, the supervision of the Council of Europe refers primarily to the liberty of expression and the functioning of the media institutions. One of the causes of the continuous supervision is due to the multiple abuses of the political power addressed to the media institutions and at the same time to the employees, especially after what happened at the beginning of 2002 with Teleradio-Moldova Company.

On September 2007 was published the "Honoring of obligations and commitments by Moldova" report, elaborated by the Committee on the Honoring of Obligations and Commitments by Member States of the Council of Europe, made by Josette Durrieu and Egidijus Vareikis. According to what they affirmed this supervision report is the most positive after 1995. Still, to a few chapters, especially in the mass-media legislation domain, Moldova has a lot of minus points, their critics being significant. From this point of view the report stipulates that Moldavian mass-media is still far from the European standards. At the same time, according to the report, it is obvious that the reforms in the media legislation regard the culture and the attitude, but none of these two is present in Moldova, in such a measure as to allow mass-media to exercise the job of "watching dog" of the society. Speaking about the reformation of the media institutions, the report is very critical and reiterates the fact that "the alignment with European standards was considered as incomplete and sometimes erroneous".

As a consequence to the Monitoring Report, on October 2nd 2007 Parliamentary Assembly of the Council of Europe has adopted the Resolution 1572 (2007) referring to Honoring of Obligations and Commitments by Moldova. At point 18.1 of the Resolution it is stipulated the fact that Moldova must "*strengthen all the necessary guarantees to ensure the respect of freedom of expression as defined in Article 10 of the European Convention on Human Rights, and in particular to ensure proper implementation of the new broadcasting legislation to promote freedom and pluralism of the mass-media within the framework of a genuine public broadcasting service, as defined in Assembly Recommendation 1641 (2004) on public service broadcasting*".

The implementation of the Action Plan Republic of Moldova – European Union premise for the Europeanization of the mass-media legislation

One of the Europeanization lines of the mass-media legislation from Moldova is the Action Plan through which Moldova assumed the putting into practice of some objectives and the realization of several actions. Action Plan is at its final implementation step, but we might observe that certain actions have been accomplished so as to be passed over. The essential contribution of the Action Plan over the mass-media legislation from Moldova is that it offered the occasion to initiate some vast processes of structural reform, and through this visionary component it fortifies. Still, the initial changes are not remarkable. In change, the relationship document offers a possibility of interaction of the public policies community form the mass-media domain with the enforced governmental institutions. In this context there are included the monitoring reports realized by the Public Policy Institute, Independent Journalism Center etc. The reports are incisive and demonstrate aspect by aspect the fact that the Europeanization process of the mass-media legislation is superficial, proposing plausible recommendations for the eradication of the negative situation.

Due to the fact that Action Plan is an instrument addressed primarily to Moldova, up to this moment the European Commission has not done essential moves to directly make attentive Moldova regarding the Europeanization aspects of the mass-media legislation. Still, some officials of the European Commission and European Parliament make critical commentaries regarding the quality of the reforms made in the mass-media domain. Progress report of the European Commission of 4 December 2006 stipulates the fact “*freedom of the media is still far from ensured*”. Still, unlike other reports, Progress Report is not that incisive, it announcing also several progresses made in the domain of the legislation and reorganization of the state media institutions.

If we are to refer to neighbor states of Moldova and that have to implement a similar document, then we will observe that the Republic of Moldova remains indeed with serious faults. For example, at approximately the same responsibilities assumed in documents of relationship with the EU, Ukraine achieved almost all objectives. Several experts consider that no matter the political crisis from Ukraine, the mass-media legislation had a good opportunity to harmonize with the European standards, and the political crisis represented a way of t

Conclusions: roles and responsibilities in a declarative Europeanization process

Since it doesn't beneficiate of a legislative framework proper to the Europeanization process, the Moldavian mass-media might be considered as an appendix to the declarative desiderate of the governmental institutions. Even though mass-media tries, somehow really hard, to make the relationship between the political power and the mass-media more dynamic, the governmental area remains reticent, closed, nontransparent and hostile to all activities of opening the public space. In this we align also the case of the institutions from the market sphere, that just have to support the democratization of the forth sector, mass-media.

Practically speaking, in the past few years, they make use of the same elimination method of the media competitors that are not wanted by the current political power. After the reformation the legislative framework remains preferential: some media institutions are advantaged, others are not, and others are even ostracized. At the same time, I observed a paradox as regards the Europeanization of the mass-media legislation: not to the current political power, nor to some political groups from the opposition is not convenient that mass-media institutions from Moldova become truly free and respect the standards of a truly

European press. It is certain that a free press would erode essentially the electoral capital of some political parties.

In this dilemmatic context of the media institutions from Moldova cannot be efficiently enough in the Moldavian Europeanization process of the public space. In this way, these have, primarily the responsibility to impose themselves in the processes of negotiations with the governmental institutions. And, secondly, to create their own lines corresponding to the European dimension of mass-media that help them activate in the sense of the Europeanization of the public space. Metaphorically speaking, the media institutions must accept also the role of promoters of the European values and Europeanization processes.

As a final conclusion I would like to make a recommendation. I consider that the European dimension of legislation of the Moldavian mass-media legislation is possible to be realized only if a critical mass of actors belonging to this domain will intensify the mobility and partnership activities with the Moldavian external space. This would mean the realization of an important lobby campaign at a communitarian and extra communitarian level. The solution to the people's circulation would contribute to the breaking of the ideological, manipulative, obedient barriers and to the setting up of some irreversible Europeanization processes through the inter-human (people to people) contact approach.

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