

Electronic Media: Regulation Efforts in a Semi-Protectorate

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1. Introduction

The Dayton Peace Agreement mapped out a new course for the development of state and society in Bosnia-Herzegovina (BiH). The country became a quasi-protectorate under the administration of the international community.¹ As a result, the development of the media has also taken place under international supervision, although the Dayton Agreement does not address the issue of independent and objective media. Various international actors – notably the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe and the Office of the High Representative – have made numerous attempts to regulate the media in BiH. This article explores how this has impacted on the electronic media and how BiH's media analysts view these endeavours. It also considers whether, in the new political and social context prevailing in BiH, the media are genuinely contributing to democratisation and the emergence of a culture of pluralism and tolerance. The process of transforming the state-run media system into a public broadcasting service, started by the international community in 1996, is still ongoing. To finish this task is one of the conditions for BiH's entry into the association process with the EU.

Today, BiH – a small country with a population of around 3.5 million² – has an unnecessarily large number of electronic media, namely 183 in total – far too many for the market to sustain. Their future is uncertain, and the collapse of some of them is simply a matter of time. Before we focus in more detail on the media in the social and political context of post-Dayton Bosnia, however, it is essential to review the historical legacy which continues to affect their development.

¹ The DPA regulates a wide range of constitutional and policy issues, including governmental functions and powers, the parliamentary structure, the judiciary, military matters, human rights and refugee return.

² This is an estimated figure. The last census in BiH was carried out in 1991.

In former Yugoslavia, the press, radio and television operated within the normative framework of “socialist self-management”. These media were deemed to be “social property”, which meant that in theory, at least, they belonged to society as a whole, which then handed this property over to individual associations or political organisations for use. From 1945, all the daily newspapers were established, and their directors, editors-in-chief and editors appointed, by the Socialist Alliance of Working People of Yugoslavia (*Socijalistički savez radnog naroda*) – an umbrella organisation through which the ruling party, the League of Communists of Yugoslavia (*Savez komunista Jugoslavije*, SKJ) maintained its monopoly on political organisation. Private media companies did not exist until the 1980s. After 1985, the Federal Law on the Bases of Public Information permitted associations of citizens and individuals to publish their own newspapers and disseminate information, but this too required the permission of the Socialist Alliance of Working People.

Officially, there was “media freedom” in the former Yugoslavia. This concept was explicitly enshrined in the constitution; it was also dealt with in various paragraphs of the Criminal Code of the Socialist Federal Republic of Yugoslavia (SFRY) and in the legal codes of its constituent republics. In reality, however, the media were only free to the extent that they supported the existing system. It was difficult to publish information which was incompatible with, or critical of, official state policy. Article 4 of the “Law related to the Prevention of Abuse of Freedom of the Press” obliged publishers to submit two copies of every planned publication to the relevant ministries for prior inspection. Under Article 19 of the same law, public prosecutors were empowered to intervene in the reporting activities of radio, television and other media, especially in cases when the reporting cast doubt on the perfect nature of the system. The mass media were controlled by each constituent republic’s Ministries of Information. The director-general and sometimes even the editors-in-chief and editors of broadcasting organisations were required to be members of the Central Committee of the Communist Party.

So despite the formal existence of press and media freedom, the media were in practice subject to comprehensive political influence and control which amounted to censorship and led to a high degree of self-censorship.

With the start of the war in 1992, Bosnia-Herzegovina ceased to exist as a unified media space. The boundaries drawn by politicians and the military applied to the media as well. Nationalist parties set up their own media – radio and TV stations, news agencies and press centres – which now operated in parallel within the areas defined as their ethnic group’s “own” territory. These media endorsed the political standpoints of their ethnic group’s leaders and governments, which

were now making their own laws. As a result, three ethnically structured, separate media systems emerged.

This trend can be illustrated by the following data: according to estimates by Bosnian media researchers (Vockic Avdagic 1997:8), during the war, i.e. between July 1992 and August 1994, 135 new newspapers and publications and 47 radio and TV stations were registered in the areas under Bosnian Government control and in the territory of the self-styled “Herceg-Bosna”. Politics exerted a powerful influence over the electronic media during the war. In Republika Srpska in particular, this affected not only the content but even the language used in reporting and sometimes took on ludicrous proportions. The three languages spoken in BiH (Croatian, Bosnian and Serbian) are actually quite difficult to distinguish from each other; indeed, the common language was formerly known as Serbo-Croat. Nonetheless, the Bosnian Serb leadership issued a decree which attempted to force newsreaders and announcers on Serb TV in Pale to use the “ekavski” variant of the language, as this is spoken in Serbia. This was absurd, for the Bosnian Serbs have traditionally spoken an “ijekavski” dialect similar to Croatian. The experiment became quite farcical, with the newsreaders and announcers frequently mixing up the two variants in the Bosnian Serb TV news broadcasts from Pale (Milev 1996:153).

During the war in 1992–95, the media played a highly problematical and ambivalent role. Hate speech and ethnopolitical/nationalist propaganda dominated the output of many newspapers, radio and TV stations. As is usually the case in warfare, truth was the first casualty of the conflict in Bosnia-Herzegovina. The Bosnian public’s only access to independent and semi-objective information came from a handful of sources, mainly based in other countries, and the Internet.³

During the war, three ethnically structured, separate media systems (radio and TV) were established in BiH:

- 1) RTV BiH (before the war, Radio-TV Sarajevo, part of the federal system in the former Yugoslavia) tried to establish itself as the official state radio and TV broadcaster. In practice, it only served part of BiH, namely the areas with a Bosniak majority population.
- 2) In the Croat region of Bosnia, known as Herceg-Bosna, the system was based on re-broadcasting of Croatian TV from Croatia.
- 3) The Bosnian Serb radio and TV system mainly transmitted the programmes from the state broadcasters in Serbia.

³ In 1997, only 6,530 people in BiH had Internet access; the figures for subsequent years are: 2002 – 27,000; 2003 – 40,000; and 2005 – 100,000.

These three different media systems had one thing in common: they did not supply any independent information, but generally aired content which endorsed the views of their respective political leaders. Biased reporting on political and social reality, defamatory statements and even hate speech against minorities and other ethnic groups were all part of their agenda.⁴

The Dayton Peace Agreement mapped out a new course for all aspects of social and political development in Bosnia-Herzegovina. The following section explores how the media in post-war Bosnia evolved under the international community's control. It focuses especially on the development of the electronic media, primarily radio and TV.

2. Initiatives Launched by the OSCE and the Council of Europe to Monitor and Control the Media

The Dayton Peace Agreement established, in formal and substantive terms, the legal framework for the future development of Bosnia-Herzegovina as a sovereign state comprising two entities with equal status: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). In some ways, the Dayton Agreement can be described as a first outline constitution for the BiH state. It recognises freedom of the media and the right to information as fundamental human rights and freedoms.⁵ Any restriction or suppression of freedom of the media or information is viewed as a serious violation of these rights. Yet at no point does the Agreement explicitly address the issue of how information and the media should be regulated, and by whom. As no specific provision is made for any statewide regulation in this field, the responsibility for establishing the legal framework for the information and media sector has effectively devolved on the two entities. This has created considerable latitude for nationalist forces and has led to serious problems. Since 1995, politics and society in Bosnia-Herzegovina have been massively affected by the conflict between the various entities' particularist interests, on the one hand, and the interests of the overarching BiH state, on the other. This tension has also impacted on the media. Post-war Bosnia-Herzegovina has not devised any legal regulations of its own; instead, it has continued to apply the legal principles forged under the former socialist system for this sector. This has created massive scope for abuse. The number of media, especially radio and TV

4 The issue of hate speech in general, and in the media in particular, is dealt with in the publications of the Centre for the Study of Transition and Civil Society, the Croatian Helsinki Committee for Human Rights (2001) and Popov (1996; see the chapter on the media war).

5 Mirjana Nadazdin Defterdarevic (1998) explores this issue in detail.

stations, also increased very rapidly, creating considerable confusion and making it apparent that regulation was required. The Peace Implementation Council (PIC) therefore requested the OSCE to take the lead in initiating a system of media monitoring and control.⁶ This was a logical step, since democratic elections could not be held unless all citizens had guaranteed and unrestricted access to serious-minded and objective information. In order to support this democratic principle, there was no choice, immediately after the war, but to subject the media to international control and supervision.

The first free elections in BiH took place on 14 September 1996. The Provisional Election Commission (*Privremena izborna komisija*) was established by the OSCE, which was requested by the Peace Implementation Council to supervise the preparation and conduct of the elections. The Provisional Election Commission adopted “rules and regulations” (*pravila i propisi*) to ensure unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process. The Media Experts Commission (MEC), established in April 1996, was responsible for implementing these rules and regulations.

The Commission’s main task was to ensure that the media complied with international standards and professional ethics. The Commission dealt with the accreditation of journalists, safeguarded their freedom of movement, monitored the reporting, and ensured that the media did not lapse back into hate speech when referring to other ethnic groups.⁷ At this point in time, hate speech was still very prevalent in all three communities. The Commission therefore monitored the media very closely and transmitted its reports to the Provisional Election Commission, which was responsible for deciding whether sanctions should be imposed on media which were violating the rules and regulations.

The international community’s representatives were aware that without independent and professional media, they would be unable to drive forward the peace process. In the immediate post-conflict period, they therefore prioritised larger-scale international news broadcasting projects in BiH: the launch of the Open Broadcast Network (OBN TV) and the Free Elections Radio Network

⁶ The OSCE performed this function until the establishment of the Independent Media Commission in 1998.

⁷ See also the recently published collection by Udovicic (2005). Pages 193-266 analyse the different forms of hate speech in Albania, Bosnia-Herzegovina, Croatia, Macedonia, and Serbia and Montenegro. The authors include Ozren Kebo (BiH), Blendi Kajsiju (Albania), Gordana Vilovic (Croatia), Tamara Spaic (Serbia) and Sonja Tomovic (Montenegro). The book was published by the Media Plan Institute Sarajevo, in cooperation with the Media Center Belgrade, the Albanian Media Institute Tirana, the International Center for Education of Journalists Opatija, the Macedonian Media Institute Skopje, and the Montenegrin Media Institute Podgorica. It was produced in the framework of a project run by the South East European Network for the Professionalisation of the Media (SEENPM), a regional association of different media organisations primarily dealing with journalist education, media research and media production.

(FERN) in 1996 were intended to promote democratic and pluralist values and improve professional journalism.

The commitment to establishing independent media continued with the Sintra Conference in 1997.⁸ At the Conference, the members of the Peace Implementation Council voiced concern that the media had not done enough to promote freedom of expression and reconciliation among the ethnic communities. They pointed out that the High Representative has the right to curtail or suspend any media network or programme whose output is in persistent and blatant contravention of either the spirit or the letter of the Peace Agreement. The Conference also noted that the promotion of independent media is an essential step for developing democratic institutions. It called for the governments of the two entities in BiH to support the Open Broadcast Network and facilitate citizens' access to independent information from the electronic media.

The PIC main meeting in Bonn⁹ in December 1997 went a step further: the meeting urged the authorities in BiH to adopt and fully implement new media and telecommunications laws, and called for the establishment of a permanent public body to ensure internationally recognised standards of journalism. The High Representative in BiH, Carlos Westendorp, was charged with implementing and, if necessary, driving forward these measures. On 11 June 1998, he decided to establish an Independent Media Commission (IMC).

The setting up of this Commission aroused controversy among the general public, in the political institutions and in professional circles. Both entities were divided on this issue. The most contentious issue was the distribution of seats – for it was envisaged that the Commission would mainly consist of representatives of the international community. The Commission's work would also be monitored by the OHR. In the FBiH, the entity government and media policy experts in Sarajevo welcomed the Commission's establishment as a necessary move which was an appropriate response to reality. Zoran Udovicic, President of the Media Plan Institute¹⁰ in Sarajevo, for example, pointed out that BiH urgently needed a regulatory authority of this kind in order to impose some degree of order on the media chaos prevailing in BiH. He based his argument on the following analysis:

⁸ See the PIC Sintra Declaration, www.ohr.int.

⁹ See PIC Bonn Conclusions, December 1997, www.ohr.int.

¹⁰ Media Plan is the first private independent organisation on media development in Bosnia-Herzegovina, founded in 1995 in Sarajevo in cooperation with a French media college. Media Plan has gained experience in media research, education of professionals, online information and communication projects in various countries of South East Europe. The main objective is to assist in media modernisation and development in the region through continuous research, including media monitoring and short-term and long-term media analysis. In addition, the research centre undertakes public opinion research, quality research and market research. Media Plan also maintains an online information service (Media Online) and a news agency (SAFAX), see www.mediaplan.ba.

“The media in BiH are split into three nationally defined, self-contained systems. No exchange of information takes place between these systems. A variety of highly sophisticated methods are deployed by politicians to exert pressure on the media, with the result that there is a strong tendency to engage in self-censorship. The regulatory system is in chaos, and the legal framework is anachronistic, inadequate and impractical. There is no consensus on the interpretation of the legal bases for media regulation.”¹¹

In Republika Srpska, however, the authorities took the view that the measures to set up the IMC exceeded the competences defined at Dayton and thus violated the Peace Agreement. At its meeting on 10 July 1998, the Government of Republika Srpska voted to reject the establishment of the Independent Media Commission, at least “in those areas in which it conflicts with the RS’s responsibilities in relation to legislation and the administration of the electronic media. This applies specifically to the assigning of frequencies and the issue of the collection of subscriptions for frequency use.”¹² The RS Government stated that it would not delegate any representatives of its own to serve on the Independent Media Commission until the decision on the IMC’s establishment had been amended and brought into line with the Dayton Peace Agreement. For the communities which defined themselves as “Serb”, fears about centralisation have been the greatest source of anxiety since the signing of the Dayton Peace Agreement. These fears were heightened by a widespread concern that the RS could forfeit its political power and influence within the BiH state. Up to this point, the responsibility for media regulation in the RS had lain with the entity government. It had been solely responsible for assigning radio frequencies – albeit on the basis of a public competition – and had also set the level of subscription fees.¹³

Nonetheless, the IMC began its work on behalf of the international community in June 1998; its remit was to bring the electronic media in BiH into line with European standards. Its functions and responsibilities were defined as follows:

- licensing all broadcasters (radio and TV stations)
- managing and assigning frequencies
- creating the legal criteria for broadcasting.

¹¹ Zoran Udovicic, *Novosti o medijima* [News about the Media] 1998, quoted in Dardic (2002:6).

¹² Decision of the RS Government under Milorad Dodik. Government decision No. 02/1-020-1106/98.

¹³ The circumstances in which the RS Government can withdraw radio frequencies – e.g. in the event of misconduct – were regulated by the Law on Public Information, adopted in October 1997, and the Law on Radio-Television, adopted in August 1998.

Initially, all the existing media were required to register, and criteria were defined for the assignment of (provisional) licences. The criteria were primarily aimed at achieving compliance with professional standards and avoiding disruption to frequencies. In all, 281 electronic media (210 radio and 71 TV stations) were initially granted provisional broadcasting licences by the IMC (Udovicic 2001a:1).

The IMC's work was based on the recommendations adopted by the Council of Europe. All of its documents were agreed with the CoE. Bosnia-Herzegovina's application to join the Council of Europe coincided with the establishment of the IMC. Compliance with CoE recommendations and their practical implementation were therefore mandatory for BiH. On 20 December 2000, the Council of Europe's Committee of Ministers adopted the "Recommendation on the independence and functions of regulatory authorities for the broadcasting sector".¹⁴ The Council of Europe recommended:

1. the establishment of independent regulatory authorities for the broadcasting sector where such authorities do not yet exist in the Member States,
2. the adoption of provisions in legislation and measures entrusting the regulatory authorities for the broadcasting sector with powers which enable them to fulfil their missions in a transparent manner, and
3. ensuring effective respect for the independence of the regulatory authorities.

A further key recommendation was the protection of the broadcasting sector against any interference by political forces or economic interests. To this end, it was suggested that the regulatory authorities should include experts in the areas which fall within their competence.¹⁵

The Council of Europe also focused on the range of sanctions which should be available to the regulatory authorities in the event that a broadcaster fails to respect the law or the conditions specified in his licence. The sanctions should be "proportionate" and should not be decided on until the broadcaster in question has been given an opportunity to be heard.

Regulatory authorities should be accountable to the public for their activities, and all sanctions should be open to review by the competent jurisdictions according to national law. It must be ensured that broadcasters who fall within the jurisdiction of the regulatory authorities respect the basic

¹⁴ www.coe.int.

¹⁵ The procedures for appointments to these bodies vary from country to country. In some countries, candidates are nominated by parliament; in others, they are nominated by the president or the government. In a few countries, this role is assumed by non-governmental organisations or associations of media experts/professional organisations. Depending on their political systems, economic development and historical and cultural traditions, the Member States have different experiences of these mechanisms. A study by Mediacentar Sarajevo (2003) examines experience with regulatory bodies in Poland, for example.

principles laid down in the European Convention on Transfrontier Television, and in particular those defined in Article 7, which states that all items of programme services shall respect the dignity of the human being and the fundamental rights of others, and shall not be likely to incite racial hatred. Although they have the power to impose sanctions, it is not the primary task of regulatory authorities to “police” the broadcasting sector, but rather to ensure that the work of the media sector functions smoothly.

By the end of 2000, most radio and TV stations were transmitting their programmes on the basis of provisional licences. The Communications Regulatory Agency (CRA) was then established and has been responsible ever since for the issuance of long-term broadcasting licences. The CRA’s work is based on a document published by the Office of the High Representative on 26 September 2000, which established rules for issuing long-term licences. The decision on the establishment of the CRA was adopted by the High Representative on 2 March 2001. Its mandate and responsibilities are regulated in detail in the Law on Communications, which was signed by High Representative Paddy Ashdown on 4 February 2003. With the establishment of the Independent Media Commission and the Communications Regulatory Agency and with the adoption of the Law on Communications, the Office of the High Representative acquired sole jurisdiction over BiH’s media sector. The OSCE no longer has any powers in this field.

Despite the establishment of the various regulatory bodies, described above, the situation in BiH’s media sector remained confused, not least due to the large number of electronic media which emerged in this post-conflict region. In particular, the establishment of a joint public broadcasting system that operates independently of the political parties’ and the state’s influence and breaks down ethnopolitical divisions and entity borders has encountered major problems and is still a remote prospect.

3. Transforming the State RTV Media into a Public Service Broadcasting System: Obstacles and Impediments

Sandra Basic-Hrvatín defines public service broadcasting as “serving the interest of the public” (Basic-Hrvatín 2002:11). The defining characteristics and functions of public service broadcasting are described in two resolutions adopted by European institutions: firstly, the Prague Resolution adopted by the 4th European Ministerial Conference on Mass Media Policy on 7-8 December 1994, and secondly, the resolution of the European Parliament of 19 September 1996. Both resolutions stress the important role played by public broadcasting in democratic societies.

Their purpose is public service rather than profit.¹⁶ Media researchers have defined the key criteria which public service broadcasting must fulfil:

1. *Universal accessibility*: A national public service channel should be accessible to all citizens located anywhere within the country (100% coverage). It is also important that users of public service broadcasting need not buy additional equipment, apart from a TV set or a radio.
2. *Universality of appeal*: Programmes offered by a public station must cater for diverse tastes and interests, meaning that any viewer should be able to find a programme or content to his/her liking. It is not important how many people view a specific content; what is important is that it is interesting, high-quality and accessible. Hence the role of a public service broadcaster is not to appeal to audiences in large numbers at any specific time, but to appeal to everybody on various occasions.
3. *Universality of payment*: All users of television should pay for the service and everybody should pay the same sum. The sum is decided on by the state or the regulatory authorities established by it.
4. *Impartiality*, i.e. independence from any partial interests (social, political or economic): Public broadcasting should not serve the interests of government institutions or specific individuals.
5. *Education*: Public service networks should provide diverse educational content.
6. *Catering for minorities*: A public service broadcaster should provide content that caters for national and religious minorities and all other groups representing a minority in relation to the total population.
7. *Serving the public*: All citizens should have the right of access to information of public interest.

The transformation of the state broadcasting system into a public broadcasting service – or, to put it more accurately, the creation of public service broadcasting at entity and state level in BiH – began soon after the war and is still ongoing. A public debate on this issue was initiated by OHR in 1996 and prompted criticism and polemics from the nationalist parties and journalists alike.

The Serb and Croat nationalist parties were opposed to the launch of joint broadcasters in Bosnia-Herzegovina, preferring to maintain their own nationalist systems. They took the view that a state radio and TV network already existed for BiH, so there was no need for reform. At this point in time, a joint TV and radio broadcasting service for BiH was absolutely inconceivable

¹⁶ The public interest is described by McQuail (1991:77) as follows: "In practice, this means that the mass media are not like other sectors, for they fulfil a number of core tasks which promote the public good, especially in the cultural and political sphere."

for politicians and decision-makers. Efforts to entrench the segregation of the sector were reinforced by the fact that the international agreements governing the development of post-war BiH did not contain any clear statements on the restructuring of the media.

These international agreements also failed to define clear competences. The 1994 Washington Agreement¹⁷ explicitly excluded the media sector from the central government's responsibilities and assigned the authority over radio and television to the subordinate tiers of government, i.e. to the cantons. As pointed out at the start of this article, the Dayton Peace Agreement, which regulates inter-entity relations and the functions of central government, merely contains general commitments to the establishment of joint "communications facilities" but does not define any regulatory competences. The Dayton Agreement does not deal explicitly with the issue of independent and objective media, nor does it make any mention of the central government's role in adopting legislation for the media sector.¹⁸ This omission has repeatedly fuelled the arguments of the opponents of public service broadcasting.

As early as December 1997, analysts from Sarajevo's Media Plan Institute were voicing criticism of the limitations of the Dayton Agreement and drawing attention to the ensuing problems which were affecting the development of the media in BiH and impeding the establishment of a joint system for TV and radio in BiH.¹⁹ The media analysts also presented a number of constructive proposals and outlined various models for the development of a statewide public service broadcasting system. They included recommendations on overcoming political obstacles, modernising technology, cutting staff, overhauling programming, safeguarding quality, and financing a public service system. Above all, they called for a public debate and more transparency, primarily because the general public tended to be unaware of many of the decisions adopted by the international community's representatives, and local experts were rarely involved in the decision-making process.²⁰ The Bosnian Serb and Bosnian Croat authorities largely ignored this debate. Bosniak politicians also disregarded the media experts' proposals.

¹⁷ The Washington Agreement was signed in 1994 by the Government of Bosnia and the representatives of the Bosnian Croats. It established a confederation (FBiH) between the Bosnian Government and the Bosnian Croats. Under the Agreement, the central government is assigned exclusive responsibility for radio-television frequency allocation, while the cantons are granted authority over radio and television.

¹⁸ In Annex 3, entitled "Agreement on Elections", of the Dayton Peace Agreement, freedom of the media and information is mentioned but not dealt with in detail.

¹⁹ Sarajevo, 13 December 1997, public debate on transforming the state broadcasting system into a public service system (conference held by the Independent Union of Professional Journalists in BiH).

²⁰ Some media analysts (such as Dusan Babic from the Media Plan Institute) claim that local experts were not involved in this process.

It was not until the end of 1997 that the OHR developed a media strategy, based on three pillars: 1) restructuring of, and new regulations for, the existing state-run electronic media, 2) encouragement of independent media and the provision of alternative sources of information, 3) an extensive public service information campaign. It was only from 1998 onwards that the development of public service broadcasting was given greater priority at central government level.

Misconceptions about this reform dominated the agenda throughout 1998. The nationalist political parties blocked every attempt to initiate a debate about this issue and refused to address it in the entity parliaments. At the same time, the number of people paying their television licence fees decreased significantly. On 10 June 1998, a Memorandum of Understanding on the Restructuring of RTV BiH was adopted. It was signed by Carlos Westendorp, the High Representative, Alija Izetbegovic, the Chairman of the Bosnian Presidency (on behalf of the Bosniaks) and Kresimir Zubak, a member of the Presidency (on behalf of the Bosnian Croats). Momcilo Krajisnik, the Bosnian Serb member of the Presidency, refused to sign the Memorandum. Nonetheless, the international community declared that the document was binding for the whole of BiH.

The Memorandum contained the following commitments on the restructuring of the media sector:

- The provision of a public radio television service for the citizens of the whole of BiH and for the Federation (in the form of a public service broadcasting corporation);
- Appointment of an interim Board of Governors with responsibility for managing RTV BiH until the establishment of the public service broadcasting corporation. The Board was assigned the task of preparing a comprehensive proposal for the establishment of the corporation and appointing the RTV BiH General Manager.
- Requirement for the main Croat TV broadcaster in BiH, Erotel, to obtain a broadcasting licence from the Independent Media Commission.

The implementation of the Memorandum encountered massive obstruction. A dispute flared up between Albert Scharf, the President of the European Broadcasting Union (EBU), and High Representative Carlos Westendorp. The EBU was critical of the fact that the Memorandum effectively reduced the existing RTV BiH to the level of Federation broadcaster, while TV OBN – which had been established with support from the international community – was developed into a nationwide commercial broadcaster. The OHR rejected this accusation and retorted that it never had any intention of promoting any commercial alternative statewide in BiH.

To illustrate the degree of influence exerted by the international community, it is important to mention that the High Representative rejected half the candidates proposed by the Bosnian State Presidency for appointment to the interim Board of Governors. Carlos Westendorp decided that it was necessary to appoint independent persons and, to this end, recruited Tomaz Petrovic as international administrator. Within a year, the Board of Governors had unveiled a draft law on radio and television in the Federation of BiH, a strategy for the organisation of public service broadcasting (TV and radio) in BiH, and a study entitled “Possible Approaches to the Transformation of Public Broadcasting in BiH”.²¹ The work of the Board of Governors aroused controversy, however, and there were heated debates among the political parties about all these documents. The draft law on federal TV was rejected by a majority in the FBiH parliament.

The process was equally protracted in Republika Srpska. On 13 February 1998, the Government of the RS signed a Memorandum of Understanding with the High Representative establishing interim arrangements for the restructuring of the Serb radio and television system and stating that new legislation would be adopted as the basis for the establishment of a public service RTV system in accordance with European standards of public broadcasting. The implementation of this initiative was fraught with political conflicts, however: the Government of the RS attempted to oust the Director-General of Serb broadcasting (*Srpska Radio Televizija – SRT*), a move which was blocked by the High Representative, since the MoU expressly stated that the Director-General could henceforth only be removed from office by the newly elected Board of Governors, not the Government.

The Government of Republika Srpska did not honour the commitments made in the MoU. It failed to table new broadcasting legislation, and the RS’s Minister of Information, Rajko Vasic, never accepted the idea of an integrated, inter-entity public broadcasting service for the whole of BiH. The High Representative finally appointed Dragan Gasic²² as the international supervisor of Bosnian Serb broadcasting SRT (Media Plan Institute 2000). At its meeting in Madrid on 16 December 1998, the Peace Implementation Council again urged Bosnian politicians to honour their commitments under the Memorandum of Understanding, but without success. The establishment of a public broadcasting system was finally imposed, at least to some extent, “from above”, based on a fresh legislative initiative by the OHR.

²¹ See the dossier produced by the Media Plan Institute (2000).

²² Dragan Gasic had previously worked for the German broadcaster WDR for many years before joining the Office of the High Representative in Mostar after the war.

4. The Establishment of Public Service Broadcasting “from Above”

At the very end of his term of office on 31 July 1999, High Representative Carlos Westendorp adopted a number of decisions which aimed to create a new public broadcasting service for BiH. Firstly, he established the statewide Public Broadcasting Service of Bosnia and Herzegovina (PBS BiH). Secondly, he adopted the Law on the Radio-Television of the Federation of Bosnia and Herzegovina (RTV BiH) and requested that within fifteen days, the National Assembly of the RS pass the text of a law, to be forwarded to it in due course by the Government of the RS, establishing a public broadcaster for Republika Srpska in conformity with European standards.

As a consequence of these decisions, Croatian TV was ordered to cease all of its operating activities on Bosnian territory as from October 1999.²³ In accordance with the new law, RTV BiH would run two TV and radio channels, one primarily in Croatian and the other in Bosnian. As there is very little difference between these two languages, the decision to establish two separate channels demonstrates the extent to which state and society in BiH operate according to nationalist principles. The legislation also stated that PBS BiH should broadcast at least one hour of current affairs programming per day on radio and TV, focusing on activities and information related to the institutions of Bosnia-Herzegovina and inter-entity issues, including a national news programme serving the whole country. As the Government of Republika Srpska was demonstrably uncooperative and failed to table draft legislation on the necessary restructuring of the RS’s broadcasting system, the High Representative undertook the necessary amendments to the existing legislation himself. In an interim Decision issued on 31 August 1999, the RS entity broadcaster – hitherto known as *Srpska Radio Televizija* – SRT (Serb Radio TV) in keeping with its nationalist self-image – was renamed *Radio Televizija Republike Srpske* – RTRS (Radio-Television of Republika Srpska).

The Decision required the RS National Assembly and Government to adopt a new and comprehensive law on RTRS by the deadline set by the High Representative (29 February 2000). They failed to do so. The High Representative was also dissatisfied with the conduct of the RTRS management and finally removed the Director-General from office. He also appointed a new Board of

²³ Until this point in time, Croatian TV could broadcast its programmes to the entire territory of BiH with no difficulty. This was viewed as a problem. Once these transmissions were halted, programmes from Croatia could only be received in BiH via satellite.

Governors. The RS Minister of Information and the international supervisor, Dragan Gasic, both resigned.

The Public Broadcasting Service was designated the public service information provider for the BiH state, which was declared to be the PBS's sole owner. The OBN and FERN networks – established by the international community after the conflict – were also integrated into the public system. Given that more than 20 million dollars in subsidies had been granted to OBN over a five-year period, it was apparent that the network was incapable of becoming self-supporting, and, in 2000, its funding was stopped. Earlier plans to convert OBN into a Bosnia-wide public service broadcaster were therefore shelved. Although FERN had the technical capacity to reach around 75% of the BiH population, it never evolved into a significant element of BiH's media system. The FERN project ended in 2001, and its staff and equipment were transferred to PBS.

As a result of the High Representative's Decision, PBS became the heart of an evening TV schedule; its radio programme is transmitted 24 hours a day. Since its launch, the PBS TV programme has been put on air at prime time by the entity broadcasters. The first programmes to be shown were sporting events (the Olympic Games, for example, aired simultaneously in both entities under the PBS logo) and the PBS evening news at seven is also broadcast on the entities' TV channels.

The inter-entity Public Broadcasting Service raised many hopes among Bosnian media analysts as well. Media expert Radenko Udovicic voiced his expectations as follows: PBS's mandate was "to establish an informative, educational, entertainment and cultural programme for the territory of the whole of the BiH state while respecting national and cultural differences in BiH. ... The programme must represent all communities and citizens, irrespective of their nationality, faith or membership of a particular interest group" (Udovicic 2001b:2).

From today's perspective, however, it is apparent that PBS is still not recognised as a public service system by the BiH population. At best, it has added to, rather than replaced, the entity ("national") networks, RTV BiH and RTRS, which still enjoy far more public credibility, especially since they have become an integral part of the new system. This has created various practical problems: under the new system, for example, RTV BiH has acquired two separate TV channels and radio networks; RTRS operates one TV and one radio station, which perpetuates the situation that arose during the war. However, employment and programming at each entity station must reflect national diversity, as is the case in every other sphere of society, and recruiting enough media professionals can pose problems, especially given that both entity systems are obliged to cover 40% of their programme output from their own productions.

The Law on the Basis of the Public Broadcasting System and the Law on the Public Broadcasting Service of Bosnia and Herzegovina, adopted in May 2002, established new legal bases for PBS BiH and regulated the relationship among the three public broadcasters within the system as well as the registration, activities and organisation of PBS BiH. The further process was delayed as a result of political obstruction, however. Finally, on 10 June 2003, the Office of the High Representative adopted a Decision on the allocation of resources among the public broadcasters in BiH.

The three different systems now established – the Public Broadcasting Service PBS BiH and the entity broadcasters, RTV BiH and RTRS – operate quite independently, although the international community would like to see them cooperating on an administrative level. The entity broadcasters are funded from subscription fees, advertising and direct state funding. They are supposed to co-finance PBS as the third element of the system. The two entity broadcasters are intended to contribute to the PBS budget on a 2:1 basis (with the FBiH providing two-thirds and the RS one-third of the entities' contribution). However, the PBS has received most of its funding so far from RTV BiH. RTRS has consistently failed to make any contribution to the statewide PBS. It was only in 2005 that the RS broadcasters began to participate in funding PBS BiH as stipulated by law.

On 5 November 2003, under pressure from the international community's representatives, the chairman of the BiH Council of Ministers and the entity heads of government signed a further Memorandum of Understanding. According to this MoU, the public broadcasting system would henceforth comprise three legally separate broadcasters that complement each other: one statewide broadcaster, and two that serve the entities. Each network is responsible for the content of its programmes and its own financial management.²⁴ Under the Memorandum, the two entity heads of government and the Chairman of the BiH Council of Ministers were required to give their opinion on the model recommended by the OHR by 7 November 2003 or present new models of their own. Failure to do so would mean that BiH would forfeit financial assistance from the European Commission totalling €1.5 million.

The draft law presented by the OHR and the conduct of the international community aroused considerable controversy, yet again, among media experts in BiH. Natasa Tesanovic, Director of *alternativa televizija* (Alternative Television – ATV), Banja Luka, criticises the fact that the proposed legislation granted preferential status to the public service broadcasters: "It opens up four possible

²⁴ Memorandum of Understanding on public broadcasting, issued on 5 November 2003 and signed by the three heads of government in BiH in the Office of the HR in Sarajevo, Nezavisne novine, Banja Luka, 8-9 November 2003:6.

sources of funding for the public broadcasters: subscription fees, direct state financing, marketing and donations.”²⁵

In Republika Srpska, a government commission was set up in August 2003 to draft the law on RTRS. Soon after the commission began its work, it was confronted with a document containing dubious recommendations from the Office of the High Representative. Miodrag Zivanovic, a member of the government commission who worked on the draft legislation, describes the situation as follows: “We received a document from the OHR which was presented in the form of a law. It was a draft, but it was presented in the form of a law on the public information system in BiH. But it was not signed and we don’t know exactly who was behind this document ...”²⁶

The OHR’s recommendations on the restructuring of the RTV system were rejected by the government commission on the grounds that they entrenched the country’s ethnopolitical division and signified “a revival of the concepts promoted by Radovan Karadzic, Franjo Tudjman and Alija Izetbegovic for one television broadcaster with three channels: one for Serbs, another for Croats and a third for Bosniaks”.²⁷ The members of the government commission claimed that they came under strong pressure at this time. “The commission members were immediately contacted informally by telephone. They were asked what the commission had done at its meetings. Soon, a team of advisors from the BBC became involved in the process. This team criticised our position, praised the OHR’s stance and endorsed the OHR model.”²⁸

The Office of the High Representative in Banja Luka criticised the work of the government commission on the grounds that it had failed to coordinate its proposal with the FBiH institutions or the joint bodies. Julian Braithwaite, the OHR’s Director of Communications, voiced general criticism of the “heated and sometimes inappropriate debates about the public broadcasting system which have been very confusing for the citizens of BiH”.²⁹ He pointed out that the earlier state-controlled broadcasting system bore considerable responsibility for the collapse of Yugoslavia, since it had been used “to undermine the state, promote ethnic propaganda, incite hatred ... and create a climate of fear”. It therefore needed to be restructured as soon as possible.³⁰ According to Braithwaite, a system of financial management and accountability also had to

²⁵ Natasa Tesanovic in an interview with the author, January 2004.

²⁶ Miodrag Zivanovic in Novi reporter, 12 November 2003:18.

²⁷ Ibid.

²⁸ Ibid.:19.

²⁹ Julian Braithwaite in Novi reporter, 19 November 2003:11.

³⁰ Ibid.

be established to replace the obsolete internal structures which consumed taxpayers' money. The system of public funding through subscription fees was not working as well as it should. It was already apparent at this point that the Public Broadcasting Service established by the international community was unlikely to be self-funding, even over the long term.³¹

The European institutions, in particular, repeatedly emphasised that the public broadcasters should not be subject to political control by the government.³² "Compliance with European standards in the appointment of the Boards of Governors and management bodies for the public broadcasters means that the appointees must be selected from a wide pool of candidates and must not simply be persons with close links to the ruling parties. The parliaments may elect the members of these bodies, but they must be independent persons, preferably well-respected public figures."³³ In reality, however, with the signing of the Memorandum of Understanding on 5 November 2003, the OHR accepted a model which did not entirely preclude political control; the governments in BiH are still able to exert influence over these key broadcasting appointments.

Media experts agree that the Memorandum of Understanding between the three heads of government in BiH is a compromise which could be improved upon. The issue of the reform of public service broadcasting in BiH certainly does not appear to have been satisfactorily resolved. Its further development poses a major challenge and is a prerequisite for BiH's integration into the European Union, as Julian Braithwaite has made clear: "Brussels has sent out a clear signal that the BiH authorities must implement the reforms necessary for BiH's admission to the European integration process themselves, in order to demonstrate that their intentions are serious. If they leave these reforms to the OHR, they will fail the test. Bosnia-Herzegovina cannot join Europe on the back of the OHR."³⁴

And this is the fundamental dilemma: on the one hand, there is a widespread view among the international organisations that BiH's institutions cannot be trusted with reforms. On the other hand, the international community faces a major problem if it loses confidence in the Bosnian institutions and

³¹ By this time, RTV BiH and PBS BiH (Javni Servis BiH) had accumulated debts of KM 11 million. On average, these broadcasters make a loss of around KM 0.5 million per month. Indeed, some authors calculate that the monthly debt amounts to as much as KM 1 million. See Julian Braithwaite (OHR) in the political review programme *Dileme on federal TV* on 30 July 2003, 20:00 hrs. The European Commission has obtained similar figures.

³² See the comments by Frane Maroevic, the European Commission's Press and Information Officer in BiH, in *Nezavisne novine*, 7 November 2003:3.

³³ Zoran Udovicic, President of the Media Plan Institute Sarajevo, in *Nezavisne novine*, 7 November 2003:3.

³⁴ Julian Braithwaite (OHR) in *Novi reporter*, 19 November 2003:11.

if reforms are not owned by them. The ambivalent nature of the international intervention and the dilemmas resulting from the reform measures have aroused intense debate among Bosnian media experts in recent years.

5. How Do Bosnian Media Experts Evaluate the Reforms?

The initiatives launched by the OSCE and the Council of Europe to regulate the media sector, and the repeated intervention by the OHR, mean that, in effect, the restructuring of the electronic media has taken place in a quasi-protectorate. Many media experts in Bosnia-Herzegovina agree that these measures were necessary to prevent the nationalist political parties from continuing their practice of blocking the implementation of the right to information. In post-conflict Bosnia, society was divided along ethnic lines and was obviously not ready to work towards implementing this right itself. The state broadcasters, for their part, came under strong political pressure from the international community and also had to deal with their own internal conflicts. Ultimately, like many other sectors of Bosnian society, they slumped into lethargy and apathy.

Local media experts³⁵, including representatives of the private broadcasters³⁶, generally agree that the international community has made a significant contribution to regulating the media landscape in BiH, especially by insisting on compliance with European standards. A particularly positive achievement, in their view, is that the public radio and TV stations have amended the tone of their language. “There is no longer any hate speech in the reporting, and there is some consideration for the sensitivities of the minority communities. It is still not enough, but it is a major step forward compared with what we had before”, says Natasa Tesanovic.³⁷

Nonetheless, the international community’s approach is criticised as well: in the immediate aftermath of the war in Bosnia-Herzegovina, many media were established with generous sponsorship from abroad, the aim being to guarantee independent reporting. However, no mechanisms were set up to regulate this market, with the result that these media failed to assume the role of public service broadcasters and were unable to survive without subsidies from abroad. This is apparent from the fate of the OBN and FERN networks, for example.

³⁵ Milos Solaja, media expert and Director of the Center for International Relations, Banja Luka, in an interview with the author, 23 January 2004, Banja Luka.

³⁶ Natasa Tesanovic, Director of ATV Banja Luka, in an interview with the author, January 2004, Banja Luka.

³⁷ In an interview with the author, January 2004, Banja Luka.

The international community showed great commitment to establishing and developing these networks. Both OBN and FERN were intended to evolve into major media services for the country as a whole. The international community probably assumed that more people could be reached and supplied with independent information via these networks than through state radio and TV. With hindsight, however, it got its priorities wrong.

Overall, the solutions which were ultimately offered or imposed by the international community were not welcomed or widely accepted. Media expert Milos Solaja criticises the fact that the international community failed to secure partners in the Bosnian media and media production or management.³⁸ “The international community’s catastrophic errors in the appointment of managers for the public broadcasters, the continual changes in the organisational structure of the public broadcasting system in BiH, and the complete break-off of contact with local experts caused total chaos in the media sector”, concludes Zoran Udovicic, President of the Media Plan Institute in Sarajevo.³⁹ The international community’s approach was problematical in that it attempted to impose reform on the media sector, e.g. by applying sanctions and punitive measures such as the confiscation of equipment. Ultimately, says Udovicic, the media were restructured in line with the international community’s blueprint, and the media failed to examine their own role and responsibilities in the democratisation process. The reforms were designed to achieve compliance with European standards, but were not understood or implemented by the country’s own political leaders. This gave rise to a dilemma – democratic development took place by undemocratic means and mechanisms.

Moreover, the reforms imposed from above by external actors – such as the transformation of the state RTV media into a public service system – have failed to overcome ethnopolitical divisions; instead, at best, they have equipped the media, which continue to operate within these ethnic divides, with an additional institution. In light of this situation, expectations of a fundamental change in the electronic media’s self-perception and reporting activities were inevitably doomed to failure.

However, the criticisms voiced by Bosnian media experts do not only focus on individual media policy measures undertaken by the international community. They also target the broader implications of the Dayton Peace Agreement and

³⁸ “Conditions in BiH are akin to those of a protectorate or semi-protectorate, and this applies to the media sector as well ... The international community (IC) has had bad experiences with local decision-makers in BiH who have obstructed the IC every step of the way. As a result, the IC has taken over a tutoring role and forced through laws and regulations in the media sector. Thanks to the IC’s initiative, hate speech has been eliminated from the media and a regulatory system has been established. But the way in which the relevant decisions were adopted also meant that local decision-makers had no stake in the process.” Milos Solaja in an interview with the author, 23 January 2004.

³⁹ In an interview with the author, Sarajevo, January 2004.

the failings of Bosnian politicians and authorities. Bosnian politicians have proved incapable of developing democratic communication with the media and also lacked the expertise necessary to frame appropriate legislation. “The first significant error – Dayton’s major failing overall – is that the responsibility for reforming Bosnia-Herzegovina and leading it towards democracy has been assigned to the very people who prosecuted the war.”⁴⁰

A further general criticism is that although the Dayton Agreement ended the war in BiH, it has solved very few of the country’s problems. BiH is divided according to nationalist principles and along ethnic lines – a grave legacy of the war which has impacted on the media sector as well. Bosnia-Herzegovina’s unresolved status is another difficult hang-over from the war. BiH has never been formally granted protectorate status, but the increasingly extensive powers of the international administrators (in the person of the High Representative) and a lack of initiative and sense of responsibility for the country’s development among Bosnian politicians and authorities have driven it to the point where virtually all major legislation is, in practice, imposed by decree. As a consequence, citizens find it hard to identify with the Bosnian state or polity. Jacques Paul Klein, a United Nations representative in Bosnia-Herzegovina for many years, observed in 2001 that 50% of the population did not think of themselves as citizens of BiH or view it as an independent state (Lovrenovic 2001). This analysis is still relevant today, ten years after Dayton.

According to some experts, the international community’s intervention in the media sector – which was undoubtedly necessary, even if the methods were questionable – has meant that BiH’s electronic media now face a credibility problem. Natasa Tesanovic sums up the situation: “Thanks to the international community, the electronic media has been freed from the stranglehold of the power structures in BiH. ... But now we face another threat: the international community has too much influence over these media. Some of the decisions adopted have completely ignored the public interest, a great many laws have been framed without any public consultation, everything has cost a great deal of money, and the various commissions have been installed by the international community.”⁴¹

Some Bosnian media experts still claim that the conditions for freedom of opinion and freedom of the press in BiH are far from favourable and that the task of transforming the media sector still presents a challenge. “It is not just that the country has a highly complex institutional structure because it plunged

⁴⁰ Zoran Udovicic in an interview with the author, Sarajevo, January 2004.

⁴¹ Natasa Tesanovic, Director of ATV Banja Luka, in an interview with the author, January 2004.

straight from war into political and economic transformation; it is not just that the development of a political culture is a very slow and painful process; the media sector itself is, in some ways, an open space which is exposed to different influences from all sides: local media experts, foreign politicians, foreign media experts, media professionals, media managers, foreign instructors in media studies ... they all have their own views on the media's role and remit" (Jusic/Nedimovic 2001:1). As a result, the development of this sector is determined to a large extent by external forces. For years, indeed decades, large sections of the BiH population viewed the media primarily as a means of political manipulation. This impression is now becoming entrenched yet again. Hardly anyone in BiH trusts the media to take on a cultural role as a source of education, independent information and entertainment.

In order to break this cycle, a genuine dual system of broadcasting must be developed in Bosnia-Herzegovina as a matter of urgency. This system must function effectively and be self-sustaining. If there is any real desire to promote a democratic political culture in BiH, there is no alternative but to establish an independent public service broadcasting system alongside the commercial media. The development of public service broadcasting is essential to guarantee that there is no state intervention in the media sector and to prevent party-political exploitation of the media. Establishing this system "must be the first priority in media policy and legislation", according to media experts Tarik Jusic and Sijetlana Nedimovic (Jusic/Nedimovic 2001:3).

6. Summary and Outlook

Media reform is part of BiH's democratisation process which is making very slow progress. So far, politicians and decision-makers in Bosnia-Herzegovina have failed to put forward effective strategies of their own. They have shown a lack of responsibility and have dragged on the adoption of relevant laws and reforms over years. The international community entered this arena with good intentions: to support the region's political and economic transformation – including aligning the local economies with market principles and bringing BiH closer to Europe. However, it has obviously made many mistakes in the process. Its proposed solutions have not always been tailored to BiH's specific situation or level of social development. This applies to the media sector as well.

But despite all the failures which have occurred in the media sector in BiH, the international community should continue to exert influence and

maintain its control in this area, for the electronic media play a crucial role in the development of a democratic political culture. Above all, however, the international community should assist local politicians in developing modern legislation in order to complete the transformation of the state-run broadcasting system into a public service and consolidate it over the long term.

A public broadcasting system, comprising TV and radio, has been prescribed for BiH and currently consists of three legally separate but complementary broadcasters. One of them transmits its programmes to all regions of BiH; the other two gear their output to their specific entity. The inter-entity broadcaster does not enjoy the same level of acceptance as the two entity networks. Experts generally assume that this system cannot survive in its present form, primarily for reasons of efficiency: the government and people of Bosnia-Herzegovina are unlikely to be able, over the long term, to maintain three public broadcasters, especially bearing in mind that in the FBiH there are also four cantonal radio and TV stations and two commercial TV networks.⁴²

The process of transforming the state-run media system into a well-functioning public broadcasting service is still ongoing. BiH must now deliver on this task very quickly, as it is one of the conditions for BiH's entry to the association process with the European Union. However, every attempt to move in this direction is still vigorously resisted by the nationalist forces in BiH.

Massive changes are predicted for BiH's media market in the coming years, for at present, there is stiff competition between the various media and many are highly unlikely to survive in the long run. Advertising revenue is generally low⁴³ and a large number of electronic media are competing for a share of these resources. The output of many of these broadcasters is low-quality, and many media administrators lack the requisite knowledge of media management and marketing, especially as there are virtually no training opportunities available in this sector. Media analysts⁴⁴ believe that the present difficulties, which are due to the underdeveloped advertising market, will slow down the development of the commercial stations and public broadcasters. The introduction of fair competition is expected to encourage growth in the advertising market. At the same time, the establishment of a regulatory authority with responsibility for monitoring competition in the statewide market is viewed as essential. It is assumed that the

⁴² This view was put forward, for example, by Zoran Udovicic in an interview with the author, January 2004.

⁴³ By comparison, in 2004, Croatia's media sector generated advertising revenue amounting to €350 million; the figure for Serbia was €50 million, whereas BiH accounted for just €15 million, according to Natasa Tesanovic, Director of ATV, in an interview with the author in Banja Luka, January 2004.

⁴⁴ See the study by Mediacentar Sarajevo 2003.

number of commercial broadcasters will fall as the commercial network *Mreza plus* (a merger of five TV stations from all over BiH) expands.⁴⁵

So what are the prospects for public service broadcasting in BiH? This is still an open question. Public service broadcasting currently faces a number of problems which must be resolved. They include:

- the problem of financing a tripartite public broadcasting system
- the subscription system (due to BiH's failing economy, citizens have other financial priorities and are disinclined to pay their TV licence fees)
- the problems associated with producing good quality programmes
- the pressure to rationalise, i.e. large-scale job-shedding in this sector.

Zoran Udovicic is concerned that if the present anachronistic and economically disastrous system is further entrenched, "given the lack of financial resources, we will lose the very few creative and professional staff available to radio and TV in BiH".⁴⁶ The greatest challenge, however, is preventing political influence from being brought to bear on the public broadcasting system. Zoran Udovicic is pessimistic. He is convinced that the authorities will do their utmost to maintain control over the media, especially the TV stations. According to Udovicic, although it is impossible for them to exert direct influence over the media, they nonetheless find "sophisticated and perfidious ways" of doing so, for example through an amendment of the federal law so that television is obliged to broadcast all sessions of Parliament, and through parliamentary appointments to the Boards of Governors, with the political parties being able to influence the process directly. Udovicic's main criticism is that the international community exerts pressure on the one hand but is bent on seeking compromises on the other, and is constantly "cosying up" to those in power in BiH.⁴⁷

Rossen Milev is equally pessimistic and concludes that the development of the TV landscape in the Balkan countries will continue to struggle with heavy historical legacies in future; in his view, the totalitarian legacy of the socialist era will continue to impact on politics for many years to come (Milev 1996:172). He believes that Bosnia-Herzegovina faces a problem which has confronted most South East European countries since 1989 and which distinguishes them from Western Europe. Although BiH's media legislation appears to conform to Western European standards, "the concentration of political and economic power in the hands of an oligarchy which has a different understanding and experience

⁴⁵ In the advertising market, there is an increasing trend for a long-term shift away from the public broadcasting service towards the commercial stations. Analysts therefore predict that the commercial sector will survive, albeit with fewer broadcasters.

⁴⁶ In an interview with the author, Sarajevo, January 2004.

⁴⁷ Ibid.

of the concept of democracy ... than the Western European elites means that real conditions in the media are evolving in a very different direction” (Milev 1996:158).

And indeed, ten years after Dayton, a failure to comply with professional standards and the deliberate manipulation of information are still common features of broadcast journalism in BiH. Researchers from the Media Plan Institute in Sarajevo have spent many years analysing broadcasting quality in Bosnia-Herzegovina and have identified the following problems which must be addressed: 1) overreliance on specific information sources, especially government and official statements, 2) distortion of the meaning of news stories, 3) a failure to separate factual news reporting and commentary, 4) partisan support for a particular political option and discreditation of alternatives, and 5) abusive language towards minorities or those with a different political opinion.

To overcome these problems, journalist training must be given greater priority in future. The media landscape in BiH must finally address the problem of the inadequate – or non-existent – training opportunities in journalism. Having been “social policy workers” during the socialist era, journalists became the most important defenders of national interests during the war. As such, they were unable to engage critically with events, personalities and concepts. Each of these roles also determined editorial policy and media strategy. Having relied on state subsidies for years, media managers and journalists are not accustomed to market conditions. The war exacerbated the poor quality of reporting: overnight, hairdressers and waiters – in other words, people without any professional training – found themselves working as journalists.

However, media users – the Bosnian public – must also examine their own conduct. The poverty faced by the general public as a result of war and transition has destroyed the Bosnian people’s already minimal interest in engaging seriously with media content. As Tarik Jusic and Svtelana Nedimovic from Media Online rightly emphasise: “The public must be willing to use the new media – they must not simply swallow everything that is presented to them by wily professional journalists, they must be prepared to respond critically and learn to recognise manipulation and restrictions on freedom of opinion. The development of media skills within society is essential if we want to encourage the emergence of a well-informed civil society” (Jusic/Nedimovic 2001:4). Society’s ability to use the media intelligently must therefore be improved. The professional media scene in Bosnia-Herzegovina should contribute to this process and participate pro-actively in fostering media competence. This should be one of its key objectives for the future.

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