

## OSI information on broadcast media for the 2008 Bosnia Herzegovina Report

### Introduction

Audiovisual policy and production in Bosnia and Herzegovina (henceforth 'B&H') are still a hostage to ethnic politics – in other words, to the constitutional and legal arrangements that were put in place in 1995.

The ethnic leaders continue to pick and choose among the provisions of media laws, implementing those that suit their sectional interests and ignoring or denouncing the others. Hence, the Republika Srpska leadership approves of the fund-sharing mechanisms in the System Law of 2005, from which its broadcaster, RTRS, benefits disproportionately; while it refuses to implement constitutional provisions that call for the equal representation of Bosniaks, Serbs, Croats and Others.

Anti-majoritarian mechanisms in the constitution are routinely abused by one or more of the ethnic leaderships, in order to block the implementation of much-needed measures to reform and rationalise the audiovisual sector. The most egregious case, currently, is the Bosnian Croat leaders' encouragement to Bosnian Croats not to pay the licence fee, as a protest against the continued denial of their demand for a separate Croatian-language channel in the Federation entity public service broadcaster. Bosnian Croat leaders have blocked the passage of amendments to the Law on RTVFBiH, which in turn prevents the implementation of the System Law (2005). Recently, their destructive stance – which threatens the very existence of public service media in B&H – has been supported by the Bosnian Serb leadership, which has called for the pan-Bosnian public service broadcaster to be put into receivership.

The outcome is a television sector that is split along ethnic lines and has been fairly described as “underdeveloped, oversaturated, dauntingly complex and financially poor”.<sup>1</sup> The audience, too, is still largely defined by ethnicity. Bosniaks watch television produced in Sarajevo; Bosnian Serbs watch their entity television, RTS from Serbia, or TV Pink; and Bosnian Croats watch HTV television from Croatia.

### Laws and regulations

The international community's willingness to tackle difficult and divisive problems in B&H has diminished during the past year. This loss of interest is clear in the media field, and is exploited by political elites which vigorously resist pressure to live up to their commitments and obligations. Indeed, they are trying to reverse or undo international achievements from earlier years, starting with the independence of the unified broadcast regulator, the Communications Regulatory Agency (CRA). The CRA is probably the international community's most significant contribution to media development in B&H, and it must be defended against ethnic takeover.

Centrally important provisions of media laws have still not been implemented. The joint Transmission Corporation that should have been formed under 2002 legislation was not established. The Law on the

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<sup>1</sup> Adla Isanović, “Will the digital revolution be televised? Concerns about the future of public service programming in Bosnia and Herzegovina”, in *Public Service Television in the Digital Age. Strategies and Opportunities in Five South-East European Countries*, report published by Media Centar, Sarajevo, 2008, p. 297. (Also available at [www.media.ba/mediacentar](http://www.media.ba/mediacentar).)

Public Service Broadcasting System in B&H (2005) stipulated the establishment of a ‘Joint Corporation’, which likewise has not been put in place.

### **Public service broadcasters (PSBs)**

There are few if any countries where public service broadcasting could make a greater contribution – in terms of social cohesion and cultural communication – than in Bosnia & Herzegovina.

Regrettably, this potential is not being – and cannot be – realised by the incomplete, unsustainable and politicised structure that has been erected, piecemeal, over the past decade.<sup>2</sup>

The two entity PSBs and the local PSBs have lost viewers in recent years, while the audience share enjoyed by Serbian and Croatian television stations, carried by satellite or cable, have increased sharply; by 2006, this share had more than doubled, to 33.3 per cent.

The pan-Bosnian broadcaster, BHT, is the only television with universal (or nearly universal) coverage: by 2006, it reached 93 per cent of B&H territory. BHT is also the only public service broadcaster in B&H that has bucked the trend of falling audiences. Since its launch in 2004, its audience share climbed from 2.8 per cent (2004) to 7 per cent (2006): still a worryingly low proportion.

Regarding their output, none of the PSBs meets the requirement (set by the CRA) that at least 40 per cent of programmes broadcast must belong to public-interest genres. The System Law grants institutional autonomy to the entity PSBs, which abuse this privilege by duplicating their programmes. However, the System Law also foresees a joint newsroom (“Media Centre”) and editorial operation, entailing collaborative decisions on programming and content. This vital step has not been taken. The consequent continuing misuse of limited resources flatters the ethnic leaderships, with their self-interested concept of national prestige, but it does a disservice to licence-fee-paying citizens.

Even though the entity constitutions require that “constituent peoples and ... Others shall be proportionately represented in public institutions”, this is not respected by any of the public service broadcasters (PSBs). None of them respects the three languages, two alphabets, and various cultural heritages of Bosnia, even though such respect would not be difficult to demonstrate; to begin with, the broadcasters could employ a number of presenters and journalists from ‘other’ nationalities. The entity PSBs are not required to represent the constituent peoples equally, in the composition of their Managing Boards. As a result, RTRS has a Managing Board that comprises exclusively Serbs.

There is a serious problem with the model of PSB funding, which has the monthly licence-fee as its foundation. The revenue from this fee is redistributed on the formula of 50:25:25. Thus, half of the revenue goes to BHRT (the pan-Bosnian PBS), while the entity PBSs receive one quarter each. This model applies a power-sharing formula that was originally designed to protect vulnerable groups in society, most obviously national minorities. Hence it is unsuitable for B&H, where its purpose, in crude terms, is to bribe the Republika Srpska leaders to accept the principle of pan-Bosnian public service broadcasting. As such, it has failed. Nor is it at all clear that this model can provide a sustainable solution to the problem of funding BHRT.

### **Digitalization**

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<sup>2</sup> One indicator of the low public reputation of the PSBs is the lack of public use that is made of their websites. (Isanovic, 294.)

There is still no regulatory framework for digitalisation. No thought seems to have been given to the funding that will be needed to achieve switch-over, and the public service broadcasters are in no condition to become so-called “islands of trust” in the new audiovisual landscape that will emerge over the coming decade.

The OSF-EUMAP report on B&H in 2005 said that public service broadcasting in BH “has been in such turmoil for years that it has no capacity to engage in such a complex project [as digitalisation] and become a prime mover of the switchover process.” Nothing has happened to alter this bleak assessment.

## **Recommendations**

The European Commission's priorities at this stage should be:

1. to uphold, without compromise, the independence of the Communications Regulatory Agency;
2. to insist that existing media legislation is implemented in full, involving the creation of a Joint Corporation for the public broadcast system and of a joint newsroom by the PSBs;
3. to insist that the Federation authorities adopt the long-awaited Law on the Public Broadcast System of the Federation of B&H (RTVFB&H);
4. to begin a comprehensive review of the funding of public service broadcasting and the digital switchover.

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The material in this submission is extracted from in-depth research carried out by OSI and available in the two reports on Bosnia and Herzegovina included in the monitoring series “Television across Europe: regulation policy and independence” (2005) and “Television across Europe - Follow up reports” (2008).

## **Annex: About OSI**

### **Open Society Institute ([www.soros.org](http://www.soros.org))**

The Open Society Institute (OSI) is a private operating and grant-making foundation based in New York and Budapest that serves as the hub of the Soros foundations network, a group of autonomous foundations and organisations in more than 60 countries. OSI and the network implement a range of initiatives that aim to promote open societies by shaping government policy and supporting education, media, public health, and human and women's rights, as well as social, legal, and economic reform.

OSI contributors to this document:

### **EUMAP, the EU Monitoring and Advocacy Program ([www.eumap.org](http://www.eumap.org))**

EUMAP, formerly the EU Accession Monitoring Program, monitors the development of selected human rights and rule of law issues in both the European Union and in its candidate and potential candidate countries. The Program works with national experts and NGOs to compile reports which are distributed widely throughout Europe and internationally. The reports are designed to encourage broader participation in the process of articulating the EU's common democratic values as well as in ongoing monitoring of compliance with human rights standards throughout the union.

### **Media Program ([www.mediapolicy.org](http://www.mediapolicy.org))**

The Media Program seeks to promote independent, professional, and viable media and quality journalism, primarily in countries undergoing a process of democratization and building functioning media markets. The program supports initiatives aimed at helping media-related legislation conform to internationally democratic standards, increasing professionalism of journalists and media managers, strengthening associations of media professionals, and establishing mechanisms of media self-regulation. The Media Program also supports media outlets that stand for the values of open society, as well as efforts aimed at monitoring and countering infringements on press freedom, and promoting changes in media policy that ensure pluralism in media ownership and diversity of opinion in media.