

# Working Paper

**Working  
Paper  
3/2013**

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NIDŽARA AHMETAŠEVIĆ**

**Media Reforms  
through Intervention:  
International Media  
Assistance in Bosnia  
and Herzegovina**



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# Media Reforms through Intervention

International Media Assistance  
in Bosnia and Herzegovina

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Tarik Jusić and Nidžara Ahmetašević



Sarajevo, 2013.

Title: Media Reforms through Intervention: International Media Assistance in Bosnia and Herzegovina

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Editors: Tarik Jusić and Kristina Irion

Peer-Review: Brankica Petković

Published by: Analitika – Center for Social Research

Year: 2013

Publisher Address:

Analitika – Center for Social Research

Kaptol 5, 71000 Sarajevo, Bosnia and Herzegovina

info@analitika.ba; www.analitika.ba

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Proofreading: Gina Landor

Copy Editing: Sanela Hrlović

Design: Brankica Ilić

DTP: Jasmin Leventić

Citation example

When referring to this working paper, please cite as follows:

Jusić, Tarik and Ahmetašević, Nidžara (2013) “Media Reforms through Intervention: International Media Assistance in Bosnia and Herzegovina”, Working Paper Series on International Media Assistance in the Western Balkans, Working Paper 3/2013, prepared in the framework of the Regional Research Promotion Programme in the Western Balkans (RRPP) (Sarajevo: Analitika – Center for Social Research).



Prepared in the framework of the Regional Research Promotion Programme in the Western Balkans (RRPP), which is run by the University of Fribourg upon a mandate of the Swiss Agency for Development and Cooperation, SDC, Federal Department of Foreign Affairs. The views expressed in this working paper are those of the authors and do not necessarily represent opinions of the SDC and the University of Fribourg, or of the publisher.



Democracy for Development  
Demokraci për zhvillim  
Demokratija za razvoj



This publication is produced within the project “Development of Functional Media Institutions in Western Balkans - A Comparative Study” implemented in 2012 and 2013 by the Center for Social Research Analitika from Bosnia and Herzegovina, in cooperation with the Center for Research and Policy Making from Macedonia, the Albanian Media Institute, from Albania, and the Democracy for Development from Kosovo.



The project is funded by the Regional Research Promotion Programme (RRPP) Western Balkans. The RRPP is aimed at fostering and promoting social science research in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia). The RRPP is coordinated and operated by the Interfaculty Institute for Central and Eastern Europe (IICEE) at the University of Fribourg (Switzerland). The programme is fully funded by the Swiss Agency for Development and Cooperation (SDC), Federal Department of Foreign Affairs.



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# 1.

## Introduction

Bosnia and Herzegovina (BiH) is often considered one of the most prominent examples of comprehensive international intervention into local affairs aimed at post-war<sup>1</sup> state building, including institutions of the local media system<sup>2</sup>. International actors played an important role in creating legislative frameworks and regulatory institutions for the media sector, started the reform of the PSB system, supported the development of independent media, and initiated the introduction of a self-regulatory framework. These efforts have resulted in the pacification of media discourse and elimination of outright ethnically-charged hate speech, and have opened up the media space for opposition voices and alternative sources of information.

However, although international community-led efforts to reform the media system have achieved progress in many important areas, a general deterioration of the conditions in the media sphere has been witnessed in recent years<sup>3</sup>. According to the IREX Media Sustainability Index (MSI), one of the international references of assessment of national media systems in democratizing and developing societies, the last decade was a turbulent one for the BiH media sector. After a significant increase in the MSI between 2001 and 2009, its overall score declined in 2012 to

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<sup>1</sup> Bosnia and Herzegovina (BiH) introduced a multi-party political system, a free market economy, and its first free parliamentary elections in 1990. Immediately after the proclamation of its independence from the former Socialist Republic of Yugoslavia in early 1992, the country was absorbed in a full-fledged war, involving an internal struggle among various factions, as well as military forces from Croatia and Serbia. The war lasted until late 1995 and left devastating consequences. For more, see for example: Srđan Dizdarević et al., *Democracy Assessment in Bosnia and Herzegovina* (Sarajevo: Open Society Fund Bosnia and Herzegovina, February 2006), p. 22; Noel Malcolm, *Bosnia: A Short History* (London: Macmillan London Limited 1994), p. 234; Ministry for Human Rights and Refugees Bosnia and Herzegovina, *Comparative Indicators on Refugees, Displaced Persons and Returnees Property Laws Implementation and Reconstruction in Bosnia and Herzegovina from 1991 to 30 June 2003* (BIH: Ministry for Human Rights and Refugees Bosnia and Herzegovina, October 2003), p. 7; The World Bank, *Bosnia and Herzegovina Post-Conflict Reconstruction and the Transition to a Market Economy: An OED Evaluation of World Bank Support* (Washington, DC: The International Bank for Reconstruction and Development / The World Bank, 2004).

<sup>2</sup> Aida A. Hozić, "Democratizing Media, Welcoming Big Brother: Media in Bosnia and Herzegovina," in *Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective*, ed. Karol Jakubowicz and Miklos Sükösd (Bristol and Chicago: Intellect Book, 2008), p. 145.

<sup>3</sup> Ibid.



the level it was at a decade ago (Table 1.1),<sup>4</sup> indicating deterioration in all five areas covered by the MSI: free speech, professional journalism, plurality of news sources, business management and supporting institutions.

**Table 1.1.: IREX Media Sustainability Index for Bosnia and Herzegovina 2001-2012**

| Indicator                 | Year        |             |             |             |             |
|---------------------------|-------------|-------------|-------------|-------------|-------------|
|                           | 2001        | 2004        | 2005        | 2009        | 2012        |
| Free speech               | 1.95        | 2.83        | 2.80        | 2.94        | 2.45        |
| Professional journalism   | 1.37        | 2.23        | 2.11        | 2.30        | 1.68        |
| Plurality of news sources | 1.84        | 2.71        | 2.65        | 3.02        | 2.16        |
| Business management       | 1.53        | 2.31        | 2.20        | 2.82        | 1.61        |
| Supporting institutions   | 1.63        | 2.54        | 2.31        | 2.97        | 1.95        |
| <b>Overall score</b>      | <b>1.66</b> | <b>2.52</b> | <b>2.41</b> | <b>2.81</b> | <b>1.97</b> |

Source: IREX Media Sustainability Index Reports 2002-2013

Similarly, annual European Commission (EC) progress reports for BiH emphasize that “a growing number of journalists and editors are subject to physical violence and intimidation, including death threats”<sup>5</sup> while “[f]ollow up by police and the judiciary remains insufficient.”<sup>6</sup> Moreover, “political pressure on the media and the polarization of the media along political and ethnic lines remain of concern.”<sup>7</sup>

In this study we attempted to investigate the results of the international intervention in the media sector in light of the recent negative trends and complex contextual challenges to reforms. In particular, we hope to shed some light on the link between the nature of the media assistance strategies and outcomes achieved. Of special concern was how strategic the approach of donors was in respect to the conceptual coherence and consistence, and the commitment and duration of donors’ engagement, as it is understood that a strategic approach to media assistance is a core precondition for the sustainability of reforms.<sup>8</sup> Other important

<sup>4</sup> IREX, *Media Sustainability Index 2012: Bosnia and Herzegovina* (IREX, 2012), p. 20.

<sup>5</sup> European Commission, *Bosnia and Herzegovina 2010 Progress Report* (Brussels: European Commission, November 9, 2010), p. 17.

<sup>6</sup> European Commission, *Bosnia and Herzegovina 2011 Progress Report* (Brussels: European Commission, October 12, 2011), p. 16.

<sup>7</sup> European Commission, *Bosnia and Herzegovina 2012 Progress Report* (Brussels: European Commission, October 10, 2012), p. 16; Also see European Commission, *Bosnia and Herzegovina 2011 Progress Report*, p. 16; European Commission, *Bosnia and Herzegovina 2010 Progress Report*, p. 51.

<sup>8</sup> See for example: Karen Ballentine, “International Assistance and the Development of Independent Mass Media in the Czech and Slovak Republics,” in *The Power and Limits of NGOs: A Critical Look at Building Democracy in Eastern Europe and Eurasia*, ed. Sarah E. Mendelson and John K. Glenn (New York: Columbia University Press, 2002); Also see: Tara Susman-Peña, *A Special Report to the Center for International Media Assistance: Making Media Development More Effective* (Washington, DC: The Center for International Media Assistance (CIMA)/National Endowment for Democracy, October 9, 2012), pp. 11-15.

aspects include the level of cooperation and coordination among donors and the nature of their relationship with local stakeholders, as well as the implications the proposed reforms would have on established local power relations. Earlier studies have indicated that weak coordination among donors<sup>9</sup> and lack of cooperation with local stakeholders<sup>10</sup> that translates into lack of local support for the reforms might have a detrimental effect on assistance programs. Finally, based on the numerous studies that have pointed out difficulties in transposing institutional models from developed democracies into transitional countries,<sup>11</sup> we were concerned with the very nature of the proposed Western models of institutional reforms and the extent to which those can be ‘transplanted’<sup>12</sup> into the local context in BiH.

Understanding how context interacts with and influences media assistance efforts is another important aspect of our analysis. For that purpose, as a starting point we use analytical categories deployed by Hallin and Mancini, especially focusing on political parallelism in the media (alliance between media and political actors) and instrumentalization of the media; influence of the media market;

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<sup>9</sup> See for example: Howard Ross, *International Media Assistance: A Review of Donor Activities and Lessons Learned, Working Paper Series, Working Paper 19* (Hague: Netherlands Institute of International Relations ‘Clingendael’, June 2003); Walter Dean, *Working in Concert: Coordination and Collaboration in International Media Development: A Report to the Center for International Media Assistance* (The Center for International Media Assistance at the National Endowment for Democracy (CIMA)/National Endowment for Democracy, 2012).

<sup>10</sup> Mary M. Shirley, *Institutions and Development: Advance in New Institutional Analysis* (Edward Elgar Publishing Ltd, 2008); Mary M. Shirley, *Institutions and Development: Working Paper* (Flensburg: The International Institute of Management and Economic Education (IIM), University of Flensburg, 2003).

<sup>11</sup> Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington, DC: Carnegie Endowment for International Peace, 1999), pp. 96-101; Daniel Berkowitz, Katharina Pistor and Jean-Francois Richard, “The Transplant Effect,” *American Journal of Comparative Law* 51, no 1(2003), pp. 163-204; Peter Evans, “Development as Institutional Change: The Pitfalls of Monocropping and the Potentials for Deliberation,” *Studies in Comparative International Development* 38, no. 4(2004), pp. 30-52; Karol Jakubowicz, “Finding the Right Place on the Map: Prospects for Public Service Broadcasting in Post-Communist Countries,” in *Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective*, ed. Karol Jakubowicz and Miklos Sükösd (Bristol and Chicago: Intellect Book, 2008); Karol Jakubowicz and Miklos Sükösd, “Twelve Concepts Regarding Media System Evolution and Democratization in Post-Communist Societies,” in *Finding the Right Place on the Map: Central and Eastern European Media Changes in a Global Perspective*, ed. Karol Jakubowicz and Miklos Sükösd (Bristol and Chicago: Intellect Book, 2008); Katrin Voltmer, “How Far Can Media Systems Travel? Applying Hallin and Mancini’s Comparative Framework outside the Western World,” in *Comparing Media Systems Beyond the Western World*, ed. Daniel C. Hallin and Paolo Mancini (Cambridge: Cambridge University Press, 2012); Tim Allen and Nicole Stremmler, *Media Policy, Peace and State Reconstruction, Discussion Paper No. 8* (London: LSE Crisis States Development Research Center, March 2005); Krishna Kumar, *One Size Does Not Fit All: Objectives and Priority Areas for Media Assistance in Different Societies* (Washington, DC: The Center for International Media Assistance (CIMA)/National Endowment for Democracy, 2009).

<sup>12</sup> Berkowitz, Pistor and Richard, “The Transplant Effect”; Evans, “Development as Institutional Change.”

and the level of professionalization of journalism (in terms of the existence of professional norms, journalistic solidarity and independence in decision making) and journalistic partisanship.<sup>13</sup> Additionally, for a better understanding of how the local context works, we also rely on findings of Zielonka and Mancini, who depicted several common characteristics of the media systems in Central and Eastern Europe that we believe are also relevant for BiH: politicization of the state understood as the level to which political and other vested interests manage to ‘conquer’ public institutions and extract resources from them, thus satisfying private rather than public interest;<sup>14</sup> floating laws and procedures which change often and result in legal insecurity; business parallelism in the media which accompanies political parallelism; and financially weak and oversaturated markets which make media dependent on political and business patrons rather than on own revenues.<sup>15</sup>

Special attention will be given to some of the major assistance efforts, characterized by the amount of funding disbursed, the scope of the assistance provided, or the significance of the assistance for the media sector reforms: Public Service Broadcasting (PSB), the Communication Regulatory Agency (CRA), the Open Broadcast Network (OBN), and the Press Council. We focus on these four cases because they have received significant attention by international organizations involved in the democratization and media assistance efforts, and yet are perceived to have had rather different development paths: whereas the CRA has been celebrated as one of the most successful cases of media assistance, the OBN has often been labeled as “the greatest failure – and the most expensive experiment,”<sup>16</sup> while the assistance to PSB is seen to have had only limited effects, with PSB reform stalled for over a decade. Furthermore, the Press Council faces financial uncertainty, while its integration in the local context has been cumbersome at best. All of the institutions have experienced different kinds and levels of political and other pressure and different contextual challenges, and all have coped with it differently. This chapter’s goal is to contribute to the understanding of the reasons behind such differences in outcomes of media assistance efforts.

Our study is based on the review of the literature on international media assistance, secondary resources and legal documents. We have also conducted interviews with some of the key stakeholders involved in the media reforms in BiH during the last two decades – donors, media professionals, international media

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<sup>13</sup> Daniel C. Hallin and Paolo Mancini, *Comparing Media Systems: Three Models of Media and Politics* (Cambridge: Cambridge University Press, 2004).

<sup>14</sup> Jan Zielonka and Paolo Mancini, “Executive Summary: A Media Map of Central and Eastern Europe” (Media and Democracy in Central and Eastern Europe: Department of Politics and International Relations of the University of Oxford and Department of Media and Communications, The London School of Economics and Political Science, 2011), p. 3.

<sup>15</sup> Ibid.

<sup>16</sup> Hozić, “Democratizing Media, Welcoming Big Brother,” p. 149.

consultants, and NGO representatives. Our overall approach can be described as that of a 'multi-level case study' where the country as such is understood as a particular case, but also four specific institutions have been treated as specific cases of interest<sup>17</sup>. Additionally, there is a certain comparative dimension build into our approach as we discuss and compare results of the analysis across the four selected institutions.

The paper first provides a brief overview of the political and media system in BiH and democratization efforts to date. Focus then shifts to media assistance, with particular attention given to the four case studies mentioned. Subsequently, the outcomes of and challenges to the media assistance efforts are discussed before concluding remarks.

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<sup>17</sup> Colin Robson, *Real World Research: A Resource for Social Scientists and Practitioner-Researchers* - Second edition (Oxford: Blackwell Publishing, 2002).

## 2.

# The BiH Political and Media Systems

The Dayton Peace Agreement,<sup>18</sup> facilitated by the international community, officially ended the armed conflict in late 1995.<sup>19</sup> The country was placed under an international semi-protectorate that was to ensure the implementation of the peace agreement:

- The Office of the High Representative (OHR) was given the mandate to monitor, facilitate and coordinate implementation of the civilian aspects of the peace agreement and cooperate with donors.<sup>20</sup> The OHR was endorsed by the United Nations Security Council,<sup>21</sup> upon nomination by the Peace Implementation Council.<sup>22</sup>
- The Organization for Security and Cooperation in Europe (OSCE) was tasked with organizing and overseeing the first post-war elections, establishing a Provisional Election Commission, and monitoring the condition of human rights in the country.<sup>23</sup>
- The international military Implementation Force (IFOR),<sup>24</sup> made up of 60,000 troops and led by NATO, was dispatched to BiH to ensure the implementation of the military aspects of the peace agreement.<sup>25</sup>

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<sup>18</sup> Named after the city of Dayton in the US where it was signed.

<sup>19</sup> Dizdarević et al., *Democracy Assessment in Bosnia and Herzegovina*, pp. 22-23.

<sup>20</sup> “The General Framework Agreement for Peace in Bosnia and Herzegovina: Annex 10, Agreement on Civilian Implementation” [Dayton Peace Agreement] (Dayton: December 14, 1995), Article I.2 and II.1.

<sup>21</sup> Ibid, Article I.

<sup>22</sup> The Peace Implementation Council was established to mobilize international support for the peace agreement. It consists of 55 countries and international agencies that provide support to the peace process. See “General Information,” Office of the High Representative, [http://www.ohr.int/ohr-info/gen-info/#Peace Implementation Council](http://www.ohr.int/ohr-info/gen-info/#Peace%20Implementation%20Council) (Accessed on June 9, 2013).

<sup>23</sup> “The General Framework Agreement for Peace in Bosnia and Herzegovina: Annex 3, Agreement on Elections” [Dayton Peace Agreement] (Dayton: December 14, 1995); “The General Framework Agreement for Peace in Bosnia and Herzegovina: Annex 6, Agreement on Human Rights” [Dayton Peace Agreement] (Dayton: December 14, 1995), Article XIII: Organizations Concerned with Human Rights.

<sup>24</sup> After 1997, IFOR was replaced by a much smaller Stabilization Force (SFOR), and finally the EU-led EUFOR mission.

<sup>25</sup> “The General Framework Agreement for Peace in Bosnia and Herzegovina: Annex 1A, Agreement on the Military Aspects of the Peace Settlement” [Dayton Peace Agreement] (Dayton: December 14, 1995).

With time, the mandate of OSCE changed, while the number of troops was reduced to a few thousand. Other organizations, most notably various UN agencies, have also been involved in the implementation of other different aspects of the peace agreement, such as police reform or the return of refugees.

BiH is a decentralized democratic state with extensive power-sharing arrangements that grant numerous veto-rights and large-scale autonomy to three major ethnic groups<sup>26</sup> – Bosniaks, Croats and Serbs – in order to mitigate the conflict, enforce consensual decision-making, and keep the country together. An ethnic rotation principle was introduced throughout the institutions of governance granting the allocation of major positions in public office along ethnic lines.<sup>27</sup>

The country consists of state-level institutions and the two entities - the predominantly Serb Republika Srpska and the Bosniak-Croat Federation of BiH (hereafter: Federation BiH), with the entities being granted a high degree of autonomy, each having its own legislative, executive and judicial branches of government. The Federation entity is further decentralized, consisting of 10 cantons - four with Bosniak majority, four with Croat majority, and two mixed - each with its own government and elected legislature. The District of Brčko is a separate self-government unit placed under the sovereignty of the state. As a result of such extensive decentralization, central institutions have rather weak competences.<sup>28</sup>

The country is characterized by a weak rule of law, and high level of corruption. Ruling elites hold a grip on public institutions and companies, and use their power to satisfy private and party interests.<sup>29</sup> The situation largely corresponds to what Zielonka and Mancini call “the politicization of the state”, inherent to countries of Central and Eastern Europe.<sup>30</sup> Aggravating this state of affairs, civic engagement

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<sup>26</sup> According to the state constitution, the country is comprised of three constituent peoples – Bosniaks, Serbs and Croats – and “others” (minorities and non-constituent groups). In line with a quota system established in political and administrative institutions, constituent peoples enjoy the right to representation at different levels of government. The others are largely discriminated against in that respect.

<sup>27</sup> Constitution of BiH, Article IX, 3. The most prominent example is a three-member rotating state presidency that consists of a Bosniak and a Croat directly elected from FBiH territory, and a Serb elected from the RS.

<sup>28</sup> “The General Framework Agreement for Peace in Bosnia and Herzegovina: Annex 4 - Constitution of Bosnia and Herzegovina” [Dayton Peace Agreement] (Dayton: December 14, 1995), Article 3.1.

<sup>29</sup> European Commission, *Bosnia and Herzegovina 2012 Progress Report*, pp. 14-15; European Parliament, “Bosnia and Herzegovina still falling behind in the region, MEPs warn,” European Parliament, March 21.

<sup>30</sup> Zielonka and Mancini, “Executive Summary.”

is still in a nascent phase.<sup>31</sup> Civic organizations often face pressures and threats and are dependent on international funding.<sup>32</sup>

It is thus not surprising that the media system in BiH largely mirrors the ethnic polarization and territorial fragmentation of the country. Its development during the last 20 years was decisively conditioned by the 1992-1995 war, and difficult post-war peace-building and democratization reforms that were strongly influenced by international actors.<sup>33</sup>

Just before and during the war, many media outlets took an active role, often working as a mouthpiece for war propaganda.<sup>34</sup> In the aftermath of the armed conflict, the media worked in a hostile environment, exposed to political pressures, an absence of regulation, threats and attacks on journalists, and bleak financial prospects.<sup>35</sup> Consequently, a significant number of media outlets continued their war practices even after the peace agreement was signed, inciting hatred among ethnic groups and fostering distrust against international peace-implementation organizations.<sup>36</sup> Only a handful of smaller, independent media outlets offered space

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<sup>31</sup> European Commission, *Bosnia and Herzegovina 2010 Progress Report*, p. 17.

<sup>32</sup> Reima Ana Maglajlić and Edin Hodžić, "Political participation - Is there full citizen participation in public life?," in *Democracy Assessment in Bosnia and Herzegovina*, ed. Srđan Dizdarević et al. (Open Society Fund Bosnia and Herzegovina, 2006); Rebeka Kotlo and Edin Hodžić, "Government Responsiveness - Is government responsive to the concerns of its citizens?," in *Democracy Assessment in Bosnia and Herzegovina*, ed. Srđan Dizdarević et al. (Open Society Fund Bosnia and Herzegovina, 2006).

<sup>33</sup> Yll Bajraktari and Emily Hsu, "Developing Media in Stabilization and Reconstruction Operations," *Stabilization and Reconstruction series*, no. 7 (Washington, DC: United States Institute of Peace, October 2007).

<sup>34</sup> Mark Thompson, *Forging War: the Media in Serbia, Croatia and Bosnia Herzegovina* (London: Article 19, 1994); Kemal Kurspahić, *Zločin u devetnaest i trideset: Balkanski mediji u ratu i miru* [Prime Time Crime: Balkan Media in War and Peace] (Sarajevo: Mediacentar, 2003); United Nations Development Programme (UNDP), *Supporting Public Service Broadcasting: Learning from Bosnia and Herzegovina's experience* (United Nations Development Programme-Bureau for Development Policy-Democratic Governance Group, 2004), p. 16.

<sup>35</sup> Human Rights Watch, *Human Rights Watch World Report 1998: Events of 1997* (New York - Washington - London - Brussel: Human Rights Watch, December 1997), p. 241.

<sup>36</sup> International Crisis Group (ICG), *Media in Bosnia and Herzegovina: How International Support Can be more Effective*, Report No 21 (ICG, March 18, 1997); Media Experts Commission, *Završni izvještaj: Mediji u izborima* [Final Report: Media in Elections] (OSCE Mission in Bosnia and Herzegovina, 1998); Kurspahić, *Prime Time Crime*; Mark Thompson and Dan De Luce, "Escalating to Success? The Media Intervention in Bosnia and Herzegovina," in *Forging Peace: Intervention, Human Rights and the Management of Media Space*, ed. Monroe E. Price and Mark Thompson (Edinburgh: Edinburgh University Press, 2002); Bajraktari and Hsu, "Developing Media in Stabilization and Reconstruction Operations," p. 3.

for opposition voices.<sup>37</sup>

The broadcasting space was divided along ethnic and territorial lines and tightly controlled by ruling nationalist parties, preventing opposition voices from entering the mainstream political discourse and continuing ethnically-charged propaganda that cemented war-time divisions. Such a situation prompted the need for urgent reform.

From late 1995 on, BiH experienced chaotic growth in numbers of media outlets<sup>38</sup> as a result of several factors: political polarization and fragmentation of the post-war society; an absence of rules and regulatory frameworks; direct government involvement in the broadcasting sector;<sup>39</sup> and significant donor support to media outlets throughout the country.<sup>40</sup>

In 2013, the media system remains ethnically and politically divided.<sup>41</sup> The coverage of politics closely corresponds with the political links of media outlets. The governments at various administrative levels continue to be owners or in direct control of almost 30% of broadcasters,<sup>42</sup> and provide, in a nontransparent manner, subsidies to public as well as private media outlets in exchange for positive coverage.<sup>43</sup> In addition, and similarly to what Zielonka and Mancini have found to be common to Central and East European countries,<sup>44</sup> strong business parallelism is

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<sup>37</sup> Accounts of some of the key persons involved in media reforms in these years, such as Simon Haselock, former deputy HR for media affairs from 1997-2000, and Tanya Domi, former chairperson of MEC and Director of Press and Public Information Office for OSCE from 1996 to 2000, also confirm how grave the situation with local media was. Interviews with Simon Haselock and Tanya Domi, conducted as part of PhD dissertation research by Ahmetašević on July 21, 2011, in Oxford, and February 18, 2012, *via Skype*, respectively. Nidžara Ahmetašević, "A House of Cards: Bosnian media under (re)construction, Media assistance as a tool of post-conflict democratization and state building" (PhD diss., University of Graz, Joint PhD Programme in Diversity Management and Governance, 2013).

<sup>38</sup> Hawley Johnson, "Model Interventions: The Evolution of Media Development Strategies in Bosnia-Herzegovina, Kosovo, and Macedonia from 2000 to 2007" (PhD diss., Graduate School of Arts and Sciences, Columbia University, p. 101; Mark Wheeler, *Monitoring the Media: The Bosnian Elections 1996* (Sarajevo: Media Plan Institute and IWPR, 1997).

<sup>39</sup> Communications Regulatory Agency of Bosnia and Herzegovina (CRA), Annual Report of the Communications Regulatory Agency for the Year 2010 (Sarajevo: CRA, 2011), p. 9.

<sup>40</sup> UNDP, *Supporting Public Service Broadcasting* pp. 16-17.

<sup>41</sup> European Commission, *Bosnia and Herzegovina 2012 Progress Report*; GfK BiH, "Čitanost dnevnih novina u BiH" [Readership of Daily Newspapers in Bosnia and Herzegovina], Sarajevo-x.com, February 23, 2006; "Elektronski mediji u BiH – koji se najčešće gledaju i slušaju?" [Ratings of Broadcasting Media in Bosnia and Herzegovina], GfK BiH, 2006.

<sup>42</sup> CRA, Annual Report of the Communications Regulatory Agency for the Year 2010, p. 9.

<sup>43</sup> IREX, *Media Sustainability Index 2013: Bosnia and Herzegovina* (IREX, 2013), p. 32.

<sup>44</sup> Zielonka and Mancini, "Executive Summary."



inherent to the system, where media outlets directly support the business interests of their owners, which are often linked to their political interests as well.<sup>45</sup>

The problems are further exacerbated by an oversaturated, and in economic terms rather small media market.<sup>46</sup> Advertising revenues are not viable to economically support today's media landscape, with 44 TV channels and 143 radio channels,<sup>47</sup> accompanied by 86 weekly and monthly publications and eleven daily newspapers.<sup>48</sup> According to some assessments, the total advertising revenue was around US\$65.47 million in 2012, with TV broadcasters attracting 67 percent of revenues.<sup>49</sup> Such a small and fragmented market further contributes to the political and business parallelism in the media sector, as limited revenues force media to seek powerful patrons in order to survive.<sup>50</sup>

Last but not least, the level of professionalization of journalism in BiH – understood to consist of journalists' level of autonomy in their work, the existence of distinct professional norms, and the public service orientation of journalists often manifested through the existence of mechanisms of self-regulation<sup>51</sup> – is rather low.<sup>52</sup> A self-regulatory framework has yet to take hold; the quality of journalism is low; while journalistic solidarity remains weak.<sup>53</sup> This forms fertile ground for the instrumentalization of journalism, understood as “control of the media by outside actors – parties, politicians, social groups or movements, or economic actors seeking political influence – who use them to intervene in the world of politics.”<sup>54</sup> As a result, there is continuing political interference in the media sector.<sup>55</sup>

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<sup>45</sup> Email interview with Natalija Bratuljević, Programme Officer, Civil Rights Defenders (former Swedish Helsinki Committee for Human Rights), September 2, 2013.

<sup>46</sup> UNDP, *Supporting Public Service Broadcasting*, p. 17; Gwyneth Henderson, Jasna Kilalic and Boro Kontic, *The Media Environment in Bosnia and Herzegovina - An Assessment for USAID/Bosnia* (USAID, January 2003), pp. 8-9; Johnson, “Model Interventions,” p. 129.

<sup>47</sup> Communications Regulatory Agency of Bosnia and Herzegovina (CRA), Annual Report of the Communications Regulatory Agency for the Year 2011 (Sarajevo, CRA, April 2012).

<sup>48</sup> Johnson, “Model Interventions,” p. 127.

<sup>49</sup> IREX, *Media Sustainability Index 2013*, pp. 30-31.

<sup>50</sup> Johnson, “Model Interventions,” pp. 127-128; Bajraktari and Hsu, “Developing Media in Stabilization and Reconstruction Operations,” p. 5.

<sup>51</sup> Hallin and Mancini, *Comparing Media Systems*, pp. 33-37.

<sup>52</sup> UNDP, *Supporting Public Service Broadcasting*, p. 16.

<sup>53</sup> IREX, *Media Sustainability Index 2010: Bosnia and Herzegovina* (IREX, 2010); IREX, *Media Sustainability Index 2011: Bosnia and Herzegovina* (IREX, 2011); Aaron Rhodes, *Ten Years of Media Support to the Balkans – An Assessment* (Media Task Force of the Stability Pact for South Eastern Europe, 2007), p. 36.

<sup>54</sup> Hallin and Mancini, *Comparing Media Systems*, p. 37.

<sup>55</sup> UNDP, *Supporting Public Service Broadcasting*, p. 17.

### 3.

## Media Assistance Strategies and Approaches

The scope and intensity of media assistance efforts in BiH were truly comprehensive and ambitious. A myriad of international organizations, donor countries, development agencies, and private foundations have been involved in democratization efforts.<sup>56</sup> According to the World Bank, 48 donor countries and 14 international organizations disbursed \$US 3.7 billion between 1996 and 1999 for such programs in BiH.<sup>57</sup> An estimated EUR 87 million were disbursed through media assistance programs in the country from 1996 until 2006,<sup>58</sup> and it can be safely assumed that by 2013, that number was probably over EUR 100 million.<sup>59</sup> For example, USAID alone invested more than 40 million US dollars between 1996 and 2013<sup>60</sup> while the European Commission spent over EUR 20 million from 1996 to 2002 on media assistance in BiH<sup>61</sup> and the Open Society Fund BiH disbursed over 9 million US dollars from 1993 until 2009 to that end<sup>62</sup>.

Due to the “sheer weight of political interference in the sector,”<sup>63</sup> the OHR was assigned the central role in the implementation of the media assistance strategy.

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<sup>56</sup> This included USAID, the EC, the UK *Department for International Development (DFID)*, Open Society Foundation, the Swiss Agency for Development and Cooperation (SDC), the Swedish International Development Cooperation Agency (SIDA), Press Now from the Netherlands, the Swedish Helsinki Committee (later renamed as Human Rights Defenders), and many others.

<sup>57</sup> The World Bank, *Bosnia and Herzegovina Post-Conflict Reconstruction and the Transition to a Market Economy*, p. 2.

<sup>58</sup> Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*, p. 15.

<sup>59</sup> See for example: European Commission, *Mapping EU Media Support 2000-2010* (European Commission, September, 2012), p. 6;

<sup>60</sup> Johnson, “Model Interventions,” pp. 102-103; Democracy International, *Bosnia-Herzegovina Democracy and Governance Assessment* (Bethesda: Democracy International, Inc., May 2007), pp. 17-18; UNDP, *Supporting Public Service Broadcasting*, p. 20

<sup>61</sup> Dan De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002: PPC Evaluation Working Paper No. 6* (Bureau for Policy and Program Coordination, USAID, September 2003), pp. V, 10

<sup>62</sup> Official data from Open Society Fund Bosnia and Herzegovina, on file with author

<sup>63</sup> Chris Riley, “Painstaking Efforts - OHR Media Development Strategy In Post-Dayton BiH,” in *Arranged Marriage: International Community and Media Reforms in BiH, Media Online Selections*, ed. Sijetlana Nedimovic (Sarajevo: Media Plan Institute, 2001), pp. 4-5.

Its mandate concerning the media stemmed from its role in the oversight of the implementation of the peace agreement. The Peace Implementation Council gave the OHR extensive powers, including a mandate to intervene in the media sector (see Table 3.1.). Additionally, the OSCE had the mandate to observe media coverage of elections and through this mandate facilitated numerous media reform projects.<sup>64</sup>

In many ways, BiH became a laboratory for developing and testing approaches for media assistance in a post-conflict society.<sup>65</sup> At a more general level, the goal was to contribute to the democratization and pacification of a post-war society. In more practical terms, our study shows that media reform efforts can be grouped into six main areas of engagement:

- Eliminating war propaganda and pacifying media discourse in the immediate post-war period.
- Supporting media pluralism and independent media as an alternative to nationalist and government-controlled media.
- Introducing legal and regulatory frameworks to foster the development of a media market and to discourage inflammatory propaganda.
- Reforming government-controlled broadcasters into public service broadcasters.
- Promoting professional and ethics standards through self-regulation and professional associations of journalists.
- Supporting the development of civil society organizations within the media sector such as training, research, and investigative reporting centers, and media industry associations.

### 3.1 Donor Coordination or Competition

The large number of donors and other actors, combined with the sheer scope of assistance efforts, resulted in conceptual differences in terms of the approaches to media assistance – especially between the Europeans and the Americans.<sup>66</sup>

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<sup>64</sup> Johnson, “Model Interventions,” p. 96.

<sup>65</sup> Ibid; Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*; Eric Martin, “Media Reform and Development in Bosnia: An Interorganizational Account of the Media Issues Group,” *South East European Journal of Economics and Business*, *Versita* 6(1), June 2011; Maureen Taylor, *An Evaluation of USAID/OTI Media Transition Grants in Bosnia and Herzegovina* (Rutgers University, April 1999); UNDP, *Supporting Public Service Broadcasting*; De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*; Hozic, “Democratizing Media, Welcoming Big Brother,” p. 145; Udovičić Zoran, “Media in B-H: The Scope of International Community Intervention,” in *International Support Policies to South-East European Countries: Lessons (Not) Learned in B-H*, ed. Žarko Papić (Sarajevo: Müller, 2001).

<sup>66</sup> Carothers, *Aiding Democracy Abroad*, pp. 236-237; Hozic, “Democratizing Media, Welcoming Big Brother,” pp. 145, 149; Bajraktari and Hsu “Developing Media in Stabilization and Reconstruction Operations.”

This resulted in a division in spheres of influence, with the former focusing on PSB reform and the latter emphasizing commercial media and freedom of expression.<sup>67</sup> More fundamental differences in their overall approaches to assistance sometimes resulted in “intense competition”<sup>68</sup> between donors, so that “in some cases [the donors] put the promotion of their own projects, programmatic ‘territory,’ and reputations before the overall welfare of reconstruction.”<sup>69</sup>

Many practitioners and politicians have cited the lack of donor cooperation and coordination<sup>70</sup> as one of the main reasons behind the ineffectiveness of programs and initiatives. According to UNDP, in the case of BiH “there was insufficient coordination at all levels including determining needs, developing a strategic plan and in the implementation.”<sup>71</sup> On a formal level, donors tried to engage in an approach that would be implemented with “a maximum of consensus among main donors.”<sup>72</sup> However, calls to simply “improve” coordination were not easy to implement.<sup>73</sup> Coordination was difficult to achieve even among donors from the same country. For example, in the case of United States, “an overarching strategy did not emerge until 1998 and was not consistently applied, partly because media assistance was not managed from a central point until 2000.”<sup>74</sup> Similarly, “the projects supported by the European Commission have not been different from projects funded by bilateral donors. (...) Very few Projects have been designed and implemented in cooperation with member states or other donor agencies, and the projects do not reflect on-going internal media developments in the EU.”<sup>75</sup> Under such circumstances, the donors were rarely able to achieve a consensus on models of mutual cooperation.<sup>76</sup>

However, there were some attempts to improve coordination. The OHR was tasked to coordinate international media support through regular bi-weekly roundtables

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<sup>67</sup> Johnson, “Model Interventions,” p. 106; Martin, “Media Reform and Development in Bosnia,” p. 91; Center for International Media Assistance (CIMA), *Empowering Independent Media: Inaugural report 2008* (CIMA / National Endowment for Democracy, 2008), p. 60; Bajraktari and Hsu, “Developing Media in Stabilization and Reconstruction Operations,” p. 6.

<sup>68</sup> Martin, “Media Reform and Development in Bosnia,” p. 92.

<sup>69</sup> Johnson, “Model Interventions,” pp. 109-110.

<sup>70</sup> See for example Ross, *International Media Assistance*.

<sup>71</sup> UNDP, *Supporting Public Service Broadcasting*, p. 21.

<sup>72</sup> Dean, *Working in Concert*, p. 9.

<sup>73</sup> Martin, “Media Reform and Development in Bosnia,” p. 95.

<sup>74</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. V.

<sup>75</sup> European Commission, *Mapping EU Media Support 2000–2010*, p. 47.

<sup>76</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 17; Also email interview with Natalija Bratuljević, September 2, 2013.

with all major donors and a detailed database of donor projects,<sup>77</sup> but the results of this effort were weak.<sup>78</sup> Individual donors frequently established *ad hoc* coalitions with other donors for more complex projects.<sup>79</sup> Hence, many important projects were coordinated with local stakeholders through working groups and consultation sessions.<sup>80</sup>

## 3.2 Phases and Areas of Engagement

Donors' approaches to media reforms depended on the political priorities of the given moment. We have identified three distinctive phases of media assistance in BiH.

The first phase (1996-1998) was characterized by a focus on pacification of media discourse and pluralization of the media sector. The goal was to sanitize media space that was polluted by ethnocentric war-mongering propaganda and to weaken the nationalists' grip on the main media outlets. Another goal was to give voice to moderates and to create basic preconditions for free and fair elections.<sup>81</sup> As Chris Riley, former Head of Media Development Office of OHR put it, "[i]n 1996 and early 1997, there was little discussion of 'European standards' and 'self-sustainability'. Primary emphasis was placed upon breaking political control; creating alternative voices; promoting ethnic tolerance; fighting the rhetoric of hate [...] and developing pluralism."<sup>82</sup> The assumption was that the development of an independent media sector is of fundamental importance for the success of peace-building efforts.<sup>83</sup>

As consensus among international actors gradually emerged,<sup>84</sup> the Peace Implementation Council extended OHR's powers between 1995 and 1998, effectively establishing a semi-protectorate in BiH.<sup>85</sup> Since the Dayton Peace Agreement had

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<sup>77</sup> Martin, "Media Reform and Development in Bosnia."

<sup>78</sup> Johnson, "Model Interventions," pp. 109-110.

<sup>79</sup> Price, Noll and De Luce, *Mapping Media Assistance*, p. 25; De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996-2002*, p. 17.

<sup>80</sup> Price, Noll and De Luce, *Mapping Media Assistance*, p. 14.

<sup>81</sup> Hozić, "Democratizing Media, Welcoming Big Brother," p. 149; Riley, "Painstaking Efforts - OHR Media Development Strategy In Post-Dayton BiH," p. 2; UNDP, *Supporting Public Service Broadcasting*, pp. 16-17.

<sup>82</sup> Riley, "Painstaking Efforts - OHR Media Development Strategy In Post-Dayton BiH," p. 2.

<sup>83</sup> See Mathew Allan Hill, "Exploring USAID's democracy promotion in Bosnia and Afghanistan: a 'cookie-cutter approach'?" *Democratization* 17, no. 1, February 2010, p. 107.

<sup>84</sup> Riley, "Painstaking Efforts - OHR Media Development Strategy In Post-Dayton BiH," p. 2.

<sup>85</sup> Peace Implementation Council, PIC Bonn Conclusions, Office of the High Representative website. [http://www.ohr.int/pic/default.asp?content\\_id=5182](http://www.ohr.int/pic/default.asp?content_id=5182) (Accessed on December 24, 2013).

no provisions regarding media, except in relation to the creation of the conditions for free and fair elections and the freedom of expression,<sup>86</sup> the mandate of the OHR was expanded to include media reform as well (see Table 3.1.). Hence, this phase is characterized by a full-blown intervention into the media sector.<sup>87</sup> For example, in late 1997 NATO troops took control over the transmitters of the Republika Srpska public television network in order to prevent the spread of war-mongering propaganda.<sup>88</sup> The OSCE, in cooperation with other international actors and key local stakeholders, established the Provisional Electoral Commission in 1996, which issued the Electoral Code of Conduct,<sup>89</sup> defining, inter alia, rules for the media during the electoral campaign. In April of the same year the Media Experts Commission<sup>90</sup> was established, mandated to observe media coverage of elections and to ensure compliance with the Electoral Code of Conduct.<sup>91</sup> Furthermore, two country-wide, cross-ethnic broadcasters were created in 1996: the Free Elections Radio Network (FERN) and the Open Broadcast Network (OBN).

However, there was little strategic thinking and limited coordination concerning the implementation of actual projects and initiatives.<sup>92</sup> During this period, donors and international actors deployed their own respective strategies.<sup>93</sup> Media assistance policies were seen as reactive, contingent upon on-the-ground developments, rather than proactive or based on coherent strategies.<sup>94</sup> In many instances, donors and international actors were simply forced to work with those willing to cooperate and did not have reliable ways of assessing the effectiveness of their approaches.<sup>95</sup>

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<sup>86</sup> “The General Framework Agreement for Peace in Bosnia and Herzegovina: Annex 3,” Article 1.

<sup>87</sup> Hill, “Exploring USAID’s democracy promotion in Bosnia and Afghanistan,” p. 108; Johnson, “Model Interventions,” p. 102; Bajraktari and Hsu, “Developing Media in Stabilization and Reconstruction Operations,” p. 14; De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, pp. 6–7.

<sup>88</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 8.

<sup>89</sup> OSCE Mission in Bosnia and Herzegovina (Provisional Election Commission), Rules and Regulations: Decisions until July 16, 1996 (OSCE Mission in Bosnia and Herzegovina, July 16, 1996).

<sup>90</sup> The Media Experts Commission was headed by the OSCE Senior Advisor for Media Development, but it also included representatives and experts appointed by political parties, representatives of entity ministries of the interior, and representatives from the OHR, OSCE and IFOR. The Commission’s mandate expired a few weeks after the second post-war election in 1998.

<sup>91</sup> Media Experts Commission, *Final Report: Media in Elections*, pp. 10, 19.

<sup>92</sup> Tanya Domi, former chairperson of MEC and Director of Press and Public Information Office for OSCE from 1996 to 2000, interview for a PhD study by Nidžara Ahmetašević, February 18, 2012, Skype. Ahmetašević, “A House of Cards.”

<sup>93</sup> UNDP, *Supporting Public Service Broadcasting*, p. 20.

<sup>94</sup> Johnson, “Model Interventions,” p. 106.

<sup>95</sup> Julian Braithwaite, who acted as Political Adviser and Director of Communications at OHR in 2002, interview for a PhD study by Nidžara Ahmetašević, August 15, 2010, via Skype. Ahmetašević, “A House of Cards.”

Moreover, the key projects from this phase were rather provisional: some ceased to exist after several years, like the Media Experts Commission and FERN radio,<sup>96</sup> whereas others were abruptly abandoned by the donors, like the OBN (see section 4.3). At the same time, the reforms faced strong opposition by local political elites.

**Table 3.1.: Overview of key Peace Implementation Council decisions and declarations relevant for media reforms**

| Year          | Title                     | Content  |
|---------------|---------------------------|--|
| December 1995 | London meeting            | OHR called on to actively engage in media reform.  |
| April 1996    | Broadcast Media Statement | Need to create “independent TV network” for the whole country mentioned.   |
| May 1997      | Sintra Declaration        | Extensive powers given to OHR, including power “to curtail or suspend” any media network or program found to undermine the peace agreement.  |
| December 1997 | Bonn Declaration          | OHR powers extended to include: <ul style="list-style-type: none"> <li>- power to remove public officials who obstruct the peace from their public office;</li> <li>- power to impose laws when BIH legislatures fail to do so;</li> <li>- power to act in respect to the media.</li> </ul>  |
| June 1998     | Luxemburg Declaration     | Called for the creation of a single PSB system and prompted OHR to oversee complete transformation of existing public broadcasters.  |
| December 1998 | Madrid Declaration        | The Madrid Declaration called, <i>inter alia</i> , for: <ul style="list-style-type: none"> <li>- the reform of state-controlled broadcasters and the establishment of an independent PSB system for the whole country;</li> <li>- continued support to the independent regulator for broadcasting;</li> <li>- the introduction of a legislative framework on hate speech, libel and defamation;</li> <li>- the establishment of a self-regulatory mechanism for the press;</li> <li>- donor governments to continue supporting OBN and FERN</li> </ul> |

Source: OHR website<sup>97</sup>

<sup>96</sup> FERN continued to operate until funding stopped in 2001, whereupon it was merged with the PSB (De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 11); Bajraktari and Hsu “Developing Media in Stabilization and Reconstruction Operations,” p. 11.

<sup>97</sup> For full insight into Peace Implementation Council, Peace Implementation Council Decisions and Communiqués, Office of the High Representative.

The frustrating experience of international actors during the first few years resulted in a relatively quick change in the overall approach to media reforms. It became clear that there was a need for more comprehensive and long-term media reforms if those efforts were to yield any substantial results. The second phase (1998 – 2002) was marked by structural reforms focused on the creation of a robust legal and regulatory framework,<sup>98</sup> public service broadcasting reform, and “the creation of an independent, commercial alternative to the public broadcasting system.”<sup>99</sup> This phase was characterized by a more strategic approach combined with extensive use of OHR powers.<sup>100</sup> International actors coordinated the drafting of and imposed key media legislation. For example, the OHR suspended criminal prosecution of defamation and insult in 1999<sup>101</sup> and instructed political actors to adopt legislation on defamation.<sup>102</sup> The OHR also required<sup>103</sup> governments to adopt Freedom of Information Acts (FOIA), developed under the guidance of the OHR, the OSCE and international legal experts.<sup>104</sup> Moreover, after the Council of Ministers of BiH could not reach an agreement on the matter, the OHR imposed the Law on Communications in 2002,<sup>105</sup> creating the legal basis for regulating the broadcasting and telecommunications sectors.

Apart from legal reforms, OHR and other international actors concentrated on the creation of key institutions of the media system. In 1998, the OHR established the Independent Media Commission (IMC),<sup>106</sup> a regulatory body that was later

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<sup>98</sup> Hozić, “Democratizing Media, Welcoming Big Brother,” p. 149.

<sup>99</sup> Riley, “Painstaking Efforts - OHR Media Development Strategy In Post-Dayton BiH,” pp. 4-5.

<sup>100</sup> Ibid, p. 3; De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 8; UNDP, *Supporting Public Service Broadcasting*, p. 20; Johnson, “Model Interventions,” p. 108.

<sup>101</sup> High Representative for Bosnia and Herzegovina, Decisions on the restructuring of the Public Broadcasting System in BiH and on freedom of information and decriminalization of libel and defamation (Office of the High Representative, July, 30, 1999).

<sup>102</sup> The defamation legislation was developed by an advisory body consisting of local and international experts (including the OSCE and OHR), and in consultation with local actors. See: International Journalists Network (IJNET), “Draft defamation legislation announced for Bosnia-Herzegovina,” (IJNET, February 14, 2001)

<sup>103</sup> High Representative for Bosnia and Herzegovina, Decisions on the restructuring of the Public Broadcasting System in BiH and on freedom of information and decriminalization of libel and defamation.

<sup>104</sup> FOIA were adopted at state and entity levels between 2000 and 2002.

<sup>105</sup> Law on Communications of Bosnia and Herzegovina, [Zakon o komunikacijama BiH] Official Gazette of Bosnia and Herzegovina 31/03.

<sup>106</sup> High Representative for Bosnia and Herzegovina, Decision on the establishment of the Independent Media Commission (Office of the High Representative, June 11, 1998).



transformed<sup>107</sup> into the CRA (see section 4.1).<sup>108</sup> The same year, a process of transformation of government-controlled broadcasters into the PSB system also started (see section 4.2). Another important pillar of assistance was the creation of a self-regulation body for print media, the Press Council (see section 4.4).<sup>109</sup>

Finally, the third phase (from 2002 onwards) was characterized by a gradual decrease of direct international involvement in media reforms and a more significant role in that respect by local actors. For example, the CRA was fully transferred into local hands, while responsibility for PSB reform was given to local political leaders. The OHR stopped intervening in media legislation in line with the overall trend of reduced involvement of international actors in local policies.<sup>110</sup> This was coupled with a gradual decrease in available donor funds and ambitions. Donors mostly continued focusing on commercial and independent media outlets, albeit with reduced intensity.<sup>111</sup> The improvement of business management and the development of supporting institutions and professional organizations were seen as important elements of donor exit strategies as the focus shifted to the non-governmental sector.<sup>112</sup> This also coincided with the country's EU accession process and the emphasis that was placed by the EU on PSB reforms and on ensuring the independence of the CRA. The interventionist approach of the first two phases was replaced by conditionality mechanisms linked to EU accession.

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<sup>107</sup> High Representative for Bosnia and Herzegovina, Decision Combining the Competencies of the Independent Media Commission and the Telecommunications Regulatory Agency (Office of the High Representative: March 2, 2001).

<sup>108</sup> Open Society Institute, *Television across Europe: Regulation, Policy, and Independence – Monitoring Reports 2005*, Vol. 1 (Budapest: Open Society Institute/EU Monitoring and Advocacy Program, 2005), p. 276; Hans Bredow Institute for Media Research et al., *INDIREG Final Report: Indicators for independence and efficient functioning of audio-visual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive* (European Commission, February 2011), p. 176; Thompson and De Luce, “Escalating to Success? The Media Intervention in Bosnia and Herzegovina.”

<sup>109</sup> Chemonix, *Giving Citizens a Voice - Strengthening Independent Media in Bosnia and Herzegovina: Final Report* (Chemonix International Inc., 2006), p. 21.

<sup>110</sup> *Ibid*, pp. 25-26; Democracy International, *Bosnia-Herzegovina Democracy and Governance Assessment*, p. 19.

<sup>111</sup> Johnson, “Model Interventions,” pp. 110-134; IREX, ProMedia II/Bosnia and Herzegovina Program Report: Quarter 3, FY 2003, April 1 – June 30, 2003, Cooperative Agreement No. 168-A-00-99-00103-00 (IREX, July 31, 2003), p. 1; De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, pp. 5, 7; Democracy International, *Bosnia-Herzegovina Democracy and Governance Assessment*, p. 19; Chemonix, *Giving Citizens a Voice*, pp. 18-19, 25-26; Ellen Hume, *The Media Missionaries: American Support for Journalism Excellence and Press Freedom Around the Globe, A Report for the John S. and James L. Knight Foundation* (Miami: John S. and James L. Knight Foundation, 2004), pp. 37-38; Henderson, Kilalic and Kontic, *The Media Environment in Bosnia and Herzegovina*, pp. 12-15;

<sup>112</sup> Chemonix, *Giving Citizens a Voice*, pp. 21-22.

It appears that with the retreat of the OHR and reduced donations, the situation in the media sector started to deteriorate, especially after 2008.<sup>113</sup> At the same time, major recipients of donor support remained donor dependent,<sup>114</sup> while media outlets that benefited from donor support remained not much different from other commercial media.<sup>115</sup> Such a situation prompted some of the donors to return, most notably USAID.

In order to be able to better appreciate and understand the ambition, scope and complexity of media assistance efforts deployed, Table 3.2. below attempts to provide a schematic account of media assistance programs in BiH between 1996 and 2013.

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<sup>113</sup> IREX, *Media Sustainability Index 2005* (IREX, 2005); IREX, *Media Sustainability Index 2006* (IREX, 2006); IREX, *Media Sustainability Index 2007* (IREX, 2007); IREX, *Media Sustainability Index 2008* (IREX, 2008); IREX, *Media Sustainability Index 2009* (IREX, 2009); IREX, *Media Sustainability Index 2010*; IREX, *Media Sustainability Index 2011*; IREX, *Media Sustainability Index 2012*; IREX, *Media Sustainability Index 2013*.

<sup>114</sup> Chemonix, *Giving Citizens a Voice*, pp. 18-25; Democracy International, *Bosnia-Herzegovina Democracy and Governance Assessment*.

<sup>115</sup> Henderson, Kilalic and Kotic, *The Media Environment in Bosnia and Herzegovina*, pp. 14-15; Also see Johnson, "Model Interventions," p. 130.

**Table 3.2.: Overview of Media Assistance Efforts in Bosnia and Herzegovina (1996-2013)**

| ASSISTANCE GOALS   | TYPE OF ASSISTANCE ACCORDING TO PHASES AND ASSISTANCE GOALS  |   |   |
|--|--|---|---|
|  | Phase 1: 1996 – 1998 (Peace-Building, Liberalization and Pluralization of Media Sector)  | Phase 2: 1998 – 2002 (Structural Reforms)   | Phase 3: 2002 – 2013 (Stabilization Efforts)  |
| Eliminating war-mongering propaganda and pacifying the media discourse   | <ul style="list-style-type: none"> <li>- Establishing legal basis for media intervention</li> <li>- Using military power to stop war-mongering propaganda</li> <li>- Helping distribution of papers/magazines across ethnic lines</li> </ul>   | <ul style="list-style-type: none"> <li>- Not relevant</li> </ul>  | <ul style="list-style-type: none"> <li>- Not relevant</li> </ul>  |
| Supporting media pluralism and independent media                         | <ul style="list-style-type: none"> <li>- Establishing new independent media</li> <li>- Capacity building of existing media</li> <li>- Enabling country-wide distribution and reach</li> <li>- Supporting production of programs/content</li> <li>- Extensive support to independent media</li> <li>- Tendency towards donor-dependence</li> <li>- Absence of coherent donor strategy</li> <li>- Creation of cross-ethnic broadcasters OBN, FERN</li> </ul> | <ul style="list-style-type: none"> <li>- Consolidation of broadcasting sector</li> <li>- Continuous support to independent outlets (purchasing equipment, production of programs, etc)</li> <li>- Creation of commercial TV network Mreža plus</li> <li>- Support to NGOs linked to media industry</li> </ul> | <ul style="list-style-type: none"> <li>- Focus on business management</li> <li>- Reducing the number of aid recipients</li> <li>- Issue-specific support through funding of content production</li> <li>- Funding capacity building of media</li> <li>- Funding production of programming</li> <li>- Support to online media</li> <li>- Support to NGOs linked to media industry</li> </ul> |
| Introduction of legal and regulatory framework                           | <ul style="list-style-type: none"> <li>- Ad-hoc rules and institutions set up, linked to elections and crisis mitigation</li> <li>- Absence of coherent strategy</li> <li>- Creation of Rules and Regulations Regarding the Media Coverage of Elections</li> <li>- Media Experts Commission established</li> </ul>   | <ul style="list-style-type: none"> <li>- Introduction of legal framework, number of key laws drafted and imposed by international community</li> <li>- Creation of IMC, later CRA</li> <li>- Enforcing CRA rules</li> </ul>   | <ul style="list-style-type: none"> <li>- Continuing support to CRA</li> <li>- Direct intervention into legal framework stopped</li> <li>- EU conditionality takes prominence</li> </ul>   |
| Reform of state-controlled broadcasters into Public Service Broadcasters | <ul style="list-style-type: none"> <li>- Issue largely ignored</li> <li>- Attempts to prevent their negative impact and open them to opposition voices</li> <li>- Antagonistic relationship between international actors and government controlled broadcasters</li> <li>- Forceful start of reforms by use of military power (case of Republika Srpska broadcaster)</li> </ul>  | <ul style="list-style-type: none"> <li>- Focus on PSB reform</li> <li>- Capacity building for PSB</li> <li>- Legislative reforms</li> <li>- Highly interventionist approach, top-down reforms imposed by OHR</li> <li>- External experts lead reforms</li> </ul>  | <ul style="list-style-type: none"> <li>- Hands-off approach</li> <li>- Improving legal framework through EU conditionality</li> </ul>   |
| Supporting the professionalization of journalism                         | <ul style="list-style-type: none"> <li>- Issue largely ignored</li> <li>- Primarily addressed through trainings of journalists</li> <li>- Support to independent associations of journalists</li> </ul>  | <ul style="list-style-type: none"> <li>- Intensive focus on self-regulation and the creation of the Press Council</li> <li>- Supporting professional associations</li> </ul>  | <ul style="list-style-type: none"> <li>- Continuous support to Press Council</li> <li>- Support to journalists' associations</li> </ul>   |
| Supporting civil society organizations in the media sector               | <ul style="list-style-type: none"> <li>- Support to media-related NGOs</li> <li>- Support to media training centers</li> </ul>   | <ul style="list-style-type: none"> <li>- Continuing support to media-related NGOs</li> <li>- Supporting investigative reporting centers and initiatives</li> <li>- Supporting training centers</li> </ul>   | <ul style="list-style-type: none"> <li>- Focus on financial sustainability and management of NGOs</li> <li>- Local NGOs promoted to partners in media assistance programs</li> </ul>  |

### 3.3 Local Resistance to Reforms and the Absence of Cooperation

One constant characteristic of media reforms in BiH is the continuous resistance of the local political elite to the media assistance efforts of international actors. Local elites were not willing to easily relinquish their control, systematically obstructing efforts of international actors aimed at the liberalization of the media sector.<sup>116</sup> As a result, reforms were slow and often disrupted. For example, the first post-war elections were not held in a free and fair environment due to the negative treatment of opposition parties by mainstream media<sup>117</sup> as they ignored the Media Experts Commission during the 1996 election campaign.<sup>118</sup> At the same time, political elites obstructed the work of FERN and OBN, so that these broadcasters were able to begin broadcasting only a few days before the 1996 elections. It was only under the threat of OHR sanctions<sup>119</sup> that media and political actors started to respect the introduced rules.<sup>120</sup> However, the resistance continued, so that in the early 2000s the OHR was forced to impose fundamental legal reforms, such as the Freedom of Access to Information Law in Federation BiH, the Law on Communication at the state level, and the PSB legislation. Such efforts, pushed forward by international actors, were “most efficient when these institutions together maintained consistent positions and fidelity to standards, thus counteracting resistance that has taken the form of dividing and confusing the international community.”<sup>121</sup>

To a certain extent international actors attempted to establish cooperation with local politicians and the media community, albeit with limited success. For example, the drafting of the various media laws supervised by OSCE also included broader consultation with the media community, experts, local political representatives, and civil society<sup>122</sup> as well as education activities to introduce media professionals,

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<sup>116</sup> Riley, “Painstaking Efforts - OHR Media Development Strategy In Post-Dayton BiH,” p. 2.

<sup>117</sup> Wheeler, *Monitoring the Media*.

<sup>118</sup> Society Institute, *Television across Europe*, p. 285.

<sup>119</sup> David Chandler, *Bosnia: Faking Democracy After Dayton - Second edition* (London: Pluto Press, Second edition, 2000), pp. 116.

<sup>120</sup> Mirjana Popovic, “Covering Bosnia and Herzegovina, Media Reform,” in *10 years of OSCE Mission in Bosnia and Herzegovina 1995 – 2005* (Sarajevo: OSCE), pp. 125 – 133.

<sup>121</sup> Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*, p. 28; Also see Krishna Kumar, *USAID’s Media Assistance Policy and Programmatic Lessons: PPC Evaluation Working Paper No. 16* (USAID Office of Development Evaluation and Information (DEI), Bureau for Policy and Program Coordination, 2004), p. xi; Krishna Kumar, “International Assistance to Promote Independent Media in Transition and Post-conflict Societies,” *Democratization* 13, no. 4, August 2006, p. 663; Also see Johnson, “Model Interventions,” pp. 110-111.

<sup>122</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. VIII.

lawyers and judges to the new laws.<sup>123</sup> However, according to some local sources, consultation with the local media community took place only after the laws were already drafted by international experts.<sup>124</sup> Often, mutual distrust prevented more meaningful cooperation between international consultants and local media professionals.<sup>125</sup> In many cases, international consultants merely dismissed local journalists and media professionals as incompetent or politically biased.<sup>126</sup> In the case of PSB reform, cooperation among stakeholders was only partial as well. According to De Luce, “the OHR sought only limited consultation with the public, other official entities (including the United States), the CRA, and the private broadcasters’ associations.”<sup>127</sup>

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<sup>123</sup> Ibid, pp. 8-9; Johnson, “Model Interventions,” p. 108.

<sup>124</sup> Mehmed Halilovic, former Editor-in-Chief of *Oslobođenje* Daily; former Deputy of the Ombudsman of FBiH for the media; currently Legal Expert at Internews BiH; interview for a PhD study by Nidžara Ahmetašević, April 25, 2012, Sarajevo. Ahmetašević, “A House of Cards.”

<sup>125</sup> Interview with Boro Kontić, Director, Mediacentar Sarajevo, August 28, 2013.

<sup>126</sup> Hozić, “Democratizing Media, Welcoming Big Brother,” pp. 149-150; Kurspahić, *Prime Time Crime*.

<sup>127</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, pp. 10-11.

## 4.

# Case Studies

This section looks at media assistance efforts directed at four institutions: the CRA; the PSB system; the independent TV network OBN; and the Press Council. Due to their different roles and modes of operation, these four institutions have faced numerous but often different challenges since their inception. Each institution received substantial international assistance, but the deployed approaches and the results of assistance varied significantly as well. The following case studies will try to provide a deeper look into the nature of the transformation of these institutions and the role international assistance had in those processes.

### 4.1 Communications Regulatory Agency (CRA)

The independent regulatory body for broadcasters in BiH was created after international actors realized that there was a need to have a strong regulator capable of enforcing broadcasting regulation.<sup>128</sup> Consequently, the Peace Implementation Council called for the creation of such a body<sup>129</sup> and in June 1998 the OHR established the IMC,<sup>130</sup> partly modeled on the US Federal Communications Commission (FCC).<sup>131</sup> It was tasked to manage the frequency spectrum, issue broadcasting licenses, introduce and enforce rules for broadcasters, engage in policy-setting and policy implementation, and deal with complaints. It was vested with significant powers and could “enlist the support and assistance of all law enforcement agencies” and of peace implementation troops if necessary.<sup>132</sup> In 2001 the IMC and the Telecommunications Regulatory Agency were merged by

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<sup>128</sup> Katrin Nyman-Metcalf, Swedish law scholar. In Bosnia she was engaged as media expert on several projects including IMC and CRA; email correspondence for a PhD study by Nidžara Ahmetašević, January 21, 2010, on file with the authors. Ahmetašević, “A House of Cards.”

<sup>129</sup> Peace Implementation Council, Peace Implementation Council Bonn Declaration 1997, Office of the High Representative.

<sup>130</sup> High Representative for Bosnia and Herzegovina, Decision on the establishment of the Independent Media Commission.

<sup>131</sup> Krister Thelin, former Independent Media Commission director, interview for a PhD study by Nidžara Ahmetašević, August 30, 2012, Sarajevo. Ahmetašević, “A House of Cards.”

<sup>132</sup> Ibid.

another OHR decision<sup>133</sup> into a converged regulator – the CRA – in charge of both the broadcasting and telecommunications sector.<sup>134</sup> Its enforcement measures include monitoring and information collection powers, oral and written warnings, inspections, financial penalties, and the revocation of a license.<sup>135</sup>

The CRA's legal status was formally defined by the Law on Communications,<sup>136</sup> imposed by an OHR decision.<sup>137</sup> The Law, which complies with the highest international standards,<sup>138</sup> provides strong guarantees for the agency's formal independence from external interference in decision-making, and ensures its financial sustainability.<sup>139</sup> The law was also supposed to create the formal precondition for CRA's transition from an internationally managed institution to a regulatory agency integrated in the local legal and institutional framework – a somewhat paradoxical situation since the law was externally imposed amidst the local failure to adopt it.

The agency's creation and operations mandated approximately 19 million US dollars in donor support between 1998 and 2003.<sup>140</sup> The EU was a major donor to the regulator, while USAID provided assistance targeting its “outreach capacity, financial viability, and independence.”<sup>141</sup> In its initial phase, the agency was fully donor-dependent, but its financial sustainability was secured after 2003 and the introduction of the Law on Communication, ensuring its budget from fees collected by issuing telecommunications and broadcasting licenses.

The IMC was placed under interim international supervision. Initially, its managing directors were internationals appointed by the OHR, while its executive bodies included local and international representatives.<sup>142</sup> In 2003, with the transformation

<sup>133</sup> High Representative for Bosnia and Herzegovina, Decision Combining the Competencies of the Independent Media Commission and the Telecommunications Regulatory Agency.

<sup>134</sup> Open Society Institute, *Television across Europe*, p. 276; Hans Bredow Institute for Media Research et al., *INDIREG Final Report*, p. 176; Thompson and De Luce, “Escalating to Success? The Media Intervention in Bosnia and Herzegovina.”

<sup>135</sup> “Law on Communications of BiH,” *Official Gazette of BiH* 31/03, Article 46; Also see Open Society Institute, *Television across Europe*, p. 276; Hans Bredow Institute for Media Research et al., *INDIREG Final Report*, p. 176; Thompson and De Luce “Escalating to Success? The Media Intervention in Bosnia and Herzegovina”; UNDP, *Supporting Public Service Broadcasting*, pp. 20.

<sup>136</sup> “Law on Communications of BiH,” *Official Gazette of BiH* 31/03.

<sup>137</sup> High Representative for Bosnia and Herzegovina, Decision Enacting the Law on Communications of Bosnia and Herzegovina (Office of the High Representative, October 21, 2002).

<sup>138</sup> Council of Europe, Committee of Ministers, Recommendation R(2000) 23 (Committee of Ministers, December 20, 2000).

<sup>139</sup> “Law on Communications of BiH,” Article 44.

<sup>140</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 8.

<sup>141</sup> Chemonix, *Giving Citizens a Voice*, pp. 22.

<sup>142</sup> See for example Ahmetašević, “A House of Cards.”

of the IMC to the CRA, the first local managing director was appointed, while the agency's core units had been run by local staff for several years by then. The uniqueness of the agency was that the local experts started to take on leading positions fairly early.<sup>143</sup> Although international staff had key positions during the first years and the IMC worked closely with the OHR and its advisers, the policy was to involve local experts and executive deputies from the very beginning.

Moreover, efforts were made to include external experts, relevant ministry representatives, media industry, and other international organizations in the drafting of regulations and the making of policy decisions.<sup>144</sup>

Given the challenging context, a relatively high level of coordination among key international actors and donors in terms of both their financial and their political support to the agency was necessary.<sup>145</sup> The support was quite comprehensive and intensive until the introduction of the Law on Communications in 2003 and the formal integration of the agency into the local institutional framework. Various forms of support continue even in 2013, albeit with significantly lower intensity.<sup>146</sup> Overall, the international community displays continuous commitment to the CRA in order "to reinforce CRA's financial and functional independence."<sup>147</sup>

Apart from financial support, the agency has benefited from international scrutiny in light of continuous attempts to limit its independence – the OHR has intervened several times to ensure its independence from government interference. There is continuous monitoring of the level of independence of the CRA by various organizations such as the OSCE, the Council of Europe, and the European Commission, which regularly issue warnings and protest letters to the

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<sup>143</sup> Dunja Mijatovic, former IMC /CRA Director of Broadcasting, currently OSCE Representative for the Freedom of the Media, interview for a PhD study by Nidžara Ahmetašević, March 13, 2012, Vienna. Ahmetašević, "A House of Cards."

<sup>144</sup> Katrin Nyman Metcalf, Swedish law scholar. In Bosnia she was engaged as media expert on several projects including IMC and CRA, email correspondence for a PhD study by Nidžara Ahmetašević, January 21, 2010, on file with the authors. Ahmetašević, "A House of Cards."

<sup>145</sup> Interview with Helena Mandić, Deputy Director for the Broadcasting Section (CRA), September 13, 2013; Also Krister Thelin, former Independent Media Commission director, interview for a PhD study by Nidžara Ahmetašević, August 30, 2012, Sarajevo. Also Katrin Nyman Metcalf, Swedish law scholar. In Bosnia she was engaged as media expert on several projects including IMC and CRA, Email interview for a PhD study by Nidžara Ahmetašević, January 21, 2010, on file with the authors. Ahmetašević, "A House of Cards."

<sup>146</sup> For example, in 2010 and 2011, the CRA received technical assistance in the amount of EUR 960,000 in order to harmonize regulation in the field of communications with EU rules. See: European Commission, *Mapping EU Media Support 2000-2010*, p. 35.

<sup>147</sup> Radenko Udovičić, "Bosnia-Herzegovina," in *The Media in South-East Europe: A Comparative Media Law and Policy Study*, edited by Beate Martin, Alexander Scheuer and Christian Bron (Conducted on behalf of the Friedrich Ebert Foundation, Berlin – Regional Project Dialogue South-East Europe By the Institute of European Media Law e.V. (EMR), Saarbrücken/Brussels, with the assistance of national experts from the countries concerned, 2011), p. 51.



Council of Ministers.<sup>148</sup> However, in recent years not much has been done beyond issuing press releases and protest letters, and it seems that the CRA is not high on the agenda of key international actors these days.<sup>149</sup>

The introduction of an independent regulatory body in BiH is widely believed to be “the international community’s greatest achievement in media development efforts.”<sup>150</sup> It successfully introduced a regulatory framework for broadcasting and established order into the communications sector by issuing licenses. Additionally, the agency was a key factor that contributed to the significant improvement in the overall quality of radio and TV programs in the country – the journalistic standards in broadcasting improved, the hate speech and war-mongering propaganda was eliminated, and the access to airwaves was granted to voices and organizations from across the political spectrum.

However, the prospects of the CRA depend on a delicate balance in an intense power struggle between local decision-makers, international actors, and the agency itself. The introduction of an independent regulatory agency was not without resistance. At the beginning, the IMC was especially opposed by Republika Srpska authorities, who were against the introduction of any state-level institutions that would take away entity competences.<sup>151</sup> The CRA has continued to be exposed to pressures from various sides ever since. Pressures primarily come from governments and legislative bodies at state and entity levels, but occasionally also from media outlets affiliated with political parties. Threats to the agency’s independence and obstacles to its functioning have a negative influence on its administrative and policy-making capacity.<sup>152</sup>

Given the fact that the Law on Communication was imposed,<sup>153</sup> it does not come as surprise that after the CRA was placed in local hands a number of legal initiatives

<sup>148</sup> European Commission, *Bosnia and Herzegovina 2009 Progress Report* (Brussels: European Commission, November 9, 2009); European Commission, *Bosnia and Herzegovina 2010 Progress Report*; European Commission, *Bosnia and Herzegovina 2011 Progress Report*.

<sup>149</sup> Interview with Helena Mandić, September 13, 2013.

<sup>150</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. VIII; Also see Johnson, “Model Interventions,” p. 121.

<sup>151</sup> Tanja Topić, “Electronic Media: Regulation Efforts in Semi-Protectorate.” in *Peace Building and Civil Society in Bosnia - Ten Years After Dayton*, ed. Martina Fischer (Münster: Lit Verlag, 2006), pp. 157-184; This is also confirmed by Katrin Nyman Metcalf, Swedish law scholar. In Bosnia she was engaged as media expert on several projects including IMC and CRA. Email interview for a PhD study by Nidžara Ahmetašević, January 21, 2010, on file with the authors. Ahmetašević, “A House of Cards.”

<sup>152</sup> European Commission, *Bosnia and Herzegovina 2009 Progress Report*, p. 52; Interview with Helena Mandić, September 13, 2013.

<sup>153</sup> For some of the limitations of the law, see recent review by Barbora Bukovska, *Bosnia and Herzegovina: Legislative Framework on the Communications Regulatory Agency* (Article 19, OSCE Representative on Freedom of the Media, September 2012).

eroded its formal independence.<sup>154</sup> New legal provisions are frequently in conflict with the Law on Communications. Such a situation is a typical example of what Zielonka and Mancini call “floating laws and procedures,”<sup>155</sup> with legal documents being changed frequently due to short-term political and other interests, often resulting in conflicting legal arrangements, legal uncertainty, and regulatory chaos. According to former CRA Director of Broadcasting, Dunja Mijatović, pressures were continuous, and laws were changed or introduced overnight to place the agency under political control.<sup>156</sup>

Moreover, existing legal procedures pertaining to the financial and decision-making independence of the agency are often undermined. For example, legal nomination and appointment procedures for the CRA Director General and Council members were largely ignored by the BiH government and parliament. A Director General has not been appointed since 2007, with the incumbent Director General acting in a technical mandate. Similarly, after the statutory term of the CRA Council members expired in 2009, the Council of Ministers and the Parliament of BiH failed to appoint new members. The CRA Council continued to operate in a technical mandate for several years.<sup>157</sup> Moreover, the agency has also faced significant financial pressures from the Council of Ministers. The OHR intervened in 2002, issuing a decision<sup>158</sup> to ensure that the agency had the necessary funds for its uninterrupted operation. However, the pressures continued, so that the “CRA is in a constant struggle to resist various forms of political and economic coercion”<sup>159</sup> all of which “aims to reduce the credibility of the agency and enable political parties to

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<sup>154</sup> Hans Bredow Institute for Media Research et al., *INDIREG Final Report*, pp. 300-301.

<sup>155</sup> Zielonka and Mancini, “Executive Summary,” p. 6.

<sup>156</sup> Dunja Mijatovic, interview for a PhD study by Nidžara Ahmetašević, March 13, 2012, Vienna. Ahmetašević, “A House of Cards.”; Also see: Bukovska Barbara, *Bosnia and Herzegovina*.

<sup>157</sup> Mehmed Halilović, *Disciplining Independent Regulators: Political Pressures on the Communications Regulatory Agency of Bosnia and Herzegovina*. (Puls demokratije / Puls of Democracy, 10 July, 2008); Hans Bredow Institute for Media Research et al., *INDIREG Final Report*, pp. 177-178; European Commission, *Bosnia and Herzegovina 2009 Progress Report*; European Commission, *Bosnia and Herzegovina 2011 Progress Report*, p. 16; European Commission, *Bosnia and Herzegovina 2010 Progress Report*, p. 51.

<sup>158</sup> See Johnson, “Model Interventions,” p. 121; Open Society Institute, *Television across Europe*, pp. 280-281. High Representative for Bosnia and Herzegovina, Decision Amending the Structures of Expenditures of the Communications Regulatory Agency for 2002 (Office of the High Representative, December 2, 2002).

<sup>159</sup> Johnson, “Model Interventions,” p. 121.

take control over the media.”<sup>160</sup> Given the extent of political pressures on the CRA, the prospects for maintaining its independent status are rather bleak.<sup>161</sup>

To sum up, the case of the CRA demonstrates the importance of a strategic, long-term approach to institution building. It also shows the importance of a clear and realistic institutional mandate and expectations (ie. a clear focus on the regulation of broadcasting), coupled with adequate resources and the mechanisms necessary for its operation (ie. extensive powers given to CRA). We can also note how vital the role of prolonged international scrutiny can be in the face of local resistance. Another important aspect is the internal institutional support for the adoption of the institutional model, which might be linked to the strong ‘internal culture of independence’ manifested in the professional integrity of the CRA staff, and the transparency and accountability of the agency in its decision-making.<sup>162</sup> This last point probably has something to do with early ‘localization’ of senior managerial functions in the agency, as well as the fact that the CRA was established from the ground up, without inheriting the institutional culture of any predecessor, thus avoiding any substantial internal resistance. However, this case also shows how difficult it is to impose an institutional model amidst opposition from the local political elite and then to ensure its sustainable integration into the local institutional and political context in the long run<sup>163</sup>.

## 4.2 Public Service Broadcasting

Between 1998 and 2002, the two government-controlled entity broadcasters – the Radio-Television of Federation BiH (RTVFBiH) and the Radio-Television of Republika Srpska (RTRS) – were pressed by OHR to become public service broadcasters. A third, state-wide, cross-ethnic public service broadcaster, the Bosnia-Herzegovina Radio and Television (BHRT), was established. The three broadcasters were ambitiously supposed to establish a joint public service broadcasting system, to closely cooperate in the production of programs, to manage assets and share advertising revenues and collect the subscription fee through a Joint Corporation – a new organizational unit that would facilitate cooperation among the three broadcasters, coordinate the activities within the system, manage the equipment and the transmission network, and be in charge of sales and advertising (see Figure 1).

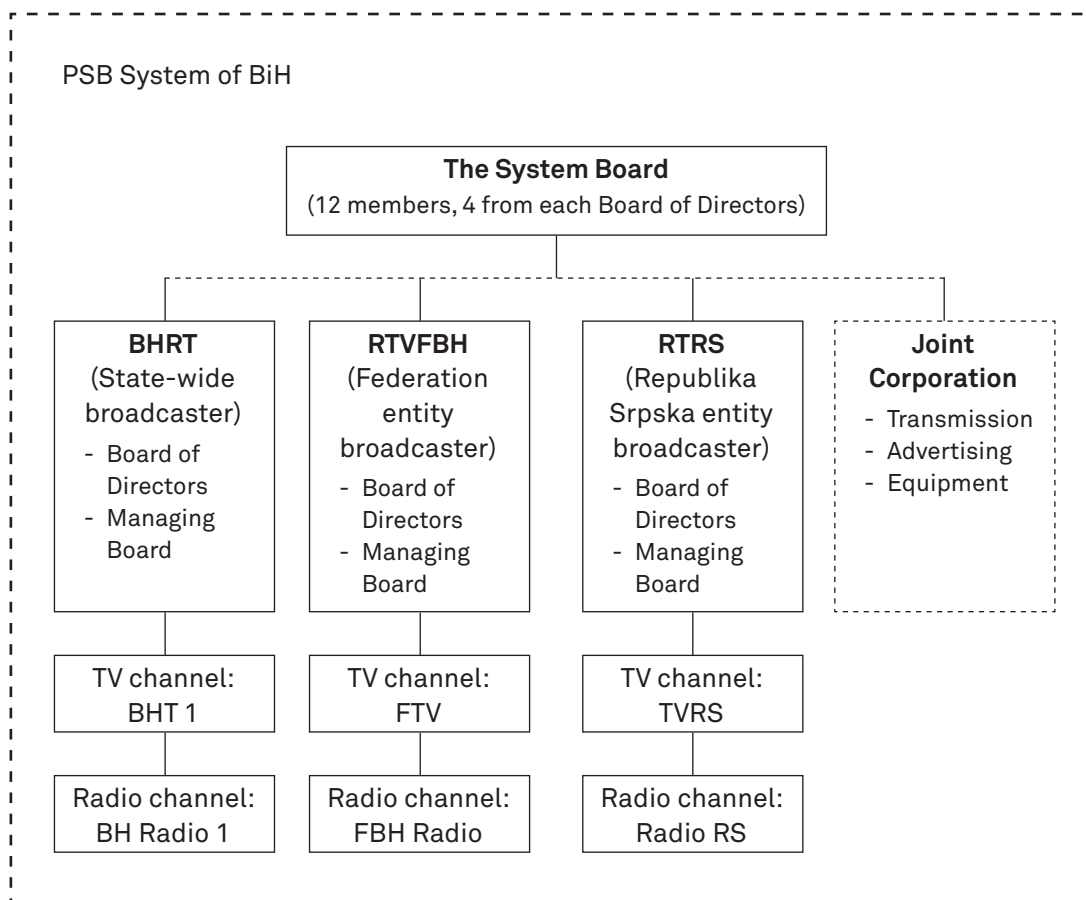
<sup>160</sup> Dunja Mijatovic, interview for a PhD study by Nidžara Ahmetašević, March 13, 2012, Vienna. Ahmetašević, “A House of Cards.”; Also see European Commission, *Bosnia and Herzegovina 2012 Progress Report*, p. 17.

<sup>161</sup> Interview with Helena Mandić, September 13, 2013.

<sup>162</sup> Hans Bredow Institute for the Media et al., *INDIREG Final Report*.

<sup>163</sup> Interview with Helena Mandić, September 13, 2013.

**Figure 4.1.: The Organization of the Public Service Broadcasting System of BiH**



This model was proposed by international consultants,<sup>164</sup> inspired by the BBC, which operates according to a similar concept: The system rests on an internal market among PSB units, where all the services would be purchased between the units, thus making the production more cost-effective and the system more accountable.<sup>165</sup> The consultants produced a reconstruction plan which was adopted by the management of the PSB System in 2004. The plan was subsequently used as a blueprint for the future adjustments of the PSB legal framework.<sup>166</sup>

The goal of the reform was to reduce the nationalist grip on government-controlled entity broadcasters and to create a third TV channel that would represent the country

<sup>164</sup> A BBC consultancy team was established in 2002 in order to facilitate the restructuring process, and was tasked to navigate the reform in cooperation with the management. The team was funded by DFID in the amount of 2 million pounds (see De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 10).

<sup>165</sup> Daniel Lindvall, *The Public Broadcasting Reform – A reflection of the Bosnian dilemma* (Unpublished Draft Paper, November 24, 2005), pp. 3–4.

<sup>166</sup> BBC plan rekonstrukcije za Javni RTV sistem u Bosni i Hercegovini [BBC Plan of Reconstruction for the Public Broadcasting System in Bosnia and Herzegovina], on file with the author.

as a whole and, thus performing a strong integrative function in the ethnically and territorially divided society. In the view of international actors, the state-wide broadcaster “would serve to bring together the two Entities for the common good of the entire country”<sup>167</sup> and would thus “function as a national information source and thereby support the emergence of a Bosnian civic identity.”<sup>168</sup> Another goal was to create a functional and sustainable PSB system that would serve all citizens, and would not be politically instrumentalized. Given the nature of these ambitious goals, it is not surprising that the continuous characteristic of the PSB reform process was strong resistance by the local ruling political elite which tried to maintain its grip on public broadcasters.<sup>169</sup>

The reform of public service broadcasters started by a rather dramatic act of direct international intervention with the help of NATO-led military forces: On October 1, 1997, under the instruction of the OHR, peacekeeping troops took control over the transmitters of the Republika Srpska entity broadcaster.<sup>170</sup> The broadcaster had increasingly taken an antagonistic stand towards the international community and labeled NATO-led peace implementation forces as an occupation army, thus directly endangering the peace implementation process.<sup>171</sup>

This demonstration of force opened up the path to the reform of government controlled broadcasters and the creation of a public service broadcasting system. The “international community, particularly European donors and the European Commission as well as the OHR, was fervent in its support for the development of PSB, especially for the creation of a state-wide public service broadcaster.”<sup>172</sup>

OHR tried to obtain support for PSB reform from local political elites, albeit with limited success. In 1998, the OHR negotiated a memorandum of understanding with the members of the three-partite Presidency of BiH, outlining the path for the creation of the state-wide PSB system.<sup>173</sup> However, the memorandum was accepted by Bosniak and Croat parties in Federation BiH while Republika Srpska

<sup>167</sup> UNDP, *Supporting Public Service Broadcasting*, p. 18.

<sup>168</sup> Johnson, “Model Interventions,” pp. 130-131.

<sup>169</sup> Hozić, “Democratizing Media, Welcoming Big Brother,” p. 152-153.

<sup>170</sup> Monroe E. Price, Beata Rozumilowicz, Stefaan G. Verhulst, eds., *Media Reform: Democratizing the Media, Democratizing the State*. London: Routledge, 2002), p. 98; Interview with Chris Riley, January 2011; Riley, “Painstaking Efforts - OHR Media Development Strategy In Post-Dayton BiH,”; Associated Press, “U.S. send Electronic Warfare Planes to Bosnia,” *The New York Times*, September 12, 1997.

<sup>171</sup> Kurspahić, *Prime Time Crime*, pp. 164-173.

<sup>172</sup> Johnson, “Model Interventions,” pp. 130-131.

<sup>173</sup> The entire Memorandum was printed in *Novosti u medijima*, No. 7, available at <http://www.mediaonline.ba/ba/arhiva/arhiva/pdf/1998/mnbr07bh.pdf> (Accessed on December 13, 2012).

leadership refused to support it.<sup>174</sup> At the same time, under the supervision of the OHR, leading Bosniak and Croat parties established a transitional commission for the restructuring of the Federation entity broadcaster, while international experts proposed draft laws for its transformation.<sup>175</sup>

Nevertheless, in spite of the formal agreements, all efforts to obtain substantial local support for the introduction of a genuine PSB system were in vain, and no progress was possible. The OHR took an active role and issued a number of decisions between 1999 and 2002 that effectively changed the legal status of existing entity broadcasters, and created the legal framework for a new public service broadcasting system amidst local resistance (see Table 4.1.).

Moreover, an international supervisor was appointed for the Republika Srpska TV network. The supervisor was active until 1999, when the OHR imposed the amendments to the Law on the Radio TV Republika Srpska.<sup>176</sup> The OHR also appointed an international transfer agent, later renamed the Broadcasting Agent of the High Representative,<sup>177</sup> tasked to oversee the process of the creation of the public service broadcasting system.<sup>178</sup>

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<sup>174</sup> Thompson and De Luce, "Escalating to Success? The Media Intervention in Bosnia and Herzegovina," p. 220; Lindvall, *The Public Broadcasting Reform*, pp. 2.

<sup>175</sup> "Federalna a ne drzavna" [The Federal and not the State Broadcaster], *Oslobođenje*, February 1, 1998, p. 5.

<sup>176</sup> High Representative for Bosnia and Herzegovina, Decision amending the Law on Radio-Television of the RS (Office of the High Representative, September 1, 1999); Also see Lindvall, *The Public Broadcasting Reform*, pp. 1-2.

<sup>177</sup> High Representative for Bosnia and Herzegovina, Second Decision on Restructuring the Public Broadcasting System in BiH, (Office of the High Representative, October 23, 2000); Also see: Nermin Čengić, "Zemljotres u Sivom domu" [Earthquake in the Grey House], *Dani*, no. 171, September 8, 2000; Emir Suljagić, "Izvan kontrole" [Out of Control], *Dani*, no. 175, October 6, 2000; Ahmetasević, Ahmetašević, "A House of Cards," p. 146.

<sup>178</sup> High Representative for Bosnia and Herzegovina, Decision on the appointment of the Transfer Agent and the Expert Team for the establishing of public service broadcasting Office of the High Representative, April 15, 2000).

**Table 4.1.: International Decisions and Actions Regarding PSB Reform**

| Year              | Action   |
|-------------------|--|
| October 1997      | OHR and NATO take control over transmitters of Republika Srpska public broadcasting network.   |
| 1998-1999         | International supervisor appointed by OHR for the Republika Srpska network.  |
| July 30, 1999     | OHR Decisions on the restructuring of the Public Broadcasting System in BiH and on freedom of information and decriminalization of libel and defamation <sup>179</sup> |
| September 1, 1999 | OHR Decision amending the Law on Radio-Television of the RS <sup>180</sup>   |
| December 6, 1999  | OHR Decision on the implementation of the Law on Radio-Television of the Federation  |
| 2000              | IMC suspends illegal operations of EROTEL. <sup>181</sup>  |
| March 3, 2000     | OHR Decision amending the Law on Radio-Television of the RS  |
| March 16, 2000    | OHR Decision amending the decision on Public Radio-Television of BiH   |
| April 15, 2000    | OHR Decision on the appointment of the Transfer Agent and the Expert Team for the establishment of public service broadcasting   |
| July 27, 2000     | OHR Decision on the appointment of the Board of Governors of Radio-Television of the RS  |
| October 23, 2000  | OHR Second Decision on restructuring the Public Broadcasting System in BiH <sup>182</sup>  |
| May 23, 2002      | OHR Decision Imposing the Law on the Basis of the Public Broadcasting System and on the Public Broadcasting Service of Bosnia and Herzegovina <sup>183</sup>           |
| May 24, 2002      | OHR Decision Imposing the Law on Radio-Television of the Federation of Bosnia and Herzegovina  |

<sup>179</sup> High Representative for Bosnia and Herzegovina, Decisions on the restructuring of the Public Service Broadcasting System in BiH and on freedom of information and decriminalization of libel and defamation.

<sup>180</sup> High Representative for Bosnia and Herzegovina, Decision amending the Law on Radio-Television of the RS.

<sup>181</sup> The nationalist Croat ruling party operated an illegal TV network EROTEL TV that rebroadcasted programs of the Croatian Radio and Television from neighboring Croatia to parts of the Federation with a majority Croat population. At the beginning of 2000, with the support of OHR, the illegal operations of EROTEL were terminated. Source: Daniel Lindvall, *The Public Broadcasting Reform*, p. 2.

<sup>182</sup> High Representative for Bosnia and Herzegovina, Second Decision on restructuring the Public Broadcasting System in BiH.

<sup>183</sup> High Representative for Bosnia and Herzegovina, Decision Imposing the Law on the Basis of the Public Broadcasting System and on the Public Broadcasting Service of Bosnia and Herzegovina (Office of the High Representative, May 23, 2002); "Law on the Basis of Public Broadcasting System and Public Broadcasting Service of Bosnia and Herzegovina," *Official Gazette of BiH* 29/02.

| Year         | Action   |
|--------------|--|
| May 24, 2002 | OHR Decision Imposing the Law on Radio-Television of Republika Srpska <sup>184</sup>   |
| May 24, 2002 | OHR Decision on the Liquidation Procedure to be Applied in the Winding-Up of the Public Enterprise Radio and Television of Bosnia and Herzegovina <sup>185</sup> |
| 2002         | BBC consultancy team established to facilitate the restructuring process.  |
| 2003         | European Commission takes lead role in PSB reform, OHR retreats from the process; EU conditionality used as a strategy rather than direct intervention by OHR.   |
| April 2004   | BBC consultancy team produces reconstruction plan, adopted by the management of the PSB system and used as blueprint for future adjustments of legal framework.  |
| 2005         | Changes to the PSB legal framework introduced as a condition for signing the Stabilization and Association Agreement (SAA) between EU and BiH.                   |

From 2003 on, the European Commission began to play an increasingly important role in PSB reform, while the OHR's involvement was significantly reduced as "the reform of the public broadcasting service system was incorporated in the feasibility study of the European Commission and would thus become a condition in the EU integration process. Thereby the BiH authorities had to take ownership of the reform and the High Representative would no longer be able to impose any decisions."<sup>186</sup> Consequently, in accordance with EU requirements,<sup>187</sup> the PSB legislation was adjusted<sup>188</sup> albeit with continuous resistance from local stakeholders.

<sup>184</sup> High Representative for Bosnia and Herzegovina, Decision Imposing the Law on Radio-Television of Republika Srpska (Office of the High Representative, May 24, 2002); "Law on Radio and Television of Republika Srpska" [Zakon o Radio-Televiziji Republike Srpske], *Official Gazette of RS* 22/03.

<sup>185</sup> High Representative for Bosnia and Herzegovina, Decision on the Liquidation Procedure to be Applied in Winding-up the Public Enterprise Radio and Television of Bosnia and Herzegovina (Office of the High Representative, May 24, 2002).

<sup>186</sup> Lindvall, *The Public Broadcasting Reform*, p. 3.

<sup>187</sup> The adoption of the legal framework was put as a condition for signing the Stabilization and Association Agreement (SAA) between EU and BiH.

<sup>188</sup> "Law on the Public Service Broadcasting System of BiH" [Zakon o javnom radio-televizijskom sistemu BiH], *Official Gazette of BiH* 78/05; "Law on the Radio Television of BiH" [Zakon o Javnom radiotelevizijskom servisu Bosne i Hercegovine], *Official Gazette of BiH* 92/05; "Law on the Radio Television of Federation of BiH" [Zakon o Javnom servisu radio-televizije Federacije Bosne i Hercegovine], *Official Gazette of FBiH* 01-02-401/08; "Law on the Radio Television of Republika Srpska," *Official Gazette of RS* 49/06.



For example, the current model of PSB is continuously opposed by main Croat parties which demanded a separate Croatian-language channel.<sup>189</sup> In an act of defiance, leading Croat parties and large parts of the Croat population boycott the payment of the monthly subscription fee to PSB.<sup>190</sup>

At the same time, Republika Srpska politicians resist the introduction of a new, shared umbrella entity – the Corporation – that would integrate entity PSBs into a centrally-coordinated, joint PSB system.<sup>191</sup> Official policy in Republika Srpska is to not support the introduction of additional central institutions, as it favors a maximum level of autonomy for the entity, including its PSB channel.

There is also strong opposition to the proposed model of redistribution of commercial income from advertising among the three broadcasters,<sup>192</sup> according to which most of the funds are to be redirected to the state-level broadcaster, disregarding the commercial success of each broadcaster within the system. Such a model has resulted in resistance to the implementation of the legal framework by entity broadcasters, so that the redistribution formula has not been applied in practice.<sup>193</sup>

Moreover, there is strong internal resistance to change and the resulting lack of internal reforms, especially in terms of debt reduction, cost-cutting and the scaling down of the work force.<sup>194</sup> As a consequence, “the broadcasters were not only unreformed, but heavily burdened in debts, threatened by strikes and all in all at very unequal positions.”<sup>195</sup> Solutions proposed by the BBC team were fiercely opposed, especially the idea to reduce the number of redundant staff and to sell the large and dysfunctional building. Additional internal resistance came from politically active journalists who opposed the efforts of international consultants to introduce principles of impartiality and objectivity in news reporting.<sup>196</sup>

<sup>189</sup> Johnson, “Model Interventions,” p. 131; Lindvall, *The Public Broadcasting Reform*, pp. 7-8; Hozić, “Democratizing Media, Welcoming Big Brother,” pp. 152-153.

<sup>190</sup> Johnson, “Model Interventions,” p. 131.

<sup>191</sup> Lindvall, *The Public Broadcasting Reform*, p. 4; Udovičić, “Bosnia-Herzegovina,” pp. 46-47.

<sup>192</sup> “Law on the Public Broadcasting System,” Article 23.

<sup>193</sup> Lindvall, *The Public Broadcasting Reform*, pp. 6-7; Hozić, “Democratizing Media, Welcoming Big Brother,” pp. 153-154.

<sup>194</sup> Interview with Boro Kontić, August 28, 2013.

<sup>195</sup> Lindvall, *The Public Broadcasting Reform*, pp. 5-6; Also see Hozić, “Democratizing Media, Welcoming Big Brother,” p. 153.

<sup>196</sup> Email interview Dominic Medley, former International News Supervisor (OHR), based in the BHTV newsroom, Sarajevo (2000-2001), NATO Spokesman, Afghanistan (June 2010-June 2013), August 26, 2013.

Last but not least, there are persistent attempts by ruling parties to exercise direct control over PSB through procedures of appointment of their supervisory and governing bodies.<sup>197</sup>

Consequently, the PSB system is as dysfunctional in 2013 as it was ten years ago, and the reform process is stalled. Although a new set of laws, based on the BBC plan, has been introduced as of 2005, and more than five million EUR were invested during the initial phase,<sup>198</sup> the model failed to be implemented.

However, the reforms have resulted in some positive changes at the level of individual broadcasters. Especially in respect to the quality of content and treatment of opposition parties the “public broadcasting [is] in an incomparably better condition that in the years that followed the war”<sup>199</sup>.

Overall, the case of PSB reforms is an illustrative example how unrealistic political goals and unfounded assumptions about possibilities of transposition of models between societies corrupt the transformation process. This case amply demonstrates how damaging the absence of true commitment to the reforms by local political elites can be. As no true ideational change has taken place among key local stakeholders, the externally imposed models have been systematically subverted. It seems that the proposed model, based on the BBC experience, did not take into consideration the particularities of BiH context and has wrongly assumed that a technical solution would be sufficient to resolve a complex political issue<sup>200</sup> and to meet the political ambitions of state-building that were on the agenda of international community.

More than anything, the proposed model largely failed to take into consideration the interests of dominant local stakeholders and ruling elites, or the business interests of broadcasters in the PSB System. In essence, there is a significant discrepancy between proposed reforms on one side and the interests of key local stakeholders – expecting them to give up the privileges of control and funding that they currently possess for a political project without clear benefits for them.<sup>201</sup> The proposed model neglected the particularities of the local context, resulting

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<sup>197</sup> CRA, Annual Report of the Communications Regulatory Agency for the Year 2010, p. 17; Gorinjac, “RAK mora dva puta raditi isti posao: Novi Parlament BiH također želi podobne u UO BHRT-a” [CRA has to do it all over again: New BiH Parliament Wants to Appoint Politically Suitable Candidates to the Governing Board of BHRT], Sarajevo-x.com, August, 29, 2011; European Commission, *Bosnia and Herzegovina 2011 Progress Report*, p. 16; Udovičić, “Bosnia-Herzegovina,” pp. 43-44.

<sup>198</sup> Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*, p. 25.

<sup>199</sup> Lindvall, *The Public Broadcasting Reform*, p. 3.

<sup>200</sup> Lindvall, *The Public Broadcasting Reform*.

<sup>201</sup> In the importance of support of local elites see for example: Anne Marie Goetz, “Manoeuvring Past Clientelism: Institutions and Incentives to Generate Constituencies in Support of Governance Reforms,” *Commonwealth & Comparative Politics* 45, no. 4(2007), p. 404.

in what Berkowitz et al.<sup>202</sup> call, “the transplant effect” – a mismatch between a transplanted model taken from another context and specific local conditions.

Moreover, given the depth of resistance, and the ambition of the reforms, it appears that the OHR pulled out of the PSB reform too early. According to De Luce “the OHR and the European Commission have been criticized for taking the same top-down, short-term approach to reforming the public broadcasters, prompting comparisons to the OBN experience.”<sup>203</sup>

### 4.3 The Open Broadcast Network (OBN)

In 1996, the international community, instructed by the Peace Implementation Council<sup>204</sup> and led by the OHR, decided to establish an independent TV network that would cover the entire BiH territory. The purpose of this endeavor was to “provide equal time for all political parties and candidates, as well as news coverage free of political coloring”<sup>205</sup> and to “bring decency to the media and life to democracy in Bosnia.”<sup>206</sup> As a result the OBN was established and the attempt was “to get the television network on the air in time for the September 1996 election.”<sup>207</sup> Donors and peace implementation actors believed that the state-wide, independent TV network would help to break the dominance of nationalist parties over the broadcasting sector in the country.<sup>208</sup>

OBN was established around a network of small affiliate stations from across the country. The affiliates broadcast the OBN program in exchange for donations in equipment and funding, and the opportunity to air their own programs over the

<sup>202</sup> Berkowitz, Pistor and Richard, “The Transplant Effect,” p. 171.

<sup>203</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 18.

<sup>204</sup> Peace Implementation Council, Peace Implementation Council Steering Board Committee, Office of the High Representative, April 1996.

<sup>205</sup> Chris Hedges, “TV Station in Bosnia Feeds Serbs propaganda,” *The New York Times*, June 9, 1996.

<sup>206</sup> Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), p. 260.

<sup>207</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 4.

<sup>208</sup> Ibid, p. 4; Becker Lee B. and C. Ann Hollifield, “Market Forces, Media Assistance and Democratization” (Paper presented at the International Conference State and Democracy, 40<sup>th</sup> Anniversary of the Faculty of Political Sciences University of Belgrade. Belgrade, November 28<sup>th</sup> – 29<sup>th</sup>, 2008), p. 12; Lindvall, *The Public Broadcasting Reform*, p. 1; UNDP, *Supporting Public Service Broadcasting*, pp. 18-19; Ranson, *International Intervention in Media, The Open Broadcast Network: A Case Study in Bosnia and Herzegovina* (Geneva: Institute for Peace, Media and Security, University of Peace, 2005), pp. 90-91; CIMA, *Empowering Independent Media*, pp. 59-60.

OBN network to a broader audience.<sup>209</sup> Apart from the distribution of the signal through the affiliates, there was also a direct broadcast signal covering 30% of the country.<sup>210</sup>

From the very beginning, the network faced significant resistance from local political actors and governments at all administrative levels, as well as by some local media that were not part of the project. Authorities attempted to “block its legal registration, deny it frequencies and access to transmission sites.”<sup>211</sup> In order to counteract the anticipated obstacles, the Peace Implementation Council decided to install the network without consulting the local actors and governments in BiH. Moreover, it made it clear that local authorities cannot impose any conditions on the creation of the network, and that “the full transmission of its programming must be permitted throughout Bosnia and Herzegovina, in both entities.”<sup>212</sup> However, in order to be able to cover the whole country, and given the systematic obstruction by local authorities, the “OBN was forced to use costly satellite transmission between its stations.”<sup>213</sup> As a consequence of the various delays and obstructions, OBN started broadcasting only eight days before the 1996 elections, which was far too late to be able to make any difference.<sup>214</sup>

The program went on air in September 1996, covering mainly Federation BiH territory, but gradually broadened its reach through affiliate stations to cover some 80% of the country. Although its primary purpose was to provide objective news, the program also included documentary, sports, children’s programming and entertainment, in an attempt to broaden its audience appeal and attract revenues.<sup>215</sup>

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<sup>209</sup> “ATV was practically the first and the only OBN affiliate in the Republika Srpska. The TV station was created after the international community nominated a Swede as the director and sent him to Banja Luka. He found 15 people, locals, brought all the needed logistics, and we initiated with the production of short stories that were sent, by bus, to Sarajevo to be aired on OBN.” Interview with Tešanović Nataša, Director of ATV, October 2012, Beograd.

<sup>210</sup> Ranson, *International Intervention in Media, The Open Broadcast Network*, p. 32.

<sup>211</sup> *Ibid*, p. 95.

<sup>212</sup> Peace Implementation Council, Peace Implementation Council Declaration 1996, Office of the High Representative.

<sup>213</sup> L. Kendall Palmer, “Power-Sharing in Media – Integration of the Public?” in *Arranged Marriage: International Community and Media Reforms in BiH, Media Online Selections*, ed. Nedimović, Svjetlana (Sarajevo: Media Plan Institute, 2001), p. 35.

<sup>214</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 4.

<sup>215</sup> Ranson, *International Intervention in Media, The Open Broadcast Network*, pp. 30-31; Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*, p. 25; Johnson, “Model Interventions,” pp. 103-104.

A number of donor countries, development agencies and private foundations provided funding to OBN.<sup>216</sup> At least 20 million US dollars were donated for the development of the network between 1996 and 2001, while an additional 1.9 million US dollars was collected through advertising and sponsorship.<sup>217</sup>

Although attempts were made to have more local input in managing the network, it was administered by the OHR and run by international consultants.<sup>218</sup> The affiliate stations had “no say in the management or ownership of the venture. OBN evolved into a centralized operation run out of the Office of the High Representative (...) Its grassroots credibility was nil.”<sup>219</sup>

In general, its problems were linked to poor planning and unrealistic expectations in respect to its potential to attract revenues from advertising,<sup>220</sup> which can be linked to the fact that “no implementing organization with broadcast expertise was asked to carry out the project.”<sup>221</sup> Its programming was considered unimpressive and irrelevant<sup>222</sup> and audience figures remained low.<sup>223</sup>

The funding was often provided with long delays. Donors frequently failed to fulfill their pledges, especially towards the last few years of their support, which completely stopped by 2002.<sup>224</sup> The problems in obtaining funding also indicate the lack of coordination among donors.<sup>225</sup> For example “donations of equipment were not coordinated and therefore incompatible and sometimes unnecessary.”<sup>226</sup> In addition, donors had different funding policies, reserving their donations for specific types of support such as training or equipment purchase that often prevented OBN from other investment or from pursuing any strategic plans. Moreover, initial donors and founders of OBN had no clear idea of the funding needed for setting up such an ambitious project.<sup>227</sup>

<sup>216</sup> Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*, p. 25; Ranson, *International Intervention in Media, The Open Broadcast Network*, p. 30.

<sup>217</sup> UNDP, *Supporting Public Service Broadcasting*, pp. 18-19; Ranson, *International Intervention in Media, The Open Broadcast Network*, p. 132.

<sup>218</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, pp. 4-5.

<sup>219</sup> Hume, *The Media Missionaries*, pp. 37-38; Also see ICG, *Media in Bosnia and Herzegovina*, p. 12.

<sup>220</sup> CIMA, *Empowering Independent Media*, pp. 59-60.

<sup>221</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 4.

<sup>222</sup> Johnson, “Model Interventions,” pp. 104-105.

<sup>223</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 4.

<sup>224</sup> Ranson, *International Intervention in Media, The Open Broadcast Network*, pp. 40-41, 133.

<sup>225</sup> *Ibid*, pp. 37-38; CIMA, *Empowering Independent Media*, pp. 59-60.

<sup>226</sup> Ranson *International Intervention in Media, The Open Broadcast Network*, pp. 40-41.

<sup>227</sup> *Ibid*, pp. 32-34.

By the end of 1998, donors decided that OBN's sustainability would depend on its capacity to attract commercial revenues. A strategic business plan was developed in early 1999, aiming for OBN to achieve financial sustainability in five years.<sup>228</sup> However, the donors were not satisfied with the quality and appeal of OBN programs.<sup>229</sup> This soon resulted in the withdrawal of donor support and the collapse of the project. According to Jenny Ranson, OBN's former CEO, the network was closed down as a consequence of the changing priorities of the international community, which focused on the restructuring of a public service broadcasting system<sup>230</sup> and was not ready to commit to the long-term project of building a commercial state-wide network.<sup>231</sup> For example, after donating EUR 4.7 million to OBN, the European Commission stopped its support in order to be able to focus on the reform of PSB.<sup>232</sup>

As the donations drained out by 2002, managerial control was given to a liquidator, while the network continued operation with minimal staff.<sup>233</sup> In 2003, OBN was sold to a TV and advertising mogul from Croatia, but the details of the deal remained classified.<sup>234</sup> The network was rapidly transformed into a commercial entertainment TV channel.

Although the OBN project collapsed, the network had created initial access to airwaves for opposition parties and other groups that had been excluded from the mainstream media.<sup>235</sup> During its first two years, OBN succeeded in broadcasting "balanced news and current affairs programming across ethnic boundaries."<sup>236</sup> Even today, some of the former OBN affiliate stations continue to function.<sup>237</sup> Several of them, such as ATV from Banja Luka and Hayat from Sarajevo, play an important role in today's media market.<sup>238</sup>

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<sup>228</sup> Ibid, pp. 32-34.

<sup>229</sup> UNDP, *Supporting Public Service Broadcasting*, p. 19.

<sup>230</sup> Ranson, *International Intervention in Media, The Open Broadcast Network*.

<sup>231</sup> Also see: UNDP, *Supporting Public Service Broadcasting*, p. 19; De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 4.

<sup>232</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 10.

<sup>233</sup> Ibid, p. 5.

<sup>234</sup> Hozić, "Democratizing Media, Welcoming Big Brother," p. 155.

<sup>235</sup> Becker and Hollifield, "Manoeuvring Past Clientelism," p. 12; Kurspahić, *Prime Time Crime*, p. 176.

<sup>236</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. VII.

<sup>237</sup> Ibid, p. 5; See UNDP, *Supporting Public Service Broadcasting*, p. 19.

<sup>238</sup> Interview with Boro Kontić, August 28, 2013.

To sum up, the network was created in a rush, without much strategic planning.<sup>239</sup> The concerns of local media practitioners and experts, who suggested that the funds be directed at reform of PSB rather than establishing a new outlet from the scratch, were to easily dismissed by international consultants.<sup>240</sup> According to Ranson, three crucial factors were ignored, leading to the collapse of the network: the enormous costs necessary for setting up a state-wide TV network; the time needed for such a start-up to build an audience; and the weak local media market that could not provide much-needed advertising revenues for the network.<sup>241</sup> In addition, the low ratings<sup>242</sup> of OBN demonstrated the difficulty of achieving relevant audience appeal with neutral, peace-oriented journalism in a context characterized by an ethnically polarized, fragmented and traumatized society.<sup>243</sup> The OBN case demonstrates how the absence of an implementation strategy can hurt the project. It also shows how top-down change can be imposed at institutional level, but cannot guarantee the acceptance of such institutions among audience. This points to the underlying problem with the idea that a commercial outlet can perform a PSB function, especially given the limitations posed by an oversaturated market and ethnically fragmented audience. The case illustrates the need for a solid financial foundation, donor coordination, long-term donor commitment, and realistic expectations. The absence of these core elements in the donor approach had a detrimental effect on the chances of the project's success.<sup>244</sup>

## 4.4 The Press Council

Efforts to create a basic self-regulatory framework for print media were initiated in 1998. A strong push for its establishment came in the form of the Peace Implementation Council Madrid Declaration of December 1998, which called for the creation of a self-regulatory framework and the establishment of the "Press Complaints Council" under the supervision of the IMC, OSCE and OHR, and in cooperation with the local media community. However, since the OHR was primarily focused on the restructuring of the broadcasting sector, its role in respect to the

<sup>239</sup> Kurspahić, *Prime Time Crime*, pp. 174-175.

<sup>240</sup> Interview with Boro Kontić, August 28, 2013.

<sup>241</sup> Ranson, *International Intervention in Media, The Open Broadcast Network*, p. 132.

<sup>242</sup> Udovičić, *Media in B-H: The Scope of International Community Intervention*, p. 203.

<sup>243</sup> Vladimir Bratić, Dente Ross, Susan and Kang-Graham Hyeonjin. "Bosnia's Open Broadcast Network: A brief but illustrative foray into peace journalism practice." *Global Media Journal* 7, Issue 13, no. 6(2008).

<sup>244</sup> De Luce, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. VII; Ranson, *International Intervention in Media, The Open Broadcast Network*, pp. 40-41; Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*, p. 25.

creation of the Press Council was not significant.<sup>245</sup> Hence, a Press Code was drafted in 1998 by the IMC and OSCE, and the draft Code was subsequently amended and adopted in 1999 by the existing journalist associations. In the same year, a working group consisting of key international and local stakeholders developed the concept of the Press Council, which was officially registered in July 2001 at the level of Federation BiH, but was active on the territory of the entire country.<sup>246</sup> It was the first such self-regulatory body in Southeastern Europe.<sup>247</sup>

The Press Council was modeled after the UK self-regulatory body and was first chaired by Lord John Wakeham, at that time Chair of the British Press Complaints Commission, and following his resignation, by Professor Robert Pinker, who was seconded from the UK Press Complaints Commission. Since April 2005, the Council is chaired by a local chairman.<sup>248</sup>

The Council performs two roles: to increase professional standards through self-regulation in line with the Press Code, and to act as a complaints mediator that resolves disputes between citizens and the press. It has no power to impose penalties or fines on media. The Council addresses disputes by the means of the right of reply and the publishing of retraction, apology and denial. In 2011, its mandate was extended to include online media.

It was established with financial, expert and technical support from a number of donors, development agencies, and other international and local actors. Between 2000 and 2013, it received over EUR 1.3 million in grants.<sup>249</sup> The donor approach to funding was characterized by significant fluctuations in the total amounts received

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<sup>245</sup> Riley, "Painstaking Efforts - OHR Media Development Strategy In Post-Dayton BiH," p. 4.

<sup>246</sup> Legal entities in BiH can be formally registered on the level of entities or at the state level.

<sup>247</sup> Press Council in Bosnia-Herzegovina, "Secretariat of the Press Council in Bosnia-Herzegovina: Archive 1998-2006," Press Council in Bosnia-Herzegovina, [http://english.vzs.ba/index.php?option=com\\_content&view=article&id=587%3Asecretariat-of-the-press-council-in-bosnia-herzegovina-archive-1998-2006&catid=7%3Aabout-us&Itemid=10&lang=en](http://english.vzs.ba/index.php?option=com_content&view=article&id=587%3Asecretariat-of-the-press-council-in-bosnia-herzegovina-archive-1998-2006&catid=7%3Aabout-us&Itemid=10&lang=en) (Accessed on August 22, 2013); Press Council in Bosnia-Herzegovina, "Information on the Press Council Bosnia-Herzegovina," Press Council in Bosnia-Herzegovina, [http://english.vzs.ba/index.php?option=com\\_content&view=article&id=585%3Ainformation-on-the-press-council-in-bosnia-herzegovina&catid=7%3Aabout-us&Itemid=10&lang=en](http://english.vzs.ba/index.php?option=com_content&view=article&id=585%3Ainformation-on-the-press-council-in-bosnia-herzegovina&catid=7%3Aabout-us&Itemid=10&lang=en) (Accessed on August 22, 2013); Also see: Johnson, "Model Interventions," p. 122; United Nations Educational, Scientific and Cultural Organization (UNESCO), *Professional Journalism and Self-Regulation: New Media, Old Dilemmas in South East Europe and Turkey* (Paris: United Nations Educational, Scientific and Cultural Organization UNESCO, 2011), pp. 26-27.

<sup>248</sup> Press Council in Bosnia-Herzegovina, "Secretariat of the Press Council in Bosnia-Herzegovina: Archive 1998-2006"; Press Council in Bosnia-Herzegovina, "Information on the Press Council Bosnia-Herzegovina"; UNESCO, *Professional Journalism and Self-Regulation*, pp. 26-27.

<sup>249</sup> Source: For the grants provided in the period 2000 – 2005: Press Council in Bosnia-Herzegovina, "Secretariat of the Press Council in Bosnia-Herzegovina: Archive 1998-2006"; For the grants provided in the period 2006 – 2013: Overview of the grants provided by the Press Council in Bosnia-Herzegovina, Protocol, no. 307-02/13 (Press Council in Bosnia-Herzegovina, September 16, 2013) (on file with authors).



during its first several years, which indicates an overall lack of strategy both in the Council and among most donors involved in its creation. Namely, in its initial phase, the body lacked a strategic approach to key stakeholders, and did not work towards ensuring support from publishers,<sup>250</sup> a reason why major donors conditioned their future support in 2005 on the strategic planning of the Council's work. Unable to fulfill the donors' request to produce a strategic plan and ensure some model of financial sustainability, the management resigned in 2005, and the Council faced closure.<sup>251</sup> Associations of journalists – members of the Council – prevented this from happening.<sup>252</sup> By the end of 2006, with significant donor support, and under the guidance of new management, the Council was re-registered and reformed.<sup>253</sup>

Apart from organizational and financial issues, findings from earlier studies suggest that the Council faced many obstacles to gaining relevance and recognition in the media sector and among the public, especially during the first several years, while its impact on journalistic practices has thus far been limited.<sup>254</sup>

- First of all, in its early phase, media outlets and publishers in general showed little support for the Council's mandate,<sup>255</sup> and some media owners and editors still don't understand the very concept of self-regulation.<sup>256</sup> However, in the early years, the management of the Press Council also failed to engage publishers in any systematic way.<sup>257</sup>
- Furthermore, Rhodes argues that “the media outlets have not seen that reduced litigation costs would be a reason to support such an association as an efficient investment.”<sup>258</sup> Nevertheless, there are a significant number of defamation cases against media before the courts in BiH, so that the cumulative financial effect on individual media outlets can be significant.<sup>259</sup>

<sup>250</sup> Interview with Ljiljana Zurovac, Executive Director of the Press Council, August 23, 2013.

<sup>251</sup> Henderson, Kralic and Kontic, *The Media Environment in Bosnia and Herzegovina*, pp. 8; Chemonix, *Giving Citizens a Voice*, pp. 26.

<sup>252</sup> Interview with Ljiljana Zurovac, August 23, 2013.

<sup>253</sup> Press Council in Bosnia-Herzegovina, “Information on the Press Council Bosnia-Herzegovina.”

<sup>254</sup> Johnson, “Model Interventions,” pp. 122-123.

<sup>255</sup> Email interview with Yasha Lange, Consultant evaluator working with the Press Council BiH (2005-2006), currently Head of Corporate Communication, University of Amsterdam, August 26, 2013.

<sup>256</sup> Press Council in Bosnia-Herzegovina, *Cumulative Assessment 2009-2012* (unpublished document, on file with authors), p. 8.

<sup>257</sup> Interview with Ljiljana Zurovac, August 23, 2013.

<sup>258</sup> Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*, pp. 34-35.

<sup>259</sup> Interview with Ljiljana Zurovac, August 23, 2013.

- Clearly, one important obstacle to the normal functioning of the Press Council is the absence of professionalization of the media sector in general.<sup>260</sup> Low journalism standards and poor-quality reporting significantly limit the effects of self-regulation.<sup>261</sup> There is “the lack of a tradition of and experience with self-regulation (...) and political cleavages within the community of journalists. Often there are factions, which lead to a lack of dialogue and solidarity, and prevent journalists from combining to defend their common interests.”<sup>262</sup>
- The experience so far shows that the judiciary generally lacks knowledge about the role of the Council and self-regulation in defamation cases. Courts mostly do not require plaintiffs to seek for redress through reply, correction, or mediation through the Council, although the Defamation Law prescribes it as obligation for the plaintiff.<sup>263</sup>
- The high level of political and business clientelism and parallelism in the media is another important obstacle. Editors and journalists are placed in a difficult position if their adherence to professional standards and the Press Code is in contradiction with the interests of political or business patrons.<sup>264</sup> As a result, media professionals in BIH face “significant doubts regarding the efficiency of self-regulation. Their concern is that professional norms are likely to be a secondary consideration, slipping behind the political and economic interests of the centers of power on which media depend heavily.”<sup>265</sup>
- Other obstacles the Council has faced include pressures and threats, especially when ruling in recent cases concerning the use of hate speech,<sup>266</sup> as well as the absence of enforcement powers and sanctions.<sup>267</sup>

Nevertheless, despite these challenges, it appears that the Council is increasingly gaining in relevance, as demonstrated by the significant increase in complaints received during the last several years, including an increase in self-regulatory practices (publishing of denials and reaction) by the media. The data from the

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<sup>260</sup> Henderson, Kilalic and Kontic, *The Media Environment in Bosnia and Herzegovina*, p. 8.

<sup>261</sup> UNESCO, *Professional Journalism and Self-Regulation*, p. 28.

<sup>262</sup> Ibid, p. 22; Also interview with Boro Kontić, August 28, 2013.

<sup>263</sup> Interview with Ljiljana Zurovac, August 23, 2013.; Johnson, “Model Interventions,” pp. 124-125; UNESCO, *Professional Journalism and Self-Regulation*, p. 28.

<sup>264</sup> Interview with Ljiljana Zurovac, August 23, 2013.

<sup>265</sup> IREX, *Media Sustainability Index 2012*, pp. 21-22.

<sup>266</sup> Press Council in Bosnia-Herzegovina, *Cumulative Assessment 2009-2012* (unpublished document, on file with authors), p. 8.

<sup>267</sup> Udovičić, “Bosnia-Herzegovina,” pp. 43; Johnson, “Model Interventions,” p. 124.

Press Council suggest that the number of complaints received from citizens tripled between 2009 and 2012.<sup>268</sup> According to the European Commission, the Council “[...] continued to work closely with judicial institutions and journalists’ associations to improve the quality of reporting and raise awareness among citizens of their legal rights. It has contributed to enforcing professional standards and to improving the quality of the media by involving citizens in providing feedback on media practices.”<sup>269</sup> There is also progress in the introduction of a self-regulation system for online media.<sup>270</sup>

After the restructuring and re-registration, the new management actually succeeded in obtaining support from major publishers, and currently a majority of media outlets support the work of the Press Council.<sup>271</sup> With the introduction of a more strategic orientation as of 2006, donor funding stabilized and grew from only EUR 45,000 in 2007 to EUR 209,000 in 2012.

Nevertheless, the Council still operates with a modest annual budget of approximately EUR 160,000 and has only four full-time staff, which severely limits its operational capacity.<sup>272</sup> According to the European Commission, “[...] the lack of financial and human resources continues to hamper the efforts of the Press Council to enforce professional standards.”<sup>273</sup> Hence, its dependence on donor funding continues.<sup>274</sup> Over 95% of its budget is still covered by grants, while less than 5% comes from membership fees.<sup>275</sup> Donors were too optimistic in believing that publishers would finance the Council, and that two to three years of donor assistance would be enough before the Council reached a stage of financial sustainability.<sup>276</sup>

Financial problems and continuing donor-dependence has to do with several factors. First of all, most donors continue to provide mainly short-term financial support on a year-by-year basis and only one donor has currently committed to fund a part of the operational costs for three years. As a consequence, the Council

<sup>268</sup> Source: Press Council in Bosnia-Herzegovina, *Cumulative Assessment 2009-2012* (unpublished document, on file with authors), p. 3.

<sup>269</sup> European Commission, *Bosnia and Herzegovina 2012 Progress Report*, p. 17; Interview with Ljiljana Zurovac, August 23, 2013; Johnson, “Model Interventions,” pp. 124-125; UNESCO *Professional Journalism and Self-Regulation*, p. 28.

<sup>270</sup> IREX, *Media Sustainability Index 2012*, p. 22.

<sup>271</sup> Interview with Ljiljana Zurovac, August 23, 2013.

<sup>272</sup> Interview with Ljiljana Zurovac, August 23, 2013.

<sup>273</sup> European Commission, *Bosnia and Herzegovina 2011 Progress Report*, p. 16.

<sup>274</sup> UNESCO, *Professional Journalism and Self-Regulation*, p. 28.

<sup>275</sup> Interview with Ljiljana Zurovac, August 23, 2013.

<sup>276</sup> Johnson, “Model Interventions,” pp. 123-124; Rhodes, *Ten Years of Media Support to the Balkans – An Assessment*, pp. 34-35.

cannot develop its institutional capacities and activities properly, as it is only able to plan 12 months in advance. At the same time, the weak media market significantly limits publishers' and media outlets' ability to finance the Council. Their contribution thus far has only been symbolic, and cannot be relied on as a viable basis for self-sustainability in the foreseeable future. Finally, the Council receives no support from public institutions, and attempts to receive such support have been futile to date.<sup>277</sup>

In summary, the case of the Press Council is an illustrative one, demonstrating the challenges for the transfer of a model of institution from one cultural context into another and the necessity for long-term strategic support. Clearly, the major problem the Council is facing is a lack of financial resources and continuing donor dependence,<sup>278</sup> without much chance for the situation to improve in the foreseeable future. This is a result of the short-term donor approach combined with a weak media market that prevents media outlets and publishers funding the Council. Ultimately, the long-term sustainability of the Council will depend on the commitment of local media publishers and journalists, since it cannot rely on indefinite external financial support.<sup>279</sup>

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<sup>277</sup> Interview with Ljiljana Zurovac, August 23, 2013.

<sup>278</sup> European Commission, *Bosnia and Herzegovina 2011 Progress Report*, p. 16.

<sup>279</sup> Email interview with Yasha Lange, August 26, 2013.

## 5.

# Discussion

International media assistance efforts have contributed to the substantial transformation of the media landscape in BiH. However, the achievements of the media reforms are continuously under threat. There is a general disregard among ruling elites for the introduced laws. Commercial media outlets suffer due to political patronage, and an underdeveloped and oversaturated market.<sup>280</sup> Weak professionalization of journalism significantly limits the self-regulatory institutional framework that was put in place.<sup>281</sup> In that sense, BiH has many of the characteristics of Central and East European countries, identified by Zielonka and Mancini,<sup>282</sup> which significantly and often negatively influence the reform processes. On top of that, a complex power-sharing model characterized by deep ethnic cleavages and a decentralized administrative structure creates numerous veto points that often prevent or slow down the reforms.

Nevertheless, some of the problems that undermine the results of the reform efforts have to do with the nature of the media assistance approaches deployed.

The strategic orientation is one of the key preconditions for sustainable reforms. Early intervention in BiH was often based on ad-hoc decisions, a sudden change of priorities, short-term and unreliable funding,<sup>283</sup> and a lack of strategic orientation and commitment by donors that contributed to the failure of reform efforts. The cases of OBN and PSB (and to an extent the problems with the financial sustainability of the Press Council) confirm these propositions. Too often donors and the OHR viewed media assistance as a way to quickly influence the political climate.<sup>284</sup> All this had a negative effect on the success of the reforms. For example, the OBN project failed largely due to irregular and insufficient funding, the absence of a proper strategy, and changing donor priorities, which suddenly shifted to PSB reform. In the case of PSB, it appears that OHR and international actors pulled out too quickly, given the immense complexity of the reforms and the resistance by local political elites. This has contributed to the stalling of PSB reform for a decade now.

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<sup>280</sup> Hume, *The Media Missionaries*, pp. 37-38.

<sup>281</sup> See Claire McLoughlin and Zoë Scott, *Topic Guide on Communications and Governance* (International Development Department, University of Birmingham, Communication for Governance and Accountability Program, 2010), p. 21.

<sup>282</sup> Zielonka and Mancini, "Executive Summary."

<sup>283</sup> Johnson, "Model Interventions," p. 109.

<sup>284</sup> Dan, *Assessment of USAID Media Assistance in Bosnia and Herzegovina, 1996–2002*, p. 11.

The Western models that were used as a blueprint for institutional reforms sometimes did not correspond with the local setting. The case in point is the use of the BBC model for the transformation of the PSB system in BiH – a context that is in so many fundamental ways different from the UK context.<sup>285</sup> The PSB reform faced fierce opposition due to the conflicting political and business interests of local elites, and has so far not been implemented: A decade after its introduction, the three broadcasters act more like competitors than parts of the same system, and the key elements of the system, such as the Joint Corporation, still have not been established. Such a mismatch of models is almost inevitably accompanied with unrealistic expectations that further undermine the capacity of donors to implement a specific project, since the evaluation of its success is made against a set of completely unrealistic benchmarks. Such “institutional *monocropping*”<sup>286</sup> – the process of transposing institutional blueprints from advanced democracies into recipient countries caught in the early stages of democratization – inevitably has limited effects. It suffers from what Berkowitz et al. call the “transplant effect.”<sup>287</sup>

Much attention has been given to the issue of donor dependence and the importance of the financial sustainability of the recipient media outlets and institutions. It is argued that “although initial aid to media start-ups can be vital, donor engagement, especially long-term, may have the unintended effect of fostering ‘a culture of dependency.’”<sup>288</sup> However, our analysis of OBN and the Press Council shows that the situation is much more complex: in order to achieve financial sustainability, public and private media institutions need sufficient time to conceive and implement robust financing models. For example, OBN suffered from the absence of long-term funding and commitment, which resulted in its collapse, and the Press Council has barely escaped the same destiny, at least so far. Namely, an underdeveloped market simply could not sustain either of these institutions.<sup>289</sup> Financial sustainability has much more to do with the existence of coherent, longer-term commitment, combined with a clear strategy of sustainability tailored to each institution. Donors often lack such an approach.<sup>290</sup>

Findings from relevant literature demonstrate that enduring institutional changes occurred where local elites welcomed external assistance efforts.<sup>291</sup> Goetz demonstrated that “reform involves considerable risk to leaders: risk that they

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<sup>285</sup> CIMA, *Empowering Independent Media*, p. 60.

<sup>286</sup> Evans, “Development as Institutional Change,” p. 31.

<sup>287</sup> Berkowitz, Pistor and Richard, “The Transplant Effect,” p. 171.

<sup>288</sup> CIMA, *Empowering Independent Media*, pp. 59-60; Also see Kumar, “International Assistance to Promote Independent Media in Transition and Post-conflict Societies,” p. 658.

<sup>289</sup> Bajraktari and Hsu, “Developing Media in Stabilization and Reconstruction Operations.”

<sup>290</sup> UNDP, *Supporting Public Service Broadcasting*, p. 21.

<sup>291</sup> Mary M. Shirley, *Institutions and Development: Working Paper* (2003), pp. 32-33.

will lose patronage resources (public sector jobs and rents), and also lose popular support.”<sup>292</sup> In other words, radical institutional changes that significantly modify the resources of elite patronage and power equilibrium are more challenging to implement than incremental institutional change.<sup>293</sup> Media reforms that do not significantly undermine privileges of local stakeholders have stronger chances of success.<sup>294</sup> For the most part, media reforms in BiH faced the continuous resistance of local political elites, and reforms were implemented mostly through the use of OHR powers and EU conditionality mechanisms. As a result, progress was slow and frequently stalled, and once international attention shifted to other issues, local elites were all too quick to reclaim their control over media institutions. The continuous pressure on the CRA, since its full transfer into local hands, is a good example – local elites use all available means to reduce the agency’s independence and to regain control over its decision-making bodies. Similarly, there are continuous attempts by parties and governments at state and entity level to influence appointment procedures for the decision-making bodies of the PSB.

To a certain extent, international actors attempted to establish cooperation with local politicians and the media community, albeit with limited success. The combined effects of a post-conflict society with ethnic divisions and slow democratic transition left a very limited window of opportunity for substantial cooperation with local decision-makers. Often programs could not effectively be coordinated through local governing institutions due to pervasive ethnic divisions and a strong politicization of the state.<sup>295</sup> In some cases, consultation with the local media community took place only after the laws were already drafted by international experts, and mutual distrust prevented more meaningful cooperation between international consultants and local media professionals. In a 2008 paper, Aida Hozić points out that in many cases, international consultants merely dismissed local journalists and media professionals as incompetent or politically biased. As a consequence, there is often lack of a sense of ownership of the reforms among local actors, which translates into weaker support for the proposed solutions. Moreover, such reforms run the risk of not being in tune with local needs, capacities, and other contextual factors, which may undermine their chances of proper integration into the local context once external support stops.

Scholars emphasize the importance of international actors monitoring governments, criticizing them, exerting pressure on them, and using sanctions.<sup>296</sup> This is confirmed by the experience of media assistance in BiH. During the first

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<sup>292</sup> Goetz, “Manoeuvring Past Clientelism,” p. 404.

<sup>293</sup> Ibid, p. 421.

<sup>294</sup> UNDP, *Supporting Public Service Broadcasting*, p. 21.

<sup>295</sup> Martin, “Media Reform and Development in Bosnia,” p. 92.

<sup>296</sup> Kumar, “International Assistance to Promote Independent Media in Transition and Post-conflict Societies,” p. 162.

two phases, the international community closely observed government behavior and reacted when reforms were threatened, most importantly in the case of CRA. However, there has been a rather inconsistent, partial, and *ad hoc* approach to the monitoring of the implementation of reforms, as well as to the scrutiny of government actions and policies concerning specific areas of media assistance, since 2002 – systematic monitoring efforts are not apparent, and even when problems are noticed, no concrete measures are taken. This might be one of the reasons why political pressure on media institutions, especially on the CRA and the PSB, has been significantly increasing in recent years.

Finally, donor coordination proves to be an important factor in media reforms. There were significant conceptual differences in terms of the approaches to media assistance among donors – especially between the Europeans and the Americans. At times, these differences resulted in intense competition between donors. Donors made some attempts to coordinate their activities, but that was not an easy task to implement as they were largely unable to achieve a consensus on models of mutual cooperation. Donors often established *ad hoc* coalitions with other donors for more complex projects. Nonetheless, the lack of donor cooperation and coordination is cited by practitioners and politicians as one of the main reasons behind the ineffectiveness of programs and initiatives.



## 6.

# Conclusion

The case of BiH demonstrates that media reform is a slow, time-consuming process,<sup>297</sup> which is closely related to the consolidation of democratic institutions that foster free media. The four case studies presented here amply demonstrate a deep tension between externally-driven reform initiatives and the democratization agenda on one hand, and the complex set of contextual challenges to the reforms on the other.

Our findings support Mcloughlin and Scott who claim that media reforms “can only produce results at the same pace as democratic evolution in a given country, and should be integrated into broader democratic governance reform.”<sup>298</sup> This dynamic relationship between media transformation and the democratization of a society is well captured by the metaphor of ontogenesis introduced by Jakubowicz:

“[in] a historical view of systemic transformation, the concept of ontogenesis may refer to the development of particular institutions of democracy, replicating (in whole or in part) the historical sequence of their earlier development in other societies. The institutional pattern of newly established and transplanted democratic media institutions may be seen as one in which democratic potentials are encoded. However, whether such potentials can be realized and the institutions can be utilized according to their basic principles remains subject to conflicts and particular conditions of their social, cultural and institutional embeddedness.”<sup>299</sup>

The process of introduction of new media institutions and practices by ‘mimicking’ and often transplanting, without any adjustment, Western European media institutions and policy models into the BiH context has proven difficult. The models from Western democracies have been only partially transposed, and in the process of localization have been transformed to combine old and new institutional

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<sup>297</sup> Maureen Taylor and Michael L. Kent, “Media Transitions in Bosnia: From Propagandistic Past to Uncertain Future,” *Gazette* 62(5), 2000, pp. 362-365.

<sup>298</sup> Mcloughlin and Scott, *Topic Guide on Communications and Governance*, p. 22.

<sup>299</sup> Jakubowicz and Sükösd, “Twelve Concepts Regarding Media System Evolution and Democratization in Post-Communist Societies,” p. 12.

practices into ‘hybrid’ institutional arrangements.<sup>300</sup> Those new institutional forms blend imported values and modes of operation with local legacies and practices, often with unpredictable results and unwanted consequences. What really emerged is similar to what Jakubowicz and Sükösd call an ‘atavistic’ media system that is ‘colonized’ by political parties – a phenomenon common for many post-communist societies, not just BiH. In such a context, the political elite formally and declaratively accepts the externally imposed reforms and the ‘mimetic’ orientation, but does everything in its power to maintain its old system of control over the media. The public discourse is dominated with the endorsement of ‘Europeanization’ and ‘democratization’, while the political elite actually continues with its old-style practices of control and instrumentalization of media institutions and journalists. The democratic laws are only partially implemented, and new institutional arrangements suffer from undemocratic practices – they are often misused and misinterpreted in the narrow interests of political elites.<sup>301</sup>

It appears that only a few donors and international actors actually considered whether or not and in what ways the local context in BiH would be able to absorb the transplanted institutional models and policies implemented. The detrimental effects of the absence of an ‘enabling environment’,<sup>302</sup> an undeveloped market, and the persistence of old undemocratic practices of political elites were largely underestimated. In that respect, the case of BiH presents a set of important lessons for media assistance efforts that have broader relevance:

- A strategic approach and long-term commitment are among the key preconditions for sustainable reforms. If donors pull out of reforms too early, the achieved results may be annulled or severely limited by different contextual factors.
- The importance of carefully selecting and adapting introduced institutional models and policies cannot be overstated. The proposed solutions should not be simply copied from other contexts, but must be adjusted to local circumstances.
- In order to achieve financial sustainability, newly-introduced institutions need sufficient time to develop and implement adequate financing models. It is therefore essential to be aware of the challenges that a weak, underdeveloped market may pose to achieving financial sustainability. This also means that longer-term financial commitment of donors is likely to be needed.

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<sup>300</sup> For more on hybrid media system see: Voltmer, “How Far Can Media Systems Travel?”

<sup>301</sup> Jakubowicz and Sükösd, “Twelve Concepts Regarding Media System Evolution and Democratization in Post-Communist Societies,” pp. 17-23.

<sup>302</sup> Monroe E. Price and Peter Krug, *The Enabling Environment for Free and Independent Media: Contribution to Transparent and Accountable Governance, Occasional Papers Series* (Washington, DC: Office of Democracy and Governance, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development, January 2002).

- There is an imperative for a more intense and careful engagement with local political elites, whose interests should not be ignored. Any proposed solution must take into account how it might disrupt existing power relations, potentially causing prolonged resistance to reforms by local elites. In such cases, donors should develop strategies on how to counteract such a resistance, and ensure sustainability of the reforms in the long run.
- All this then strongly points to the need for prolonged international monitoring and scrutiny of government actions in respect to the reformed media institutions in order to give more time and space for those institutions to become established.
- Furthermore, there is a need for close cooperation with the local media community from the early stages of assistance efforts in order to incorporate context-specific knowledge into the proposed solutions, and to ensure local ownership and support for the reforms.
- Last but not least, donor coordination might be of particular importance especially when focused on specific projects. Its effect might be significant in terms of pulling together financial resources and expertise, but also in exercising stronger pressure in order to obtain support from local elites and other stakeholders.

The media reforms in BiH have resulted from unprecedented external intervention in the face of fierce local opposition. As a consequence, the future of the introduced media institutions and policies will largely depend on the development of the local political culture – a process that is slower than a systemic change.<sup>303</sup> This discrepancy between cultural and systemic change<sup>304</sup> must be recognized by the international community as one of the core challenges for the sustainability of the media assistance efforts in BiH and in similar contexts elsewhere.

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<sup>303</sup> Jakubowicz and Sükösd, “Twelve Concepts Regarding Media System Evolution and Democratization in Post-Communist Societies,” pp. 22-23.

<sup>304</sup> Ibid.

## 7.

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## Annex 1 – Interviews

Boro Kontić, Director, Mediacentar Sarajevo, August 28, 2013.

Dominic Medley, former International News Supervisor (OHR), based in the BHTV newsroom, Sarajevo (2000-2001), NATO Spokesman, Afghanistan (June 2010-June 2013), August 26, 2013. (Email interview)

Helena Mandić, Deputy Director of the Broadcasting Section, Communications Regulatory Agency of Bosnia and Herzegovina (CRA), September 13, 2013.

Ljiljana Zurovac, Executive Director of the Press Council, August 23, 2013.

Natalija Bratuljević, Programme Officer, Civil Rights Defenders (former Swedish Helsinki Committee for Human Rights), September 2, 2013. (Email interview)

Yasha Lange, Consultant evaluator working with the Press Council BiH (2005-2006), currently Head of Corporate Communication, University of Amsterdam, August 26, 2013. (Email interview)

## About the Authors

Dr. Tarik Jusic, is Executive Director at the Center for Social Research Analitika. Tarik holds a doctoral degree from the Institute for Media and Communication Studies, University of Vienna, Austria, and an MA degree in Political Science from Central European University, Budapest, Hungary. He worked as Assistant Professor at the Department of Political Science and International Relations, Sarajevo School of Science and Technology ([www.ssst.edu.ba](http://www.ssst.edu.ba)) from 2009 until 2013, where he taught the course “Media and Politics”. He was also a guest lecturer at the European Regional Master’s Degree in Human Rights and Democracy in South East Europe (ERMA) of the Center for Interdisciplinary Postgraduate Studies at the University of Sarajevo from 2009 until 2012, where he taught parts of the course on research methods. He worked as a researcher, program director and program adviser at Mediacentar Sarajevo ([www.media.ba](http://www.media.ba)) from July 2002 until November 2011. From 2006 until 2010, he was also an editor of the online magazine “Puls demokratije”. He has published a number of academic and professional papers and has edited several books dealing with the development of media in Bosnia and Herzegovina and the region of Southeast Europe.

Dr. Nidžara Ahmetašević holds a PhD degree from the Joint Programme in Diversity Management and Governance at the University in Graz, Austria. Her field of research is on democratization and media development in post conflict countries. Before coming to Graz, she spent one year at the University of Kent, UK, on a Chevening Scholarship. Nidžara holds a Masters in Human Rights and Democratization in South East Europe, a joint program of the Centre for Intedisciplinary Studies of the Universities of Sarajevo and Bologna. Her thesis was on political propaganda in broadcast media in Serbia, Croatia and Bosnia and Herzegovina during the wars of the 1990s. Before her master studies, as a Ron Brown Fellow, (US State Department award supporting young professionals from Central and Eastern Europe), she spent one year at DeWitt Walice Center for Media and Democracy, Duke University, North Carolina. Nidžara has a long career as a journalist, covering human rights, foreign policy and transitional justice issues in particular.



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