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IN A VICIOUS CYCLE: IS THERE A FUTURE FOR PUBLIC SERVICE BROADCASTING IN BOSNIA AND HERZEGOVINA?*

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Since its creation in 2002, Public Service Broadcasting (PSB) in Bosnia and Herzegovina has struggled to fulfil its primary goals. Financial difficulties have brought the state broadcaster near the brink of collapse several times,¹ while state capture by political parties has politicized PSB across the board² and increased its dysfunction. Our research found that PSB in BiH has failed to secure a sustainable funding model, is not independent from politics, does not fulfil its remit, and has failed to adopt new technologies crucial to its continued relevance and survival. PSB is a victim of the political colonization of the media sphere, and weak, dysfunctional state institutions that suffer from the chronic disregard for the law demonstrated by ruling elites. At the same time, the ongoing debate about PSB in BiH is largely anachronistic, and fails to capture the core challenges and to articulate much needed innovative policy solutions that would look beyond the now largely outdated, defunct model of PSB that was introduced in 2002.

SUMMARY

1. THE ROOTS OF PSB IN BIH

The end of socialism in South-Eastern Europe ushered in a period of transition which included transforming state broadcasters into PSBs with the aim of removing the media from direct state control. However, in many countries the political parties that gained power after the end of communism continued to dominate the media and exercise political control over it,3 which is characteristic of the state capture and weak rule of law that continues to exist in the region⁴. Today, the media in much of the region do not play the role of a forum for public debate but are rather a tool of political elites and interest groups. Jakubowicz notes that in post-communist

countries, political elites' power over media has resulted in Potemkin institutions designed "to satisfy the requirement of external actors, such as international donors" which function only as de jure organizations which cannot fulfil their goals. BiH's PSBs are examples of such Potemkin institutions — while public service broadcasting is part of the country's EU accession process, local political actors fail to engage genuinely with the process and indeed have little incentive to do so.

BiH is unique in the region, however, in that its political, economic, and social context is defined by the legacies of conflict, power-sharing state structures, and dire economic circumstances. After the war in

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Bosnia, the country was subjected to international intervention which considered media sector reform key to the peacebuilding and democratization processes.7 The war left the media landscape divided along ethnic lines and controlled by ethnonationalist ruling parties which continued to use war rhetoric and hate speech even after the peace accord was signed. Media reform was thus seen as a lynchpin in Bosnia's post-war rebuilding.8 Hence, PSB was formally established in 2002 by the Office of the High Representative and made an official condition for signing the Stabilization and Association Agreement between the EU and BiH in 2005.9 Since then, the process has been in the hands of the political elites of BiH, which has arguably led to strife and stagnation.

Like other countries in the region, the political context of BiH is dominated by political capture of the state. In BiH, these political elites most often belong to ethnically defined political parties, which purport to serve as 'guardians' of national interest for their own groups. Divisions and disagreements among dominant political parties have repeatedly stalled the implementation of even the most basic reforms, including the implementation of laws pertaining to the public service media. Consequently, Freedom House's Nation in Transit report for 2017 considers BiH a hybrid regime, caught in transition between a consolidated democracy and authoritarianism, with falling scores in democracy, growing corruption levels, and "the worst political dysfunction since the war."10 Ruling parties in BiH continue to demonstrate characteristics of what Mujkić calls "a democracy of ethnic oligarchies,"11 in which parties continually "provoke interethnic tensions and then present themselves as saviors of the state's various nations"12.

Within this milieu PSB flounders against oligarchic interests, which have no endog-

enous incentive for empowering an independent PSB system. Deliberate backpedaling about PSB's proper implementation and development thus undermines its proper democratic and cohesive function. Likewise, parties face insufficient exogenous incentives for PSB reform. While PSB and free media are nominally conditions for EU accession, international actors such as the EU are, on the whole, unwilling to challenge political elites or demand accountability,13 exacerbating the stagnation and politicization of PSB. What is lacking is more robust support for democratization and civic action which would transform the very structure that sustains the ethnopolitical elites and fails to incentivize support for a truly public and functioning PSB.

BiH's imperiled economic situation has had negative consequences for PSB. Prominent local critics of post-war transition in post-Yugoslav countries point to regional patterns of "general impoverishment, huge public and private indebtedness... widespread deindustrialization, social degradation, depopulation through diminished life expectancy and emigration, and general unemployment," all of which are visible in BiH. The country has one of Europe's highest unemployment rates and is often ranked as one of the poorest countries in Europe by various metrics.

It is not surprising that some of the most relevant international rankings of the situation of media democratization and professionalism in the country show continuous decline in the last decade. For example, the Freedom House scores for Independent Media in BiH have been steadily dropping since 2006.¹⁷ Similarly, the IREX Media Sustainability Index for Bosnia and Herzegovina shows a decline in the development of a sustainable media system in BiH since 2006 and stagnation in the past few years.¹⁸ The country's media system is

considered to be 'an unsustainable mixed system' and almost all indicators have decreased in 2017, including free speech.¹⁹ BiH's media market is small, oversaturated, and faces declining revenues. Though the size of the radio and TV market is hard to establish due to fragmentation and a lack of reliable media marketing research, oversaturation has led to rapidly decreasing advertising revenues and increased competition between public and private media.²⁰ PSBs are generally uninterested in accurately measuring audiences or using this information to improve programming, and measurements have been unreliable for at least half a decade.²¹

2. PSB ORGANIZATION

The organizational structure of the PSB System in BiH is a prime example the failure of an ideal model in practice. According to the current legal framework, the Public Broadcasting System of BiH includes one national and two entity broadcasters, each with a television and radio channel.²² Regulation also prescribes the existence of a fourth unit - the Corporation – as an umbrella organization, which would manage equipment, set development strategy, coordinate the technical and human potential of the three broadcasters, and collect all advertising revenues and the license fee and distribute them among the broadcasters in accordance with a predefined formula.²³ This model was proposed by a BBC consultancy team that was involved in the early process of transformation. The BBC model operates 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."24

The Corporation, however, was never established. This is partly due to obstruction by political parties, given that the estab-

lishment of the Corporation would have eventually led to the creation of a unified system, with minimal possibility for political or economic influence. However, resistance to its establishment is also present on the part of the two entity-level broadcasters. Given the redistribution of earnings envisaged by the Corporation, it is neither in the interest of RTVFBiH nor of RTRS, who would both lose a significant segment of the revenues from advertising they earned through the transfers to BHRT.

Moreover, the ownership of equipment would be with the Corporation, which is also not in the interest of the individual broadcasters, particularly those that are better equipped. In effect, the PSB system was never truly established in its envisaged form – instead, the three broadcasters act like competitors rather than partners who belong to the same organizational structure.

The dysfunctional organizational structure is directly linked to the failure to fully implement the legal framework that was introduced in 2002 by OHR.25 A brief analysis of the key elements of the legal framework shows that BiH suffers from all the ills democratizing societies in the region and in Europe suffer from: constant changes in the laws and incomplete implementation of laws and rules in accordance with the interests of ruling elites and other influential groups. There is evidently a high level of informality in the current implementation of the legal framework for PSB in the country, and selective implementation of only those provisions that are acceptable to particular influential interests, to the detriment of society as a whole. Consequently, this failure to implement laws and rules translates into a number of problems, including a dysfunctional funding model, a lack of independence and the politicization of PSB.



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3. A BROKEN FUNDING MODEL

The very existence of PSBs in Bosnia has been put into question recently due to extreme financial hardship and an inability to agree on a functional funding model. Revenues of PSBs (consisting of a monthly license fee levied on all households, advertising revenues, and income from other sources such as rental of equipment) have been decreasing across the board and BHRT and RTVFBIH have been heavily in debt since at least 2011.²⁶

The redistribution of income among the three broadcasters which was envisioned by the legal framework simply doesn't occur in practice. The laws stipulate that 50% of advertising revenues and license fee income will be allocated to BHRT, while 25% will go to each entity broadcaster. In practice, RTVFBiH's advertising revenues far outweigh those of the other two broadcasters and it is simply not in their interest to redistribute these revenues to the other broadcasters. According to the CRA analysis of the broadcasting market in BiH in 2013, RTVFBIH earned 63% of advertising revenues within the PSB system, while BHRT and RTRS received only 19% and 18% respectively. 27 The failure to establish the joint Corporation means that there are no mechanisms for proper collection and management of PSB revenues.

The second problem has to do with the inability to collect license fees at a sustainable level. The model of license fee funding collected via landline telephone bills officially expired in June 2016,²⁸ and a draft law to adopt the European model of funding of direct taxation has yet to be voted on.²⁹ Yet collection rates have been dropping radically for the past two years,³⁰ in part due to inefficiencies in collection, as well as boycotts led by various political parties.³¹ The CRA has explicitly criticized PSB management for their failure to use

effectively all available means to increase collection of the license fee.32 The inability to pass an adequate legal framework to replace the now obsolete model of collection of license fees and the resulting near-collapse of BHRT has been deemed by the European Broadcasting Union to be in direct contravention of the protocols for BiH's EU accession.33 The Amsterdam Treaty considers the system of public broadcasting as "directly related to the democratic, social and cultural needs of each society" and states that countries acceding to the EU must "provide for the funding of public service broadcasting ... for the fulfilment of the public service remit."34

None of the above funding problems could have persisted for such a long time had there not been strong political interests in their perpetuation. Namely, there is a continuous boycott of payment of the license fee by leading politicians, most notably among the Bosnian Croat political leadership, but also in the RS.35 Leading Croat politicians have used non-payment of the license fee as a means to achieve their objective of introducing a separate Croat language channel within RTVFBiH a request strongly opposed by the Bosniak political leadership as well as by a large part of the public and the academic community.

Ultimately, financial instability is a major factor leading to the compromised independence of the PSBs in BiH. In the RS, a recently passed amendment to the RTV law³⁶ allowed RTRS to seek budget funds from the entity government if it came up short. Some see this as an attempt to 'emancipate' RTRS from the national broadcasting system completely,³⁷ though it could also be interpreted as a survival mechanism in the face of financial crisis. Links between control and government funding can be seen in the Federation in the case of government-funded local

broadcasters on a cantonal and municipal level, as well as the direct funding of two entity news agencies, SRNA and FENA, which has led to a "grip of government over the media sector." ³⁸

4. POLITICIZATION OF PSB

Institutional instability and financial woes make the PSB system in BiH vulnerable to direct political interference when it comes to the appointment of managing boards, editors and even journalists. Observers of BiH's media system worry that politicians hold too much power over key nominations and dismissals of the managing boards of the PSBs.³⁹ There are fears that appointments are now completely in the hands of the legislative bodies. Legally, Board members cannot belong to a political party or hold legislative, executive, or judicial power,⁴⁰ though they are often people who are closely aligned to political parties. As a consequence, the 2016 IREX report stated that while the independence of PSB "is formally ensured [...] politicization continues to poison appointments to managerial positions at the entity's public broadcasters."41 PSB steering boards are "known to be influenced politically in the wake of many scandals concerning nominations and resignations."42

Political influence on editorial policy is visible in links between parties and editors and journalists. The 2015 Alternative Report on BiH's EU Progress warned of a worrying level of political influence over PSB.⁴³ Allegedly, political parties unofficially have a say in the appointment of the editors.⁴⁴ Moreover, the Program Council, which should ultimately represent citizens in the co-creation of editorial policy, has been marginalized in the RTRS and entirely maligned in the RTVF-BIH and BHRT.⁴⁵ The overt political influence translates into editorial policy and a lack of critical programming. Political of-

ficials are often used as sources for primetime news, with little critical reflection on their claims. Local media analysts point to the large amounts of airtime provided for leading political parties in comparison to the opposition voices as a key example of its use as a governmental mouthpiece.46 This has the effect of narrowing "the range of opinion in both entities,"47 which in practice means that PSBs are not fulfilling their obligation to provide political pluralism⁴⁸. Physical attacks and threats against journalists have been growing in the past year, accompanied by increasing reports of self-censorship and aversion to covering potentially problematic issues. 49

5. EDITORIAL POLICY AND DIVERSITY

The ethnic power-sharing arrangement of Bosnian politics is reflected in the managerial structures, staffing, and editorial principles of the PSB system, which are meant to ensure equal representation of the three constituent peoples and minorities. The CRA requires that public radio and TV stations establish Editorial Councils which should reflect the ethnic, cultural, and religious character of their audience.50 Programming is also legally meant to reflect the needs, languages, and cultures of all constituent peoples and minorities,⁵¹ however there are no "quotas for each of the constituent peoples and ethnic minorities"52 and the legal framework does not contain a clear provision and obligation to offer programs related to national minorities.⁵³ The focus on the three constituent peoples has essentially edged out any regard for ethnic, religious, sexual and any other minorities. For example, the LGBT population is entirely ignored by public media,54 Roma are represented by the public broadcasters in a 'sensationalist and biased' way, while ethnic minorities are underrepresented.55

6. DIGITALIZATION OF BROADCASTING, NEW MEDIA, & MODERNIZATION

The digitalization of public broadcasting in BiH has lagged behind the rest of Europe, which switched off analogue signals in 2015. Although the Strategy on Digital Switch-Over was adopted in 2009 and the first deadline for transition to a digital signal was set to 2011, implementation was delayed for years⁵⁶ after several failed public tenders for equipment. The first phase of installation was finally completed by the end of October 2016,57 and a call for tenders for the second phase was put out in March 2017. The second phase involves the procurement, installation, and testing of equipment that would digitalize more hubs in BiH and connect the country with its neighbors – the job is meant to be finished by early 2018.58 However, experts are skeptical it will be finalized.⁵⁹ Digital switchover also requires digital receivers, different production equipment, and an entirely new approach to programming and production, which most PSBs do not have - BHT and FTV continue to rely on obsolete TV production equipment.⁶⁰

The process was slowed by political obstructions and a lack of accountability to the public by the elected leaders, according to Emir Vajzović, former general secretary of the DTT Forum. The lack of a joint Corporation meant that equipment was in the possession of each broadcaster and this fragmented the process. The institutionalized lack of accountability to the public arguably created an atmosphere in which the benefits of digitalization were never clearly articulated or pushed for by ruling politicians. In sum, the failure of digitalization was the collateral damage of dysfunctional public institutions.

New media platforms, such as cable and Internet protocol television (IPTV), online media, and social media platforms are reaching BiH, with many private print magazines turning solely to online. Mobile phone penetration in BiH has been rising, reaching 87.85% by 2014.⁶³ According to the Internet World Statistics, at the end of 2015, there were 2,628,846 Internet users, a 68.1% penetration. The same source suggests 1,400,000 Facebook users on Jun 30/16, or 46.1% penetration rate.⁶⁴

However, television remains the main source of news in BiH - a 2016 EBU infographic demonstrated that Bosnians watch the most television in Europe - on average 5 hours and 4 minutes a day.65 Hence, PSBs in BIH still rely on the idea of a traditional public and use traditional channels in order to communicate with them. The focus on delayed digitalization has arguably distracted PSBs from questions of modernization in the domain of production, internal re-structuration and the introduction of new forms of governance, use of a variety of new communication channels (including social media), introduction of new services, and online presence in general.66 Only RTRS has begun construction on a digital studio, and the trend of integrated newsrooms (which blur the distinction between media such as radio, TV, and online content) has not begun in Bosnia. All three broadcasters have only started investing in their online presence, although their websites are ranked quite low in the country. Meeting these challenges is crucial for the sustainability of PSBs in the modern age, maintaining their appeal to youth, and enhancing their legitimacy as public institutions.

7. CONCLUSIONS

The question of public broadcasting in BiH lacks true public debate and as a result lacks collective legitimacy. The import of a foreign model has evidently failed, while the lack of incentive for local elites to foster independent public media leads to politicization and selective implementation of laws, PSBs' lack of collective legitimacy, an unsustainable funding model, institutional inertia within public broadcasting institutions, and an inability for PSBs to adapt to new technological innovations. BiH's malfunctioning PSB system mirrors its low levels of democratic values and practices.⁶⁷ The lack of international pressure and low involvement of the EU in PSB in BiH means a lack of external incentive for local elites to foster independent public media. The internal governance of public media needs substantial reforms. With reference to the Council of Europe's recommendations,68 BiH's PSBs

must first obtain independence from the government if they are to serve their role properly.

A collective deliberation on what and who Public Service Broadcasting in BiH is for is necessary for any hope of successfully achieving its aims in the future. Uncritically supporting the continued existence of PSBs in their current form without questioning their function is not enough. ⁶⁹ Ending the "vicious cycle" of a lack of funding and political will require redefining the role of public broadcasting by listening not only to politicians, but to the voices of the public. ⁷⁰

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