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The Future of Public Service Broadcasting in Bosnia and Herzegovina

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1.

Introduction*

Public Service Broadcasting (PSB) in Bosnia and Herzegovina is in crisis. Since its creation in 2002, it has steadily been losing both revenue and audience. The fact that it is dysfunctional and highly politicized has brought it to the verge of financial collapse. The state broadcaster, BHRT, narrowly averted being shut down in June 2016 due to a lack of funding,¹ and its fate remains uncertain. The catastrophic economic situation, lack of substantive progress towards EU accession, fragile civil society, and state capture make the situation more difficult. One of the main challenges for PSB in post-communist countries is ending the capture of the state by political parties,² which in BiH is additionally complicated by ethnopolitics and legal uncertainty, which results from what Zielonka and Mancini call “floating laws”³ – frequent changes to legal frameworks and weak and selective rule of law. This paper probes the future prospects for PSB in BiH by looking at the developmental path of PSB and its current situation, taking into consideration these complex contextual challenges.

Given the challenging situation with respect to the development and functioning of PSB in BiH, the paper discusses three aspects relevant to understanding its prospects. First, the development of the policy framework for PSB is examined by looking at how the initial media policy was adopted and what roles were played by key actors, such as the EU, international donors, local political elites and civil society, in policy-making processes. Special attention is placed on exploring the impact that EU accession criteria have had on policy-making regarding PSB. Secondly, the current situation with respect to the functioning of PSB in BiH is explored, particularly examining political, legal and financial factors. Finally, the paper studies the future prospects of the PSB system in the context of a rapidly changing multi-channel environment driven by convergence, digitalization, and the proliferation of social media and new media platforms in general.

This analysis is positioned within the context of contemporary debates on the future of PSB, especially with regard to its legal, financial, technological, and

* This report is updated as of December 2016.

¹ Elvir Pelešević, “Bosnian and Herzegovinian Parliament Secures BHRT’s Survival ... so far,” *Eurovisionary*, June 15, 2016.

² Katrin Voltmer, *Building Media Systems in the Western Balkans: Lost between Models and Realities* (Sarajevo: Analitika - Center for Social Research, 2013), p. 25.

³ Jan Zielonka and Paolo Mancini, *Executive Summary: A Media Map of Central and Eastern Europe* (Oxford: University of Oxford, 2011).

socio-political dimensions. Special attention is paid to the role of PSB in post-socialist states, as well as the specific nature of the post-war political situation in BiH, its power-sharing structures, and implications for the functioning of PSB. In order to approach these issues, the paper draws on the work of Jakubowicz on public broadcasting in post-communist settings, (2004, 2008) and Hallin and Mancini's work on political parallelism and colonization of the media (2004, 2011). The prospects of PSB in post-communist transitional societies are analyzed in relation to the work of Jakubowicz and Sukosd, Zielonka and Mancini, and Voltmer. For a better understanding of the broader political context, we refer to Bugarič's concept of unfinished transition and state capture in Europe's peripheries, as well as Mujkić's writing on Bosnian ethnopolitics, to analyze the coalescence of the political elite and national divisions in BiH. Finally, this paper relies on contemporary studies of the media in South East Europe (Petković, Hrvatin, Milosavljević) and BiH in particular.

The paper argues that the transformation of the state broadcasters into a genuine PSB in BiH has so far failed with respect to all of the core elements of such a system: funding, independence, remit, and adoption of new technologies. We ascribe this primarily to institutional inertia and subsequent politicization of the public sphere. At the same time, the ongoing debate about PSB in BiH is largely anachronistic, and fails to capture the core challenges and articulate much needed innovative policy solutions that would look beyond the now largely outdated, defunct model of PSB that was introduced in 2002. PSB in BiH is a victim of the political colonization of the media sphere, and weak, dysfunctional state institutions that suffer from the chronic disregard for law demonstrated by ruling elites.

The paper first gives an overview of key theoretical concepts and debates relevant to understanding contemporary trends in PSB development, globally and regionally. The next section provides an insight into the overall country context relevant to understanding the contemporary developments regarding PSB in BiH, followed by an outline of the key findings regarding the four crucial dimensions related to PSB in BiH: regulation, funding, technology, and socio-political factors. After a discussion of the key findings and a brief conclusion, the paper ends with a list of recommendations addressed to key stakeholders involved in PSB reform in BiH.

2.

Theoretical and Methodological Framework

2.1 Key Contemporary Debates Related to PSB

The future of public broadcasting depends on reconsidering both its purpose and its capacity to adjust to new media trends in the world of personalized media consumption. Indeed, some new trends for PSB identified in the European Broadcasting Union's Vision 2020 report⁴ include the abundance of information and of channels for communication, audience fragmentation, a changed notion of broadcasting, state withdrawal from media, the contested role of PSM in the converged media sector, and insufficiently secure political independence. It is the capacity of PSB to navigate through these challenges that will determine its fate.

The contemporary debate about the remit of PSBs revolves around the question of their role and mission in a networked society and how to use digital platforms to reach their audiences and regain trust, while coexisting with private media companies. Digital technology has transformed the way people consume media, with smartphones on the rise and TV and radio generally losing their audience. For PSB, new technological development requires a "clearer definition of such broadcasting"⁵ and of its public service ethos. Internally, modern PSBs must make changes to their own programming and ethos in order to underscore their legitimacy and the role they play in society. Retaining universality, the public interest, political independence, and quality programming is related to increasing the trust and reach of audiences. Bardoel and Lowe consider it necessary to "renew the public service ethos and revitalize the public service mission for a multimedia and polymedia environment."⁶

Many make the case for PSB's continued relevance and sources for its legitimacy, and functioning and stable PSB remains a crucial element in many

⁴ European Broadcasting Union (EBU), *Vision 2020: Connecting to a Networked Society* (Geneva: EBU, May 20, 2012).

⁵ Jackie Harrison and Bridgette Wessels, "A New Public Service Communication Environment? Public Service Broadcasting Values in the Reconfiguring Media", *New Media & Society* 7, no. 6 (2005), p. 834.

⁶ Gregory Ferrell Lowe and Johannes Bardoel, eds. *From Public Service Broadcasting to Public Service Media* (Göteborg: Nordicom, 2007), p. 9.

liberal democracies, especially in the EU. Research has found that PSB news is generally more democratic and critical than private media, that well-funded PSB has led to a rise in the standards of journalism in the media market in general, and that countries with sustainable PSBs have “better informed citizens, with better knowledge of politics and current affairs.”⁷ The public goals of public service broadcasting, therefore, remain clear, though how well PSBs adapt to the changing environment determines whether they are able to keep playing a relevant and important public role.

The issue of the ethos of public service feeds into the question of whether serving the public interest should be determined by market requirements or by an independent broadcaster that would cater directly to the public. Along those lines of argument, Donders divides the current approaches to PSB into a ‘market failure approach’ and ‘a social responsibility approach.’⁸ The first aims to limit PSB services to those areas or domains that are not provided for in the market by private competitors such as private television stations or cable and IPTV operators – thus PSBs serve to compensate for what the free market fails to deliver to citizens/consumers. The second approach or perspective on the future of PSB is considered social democratic, and heavily relies on Garnham’s (1990) argument that the values promoted by PSB should not be left or determined by the market itself. Instead, PSB ought to have a wider perspective and provide the public access to a variety of information and programming – not merely those missing on the market.⁹ Which approach is taken will inevitably have fundamental implications on the very nature of PSB in a given case.

Tied directly to the concept of the public interest is the changing notion of the public and the public sphere itself. The emergence of plural public spheres has replaced the notion of the public as a single and coherent whole. Splichal situates the principle of ‘publicness’ or ‘publicity’ as a universal good related to early concepts of press freedom, arguing that public service media were always meant to serve a democratizing function, beginning in an era when newspapers had fallen under the control of political and commercial interests.¹⁰ This sense that PSB is a form of direct communication between citizens and the ruling classes is echoed in today’s concepts of the public. Dalgrehn draws on Habermas’ account to define the public sphere as a space that allows “the circulation of information, ideas, debates” and “the formation of political will (i.e., public

⁷ EBU, *Vision 2020*, p. 85.

⁸ Karen Donders and Hilde Van den Bulck, “‘The Digital Argument’ In Contemporary Public Service Media Debates: The Case Of New Management Contract Negotiations for VRT,” in *The Value of Public Service Media*, eds. Gregory Ferrell Lowe and Fiona Martin (Gothenburg: Nordicom, 2014), p. 147.

⁹ Ibid.

¹⁰ Slavko Splichal, “Rethinking Publicness: The Precedence of the Right to Communicate”, *Javnost - The Public* 9, no. 3 (2002), p. 100.

opinion),”¹¹ recognizing that the public sphere in modern times consists of plural spaces. The circulation of ideas in the public sphere implies not only a one-way transfer, but communication between citizens and those in power – something which many argue is precisely the function of PSB. Splichal argues that the ideal form of ‘publicness’ has never been realized in PSB, and that the contemporary collapsing of the notions of a public and an audience leads to a “hybrid or pseudo-public sphere, which is a commercialized version of the public sphere.”¹² Modern PSB, however, must take pluralism into account if it is truly to cater to the public in a meaningful way.

The conception of PSB as a proxy ‘town hall’ where democratic debate can take place necessitates the will and effort to foster this sort of dialogue. Katrin Voltmer claims that “objective journalism and unbiased information are crucial for developing a public sphere where different voices can be heard and listened to, and where compromises and shared visions can be forged.”¹³ Therefore, the existence of a space for democratic debate “that is capable of bringing together different discourses requires political and civic will”¹⁴ and does not emerge naturally, but must consciously be built and fostered.

Digital technology has transformed the way people consume media, leading to audience fragmentation – a series of demographic and social changes which result in diverse audiences and media consumers who are keen for more choice, as well as for mobility and personal control of their media. These ‘digitally empowered’¹⁵ consumers seek a participatory role in media, personalized content, and use multiple platforms and devices to access content. This means a significant shift in the way that PSB relates to its audience, but also provides PSBs with a particular role. The EBU argues that with commercial media increasingly providing individualized content for niche audiences, PSB continues its important role as a universal ‘media for everyone’ – accessible and available – while simultaneously developing innovative ways to plug into an increasingly networked society and communicate with diverse audiences.¹⁶ Some worry that fragmentation may affect the structure of democracy itself or the ‘cohesion of the nation-state’ (Katz 1996) due to the loss of the ‘town square’ dynamic that PSB once offered.¹⁷ This social polarization is particularly threatening for societies

¹¹ Peter Dahlgren, “The Internet, Public Spheres, and Political Communication: Dispersion and Deliberation”, *Political Communication* 22, no. 2 (2005), p. 148.

¹² Tobias Olsson, “There is No Public Sphere without a Public: An Interview with Slavko Splichal,” *Mediální studia* 4, no. 1 (2010), p. 68.

¹³ Voltmer, *Building Media Systems in the Western Balkans*, p. 20.

¹⁴ Ibid.

¹⁵ EBU, *Vision 2020*, p. 10.

¹⁶ Ibid, p. 1.

¹⁷ Paolo Mancini, “Media Fragmentation, Party System, and Democracy”, *The International Journal of Press/Politics* 18, no. 1 (2013), pp. 43-60.

with a less well-defined commons, where the state has failed to provide universal rights or good and services, such as those in Central and Eastern Europe, as well as in states with pronounced ethnic divisions.¹⁸

Along with audience fragmentation, funding is a crucial issue in PSB sustainability, as is its relationship with commercial media. The pattern of abandoning or restructuring the license fee as a model of funding has been seen in the practice of European countries, with taxation becoming preferable due to the greater ease of collecting funding, though it does entail the changing of laws and fine-tuning of tax policy.¹⁹ In the EU, all member states are required to ensure funding for PSBs but “such funding cannot adversely affect trading conditions and competition in the Community to an extent which would be contrary to the common interest.”²⁰ The European Union allows state financing of PSBs (through direct taxation or license fees) only if the PSB has a clearly defined legal remit which is monitored at a national level by an independent authority, and if PSB funding is proportionate – meaning that it does not distort competition with private broadcasters.²¹ This implies that in the EU, market distortion is considered legitimate “only when it meets objectives greater than the goal of market integration and is based upon an objective observation of market failure,”²² usually measured by public value tests.²³ However, some argue that commercial broadcasters “want public service media regulated in ways and

¹⁸ Ibid, p. 50.

¹⁹ Some analysts in the UK fear that the BBC license fee system cannot survive and that the license fee funding system is “‘likely to become less sustainable’ and would have to be overhauled entirely.” For example, in Finland the license fee has become a means of income tax, similar in some ways to the French system for funding PSB. In Germany the license fee was found to have lost its constitutional legitimacy and has been transformed into a household tax, and in the Netherlands the license fee was shifted to taxation some years ago.

²⁰ Ferrell Lowe and Bardoel, *From Public Service Broadcasting to Public Service Media*, p. 11.

²¹ European Commission, Public Service Broadcasting and State Aid – Frequently Asked Questions, MEMO/05/73 (Brussels: European Commission, March 3, 2005).

²² Karen Donders and Caroline Pauwels, “Does EU Policy Challenge the Digital Future of Public Service Broadcasting?: An Analysis of the Commission’s State Aid Approach to Digitization and the Public Service Remit of Public Broadcasting Organizations”, *Convergence: The International Journal of Research into New Media Technologies* 14, no. 3 (2008), p. 297.

²³ Public value tests are one form of test which seeks to measure the justification of the use of state funds to fund PSBs – they can be found in the UK, Germany, and Norway. The EU calls for an ‘ex ante test’ any time a PSB remit is sought to be expanded, including “a public consultation which assesses—prior to their introduction—whether ‘significant new audiovisual services envisaged by public service broadcasters serve the democratic, social and cultural needs of the society, while duly taking into account its potential effects on trading conditions and competition.’” Thus many of these tests include considerations both of the public value of PSBs and of their effects on the market and their own economic efficiency. Citation from Hallvard Moe, “Governing Public Service Broadcasting: “Public Value Tests” in Different National Contexts”, *Communication, Culture & Critique* 3, no. 2 (2010), p. 210.

to an extent that would make them non-competitive, non-developmental, and ultimately insolvent.”²⁴

Given technological developments, PSBs, many of which were originally developed as analogue broadcasting media, face several challenges. A 2016 Reuters Institute for Journalism report framed the three key challenges for PSBs as the following. First, adapting organizations to a digital media environment, and using mobile platforms and social media more effectively.²⁵ Second, convergence involves changing internal cultures of public media institutions, such as the dynamics of production, featuring mixed newsrooms with fewer divisions between TV, radio, and web. Third, digital production, as an advanced step of digitalization as a whole, requires a rethinking of production logics, updated training for employees, and new broadcasting equipment.

Digital television introduces technical innovations while the audience benefits in the quality of the signal and choice. At the same time, digital technology creates a highly competitive environment, and many challenges that each country has to deal with. That is why all public broadcasters had to make serious changes to adjust their programming and approach to the audience to this new technology. Apart from improving the quality of broadcasting, digital signals offer audiences on-demand viewing, interactive features, the option to consume media online, and increased choice and content in general. In all the countries where the process of digitalization is complete, citizens have access to multichannel TV, whether several dozen channels on digital terrestrial television (DTT) or several hundred on satellite and cable distribution platforms. At the same time, digitalization makes it easy for telecom operators to launch IPTV platforms to offer television services to their subscribers, though this is happening in BiH despite the lack of favorable technological conditions. Due to modern technologies, many households in Europe today have access to a range of nonlinear services such as video on demand (VOD) and over the top (OTT) services, while broadband connections are much improved and the internet offers an enormous selection of content.

New media and digital convergence presents a set of issues to PSB, including the internal culture of PSBs (including mixed newsrooms), digital production, mobile platforms, and the effective use of social media. The concept of the public sphere in a networked society is continually changing, which requires shifts in mindset among not only PSB management but editors as well. Suggested internal conditions for successful PSBs include “a pro-digital culture where new media are seen as opportunities rather than as threats and senior editorial leaders who have clearly and publicly underlined the need to continually change the organization to adapt to a changing media environment.”²⁶

²⁴ Ferrell Lowe and Bardeel, *From Public Service Broadcasting to Public Service Media*, p. 16.

²⁵ Annika Sehl, Rasmus Kleis Nielsen and Alessio Cornia, *Public Service News and Digital Media* (Oxford: Reuters Institute for Journalism, 2016).

²⁶ Ibid.

As many reports have suggested, the shift to digital media will entail not only a change in ethos but a restructuring of PSBs' internal governance to respond to 'new media ecologies.' The Council of Europe recommends that these changes in PSB media governance must occur on three levels: structural (the provision of funding, political independence), effective management, and an open and responsive institutional culture.²⁷ On the level of formal structures, any PSB governing body must first of all secure its independence from the government, without which it cannot "maintain its focus as purely to serve the public interest." PSBs must also be accountable to the State and other stakeholders through a well-defined accountability framework. Effective management has to do with maximizing efficiency and effectiveness in terms of resources, staff, and technological innovations. As for the internal culture of PSBs, the CoE recommends a set of core values: transparency, openness, responsiveness, and responsibility, which should reflect their own social context but define the principles that the PSB's future is based on.²⁸ Michal Glowacki argues that PSBs ought to find ways to include citizen participation in PSB governance, including in decision-making processes.²⁹

2.2 PSB Issues Specific to Post-communist and Western Balkan Countries

Former communist countries of Central and Eastern Europe have an additional set of issues to cope with when it comes to the creation of sustainable, future-oriented PSB. Politicization of the media is one of the most troubling trends for PSBs in post-communist contexts during the process of transition from state to public service broadcasting. A noted trend in some of these countries in recent years is the rise of authoritarian governments (e.g., Hungary, Macedonia, Serbia) which see the PSB system as one of their main tools in achieving their political objectives. Decreasing media independence corresponds closely with state capture by political parties,³⁰ where public service media are often largely reduced to a subservient relationship to the governing party.

²⁷ Council of Europe, Recommendation CM/Rec(2012)1 of the Committee of Ministers to Member States on Public Service Media Governance (Council of Europe, Committee of Ministers, February 15, 2012).

²⁸ Ibid.

²⁹ Michal Glowacki, "Governance of Public Service Media in Poland: the Role of the Public", *Media and Communication* 3, no. 4 (2015), p. 26.

³⁰ Florian Bieber argues that in South Eastern Europe, "democratic formalities [are] observed, but at the same time, populist parties control the state through patronage structures. This is particularly evident through the dominance of political parties over the media, the state and the weak rule of law." Florian Bieber, "The Authoritarian Temptation", *Florianbieber.org*, March 15, 2014.

In many post-communist countries in South-Eastern Europe, political parties that gained power after the fall of communism continue to rule through patronage structures. Their dominance over the media is a key aspect of attendant state capture, and weak rule of law.³¹ The period of transition from state broadcasting to PSB led to increased political control over the media by political parties once the state had given up direct control.³² Today, the media in most of the former socialist countries do not play the role of a forum for public debate but are rather tools of political elites and interest groups.³³ Jakubowicz notes that in post-communist countries, political elites' power over media results in Potemkin institutions designed "to satisfy the requirement of external actors, such as international donors"³⁴ which function only as de jure organizations that cannot fulfill their goals.³⁵

State capture by political parties in Central and Eastern Europe is the subject of a good deal of research, offering lessons for the Bosnian context. Berend and Bugarič's research on post-accession Slovenia, for example, can easily be adapted to the broader Western Balkan context. They describe a situation in which "*formal democratic rules and institutions often operate in the shadow of informal networks and practices*" where a "*myriad of interest groups, political parties and individuals use these networks and practices to extract resources from the state.*"³⁶ In turn, these informal networks and the entanglement of political and business elites resulted in 'crony capitalism,'³⁷ defined as an "economic system in which family members and friends of government officials and business leaders are given unfair advantages in the form of jobs, loans, etc."³⁸ This context evidently has consequences for the ability of PSBs to act independently from state and political structures and thus fulfil their public role.

³¹ Ibid.

³² Daniel Hallin and Paolo Mancini, eds., *Comparing Media Systems beyond the Western World* (Cambridge: Cambridge University Press, 2011), p. 3.

³³ Thanks to Davor Marko in helping the authors make this point.

³⁴ Karol Jakubowicz, "Public Service Broadcasting: Product (and Victim?) of Public Policy" in *Handbook on Global Media and Communication Policy*, ed. Robin Mansell and Marc Raboy (Oxford: Blackwell-Wiley, 2011), p. 215.

³⁵ Voltmer corroborates the politicization of the public media in post-communist settings: "*In many new democracies of post-communist Eastern Europe, public service has been hijacked by political elites to serve their needs of controlling the public agenda.*" Voltmer, *Building Media*, p. 25.

³⁶ Ivan Berend and Bojan Bugarič, "Unfinished Europe: Transition from Communism to Democracy in Central and Eastern Europe", *Journal of Contemporary History* 50, no. 4 (2015), p. 779.

³⁷ Ibid, p. 780.

³⁸ Cambridge Dictionary, definition of "crony capitalism".

2.3 Methodology

The methodology used in this study was based on a mix of primary and secondary research, using triangulation and various data sources to verify our findings. Our sample aimed at interviewing those who work for each of the three PSBs on the editorial, managerial, and journalistic levels, independent analysts from each entity, as well as those from relevant institutions such as the Communications Regulatory Agency. Some of our interlocutors were people who were directly involved in the original process of PSB reforms. We contacted potential interlocutors by email and followed up by phone, and the 15 semi-structured interviews we conducted took place in the spring of 2016 in Sarajevo and Banja Luka.³⁹

Though the informants were familiar with the questions, their responses were not overly guided, in order to obtain full and unbiased information. With all of them, we tried to investigate the future of public broadcasting in BiH. It proved particularly difficult to schedule interviews with managers and editors from the public broadcasters, who avoided our interview requests or simply declined them.⁴⁰

The interviews were conducted while the state broadcaster was on the verge of being shut down due to financial difficulties. It was also an election year, which tends to affect the media scene in general. At the same time, the media in Bosnia and Herzegovina in 2016 are under the influence of the ruling political parties, and journalism has become a more dangerous profession, with different organizations noticing an increasing number of attacks on them every day. The responses of those we interviewed were largely shaped by this atmosphere.

Data collected from the interviews was entered into a matrix and categorized by question and theme, which gave us insight into which questions had a unanimous response and which garnered fewer consensuses.

Desk research combined analyses of legal documents, available reports, policy papers and academic literature. Particular attention was dedicated to the analysis of media legislation and media reports about the entire process of PSB reforms in the country.

³⁹ Please see the Annex for the full list of those interviewed.

⁴⁰ One of the editors we contacted, informed of the international character of the research project, rejected the interview stating that “the international community” is partially to be blamed for the situation PSB in Bosnia is in.

3.

Country Background

3.1 Political, Economic and Social Aspects Relevant for PSB

BiH's political, economic, and social context is defined by its post-socialist and post-conflict nature, power-sharing state structures, and dire economic circumstances. After the dissolution of Yugoslavia and the war in Bosnia, the country was subjected to international intervention, which considered media sector reform a key in the peace building and democratization processes.⁴¹ These efforts were met with resistance from ethno-nationalist politicians in the country who most often formally agreed to the new models and ideas, but obstructed their implementation.

One of the particularly salient factors in BiH's political context is the consociational power-sharing structure imposed by the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP).⁴² Critics of the GFAP argue that this constitutional arrangement excludes citizens based on ethnicity⁴³ by enshrining the three 'constituent peoples' (Bosniaks, Croats, Serbs) while excluding 'Others' (Roma, Jews, Bosnians,⁴⁴ the undeclared, and others) from political representation.⁴⁵ Many scholars argue that this arrangement petrifies an "increasingly dysfunctional political system."⁴⁶ Paradoxically, power-sharing principles based on consociationalism have failed to foster democracy. Instead of addressing past conflicts, the categorization of the Bosnian citizenry along ethnic lines (correlated with religion and language) simply institutionalizes ethnic

⁴¹ Tarik Jusić and Nidžara Ahmetašević, *Media Reforms through Intervention: International Media Assistance in Bosnia and Herzegovina* (Sarajevo: Analitika – Center for Social Research, 2013).

⁴² Colloquially referred to as the Dayton Agreement since it was signed in the US military base in Dayton, Ohio, USA.

⁴³ Edin Hodžić and Nenad Stojanović, *New/Old Constitutional Engineering* (Sarajevo: Analitika – Center for Social Research, 2011).

⁴⁴ In BiH, citizens who choose to identify as 'Bosnian' rather than one of the three ethnic identities are in the minority and are not structurally validated by the country's constitutional structure. In the 2013 census, those who identified themselves as Bosnian were lumped into the category of 'Other' – along with Roma, Jews, those of other religious identities, and the undefined.

⁴⁵ Hodžić and Stojanović, *New/Old Constitutional Engineering*.

⁴⁶ Ismet Sejfića and Danica Fink-Hafner, "Citizens' Protest Innovations in a Consociational System: The Case of Bosnia-Herzegovina," *Teorija in Praksa* 53, no. 1 (2016), p. 197.

factionalism. Unlike more successful consociational societies in Western Europe, BiH's constitutional structure "pits individual rights against the collective premises of the consociational structures" and offers limited incentives for institutional change.⁴⁷ Indeed, the failure of the consociational model in creating the conditions for a robust democracy in BiH is mirrored in the collapse of the PSB system.

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 2016 considers BiH a hybrid regime, caught in transition between a consolidated democracy and authoritarianism.⁴⁸ The report blames the "excruciatingly complex political system" resulting from the Dayton Agreement, which "has crippled the state" and led to the country operating as "a set of ethnic fiefdoms."⁴⁹

Many scholars agree that ethnic identity and nationalism are utilized by political elites to "obscure the process of economic dispossession"⁵⁰ of the populace. Ruling parties in BiH demonstrate characteristics of what Mujkić calls "a democracy of ethnic oligarchies."⁵¹ Corrupt oligarchs are, by definition, parasitic upon public institutions and thus "have no potential to be democratic agents."⁵² Within this milieu PSB flounders against oligarchic interests, which have no endogenous 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,⁵³ exacerbating the stagnation and politicization of PSB. What is lacking is more robust support for democratization and civic action which would

⁴⁷ Ibid, p. 186.

⁴⁸ Dino Jahić, "Nations in Transit 2016: Bosnia and Herzegovina", Freedom House, 2016.

⁴⁹ Ibid, p. 11.

⁵⁰ Jasmin Mujanović, "The *Baja* Class and the Politics of Participation", in *Unbriable Bosnia and Herzegovina: The Fight for the Commons*, ed. Damir Arsenijević (Baden-Baden: Nomos, 2014), p. 138.

⁵¹ Asim Mujkić, "We, the Citizens of Ethnopolis", *Constellations* 14, no. 1 (2007), p. 113.

⁵² Mujanović, "The *Baja* Class", p. 138.

⁵³ "The unwillingness of international actors (later the architects of the post-war settlement in Bosnia and Herzegovina), from the beginning of the Yugoslav crisis, to promote and implement decisions and policies that would foster meaningful democratic accountability of elites, participatory civic engagement and the creation of a robust minority rights regime rather than exclusionary ethno-chauvinism." Mujanović, "The *Baja* Class."

transform the very structure that sustains the ethnopolitical elites and fails to incentivize political will for supporting truly public and functioning PSB.

BiH's economic situation has had negative consequences for PSB, as well as on the political stalemate that has existed for several years. Bosnia and Herzegovina has one of Europe's highest unemployment rates – 27.5% in 2014,⁵⁴ while youth unemployment was 58% in 2016.⁵⁵ BiH is ranked as the fifth poorest country in Europe by the World Bank,⁵⁶ while according to EU statistical office Eurostat Bosnia is the poorest European country measured by GDP per capita, and second poorest measured by Actual Individual Consumption (AIC). Bosnia is at the bottom of the list with GDP per capita of only 28 percent of the European average, and an AIC which is 37 percent of the European average. Some argue that within the complex governmental structure, partisan conflicts have "affected living conditions," with enormous debts growing "as budget funds were sunk in corruption or used to buy social peace at the expense of investment."⁵⁷ As the World Bank estimates, various factors – such as political and social turmoil, lack of progress in making improvements to the business climate – reduced economic growth rates. Critics have pointed to rapid post-war privatization and deregulation as evidence of the predatory actions of local political elites whose pillage of state assets began during the war.⁵⁸

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."⁵⁹ These patterns are all visible in BiH. According to the first postwar census (though its results were contested)⁶⁰ from 2013, the population has declined by 20 percent in the past 25 years,⁶¹ the biggest drop in Bosnia for more than a

⁵⁴ Mirna Jusić and Amar Numanović, *Flexible Labour in Inflexible Environment: Reforms of Labour Market Institutions in Bosnia and Herzegovina in Comparative Perspective* (Sarajevo: Analitika – Center for Social Research, 2015).

⁵⁵ Ages 15-24. Jahić, "Nations in Transit 2016."

⁵⁶ "Bosna i Hercegovina peta najsiromašnija država u Evropi" [Bosnia and Herzegovina the Fifth Poorest Country in Europe], *Klix.ba*, February 22, 2016. See also: World Bank, "Poverty and Equity, Bosnia and Herzegovina", 2016.

⁵⁷ Jahić, "Nations in Transit 2016".

⁵⁸ Srećko Horvat and Igor Štiks, *Welcome to the Desert of Post-Socialism: Radical Politics after Yugoslavia* (London: Verso Books, 2015), p.2.

⁵⁹ Ibid.

⁶⁰ See: Samir Huseinović, "Politiziranje popisa stanovništva u BiH" [Politicizing the Census in BiH] *Deutsche Welle*, April 4, 2016; Charles Recknagel, "Bosnia Erupts in Feuding over New Census Data", *Radio Free Europe Radio Liberty*, June 30, 2016.

⁶¹ Agency of Statistics for Bosnia and Herzegovina, *Census of Population, Households, and Dwellings in Bosnia and Herzegovina, 2013: Final Results* (Sarajevo: Agency of Statistics for Bosnia and Herzegovina, June 2016).

century, and the largest decline in the region. Overall, 3.52 million people live in Bosnia today, which is some 875,000 fewer than in 1991, with many assumed to have emigrated for better economic opportunities. These economic and social conditions have recently been the subject of protest and citizens' dissatisfaction: in 2014, waves of social protests were sparked in numerous places in BiH, led by workers from privatized and destroyed factories. They demanded unpaid salaries and pensions, and were soon joined by students and other citizens, resulting in three month-long protests and demands for resignations of political elites.⁶²

3.2 Media System Overview

The media system in Bosnia mirrors the ethnic polarization and territorial fragmentation of the country, and suffers from the same problems of economic hardship and politicization. Its development was highly influenced by the 1992-1995 war, and deep reforms in the post-war period that were guided by the international community.⁶³ According to Freedom House, in 2015 the media market in BiH was “overcrowded; divided along ethnic, entity, and party lines; marked by close relationships among publishers, journalists, and politicians; and characterized by a dearth of independent reporting” while the public broadcasting content “reflects the fact that their funding depends on the whims of politicians.”⁶⁴

It is therefore not surprising that some of the most relevant international rankings rating the situation of media democratization and professionalism in the country are showing continuous decline in the last decade. For example, the Freedom House scores for Independent Media (as well as overall state of democracy) in BiH have been steadily dropping since 2006.⁶⁵ 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.⁶⁶ According to the same source, the media are under political influence, reporting is biased, and media laws are poorly implemented.⁶⁷ Freedom of speech and good business management scores also dropped in 2015 compared to the previous year due to threats to journalists, political and

⁶² Srećko Horvat, “Godot Arrives in Sarajevo”, *New York Times*, February 19, 2014.

⁶³ Jusić and Ahmetašević, *Media Reforms through Intervention*, p. 15.

⁶⁴ Jahić, “Nations in Transit 2016”.

⁶⁵ Ibid.

⁶⁶ Sanela Hodžić and Lidija Pisker, “Bosnia and Herzegovina”, in *Media Sustainability Index 2016* (Washington: IREX, 2016).

⁶⁷ Ibid.

economic instability, and decreasing revenue sources.⁶⁸ The country's media system is considered to be 'an unsustainable mixed system.'⁶⁹

The broadcasting market in BiH is oversaturated given the limited revenues available. The 2015 CRA report counts 43 TV and 145 radio stations, plus three public broadcasters - one for each entity (Radio-Television of the Federation of Bosnia and Herzegovina [RTVFBiH], Radio-Television of Republika Srpska [RTRS]) and one at state-level (Radio-Television of Bosnia and Herzegovina [BHRT]). An important aspect of the broadcast media market is that there are five public TV stations at the cantonal level in Federation BiH, and seven radio and TV stations at the municipal level, all financed by government, with an estimated cost of 7.87 million EUR per year.⁷⁰ According to the IREX MSI report:

“when it comes to government funding for media, data collected by Association CRMA in 2015 showed that around \$16.36 million is provided by the government on different administrative levels, in the form of direct funding from government budgets, subsidies or different contracts with media (for covering certain events, advertising, etc.). The current models of government financing lack credible criteria, transparency, independent decision-making and overall guaranties of editorial independence, and thus are believed to be primarily a means of control over media.”⁷¹

The size of the radio and TV market is hard to establish due to fragmentation and a lack of reliable media marketing research, reliable audience measurement, or a database with updated information. The CRA is one of the only bodies that analyze the broadcasting market, and in the last available report from 2013, the size of BiH's media market was assessed at 156.5 million KM in 2012.⁷² According to the CRA report, 70% of the total revenue of the electronic media market in 2012 (app. 90 million KM in total) in BiH goes to public service broadcasters, while 35.4% or 19.63 million KM (out of the *total marketing revenue* of television, print, radio, and online marketing) goes to public broadcasters, which is relatively large compared to other countries in Europe.⁷³ According to the OSCE, public service

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Sanela Hodžić, “Media Integrity Report: State-media Financial Relations in Bosnia and Herzegovina,” *Southeastern Europe Media Observatory*, November 26, 2015.

⁷¹ Hodžić and Pisker, “Bosnia and Herzegovina”.

⁷² Communications Regulatory Agency of Bosnia and Herzegovina (CRA), *Analiza tržišta emitovanja u BiH* [Analysis of the Broadcasting Market in BiH] (Sarajevo: CRA, 2013).

⁷³ Ibid.

broadcasters should not have more than 25% marketing income as they should not be in direct competition with private media for these revenues.⁷⁴

Moreover, due to the recent financial crisis, advertising money in the media market as a whole is decreasing, and “considered to be far less than required for healthy functioning of the media sector.”⁷⁵ Data from Fabrika advertising agency in Sarajevo claims that advertising in the country peaked in 2008, after which the decline in advertising revenue tracked closely with the global recession.⁷⁶

Private broadcasters are increasingly becoming competitors of PSBs in terms of primetime news,⁷⁷ but often even in other segments. While audience shares for commercial broadcasters have demonstrated a growing trend, audience shares for PSBs, excluding RTRS, have been falling in the past two years.⁷⁸ Analysts from the media watchdog portal *Analiziraj.ba*, who make weekly assessments of programs of major TV stations in the country, including public broadcasters, have observed that currently commercial TV stations are leading in the production of children’s programs and cultural programs,⁷⁹ and they are also catching up with PSBs when it comes to informational services.⁸⁰ From PSB data, it is clear that PSBs are lagging behind when it comes to cultural and children’s programs. For example, in 2015 only 3% of BHRT’s programming was children’s broadcasting and 6% cultural. RTRS, in 2014, had 4% children’s programming and 6% cultural shows.⁸¹

The advent of new media platforms, such as cable and Internet protocol television (IPTV), online media, and social media platforms are disrupting the media market in a profound way. Mobile phone penetration in BiH has been rising, reaching 87.85% by 2014.⁸² According to Internet World Statistics, at the end of

⁷⁴ Ibid.

⁷⁵ Hodžić and Pisker, “Bosnia and Herzegovina”.

⁷⁶ Radenko Udovičić, *Working Conditions for Journalists in Bosnia and Herzegovina: Journalists in a Gap between Devastated Media and Legal Insecurity* (Sarajevo, 2015).

⁷⁷ Mehmed Halilović, long-time journalist and media analyst, former media ombudsman, interview with author, March 2016.

⁷⁸ Radio-Television of the Republika Srpska (RTRS), Izvještaj o poslovanju RTRS-a [Report on the Work of RTRS] (Banja Luka: Radio-Television of the Republika Srpska, 2014), p. 34; Radio-Television of Bosnia and Herzegovina (BHRT), Izvještaj o radu i poslovanju Radiotelevizije Bosne i Hercegovine za 2015. godinu [Report on the Work and Employment of Radio-Television of Bosnia and Herzegovina in 2015] (Sarajevo, March 2016), p.16.

⁷⁹ Brought to our attention by Gordana Katana, journalist, and Uglješa Vuković, Media analyst, interviews with author, March 2016. See also archives at <http://www.analiziraj.ba>, accessed 28 April 2017.

⁸⁰ In a small research project done by Media Plan, approx. 40% of students in Sarajevo and Mostar perceived the role of N1, a private media company, as essentially providing the functions of a public service broadcaster. Radenko Udovičić, interview with author, April 2016.

⁸¹ RTRS, Report on the Work of RTRS.

⁸² Invest in Group, “Sarajevo Calling”, March 2015.

2015 there were 2,628,846 Internet users, a 68.1% penetration. The same source suggests 1,400,000 Facebook users on June 30/16, or 46.1% penetration rate.⁸³ IREX notes that “users tend to rely increasingly on social networking tools for news,”⁸⁴ especially young people. 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.⁸⁵

3.3 PSB in BiH: Context, Establishment, Development and Obstacles

The end of the 1992-1995 war in Bosnia and Herzegovina left the media landscape entirely divided along ethnic lines. In Republika Srpska, the state controlled broadcaster SRT (Srpska Radio Televizija) was under direct control of the ruling SDS party. In the Bosniak part of the Federation of BiH, Sarajevo-based RTVBIH was controlled by the SDA Bosniak ruling party, while areas of the Federation under the Croat HDZ party control had EROTEL TV, as well as illegal re-broadcasting of programs of the Croatian national broadcaster HRT (Hrvatska Radio-Televizija/Croatian Radio-Television) across the BiH territory. All of these media houses continued to use war rhetoric and hate speech even after the peace accord was signed, undermining the prospects of democratization and peace implementation in the country.

The reform of state controlled broadcasters was high on the peace implementation agenda when the Peace Implementation Council (representing the international community) introduced media reforms in 1997.⁸⁶ The Office of the High Representative (OHR) was given powers “to curtail or suspend” any media network or program thought to be working contrary to the Dayton Peace Accords, which opened the door for direct intervention in the media system. The first significant action was in 1997, when SFOR⁸⁷ troops forcibly took over the transmitters of Republika Srpska’s public television network⁸⁸ in order to

⁸³ “Europe – Bosnia and Herzegovina,” *Internet World Statistics*, August 5, 2016.

⁸⁴ Hodžić and Pisker, “Bosnia and Herzegovina”.

⁸⁵ Compared to 1 hour and 50 minutes in Iceland, which has the lowest television viewership. See: EBU Media Intelligence Service, “Europeans & Television: An Overview of TV Viewing Habits across Europe,” EBU, 2016.

⁸⁶ Office of the High Representative of Bosnia and Herzegovina, “PIC Sintra Declaration: Political Declaration from Ministerial Meeting of the Steering Board of the Peace Implementation Council” (May 30, 1997) and “PIC Bonn Conclusions: Bosnia and Herzegovina 1998: Self-sustaining Structures” (October 12, 1997).

⁸⁷ The NATO Stabilization Force.

⁸⁸ For more, see, Monroe E. Price, “Information Intervention: Bosnia, the Dayton Accords, and the Seizure of Broadcasting Transmitters,” *Cornell International Law Journal* 33, no. 1 (2000).

put an end to the inflammatory broadcasting which was thought to imperil the peace implementation process. This in turn enabled more direct intervention in media reform on the part of OHR. In 1998, the OHR called for the creation of the public service broadcasting system – or rather, the transformation of government-controlled broadcasters in each entity into a functioning PSB and the establishment of a state-wide public service broadcaster as well.⁸⁹ At this point, both the OHR and European donor states involved in BiH were “fervent in [their] support for the development of PSB, especially for the creation of a state-wide public service broadcaster.”⁹⁰ The crucial point came in 2002 when OHR introduced by a decree a set of laws formally establishing the PSB system in BiH. After 2003, the OHR’s involvement in PSB was reduced as the European Commission took the lead, making the establishment of a functional PSB system a condition for EU accession. Consequently, in 2005, changing the PSB legal framework was made an official condition for signing the Stabilization and Association Agreement between the EU and BiH.⁹¹ Since then, the process has been in the hands of the political elites of BiH, which has arguably led to strife and stagnation, as elaborated below.

3.3.1 PSB Organization

The organizational structure of the PSB system in BiH is a prime example of 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:

- The state-level public broadcaster of BiH (*BHRT*), consisting of one television channel (*BHT*) and one radio channel (*BH Radio 1*).⁹²
- Radio-Television of the Federation of Bosnia & Herzegovina (*RTVFBiH*), consisting of one TV channel (*FTV*) and two radio channels (*Radio FBiH* and *Radio 202*).⁹³
- Radio-Television of the Republika Srpska (*RTRS*),⁹⁴ consisting of one TV channel and one radio channel.⁹⁵

⁸⁹ Jusić and Ahmetašević, *Media Reforms through Intervention*, p. 35.

⁹⁰ Johnson, *Model Interventions*, cited in Jusić and Ahmetašević, *Media Reforms through Intervention*, p. 37.

⁹¹ Jusić and Ahmetašević, *Media Reforms through Intervention*, p. 40.

⁹² <http://www.bhrt.ba/>

⁹³ <http://www.rtvfbih.ba/loc/> and <http://www.federalna.ba/>

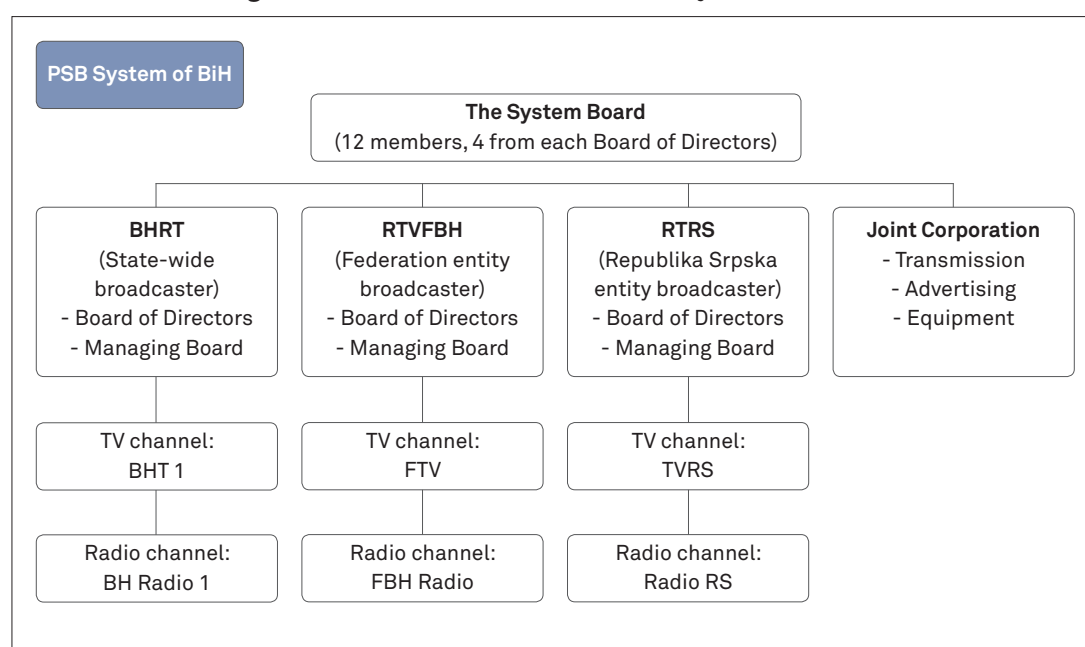
⁹⁴ <http://rtrs.tv/>

⁹⁵ There are also 74 local TV and radio stations which are funded through municipal and cantonal budgets, but are not considered part of the PSB system. In total there are 4 cantonal TV stations, 8 municipality run TV stations, three cantonal and 59 municipality run radio stations, plus a radio station in Brčko. Information from Helena Mandić, director of broadcasting at the *Communications Regulatory Agency*, interview with author, March 2016.

The law also prescribes the existence of a fourth unit – the Corporation – as an umbrella organization to manage equipment, set the development strategy, coordinate the technical and human potential of the three broadcasters, and collect all advertising revenues and license fees and distribute them among the broadcasters in accordance using a predefined formula.⁹⁶

Such a model was meant to replicate the BBC model, and was proposed by a BBC consultancy team that was involved in the early process of transformation. The BBC model operates in “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.”⁹⁷ The involvement of BBC experts was part of the international intervention spearheaded by OHR, and local media experts were hardly consulted in the process.⁹⁸

Figure 1: The Structure of the PSB System of BiH⁹⁹



⁹⁶ The Corporation was never established although it is envisaged by the Law on PSB System from 2005.

⁹⁷ Jusić and Ahmetašević, *Media Reforms through Intervention*, p. 36.

⁹⁸ Gotovuša remembers his attempt to influence the BBC team and to draw their attention toward the existence of radio and TV stations at the cantonal and municipality level, proposing that all should be incorporated into one system. “Personally, I believe they did not want to bother with that. All they wanted was to move away from the socialist model we had. And they left these cantonal and municipality broadcasters to exist, up until today, as mere mouthpieces of the political option at a given time over the territory.” Esad Gotovuša, long-time BHRT employee, currently member of the BHRT Board, interview with author, April 2016.

⁹⁹ Jusić and Ahmetašević, *Media Reforms through Intervention*, p. 36.

When it comes to their internal structure, the Public Service Broadcasting System includes the System Board, consisting of 12 members: four from the Supervisory Boards of each of the three broadcasters. The System Board is in charge of the coordination of the system in terms of program scheme, proposing the amount of RTV license fee, etc. The System Board, at least formally, also performs as a Supervisory Board to the joint Corporation of the PSB System and adopts codes of conduct referring to the entire PSB System.

All three broadcasters – BHT, RTRS and RTVFBiH – have a Supervisory Board and Managing Board. The BHT Managing Board consists of the Director General who supervises the daily operations of BHT, while the Supervisory Board is focused on programming and is in charge of supervising the performance of BHT in general. The Supervisory Board consists of four people – one from each of the three constituent peoples (Serbs, Bosniaks, Croats), and one representing “Others”. The Parliamentary Assembly of BiH selects these members after receiving a list from the Communications Regulatory Agency with names of suggested candidates. RTRS and RTVFBiH have the same bodies but unlike BHT, their Managing Boards “are not required to have equal representation of all constituent peoples.”¹⁰⁰

However, the fourth organizational unit of the PSB system, the Corporation, was never established. The inability to create the Corporation has been blamed partly on obstruction by political parties, given that the establishment 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 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 earn through the transfers to BHRT. Moreover, the Corporation would gain ownership of the equipment, which is also not in the interest of 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.

¹⁰⁰ Tarik Jusić and Amer Džihana, “Bosnia and Herzegovina”, in *Divided They Fall: Public Service Broadcasting in Multiethnic States*, eds. Sandra Bašić-Hrvatini, Mark Thompson and Tarik Jusić (Sarajevo: Mediacentar, 2008), p. 101.

4.

Research Findings on PBS: Key Issues

4.1 Regulation of PSB in BiH

The dysfunctional organizational structure described in the previous section is directly linked to the failure to implement the legal framework that was introduced in 2002 by OHR. The regulatory framework for PSB in BiH, much of which was drafted by the international community in the postwar years in line with EU principles and normative ideals, was for a while considered exemplary in the region. Since it was created to mirror the BBC model, it proposed a new approach and, for this region, a fairly high level of independence for public broadcasters. Nevertheless, over the years, laws concerning PSB have not been modernized and do not recognize new technologies or other current debates, which makes it outdated today. The only changes that were adopted concerning these laws were those that permitted political parties to have more control over the public broadcast system. More importantly, the core elements of the legal framework have not been implemented although 14 years have passed since their adoption.

The initial set of laws introduced by OHR in 2002 was updated between 2005 and 2008.¹⁰¹ Today, the legal framework for PSB in BiH includes the following four laws:

- The *Law on the Public Service Broadcasting System in BiH of 2005* (or *System Law 2005*)¹⁰² which regulates the structure and guiding principles of public broadcasters and relations between them, including the establishment and functions of the Corporation.¹⁰³
- The *Law on the Public Service Broadcasting of BiH of 2005* (or *BHT Law 2005*)¹⁰⁴ which regulates the public broadcaster at the state level.

¹⁰¹ Boyko Boev, *Analysis of the Laws Pertaining to the Public Service Broadcasting System of Bosnia and Herzegovina* (Office of the OSCE Representative on Freedom of the Media, September 2012).

¹⁰² “Zakon o javnom radiotelevizijskom sistemu Bosne i Hercegovine” [Law on Public Radio-Television System of Bosnia and Herzegovina], *Official Gazette of Bosnia and Herzegovina* 78/05, entered into force November 8, 2005.

¹⁰³ Enforcement of this law is questionable given the nonexistence of the Corporation.

¹⁰⁴ “Zakon o javnom radiotelevizijskom servisu Bosne i Hercegovine” [Law on Public Radio-Television Service of Bosnia and Herzegovina], *Official Gazette of Bosnia and Herzegovina* 92/05, entered into force December 28, 2005.

- The *Law on the Public Service Broadcasting of RS of 2006* (or *RTRS Law 2006*)¹⁰⁵ which regulates the public broadcaster of the entity of Republika Srpska.
- The *Law on the Public Service Broadcasting of FBiH of 2008* (or *RTVFBiH Law*)¹⁰⁶ which regulates the public broadcaster of the entity of the Federation of Bosnia and Herzegovina.

The set of laws stipulates that the Public Service Broadcasting System of BiH consists of three broadcasters and a joint Corporation. The broadcasters were formally granted independence in terms of program policy and finances; have the same legal status; are supposed to share resources through the Corporation;¹⁰⁷ have a similar internal structure; and are supposed to cooperate in terms of introduction of new technologies, digitalization, co-production, and advertising, among other things.¹⁰⁸ Effectively, the System Law is rendered irrelevant. Consequently, only the three laws that regulate the individual broadcasters have been put into practice, in such a way that they operate as separate, competing broadcasting companies, while the PSB system was never fully established.

When it comes to the remit of PSBs, the laws specify that public broadcasters will act in the public interest, though what this means in practice is not defined, nor was it thoroughly debated when the laws were adopted.¹⁰⁹ There are myriad internal policies, and each broadcaster has its own statute. The set of laws specify that PSB programming should serve the public interest and provide information, entertainment, education, culture and ensure the diversity, balance and promotion of democratic values.¹¹⁰ Furthermore, the laws obligate PSBs to provide open and free debates on issues of public interest, respect pluralism and promote human rights and fundamental freedoms - thus supporting democratization.¹¹¹ Nevertheless, according to the latest IREX report, although PSBs “have a legal obligation to balance between information and entertainment programs...entertainment programs are believed to have taken a more prominent role on RTVFBiH than it would normally be desired for PSB.”¹¹² In 2013, the CRA

¹⁰⁵ “Zakon o Radioteleviziji Republike Srpske” [Law on Public Radio-Television Service of Republika Srpska], *Official Gazette of RS* 49/06, entered into force on May 11, 2006.

¹⁰⁶ “Zakon o Radioteleviziji Federacije BiH” [Law on Public Radio-Television Service of the Federation of Bosnia and Herzegovina], *Official Gazette of FBiH* 48/08, entered into force on August 6, 2008.

¹⁰⁷ A public service broadcasting Corporation which was intended to coordinate the three distinct PSBs as well as “manage the equipment and the transmission network, and be in charge of sales and advertising.”

¹⁰⁸ “Law on Public Radio-Television System of Bosnia and Herzegovina”, Article 6.

¹⁰⁹ Amer Džihana, editor at Analiziraj.ba and media analyst, interview with author, March 2016.

¹¹⁰ “Law on Public Radio-Television System of Bosnia and Herzegovina”.

¹¹¹ Mehmed Halilović and Amer Džihana, eds., *Media Law in Bosnia and Herzegovina* (Sarajevo: Internews in Bosnia and Herzegovina, 2012), p. 192.

¹¹² Hodžić and Pisker, “Bosnia and Herzegovina”.

stated worries that some PSBs were not fulfilling their remit and legal duties to emit educational, cultural, documentary, and sports programming.¹¹³ These complaints, echoed by independent sources inside and outside of the country, suggest that the PSBs have veered from their public service role. Observations of politically motivated lapses in programming will be explored in the section on politicization.

According to the legislative framework, the programs of PSBs must respect linguistic, national, religious, and regional specificities of BiH. Thus the programs are to include the three official languages (Bosnian, Croatian, Serbian) and two alphabets (Cyrillic and Latin), and equal representation of the traditions of all three constituent peoples (Bosniaks, Croats, and Serbs). However, there is an ongoing debate about whether the current PSBs adequately reflect the ethnic structure of the country. Most notably, political representatives of the Croat population in FBiH are claiming that the Croat language and Croat population are not adequately represented in the programs of RTVFBiH. The same question could be asked about whether Bosniaks and Croats are adequately represented in the programs of RTRS.¹¹⁴

PSBs are also required to adequately represent other populations and national minorities, and must affirm cultural and other needs of national minorities in BiH. Nevertheless, some reports suggest that PSBs fall short of fulfilling these obligations, especially when it comes to representation of minorities - ethnic, religious, sexual or any other.¹¹⁵ In addition to domestic topics, PSBs are also required to have a certain percentage of European programs.¹¹⁶

In order to ensure their accountability, PSBs are obligated to publish their work plans and annual and financial reports and make them available to the public and to their respective parliaments.¹¹⁷ However, these reports are often submitted late or not at all (the last available report for RTRS is from 2014,¹¹⁸ for RTVFBiH from 2012,¹¹⁹ for BHRT from 2015¹²⁰). This year, the state parliament rejected

¹¹³ CRA, Analysis of the Broadcasting Market in BiH.

¹¹⁴ There are reports that discuss the representation of the three constituent languages and whether or not they are adequately and equally represented by the various PSBs. However, no linguists participated in this research. See for example Radenko Udovičić, Tatjana Mrđa, and Aleksandra Mandić, *Analiza programa tri javna TV servisa u periodu prime time: Ispoljavanje javne uloge - forma, sadržaj, ukloni* [Analysis of Programs of Three Public Broadcasters during Prime Time: The Manifestation of the Public Role: Form, Content, Diffractions] (Sarajevo: Media Plan Institute, July 2013).

¹¹⁵ In 2015, monitoring by a local LGBT-focused NGO noted the utter lack of representation of this community in public media. See Dalibor Tanić, "Pozitivnija slika u bh. medijima o LGBT temama [More Positive Picture of LGBT Themes in Bosnian Media]", LGBT.BA, July 20, 2015.

¹¹⁶ "Law on Public Radio-Television System of Bosnia and Herzegovina".

¹¹⁷ Ibid.

¹¹⁸ RTRS, Report on the Work of RTRS.

¹¹⁹ Ibid.

¹²⁰ BHRT, Report on the Work and Employment of Radio-Television of Bosnia and Herzegovina in 2015.

the annual report and work plan of BHRT, apparently as an attempt to exercise pressure over the broadcaster and open a discussion about whether or not the current state of public broadcasting can continue given its situation.¹²¹

Moreover, by the law, every citizen has the right to make suggestions and complaints regarding the programming of PSBs,¹²² and the Communications Regulatory Agency should monitor the implementation of this provision. However, within individual broadcasters there are no “established internal procedures or positions responsible for dealing with complaints.”¹²³ The only PSB that has a complaint service is RTRS – the other two do not, which can be seen by visiting their websites. There is the possibility of lodging formal complaints about perceived violations with the CRA, which imposes fines; however this does not extend to the public’s comments about programming. Crucially, this suggests that public participation in the work of public broadcasters is quite lacking.

BiH’s rather complex legal framework for its PSB system was initially imposed by the OHR and subsequently amended within the process of fulfilling the conditions for signing the Stabilization and Association Agreement (SAA) with the EU. Nevertheless, what is visible from a brief analysis of the key elements of the legal framework is that BiH suffers from all ills democratizing societies in the region and in Europe suffer from: incomplete implementation and constant changes of the laws and rules in accordance with the interests of ruling elites and other influential groups. There is an evidently high level of informality present 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, and to the detriment of society as a whole. Consequently, this failure to implement laws and rules translates into a number of problems, including financing, politicization, socio-cultural aspects of operation, and digitalization of PSB.

4.2 Funding Model of PSB

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 the PSBs (consisting of a monthly license fee levied on all households, advertising revenues and income from other sources such as rental of equipment to other media outlets) have been decreasing across the

¹²¹ “Dom naroda PSBiH nije usvojio izvještaje vezane za BHRT [House of Peoples of Bosnia Rejects BHRT Reports],” *Vecernji.ba*, May 27, 2016.

¹²² “Law on Public Radio-Television System of Bosnia and Herzegovina”, Article 5, “Law on Public Radio-Television Service of RS,” Article 26.

¹²³ Hodžić, “Media Integrity Report”.

board. For example, the annual report of BHRT for 2015 indicates a decrease of 27% in marketing revenues, and a drop in income from license fees from 11.23 million EUR to 10.37 million EUR in comparison to 2014.¹²⁴ Similarly, the RTRS report for 2014 shows that in comparison to 2013, advertising income fell from 2 million EUR to 1.7 million EUR while income from license fees fell much more considerably, from 7.7 million EUR in 2013 to 5.95 million EUR in 2014.¹²⁵ RTRS depends on funding from the Government of Republika Srpska to make up for its losses.¹²⁶ In 2015 alone, 153,387 EUR was allocated to RTRS from the budgetary reserves.¹²⁷

BHRT and RTVFBiH have been heavily indebted since at least 2011.¹²⁸ While BHRT has managed to pay some of its debt to the European Broadcasting Union, it remains high at €5,254,701.20.¹²⁹ After announcing in mid-2016 that it may shut down due to EBU debts and high running costs, the EBU prolonged the debt payment, though no information was presented to the public.¹³⁰ However, BHRT minimized its programming to an informative program and a sports program. In the meantime, the Parliament discussed possible solutions for the subscription fee collection, which was seen by the BHRT as the first signal of change.¹³¹ When it comes to RTVFBiH, no recent data are available. However, the absence of published annual financial reports since 2012 is not reassuring.

4.2.1 Roots of the Funding Problem

The roots of the problem can be traced back to four underlying causes. The first is the legal provision that defines how advertising revenues are to be divided among the three broadcasters. The second cause of the crisis is a broken model of collection of the monthly license fee. The third problem is inadequate management, which has failed to address problems of excessive costs and inadequate revenues. The fourth problem is the political interests that attempt to profit from the prolonged financial crisis in order to obtain concessions for their

¹²⁴ BHRT, Report on the Work and Employment of Radio-Television of Bosnia and Herzegovina in 2015, pp. 21-22.

¹²⁵ RTRS, Report on the Work of RTRS, p. 100.

¹²⁶ Sanela Hodžić, "Bosnia and Herzegovina", in *Media Integrity Matters: Reclaiming Public Service Values in Media and Journalism*, ed. Brankica Petković (Ljubljana: Peace Institute, Institute for Contemporary Social and Political Studies, 2014), p. 122.

¹²⁷ Hodžić, "Media Integrity Report".

¹²⁸ Mirza Mušanović, "Zašto tone televizija Federacije BiH" [Why FTV Is Sinking], *Radio Feral*, February 13, 2011.

¹²⁹ BHRT, Report on the Work and Employment of Radio-Television of Bosnia and Herzegovina in 2015.

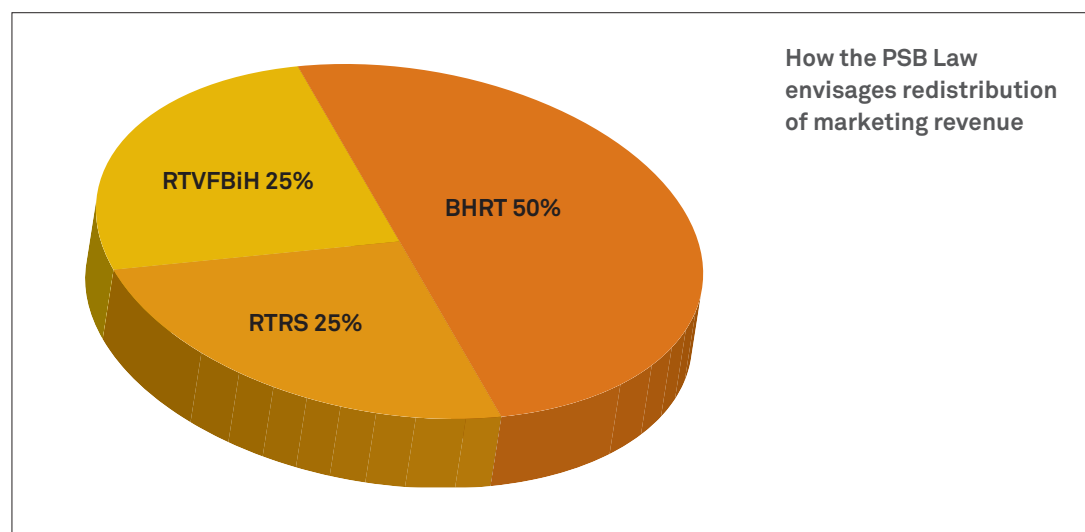
¹³⁰ "EBU prolongirao rok za naplatu duga" [EBU Prolongs Deadline for Debt Payment], *Teve.ba*, June 2, 2016.

¹³¹ BHRT, "Saopštenje Upravnog odbora" [Statement of the Steering Committee], June 30, 2016.

political goals in exchange for supporting a particular solution. In the following paragraphs we will provide a brief analysis of each of these five underlying problems, which will help shed light on the current financial hardship of the PSB in BiH.

The redistribution of income among the three broadcasters which was envisioned by the legal framework (PSB System Laws) 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 belong to each entity broadcaster: RTVFBiH and RTRS. The purpose of such a solution was twofold: to provide a financial boost for the country-wide BHRT and to create a strong mechanism for the integration of the three broadcasters into a unified PSB system. However, the problem with the formula is especially prominent with regard to the distribution of advertising income. Namely, there is a huge disparity between the three broadcasters when it comes to the collection of advertising revenues (Figure 2) – RTVFBiH earns around 60% of all advertising revenues, and yet it is supposed to keep only 25%, while BHRT, which earns around 15%, is supposed to get 50% of advertising revenues, and RTRS, which earns around 15%, is supposed to get 25% of total advertising revenues.¹³²

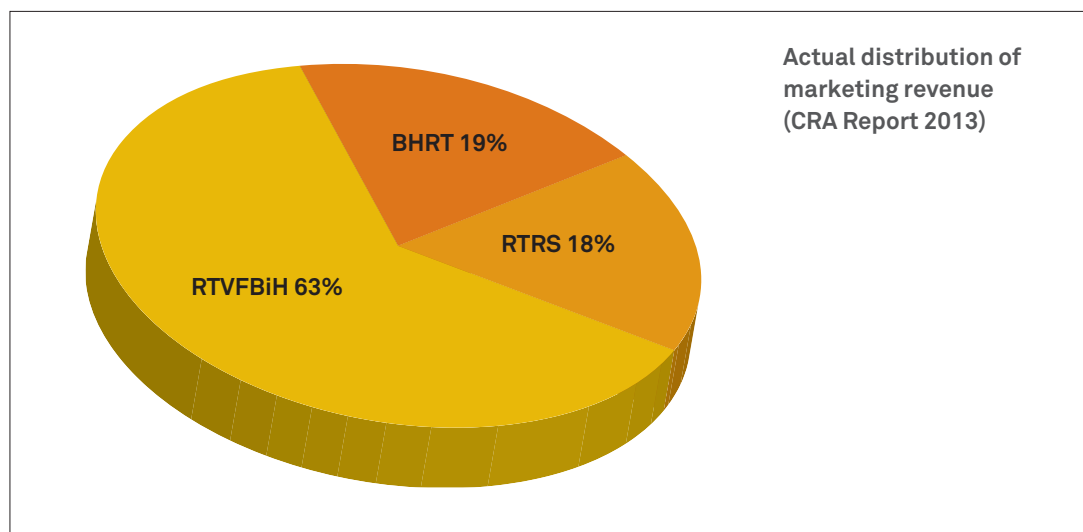
Figure 2: Envisaged distribution of marketing revenues among PSBs.¹³³



¹³² CRA, Analysis of the Broadcasting Market in BiH, p. 19.

¹³³ CRA, Analysis of the Broadcasting Market in BiH.

Figure 3: Real distribution of marketing revenues among PSBs.¹³⁴



The failure to establish the joint Corporation, which would be in charge of collection and distribution of the license fee and the advertising revenues and the management of facilities and equipment, means that there are no mechanisms for proper collection and management of PSB revenues. As a result of varied advertising revenues, RTVFBiH naturally pushes back on creating the Corporation, which would redistribute its high marketing revenues to the other PSBs. RTRS would like to keep its marketing revenues but also get some of the redistributed license fees collected by FTV. Thus the opposition to creating the redistribution key comes from the entity broadcasters themselves, who naturally do not wish their commercial successes to go towards funding for BHRT or other PSBs performing less well.

Table 1: Advertising Revenues by PSB¹³⁵

Public Broadcaster	Advertising Income (EUR) (year of last available data)
BHT	1,538,958.57 (2015)
FTV	6,296,792.49 (2012)
RTRS	1,745,802.81 (2014)

The second problem has to do with the inability to collect license fees at a sustainable level. Namely, PSBs in BiH are funded by license fees collected via landline telephone bills, a model that officially expired in June 2016,¹³⁶ and a

¹³⁴ Ibid.

¹³⁵ Data from the following reports: CRA, Analysis of the Broadcasting Market in BiH, p. 8, RTRS, Report on the Work of RTRS; BHRT, Report on the Work and Employment of Radio-Television of Bosnia and Herzegovina in 2015.

¹³⁶ A temporary model to begin with, Parliament failed to agree on a new model before it expired.

draft law to adopt the European model of funding of direct taxation has yet to be voted on.¹³⁷ However, collection of license fees had been dropping radically prior to 2016.¹³⁸ The inability to collect license fees was caused by the majority of the population switching to mobile phones, inefficiency in the collection of fees, and boycotts of these fees led by various political parties.¹³⁹ The system of license fee collection was installed as a temporary system nearly a decade ago, but never reformed due to a lack of consensus on the part of political parties and individual broadcasters. In the meantime, the Parliament discussed possible solutions for the subscription fee collection, which was seen by the BHRT as the first signal of change.¹⁴⁰

Another crucial problem is inadequate management which is unable or unwilling to undertake the necessary reforms of the PSB system. PSBs incur unnecessarily high fixed costs, and often have a surplus workforce, something which is especially salient at BHRT. Many of these surplus workers are believed to have been “employed in line with political or personal connections,” and a lack of transparency about outsourced production has given rise to rumors of corruption.¹⁴¹ Some argue that a reorganization of the entire system ought to have been made a long time ago, and that the system is gigantic, with too many directors and editors, and little accountability.¹⁴² The bloated workforce is often the subject of complaint. In total, in 2012, there were 1,850 people employed in the PSB system,¹⁴³ while in 2015 BHRT’s highest expense was the salaries of its 875 employees – 49% of its total expenses.¹⁴⁴ Another serious failure of management relates to the lack of transparency of finances. A financial report for 2015 is only available for BHRT, the latest report for RTRS is for the year 2014, while RTVFBiH’s last report dates back to 2011. A lack of transparency about outsourced production, for example,

¹³⁷ Zekerijah Smajić and Srećko Latal, “Broadcasters’ Collapse Mirrors Bosnia’s Own Decline”, *Balkan Insight*, March 2, 2016.

¹³⁸ BHRT, Report on the Work and Employment of Radio-Television of Bosnia and Herzegovina in 2015.

¹³⁹ For examples, see “Dodik pozvao građane RS na bojkot RTV takse” [Dodik Called RS Citizens to Boycott RTV Fee], *Kliker*, July 14, 2008; “50% građana BiH plaća RTV taksu” [50% of Bosnian Citizens Pay RTV Fee], *Teve.ba*, March 27, 2015; Sanda Slato, “SDS-ova kampanja protiv plaćanja RTV takse” [SDS’s Campaign against Paying RTV Fee], *federalna.ba*, May 26, 2012; “HDZ 1990 poziva na bojkot Telemacha i BHT-a zbog Edina Džoke!” [HDZ 1990 Calls for a Boycott of Telemach and BHT because of Edin Džeko], *ntv.ba*, September 14, 2011; Oslobodenje, “Kožul: Ne plaćam RTV pretplatu kao ni većina Hrvata u BiH” [Kožul: Like Most Croats in BiH, I Don’t Pay RTV Fees!], *jabuka.tv*, May 20, 2015; “SDS i tzv. Savez za promjene pozvali na bojkot plaćanja RTV takse” [SDS and the So-called Association for Change Call for a Boycott of RTV Fees], *RTRS*, January 22, 2016.

¹⁴⁰ BHRT, “Statement of the Steering Committee”.

¹⁴¹ Smajić and Latal, “Broadcasters’ Collapse”.

¹⁴² “To put it simply - the system is negligent.” Željko Bajić, Journalist at BH Radio 1 and trade union representative, interview with author, March 2016.

¹⁴³ CRA, Analysis of the Broadcasting Market in BiH.

¹⁴⁴ BHRT, Report on the Work and Employment of Radio-Television of Bosnia and Herzegovina in 2015.

has given rise to rumors of corruption: “all three companies developed the habit of outsourcing much of the production to private companies, although they had ample capacity to do the job themselves. This became one of the favorite ways of redirecting the funds to the pockets of the managers and their close friends.”¹⁴⁵ Audits of financial reports of public service broadcasters identify irregularities while entity governments often refuse to accept the findings of the audits.¹⁴⁶ There are no mechanisms “to ensure that government funding for the media in BiH is legitimate, transparent and in the service of public interest...no specific decision-making body on media subsidies exists, and such funding can easily be misused for particular political and business benefits.”¹⁴⁷ Additionally, the PSBs regularly fail to incorporate the recommendations from the negative financial audits by the state.¹⁴⁸ In 2013, the Audit Report for FTV pointed out issues in the financial functioning of this broadcaster such as “lack of respect for procurement procedures, unjustifiable discounts in advertising contracts with two advertising agencies,”¹⁴⁹ etc. Moreover, there is an explicit criticism of the management of PSBs by the CRA regarding their failure to use effectively all available means to increase collection of the license fee.¹⁵⁰

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.¹⁵¹ Leading Croat politicians have used non-payment of the license fee as a means to achieve their objective of introducing the 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. The inability to pass an adequate legal framework to replace the now obsolete

¹⁴⁵ Smajić and Latal, “Broadcasters’ Collapse”.

¹⁴⁶ Sanela Hodžić, “Monitoring EU Guidelines in Bosnia and Herzegovina: Continuing Political Pressures and Obstructions”, *Southeastern Europe Media Observatory*, June 21, 2015.

¹⁴⁷ Ibid.

¹⁴⁸ Sanela Hodžić, Media researcher at Media Centar Sarajevo, interview with author, March 2016.

¹⁴⁹ Audit Office for the Institutions of the Federation BiH, Izvještaj o reviziji finansijskih izvještaja javnog servisa ‘Radio-televizija Federacije BiH’ Sarajevo: na dan 31. 12. 2013. [Audit Report on Financial Reports of Public Service Broadcaster RTVFBiH] (Sarajevo: Audit Office for the Institutions of the Federation BiH, June 2014).

¹⁵⁰ “These figures show that at the public broadcasting services there is a lack of management engagement in collecting the license fee at RTVFBiH. This stems from the fact that there is a low level of outstanding fees being pursued through the courts, which, if collected, would further strengthen the financial position of the public service.” CRA, Analysis of the Broadcasting Market in BiH, Translation by authors.

¹⁵¹ For examples, see: “Dodik Called RS Citizens to Boycott RTV Fee”; “50% of Bosnian Citizens Pay RTV Fee”; Slato, “SDS’s Campaign against Paying RTV Fee”; “SDS and the So-Called Association for Change Call for Boycott of RTV Fees”.

model of collection of license fees and the resulting near-collapse of BHRT has been deemed by the European Broadcasting Union as in direct contravention of the protocols for BiH's EU accession.¹⁵² 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."¹⁵³

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 law¹⁵⁴ allowed RTRS to seek budget funds from the entity government if it came up short, though critics argue that this may result in increased control over the broadcaster. Some see this as an attempt to 'emancipate' RTRS from the national broadcasting system completely,¹⁵⁵ though it could also be interpreted as a survival mechanism in the face of financial crisis. The general editor of RTRS claimed that RTRS is "the only completely stable public broadcaster in BiH," citing their lack of debts and a new headquarters.¹⁵⁶ However, this stability is mainly due to the fact that their losses (which have been documented in their own reports) are made up for by the government. Media scholars worry that government funding can lead to too much direct control over media. In the case of RTRS, a media analyst disagreed with the editor's claim that financial stability was the most important criterion for sustainable PSB. He claimed that looking at RTRS, it was clear that their financial stability has not resulted in "quality reporting, proper functioning, let alone independence in reporting."¹⁵⁷ 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."¹⁵⁸

¹⁵² European Broadcasting Union, Director General's Office, "Press Release: EBU Warns Bosnian Public Service Broadcaster is 'Close to Collapse'", May 19, 2015.

¹⁵³ "Protocol on the System of Public Broadcasting in the Member States" in the European Union, Council of the European Union, "Treaty of Amsterdam Amending the Treaty on European Union, The Treaties Establishing the European Communities and Related Acts" (Luxembourg: Office for Official Publications of the European Communities, November 10, 1997).

¹⁵⁴ "Zakon o izmjenama i dopunama Zakona o Radioteleviziji Republike Srpske" [Law on Amendments and Supplements to the Law on Public Radio-Television Service of RS], *Official Gazette of Republika Srpska* 89/13.

¹⁵⁵ Emir Habul, "Javni RTV sistem u BiH - Korak do kolapsa" [The PSB System in BiH – a Step from Collapse], *Media.ba*, February 19, 2016.

¹⁵⁶ Siniša Mihailović, general editor of RTRS, interview with author, March 2016.

¹⁵⁷ Uglješa Vuković, interview with author, March 2016.

¹⁵⁸ Hodžić and Pisker, "Bosnia and Herzegovina".

4.3 Politicization of the 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 PSBs.¹⁵⁹ Formally, the independent Communications Regulatory Agency (CRA) nominates board members of BHRT and RTRS. However, the National Assembly of Republika Srpska has the power to reject CRA-nominated members without giving a concrete reason. In Federation BiH, RTVFBiH board members are not nominated by the CRA at all – instead, a parliamentary commission does so, and is also able to dismiss the Board of Governors.¹⁶⁰ There are fears that in the case of RTVFBiH and RTRS the appointments are now completely in the hands of the legislative bodies on entity levels. Legally, Board members cannot belong to a political party or hold legislative, executive, or judicial power,¹⁶¹ though they are often people who are closely aligned to political parties. As a consequence, the latest IREX MSI report states that “independence of the three public broadcasters within the country's public broadcasting system is formally ensured, but politicization continues to poison appointments to managerial positions at the entity's public broadcasters”.¹⁶²

Political influence is visible through links between parties and appointments of editors and journalists. The 2015 Alternative Report on BiH's EU Progress warned of a worrying level of political influence over PSB.¹⁶³ Political parties unofficially have their say in appointing editors.¹⁶⁴ For example, during the period when the Social Democratic Party (SDP) was in the ruling coalition in the Federation BiH entity (2010-2012), it obtained significant control over FTV, culminating with a 2012 leaked video in which the SDP party leader Mr. Zlatko Lagumdžija gives clear instructions to an FTV editor about exactly how to present an issue in the primetime news, as the editor nods along.¹⁶⁵ This link was not denied by the SDP or FTV, while the editor in question kept his position as one of the editors of the

¹⁵⁹ Boev, *Analysis of the Laws*.

¹⁶⁰ Hodžić, “Monitoring EU Guidelines”; also see: U.S. Department of State, Bureau of Democracy, Human Rights and Labor, “Country Reports on Human Rights Practices for 2015,” p. 9.

¹⁶¹ “Members in all three broadcasters cannot perform the functions within legislative, executive or judicial power, nor can they hold membership in political parties (according to Rule 57/2011 on Public Radio and TV Broadcasters).” Hodžić, “Monitoring EU Guidelines,” p. 9.

¹⁶² Hodžić and Pisker, “Bosnia and Herzegovina”, p. 20.

¹⁶³ Initiative for Monitoring the European Integration of BiH, “Alternativni izvještaj o napretku 2015: politički kriteriji” [Alternative Progress Report 2016: Political Criteria] (Sarajevo, July 2015).

¹⁶⁴ Sanela Hodžić, interview with author, March 2016.

¹⁶⁵ “Kako Zlatko Lagumdžija uređuje Dnevnik FTV-a”, [How Zlatko Lagumdžija Edits FTV News] *Klix.ba*, March 4, 2012.

primetime news. One of the most prominent journalists at FTV in this period was later the SDP candidate for the Presidency of BiH during the 2014 elections, demonstrating the tight links between political parties and journalists.¹⁶⁶ 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 RTVFBiH and BHRT.¹⁶⁷

The overt political influence translates into editorial policy and programming. One of the ways political influence is seen over editorial policy is in airtime given to critical programming, analysis, and alternative voices. For example, primetime news will often use political parties and officials as their sources, but will not invite intellectuals with different opinions to speak to the public. In effect, this gives politicians an almost unlimited space to express their views, without questioning their claims, their spokespeople are given more airtime than necessary, and government press releases are broadcast without reflecting on their content. This has the effect of narrowing “the range of opinion in both entities,”¹⁶⁸ which in practice means that PSBs are not fulfilling their obligation to provide political pluralism. According to the U.S. Bureau of Democracy, FTV suffers from political dependence and bias while RTRS is ‘directly controlled’ by the RS government and its ruling party, the SNSD.¹⁶⁹ Local media analysts point to the large amounts of airtime provided for leading political parties in comparison to opposition voices as a key example of its use as a governmental mouthpiece.¹⁷⁰

4.4 Socio-cultural Aspects of PSB

The power-sharing arrangement on which BiH is based is also closely reflected in the setup and operations principles of the PSB system, most notably in the managerial structures, staffing, and editorial principles. This also means that the structure of PSB employees is meant to reflect the ethnical structure of the country. Appointments to the managerial boards of the three broadcasters must ensure the equal representation of the three constituent people and minorities.

¹⁶⁶ “Bakir Hadžimerović kandidat SDP-a za člana Predsjedništva BiH!” [Bakir Hadžimerović Will Be the SDP Candidate for BiH Presidency] *Slobodna Bosna*, July 12, 2014.

¹⁶⁷ Sanela Hodžić, interview with author, March 2016.

¹⁶⁸ U.S. Department of State, “Country Reports on Human Rights Practices for 2015”.

¹⁶⁹ Ibid.

¹⁷⁰ By analyzing the RTRS prime time news program, Gordana Katana notes that the leading political party in this entity dominates the program, while the president of this party remains the central figure of the prime time news. Gordana Katana, interview with author, March 2016. Opposition parties in RS, led by the SDS, the main opposition party, often point to SNSD control over RTRS. Some parties publicly incite people to boycott the license fee. See “SDS: SNSD preuzeo kontrolu nad RTRS-om” [SDS: SNSD Has Taken Control of RTRS], *Alternativna televizija*, March 22, 2014; Gordana Katana, “RTRS: postupi po naređenju!” [RTRS: Do As Ordered!], *Analiziraj.ba*, February 27, 2016.

Hence, each of the three broadcasters' managing boards must consist of one representative of each of the constituent peoples (Bosniak, Serb, Croat), and one representative for all other national minorities. Moreover, the CRA Rule 57/2011 on Public Radio and Television Broadcasters, Article 4, requires that public radio and TV stations establish Editorial Councils which should reflect the ethnic, cultural and religious character of their audience.

All three broadcasters – BHRT, RTVFBiH and RTRS – are required by their respective laws and statutes to offer programs that reflect the needs of constituent peoples and citizens of BiH in general; and treat all three languages of constituent peoples (Bosnian, Croatian and Serbian) equally.¹⁷¹ Additionally, the CRA Rule 57/2011 on Public Radio and Television Broadcasters, in its Article 3, stipulates that the public service broadcasters should have at least 40% of programs consisting of news, informative and educational programs. Out of the total news, informative and educational programs, at least 10% is to be dedicated to issues such as refugees, minorities and vulnerable groups. Also, Article 16 of the state Law on the Protection of Rights of National Minorities “stipulates that public broadcasters (involving PSB and local public media) must provide space for minority programs and languages.”¹⁷² However, when it comes to minority programming, there are no “quotas for each of the constituent peoples and ethnic minorities”¹⁷³ and the legal framework does not contain a clear provision and obligation to offer programs related to national minorities.¹⁷⁴

When it comes to socio-cultural issues, the central topic of the last decade has been the continuous request by Croat political parties to establish a separate Croat-language public TV channel. Although many prominent linguists agree that Bosnian, Croatian, and Serbian belong to the same dialect continuum and are mutually intelligible, these linguistic differences have been commandeered by ethno-nationalist political parties and have proven to be highly polarizing issues when it comes to the PSB in the country.¹⁷⁵ Hence, the issue of the lack of Croatian-language coverage in the existing PSB channels has been consistently raised by

¹⁷¹ “Law on Public Radio-Television Service of Bosnia and Herzegovina”, Article 8; “Statut Radiotelevizije Bosne i Hercegovine [Statute of BHRT]”, Article 9; “Statut Radio-televizije Federacije Bosne i Hercegovine [Statute of RTVFBiH]”, Article 8; “Law on Public Radio-Television Service of Republika Srpska,” Article 13.

¹⁷² Hodžić and Pisker, “Bosnia and Herzegovina”.

¹⁷³ Tarik Jusić and Louis Kendall Palmer, “The Media and Power-Sharing: Towards an Analytical Framework for Understanding Media Policies in Post-Conflict Societies: Public Broadcasting in Bosnia and Herzegovina,” *Global Media Journal—Polish Edition* 1, no. 4 (2008), p. 132.

¹⁷⁴ Davor Marko, ed., *Informisanje na jezicima manjina na Zapadnom Balkanu: Sloboda, pristup, marginalizacija* [Informing in Minority Languages in the Western Balkan: Freedom, Access, Marginalization] (Sarajevo: Media plan institut, 2013), p. 132.

¹⁷⁵ See Peter Trudgill, *Sociolinguistics*, 4th ed. (London: Penguin Books, 2000), Snježana Kordić, *Jezik i nacionalizam* [Language and Nationalism] (Zagreb: Durieux 2010), and Ronelle Alexander, *Bosnian, Croatian, Serbian: A Grammar with Sociolinguistic Commentary* (Madison: University of Wisconsin Press, 2006).

dominant ethno-nationalist Croat political parties. Supporters of these initiatives submitted an appeal to the Constitutional Court of BiH “in order to assess the constitutionality of existing laws... (but) the Constitutional Court repudiated this appeal as unfounded.”¹⁷⁶ A recent draft law was proposed in 2016, suggesting the establishment of three state-wide public broadcasters, one in ‘each’ language with state-wide coverage. This issue is significantly influencing the overall process of the creation of PSB system, and is closely linked with the boycott of payment of the monthly license fee by Croat political parties and their followers (see earlier section on financing) until this request is met. However, some of the analysts we spoke to conclude that this, like many other politicized issues in Bosnia, is not about providing better services for people, but is an excuse to exploit ethnic division for political gain and for nationalist political elites to remain in power.

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,¹⁷⁷ while those with disabilities are neither represented nor included – for example, there are no provisions for the hearing impaired in TV broadcasts. A 2014 law to include gender sensitive language in programming has similarly been ignored. In a nutshell, pluralism is reduced to three languages and two alphabets, while the participation of religious, national, and sexual minorities, people with disabilities, etc., is rarely spoken about.¹⁷⁸ For example, a report by IREX shows that minority groups such as Roma are represented by the public broadcasters in a ‘sensationalist and biased’ way, while ethnic minorities are underrepresented.¹⁷⁹

4.5 Technological Innovations and Digitalization

4.5.1 Digitalization of Broadcasting

While the rest of Europe officially switched to digital terrestrial broadcasting by 2015, BiH still emits an analogue signal, due mainly to a complicated bureaucratic apparatus and a lack of prioritization of the issue. In 2015 the CRA received the first requests to halt the broadcasting of local television stations whose analog signal was disturbing the digital signals of neighboring countries. It is estimated that around 40% of households in Bosnia do not have access to cable TV,¹⁸⁰ and that the delay in digitalization means that soon they could lose any TV signal.

¹⁷⁶ Halilović and Džihana, *Media Law in Bosnia and Herzegovina*, p. 192.

¹⁷⁷ Tanić, “More Positive Picture”.

¹⁷⁸ Željka Lekić, Journalist and EBU representative in the Balkans, interview with author, March 2016.

¹⁷⁹ Hodžić and Pisker, “Bosnia and Herzegovina”, p. 20.

¹⁸⁰ European Audiovisual Observatory, “TV and On-demand Audiovisual Services in Bosnia-Herzegovina,” *MAVISE Database on TV and On-demand Audiovisual Services and Companies in Europe*, 2015.

The digitalization process was introduced in Bosnia in 2006 with the establishment of the DTT Forum, an expert body on digital transmission.¹⁸¹ The Forum was given the task of preparing a national strategy for the introduction of DTT standards in BiH, forwarding it to competent state institutions for adoption,¹⁸² and informing the broader public about the process. 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, the implementation has been delayed for years.¹⁸³ After several failed public tenders for procuring the needed equipment, it was only in 2014 that a company was finally selected to complete the first phase of installation of the new equipment in three major cities (Sarajevo, Banja Luka and Mostar). This was completed in 2016, at a cost of around €3.5 million. It connected five informative-technical centers in the system of digital connections and transmitters for digital signal coverage in these cities.¹⁸⁴

The launch of the digital signal has been characterized by stops and starts. In the summer of 2016, it was announced that the digital signal would finally be launched.¹⁸⁵ However, a few days after the announcement, RTRS announced that they were not ready to launch their signal at the same time as Sarajevo and Mostar – the public were not given the details of this cancellation. The first phase of installation was completed at end of October with a digital test signal,¹⁸⁶ and a call for tenders for the second phase was put out in March of 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 2018.¹⁸⁷

¹⁸¹ The establishment of this body was based on conclusions and recommendations adopted during the conference “Introduction of digital television in Bosnia and Herzegovina” held on 30 March 2006 in Sarajevo.

¹⁸² DTT Forum Bosnia and Herzegovina, “Strategija prelaska s analogne na digitalnu zemaljsku radiodifuziju u frekvencijskim opsezima 174-230 mhz i 470-862 mhz u Bosni i Hercegovini [The Strategy of Transition from Analogue to Digital Terrestrial Broadcasting in the Frequency Bands 174-230 MHz and 470-862 MHz in Bosnia and Herzegovina]”, June 17, 2009.

¹⁸³ Former secretary of the Digital Terrestrial Television (DTT) Forum, Emir Vajzović, told us that the strategy was well thought out, but that they encountered political difficulties: “Suddenly, new people were appointed to our working groups... we felt like the main problem was that the entire bureaucratic apparatus suddenly started working to prevent our work. Emir Vajzović, interview with author, May 2016.

¹⁸⁴ “Digitalni signal u BiH od 15 marta” [Digital Signal in BiH from 15 March], *TeVe.ba*, March 1, 2016.

¹⁸⁵ “Jusko: Digitalni signal od 29. septembra” [Jusko: Digital Signal from September 29], *Teve.ba*, September 21, 2016.

¹⁸⁶ Srna, “KONAČNO Javni RTV servisi u BiH počeli emitovanje digitalnog signala” [Finally, Public Broadcasters in BiH Begin to Broadcast Digital Signals], *Blic*, October 14, 2016.

¹⁸⁷ Fena, “Objavljen međunarodni tender za drugu fazu digitalizacije RTV servisa u BiH” [International Tender Announced for Second Phase of Public Broadcaster Digitalization in BiH], *Klix.ba*, March 16, 2017.

Apart from a complicated bureaucratic procedure in regard to procurement, structural problems built into BiH's PSB system also slowed digitalization significantly. Legally, BiH's digital transmitting equipment ought to be in the possession or in the control of the joint Corporation, but since the Corporation was never established, there is no dedicated body in charge of the entire process. Equipment was thus in the possession of each broadcaster,¹⁸⁸ which fragmented and further complicated the process, as we mentioned in the episode where RTRS attempted to set up a digital signal on its own.

Some of our interlocutors blamed obstructions by the ruling political elite for forcing a potentially good project to fail. Emir Vajzović, general secretary of the DTT Forum, believed that the process could have been completed years ago "if just one minister was eager to push for it."¹⁸⁹ Vajzović resigned from his post in 2009, saying that despite a good Action Plan from the DTT, obstructions began to arise from the political and bureaucratic sectors. He guessed that the failure of the process was the result of a lack of attention by politicians on the importance of digitalization, as well as a lack of accountability by the elected leaders to the public,¹⁹⁰ who were the biggest losers of the process's failure. The institutionalized lack of accountability to the public arguably created an atmosphere in which the political 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.

Digital switchover also requires digital receivers, different production equipment, and an entirely new approach to programming. It also requires a totally different approach in production and TV programming – including on-demand TV material, providing new ways for the public to tune in, etc.; According to Željka Lekić, "establishing a digital signal while using obsolete TV production equipment doesn't make sense, and must change."¹⁹¹ Nevertheless, BHT and FTV continue to use outdated equipment, while RTRS, which was created and

¹⁸⁸ Former advisor to the Minister of Communications and Transport, Mehmed Agović, claimed that the RS insisted on owning the equipment refusing "to accept any reform which they saw as undermining their entity's powers and empowering a state-level public broadcasting system." Nevertheless, those at RTRS see the situation differently. Siniša Mihailović of RTRS said that when, some years ago, RTRS obtained its own digitalization equipment and tested it from Kozara mountain, the CRA fined them. Mehmed Agović, interview with author, March 2016. Siniša Mihailović, interview with author, April 2016.

¹⁸⁹ Emir Vajzović, interview with author, May 2016.

¹⁹⁰ "To put it simply, nobody is responsible to anybody. Politicians are not responsible to the people, bureaucrats are not responsible to those who appoint them, and it all ends as a particular mix of laziness, irresponsibility, lack of expertise and in general, a trend wherein we talk more about less important things than about things that are relevant for our everyday lives. The result is that a potentially very good project, which was planned down to the last detail, just crashed, and nobody was considered responsible for that failure." Emir Vajzović, interview with author, May 2016.

¹⁹¹ Željka Lekić, interview with author, March 2016.

developed in the 90s, will likely adapt more easily in a technical sense, though adjusting editorial policy to new, modern technologies will be a longer process.

4.5.2 New Media and Modernization

The struggles of BiH's public broadcasters to adapt to digital media mirror the experience of PSBs in Western Europe. A 2016 Reuters Institute report highlighted that the three key issues facing PSBs were the internal restructuring of PSBs themselves, adapting to mobile platforms, and using social media more effectively.¹⁹² However, though BiH faces these struggles as well, there is far less attention paid to this topic and no public discussion of the shift to 'public service media'. Hence, PSBs in BiH still rely on an 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 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. These challenges are absent from debates about PSB in BiH, although they are crucial for the sustainability of PSB in the modern age as well as for the maintenance of their legitimacy as public institutions.

The cumbersome and dysfunctional PSBs in BiH are inadequately prepared to face production challenges in the digital age. Only RTRS has begun the construction of a digital studio, while the other two broadcasters have managed to make small adjustments over the years. As a consequence, the trend of mixed newsrooms, which blur the distinction between media such as radio, TV, and online content, has not begun in Bosnia. Additionally, public broadcasters in Bosnia still employ too many people, especially in production and administrative departments, which makes efficient digital production unlikely. BHRT employs over 870 people, including 353 in production, 108 in different administrative positions, and 62 working for the management.¹⁹³ At the same time, only about 7 people are employed in BHRT's web department, which points to a lack of understanding of the importance of this medium as well as a general lack of funding to devote to it.¹⁹⁴ In contrast, commercial and private media appear to have devoted significantly more resources to new media and integrated newsrooms, which has led to a larger following online and on social networks. No such strategy to move towards this model exists in the PSBs today.

All three broadcasters have only started investing in their online presence, although their websites are ranked quite low in BiH, in terms of reported audience. BHRT has continuous online streaming of its TV programs; RTRS offers

¹⁹² Sehl, Nielsen and Cornia, *Public Service News and Digital Media*, p. 5.

¹⁹³ BHRT, Report on the Work and Employment of Radio-Television of Bosnia and Herzegovina in 2015.

¹⁹⁴ Gordana Katana, interview with author, March 2016.

an entire archive of primetime news starting from March 2009 onwards as well as live-streaming of its news program,¹⁹⁵ while RTVFBiH launched a news portal called federalna.ba in 2011, which provides content that differs from that on TV, along with their main web page. According to analytics tool Alexa.com, as of July 2016, the top 10 visited websites in BiH do not include any of the three public broadcasters. In the top ten were social networks, and the only two websites offering informative content were the local privately owned portal Klix.ba (ranked 6th) and the regional Aljazeera office (10th). Also prevalent were the Serbian Blic.rs (15th) and Kurir.rs (21st) and Croatian Jutarnj.hr (20th). In contrast, the PSB websites were ranked as follows: RTRS 178th, Federalna.ba 708th, RTVFBiH 955th, and BHRT 1024th.

Part of this low ranking can be ascribed to the fact that these websites are of low quality. While content as such is accessible on the site, there are no multimedia options and a lack of varied audiovisual content, even low-cost content such as podcasts, phone apps and the like. They are also minimally interactive: BHRT's website does not have a comment function, and while RTVFBiH and RTRS do provide the possibility to comment, they are moderated and most comment sections are empty. There is no way for citizens to participate in the work of the PSBs or engage in a two-way flow of information. Also, the PSBs do not offer on-demand programs, which are in increased demand in the media market.¹⁹⁶

The stalled nature of this conversation makes it less likely that the PSBs will adapt successfully to the new digital environment. A 2016 Reuters institute study identified four external conditions and two internal conditions for PSBs to perform well in a digital environment. They included operation in technologically advanced media markets, high levels of public funding, integration across all media platforms, and insulation from direct political influence.¹⁹⁷ The two internal conditions are "a pro-digital culture where new media are seen as opportunities rather than as threats" and "senior editorial leaders who have clearly and publicly underlined the need to continually change the organization to adapt to a changing media environment."¹⁹⁸ In the context of BiH, it is evident that none of these conditions are present, mainly due to external limitations and internal stagnation – something which points to a troubling future for the PSBs in the digital era.

¹⁹⁵ RTRS: <http://www.rtrs.tv/av/video.php>

¹⁹⁶ "Development of technology is simply killing us", Bajić said. "We cannot follow what is happening around the world, and I am afraid that we are arriving at the point where the young generations will not be able to recognize the technology we are using." Željko Bajić, interview with author, March 2016.

¹⁹⁷ Sehl, Nielsen and Cornia, *Public Service News and Digital Media*, p. 5.

¹⁹⁸ Ibid.

5.

Concluding Remarks

The primary limitations of this study lie in the lack of updated data from broadcasters. It was also difficult to gain access to interviews with those in high-ranking managerial and editorial positions in the PSBs, which to an extent demonstrates the lack of appreciation of the importance of this topic. There is also a lack of comprehensive monitoring of PSB content, which makes it difficult to assess whether or not they fulfill their remit and responsibilities.¹⁹⁹ However, our interviews with key players in the PSB system, as well as those who monitor PSB content (albeit not systematically) offered an almost unanimous view on the key issues facing the PSBs as well as the public's view of them: failed implementation of an external model, a lack of collective legitimacy, an unsustainable funding model, institutional inertia within public broadcasting institutions, and the inability of PSBs to adapt to new technological innovations.

The PSB system in Bosnia and Herzegovina is now the closest it has ever been to collapse. The internationally introduced model failed in practically all of its core aspects: legitimacy, remit, independence, financial sustainability, structural coherence and digitalization. While BiH struggles to implement a PSB system modeled on the BBC of the previous century, the very same model is currently being questioned and altered in the country of its origin. Throughout the attempt to implement a functioning PSB model in BiH, no incentives have been offered to local elites to foster independent public media. Over 20 years after the war, and almost 30 years after the fall of Yugoslavia, politicians, and many journalists, are still prone to see public media as in the domain of the government.

The failed transformation of Bosnia's state broadcaster to public service broadcasting reflects the stagnation and 'unfinished transition' plagued by state capture by ethno-nationalist political elites and crony capitalism.²⁰⁰ In effect, BiH's PSB system closely fits into the 'atavistic' model suggested by Hausner and Marody,²⁰¹ where a partitocratic system reigns and public life is captured by political parties. The ruling ethnic oligarchs who control the political parties render political influence over PSBs pervasive at the legislative, managerial, editorial, and journalistic levels. Constructive conversation on the topic is

¹⁹⁹ Sanela Hodžić, interview with author, March 2016.

²⁰⁰ Berend and Bugarič, "Unfinished Europe".

²⁰¹ Jerzy Hausner and Mirosława Marody, eds, *Jakość rzadzenia: Polska bliżej Unii Europejskiej: EU-monitoring IV* [Quality of Governance: Poland Closer to the European Union: EU-monitoring IV] (Kraków: Friedrich Ebert Foundation, 2000).

avoided, and the main debates on PSB in the country center on political questions rather than those of how PSB can fulfill its remit, become financially sustainable, and adapt to new modes of production and media.

At the same time, international actors such as the EU generally stop short of demanding accountability from local politicians, leaving the PSBs' compromised independence unchallenged. Many scholars consider that international interventions to create public service broadcasting result in institutions which are merely 'forms without substance' – what some authors refer to as 'isomorphic mimicry': an imitation of Western models without their actual implementation.²⁰² Indeed, Jakubowicz notes that one of the most important factors in a functional PSB system is the quality of democracy in that particular country,²⁰³ and BiH's malfunctioning PSB system mirrors its low levels of democratic values and practices.²⁰⁴ 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 question of public broadcasting in BiH lacks true public debate and as a result, lacks collective legitimacy. Many of our interlocutors believe that there is no public dialogue (or consensus) on the role of PSBs in BiH, or a shared conceptualization of the public interest in general. Voltmer considers that without collective deliberations, public media "institutions remain isolated, without legitimacy and ultimately unprotected,"²⁰⁵ which can be seen in BiH. The public sphere in BiH is considered 'plural' only where ethnic identity is concerned. Other forms of difference and other bases for the creation of communities are marginalized and underrepresented. Many supporters of PSB underscore that the broadcasters' existence should never come into question, but generally avoid critical questions as to whether PSB as a whole fulfils its goal.²⁰⁶ The media critics we spoke to all agreed that the lack of public trust in PSBs and/or a lack of understanding of their importance is due to low-quality programming and perceived political dependence. According to viewership measurements, fewer citizens are watching BHRT than commercial TV stations.²⁰⁷

Financial instability has been one of the defining debates of modern PSB, and in BiH this question remains unsolved. While many of our interlocutors

²⁰² Berend and Bugarič, "Unfinished Europe", p. 780.

²⁰³ Jakubowicz, "Public Service Broadcasting: Product (and Victim?) of Public Policy", p. 214.

²⁰⁴ The Economist Intelligence Unit, *Democracy Index 2015: Democracy in an Age of Anxiety* (London etc.: The Economist Intelligence Unit, 2016).

²⁰⁵ Voltmer, *Building Media Systems in the Western Balkans*, p. 14.

²⁰⁶ "Postojanje BHRT-a ne smije biti upitno" [The Existence of BHRT Cannot be Put into Question], *Mediacentar Online*, June 3, 2016.

²⁰⁷ In 2015 BHRT was in seventh place among nine measured public and commercial TV stations on the national level. See Aldin Arnautović, "A Decade of Failures: BHRT – Employee Surplus and Poor Results", *Mediacentar Online*, September 6, 2016; and Aldin Arnautović, "A Decade of Failures: Public Broadcasting Service Owes Millions", *Mediacentar Online*, September 2, 2016.

worried that switching from license fees to direct RTV taxes may push PSBs into dependence on governing structures, all of them agree that the current funding system is unsustainable. Questions of how state funding might distort the media market have generally been unaddressed, and there is no form of public value test which would evaluate the economic efficiency and social value of PSBs.

There is recognition on the part of BiH's PSBs that the internal governance of public media needs substantial reforms. With reference to the Council of Europe's recommendations,²⁰⁸ BiH's PSB must first obtain independence from the government if it is to serve its role properly – it not likely that this will happen soon. On the level of management, the politicized processes of appointment and dismissal seem to have severely limited PSB management's ability to maximize efficiency, hampered additionally by bloated workforces. Our own field research confirmed that by and large, the internal culture of the PSBs is not defined by "transparency, openness, responsiveness, and responsibility,"²⁰⁹ but rather by self-censorship and unprofessionalism.

In terms of new media and digital convergence, BiH's PSBs are failing with regard to the three key challenges identified by the Reuters Institute²¹⁰: they are not organized for digital production, and they do not use mobile platforms and social media effectively. There are very few initiatives for the creation of informative, sustainable, and interactive PSBs online. However, it can be said that BiH's PSBs are failing 'digitally empowered' youth across the board, not only through technological obsolescence but through the lack of interactivity in their content. Media policies are very much focused on the past and are not responding to new technology and new social values

The unsustainability of the PSB system and its dependence on political decision-making makes it very difficult to predict its future. It is difficult to imagine an optimistic scenario without a new, sustainable funding model, a collective deliberation on what and who PSB is for, political autonomy of PSBs, internal restructuring (including more members on the System Board of PSBs, and selection of candidates based on expertise and professional experience rather than ethnicity), as well as more attention paid to this issue by EU enlargement actors. In the absence of these conditions, it is very likely that BHRT will eventually have to stop emitting due to a lack of funding (the consequences for its 800 employees would likely be dire), and that entity broadcasters will increasingly receive their funding from entity budgets, which could additionally imperil PSBs' independence and further divide the broadcasters.

²⁰⁸ Council of Europe, Recommendation CM/Rec(2012)1.

²⁰⁹ Ibid.

²¹⁰ Sehl, Nielsen and Cornia, *Public Service News and Digital Media*, p. 5.

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List of Interviews

Interviewee	Position	Date of Interview
Željko Bajić	Journalist at BH Radio 1 and trade union representative	May 2016
Amer Džihana	Editor at Analiziraj.ba and media analyst	March 2016
Esad Gotovuša	Long-time BHRT employee, currently member of the BHRT Board	April 2016
Mehmed Halilović	Long-time journalist and media analyst, former media ombudsman	March 2016
Sanela Hodžić	Media researcher at <i>Media Centar Sarajevo</i>	March 2016
Gordana Katana	Journalist	March 2016
Helena Mandić	Director of broadcasting at the <i>Communications Regulatory Agency</i>	March 2016
Željka Lekić	Journalist and EBU representative in the Balkans	March 2016
Siniša Mihailović	General editor of RTRS	March 2016
Tanja Topić	Editor of the Media Barometer for BiH	March 2016
Dr. Lejla Turčilo	Professor at Communication Faculty, University of Sarajevo	April 2016
Radenko Udovičić	Media analyst	April 2016
Emir Vajzović	Assistant professor at Communication Faculty, University of Sarajevo, former DTT secretary	May 2016
Uglješa Vuković	Media analyst	March 2016

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Dr. Nidžara Ahmetašević, journalist and independent scholar, got her PhD from the University of Graz, Austria. Her fields of interest are democratization and media development in post-conflict societies, transitional justice, the process of facing the past, media and political propaganda, and human rights. She has been awarded the AHDA Columbia University Fellowship, Chevening Scholarship, Ron Brown Fellowship for Young Professionals, as well as the UNICEF Keizo Obuchi Award. Nidžara has had a long career as a journalist working for various local, regional and international media on human rights, war crimes, and international affairs. Her work has been published in The New Yorker, Al Jazeera English online, The Observer, The Independent on Sunday, the International Justice Tribune, Balkan Insight, etc. She has received awards for her journalist work in Bosnia and internationally.

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