

# BOSNIA AND HERZEGOVINA

## INTRODUCTION

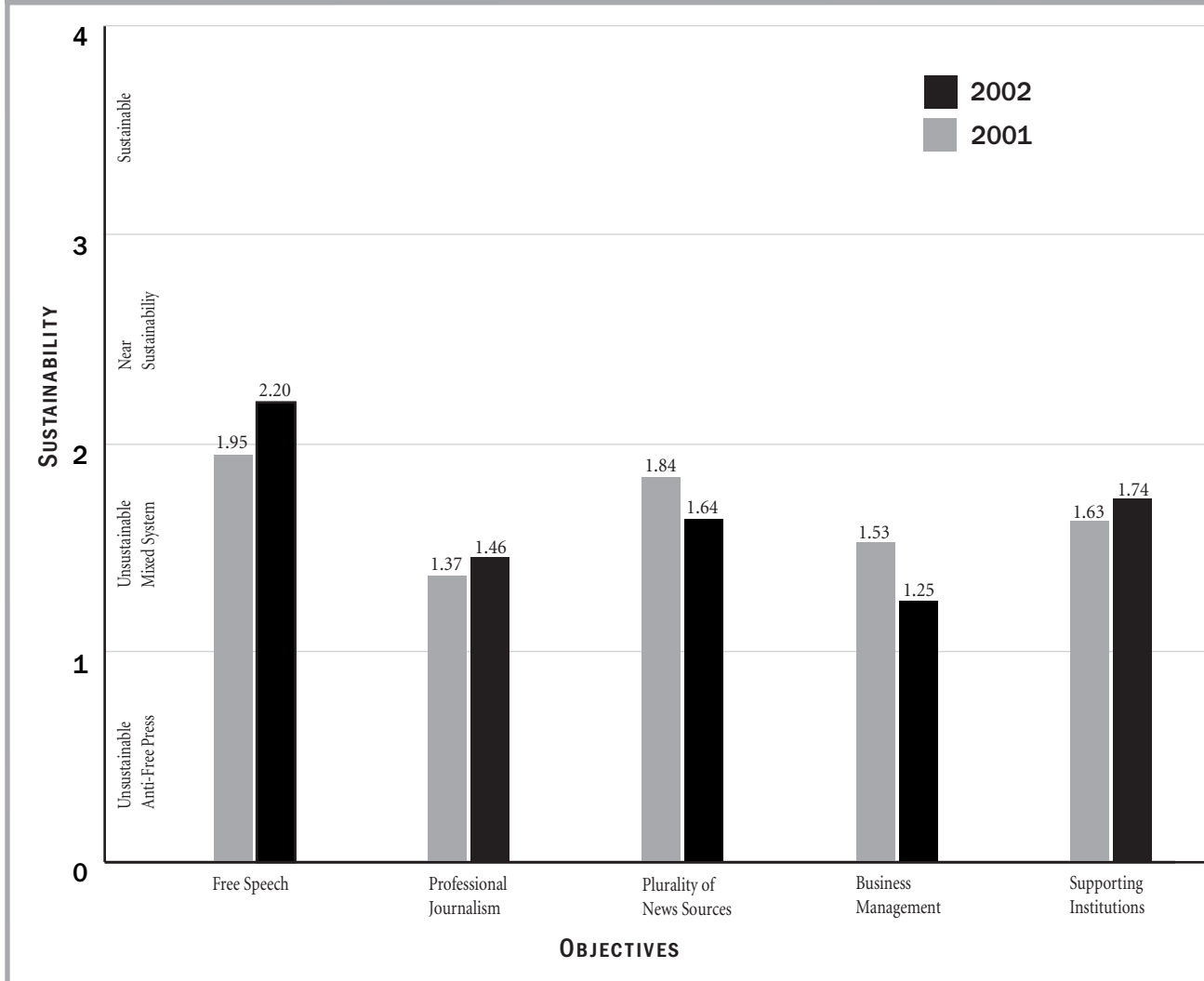
Media in Bosnia and Herzegovina continue to function in a complicated legal and political environment. Following the end of the war in 1995, the Dayton Peace Accords created a constitutional system that established the country as two “entities”: the Federation of Bosnia and Herzegovina, with a majority of Bosniaks and Croats, and the Republika Srpska, comprised mostly of Serbs. The highest authority in Bosnia and Herzegovina for the civilian aspects of the General Framework Agreement for Peace (GFAP), the peace implementation plan developed in 1995, rests with the Office of the High Representative (OHR). The High Representative is an international official nominated by the Peace Implementation Council, made up of 55 countries and international organizations, and endorsed by the United Nations Security Council. The OHR has broad powers in the country, including the right to impose legislation when necessary for the peace implementation process.

The government of Bosnia and Herzegovina continues to be split along ethnic lines, as representatives of the nationalist parties—Party of Democratic Action (SDA–Bosniak), Croatian Democratic Community (HDZ–Croat), and Serb Democratic Party (SDS–Serb)—were overwhelmingly elected in the October 2002 presidential and parliamentary elections, effectively curtailing any meaningful reform. The threat of OHR-imposed laws has prodded the government to pass media legislation granting access to information and new libel and slander laws that meet international standards. However, the efficacy of these laws has been disappointing.

With 40 percent unemployment, the economy in Bosnia and Herzegovina is still weak, and the steady departure of international organizations from the country will exacerbate the situation. However, there is some evidence that foreign investment is on the rise. The advertising market for print and broadcast media remains small but is growing. Although with hundreds of news organizations, several national television networks, and persistent competition from Serbian and Croatian media outlets, the struggle for limited advertising funds

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## BOSNIA AND HERZEGOVINA—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

**3 and above:** Sustainable and free independent media

**2-3:** Independent media approaching sustainability

**1-2:** Significant progress remains to be made; society or government is not fully supportive

**0-1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet indicator; government or social forces may actively oppose its implementation

**1** = Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change

**2** = Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces

**3** = Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability

**4** = Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

is relatively intense. The advantage goes to outlets with strong sales departments.

Journalism standards are improving gradually but remain at a low level. Print readership has been contracting, largely because the newspapers and magazines have failed to address readers' needs. Many publications continue to serve as vanity press for wealthy individuals and political interests. However, within the past year, a majority of the media with strong political affiliations have lost market share to a few new and improved publications that have begun to focus on topics of greater interest to readers.

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The broadcast media sector is well regulated by the Communications Regulatory Agency (CRA). It has broad powers to assure the absence of hate speech or politically motivated programming. These powers have made the broadcasting arena far less inflammatory than the print media. The CRA has also forced radio and television stations to pass through a rigorous process in order to obtain a broadcast license. However, there are still too many broadcast outlets—143 radio stations and 39 television stations—given the country's population and the size of its advertising market.

Bosnia and Herzegovina has multiple state-owned, or public, television broadcasters. RTRS serves the entity of the Republika Srpska, and Federation TV 1 and 2 serve the entity of the Federation. The international community has pushed the need for a statewide public broadcaster and has supported the development of the Public Broadcasting Service (PBS), which is currently providing limited programming to the entire country over the entity broadcasters. PBS is scheduled to replace one of the Federation channels by the end of 2003, but this will still leave three state-owned broadcasters for a population of 3.5 million. It is unlikely that the country will be able to support them all, even if subscription collections improve.

In addition to the public broadcasters, OBN—a private broadcaster initially funded by the international community—continues to exist, though it is technically in bankruptcy. Mreza Plus, another private television network, serves about 85 percent of the country's population. Both of these private networks suffer from the effects of price dumping by the public channels in the competition for the small advertising market.

## OBJECTIVE 1: FREE SPEECH

**Bosnia Objective Score: 2.20/4.0**—Bosnia and Herzegovina has begun to meet many aspects of the legal and social norms that protect and promote free speech and access to public information. In addition to constitutional provisions, two media laws deal specifically with freedom of speech: the Law on Free Access to Information and the Law on Defamation. While some opinions cite problems in implementation—institutions, for example, that fail to sanction violations—others note that the laws' recent enactment (in 2001) renders judgment premature. Other legislative issues have roots in the structure of the

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/social protections of free speech exist and are enforced.
	Licensing of broadcast media is fair, competitive, and apolitical.
	Market entry and tax structure for media are fair and comparable to other industries.
	Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Dayton Peace Accords: with one country, two entities, and 10 cantons, the 13 legislative systems often operate almost independently. For example, cantonal laws in the Federation of Bosnia and Herzegovina, which allow for the supervision of the media, do not always completely comply with the standards of the European Union. Overall, constitutional provisions and laws dealing with freedom of speech are good, but the laws directly related to media are not. For example, government officials and departments are not required by law to protect the interests of media.

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The Communications Regulatory Agency (CRA), formerly the Independent Media Commission (IMC), controls broadcast licensing. The independent agency has sorted out an almost “anarchic” media market and has increased the professionalism of the country’s broadcast media. Though overall the CRA’s procedures have been estimated as fair and its criteria as more or less solid, the processes and selections of its officials require greater transparency and communications with the highest state bodies and institutions could benefit from improvements.

The CRA is tasked with treating private and public media equally, even though these sectors differ in their sources of revenue. However, some concerns about CRA’s fair treatment exist, especially regarding the commercial media sector. Though private broadcast media do not collect subscription fees from viewers/listeners, the Public Broadcasting System (PBS) is able to accept paid advertising. According to

MSI panel participants, the politics and strategies of the international community—still responsible for making and implementing many of the decisions in Bosnia and Herzegovina—thus far have not provided for a system of equality in which private and public media function according to different but complementary audience interests. The Law on Public Broadcasting, imposed by the High Representative in May 2002, is viewed instead to have created a competition between two interests: the integration and preservation of Bosnia as a unitary state and its compliance with European standards, on the one hand, and the development of a media industry, on the other.

Though private media may be disadvantaged vis-à-vis public media, media in general may enter the market just as any other business. For media, as for all businesses, however, the market remains very poor. Significant strides have been made in some areas, such as the harmonization of taxes in the two entities. A code on advertising would further benefit the possibilities for improvement.

Financial pressures on journalists are beginning to replace the fear of political threats. Though notable examples of physical attacks have occurred in the past, current crimes against journalists more often take subtler forms. High public officials and state-owned companies rank among the offenders, and the state often fails to prosecute crimes against journalists or media outlets. Roughly 40 defamation cases remain open. By decision of the High Representative, libel has become part of civil code. The law proposes a higher level of tolerance on the part of public persons, rather than stricter standards for their behavior.

The Law on Free Access to Information, also a recent civil law, corresponds to European standards. Noted as advanced—or even ahead of its time—the law, however, may not correspond to Bosnian realities. Certain provisions, for example, may leave room for manipulation in cases of unofficial or illegal sources of information. Many journalists also remain unaware of the rights they hold under the new law.

Other legal aspects rate generally free as well, and there are no restrictions on access to international news and news sources. High Internet costs are sometimes a restrictive factor, as many media have difficulty affording adequate access. Entry into the journalism profession is also free, though from the point of view of quality, some believe that entry into the profession is too free. Certain events do require special passes, a practice that is deemed normal. Panelists, however,

singled out as one area for concern cantonal laws that allow for “surveillance” of the media and fines levied against editors and journalists.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Bosnia Objective Score: 1.46/4.0**—Overall, journalistic professionalism in Bosnia and Herzegovina meets only minimum standards of quality. Panelists faulted gaps in knowledge as often leading to poor practices of fairness, objectivity, diverse sourcing, and so on. Journalists rarely strive to search for additional information, and the failure to ask questions at press conferences, for example, is widespread. Those with stronger skills are sometimes lost in newsrooms that do not balance reporting and commercial content.

In addition to relevant legislation and self-regulation, a Code of Ethics, developed in accordance with European and other relevant standards, was adopted by all six of Bosnia’s journalistic associations two and one-half years ago. In recent months, however, the Code has not been applied properly or regularly. While some panelists fault a Press Council that has not been functioning to full capacity, others note the need for education and awareness of professional behavior. Financial incentives—including subtle forms such as promo-

tional trips—continue to be accepted in exchange for favorable coverage. Standards in broadcast media appear more developed than among print journalists, where some continue to use the media as a basis for attacking opposing viewpoints.

Self-censorship is practiced in Bosnia and Herzegovina. While the practice may no longer derive from the fear or nationalism of the recent past, journalists are presently seen as conformists concerned with retaining their jobs. The tendency of journalists to keep quiet when they feel unsafe differs between urban and rural environments, with possible repercussions more strongly felt in smaller towns than in larger cities. Self-censorship also concerns the editor-journalist relationship, with some editors seeking to shape even educated young journalists according to their own views. Editors, themselves influenced by conformity, sometimes also restrict the stories on which journalists report.

*Overall, journalistic professionalism in Bosnia and Herzegovina meets only minimum standards of quality.*

Though overall journalists in Bosnia and Herzegovina cover key events and issues, such reporting should still be viewed in the context of a society emerging from years of conflict. Many media remain identified with a particular ethnic group, and at times angles of reporting reflect ethnic belonging.

Corruption among journalists in Bosnia and Herzegovina does not appear to be widespread, however. While pay levels remain insufficient, the low salaries do not leave journalists more vulnerable to bribes. They do, however, make some journalists more likely to seek positions with state institutions that offer higher pay and more security. In media, a conflict arises between managers who want money and journalists who want objectivity. Because of this conflict, journalists are censored based on the interests of their managers. The CRA has often fielded complaints from journalists whose media outlets, while in the process of applying for licenses, forced employees to sign erroneous statements claiming that they received their salaries regularly.

Content of television and print media is primarily based on daily news and information. In a few limited examples in radio, entertainment tends to overshadow news. Overall, however, there is a wide variety of news

<b>Journalism meets professional standards of quality.</b>	
<b>Professional Journalism Indicators</b>	Reporting is fair, objective, and well sourced.
	Journalists follow recognized and accepted ethical standards.
	Journalists and editors do not practice self-censorship.
	Journalists cover key events and issues.
	Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	Entertainment programming does not eclipse news and information programming.
	Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	Quality niche reporting and programming exists (investigative, economics/business, local, political).

and information programming, which remain the least expensive programs to produce. Though investigative reporting and other niche areas such as economics/business and politics do exist, there is little specialized journalism.

Most media own modern technical facilities and equipment for gathering, producing, and distributing news. While some media may have higher technical requirements than are filled by their current facilities, others often have equipment that surpasses their needs or skills. Education, particularly in the areas of digital and other new technologies, stands as one area for further development. Transmitters remain the more pressing need, particularly among smaller media.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Bosnia Objective Score: 1.64/4.0**—All panel participants agreed that there are both too many media outlets and not enough content. In comparison with a widespread focus on politics and government, there is very little local or “service” information, particularly in radio. There are no government restrictions on citizens’ access to domestic or international media, though many cannot afford it.

There are two independent news agencies in Bosnia and Herzegovina—ONASA and SENSE—

whose services are available to consumers on a commercial basis. Some panel participants, however, noted low interest in the agencies’ product and concern for their costs given the poor financial situation of most media outlets.

Independent broadcast media produce their own news programs, though some participants have observed decreased production due to high costs. Programs of the public services and private/commercial media sector do not differ significantly from each other, though neither was noted for its quality. One participant questioned why the commercial broadcast media should perform the role of public services.

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The country’s ethnic politics continue to form the question of “minority” media in Bosnia and Herzegovina. The Bosnian, Croatian, and Serbian languages have equal status under the Constitution, though some charge that this equality is not respected in media output. Other minorities do not appear to be represented, including social groups such as the disabled or gays and lesbians. Participants agreed that these programs are primarily the duty of PBS because they are not commercial programs. Some improvements have been noticed in the programs of the state radio station, Radio BH1.

Media ownership in Bosnia and Herzegovina is not concentrated into conglomerates. However, its transparency may be debatable, as stakes, profit shares, and the like may obscure the differences between real and registered owners. Though foreign citizens, for example, are prevented from being the sole owner of a media outlet, the system does allow for outsiders to name a local citizen as co-owner. One panel participant mentioned that OBN has foreign ownership that aimed to capture a large part of the advertising market share. Journalists do not seek information on media ownership despite the lack of transparency that currently exists.

Multiple news sources provide citizens with reliable and objective news.	
Plurality of News Sources Indicators	A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	Citizens’ access to domestic or international media is not restricted.
	State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	Independent news agencies gather and distribute news for print and broadcast media.
	Independent broadcast media produce their own news programs.
	Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Bosnia Objective Score: 1.25/4.0**—Independent media still do not appear to be well-managed businesses, though successful examples do exist.

Printing and distribution have improved somewhat since Banja Luka-based newspaper *Nezavisne Novine* opened its printing plant in July 2002. Primarily printing daily newspapers on a commercial basis, the operation appears to be on the edge of profitability. Like *Nezavisne Novine*, the printing houses of Avaz and Alden Print also seem to be self-sustainable: they are paying off their loans, their workers are permanently employed, new editions have been started, and so on. Opinions were divided on the efficiency of distribution networks; some noted cutthroat competition and poor sales presentation of certain editions at newspaper stands. Some panelists noted the lack of transparency in the publishing business.

Advertising constitutes 80 to 90 percent of the financing for commercial media, with the remaining minor revenue sources derived from donations and subscriptions. The market is currently grossing 60 million KM (convertible mark) (approximately \$33 million), twice the figure of the previous year. On the whole, the advertising market is expected to grow 35 percent yearly. Television receives 65 percent of the market, outdoor advertising 25 percent, and radio and

print 6 to 7 percent. One panel participant raised the question of “black market” sources from political and other groups, attributing such funding to the reason that some media, particularly print, continue to exist even though they fail to make a profit. Though this participant noted how such funding can shape editorial policies, another reminded that advertising revenue does not necessarily guarantee independence from certain centers of power.

With too few advertising agencies, the industry remains underdeveloped in Bosnia and Herzegovina. Only in the past year has an awakening of the domestic advertising market been felt, though not all participants agreed that the domestic market is becoming stronger. About 80 percent of money invested comes from international corporations and their agencies, whose favorable packages often undercut domestic counterparts. The public broadcasting services have also been accused of practicing “price dumping,” resulting in a formal protest to the CRA from the commercial media that cannot compete. Advertisers generally do not understand that on-air promotion constitutes a part of advertising.

Despite increasing advertising activity, prices and profits remain low. Media have to sell 100 percent of their ad capacities to break even. PBS’s entry into the market has elicited concern for the development of private media. Panel participants cited political pressures in opening the commercial door to PBS. They also noted the “unwritten strategy of the international community” in its effort to establish PBS as the integrative factor in Bosnia and Herzegovina.

Media occasionally receive subsidies at the local level from cantonal governments. Though participants were unfamiliar with the criteria for such funding, they strongly disagreed on whether these governments influence media content. With guarantees of transparency, some asserted, such practices could encourage private local radio stations to cover news of public interest.

Media do not appear to tailor their products to the requirements of the market. Most remain uninterested in media research, believing in its value only when the results suit particular tastes or needs. Thus, many ignore either unfavorable data or their conclusions. Advertising agencies, however, do appear to take greater interest in such information. No local organization produces reliable ratings or audits circulation figures, and media outlets do not seek this information.

Independent media are well-managed businesses, allowing editorial independence.	
Business Management Indicators	Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	Media receive revenue from a multitude of sources.
	Advertising agencies and related industries support an advertising market.
	Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	Independent media do not receive government subsidies.
	Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	Broadcast ratings and circulation figures are reliably and independently produced.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Bosnia Objective Score: 1.74/4.0**—Supporting institutions still do not fully function in the professional interests of media. Trade associations, for example, are seen as little more than a formality, with 70 to 80 percent of media employees working without contracts. Because of the divisive nature of Bosnia and Herzegovina itself, there are currently six professional associations, with some perceived as protecting the interests of a particular ethnic group or entity. Many lack clear aims or understandings of lobbying efforts, reacting only with press releases sent to other media professionals. With too many associations for the number of journalists in the country, proposals have been made for three of them to unite.

Though perhaps “natural allies,” the current relationship between media and other nongovernmental organizations (NGOs) lacks a basic sense of trust. Journalists often do not consider NGOs relevant sources of information. Instead, media tend to perceive NGOs as amateurs who are engaged in shady deals with foreign money, while NGOs perceive media as loyal to the government. Some media, however, have successfully cooperated on shared projects with NGOs, particularly with organizations that promote democratization and civil society.

Like the number of professional associations, there are too many journalism faculties in Bosnia

and Herzegovina—one each in Sarajevo, Tuzla, and Mostar and two in Banja Luka—to support long-term needs. Though the classical state university education is deemed archaic and lacking practical training, the system has recently begun to reform. While participants felt there were insufficient opportunities for students to earn journalism degrees abroad, they noted that those who return from abroad successfully find jobs in media outlets or other organizations, even if their journalism skills go unused.

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There are many short-term training opportunities in Bosnia and Herzegovina, perhaps more than are used by journalists. While representatives of the international community most often offer these programs, local trainers are increasingly engaged in training and education. Participants recommended in-house training, short-term courses for managers, specialization in particular fields, and study trips abroad as areas of focus for future efforts. They also noted that a high turnover rate at media outlets often renders needs difficult to measure.

Printing facilities and channels of media distribution do not appear to restrict content, though their prices are sometimes restrictive. Because of the failure of previously state-owned printing houses, these facilities are now in private hands. The government, however, continues to own and control transmitters, a situation that does require regulation.

Supporting institutions function in the professional interests of independent media.	
Supporting Institutions Indicators	Trade associations represent the interests of private media owners and provide member services.
	Professional associations work to protect journalists' rights.
	NGOs support free speech and independent media.
	Quality journalism degree programs that provide substantial practical experience exist.
	Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.



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