

[BA] High Representative Sets Legal Framework for Public Service Broadcasting

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Shortly before terminating his appointment, the High Representative, Carlos Westendorp, on 30 July issued a series of decisions furthering the implementation of the Dayton Peace Agreement (DPA) in Bosnia-Herzegovina.

The «Decision on Restructuring the Public Broadcasting System in Bosnia and Herzegovina» is designed to establish a legal framework for public radio and television that should serve the needs of all citizens in the country. «It creates a new Public Broadcasting System which will provide news programming to the whole of Bosnia-Herzegovina based on the resources and mutual interests of the Federation and Republika Srpska networks», the High Representative stated.

The point is that the new Public Broadcasting Service (PBS), which is still a working title, will succeed the existing Radio-Televizija Bosnia-Herzegovina (RTV BiH), as a member of the EBU, Eurovision, and related international organizations. The distribution of the RTV BiH property remains an open question. As part of the Decision, the High Representative has enacted the Law on Radio-Television of Bosnia-Herzegovina, which is based on the law drafted by the federation government. It also requires that the state broadcasting network from the neighbouring country, i.e., the well-known Croatian HRT, put its operations in Bosnia-Herzegovina on a legal footing, in order to facilitate the establishment of the Radio-Television of the Federation of Bosnia and Herzegovina (RTV FBiH).

The «Decision on Freedom of Information and the Decriminalization of Libel and Defamation» suspends the sanction of imprisonment for libel and defamation provisions in the criminal codes of the Federation and the Republika Srpska. It requires that by the end of 1999, authorities in both entities adopt new legislation treating libel and defamation merely as civil offences. Criminalization of libel and defamation in particular has presented a serious threat to investigative journalism. In essentials, it is envisaged that the plaintiff will have to prove that a journalist or editorial staff has committed an act of libel or defamation.

By the same deadline, Bosnia-Herzegovina and its entities should adopt or amend existing legislation upholding the principle of freedom of information. The Independent Media Commission (IMC) is currently working with the OSCE on drafting freedom of information legislation, which should provide the citizens of Bosnia-Herzegovina with the right to gain access to information about the

activities of government bodies.

The High Representative's Decisions on the Restructuring of the Public Broadcasting System in Bosnia-Herzegovina and on Freedom of Information and Decriminalization of Libel and Defamation of 30 July 1999.

