[BA] Internet in Bosnia and Herzegovina - Unregulated Frontier

IRIS 2002-3:1/23

Dusan Babic
Media Analyst, Sarajevo

The Office of the High Representative (OHR), responsible for civil implementation, as well as for final interpretation of the General Framework Agreement for Peace in Bosnia and Herzegovina, better known as the Dayton Peace Agreement (DPA), has decided to combine the functions of the Independent Media Commission (IMC) and of the Telecommunications Regulatory Agency (TRA) to create a single communications regulator - the Communications Regulatory Agency (CRA) (see IRIS 2001-4: 4).

The Agency was formally established in March 2001 by the Decision of the High Representative. It is already operational, despite the fact that the Law on Communications is still in the draft phase. The CRA covers three main fields of modern communications: (1) telecommunications, (2) frequency spectrum management, and (3) electronic media.

It should be pointed out that the CRA has been entrusted only with the technical aspects of the Internet, but not with the content-related issues, as is case with broadcast media. On the other hand, there is a Press Council created as a self-regulator for the print media. But unlike the American formula, which basically regards Internet and online journalism as print media, in BiH the British model of a Press Council, which is not responsible for Internet, has prevailed.

Leaving aside the so-called digital divide, i.e., less than 2 percent of BiH's total population has access to the Internet, sooner or later things might be taken more seriously, particularly in the context of Council of Europe's Ban on Internet Hate Speech, and the recently introduced European Convention on Cyber-Crime.

If so, it was expected that the OHR would have the final word to charge the CRA with additional - Internet content related - tasks. But, seemingly, that will not be the case. Recently, on 5 February 2002, the CRA sent drafts of four documents for consultations to BiH Council of Ministers, relevant Entity Ministries and Telecom operators. These included the document Licenses for Internet Service Providers. All documents have been drafted by the CRA's Telecommunications Division. Final drafts of the documents will be presented to CRA Council at the session in March of this year.

© European Audiovisual Observatory (Council of Europe) 2026

According to the draft document - License for Internet Service Providers - not yet available to the public -, Internet content requirements will be of marginal importance for the CRA. It clearly indicates the composition of the document itself in which out of 16 headings, only one deals with content requirements: "5. Service Standards, 5.2. The Licensee shall ensure that objectionable, obscene, unauthorised or any other content, messages or communications infringing copyright and international and domestic regulations on Internet and public communications, in any form are not carried in his network."

All other headings prescribe technical and related modalities of Internet operations.

However, some media experts and press freedom watchdogs consider that the requirements for controlling and blocking content are so comprehensive that every ISP licensed in BiH would have to monitor every bit of data passing through their system in real-time.

License for Internet Service Providers (Draft), 5 February 2002

http://www.ohr.int/decisions/mediadec/

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026