[BA] Controversies over the Public Broadcasting System Continue

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New legislation aimed at creating preconditions for a sustainable public service broadcasting in Bosnia and Herzegovina is needed. However, the restructuring faces obstacles.

The broadcasting sector of Bosnia-Herzegovina is complex, because it reflects the extremely complicated state structure that emerged from the Dayton Peace Agreement (DPA) signed in December 1995, and financially poor. It reflects a situation which applies to the media sector generally; thus, it is remarkable that, nevertheless, such a small and underdeveloped market provides such a high number of media output.

During the difficult postwar peace-building and democratisation processes local politicians and authorities were constantly trying to obstruct the restructuring of the media, in particular, the broadcasting sector, in order to keep control over formerly state-owned broadcasters. As a consequence, the adoption of legislation on public broadcasting was difficult. In a final instance, the Law on Public Radio Television System was imposed by the Office of the High Representative (OHR), and then formally adopted by the parliaments at the state and entity levels (see IRIS 2005-10: 8).

According to this law, the public service broadcasting of Bosnia-Herzegovina consists of B-H Radio Television (BHRT), as the country-wide public broadcasters, the B-H Federation Radio Television (RTF BiH), the Serb Republic Radio Television (RTRS), and the Corporation of the Public Radio Television Services of B-H. All four entities represent the public broadcasting system in the country.

However, this structure was considered to be too complex, expensive, and prone to inefficiency, in particular in the context of the constant decrease of the audience's share of public broadcasters in favour of commercial networks. The adoption of the law was moreover welcomed, since it was one of the preconditions to the start of negotiations for entry of the country to the EU. However, recent developments related to this law were counterproductive.

Already at the time when this law was in its draft version, Bosnian-Croat deputies in the Parliament voted against declaring it detrimental to the so-called vital interests of the Croat people in Bosnia-Herzegovina, by requiring three separate

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channels for each of three constituent peoples in the country. But the Constitutional Court of Bosnia-Herzegovina ruled that the law was not unfavourable for the vital interestes of the Bosnian Croats.

Not accepting this decision, Croat representatives made an appeal to the Constitutional Court of the Federation, lower judiciary institution. This federal structure underlines the difficult situation in the post-Dayton Bosnia-Herzegovina since the adoption of the set of laws requires a three-level procedure: state and two entity levels. In any federal case the Federal Constitutional Court is responsible for the appeal. And, in this very case, its Council for Protection of Vital National Interests ruled in favour of the Croat representatives' request. By doing so, the Federal Constitutional Court practically annuled the already adopted Law on Public Service Broadcasting in Bosnia-Herzegovina, since this set of laws cannot enter in force if one of the laws is absent. In brief, painstaking efforts at restructuring the public broadcasting sector seemingly were in vain. Now all it requires is rewriting of the law, but with new starting positions, i.e., three separate channels as the basis. Furhermore, the Court’s reasoning is very indicative, even implicitly suggesting the entirely new law on public broadcasting. An official version of this ruling has not been published yet.

Another indicative moment, international representatives in Bosnia-Herzegovina expressed their strong disappointment with these latest media related developments, but the OHR, specifically, is not willing to interfere or to reject the Court’s ruling.

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Decision of the Council for Protection of Vital National Interests

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