[BA] Controversies about the Law on PBS of BiH Continue

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Despite the entry into force of the Law on Public Broadcasting Service of the Federation of BiH on 14 August 2008 (Official Gazette of the Federation of Bosnia and Herzegovina, No. 48, 2008), and despite it looking like the regulatory framework of Public Service Broadcasting in the country is complete subsequent to the adoption of this piece of legislation, the controversies about this media sector continue.

To recap, the Bosnian broadcasting sector comprises four laws: the Law on Public Broadcasting System of BiH, the Law on Public Broadcasting Service of BiH, the Law on Public Broadcasting Service of the Republika Srpska (Law on RTRS) and the Law on Public Broadcasting Service of the Federation of BiH (Law on RTV FbiH). These laws represent an integral part of the media legislation body and therefore have to be harmonised.

According to the Article 65 section 2 of the Transitional Provisions of the Law on RTV FBiH, the Communications Regulatory Agency (RAK) will draft a candidate list for the first RTV FBiH Board of Governors within 30 days from the day the Law comes into effect.

Once the mandate of the members of the first RTV FBiH Board of Governors expires, the selection procedure of the new members will be the responsibility of the Commission for Selection and Appointment of the Federal Parliament in accordance with Article 25 of the Law on RTV FBiH.

Meanwhile, the existing Board of Governors of the RTV FBiH has elected a new director general, since the previous one resigned, and this also caused controversy in relation to the interpretation of the provisions of Articles 25 and 65 of this law.

In July this year the Parliament of the Republika Srpska unilaterally made amendments to the Law on RTRS, dealing with the procedures which relate to the appointment of the members of the Governing Board of RTRS. Shortly after it was followed by the Federal Parliament, clearly indicating political influence on the public broadcasting service in the country. As a result of these changes the role of the RAK was substantially reduced.

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Additionally, the Federal Parliament adopted a blanket ban on the Srebrenica genocide denial. Article 40 Line (b) of the Law on RTV FBiH explicitly prescribes the banning of the Srebrenica genocide denial in the programmes of the Federal RTV. The other three laws on PBS do regulate programme content restrictions, but mostly derived from the basic international human rights documents.

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