[BA] Public Broadcasting System: Need for a Corporation

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As reported already, the BiH broadcasting sector comprises four laws: the Law on the Public Broadcasting System of BiH, the Law on the Public Broadcasting Service of BiH, the Law on the Public Broadcasting Service of the Republika Srpska and the Law on the Public Broadcasting Service of the Federation of BiH (see: IRIS 2008-9: 4).

In June 2009 the new members of the RTV FBiH Board of Governors were appointed by the Federal Parliament. This was formally the only precondition left for the creation of the Corporation of PBS.

The Corporation as a fourth legal subject (besides the three public broadcasters of BiH) within the Public Broadcasting System should mainly provide technical and logistical support to all three public broadcasters. Up to now, there was a lack of co-operation between the public broadcasters. The consequences were high operational costs and a lack of competitiveness in relation to commercial networks that almost dominate the broadcasting sector.

The absence of a Corporation affected in particular BHRT, a countrywide public broadcaster, which in this legal vacuum was acting as a “para-corporation” with a multitude of obligations: e.g., programming and production, maintenance of equipment and related tasks. It was a burden on BHRT that hindered a more intensive development of this broadcaster, which was projected in particular to play an important role for social cohesion in a fragile and ethnically divided society.

The next step is the adoption of the statute of the Corporation necessary to register this fourth legal subject. In this context there is allegedly a need for harmonisation of the above-mentioned laws; e.g., concerning different programme content requirements -- for instance Article 40 of the Law on RTV FBiH explicitly bans the denial of the Srebrenica genocide in the programmes of the RTV FBiH, while such bans do not exist in the laws of the other public broadcasters.

The members of the newly-appointed Governing Board of the PBS (composed of the members of the Governing Boards of all three public broadcasters), charged with adopting a statute, differ strikingly in their opinions as to the role and

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mandate of the Corporation and the scheme of distribution of revenues, which should, according to the Law on PBS, follow that for the subscription fees (50 % to BHRT, and 25 % each to the other public broadcasters). Representatives of the RTV FBiH are in particular opposed to it and want to change the law, since this public broadcaster is the most watched.

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