

# BOSNIA AND HERZEGOVINA

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## INTRODUCTION

Comprehensive international support to the media sector in Bosnia and Herzegovina (BiH)<sup>1</sup> after the 1992-1995 war resulted primarily in the pacification of media content and the restraining of extreme nationalistic propaganda, as well as the establishment of institutional, legislative and regulative framework for the media sector.<sup>2</sup> However, in the last decade, since the involvement of the international community decreased, little has been done on the policy level to continue with the positive trends. Quite the opposite, the political elites have intensified their efforts to assert control over media. Without adequate policy responses to tackle major weaknesses in the media sector, the state of the media system in Bosnia and Herzegovina, even after an extensive international involvement, is now “a colossal tragedy” as Mark Thompson has recently put it.<sup>3</sup>

Being a small media market oversaturated with multitude of media outlets, BiH has severely suffered the consequences of the economic crisis and of the outflow of advertising money. The sources of revenues for the media have been shrinking and the political interference in the media sector has not abated but rather strengthened. The fragmentation of the media market along the administrative and ethnic lines perseveres, further limiting the sources of revenues, hindering the transformation of public service broadcasting and limiting the collective organising of media employees. The media environment has been especially hostile to independent, quality and investigative journalism.

This research report will provide an overview of different aspects of the media system, including media policies, media ownership, media financing, public service broadcasting and journalistic practices, with special emphasis on the political economy of the media and the challenges the media system in BiH currently faces.

### 1 UNDERDEVELOPED MEDIA POLICIES AND HINDERED IMPLEMENTATION

By the end of 2002, most of the structural changes supported by the international community had been completed, after which the further development of national media policies and their implementation was in the hands of local actors. In the last decade, however, local decision makers proved not to be up to the task and the positive trends have been largely reversed. During this time, hardly any policy measures were taken to improve the structural conditions of the media environment. Media policy in Bosnia and Herzegovina is now practically non-existent, as Helena Mandić of the Communication Regulatory Agency (CRA) pointed out.

Policy initiatives in recent years have been scarce and in general not informed by relevant studies, ignorant of the actual interest of the public and ostensibly guided by the political interests of those in power. A consensus on major policy issues concerning media sector has not been reached, and the needed impetus for policy development was always missing regardless of which political party was in power. The political interference was made possible through politically motivated disregard, distortion and changes to legal procedures that had been introduced to assure freedom and independence of the media.

### 1.1 THE DISTORTIONS OF EXISTING NORMS AS A POLITICAL ASSET

The implementation of the existing, rather commendable laws, such as the Law on Libel and Freedom of Information Act, has been to some extent perverted through weak implementation mechanisms. The weaknesses are visible in court practice where, for example, common criteria for establishing emotional distress in libel cases, or the interpretation of “incitement to hatred” in criminal law have not yet been established.<sup>4</sup> Such uncertainty left a leeway for rulings based on particular interest of those in power. For example, some media representatives report that courts are less likely to rule against relevant political or business actors in libel cases.<sup>5</sup>

Moreover, legislative bodies themselves have disregarded the stipulated procedures on several occasions (with absolute impunity). The Communications Regulatory Agency (CRA) has especially suffered political pressures and disregard for the established procedures. The establishment of CRA, a regulatory institution for broadcasting and telecommunication sector,<sup>6</sup> in 2001, was one of the major positive results of the international involvement.<sup>7</sup> Unfortunately, CRA’s operation was hindered and the guarantees of freedom from political control and manipulation have not been working in practice,<sup>8</sup> especially since 2003 when CRA became completely locally run.

It should also be noted that the CRA director general and the members of CRA Council operated under a technical mandate from 2009, when the Parliamentary Assembly of BiH failed to appoint CRA members<sup>9</sup> (probably due to political manoeuvring), to the end of 2013. The changes introduced in 2012 enabled a greater control over the appointments - the Parliamentary Assembly of BiH establishes an *ad hoc* body that proposes candidates.<sup>10</sup> Not surprisingly, the newly appointed members of the CRA Council are considered to lack professional experience, while being mainly affiliated with the Socialist Democratic Party. CRA’s credibility is thus seriously jeopardized.<sup>11</sup>

Similarly, disregard for the procedures for the appointment of the governing boards in public service broadcasters justifies the assumption that particular political interests were at play. In such a context, doubts about both the professional competence and the independence of board members have been continuously expressed.<sup>12</sup> Presumably in order to enable easier political interference, legislative bodies have been exploiting the appointing

procedures to marginalize the role of CRA. Moreover, the recent amendments to the Law on *RTRS (Radio and Television of Republika Srpska)* completely excluded CRA from the process of appointment of governing board (for more, see below). Similarly, the attempts to dismiss members of the Board in *RTV FBiH* in 2012 and the director of *BHRT* in 2009,<sup>13</sup> were also considered bogusly justified by poor business performance, while being most likely motivated by the attempts of leading political groups to reassert their political influence over the public broadcaster. The above-mentioned amendments to the Law on *RTRS* additionally make possible the direct state funding of *RTRS*, which is possibly again motivated by the desire to interfere in editorial policies with more ease.

The polarisation along entity lines has also been manifested within the media sector, especially as the efforts of the political elites from RS to weaken the state-level institutions, including the national public broadcaster *Radio and Television of Bosnia and Herzegovina*<sup>14</sup> and CRA. The results of the all-pervading ethno-political polarisation are most evident in the situation of the public service system in Bosnia and Herzegovina which Mark Thompson described as “the most discouraging” case of PSB in the region.<sup>15</sup> Primarily due to the lack of political will, no progress has been made over the past few years in the transformation of the public service system or digitalisation, and it remains questionable if the switchover to digital broadcasting will be possible by the mid-2015 deadline.<sup>16</sup>

In the background of these political interferences, there have been virtually no major initiatives to regulate the important aspects of the media sector, such as ownership, privatisation and public funding, or to create a supportive economic environment.

## 1.2 UNDER-REGULATED OWNERSHIP ENABLING POLITICAL INTERFERENCE

The issue of ownership is highly unregulated. While the privatisation of newspapers raised doubts about the lawfulness of the procedures and abuse of power, the privatisation of TV and radio broadcasters has not even begun.<sup>17</sup> Cantonal and municipal authorities are still the founders and direct financiers of 27.3 percent of TV stations (12 out of 44) and 44.3 percent of radio broadcasters (62 out of 140). Some sources suggest that these media regularly receive public funds of around 7.87 million euro per year.<sup>18</sup> The extent to which these local public media function in the public interest is doubtful, given that no guarantees of their editorial independence are provided and they are most likely the mouthpieces for local authorities.

Although so far there is no significant concentration of ownership in the country, there is an open threat of the monopolisation of media space since the regulation of ownership is missing. Media are required to register, as any other business is.<sup>19</sup> Ownership structure is reported to CRA for the needs of the television and radio licensing procedure, as is any change in the ownership structure involving more than five percent of shares.<sup>20</sup> The

concentration of ownership has been completely unregulated since 2006, when the Rules on Media Concentration and Ownership of Electronic and Print Media (adopted in 2004) expired. Relevant institutions did not show significant interest in developing proper policies in this regard.<sup>21</sup> In the meantime, the implementation of the Law on Competition (relevant for all business sectors) is questionable, given that the Council of Competition responds to specific complaints but does not act strategically in this sense.

### **1.3 NON-SUPPORTIVE FISCAL POLICY AND QUESTIONABLE PUBLIC FUNDING**

Finally, the overall fiscal policy towards media is inadequate. A large number of outlets (44 TV stations, 140 radio stations, 3 public service broadcasters, 9 dailies and over 100 magazines)<sup>22</sup> exist on an utterly impoverished media market with the overall advertising revenues on the entire media market amounting to an estimated 44.37 million euro in 2012, and estimated overall revenues in TV industry (including advertising, licence fees, and other sources) amounting to 50.51 million euro (CRA 2013, 11). Both the advertising revenues and the donor support have been shrinking over the years. There are no policy responses to the fact that the advertising revenues have been flowing out of the domestic market to the benefit of broadcasters in the neighbouring countries whose programs are re-broadcast in Bosnia and Herzegovina (more in the section on ownership). Support to quality and independent journalism is extremely scarce, and pluralism is hardly sufficiently supported in the circumstances where, for example, community media are not allowed to pursue advertising revenues. In general, media are largely underfunded and for the most part cannot afford the lavishness of independent and quality journalism. In such conditions, editorial policies are increasingly vulnerable to the interests of rare sources of revenues, among which the state institutions are becoming pivotal. Both public and commercial media receive government funding,<sup>23</sup> which is possibly tainted to best suit the particular political interests, especially due to the lack of assurances that procedures are legitimate, transparent and based on public interest.

### **1.4 ACTORS RELEVANT FOR THE DEVELOPMENT OF MEDIA POLICIES**

The major developments in the media sector in Bosnia and Herzegovina were initiated and/or achieved by the international community. A multitude of international organisations and agencies such as the Office of High Representative (OHR), the Organisation for Security and Cooperation in Europe (OSCE), the European Union (EU) and the Council of Europe (COE), various donor countries and private foundations were involved in the democratisation processes over many years. The most positive results of the international community's intervention were the adoption of the Law on Communication, the establishment of CRA as an institutional guarantor of the regulated broadcasting market, and

several major legislative steps, primarily the adoption of the Freedom of Information Act and decriminalisation of libel. The CRA has been guaranteeing normative certainty in the broadcasting sector, but understaffing<sup>24</sup> and especially political pressures have been hindering its performance. On the other hand, the Press Council (PC),<sup>25</sup> a non-governmental organisation, oversees the self-regulatory mechanism in the print media, and since 2011 in the online sector, but its reach is limited especially because the self-regulatory system is not yet widely accepted by media organisations.<sup>26</sup>

The Institution of the Ombudsman for Human Rights of BiH reacts to severe violations of media freedoms, but as Mehmed Halilović, a media law expert at Internews in BiH, pointed out, there are no individuals within this institution dedicated specifically to the media sector, which diminishes the vigour of their actions.

The impact of local civil society on media policies has been modest so far, the major reasons being a generally underdeveloped civic engagement and fragmentation along entity and ethnic lines. The involvement of journalistic community in the development of media policies is sporadic and mostly reactive. Of the six journalist associations, BH Journalists is the only one that regularly reacts and sometimes proposes positive policy changes. Additionally, the Association of Media Industry (UMI) offered expert opinions on the business aspect of the media sector on certain occasions.

Most regrettably, the Council of Ministers of Bosnia and Herzegovina that is responsible for the development and adoption of media policies has been extremely inactive over the past decades.<sup>27</sup> Mehmed Agović, the advisor to the current Minister of Communications and Traffic, stated (in an interview held on 24 September 2013) that the ministry is only now embarking on the development of media policies to tackle, *inter alia*, transparency, concentration of ownership, digitalisation process, and online media policies. However, other respondents expressed concerns that the Ministry will introduce changes that will weaken the powers of CRA and enable more political interference in the media sector.

## 1.5 RECENT CASES AND TENDENCIES

Several current developments indicate the eagerness of decision makers to assure political control over the media sector.

A recent controversial case was the adoption of the amendments to the Code on Commercial Communications, by which CRA reduced the advertising limit for public broadcasters from six to four minutes per hour. The analysis later published by CRA indicated that the public service broadcasters were considerably commercialized and that their advertising shares were inadmissibly high. The opposing voices, however, stress that these limitations will endanger the financial sustainability of public broadcasters, given that the overall rate of licence fee collection is low.<sup>28</sup> The unjustified rush to adopt the

amendments was viewed with disapproval and apprehensions that the regulator had given in to the interests of the major private media.<sup>29</sup> Moreover, the representatives of the Association of Media Industry warn that even the private media in the country will not benefit from this new policy.<sup>30</sup> And finally, it is extremely worrying that the amendments were adopted despite strong opposition by journalist associations, PSBs, NGOs and the international community. The newly appointed Council of CRA however decided to reconsider above-mentioned decision, and on 5 March 2014 announced new public consultations about the issue.

Indicative is also the case of the Law on *Radio Television of Republika Srpska (RTRS)* that has been changed on two occasions to completely oust CRA from the procedure observed when appointing members to the Board of Governors of this broadcaster. The amendments adopted by the National Assembly of Republika Srpska in October 2013 stipulate that the members of the Boards of Governors in RTRS are to be appointed directly by the National Assembly of RS.<sup>31</sup> The amendments also make possible the funding of RTRS directly from the entity budget, which further endangers its independence and facilitates the political influence on editorial policy.<sup>32</sup>

There are two cases that still remain to be resolved. The pre-draft of a new Law on Electronic Communications<sup>33</sup> prepared by the Ministry of Communications and Traffic caused considerable distress. Helena Mandić believes that it is an attempt to tear down CRA by diminishing its powers and introducing vague financing patterns, and she hopes for an appropriate reaction of the media community.<sup>34</sup> On the other hand, Agović states that it is aimed to improve the existing regulation and that it guarantees the continuation of CRA's powers and independence. By mid-January 2014, the proposal was not yet submitted to the parliamentary procedure. Concerns were also raised about the draft Law on Media in RS prepared by the Association of Journalists of Republika Srpska, which has been open for public debate since July 2013.<sup>35</sup> Although the draft includes certain positive elements, e.g. it regulates the transparency of ownership, including of online media, the critics believe that the proposed law puts the media sector in jeopardy of censorship and political control, that it introduces some retrograde solutions (for example, with regard to access to public information) and politicizes the issue by disregarding the existing (satisfactory) state-level regulation.<sup>36</sup>

## 1.6 THE BRIGHT SIDE OF MEDIA POLICIES

The response of the professional community and other institutions/organisations in May 2013, when the Ministry of Justice of BiH proposed amendments to Freedom of Information Act (FOIA), had a significant positive effect. The new proposal was meant to enable an automatic denial of information if the request endangered the “right to privacy

and other legitimate private interests.” It was a step back for access to public information, since it discredited the test of public interest which made possible the publication of private information if it was in the interest of the public. The institution of Ombudsman was the first to point to the problematic amendments, followed by reactions from the professional community and civil society. Around 200 comments were submitted altogether and eventually the proposal was retracted.<sup>37</sup>

Despite many weaknesses of media policy in the country, the media legislation and regulation in Bosnia and Herzegovina have been evaluated by both external and domestic analysts as progressive and harmonized with the highest international standards.<sup>38</sup> Indeed, the formal guarantees of media freedom are provided by the constitution(s), the relevant international covenants directly implemented in BiH, and by the laws concerning the media. Additionally, the programming and professional standards are guaranteed through the rules and regulations implemented by CRA, as well as through the self-regulatory norms implemented by PC. Positive developments include the adoption of the Freedom of Information Act<sup>39</sup> and decriminalisation of libel.<sup>40</sup> However, what is demoralising is that the positive steps were almost as a rule taken under the pressure of the international community, or through decisions imposed by OHR, while state institutions have been unwilling and/or unable to further develop the legislation, regulations and the implementation practices.

## 1.7

## CONCLUSIONS

Media policies in Bosnia and Herzegovina have been (under)developed only to the point necessary to meet the interests of leading political structures. After the encouraging positive steps superintended by the international community with the effect of relative pacification and establishment of the legislative, regulatory and institutional framework for the media sector, the recent decade was mostly a period of indolence marked by the distortion of the set procedures and controversial policy initiatives. There is an all-pervading lack of strategic approach to media policies that would be based on public interest and informed by extensive analyses of the media environment. The prevalent focus on the several issues that were seen to be of particular ethno-politic concern, such as the interrelations of the three public service broadcasters and the transformation of the PSB system, or the running of CRA, was not matched by any major initiatives to regulate important aspects of the media sector, such as ownership, privatisation, public funding and a supportive economic environment.

The promotion of particular interests of political groups is a constant threat made possible by weak and tainted patterns of implementation, and especially indicated by recent policy initiatives. The cases presented also suggest that the interest of private media might

be more influential in the development of media policies (as in the case of amendments to the Law on Commercial Communications). Under present circumstances, the BiH media sector is in need of active civil society able to balance the appetites of those in power and to advocate for public interest, so far largely neglected. Although this is far from being achieved, the recent positive resolution in case of FOIA was a rare spark in the mist of BiH media policies.

## 2

## MEDIA OWNERSHIP

Positive steps in media policies and practices were scarce and insufficient for attaining a stable and sustainable media market free of political control. This chapter will provide an overview of policies and practices related to media ownership, identifying the major patterns of ownership and possible conflicting relations between media owners and political/business centres of power. The ownership is currently largely unregulated, with transparency of ownership addressed only by the general requirement for business registration, while the regulation of concentration of ownership is completely absent (since 2006). Information on real owners can be concealed easily, which hinders a systematic insight into the ownership structure, which may be detrimental to media integrity. In this report, we rely on the information in official registries and on secondary sources of information on ownership and possible affiliations, to identify both negative and positive examples in this regard.

### 2.1

### TRANSPARENCY OF OWNERSHIP

The minimum transparency of ownership is assured through the possibility to retrieve documents from court registries relating to all businesses, including media outlets. However, the documents are scattered across 15 registries in different parts of the country and available only if the requester has the means to pay court fees.<sup>41</sup> Not all information on ownership is available online, but there is a valuable online registry of businesses in the territory of FBiH (but not RS).<sup>42</sup> The register of broadcasters on CRA's website currently does not include the ownership data (although CRA holds this information), but only data on editors and directors.

The major issue of concern is the absence of policies on ownership transparency that would foresee the tracking of both the origin of capital and the hidden owners. It is suspected that the real owners of particular media are hidden. In some cases, the motive to obscure ownership information seems to be the effort to circumvent the legal restriction on foreign ownership, which was possibly the case with the *Pink TV* and *OBN*. Another possible motive

is to cover up conflict of interests (the case of *Dnevni avaz*). The problem here is that the existing rules on foreign ownership and on conflict of interest can be easily compromised without actually violating the laws (more on this in the following subsections).

Ownership transparency is especially moot when it comes to online media. There are no standards for ownership data publication on the websites of these media, and these data are in some cases hard to obtain because certain websites operate as media outlets but are not officially registered as media businesses, which hinders the implementation of self-regulatory professional norms among other things.

The ownership of a new company Audience Measurement, owned by Nmam Media Audience Measurement Limited, a company from Cyprus which we could not find in the registries of businesses, remains vague. Some sources suggest that this company from Cyprus might be affiliated with certain media actors in BiH.

## 2.2 MEDIA OWNERSHIP PATTERNS

On the small BiH media market, additionally fragmented along entity and ethnic lines, sources of revenues are scarce and accordingly, media have little possibility to be independent from the centres of political and economic power.

There are two major types of media: public media (only broadcasting media and news agencies) and private media; the type is determined based on ownership and financing patterns.<sup>43</sup> There are 12 public television broadcasters (i.e. 27 percent of all TV broadcasters) and 62 public radio broadcasters (i.e. 44 percent of all radio broadcasters). These media have a limited audience, broadcasting in the territory with less than half a million citizens and achieving a limited viewership within this population.

A look at Table 1 shows that over the past ten years both the number and the ratio of public vs. private broadcasters has remained the same. This leads to a disheartening conclusion – during the past decade, both media policies and the market forces in the country failed to make any progress to consolidate the market. The same problems of oversaturated market persist, and have even been intensified in the past years due to the economic crisis and the growing influence of public institutions on media financing. Privatisation of the local public media is at a stalemate, so they remain completely financially dependent on local authorities, with no guarantees of editorial independence.

Table 1 NUMBER OF RADIO AND TV BROADCASTERS BY TYPE OF OWNERSHIP

YEAR	OVERALL RADIO	PRIVATE RADIO	PUBLIC RADIO	OVERALL TV	PRIVATE TV	PUBLIC TV	TOTAL RADIO AND TV
2003	141	79	62	42	26	16	183
2013	140	78	62	44	32	12	184

Sources: CRA register (for 2013) and Jusić (2004) (for 2003).

Besides local public media, three public broadcasters are part of the public service broadcasting system: *RTVFBiH*, *RTRS* and *BHRT*, each with both television and radio stations. Their signal covers nearly the whole territory of the country. These broadcasters are financed primarily from licence fees and through advertising. Still, their editorial independence is compromised due to close political affiliations with the major political parties (more in the chapter on public service broadcasters).

The third type of media within the radio sector is non-profit radio outlets (as foreseen by the Rule 58/2011 on radio services, Article 15). There are currently only three media licensed as non-profit media,<sup>44</sup> with the small number possibly a result of disincentive policy not allowing community media to pursue advertising revenues.

Table 2 MAJOR TYPES OF OWNERSHIP ACROSS MEDIA SECTORS

	PRIVATE	PUBLIC	OTHER/NOTES
TELEVISION STATIONS	32 PRIVATE TV OUTLETS (63 percent of all TV)	12 PUBLIC TV STATIONS (27 percent of all TV stations)	3 PSB ( <i>RTRS</i> , <i>RTVFBiH</i> , <i>BHRT</i> )
RADIO STATIONS	78 PRIVATE RADIO STATIONS (56 percent of radio stations)	62 PUBLIC RADIO STATIONS (44 percent of all radio stations)	3 PSB ( <i>RTRS</i> , <i>RTVFBiH</i> , <i>BHRT</i> ) 3 NON-PROFIT RADIO STATIONS ( <i>Radio Marija</i> , <i>Radio Otvorena mreža</i> and <i>Radio Active Naša djeca</i> ).
DAILIES	9 PRIVATE DAILIES ( <i>Dnevni avaz</i> , <i>EuroBlic</i> , <i>Oslobođenje</i> , <i>Press RS</i> , <i>Nezavisne</i> , <i>Večernji list</i> , <i>Dnevni list</i> and <i>Glas Srpske</i> )	N/A	DAILIES ARE CONSIDERED TO BE HIGHLY INFLUENCED BY POLITICAL STRUCTURES.
MAGAZINES	OVER 104. Approx. 10 with some socio-political content.	A SMALL PART OF THE PERIODICALS IS PUBLISHED BY LOCAL AUTHORITIES (EXACT NUMBER N/A)	N/A
NEWS AGENCIES	TWO PRIVATE ( <i>Onasa</i> , <i>Nina</i> )	TWO ( <i>Fena</i> , <i>Srna</i> )	ONE AGENCY OWNED BY THE STATE OF TURKEY ( <i>Anadolu</i> ) TWO FOUNDED BY RELIGIOUS COMMUNITIES ( <i>MINA</i> and <i>KTA</i> ).
ONLINE MEDIA	ROUGH ESTIMATE: 80. <sup>45</sup>	N/A	SOME ONLINE MEDIA ARE CONSIDERED TO BE CONTROLLED BY POLITICAL PARTIES.

Sources: CRA, Press Council, 2013.

Major dailies and print magazines have been privatised. There were suspicions about the legitimacy of some privatisation processes of both dailies and printing companies,<sup>46</sup> but without any judicial epilogue. Dailies in particular are perceived to be highly influenced by certain political structures, while independent journalism in political magazines is also considered scarce.

Of the seven news agencies altogether, two have been funded directly from the budgets of the Federation of BiH (*Agency Fena*) and Republika Srpska (*Agency Srna*), which raises doubts about their editorial independence.

There is a large number of online media with varying ownership structures, and some are not officially reported as media business.

The survival of such a large number of media in all sectors on such a limited media market is seen as suggestive of political and other conflicting affiliations rather than media pluralism. Individual types of ownership in private media sector will be elaborated in the following subsections, with special emphasis on the risks to media integrity.

### 2.2.1

#### FOREIGN OWNERSHIP

Three major broadcasters and one news agency are in a way owned by foreign actors. *Pink BH* television and *OBN* network cover most of the state territory with their signal; their programs are available in around hundred municipalities reaching more than two million viewers,<sup>47</sup> which translates into the highest audience shares on the market (see Table 3 for data on audience shares). The Law on Direct Foreign Investments stipulates that foreign ownership of a business involving public communication cannot exceed 49 percent of capital (Article 4). However, the implementation mechanisms are immature and ambiguous in terms of which institution is mandated to assure the execution. For example, in the process of transferring ownership of *OBN* to GRP, several ministries that were asked for approval stated that this issue was outside their authority, or expressed a non-binding opinion that the change of ownership met the legal requirements.<sup>48</sup> *Open Broadcasting Network - OBN* started to broadcast in 1996, as a project of the international community<sup>49</sup> aimed to offer an impartial presentation of the developments in the highly fragmented and post-conflict BiH society. However, dissatisfied with the performance of *OBN*, the donors retracted their support in 2000. Over the years, *OBN* greatly departed from the initial programming idea switching to a dominantly commercial programming scheme. A Croatian citizen, Ivan Čaleta, is believed to have played the major role in *OBN* for years, although he was not the official owner.<sup>50</sup> The current owner of *OBN* is GRP MEDIA Sarajevo, owned by GRP MEDIA Zagreb.<sup>51</sup> The same ownership pattern (media outlet owned by a domestic company owned by foreign entities) is found in *Al Jazeera Balkans*, a TV station that started broadcasting in November 2011. It is owned by Al Jazeera Network registered in Sarajevo, which in turn is owned by Al Jazeera Media Network from Qatar. The ownership of both *OBN* and *Al Jazeera* is thus a result of a legal loophole that indirectly allows for unrestricted foreign ownership. Still, *Al Jazeera* is mostly welcomed as a progressive actor especially in terms of technological standards, but its reach is still very limited (below 0.5 percent).

*TV Pink BH*, which entered the market in 2003, belongs to the category of foreign ownership only to some extent, because the ownership has been attributed to a citizen of Serbia, Željko Mitrović. However, he has been the official owner only since recently and in the meantime he became a citizen of Bosnia and Herzegovina.<sup>52</sup>

There is also a recent case of the news agency *Anadolu*, a local office of the official news agency of Turkey. It entered the market in 2012 and the respondents in this research indicated that it had already been recognised for high professional standards, with its services being widely used by the media in BiH.

A new player on the market, *TV NI* (regional partner of *CNN*), with centres in Serbia, Croatia and BiH, should begin to broadcast in the spring of 2014.

## 2.2.2 OWNERSHIP BY BUSINESS ACTORS WITH POLITICAL AFFILIATIONS AND/OR (HIDDEN) OWNERSHIP BY POLITICAL ACTORS

In addition to *Pink BH* and *OBN*, several other private broadcasters are the major competitors on the market, primarily *RTV BN* and *Hayat TV*, while the dominant players in the radio sector are *Radio Kalman*, *Radio Stari Grad (RSG)* and *Radio BN* (see Table 3).

Table 3 AUDIENCE SHARES (JANUARY-JULY 2013) AND OWNERSHIP OF TV AND RADIO BROADCASTERS

TV STATIONS	ALL 4+	OWNERSHIP AND POSSIBLE AFFILIATIONS	RADIO STATIONS	ALL 4+	OWNERSHIP
PINK BH	13.6	PRIVATE/FOREIGN. OWNED BY ŽELJKO MITROVIĆ (AFFILIATION WITH THE FORMER GOVERNMENT STRUCTURES IN SERBIA)	RADIO KALMAN	11.3	PRIVATE (AFFILIATIONS N/A)
FTV	13.0	PUBLIC (FIGHT FOR CONTROL BETWEEN SDP AND SDA PARTIES)	RADIO STARI GRAD	10.2	PRIVATE (AFFILIATIONS N/A)
OBN	8.1	FOREIGN OWNERSHIP BY GRP MEDIA SARAJEVO. CONNECTED TO IVAN ČALETA	RADIO BN	5.7	PRIVATE (AFFILIATIONS N/A)
BN TV	8.1	PRIVATE: JELA AND VLADIMIR TRIŠIĆ (POSSIBLY FAVOURING THE SDS PARTY)	RADIO KAMELEON	3.7	PRIVATE (AFFILIATIONS N/A)
HAYAT TV	5.8	BIH CITIZENS (AFFILIATIONS N/A)	RADIO BIG 2	2.9	PRIVATE (AFFILIATIONS N/A)
RTRS	4.3	PUBLIC SERVICE BROADCASTER (FAVOURING SNSD)	RADIO Q	2.7	PRIVATE (AFFILIATIONS N/A)
BHT1	4.3	PUBLIC SERVICE BROADCASTER (RELATIVELY BALANCED)	RADIO BOBAR	2.5	PRIVATE: COMPANY BOBAR LTD (POSSIBLY AFFILIATED WITH THE SNSD PARTY)
ATV	2.9	BIH CITIZENS (AFFILIATIONS N/A)	BH RADIO 1	2.4	PUBLIC SERVICE BROADCASTER (AFFILIATIONS N/A)

Source: CRA (ownership data), MIB (audience shares). The political affiliations are alleged by various media sources.

Direct ownership by business actors is not often found among the biggest broadcasters in the country. Some of them, however, have both business and political affiliations. The most prominent example in the radio sector is *Bobar* radio, owned by Bobar, a share capital company from Bijeljina, Repulika Srpska. The owner of Bobar Group (including the Bobar Bank, the insurance company and other companies) is Gavriilo Bobar, known for his political affiliations with SNSD. He was a member of the SNSD party and an official of the National Assembly of RS in 2011.

The political affiliations are most visible in the print media sector. Major dailies in Republika Srpska, *Nezavisne novine* and *Glas Srpske* (since 2006),<sup>53</sup> as well as radio station *Radio Nes*, Banja Luka, have a common ownership – company NIGD DNN Ltd., owned by Željko Kopanja and Nataša Kopanja. The respondents in this research believe that close relations between Željko Kopanja and the President of RS/the leader of SNSD secure extra profit for these media through partial government funding, and also contributed to some appointments within these media. As one of the respondents explained, “[i]t is not at all coincidence that the editor-in-chief of *Nezavisne novine* is the daughter of the Serb member of the Presidency of BiH ... of course, it would be illusory to expect that she has an equally professional stance towards each member of Presidency... [and] towards this party in which her father holds one of the pivotal positions” (Suzana Mijatović, a journalist for *Slobodna Bosna*).

The Government of Republika Srpska and the leading SNSD party are believed to be influencing the majority of media in Republika Srpska (more in the chapter on media finances). Privately owned *BN television* is one of the rare, and also one of the major media in Repulika Srpska that is not perceived as being affiliated with the ruling SNSD party. *BN* is indeed critical of the ruling party, but rather than being independent it is believed to be inclined to the Serb Democratic Party (SDS). Due to the critical stance towards SNSD, several incidents involving *BN* were interpreted as a form of political pressure, involving police inspection in 2010,<sup>54</sup> verbal confrontations,<sup>55</sup> and recently, on 17 October 2013, the instructions to SNSD members to refrain from contact with *BN*'s journalists.<sup>56</sup>

On the other hand, the political affiliations within the Federation of BiH are more diverse. The hidden owner of *TV1* is speculated to be Sanela Jenkins, a businesswoman who was an advisor to Haris Silajdžić, the leader of the Party for BiH, during his term in office as a member of the Presidency of BiH.<sup>57</sup> Suspicions about political affiliations with the Party for BiH were strengthened by the fact that *TV1* started to broadcast in 2010, preceding the general election campaign. However, given that the Party for BiH lost the 2010 elections, *TV1* can be considered a valuable contribution to plurality of voices in the media sector, despite its still-low audience share (1 percent, January-June 2013): “One could say that they often have an objective approach to reality given that they are practically direct political

opponents of the currently governing structures” (Eldar Hadžović, in a telephone interview, December 2013).

Two major dailies in the Federation of BiH, *Dnevni avaz* and *Oslobođenje*, belong to the category in which the owners are business tycoons with political affiliations. In the case of *Dnevni avaz*, i.e. Avaz roto press Ltd. Sarajevo, it is additionally suspected that a state official is a kind of a hidden owner. As a matter of fact, the businessman Fahrudin Radončić was the nominal owner of *Dnevni avaz* until mid-2012. In 2009, Radončić founded a political party (Party for Better Future, SBB) and in November 2012 he became the Minister of Security of BiH, but not before the ownership was transferred to his ex-wife Azra Radončić (in July 2012). Possible accusations about conflict of interest (the Law on Conflict of Interest in Government Institutions of BiH, Article 4) were thus formally avoided, but suspicions that Radončić still has the major influence on the editorial policy of *Dnevni avaz* persist. This influence has been most evident in the excessive criticism towards the Party of Democratic Action (SDA). For example, content analysis of articles published during the pre-election period in 2010 indicates that *Dnevni avaz* reported more extensively and favourably about Radončić (in 68 percent of cases) and SBB (in 57 percent of cases), while being mostly negative towards the competing SDA (79 percent) and SBiH (84 percent of cases).<sup>58</sup>

The major owners of the *Oslobođenje* daily are two share capital companies, Sarajevska pivara and Klas, which are connected with the Selimović family.<sup>59</sup> The family is considered to be closely affiliated with the SDA party. The weekly *BH Dani*, which holds the biggest audience share among the political magazines (although only 3.5 percent of readership), was previously considered a valuable contribution to media plurality in BiH,<sup>60</sup> but it lost its status in 2010 when Senad Pećanin sold it to *Oslobođenje* and several prominent authors left.

Table 4 AUDIENCE REACH OF DAILIES JANUARY-JUNE 2013

DAILIES	REACH (%)	MAJORITY OWNERSHIP (AND POSSIBLE AFFILIATIONS)
DNEVNI AVAZ	21.9	AZRA RADONČIĆ, CONNECTED TO F. RADONČIĆ AND THE SBB PARTY.
EURO BLIC (the BiH edition of a Serbian daily)	6.3	SERBIAN BLIC, OWNED BY RINGIER AXEL SPRINGER LTD., SERBIA, AS A PART OF NETWORK OPERATING IN POLAND, CZECH REPUBLIC AND SLOVAKIA.
OSLOBOĐENJE	5.0	COMPANIES SARAJEVSKA PIVARA AND KLAS, CONNECTED TO THE SELIMOVIĆ FAMILY AND THE SDA PARTY.
PRESS RS	4.4	PRESS RS WAS PRIMARILY A BIH EDITION OF THE SERBIAN PRESS. PRESS WAS OWNED BY NPC INTERNATIONAL LTD. SERBIA, AND IT WAS TERMINATED IN 2012 WHEN THE CONTROVERSIAL TYCOON MIROSLAV MIŠKOVIĆ STATED THAT HE WAS ITS OWNER.
24 SATA (HR)	3.8	A CROATIAN DAILY NEWSPAPER OWNED BY THE AUSTRIAN COMPANY STYRIA.
VEČERNJI LIST	3.1	A CROATIAN DAILY NEWSPAPER OWNED BY STYRIA.

NEZAVISNE NOVINE, GLAS SRPSKE	2.8	NIGD DNN LTD., CONNECTED TO ŽELJKO KOPANJA, AFFILIATED WITH THE PARTY SNSD.
VEČERNJE NOVOSTI (SRB)	2.5	A SERBIAN DAILY NEWSPAPER, SHARED OWNERSHIP OF STATE AND LOCAL STAKEHOLDERS TRIMAX INVESTMENTS, ARDOS HOLDING, KARAMAT HOLDINGS, PIO FUND RS, SMALL SHAREHOLDERS.
DNEVNI LIST	2.2	PRIVATELY OWNED BY MEMBERS OF THE RAŠIĆ FAMILY.

Source: ownership data at pravosudje.ba.

Data on audience reach (diary method) provided by Mareco Index Bosnia (MIB).

Apart from *Dnevni avaz*, some online media are also suspected of having hidden owners – political actors, and of being controlled by the headquarters of political parties. Ljiljana Zurovac, director of the Press Council, also believes that there are such connections in online media, but these are especially hard to identify.<sup>61</sup> For example, the websites *Sutra* and *Moj potrat*<sup>62</sup> have been mentioned by our respondents as being connected with political parties, but this remains only a speculation.

Other larger TV broadcasters – *ATV* and *Hayat*, and radio broadcasters – *Radio Kameleon*, *Radio Kalman*, *RSG Radio*, are all owned by businessmen, citizens of BiH.<sup>63</sup> There are no visible affiliations of these media with political parties, but some of them are mentioned in the context of conflicting financing patterns (more on this in the chapter on media finances).

### 2.2.3 CIVIL SOCIETY OWNERSHIP AND OWNERSHIP BY JOURNALISTS

Direct ownership by journalists is rare. *Face TV*, launched in January 2012, is owned by the journalist Senad Hadžifejzović. Respondents in this research welcome the new broadcasters on the market, but are still reserved with regard to their contribution in terms of plurality and independence. *Face TV* has not gained a significant audience share (less than 0.5 percent).

There are several examples of relevant online media founded by the organisations set up by journalists, which are dependent on the support provided by international donors, for example, the online magazines *Žurnal* and *Buka* which are mostly mentioned as positive examples of media sources (more in the next subsection).

### 2.2.4 POSITIVE EXAMPLES OF MEDIA OWNERSHIP IN TERMS OF BUSINESS OR JOURNALISTIC RELEVANCE

Three online media sources are positive examples in terms of quality and balanced reporting. The online magazine *Žurnal*, based in Sarajevo, is a project of the association Center for Media Development and Analyses and one of the rare media sources tackling

corruption as a dominant problem in the country. The online magazine *Buka*, based in Banja Luka, is perceived as a valuable contribution to media plurality in Republika Srpska. In addition, Center for Investigative Reporting (CIN), Sarajevo, an association founded by a local professional Leila Bičakčić and foreign journalists and media specialists, Drew Sullivan and Donald Pine, publishes investigative pieces and has a considerable database on different issues, thus constituting a valuable and rare source of comprehensive and relevant information. These media do not reach wider audience but are noticeably re-published by other media.

A positive example in terms of business success, without visible political affiliations, is the online news website *klix.ba*. *Klix* is published by Intersoft, a share capital company, owned by Dario and Mario Šimić. It has grown into a big business with major advertising contracts, and it is not clearly associated with any political structures. Of all the online news sources, it has the highest number of users and is especially praised for providing timely information from the ground. Other news websites are far below *klix.ba* in terms of their reach, but some sports magazines, tabloids, and extremely commercialised websites have a greater audience reach (see Table 5).

Table 5 REACH/RANKING OF ONLINE MEDIA OUTLETS, NOVEMBER 2013<sup>64</sup>

TOP WEBSITES (GEMIOUS AUDIENCE)	REACH (%)	TOP WEBSITES (ALEXA RANKING)	RANK*
KLIX.BA	25.13	KLIX.BA	6
DOZNAJEMO.COM	16.56	AVAZ.BA	10
HABER.BA	13.17	RADIOSARAJEVO.BA	29
CAFE.BA	11.58	DEPO.BA	31
MAGAZIN.BA	11.24	SOURCE.BA	33
TUZLANSKI.BA	10.44	NEZAVISNE.COM	35
NEZAVISNE.COM	10.33	DOZNAJEMO.COM	37
RADIO SARAJEVO	9.44	BLJESAK.INFO	40

Source: Audience measurement, Alexa ranking, November 2013.

\*Note: Only websites with news content are included in the table (excluded are social networks, search engines and foreign portals).

Two print magazines are worthy of mentioning in the positive light, although their circulation is very limited. *Slobodna Bosna*,<sup>65</sup> based in Sarajevo, is one of the rare periodicals still considered to be relatively independent in terms of both ownership structure and content. In Republika Srpska, the magazine *Respekt*, issued by PR group Ltd. (owned by Jovica Petković and Željko Rajlić) is one of the rare media in RS featuring articles critical of the SNSD party and the RS government.

The major private owners in terms of audience reach are the owners of *Pink BH* television and *OBN* television. Željko Mitrović, a holder of both Serbian and (in recent years) Bosnian citizenship, is the owner of Pink Media Group, “the largest private commercial broadcaster of entertainment programs and the largest media group for South East Europe.”<sup>67</sup> Besides *Pink BH*, in 2013 the company launched around 100 channels, which are made available online and in part through cable distributors in BiH. Mitrović was considered to have been closely affiliated with the former Serbian President Milošević.<sup>68</sup> Ivan Čaleta, a Croatian businessman, was at some point associated with the advertising agency Global Media, the Omnia agency in BiH, Slovenian *TV3*, and *Nova TV* in Croatia, but currently he officially owns only GRP Media based in Zagreb, and is therefore indirectly the owner of *OBN*. Čaleta has been accused by some media players of selling the audience reach in BiH through contracts concluded in Croatia.<sup>69</sup> Such moves were believed to be a means of avoiding taxes in BiH and it was seen as an inadmissible dumping of advertising prices damaging to the advertising market in BiH.<sup>70</sup>

Željko Kopanja (*Glas Srpske*, *Nezavisne novine*, *Ness radio*) and Fahrudin Radončić (a possible hidden owner of *Dnevni avaz* and *TV Alfa*)<sup>71</sup> have significant shares in media companies, but there are no major concerns with regard to ownership concentration especially because the circulation of the daily newspapers is low in general, and because *Ness radio* and especially *TV Alfa* do not have major audience shares.

Radončić started *Dnevni avaz* in 1995. Before that, he had worked as a journalist, most notably for the Zagreb-based weekly *Danas* (from 1989 to 1992). He had been closely affiliated with the Bosniak political elites for years, mostly the Party for Democratic Action (SDA) which possibly helped with the initial capital for *Dnevni avaz*. The political shift of *Dnevni avaz* after Radončić became politically active was obvious, as articles became more critical of the SDA leadership. Media sources have on occasions reported on Radončić’s connections with criminal circles,<sup>72</sup> but it was never investigated by the authorities. Radončić was appointed the Minister of Security of BiH in 2012,<sup>73</sup> but his removal from duty was initiated on 13 March 2014, seemingly for failing to exert his power to ensure safety during citizen protests in February 2014.<sup>74</sup>

Table 6 BUSINESS LINKS OF MAJOR MEDIA OWNERS

MEDIA OWNER	MEDIA OWNERSHIP (NOMINAL, HIDDEN, OR OTHERWISE CONNECTED)	OTHER OWNERSHIP
FAHRUDIN RADONČIĆ	AVAZ ROTO PRESS (founded by Avaz Ltd) TV ALFA (founded by Avaz roto press) PRINTING HOUSE GIK OKO LTD. (majority of ownership by Avaz) HOLDS SHARES IN THE PUBLISHING HOUSE PROSPERITET LTD. AVIO TRANS LTD. AERO SERVICES. TRUISM AND TRADE (owned by Avaz roto press) HIS SISTER RAZIJA FEHRATOVIĆ OWNS A PRINTING HOUSE FEHRATOVIĆ	AVAZ LTD. REAL-ESTATE hospitality and commerce (official owner Azra Radončić)
THE SELIMOVIĆ FAMILY	DAILY OSLOBODENJE (majority capital of Sarajevska pivara and Klas shared capital company) WEEKLY BH DANI (published by Oslobođenje Ltd.) UNIONINVESTPLASTIKA (partly a printing house)	MUJO SELIMOVIĆ: MIMS LTD. domestic and foreign trade NAPRIJED INVEST LTD. funds management EAM CONSULTING LTD. research, development and technological services and trade (majority capital MIMS) ENERGONOVA LTD. (approx. 33 percent of MIMS capital) THE FAMILY IS CONNECTED WITH DOZENS OF DIFFERENT BUSINESSES, INCLUDING COMPANIES SARAJEVSKA PIVARA, KLAS, SPRIND, MERKUR, UNIONINVEST PLASTIKA ETC.
ŽELJKO KOPANJA	NIGD DNN <i>Nezavisne novine Glas Srpske</i> Glas Srpski - Grafika	GLAS SRPSKI - TRGOVINA
GAVRILO BOBAR	BOBAR RADIO (indirectly, owned by Bobar Group, owned by Gavriilo Bobar)	BOBAR GROUP: Bobar Bank, Bobar insurance company, etc. <sup>75</sup>

Source: pravosudje.ba, CIN for data on Radončić, court registry on Bobar Group, media sources.

Note: The court registries do not give information on ownership of individuals, but only provide ownership information on specified companies. The ownership listed here includes only the companies that the researcher managed to identify based on secondary sources. Other related ownership is not excluded.

The Selimović Family and *Oslobodenje* are believed to be affiliated with the SDA party. During the past few years, the two dailies, *Oslobodenje* and *Dnevni avaz*, were used as instruments in the clashes between the two moguls – Radončić and the Selimović family, and their political affiliates, with high costs for media integrity.<sup>76</sup> During 2013, however, both ceased to publish mutual tendentious accusations, which may be attributed to particular interests that are currently in favour of such placidity rather than be seen as resulting from greater editorial integrity (off the record interpretations).

Željko Kopanja, a former journalist, in 1995 co-founded *Nezavisne novine*, a newspaper with a mission to contribute to better relations among the ethnicities in the post-war

Bosnia and Herzegovina, supported partly by USAID. Probably due to reporting on war crimes committed by Bosnian Serbs, Kopanja (himself a Bosnian Serb) was a victim of a car bomb attack in which he lost his legs. Kopanja believed the Serb security forces were actually involved in the attack, but the perpetrators were never identified. Kopanja has been closely related with the SNSD party (which came to power in 2006) and its leader Milorad Dodik possibly influenced the paper's editorial policy. In 2008, Kopanja bought the other major daily in RS, *Glas Srpske*.<sup>77</sup>

### 2.3 OWNERSHIP PATTERNS WITHIN RELATED SECTORS: DISTRIBUTION, ADVERTISING, TELECOMMUNICATION

The advertising practices of two major state owned telecommunication companies – BH Telecom and HT Mostar – are believed to be politically instrumentalized. There are indications of a possible forthcoming transfer of ownership of small companies to the major telecom companies, which would strengthen their monopolistic position.<sup>78</sup> For example, in January 2014, the third major company – Telekom Srpske, owned by Serbian Telecom (65 percent of stocks) was involved in negotiations with regard to possible obtaining of Logosoft shares.

When it comes to the distribution of broadcast content,<sup>79</sup> the licensing procedure for distribution of audio-video and radio services includes a legally binding statement of licencees that they have acquired the rights to distribute certain programs. CRA is authorized to monitor if the licencees in fact concluded contracts allowing them to distribute certain programs.<sup>80</sup>

Major advertising agencies are also important players on the media market. They are either partly owned by foreign companies or entirely owned by domestic entities, but most of them are part of the regional networks of advertising agencies.<sup>81</sup> The ownership patterns in these agencies are not an issue of concern, but there were some accusations of financial misconducts and practices damaging to the media market (more in the chapter on finances).

A burning current issue is a fight for power within the system of audience reach measurement in the TV sector. Besides Mareco Index Bosnia (MIB),<sup>82</sup> which was engaged in 2006 by the Association of Media Industry (UMI)<sup>83</sup> to provide data on TV audiences, a second company, Audience Measurement Ltd., entered the market recently. The capital of Audience Measurement Ltd. is solely owned by Nmam Media Audience Measurement Limited, a company from Cyprus. Strangely, we did not find this company in any available database,<sup>84</sup> and it is suspected that the company is affiliated with certain media players in BiH. No matter whether or not this is true, what is more suggestive is that recently the Institute for Measurement of BiH seems to be putting Audience Measurement Ltd. in

a favourable position.<sup>85</sup> These developments indicate a power struggle between the key players in the advertising sector (more in the chapter on finances).

## 2.4

## CONCLUSIONS

The lack of assurances of media ownership transparency hinders insight into the nature of the relations and their influences on media integrity. The regulation preventing conflict of interest in case a state official holds an interest in a media organisation cannot prevent indirect influence on editorial policy through hidden ownership.

The legal provisions limiting foreign ownership of the media seem to be equally inefficient, given that a foreign actor who starts a company in BiH can indirectly own an entire media outlet.

Overall, the ownership structures in the country involve widespread risks to media integrity. The large number of media persevering on the market despite the constant shrinking of revenues is a possible indicator that powerful business and political actors on the state or local levels have been keeping them alive in exchange for editorial obedience. Some sources indicate an overall drift of the media towards political sponsors for the sake of bare survival. Consequently, those who should be the object of media's meticulous scrutiny are in fact affiliated with the media managers and/or the major sources of revenues.

Some of the conflicting connections between media and political/business actors are visible in the nominal ownership patterns pointing to political actors or major business actors. The ownership patterns include some foreign owners, major business actors, and affiliations with political parties. In RS, the affiliations can be traced mainly to the governing party, SNSD, leaving little space for political alternative in the media. In the Federation, the affiliations are more diverse possibly allowing more political diversity in media content. The two major dailies, for example, are affiliated with two competing Bosniak parties. However, fierce confrontations between the political actors and their allies within media hinder media integrity. Newer media outlets with foreign ownership, e.g. the news agency *Anadolu* and to some extent *Al Jazeera Balkans*, were welcomed as a valuable contribution to media diversity, with possibly higher professional and technical standards.

With the growing use of online media sources,<sup>86</sup> the trends in online media sector are becoming of more importance to media integrity and they carry additional challenges and opportunities. Online media sources are in general seen as a promise of a more pluralistic and quality media environment. There are few online sources that are valued for relevant content and alternative voices. Most of them are founded by organisations established by media professionals and are financially dependent on the international donor community. Online media, however, carry additional challenges for media integrity. Their transparency is an issue of concern because some of the online media are not even registered as media businesses, so

they do not consistently provide contact and background information on their websites and many of them remain out of the reach of a self-regulatory system. There are indications that some online media are under complete control of political parties.

### 3 FINANCING PATTERNS IN THE MEDIA SECTOR IN BIH

In addition to owners' affiliations, the financing patterns can also be indicative of conflicting connections between the media and political/business actors. Instead of taking over a media business which is hardly lucrative, political or business actors are more likely to secure influence through occasional donations and advertising contracts with key media outlets.

The main weaknesses of the media sector have persisted over the years. A large number of media are competing for small revenues, which have been additionally shrinking over the past several years owing to the economic crisis. The overall revenues in the TV sector were 156.5 million KM (80.02 million euro in 2012).<sup>87</sup> The overall advertising revenues in all media sectors amounted to 45.45 million euro (an estimate by the advertising agency Fabrika). Media are increasingly dependent on fewer sources of revenues, especially with the withdrawal of international donors and with the advertising revenues flowing out of the country into the hands of foreign media. These conditions are likely to endanger media integrity in Bosnia and Herzegovina, with media sacrificing their editorial independence and/or commercialising their content to ensure the revenues.

In the following section, we will look into several major issues related to media financing, including transparency, possible misuse of government funding, instrumentalisation of the advertising practices of public companies and the current disputes over audience measurements in the TV sector.

#### 3.1 TRANSPARENCY OF MEDIA FINANCING

Private media do not face major requirements in terms of financial transparency, apart from being obliged to submit financial information to a relevant agency for financial services.<sup>88</sup> These agencies provide information on balance sheets, profit and loss statements,<sup>89</sup> as well as salaries and number of employees, on a per a fee basis, but details on cash flows and change of capital should be requested through a separate procedure and are available for larger legal persons only.<sup>90</sup> The financial transparency is especially vague in online media that are not registered as businesses.

On the other hand, public service broadcasters, including *RTVFBiH*, *RTRS* and *BHRT* are obligated by law to publish annual business and financial reports, as well as audit reports.<sup>91</sup>

In the past, they did not fulfill this obligation consistently, but in 2013 all three broadcasters made available the reports on their websites. Audit reports are also available online, but they are contradicted by deferring statements of managers (more in the section on PSB).

Data on the government funding of media are not easily accessible.<sup>92</sup> Audit reports that are available online may serve as data sources, but they cannot substitute searchable databases, as each document needs to be explored individually.<sup>93</sup> In addition, the audit reports for public companies are not provided on yearly basis.<sup>94</sup> An alternative, albeit incomplete source of information on government funding in the period 2007-2011 is a database containing figures for 86 governmental institutions, i.e. somewhat more than a half of all public institutions.<sup>95</sup>

### 3.2 GOVERNMENT FUNDING: CONFLICTING DEPENDENCE ON GOVERNMENT INSTITUTIONS

There are considerable doubts that the government funding of media is politically instrumentalized. The cantonal (in FBiH) and municipal authorities (in FBiH and RS) provide funds for the media by either directly funding local public media, or by making donations. Public municipal and cantonal broadcasters (12 TV stations and 62 radio stations) receive direct budget funding amounting to 15.39 million KM (7.87 million euro) per year. For the majority of these media, the budget funds are insufficient for their proper functioning; TV SA, the Sarajevo Canton television, receives by far the highest amount – around 4 million KM (2.05 million euro) per year. The Government of Republika Srpska has been funding media since 2009 (see indicative but incomplete data in Table 7).

Table 7 PUBLIC FUNDING 2007-2013

	2007 -2011 (MILLION EURO)	2012 (MILLION EURO)	2013 (MILLION EURO)
FUNDING BY THE GOVERNMENT OF RS	8.4 (CIN)	1.87 (CIN)	0* (except for the regular funding of press agency Srna)
FUNDING BY LOCAL AUTHORITIES	>0.9 (incomplete data)	7.87**	N/A

Sources: CIN Sarajevo.

\*E-mail reply by the Government of Republika Srpska.

\*\* Hadžović, E., article available at: <http://www.media.ba> (accessed 9 January 2014).

Note: around half of the government institutions included

The sudden parsimony of the Government of RS in 2013, with no funds provided for media (except for a regular funding of the news agency *Srna*), is possibly indicative of the lack of political interest to influence media in the non-election year. Given that 2014 is a year of general elections, one might expect increased public funding. Our respondents believe that public funding is primarily a tool to influence editorial policy and they point out that SNSD has used public funding to maintain control over the majority of media in the territory of Republika Srpska (Željko Raljić, *Respekt* magazine) and to reward the friendly media (Suzana Mijatović, a journalist for *Slobodna Bosna*). Similarly, local public media are perceived to be primarily governed by the interests of the local authorities.

### 3.3 ADVERTISING MARKET: UNSTABLE AND SHRINKING

The market is oversaturated with a large number of media competing for scarce advertising revenue. Advertising has been distributed across media sectors to a constant and convincing advantage of the TV market, which had the overall advertising revenues of 55.58 million KM (28.42 million euro) in 2012 (CRA 2013a, 11).

Table 8 REVENUES IN TV MEDIA SECTOR IN 2012

TYPE OF REVENUES	YEAR 2012 (MILLION KM)	YEAR 2012 (MILLION EURO)
INVOICED LICENCE FEES	71.2	36.4
COLLECTED LICENCE FEES	50.8	25.97
ADVERTISING	55.58	28.42
OVERALL IN TV SECTOR	156.5	80.02

Source: CRA 2013a, 11.

Print media have paid the highest toll in the digitalisation process, while online media have had the highest relative growth of advertising revenues in 2013 (an anonymous written reply, December 2013). Available sources suggest that advertising revenues have been shrinking, as a consequence of the accumulating effects of the economic crisis, with years 2009 and 2010 seeing a drop of an estimated 30-35 percent (Senad Zaimović in IREX 2011). The negative trends are also visible in the estimated advertising revenues in the last three years (see table 9).

Table 9 ESTIMATED ADVERTISING REVENUES 2011-2013

	2011 EST. (MILLION EURO)	2012 EST. (MILLION EURO)	2013 EST.3 (MILLION EURO)
TV	32.57	33.79	20
RADIO	2.50	2.51	2.2
PRINT	9.02	8.08	1.8
INTERNET	1.00	1.07	1.2
OVERALL	45.09	45.45	25.2

Source: Advertising agency Fabrika.

The main setback for the small BiH advertising market over the years has been the flow of advertising revenues to foreign media markets. Instead of the expected growth of the market, since 2003, due to the increasing retransmitting of channels from neighbouring countries, as well as global sports, news and scientific channels, the market has been additionally shrinking. As one of the respondents in this research suggested, policy measures should have been taken to protect the advertising market: "...there should be limitations on commercial breaks ... what is happening is that the advertisement is charged in Belgrade, Zagreb or Ljubljana, while being broadcasted here. The taxes are not paid here while the consumer is Bosnian. I think this should be given attention" (Reuf Herić, the director of *Radio Q*). The UMI association has so far tried to protect the market by providing only common information on all foreign outlets, thus restricting the usage of the measurement data for individual advertising practices of relevant foreign outlets (Hadžiavdić-Begović, the managing director of MIB, interview, 19 December 2013), but it is questionable if this system will be maintained in the future.

### 3.4 INSTRUMENTALISATION OF ADVERTISING PRACTICES OF MAJOR DOMESTIC ADVERTISERS

Some journalistic reports and our respondents' statements suggest that there are conflicting connections between major advertisers, political circles and other key actors in the media sector (i.e. advertising agencies, data providers), which are manifested as the instrumentalisation of advertising practices for particular business or political interests.

Given that media outlets are heavily dependent on only few major domestic advertisers, and probably cannot afford to lose them, their editorial policy is susceptible to the influence of and pressure by these advertisers and their affiliates. Major national advertisers are public telecommunication companies ВН Telecom and НТ Mostar, which are closely affiliated with political parties. Together with the third, privatised telecommunication company – Telecom Srpske they are among the major advertisers, especially in the print

media sector which is less attractive for foreign advertisers. For example, Senad Zaimović, the director of Fabrika agency, explained that this advertising agency does not cooperate with public companies for two reasons – because these companies cooperate with agencies favoured by the affiliated political structures, and because Fabrika avoids cooperation with them in order to prevent being politically compromised (a written reply, 7 January 2014). Some sources suggest that political parties control the advertising practices through the appointments of directors of public companies, so that when, for example, a public company “launches a five million campaign ... a director will redirect two millions to political party headquarters, for the next elections” (Samra Lučkin, the director of the Boram agency, OSCE conference, September 2013).

Table 10 MAJOR ADVERTISERS IN 2012

TV SECTOR			
	ADVERTISER	ADVER.FUNDS (KM)	ADVER.FUNDS (EURO)
1	BEIERSDORF AG HAMBURG	34,233,575	17,503,349
2	PROCTER & GAMBLE	30,400,775	15,543,669
3	AGROKOR	27,521,124	14,071,327
4	HENKEL & SCHWARZKOPF	27,204,850	13,909,619
5	COCA-COLA COMPANY	23,623,004	12,078,250
6	ATLANTIC GROUP	18,611,750	9,516,037
7	L'OREAL	17,953,442	9,179,449
8	FERRERO	15,963,488	8,162,002
9	TELEKOM SRPSKE	15,133,979	7,737,881
10	UNILEVER	12,336,460	6,307,532
11	PODRAVKA	8,869,768	4,535,040
12	WRIGLEY	8,239,934	4,213,011
13	ZGLOBEX	8,083,733	4,133,147
14	LEK SANDOZ	7,927,291	4,053,159
15	MARS INCORPORATED	7,344,655	3,755,262
16	BH TELECOM	6,666,267	3,408,408
17	MINISTRY OF AGRICULTURE... (FBIH)	6,410,943	3,277,863
18	INTEREX	6,011,655	3,073,710
19	JOHNSON & JOHNSON	6,002,380	3,068,968
20	MERCATOR	5,837,197	2,984,511
DAILIES			
1	TELEKOM SRPSKE	1,341,901	686,103
2	AGROKOR	1,046,987	535,316
3	BH TELEKOM	585,365	299,292
4	HT MOSTAR	440,389	225,167
5	MERCATOR	425,985	217,803

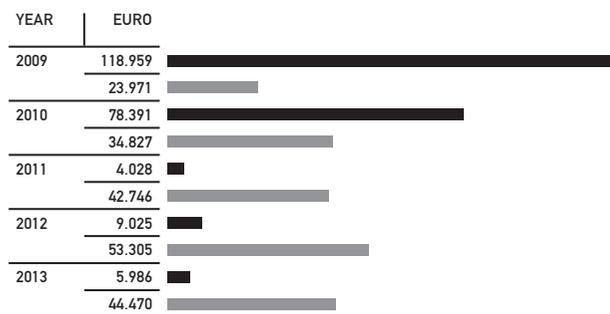
MAGAZINES			
1	TELECOM SRPSKE	531,861	271,936
2	BH TELEKOM	461,334	235,876
3	AGROKOR	385,520	197,113
4	TV 1	284,334	145,378
5	PROCTER & GAMBLE	207,864	106,279

Source: MIB AD Index 2012.

Note: the values are estimates (FRC), based on price lists  
(the actual prices were possibly discounted).

BH Telecom<sup>97</sup> spent approximately 3.94 million euro for advertising in 2012 (MIB AD Index; FRC values). It is perceived to be closely affiliated with the SDA party. One of the respondents in this research asserted that the political affiliations are visible in the advertising practices in the print media sector: “SDA has forbidden any advertising in *Dnevni avaz*, which is why there is no BH Telecom in *Dnevni avaz*” (Selvedin Avdić, *Žurnal*). Indeed, *Dnevni avaz*’s revenues from advertisements for BH Telecom drastically reduced in 2010 and 2011, i.e. the period that coincided with the political engagement of the owner of *Dnevni avaz*. The same trend continued in 2012 and 2013 (see chart 1).<sup>98</sup>

Chart 1 APPROXIMATE ADVERTISING REVENUE OF DNEVNI AVAZ ACCRUED FROM BH TELECOM (■) AND HT MOSTAR (▨)



Source: MIB AD Index.

It is also alleged that certain advertising practices are intended to bring illegitimate financial gains for particular actors. *Slobodna Bosna* has reported on the alleged illegitimate advertising practices of a public telecom company, HT Mostar, involving excessive marketing contracts with advertising agencies from Sarajevo and Zagreb, as a means of money

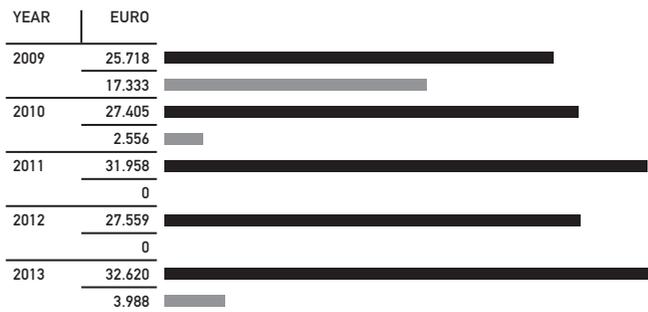
laundering to the benefit of HT Mostar managers and connected advertising agencies and media.<sup>99</sup> Financial transactions of HT Mostar in the previous years have also been interpreted as a way to assure SDP's (plus HSP's and HDZ1990's) control over the editorial policy of FTV, but since the beginning of 2011, HT Mostar has been affiliated with the Croatian Democratic Party (HDZ).<sup>100</sup>

In the latest report by Esad Hećimović, Hervig G. Hoeler and Blaž Zgaga, it is indicated that the case was investigated by the authorities in Slovenia, Austria and BiH but the order for criminal investigation issued in October 2013 in BiH has not yet been signed in the cantonal prosecutor's office in Mostar, due to technical reasons. In the meantime, the same persons continue to keep their major position in these companies.<sup>101</sup> Some media reports include accusations against the advertising agency SV-RSA as well, for alleged illegitimate deals with HT Eronet, but another source claims that SV-RSA has been tendentiously accused given that it has a prominent role on the advertising market and that "the media uproar orchestrated by *OBN television* was based on interpretation that SV-RSA favours FTV/BHRT/RTRS and was aimed at channeling the advertising budgets to its own television by eliminating SV-RSA from the advertising processes."<sup>102</sup> Similarly, some media reports in 2009 pointed to possible conflicting relations of advertising agency Via Media with BH Telecom, but no definite conclusions can be made.<sup>103</sup>

One of our respondents indicated that cooperation between some advertising agencies and political parties suggests possible common interests as well. One such example, which our respondent believes is suggestive of controversial affiliations, was the election campaign for SDP (2012 municipal elections) conducted by the SV-RSA agency (Suzana Mijatović, a journalist for *Slobodna Bosna*, interview, 12 January 2014).<sup>104</sup>

Several respondents believe that critical reporting on major advertisers is likely to have direct effects on the finances of the media in question. For example, the number of ads for HT Mostar in *Slobodna Bosna*, and consequently the newspaper's advertising revenues, drastically fell in 2010, and finally to zero ads in the following two years (see chart 2). *Slobodna Bosna's* journalist Suzana Mijatović thinks that this was a direct consequence of their critical reporting. "The moment we started writing about the SV-RSA advertising agency ... about their problematic advertising contracts with public companies – the most drastic example is for instance HT Mostar ... after publishing the article, the cooperation [that had already been agreed] was automatically retracted, cancelled" (a telephone interview, December 2013).<sup>105</sup>

Chart 2 APPROXIMATE ADVERTISING REVENUE OF SLOBODNA BOSNA ACCRUED FROM BH TELECOM (■) AND HT MOSTAR (■)



Source: MIB AD Index.

The above is just one example of what is considered to be a general pattern of economic pressures on media outlets and of the marginalisation of media critical of certain centres of power.

Several respondents in this research witnessed direct attempts at media buyoffs. One of them said “We were offered advertising several times in order to stop writing about certain topics. The fact that we do not get advertisements clearly shows what our response was” (Selvedin Avdić, *Žurnal*). The powerful position of these advertisers reinforced by political structures leaves little choice for media managers. As the previous owner of *BH Dani* stated in 2009:

*We in Dani are now in a situation where it's more important for us to sell three pages of advertisements, than attract 5000 readers per issue. Can you imagine this absurdity? ... it is heartbreaking to see what advertisement we get. Some advertisements are not there because I am not ready to compromise. It is well known which advertisers are the biggest here. If two, three of our articles about FDS [a tobacco company], BH Telecom, Bosnalijek [pharmaceutical company] were not published, the readers wouldn't even notice perhaps and we could have met our yearly budget needs. It all has its price, and I wouldn't like you to take this as a lament, but this is our choice* (Senad Pećanin, *Oslobođenje*, 3 October 2009).

One year later, *BH Dani* magazine was sold to the Selimović family, which vividly confirmed that the media adhering to some kind of a mission to serve the public interests walk on thin ice.

There were couple of cases when government institutions invested considerable funds in campaigns on issues under their jurisdiction, which was seen as a promotion of political parties of the ministers. The latest instance of such practices was seen in 2012 when the

Ministry of Agriculture, Water-Management and Forestry of FBiH spent approx. 6.41 million KM (3.28 million euro) for television advertisements and 171,782 KM (87,831 euro) for advertisements in the print media, becoming the 17<sup>th</sup> biggest advertiser in the TV sector in 2012 in terms of invested sum (Source: MIB AD Index, FRC values). The campaign entitled “Let’s Buy Local” was meant to promote domestic agriculture, but was seen instead as a misuse of public funds for the promotion of a political party. Additionally, the Ministry was criticised for disrespect for procedures on public procurement and for distributing funds to agencies and media outlets based on their affiliations with the Ministry and the Minister’s party – People’s Party “Working for Betterment.” Transparency International BiH also condemned the spending of public funds for the campaign “It is not late for a better life”, supported by the Ministry of Energy, Mining and Industry of FBiH and the public company Elektroprivreda BiH in 2010, stating that it was a promotion of the For BiH Party during the run-up to the elections. Before that, a promotion video by the Government of Republika Srpska called “Proud of Srpska” was seen as overly proclaiming the accomplishments of the SNSD party.<sup>106</sup>

These conflicting relations and practices are a major risk for the integrity of media in BiH. Advertising revenues of the independent media critical of the power structure are extremely low. As one of our respondent indicated, the golden days of BiH journalism are long since gone due to the unscrupulous scramble for advertisements and for the audience preferring commercial content: “The struggle is becoming more and more dirty” (Selvedin Avdić, *Žurnal*).

### 3.5 AUDIENCE MEASUREMENT AS A BATTLEFIELD

The audience measurement system in the print, radio and online media is far from being ideal, with the acute problems including the lack of interest on the part of media managers and insufficient budgets within the sector to finance quality measurement. The leading print media have never shown interest in circulation auditing, due to the lack of funds and possibly to conceal the low figures. Only few print media (*Press, Blic, Ljepota i zdravlje, Šik, and Sport centar*) have been included in Audit Bureau of Circulations (ABC) media measurements. Mareco Index Bosnia (MIB) provides data on the usage of print media and radio broadcasters, both based on the diary method. One of our respondents pointed out that the diary method is more susceptible to manipulation and especially less satisfactory for foreign advertisers (Reuf Herić, the director of *Radio Q*, interview, 8 January 2014).

The online media make use of Gemius Audience’s measurements in addition to Alexa and Google analytics data.<sup>107</sup> Although Gemius measurement provides more thorough data on user behaviour and user demographics, which can enable optimisation of advertising campaigns,<sup>108</sup> not all major online media participate in this measuring system.<sup>109</sup>

As our respondent indicated, the reasons are the lack of interest and dissatisfaction with measurement results, but political motives are not excluded (Jasmin Marić, Valicon, in a telephone conversation held in December 2013).

At the moment, the main battle is fought over the television audience measurement. Mareco Index Bosnia (MIB) was engaged by the UMI association to provide data on the audience in broadcasting sector. The main advantages of the single measurement system were that it was for some time commonly accepted, that it was financially feasible and that the owner of data was UMI. One of our respondents indicated that UMI had contributed to the development of the market given that it balanced interests of the actors competing on the market (a written reply, 21 March 2014). However, internal disagreements within UMI emerged, and some of its members started questioning the reliability of the MIB measurement system. The disagreements culminated when two major broadcasters – *BHRT* and *OBN* – stepped out of the association in 2011. Aida Hadživdić-Begović, the managing director of MIB, said that since 2011 MIB has suffered negative broadcast and print media campaigns (by *TV1*, *OBN* and *Slobodna Bosna*) questioning the measurement process, compounded by the inspectorate's examination of MIB and attempts to locate the households included in the audience research.<sup>110</sup> In her opinion, the pressures were meant to “shatter media industry and create ... a gloomy situation on the market out of which someone should profit”. Hadživdić-Begović is reluctant to name the actors behind these pressures, not only because it is hard to identify them but also because the naming could, as she said, “expose me to danger, my family, my company.”

In the meantime, a new audience data provider – Audience Measurement Ltd. (AM) – entered the market, and the media started signing individual contracts with one or both providers. UMI, previously the owner of the data, has now lost its role, sparking fears that in the absence of an umbrella institution to assure (in theory) the legitimacy of the process, the multitude of individual contracts between media and audience research providers open the possibility that the audience research results will be tailored to the needs of the strongest players on the market. Another respondent agrees that UMI was preventing misconducts on the market, and therefore “had to be discredited ...in order to open space for other interest spheres ... the estimated yearly value of measurements is around 1.50 million KM with approximately 8 to 10 million KM revenues in the next five-year period ... it is a respectable amount” (a written reply, 21 March 2014). The power struggle was transferred to the policy level as well. In 2012, the Institute of Metrology of BiH introduced changes in the subordinate regulations of metrology, stipulating that the equipment for TV audience measurement should be certified by a licenced laboratory.<sup>111</sup> Controversially, the laboratory that is authorised to certify the equipment is owned by the Audience Measurement Ltd., meaning that it verifies its own measurement equipment. It is especially problematic

that the authorised laboratory has the exclusive rights to use the Pollux software in the verification process, which is compatible with one measurement system only and cannot be used for the certification of the equipment used by MIB. On the other hand, use of conversion software that would enable the reading of MIB system data is not feasible given that it would entail the exposure of corporate secrets.<sup>112</sup>

Additional problematic aspects of the recent developments (identified mostly based on inputs from MIB since alternative sources were not available) are as follows:

- Indicative procedural deficiencies – the mandate of the Council of the Institute expired at the time of these changes; the equipment used by AM had been certified even before the laboratory was authorised for verification.
- The issue had not been substantially thematized before the decision was made; there are no elaborate arguments suggesting that the certification is needed or that it is legitimate in this form.
- Director of the Institute of Metrology had addressed MIB's clients (even before contacting MIB) asking them to terminate their cooperation with MIB, thus stepping beyond his mandate.
- The focus is falsely put on the measurement equipment which is only a technical aspect of the measurement system, while the legitimacy of the research can in fact be confirmed only through independent audits, establishing, among other things, if the equipment works properly, if the software provides accurate calculations, if the sampling of households is in line with methodological norms, and if the database matches the data detected through visits to households.

MIB filed a complaint with the Council of Competition of BiH. The Council took more than two months to decide that the complaint should be processed and to begin to investigate if the Institute of Metrology had imposed illegitimate limitations on the market. However, it did not suspend the previous decision of the Institute (Press release of the Council of Competition, 22 January 2014). The State Investigation and Protection Agency (SIPA) received the complaint in March 2013, and forwarded it to CRA, both institutions stating that these issues were not within their responsibility. Hadživdić-Begović believes that there are elements of abuse of power by the director of the Institute of Metrology, so MIB informed the Prosecutors Office about the case.<sup>113</sup>

Although some of our respondents suggested that the two sets of data on TV audience currently correspond well,<sup>114</sup> it is still not clear what the outcome of these fierce battles will be and how the market will be affected.

### 3.6

#### GOOD EXAMPLES OF MEDIA FINANCES

Few media whose financing structures enable editorial integrity are online media sources relying on the support of the donor community. In addition to the previously mentioned online magazines, *Žurnal* (Sarajevo) and *Buka* (Banja Luka), one of the positive examples is also Center for Investigative Reporting (CIN), registered as an association, founded by Leila Bičakčić, Drew Sullivan and Don Pine.<sup>115</sup> It is financed through the grants of various international donors based in BiH, the region and wider. Most of the grants are project-based and last one to three years, while only minority constitute the core support aimed at sustainability and capacity building, but the funds are relatively stable. An indicator of CIN's success is the fact that the interest in republishing CIN's stories has been growing over the years. As Bičakčić said, "...today almost all media in BiH and a considerable number of media in the region publish CIN's stories ...".<sup>116</sup>

Still, the fact that the most positive examples of media integrity are dependent on project-based donor support is somewhat worrying, since it puts into question their long-term sustainability. CIN has been considering the option of commercialising access to their content in future, with a view to securing steady income, but access has so far remained completely free.

### 3.7

#### CONCLUSIONS

Due to the financial crisis and the outflow of advertising revenues to foreign media markets, the already impoverished advertising market oversaturated with media outlets is further declining. The number of media, however, has not reduced over the years, but their survival possibly involves risks to media integrity due to cost-cutting strategies and compromised sources of revenues, since these practices are not conducive to quality, socially relevant and independent journalism. Advertising practices are expectedly distorted to better suit the interest of particular groups, through different kinds of conflicting relations among advertisers, advertising agencies, media companies and political structures. Conflicting relations involve the dependence of government funding on the loyalty of media outlets and illegitimate advertising practices of major domestic advertisers. It is suspected that the authorities (local governments and the government of Republika Srpska) fund media to buy their support, especially in times of particular need, such as elections. Non-privatized cantonal and municipal broadcasters are possibly under the most direct influence of local authorities, given that not even the formal guarantees of editorial independence are provided.

Public companies are considered to be closely affiliated with certain political parties, and their advertising practices are perceived to be instrumentalised for particular political or business interests. Media that defy certain political structures are likely to be discriminated

against, that is, punished with the withdrawal of advertisements, or offered advertisements in exchange for discontinuing critical reporting. Some sources also suggest that false advertising contracts are used to draw the money out of the major advertisers and into the pockets of the managers of advertisers, advertising agencies and media outlets.

The current disputes over audience measurements are a matter of power struggle to obtain decisive influence over the audience measurement system. The interests of the industry as a whole – to assure a reliable measurement system – seem to have been left behind, falling victim to particular interests.

An additional cause for concern is the fact that public service broadcasters take an unseemly large portion of advertising revenues, thus jeopardising their public service mission as well as limiting the revenues of the private media sector (more in the chapter on PSB).

## 4 PUBLIC SERVICE BROADCASTING

Political elites did not readily conform to the requests of the international community to transform state broadcasters into a common system of public service broadcasting after the war in BiH. The High Representative eventually issued several decisions establishing the state public RTV service (today *BHRT*) in 1999 and instituting the legislative framework for PSB in 2002. The PSB system in Bosnia and Herzegovina reflects the complex constitutional arrangements in the country, with three public service broadcasters in place:

- The state-level broadcaster, *Radio and Television of Bosnia and Herzegovina (BHRT)*, with *BHTV1* and *BH Radio 1*;
- *Radio and Television of the Federation of BiH, RTVFBiH*, with one TV channel (*FTV*) and one radio channel (*Radio Federation BiH*);
- *Radio and Television of Republika Srpska, RTRS*, with one TV and one radio channel.

Under the pressure of the European Commission and OHR in 2005, new laws on PSB were adopted (including the Law on Public RTV system in BiH and the Law on public RTV service BiH), regulating the relations between the three public broadcasters and demanding the introduction of a common organisational unit – Corporation of public RTV services in BiH. However, the Corporation was never established. There is a strong political interference and the inter-ethnic divides are transferred to the realm of PSB. The political fragmentation is reflected in the fact that the audiences of different ethnicities prefer different broadcasters, or in the case of the Croatian ethnic group, there is a strong sentiment that their interests are heavily neglected within the existing system of public service broadcasting. Apart from political obstructions, there is a problem of the complex structure, business inefficiency, and neglect of public interests.

#### 4.1 PSB AS A COLLATERAL DAMAGE OF DIFFERING POLITICAL INTERESTS

Mark Thompson recently referred to the public service system in Bosnia and Herzegovina as “the most discouraging” case of PSB in the region.<sup>117</sup> The most detrimental factor is the politicisation of PSB. The political elites have been influencing PSB negatively on three major levels: they seek to assure influence on the editorial policy and operation of these broadcasters, they have been obstructing a complete reform of PSB, and they influence public discourse(s) on PSB in the country.

The political elites’ aspirations to influence public service broadcasting are manifested through the politicised procedures for the appointment of management structures. As a result, the credibility and the competence of the members of Boards of Governors within PSB are questioned. Some safeguards against conflict of interest are provided,<sup>118</sup> but in practice the appointment of Boards members is driven by the interests of the ruling political parties.<sup>119</sup> The major criteria guiding them are the ethnic principle and political affiliations, while the competence and the experience of candidates is overlooked. Being politicized, the Boards cannot be expected to react to editorial bias of which these broadcasters have been accused. Similarly, being insufficiently competent, the Boards cannot be expected to improve the performance of PSB.<sup>120</sup> As one respondent in this research believes, the members of the boards are mostly “incompetent people, who are acting (or not acting) the way they are as instructed by political parties” (Zija Dizdarević, a journalist, interview, 8 July 2013). The political interference in the appointments was especially obvious in 2012 when the Parliament of FBiH attempted to appoint a new Board of Governors of RTVFBiH. Ostensibly because of a poor business performance of RTVFBiH, the Parliament dismissed the Board, established an interim Board of Governors in June 2012, and announced a vacancy for new members. It could have been accepted as a legitimate dismissal if the actions were not so hasty and neglectful of the norms stipulating that only one member of the Board can be appointed per year. This happened after FTV seemingly departed from the perceived preferable treatment of SDP in 2012. However, the initiative was abandoned in November 2012 after strong reactions on the part of the international community, NGOs and the media.<sup>121</sup>

The polarisation along entity lines has been hindering the transformation of the system into an efficient and effective public service. The political elites from Republika Srpska have been attempting to weaken state-level institutions. Due to this separatist politics, state-level public broadcaster BHRT is on an especially slippery slope. One of our respondents pointed out different ways in which the state broadcaster is obstructed, including through the appointments, dismissals and incriminations: “the biggest problem is the stance coming from the RS that ... the [state] public broadcaster is not needed and there is a variety of obstructions with which this public broadcaster had to cope in the last 7-8

years“ (Mehmed Agović, the director of *BHRT* until 2009, now the advisor at the Ministry of Traffic and Communication of BiH). Some sources suggest that due to these political motives the Board of Governors of *BHRT* has been “one of the major hindering factors for the establishment of PSB Corporation, and is also responsible for the failure to financially and organisationally stabilize this broadcaster [*BHRT*]” (an anonymous source, July 2013).

The recent criminal charges against several journalists of *FTV* were for example interpreted by some sources as political indictment instructed by the political elites in the RS. The Association of Journalists of Republika Srpska (UNRS), which filed the complaint, claimed that the indictment is a matter of defence of professional standards, but other sources believe such noble motives would have been defended better through other means of protection.<sup>122</sup>

The lack of political will is partly a reason that the corporation of three public service broadcasters was never established. The role of the corporation would include the management of the broadcasting rights and technical resources, the overseeing of the distributing network, technical resources and assets, and coordination and implementation of a common marketing strategy (Law on the Public RTV System),<sup>123</sup> and the major role in the process of digitalisation. Although the strategy for a switchover to digital broadcasting was adopted in 2009,<sup>124</sup> its implementation has been stalled ever since. The action plan was prepared in January 2012, but it still hasn't been adopted by the Council of Ministers. Helena Mandić is pessimistic about the future of the process. As regards the readiness of the PSB for the digitalisation process, the tender for digital infrastructure was challenged on two occasions and the complaint procedure was prolonged for years. Finally, on 19 January 2014, all the conditions were met, so the construction of infrastructure connecting PSB centres in Sarajevo, Mostar and Banja Luka can begin.<sup>125</sup>

Finally, the political elites of the Croats in BiH point out that the needs of Croats, as constituent people in BiH, are marginalised in the public service broadcasting system, so they advocate for the introduction of another PSB in the Croatian language. For this reason, they were hindering the adoption of the Law on public RTV service of FBiH for years. The issue was revived in January 2013, when a parliamentarian proposed that the fourth channel should be provided by amending the Law on public RTV system of BiH. Media experts, however, believe that this was a manoeuvre for winning over the political support, rather than an initiative intended to succeed:

This affair “enables both HDZ's to present themselves to the Croatian public as ‘firm advocates’ for the establishment of a Croatian TV channel who have ‘done everything they could to fulfil their promise’ ... The Serb parties (SNSD and SDS), on the other hand, have presented themselves as loyal coalition partners to Croatian parties ... and SDP and SBB as Bosniak partners in the new government ... the more they oppose the establishment of

[ethno] national TV channels, the greater support of the Bosniak public they hope to garner” (Mehmed Halilović, a media law advisor, Internews in BiH).<sup>126</sup>

Experts and analysts point out that the issue of fourth broadcaster is based on ethno-national populism rather than on the consideration of the actual needs.<sup>127</sup> In addition, financial and administrative feasibility is questioned, and media experts call for the rationalisation of the system partly through the establishment of the Corporation. In the meantime, discourse of the Croatian political elites in BiH has had dire effects on the functioning of PSB, given that it dramatically lowered the rate of licence fee collection among Croats in BiH (more in the following subsection).

Finally, the public service remit of PSB is not precisely defined, there is no consistent monitoring of the performance of PSB, and consultations with citizens are extremely limited.<sup>128</sup> Some sources suggest that public service broadcasters lack balance in their reporting, neglect certain types of content such as educational content, content related to minorities, content related to culture,<sup>129</sup> state cohesion, while offering too many entertaining formats and thus operating to some extent as commercial media.<sup>130</sup>

#### 4.2 THE FINANCING CONTROVERSIES: DOMINANCE OF PSB IN THE ADVERTISING MARKET AND A LOW RATE OF LICENCE FEE COLLECTION

The financial independence of public service broadcasters has been guaranteed on the regulatory level for all three broadcasters, given that the sources of revenues are independent from the government bodies. These provisions were distorted for *RTRS* when the amendments to the Law on *RTRS* in 2013 opened the possibility of financing this broadcaster directly from the budget of the Government of Republika Srpska. However, even if this possibility is to be realised soon, it would be only a legitimisation of what has been practiced to some extent in another form for years – financing of various media outlets, including *RTRS*, through the donations of the Government of Republika Srpska.

PSBs are financed primarily through licence fees and advertising.

Table 11 REVENUES OF PUBLIC SERVICE TV BROADCASTERS IN 2012

	BHT (%)	FTV (%)	RTRS (%)	OVERALL (%)
LICENCE FEES REVENUES	56,17	40,83	56,91	51,44
ADVERTISING REVENUES	8,98	39,81	15,10	20,31
OTHER REVENUES	34,85	19,36	27,99	28,25
TOTAL	100,00	100,00	100,00	100,00

Source: CRA 2013a.

The public service broadcasters' share of the overall advertising revenues on the TV market is unjustifiable. PSBs hold the dominant position on the market, and given that they also collect licence fees, they are in a position to dump the advertising prices and to engage in a rather unfair competition with private broadcasters.<sup>131</sup> *FTV* has the largest advertising revenues on the market (see table 12), and it also generates more advertising revenues than 40 other TV broadcasters in BIH combined (excluding *OBN*, *Pink BH*, *Hayat*, *BN TV*). While all three PSBs are among the top income group of seven broadcasters, which together take 87.3 percent of all advertising, the remaining 39 media are left with 12.72 percent overall.<sup>132</sup>

Table 12 ADVERTISING REVENUES PER TV BROADCASTER

TV BROADCASTER	ADVERTISING REVENUES (KM)	ADVERTISING REVENUES (EURO)	OVERALL ADVERTISING REVENUES (%)
FTV	12,316,590	6,297,373	22.16
OBN	9,473,384	4,843,664	17.04
PINK BH	7,524,903	3,847,422	13.54
HAYAT	5,148,684	2,632,480	9.26
BN TV	4,235,788	2,165,724	7.62
BHT	3,830,894	1,958,705	6.89
RTRS	3,478,864	1,778,715	6.26
ATV	2,506,624	1,281,617	4.51
TUZLA CANTON TV	865,931	442,743	1.56
CANTON SARAJEVO TV	746,185	381,518	1.34

Source: CRA 2013a.

Although the share of advertising revenues in the overall revenues of all three broadcasters is arguably acceptable – 20.31 percent in 2012, it is inadmissibly high for *FTV* – 39.81 percent.<sup>133</sup> Given that in practice advertising is not distributed among three broadcasters in accordance with the Law on Public Service Broadcasting System (50 percent to *BHRT*, 25 percent to *RTRS* and *RTVFBH* each), *FTV* has significantly higher ratio of advertising revenues than PSBs in other countries in Europe, which varies between 10 and 20 percent in Germany, France, Hungary, Czech Republic and Greece.<sup>134</sup> This generally high percentage could endanger the public service mission and indicate an overall commercialisation of the broadcaster, which calls for some kind of limitation. Some sources propose a limit of around 25 percent of advertising revenues in the overall amount of revenues.<sup>135</sup> However, the recent decision of the CRA Council to reduce advertising time from 6 to 4 minutes can further endanger the functioning of PSBs and should be re-examined. In addition, as Senad Zaimović, the director of Fabrika advertising agency asserts, it is not likely

that commercial broadcasters will be receiving more advertisements as a result of these limits for PSBs.

The rate of licence fee collection is low, with a tendency to decline. Payment of the licence fee is an obligation for all households and entities that possess a radio or television receiver. As reported by CRA, the largest amount of fees was invoiced and gathered in 2009, but the sum declined in the following years. The officially reported rate of licence fee collection is 73.94 percent. However, it is a percentage of the invoiced amount (overall 57.32 million KM or 29.31 million euro in 2012), collected by telecom operators, from around 649,953 households, while the estimated number of households with radio or television receivers is much higher, put at around 1,033,520, meaning that the actual rate of collection could be as low as 46.5 percent.<sup>136</sup> The collection rate is especially low among the ethnic Croats and it is related to the political campaigning for a Croatian language channel.

Monitoring of business performance is poorly exploited for business development. Yearly financial and audit reports have questionable effects, since no corrective measures have been regularly taken in the light of the poor business performance evaluations of PSBs. Boards of Governors should be monitoring and supervising the business performance of public broadcasters, but this mechanism is devaluated under the circumstances of questionable independence and credentials of the Boards members. The audits and the parliamentary approvals of PSBs business reports are similarly not seen as efficient corrective mechanisms. Although there were several cases when financial reports of public service broadcasters were not approved by the Parliament, no corrective measures followed, which raises doubts that particular political interests again prevailed.

Overall, the financial planning within public service broadcasters is questionable without long-term estimates of the administrative, technical and production needs. Such estimates should be a basis for any decisions regarding the limitations on advertising, state subsidies, decisions on licence fee rates, and should also take into account the financing of the Corporation (once it is established).

#### 4.3

#### POSITIVE CASES

It is hard to identify relevant positive trends in terms of appointments and the financing of PSB, but we should mention recent developments in *BHRT* where finally a common radio and television desk was put in place, as a step towards streamlining and convergence of production processes.

Another positive development is the discontinuation of *FTV*'s extreme political affiliation with the SDP party, but the political fights for influence over this broadcaster are ongoing.

In sum, the public service system in BiH currently faces several major problems:

- Political obstructions and interferences: influences on the appointments of managerial structures; lack of political will needed to establish a corporation of PSB.
- Business inefficiency and problematic sources of revenues: RTV system is robust, resources are used irrationally, there is a lack of coordination and efficient cooperation among the three broadcasters, redundancy in human resources, etc.; the share of the main source of revenues, licence fees, is low, while the share of advertising revenues in the financial construction is excessive.
- Poor performance and neglected public interest: the lack of competitive programming at PSB, poorly addressed public interest, excessive commercialisation of content and low production quality.

## 5 JOURNALISM INFLUENCED BY THE INTERESTS OF POWER CENTRES

The key elements of media freedoms include adequate operating conditions involving the independency of media from the political and economic centres of power, supportive market conditions, as well as consistent solidarity within the professional community (McQuail 2000, 167). This chapter is focused on the operating conditions within the media sector in Bosnia and Herzegovina, with an emphasis on the political affiliations of media, socio-economic status and pressures on journalists, and professional organising. The effects on media content will also be discussed briefly, based mostly on secondary sources and inputs by the respondents interviewed for this research.<sup>137</sup>

At the outset of the war and during the war in ex-Yugoslavia, the media were tremendously instrumentalized for the goals of political elites. There were obvious direct affiliations between managers of the state media and the political parties and leaders. The regulatory framework developed and implemented after the war professionalised the media to some extent, but political parallelism remains a major feature of the BH media system, involving not only the ethno-national affiliations but also affiliations with particular political parties within the given ethnic communities. The majority of media outlets are considered to be closely connected with the centres of political and economic power, and to some extent acting as advocates for their interests.<sup>138</sup>

## 5.1 DIRECT POLITICAL AFFILIATIONS AND/OR BUSINESS INTERESTS

One of the mechanisms of political influence on media is the appointment of managing and editorial personnel loyal to the specific centres of power. Political interests are perceived as the key factor in the appointment procedures for media managers and editors.<sup>139</sup> This is especially evident within the public broadcasters. The two entity broadcasters, *RTRS* and *RTVFBiH*, are especially criticised for their political affiliations. While *RTRS* is considered to be under the complete control of the leading political party in RS, SNSD, there has been some struggle with regard to influence on *RTVFBiH* since it dropped its strong affiliation with the SDP party in 2012. The respondents believe that political backgrounds of some of the managers in public service broadcasters, sometimes unduly long terms in office, as well as the timing and the manner of some dismissals are indicative of political affiliations.<sup>140</sup>

Some respondents in this research also believe that the managers of entities' public news agencies, *Srna* and *Fena*, are inevitably politically affiliated. The credentials of the editor-in-chief of *Srna* were severely criticized, since they were seen as an indicator of the primacy of political criteria over professionalism.<sup>141</sup>

The political influence is also often mentioned with regard to the local public broadcasters – 12 local public television stations out of 44 in total, and 62 local public radio stations out of 140 in total, founded by cantonal and municipal governments). Another problem within local public broadcasters is that their editorial independence is not protected through independent sources of revenues – they are financed directly by the municipal and cantonal governments. One of our respondents openly spoke about the politicisation of the appointment procedures, stating that he was appointed an executive director of *TVSA* in January 2012 as a candidate proposed by the SDA party, and dismissed in April 2013, again on political grounds. In the Sarajevo Canton, frequent changes of the government during 2013 led to frequent changes of cantonal television managers, not allowing them to achieve any meaningful results. As our respondent said, “another government comes and they all immediately want to appoint their people ... but no one considers what damage they do to the company“ (Mirza Sulejmanović, *RTVSA*). Lack of professional integrity is not unexpected in the circumstances where, as our respondent said, “one can feel the atmosphere that, given that it is a public company depending on cantonal budget, you have to be submissive in a way.” The local governments take severe measures when the political interference is not to their satisfaction, and in 2013, for example, journalists of *RTV Goražde* were deprived of their salaries for several months.

In general, government funding, either through direct funding of public media, through donations coming from different administrative levels to both public and pri-

vate media, or through the directing of the advertising practices of major advertisers, is suspected to be instrumentalised for political control.

The major domestic advertisers and political parties are severely criticised by the media from the opposing interest groups. For example, *Dnevni avaz* had been criticising SDA, the affiliated public company BH Telecom and the daily *Oslobođenje*, until these relations were somewhat smoothed in 2013. *Oslobođenje* could not criticize president Gaddafi during the war in Libya, as it would have been against the business interests of *Oslobođenje* (Marko 2012).

When it comes to the appointments of managers in the private media outlets, there are literally no assurances that the appointing procedures are based on professional criteria. As one of our respondents said, “the appointment procedure for an editor-in-chief comes down to the appointment by the owner ... without even considering the opinion of team members ... the law hasn’t limited the rights of owners to appoint editors in chief and the owners absolutely utilise their rights” (Radmila Žigić, *Radio Pan*).

The respondents in this research suggest that compliance with the interests of centres of power is to some extent assured through the conformist ideological position or political affiliations of journalists themselves.<sup>142</sup> Conformism is thus assured through censorship, and even more so through self-censorship. A survey conducted in 2008 suggests that the majority of media workers (58 percent; N=122) believe censorship and self-censorship are to some extent present in BH media.<sup>143</sup> The respondents in this research reported, but without mentioning any specific examples, several ways in which the interests of media and their affiliates are satisfied: through censorship based on financial and political interests of the media and its affiliates (especially in media receiving government funding, as Maja Islović, a journalist for the *Buka* online magazine suggests); through disregard for or the marginalisation of certain statements (indicated by Emir Musli, a reporter for *Deutsche Welle* and *Dnevni avaz*); by overburdening journalists so that they cannot investigate certain stories (indicated by Jelena Vujić, an *ATV* journalist); through the marginalisation of the “sensitive” stories (suggested by Davud Muminović, an assistant editor at *Al Jazeera Balkans*, previously an employee of *Nezavisne novine*), or of journalists failing to comply with these particular interests. One of our respondents claims that such practices, for example, took place at *RTV Gorazde*: “Through a new job classification scheme, the current political elite has relegated him [the previous editor Rasim Bosno], so regardless of his long experience he ended up as a news presenter. We [the trade union] fought and he got the position of journalist, but not the editor” (Elma Geca, a representative of the trade union of *RTV Gorazde*). The most prominent case of dismissal of an editor-in-chief of the news program was that of Duška Jurišić of *FTV* in 2010. The fact that the management did not disclose the reasons for her dismissal fuelled speculations that it was a result of

political pressures.<sup>144</sup> In other cases the political interests are satisfied without violations of legitimate procedures. For example, the former executive director of the programming and production department of *TVSA*, Mirza Sulejmanović, stated that he held the post for 15 months, but the fact that the local government failed to conduct the regular vacancy procedure during this time, enabled his easy removal in accordance with the intentions of governing parties.

There are also some speculations about corrupt practices and offers, but as indicated by two of our respondents, corruption is not always straightforward and rather than involving payments it is sometimes based on private relations and favours, such as the facilitating of the acquisition of bank loans. A few of our respondents reported offers of pay-offs. For example, Željko Raljić of the *Respekt* magazine said that he was offered a payment not to publish the issue of *Respekt* focused on the property of the Minister of Industry, Energy and Mining of RS.

The capacity of journalists to resist censorship and auto censorship is questionable if we take into account the socio-economic position of journalists.

## 5.2 GRIM SOCIO-ECONOMIC POSITION OF JOURNALISTS AND EXPOSURE TO EXTERNAL PRESSURES

Journalists are considered to be vastly underpaid, with their estimated average salary being somewhat below the country average, i.e. around 407 euro,<sup>145</sup> and in some local media even lower than 250 euro.<sup>146</sup> Violations of labour rights are not rare, and as suggested in the 2009 report, are most often related to salary payments (as reported by 43 percent of respondents  $N=121$ ), the length of the working day (39 percent) and overall working conditions (33 percent) while other violations occur less frequently (Hodžić 2008). The problems related to salary payments involve low wages, irregular payment and minimum salaries reported to the state to reduce benefit payments. An additional problem are unreported engagements and, as one of our respondents pointed out, journalists in some cases work for several years without the working contracts and health insurance (Maja Islović, *Buka* online magazine). The labour inspectorate and courts do not have sufficient capacities and efficiency to adequately protect labour rights. For example, one of our respondents reported in October 2013 that the situation of *RTV Goražde* employees had been dreadful for several months, with their salaries not paid since August 2013 (Elma Geca, the president of the trade union in *RTV Goražde*).

Employees can easily be dismissed under the pretext of economic or administrative reasons, while the alternative employment is highly uncertain on the BiH labour market. Consequently, the situation of journalist is decidedly vulnerable and their autonomy is far from being protected. As the respondents in this research suggest, not only that “working

professionally as a rule does not pay off” (as Radmila Žigić of *Radio Pan* put it), but indeed working against the professional standards sometimes becomes the only way to assure the existential minimum for journalists and their families (as Milkica Milojević, a journalist and President of the BH Journalists association suggested).<sup>147</sup>

Media and journalists that nevertheless criticize centres of power are also often exposed to different kinds of external pressures, including threats, verbal and physical assaults, and lawsuits against media and journalists.<sup>148</sup> Free Media Help Line registers around 40 different kinds of pressures and infringements of media freedom per year, involving more than a dozen of threats and several physical attacks.

Social pressures evolving around ethnic identities have been present ever since the end of the war, and media that, for example, reported on war crimes committed by the members of their own ethnic group, were especially exposed. The most extreme example was the bomb attack on the journalist Željko Kopanja in 1999 (for more on this, see the section on media owners above). Željka Mihaljević reports that employees of radio *Studio N*, Livno, were in 2000 labelled foreign mercenaries and betrayers of the Croatian people in a pamphlet that was distributed in the local community. “It was an open call for lynch” she said.<sup>149</sup> This kind of pressure is still present and one of the recent examples was a physical attack on Štefica Galić, the editor of *tacno.net* portal, after the screening of a documentary about her husband who was helping Bosniak population during the war against the Croat nationalists in the town of Ljubuški.

The most shattering fact is that public officials have not only failed to protect independent journalism but they have been the major actors in asserting pressures against journalists. Most strikingly, the Government of Republika Srpska has on a few occasions refused contacts with journalists of certain media outlets in retaliation for critical reporting against them (*BN television* in 2013),<sup>150</sup> or as a boycott of the state public service broadcaster *BHRT* in 2007. In the same manner, in May 2013, the Mayor of the Bihać municipality called public institutions and companies to boycott RTV of the Una-Sana Canton. Political actors/public officials have also been involved in verbal attacks on media and journalists, with several cases occurring in 2013 alone.<sup>151</sup> Some sources suggest that the laws, most of all the Libel Law, are misused to assert pressure over disobedient media, especially by political actors and public officials.<sup>152</sup> The court proceedings are time and money consuming and therefore likely to discourage investigative journalism and critique. For example, the ruling against the journalist Ljiljana Kovačević in 2013 included payment of damages of approximately 2,500 euro.<sup>153</sup> Several libel lawsuits were filed by the Prime minister of RS against *RTVFBiH*, with five rulings against *FTV* so far.<sup>154</sup>

And finally, three respondents in this research pointed out that the social effects of engaged journalistic reporting are discouraging, given that “media reports basically do

not change anything relevant on the political scene” (Emir Musli, a freelancer working for *Deutsche Welle* and *Dnevni avaz*) and that journalistic reports as a rule do not initiate judicial proceedings (as indicated by Davud Muminović, an assistant editor at *Al Jazeera*)

#### 5.4 INCONSISTENT SOLIDARITY AND SUPPORT, LIMITED PROFESSIONAL ORGANISING

The overall impression based on the interviews with 12 journalists/editors/directors of media outlets in BiH is that journalists do not feel sufficiently protected either by the state institutions or through collective organising. The support is uncertain and often inefficient and there is an overall lack of solidarity within the journalistic community. The legal framework for professional organising is well-developed.<sup>155</sup> Trade union organisations are founded on the level of individual media companies, as well on the level of entities (RS and FBiH). There are 32 sovereign trade union organisations (within individual media) and around 1800 individual members of the two entity trade unions of media and graphic workers.<sup>156</sup> No precise data on the level of organising are available, but various sources suggested that it is still relatively low,<sup>157</sup> especially within the private media companies. For example, four major TV outlets we contacted do not have trade unions (*Pink BH*, *OBN*, *Hayat* and *BN*). The results of a research conducted in 2011 indicate that the trade unions are generally inefficient, given that 27 (out of 31) respondents evaluated their work negatively. As stated in the same report, trade unions “should play a greater role and take more initiative for the protection of journalists.”<sup>158</sup>

There are six journalists’ organisations,<sup>159</sup> with more than 1900 members, but their actions and communication practices are disproportionately scarce. Only the website of the BH Journalists association provides relevant reports, information and press releases on current developments in the media sector. At the moment, this association has over 700 members from both entities and of various ethnic origin, 550 of them active,<sup>160</sup> but it has not yet been vastly accepted by the journalistic community in Republika Srpska.<sup>161</sup> An important section of BH Journalists is Free Media Help Line, which offers support to journalists exposed to various pressures, somewhat encouraging journalists to report pressures, corruption and unethical practices. Other associations are mostly inactive, with the exception of the Association of Journalists of Republika Srpska which has intensified its activity since 2011. However, this association was at times criticised for overly politicised activities based on possible affiliation with the leading party in the RS – SNSD.<sup>162</sup>

The journalistic community is still highly fragmented along ethnic and entity lines. Common and coordinated actions are rare, limited mostly to statements about major attacks on journalists, which diminishes the potential strength and effects of collective organising. As one of our respondents said, “I cannot remember an occasion when the entire

journalistic community in BiH stood up in defence of our colleagues who were subjected to unjust accusations, marginalisation or perhaps dismissed” (Radmila Žigić, *Radio Pan*).

Media reports about the protests taking place in BiH in February 2014 in part reflected weaknesses of the media sector. Especially during the first days of protests many media neglected the socio-economic motives and the call for accountability of (primarily cantonal) governments and presented protests as an outburst of “hooliganism” and violence, while involving in tendentious and politicized speculations about the motives and initiators of protests.<sup>163</sup>

#### 5.4 JOURNALISTIC PRACTICES: THE EFFECTS OF CONFLICTING AFFILIATIONS

There are several major factors that limit the quality of journalism in the country<sup>164</sup> including ethno-national bias and bias towards affiliated political actors. Respondents in this research especially believe that a considerable portion of bias arises from entity, ethnic and party affiliations. Ethnic-national fragmentation is especially noticeable in media content related to war crimes, leading to differing focuses, interpretations, selections of sources, ways in which those accused of war crimes are named and portrayed, etc. As Volčič and Džihana (2011, 11–12) argue, “...the media coverage of the trials reflected the dominant interests and perspectives of ethnic fractions represented by individual media organisation.” The ethno-national rhetoric is regularly and intensively used by political elites and reproduced by the media.

Some of our respondents especially indicated that political plurality in Republika Srpska is endangered given that the majority of (especially print and broadcasting) media are in some way affiliated with the political party SNSD, some of which received significant funds from the Government of Republika Srpska in the previous years. The political affiliations in FBiH are also mentioned, but it is suggested that several major political parties influence different media outlets.

Political affiliations have been especially ascribed to the dailies in BiH, with *Dnevni avaz* seen as affiliated with the current Minister of Security and the leader of Union for Better Future (SBB), as opposed to daily *Oslobođenje*, perceived to be affiliated with the Party of Democratic Action (SDA), and *Nezavisne novine* and *Glas Srpske* believed to be affiliated with SNSD.<sup>165</sup>

Media’s affiliations with political parties are perhaps most clearly visible during the election periods (Udovičić 2010). For example, in 2010 the reports in dailies and prime time news programs of the public broadcasters *FTV* and *RTRS* were considerably biased (ibid), with the former broadcaster focusing on the critique of the government of the RS, and the latter supporting SNSD.<sup>166</sup> While *RTRS* is considered to be a service of the leading party SNSD, some respondents indicate that *FTV* has shifted its affiliation in 2012 from SDP

to SDA. As one of our respondents reports, during his engagement as a journalist for *RTRS*, he was not allowed to report on the involvement of the former Mayor of Derventa in trafficking with minors: “It ended at the Prosecutors office of BiH with a settlement ... I wasn’t given the opportunity to say the real truth about the mayor.”

Particular business interests are also reflected in biased media reports. For example, the reports on the above-mentioned changes to the Code on Commercial Communications (which further reduced advertising limit for public broadcasters) differed between public service broadcasters on one side and private broadcasters on the other, reflecting their particular interests in this regard.<sup>167</sup>

The quality of journalism is additionally compromised by the trend of commercialisation due to which the media feature “little of relevant things. It mostly comes down to show business...or a press release of one or another party” (Emir Zatega, a journalist at the Center for Investigative Reporting). Due to the struggle for audience and the lack of capacities, media tend towards “publishing unverified information ...” (Boris Vakić, *EuroBlic*), while investigative journalism is to some extent discouraged by the unwillingness of institutions to provide requested information (as indicated by Jelena Vuić, journalist of *ATV*). Still, there is a fairly good legal framework for access to public information, and with some recent court decisions the complaint procedures have been evolving.<sup>168</sup> Nevertheless, investigative journalism is rare, pursued only exceptionally by the minority of media, and as one of our respondents said, media predominantly focus on daily events and barely reach the professional minimum (Radmila Žigić, *Radio Pan*).

## 5.5 THE BRIGHT SIDE OF JOURNALISTIC PRACTICES

The examples of good and resourceful journalism and contributions to pluralism can be found especially among online media outlets. Various sources suggest that good pieces of journalism and/or critical and engaged articles can be found in the online magazines *Žurnal* and *Buka*, and on the website of the Center for Investigative Reporting (CIN). All three media are dependent on the support of international donors. The magazine *Slobodna Bosna* apparently manages to preserve editorial independence from political interference, but as suggested by some respondents, the quality of this magazine is jeopardised by the lack of funding and human resources. The state-level public service broadcaster, *BHRT*, has also been maintaining a relatively balanced reporting and did not give in to political influences over the years. Other media outlets often mentioned for their contribution to communication processes in BiH and professionalism are of foreign origin, such as *Radio Deutsche Welle*<sup>169</sup> and the recently established press agency *Anadolu. Al Jazeera Balkans* is believed to have raised the professional standards in BiH, but during the protests held in February 2014 in several cities of BiH it was also criticized, much like many other media,

for neglecting the motives and potential positive effects of collective actions by excessively focusing on the violence that occurred during the protests.

The regulatory system (in broadcasting) and the self-regulatory system (in print media and online media since 2011) have contributed to greater respect for professional standards. The reach of self-regulatory mechanism, however, remains particularly limited, given that not all media show readiness to actively engage in the self-regulatory system.

## 5.6

## CONCLUSIONS

The quality and credibility of media is hindered by several factors:

- Bad socio-economic position of journalists and violation of their labour rights.
- Lack of journalistic autonomy, due to political affiliations of media outlets.
- The dire economic situation of media, the lack of resources for quality and investigative journalism, and commercialisation of media content.
- The dependence of media on government funding on different levels and politically motivated appointments of the editorial personnel and managing structures.
- Lack of interest on the part of media owners to invest in quality journalism, investigative journalism and specialisation of journalists for niche reporting.
- Various pressures and attacks on journalists.
- Lack of support for journalists within the professional and wider community.
- The discouraging lack of the impact of engaged journalism on institutional actions and social changes.

In sum, the quality of journalism and investigative journalistic content are endangered because of the lack of resources within the media and political and economic affiliations, pressures and influences. These interests are assured through certain practices of censorship, but more so through self-censorship and political and ideological conformism of the journalists. The mechanisms of political affiliations are various. They involve direct affiliations of media managers and to some extent corrupt practices, as well as financial influence on the media. The difficult socio-economic position of journalists, lack of respect for labour rights, lack of institutional protection, flawed collective organising and finally the lack of public support make journalists more susceptible to pressures and discourage their involvement in stories that would require wider support.

The regulative and institutional framework for media sector has provided the basis for the pacification and regulation of media. Important positive steps were the development of institutional framework (CRA) and some legal and regulatory norms (for instance, laws pertaining to PSB, the Law on Communications, etc). A self-regulatory framework has also been established and is struggling for wider acceptance among print and online media. But further improvements were stalled and the trends over the past decade are generally worrying. The key actors were indolent and failed to develop adequate policy responses to the difficulties within the media sector, while the existing norms have been somewhat distorted in practice.

Several key environmental factors hinder media independence, sustainability and finally the quality of journalism in BiH. The sector suffers from strong political interference and harsh polarisation along entity, ethnic and political lines. Political interference intensified through continued populist rhetoric hindering the transformation of PSB and putting pressure on CRA. Several recent problematic policy changes and initiatives further facilitated interference in editorial policies of entity broadcasters, asserted political influence over CRA and limited its authorities; there was also an initiative intended to loosen the accountability in terms of free access to information, but under pressures of international community and civil sector it failed.

The majority of media outlets are considered to be closely affiliated with the political elites either through nominal ownership, through hidden ownership, or through financing paths. Political interference is accomplished, for example, through the government funding of “loyal media” but is also extended to the advertising practices of major advertisers in the country – public companies, closely affiliated with leading political parties. The insights of the public into conflicting ownership and financial patterns are scarce and mainly based on sporadic media reports.

The economic environment is such that it can hardly enable quality journalism. The market is impoverished and it has been shrinking for years due to the economic crisis, the outflow of revenues to larger foreign media, but also because donor support is less available and the rate of licence fee collection declined. Media industry is burdened with power struggles which harm the credibility and sustainability of measurement system(s) and further discourage potential advertisers.

The professional organising is similarly diminished by the ethnic and entity fragmentation and lack of common initiatives to promote the socio-economic position and improve the protection of media and journalists exposed to pressures.

In general, the majority of media operate on a very low budget and for the most part cannot afford quality journalism or criticism of the few major sources of revenues and their affiliates. Journalists are discouraged to engage in investigative journalism for several reasons, among these the major ones being existential uncertainty, lack of support on the part of institutions and CSOs, and the general view that investigative journalism cannot initiate societal changes.

The key elements of media integrity thus remain unresolved, including transparency of ownership and adequate limitations on foreign ownership and conflict of interests, an unsustainably large number of media outlets, a large number of non-privatised broadcasters, the lack of transparency in public funding and of assurances of the protection of the public interest, non-functional PSB, hindrances in the digitalisation process, etc. The research results point to a conclusion that there is an urgent need for a strategic approach in tackling all these issues. The previous experiences shows the need for the involvement of different social actors, including government institutions, media industry, civil sector and the international community, in order to balance the particular interests of those in power, allow for changes based on the public interest and enable the public to have a better insight into conflicting ownership and financing patterns in the media sector.

## MEDIA POLICY

While being aware of the difficulties of advocating substantial policy changes in the above-described circumstances and deeply fragmented media environment, certain major steps could be taken by various social actors. These are as follows:

- (1) Research results should be a basis for policy initiatives. Preferably, a regular system of data collection, research and analysis of various aspects of the media sector should be established and integrated in the decision making process. For this to be achieved, the capacities for relevant analyses of media sector should be enhanced within the state institutions, academia and the non-governmental sector.
- (2) Mechanisms for the prevention of overt influence of political actors on the media sector should be enhanced, through guarantees of editorial independence (most of all, by ensuring that members of the regulatory body, PSB governing bodies, and managers/editors of media outlets are selected through an independent appointment procedure based on credentials, and by ensuring independent financing patterns). Finally, institutions relevant for the media sector (the Ministry of Communication, the Ministry of Finances, the Council of Competition, CRA etc.) should develop fiscal policies to enable media sustainability (tax subsidies, enabling advertising revenues for community media, etc.) and make media capable of producing plural and quality media content;
- (3) Existing laws should be enhanced to improve their clarity and assure their consistent implementation. For example, a more precise definition of “incitement to hatred” (in the Criminal Codes) and standards for establishing “emotional distress” (in the Libel Law) are needed. With regard to Freedom of Information Act (FOIA), more guarantees should be provided for the transparency of public information, including sanctions against the institutions that fail to act in accordance with the law (stipulated in the state FOIA, but not also in the entity FOIAs). This also includes better regulation of transparency and legitimacy of government funding for the media, as well as a review of the status of public local media.
- (4) The anti-concentration legislation should be formulated to prevent possible future concentration of media ownership and lack of media pluralism.
- (5) Transparency of media businesses should be improved, most of all the transparency of ownership and financing patterns.
- (6) Capacities of different actors to contribute to a better implementation and development of media policies should be enhanced. This includes especially enhancement of

CRA's capacities and the protection of its independence in the context of current pressures on this institution. Civil society organisations should also be developing their capacities to inform and actively influence media policies instead of pursuing a reactive approach to precarious policy initiatives.

- (7) Civil society organisations, in cooperation with the Institution of Human Rights Ombudsman and international institutions, and possibly with other state institutions, should be involved in policy developments, in order to prevent possibly detrimental policy changes (such as those that have been initiated recently) and to contribute to best policy solutions.

#### MEDIA OWNERSHIP

- (1) Transparency of official data on media ownership should be enhanced; more specifically, court registries of business entities in RS should provide the information through online platforms. The online register of businesses in FBiH provided by website [www.pravosudje.ba](http://www.pravosudje.ba) is a good step forward; preferably, online registers should be centralised or linked to make access easier. The online register of broadcasters provided by CRA should include information on media owners;
- (2) Policies, the institutional and self-regulatory framework should be developed to address lack of transparency of online media. Investigations of the websites operating as media businesses that have not been officially registered as such should be initiated; online media should be encouraged to publish information on ownership and contact information on their websites and to actively engage in the self-regulatory system to promote professional norms.
- (3) Mechanisms of control over the official vs. hidden owners and capital should be developed. The municipal courts should guarantee that all conditions are met for a media business to be registered, including the respect for rules on conflict of interests, as well as rules on foreign ownership; state authorities should investigate possible controversial, hidden ownerships; media and civil society organisations can play a major role in unmasking the "suspicious" ownership patterns and making public possible affiliations of owners.
- (4) The legislative framework should be reconsidered and enhanced in order to prevent "indirect" foreign ownership that was identified in few major cases.
- (5) The rules on conflict of interest of media managers and editors should be enhanced to prevent:
  - the influence of public officials on the editorial policies of media that they not officially own, but are presumably connected with (owned by family members, holding any kind of interest in the media);

- the appointment of politically affiliated persons to the Board of Governors, or politically engaged editors; the opinion of media employees within both private and public media should play a role in the appointing procedures.
- (6) The legislation preventing the concentration of ownership should be adopted, in cooperation with the Council of Competition, CRA , Ministry of Communication and other relevant institutions.
- (7) The status of local public media should be resolved, in terms of assuring its public interest role (research and consultations with citizens and experts to establish if the public interest is satisfied or how it can be better satisfied through these public media), editorial independence (mechanisms for securing independent appointing procedures and financing not dependent on arbitrary decisions of a current local government) and competition (the media industry and the Council of Competition should develop policies to assure that local public media do not constitute inadmissible competition to the local private media that are competing for the same advertising sources). These media could be partly transformed to become community broadcasters; they could be networked to reduce the production costs, transformed into local offices of PSBs and in part privatised.
- (8) Controversies related to the ownership of the measurement system provider should be resolved, i.e. the ownership of the audience data provider Audience Measurement should be made transparent.
- (9) The public should be acquainted with the ownership patterns that possibly influence media integrity. More precisely, civil society organisation should seek to do so through public debates on the political economy of the media, through critical analysis of media practices indicative of the conflicting affiliations of media outlets, through reactions to problematic appointments of media managers and editors, and other activities.

#### MEDIA FINANCES

- (1) Promotion of the voluntary financial transparency among the media outlets. The associations of journalists, the Press Council and other civil society institutions should promote the practice of publishing the types of revenues and the list of sources of revenues as a way for the media to demonstrate their social responsibility and actively promote media integrity.
- (2) Corrective mechanism for badly evaluated aspects of PSB functioning should be enhanced. The financial and audit reports should be the basis for development of improvement measures, following the feedback by the parliament. On the other hand, the civil sector should monitor the performance of PSB and request positive changes through public criticism and/or consultations with PSB representatives.

- (3) The domestic advertising market should be protected from the excessive outflow of revenues to foreign markets. The media industry and audience data providers should maintain the practice of concealing information on the audience reach of foreign outlets in BiH; the media industry should also advocate for positive solutions on the international level and on the level of national policies.
- (4) The rationale and procedures of government funding should be enhanced.
  - Government institutions should assure that consistent criteria for assessing the public interests are used when awarding funds to individual media. The criteria should be established based on available analyses and public consultations.
  - All government institutions should assure complete transparency of the selection procedures used when awarding funds.
  - The public funds should be used exclusively for the production of specific content of public relevance.
  - Government institutions should provide monitoring and evaluation of the public interest merit of media funding.
- (5) Government institutions should clearly demonstrate that their advertising practices are aimed at advancements in the area of their mandates and not at promoting the governing political party. This calls for a development of precise procedures within the government institution to elaborate on the justification. Monitoring by civil society and media should be a valuable corrective mechanism.
- (6) The audience measurement system and use of measurement data should be enhanced. Improvements to the audience measurement system in the radio (people meters), print (circulations) and online media sectors (greater use of the system providing detailed information on user behaviour and demographics) would be beneficial to the promotion of media integrity, but depends on the business interests and financial capacities of media outlets.
- (7) The current controversies related to the TV audience measurement system should be resolved. The Council of Competition and the prosecutor's office should resolve current complaints about possible inadmissible practices by the Audience Measurement, and possible abuse of power by the director of the Institute for Measurement of BiH.
- (8) The media industry should assure that the TV audience measurement is reliable and financially sustainable, which calls for independent audits, providing advertisers with substantiation of data reliability, as well as sustainable pattern of financing of one or both audience measurement systems.

## PUBLIC SERVICE BROADCASTING

- (1) Guarantees against the politicisation of appointment procedures for the Board of Governors should be ensured: a) instead of the Parliament/National Assembly having absolute power in the process (as in *RTVFBiH* and since recently in *RTRS*), CRA as an independent state agency should be preparing the list of candidates; b) the criteria for assessing the competences of candidates should be established in detail and implemented rigorously; c) the failure to appoint the best-ranked candidates should not be tolerated, i.e. the reasons for non-appointment should be established; d) possible politically motivated dismissal of the board members should be discouraged by establishing a transparent and well specified complaint procedure. The current trends seem to be opposite and seem to enable arbitrary decisions, which is why civil society initiatives are highly needed.
- (2) The guarantees of the autonomy of PSB through independent sources of revenues should be provided. The recent changes in the Law on *RTRS* raise concerns as to whether the possibility of direct financing of *RTRS* from the budget of the RS Government will be used to assert direct influence on *RTRS*. Measures should be provided to assure that the government funding is not in any way conditioned, and direct public subsidies for “infrastructure and other technical costs” should be withheld (as recommended by Article 19 organisation) and dedicated instead to programme production. In sum, the legal framework and the implementation mechanisms should assure that the funds provided are sufficient for an optimal functioning of PSB. Until the problem of the low rate of licence fee collection is solved, the decision on the reduction of advertising time for PSB from 6 to 4 minutes should be re-examined; the financial needs of PSB should be assessed, and the amount of the licence fee should be determined based on the assessed need and in consultations with PSB representatives.
- (3) The proportion of advertising revenues should be limited in such a way as to ensure that a) the public service broadcasters are not overly dependent on advertising, and b) the private media are not unduly jeopardised by excessive advertising on PSB under circumstances possibly constituting unfair competition. However, these decisions should be delivered timely and only if the sustainability of the PSB will not be jeopardised, i.e. if the public service broadcasters are provided with sufficient funds for their technical, administrative and production costs.
- (4) A Corporation within the PSB system should be established in order to, inter alia, a) rationalize the costs of PSB, b) develop a common advertising strategy and practices of three broadcasters, c) coordinate all other activities related to the technological development and management of the transmission network, d) coordinate the steps leading

to digitalisation. Advocacy for the establishment of the Corporation is hampered by the lack of political will among decision makers.

- (5) The public service remit should be elaborated and procedures to guarantee its fulfilment assured. The public service remit should reflect the complexities of the country and seek to satisfy the needs of all constituents of BH population; this could include the establishment of a monitoring system to assess how the programming obligations are fulfilled (perhaps through enabling CRA or civil society organisations to do the monitoring), and transparent procedures for complaints over PSB programs. Consultations with citizens through (lawfully appointed) programming councils should play a substantial role in the process.

#### JOURNALISM AND THE SITUATION OF JOURNALISTS

- (1) Advocacy for a consistent application of set standards when appointing the managerial personnel in the public media outlets, in order to assure that they are relatively autonomous and chosen based on their credentials; the opinion of journalists within the media outlet about the candidates for editors should have a decisive role in the appointment.
- (2) Funds for the production of media content of public significance should be provided, while assuring that the distribution of funds is transparent and based on programming criteria and public interest.
- (3) Advocacy for a better protection of the labour rights of journalists, and protection of media freedoms, through a constant monitoring of relevant cases, provision of support for journalists suffering pressures, and advocacy for respect of journalists' rights and autonomy.
- (4) A common platform should be set up in which all journalist associations would participate, advocating for common interests of all journalists in the country, regardless of entity and ethnic origin – for example, campaigning for transparency, self-regulation, media credibility and protection of journalists. Recent membership data suggest that the number of members of all journalists associations is over 1900, which could form a powerful force for positive changes.
- (5) Promotion of trade union and professional organising among journalists, especially within private media where trade union organising virtually does not exist.
- (6) Promotion of the accountability of various social actors for pressures and attacks on journalists and media, especially accountability of public figures. This should include harsh public condemnation and legal proceedings in cases of attacks or pressures on journalists.

## ENDNOTES

- 1 Bosnia and Herzegovina consists of two entities: Federation BiH (FBiH) and Republika Srpska (RS), plus a separate administrative unit called Brčko District. FBiH is further divided into ten cantons, while the total number of municipalities in the two entities is 141.
- 2 See Jusić and Ahmetašević (2013).
- 3 *MC Online*, “Rezultati Međunarodne podrške medijima” (Report from the conference on international media support), organised by Analitika, Sarajevo, 27 September 2013).
- 4 Although the Libel Law is well formulated, it was utilized by the political elites and other actors to harm the competing or detested media through frequent lawsuits. The number of lawsuits was huge, and courts could not always live up to the challenge to process them adequately, timely and independently. The standards for establishing emotional distress, including time-limits after the content is published, have not yet been set. The Municipality court of Sarajevo alone processed around 670 lawsuits against the media, in the last five years. Source: Halilović, M. Interview published at: <http://www.6yka.com/novost/39967/mediji-u-bih-prepuni-klevete> (accessed 6 March 2014). Still, as Halilović, M. reported in 2009, the number of lawsuits has reduced since 2008, and he thinks that the reason might be the fact that the media have been publishing corrections more regularly. For more, see Halilović, M., “Mogu li se izbjeći tužbe za klevetu i uvredu?”
- 5 See for example Media Sustainability Index (MSI) IREX reports, available at: <http://www.irex.org/resource/bosnia-and-herzegovina-media-sustainability-index-msi> (accessed 24 March 2014). The court cases concerning media often include lengthy procedures that burden the media and sometimes push them towards the edge of existence and moral strength. Additionally, the differences between court decisions in FBiH and RS are possible indicators of political bias (see IREX 2013, 22).
- 6 In accordance with the Law on Communications of Bosnia and Herzegovina, the Agency’s responsibilities are: the development and promotion of rules in the sectors of telecommunications and broadcasting, the licensing of operators in the broadcasting and telecommunications sectors, the planning, management and allocation of the frequency spectrum, the implementation of technical and other standards related to quality, and the establishment and maintenance of licence fees. See more at: <http://www.cra.ba/eng/index.php?uid=1265547993>, (accessed 3 December 2013).
- 7 CRA was formed by the Office of High Representative (OHR) as a successor to the Independent Media Commission (IMC) established in 2001, which merged with the Telecommunications Regulatory Agency into CRA.
- 8 See Law on Communications of Bosnia and Herzegovina, additionally, laws on public broadcasters define some guarantees of editorial independence. The print and online media function on the basis of self-regulation, meaning that the Press Council can suggest the removing of content or the publishing of a correction or an apology.
- 9 Although it was part of a regular procedure, CRA considers this problematic since the Parliament did not provide any reasonable explanation for refusal of candidates (IREX 2013).
- 10 It is stipulated that the *ad hoc* body is composed of an equal number of representatives of both the governmental and the non-governmental sector. There are, however, doubts that the body appointed in 2013 actually acts in the interest of the parliamentary parties. Of the six members of the *ad hoc* body, as Helena Mandić believes, only two from the civil sector are independent, while the remaining four representatives are likely to act in the interest of political parties.
- 11 The list of 14 members is first sent to the Council of Ministers before it is submitted to the parliamentary procedure and the vague role of the Council raises more suspicions about political control. For political affiliations of the members see, for example, a press releases of the association of BH Journalists. See also a journalistic article by Metiljević A. “SDP započeo operaciju preuzimanja kontrole nad FTV-om” (SDP launches an operation to take control over FTV).

- 12 See the flash report by Hodžić, S. "The Credibility and Competence of PSB Boards are Questioned", published within this project.
- 13 Indicated by Mehmed Agović, currently an advisor to the Minister of Traffic and Communication.
- 14 *Radio and Television of Bosnia and Herzegovina (BHRT)* is a state broadcaster. There are also two entity public service broadcasters: *Radio and Television of Federation of BiH (RTVFBiH)* and *Radio and Television of Republika Srpska (RTRS)*.
- 15 Conference on international media intervention organised by Analitika, Sarajevo, 16 October 2013.
- 16 The progress has been stalled since 2009 when the strategy for the switchover to digital broadcasting was adopted. See more in the chapter on PSB.
- 17 The privatisation was initially postponed by the Office of High Representative until the second round of licensing was completed, in 2002 (see more in Jusić, 2004).
- 18 Hadžović, "Majmuni na javnom servisu."
- 19 The requirement to register private businesses is stipulated by the Framework Law on Registration of Business Entities in Bosnia and Herzegovina (*Official Gazette of BiH* No. 42/04), and relevant entity laws on registration (*Official Gazette of FBiH* No. 27/05 and *Official Gazette of RS* No. 42/05); previously, the Cantonal Laws on Media required media outlets to be registered in the cantonal media registries, but this is no longer the case. For example, in the Sarajevo Canton, the Law on Media was put out of force in 2009. See also article available at: <http://www.radiosarajevo.ba/content/view/4230/> (accessed 18 February 2014).
- 20 The register kept by CRA includes the documents on court registration of the broadcaster and information on ownership. Rule 55/2011 on Audio-Visual Media Services, Article 22, para. 2.
- 21 CRA has been trying to initiate policies that would address ownership concentration across different media sectors, under a general law rather than relying on the previous CRA rules pertaining to the broadcasting sector only. So far, the state institutions, such as the Council of Competition, did not show interest to actively engage in the development of such policies.
- 22 Data taken from the online registry of CRA and the list of media on the Press Council website, both from September 2013. The majority of 110 registered magazines are not of socio-political nature.
- 23 The Government of RS has been providing funding for several media in Republika Srpska, as have the municipal and cantonal governments. See more in the chapter on media finances.
- 24 For example, while 32 posts are foreseen by the systematisation, only 18 people are currently employed in the section for broadcasting (Helena Mandić, interview, 10 October 2013).
- 25 Press Council is a non-governmental organisation with a mandate to ensure the implementation of self-regulatory mechanisms, i.e. to mediate and deliver decisions on the violations of professional norms in print media, and since recently online media.
- 26 Unlike the CRA, which has the executive powers and can impose their decisions, including fines and suspensions of licences, the Press Council does not have such powers, meaning that the implementation of the Complaints Commission's decisions (Complaint Commission is part of PC) on violations of journalistic norms depends on the goodwill of the media management, which is not always demonstrated. The system is just starting to be introduced in the online media sector. In addition, neither CRA nor PC have a mandate or capacity to monitor media content on regular basis, but they react mostly upon receiving a complaint and in some cases *ex officio*.
- 27 Rules, laws and decisions delivered by the Ministry of Traffic and Communication from 2007 onwards include some decisions pertaining to media legislation, the last of which, adopted in 2010, were focused on gender balance both in the content and the managerial structures of public service broadcasters. Law on public RTV service BiH, and Law on public RTV system BiH were adopted in 2005, as well as the decision on the Policy of Broadcasting Sector in Bosnia and Herzegovina in 2007. Source: [http://www.mkt.gov.ba/dokumenti/zakoni/Archive.aspx?template\\_id=10&pageIndex=1](http://www.mkt.gov.ba/dokumenti/zakoni/Archive.aspx?template_id=10&pageIndex=1). Accessed 24 December 2013.
- 28 The official data put it at 73.94 percent of invoiced amount (CRA 2013a), collected through telephone

- bills, but only around 649,953 households are included. The number of households with RTV sets is estimated at around 1,033,520, meaning that the collection may be as low as 46.5 percent.
- 29 See, for example, the statement of Borka Rudić, a secretary of the BH Journalists association, in *FTV News*, 25 September 2013. See also reactions of representatives of the EU delegations and OSCE in the article *N24*, “Ne smanjute mogućnosti razvoja javnih RTV emitera,” and a press release of the BH Journalists, *Otvoreno pismo Regulatornoj agenciji za komunikacije*. In addition, the Commission on Information of the House of Representatives of the Parliament of FBiH also reacted by asking CRA to reconsider these amendments.
- 30 For more, see statements of Senad Zaimović in *MC Online*, “Senad Zaimović: javni RTV servisi su s pravom zabrinuti.”
- 31 The role of CRA in the appointment procedures has been marginalised over the previous years, and Helena Mandić of CRA suggests that the amendments in fact do not bring substantial changes. As a matter of fact, CRA already had to repeat the process of selection of candidates for RTRS if the original list was not approved by the National Assembly. CRA is also already excluded from the procedure in another entity’s public service broadcaster – *RTV FBiH*, where the Committee for the selection and appointments within the Parliament of Federation BiH prepares the list of candidates for the Board of Governors and the Parliament approves the appointments. See more at: <http://www.mediaobservatory.net/radar/flash-report-bosniaherzegovina> (accessed 20 February 2014). The power is now completely in the hands of the Parliament of FBiH (for *RTV FBiH*) and the National Assembly of RS (for *RTRS*), enabling them to directly and more easily politicize the appointments. When it comes to the state broadcaster, *BHRT*, CRA still prepares the list of proposed candidates, while the Parliament of BiH appoints the members from the list.
- 32 See for example journalist report Isovčić, M., “Još jedan udar na slobodno i nezavisno novinarstvo u RS,”
- 33 Available at: <http://www.mkt.gov.ba>. Accessed 25 September 2013.
- 34 Dunja Mijatović, an OSCE Representative on Freedom of the Media, also expressed concerns about the implication of this draft law on the independence of CRA (see Dunja Mijatović, *New draft electronic communications law in BiH could affect independence of communications regulator, says OSCE media freedom representative*). See more in the OSCE analysis of the draft law, available at: <http://www.osce.org/fom/107410> (accessed 10 February 2014).
- 35 Currently, the Association of Journalists of Republika Srpska is preparing an analysis of the state of the media sector, and is planning to form a work group during 2014 to further develop the draft proposal (Dragan Jerinić, president of the Association, in a written reply, February 2014).
- 36 See more, for example, Bjelajac, M., “Šta se krije iza inicijative Udruženja novinara RS,” and the analysis by Halilović (2013).
- 37 See the flash report by Dekić (2013).
- 38 See for example Haraszti (2007). The laws and regulations have been receiving the highest scores over the past years in the Media Sustainability Index among different facets of media sector.
- 39 *Official Gazette of BiH* No. 28/00 and 45/06; *Official Gazette of FBiH* No. 32/01; *Official Gazette of RS* No. 20/01.
- 40 *Official Gazette of Republika Srpska* No. 37/01; *Official Gazette of FBiH* No. 59/02, 19/03 and 73/05.
- 41 While in the Federation of BiH data are available in nine municipality courts, with the access fee being 5 euros per page, in Republika Srpska the data are provided through the APiF agency for an administrative fee of 5 euros per business entity.
- 42 It is available at: [www.pravosudje.ba](http://www.pravosudje.ba) (accessed 24 March 2014). Our search of this online register, however, did not always yield results. For example, we did not find data on the Pres-Sing Ltd., Sarajevo (the publisher of *Slobodna Bosna*) but we retrieved data from the registry of Municipal Court in Sarajevo. Furthermore, data on ownership of Open Broadcasting Network (OBN) available in CRA and the Registry of Securities of FBiH (both stating that the owner of OBN is GRP Media Sarajevo, owned by GRP Media Zagreb, see the registry at: <http://www.rvp.ba/Section2/SubSection1/Default.aspx> accessed on 12 January 2014)

- do not correspond with the data in the registry at pravosudje.ba (owners: OBN Ltd., based in London, Great Britain, and Gabriel Vukadin from Sarajevo). In addition, online media are not registered, and for example, the search for Moj portal and Sutra.ba does not give any results.
- 43 The type of ownership is established during the licensing procedure. Public broadcasters are those that were established by governments or other public bodies on any of the administrative levels (municipal, cantonal, entity or state level), or owned and financed by these public bodies in the ratio of more than 51 percent (Rule 57/2011 on public radio and TV stations, Article 2).
- 44 Currently, *Radio Maria* is financed by the Catholic Church, *Radio Otvorena mreža* is a communication platform of a humanitarian network, and *Radio Naša djeca* has been founded by a non-governmental organisation engaged in the protection of children.
- 45 This is a rough estimate i.e. the number of websites included in the Gemius Audience measurement system. However, not all of these websites are media outlets, while also a certain number of online media are not included in this measurement system.
- 46 The Agency for Privatisation of FBiH and Alden Print – the buyer of *Večernje novine*, were accused in the public of simulating the privatisation process so that Alden Print could take over the workers and the property of *Večernje novine*, practically for free. The newspaper was terminated soon after the privatisation. As regards the privatisation of the *Oslobodjenje* daily, the director, Salko Hasanefendić, and the leader of the privatisation team, Emir Hrustanović, were both under investigation for possible misuse of their position (see more in Jusić 2004).
- 47 As reported in the AGCOM and CRA 2008.
- 48 Source: Helena Mandić, CRA, in a written reply, 11 December 2013.
- 49 The initial capital was provided by several foreign states, primarily USA, Sweden, Japan, Canada, Spain and Italy, as well as the European Commission and the Open Society Fund (Jusić 2004, 74). OBN re-registered as a company with a shared capital in 1999.
- 50 As reported by FTV, he was, however, the official owner in 2008, when he was granted the status of citizen by the Ministry of Foreign Affairs of BiH upon the recommendation of the Foreign Trade Chamber of BiH. FTV, however, questions the procedure through which Čaleta was granted status of citizen of BiH in 2008, stressing that no justifiable reason was provided. See article/video of FTV published at: <http://www.federalna.ba/bhs/vijest/76305/kako-je-stranac-protivno-zakonupostao-vlasnik-obn-a> (accessed 12 January 2013). But it remains unclear if Čaleta in fact fulfilled the criteria for citizen status by that time.
- 51 Source: Registry of Securities of FBiH, CRA.
- 52 Previously it was officially owned by two companies, one from Bijeljina and other from Belgrade (Serbia) (see Jusić 2004, 76). Currently, Željko Mitrović and his Belgrade based company Pink International Ltd. actually share the ownership.
- 53 Although the court registry does not point to these connections, *Glas Srpske* is known as a subsidiary of NIG DNN, after it was privatised in 2006.
- 54 In 2010, *BN television* building was searched by the police, which was also perceived by some sources as a form of pressure, especially given that their quarters were raided at 6 a.m. in a somewhat extravagant manner. See for example Kusmuk, Z., “Vasilije Andrić ‘puca’ na mjesto direktora policije” (Vasilije Andrić has his sight set on becoming the director of the police), *Global*, 21 January 2010, pp. 24–25.
- 55 For example, during 2013 Milorad Dodik, President of RS and the leader of SNSD, verbally attacked some of the BN managers and finally accused BN of being an American mercenary engaged to prosecute Dodik and his family. See, for example, the article “Dodik: Amerikanci Trišiću dali 800.000 dolara da napravi ovu hajku protiv mene” (Dodik: Trišić got 800,000 dollars from the Americans to mount this onslaught against me).
- 56 SNSD employed similar method against ATV in 2010, when the journalists were banned access to the election quarters of this political party, and against the state broadcaster ВНТ1 before that. See for example: “SNSD zabranio rad *Alternativnoj televiziji*” (SNS prohibited *Alternative TV*), *Dnevni avaz*, 2 October 2010.

- 57 Officially reported owners are RTM-TV1 d.o.o. Mostar (49 percent) and Euromedia Limited Broadcasting Company, d.o.o. Sarajevo (51 percent). Source: CRA, in a written reply, 11 December 2013.
- 58 On the other hand, *Oslobođenje* was extremely negative (in 79 percent of cases) and especially towards Radončić (in 90 percent of cases) (Udovičić 2010, 17–18). The owners of *Dnevni avaz* and *Oslobođenje* were believed to be closely affiliated with SDA until 2009, when Radončić himself started an active political engagement and in a way broke his previous political ties.
- 59 The register refers to the report of the Commission for Securities of the Federation BiH, No. 03-19-194/04, 12 April 2004, but the connection with the Selimović family is a commonplace. Forty-three percent of Klas's share (and possibly 20 more percent in the future) was taken over by AS Jelah Group, owned by the Hrvić family, which is now becoming one of the major actors in the food industry in the country. See article, available at: [http://www.slobodna-bosna.ba/vijest/12712/akvizicija\\_godine\\_tesanjski\\_as\\_preuzeo\\_sarajevski\\_klas.html](http://www.slobodna-bosna.ba/vijest/12712/akvizicija_godine_tesanjski_as_preuzeo_sarajevski_klas.html). Accessed 6 March 2014.
- 60 Some sources also suggest that *Dani* was affiliated with the Party for BiH, but given that the party did not do well in the 2010 elections, the magazine had to be sold to the Selimović family. See, for example, the article published at: <http://www.media.ba/en/menadzment-novinarstvo/o-cemu-sutimokad-sutimo-o-danima>. Accessed 23 January 2014.
- 61 Telephone conversation, 27 December 2013.
- 62 See S.A, "Federalna uprava policije prosljediti će naredne sedmice državnom Tužiteljstvu nalaze o kriminalu u Bošnjačkom institutu!". Website *Moj portal* is mentioned as being closely connected with the Social Democratic Party.
- 63 *BN television* and *BN radio* are owned by Jela and Vladimir Trišić; *ATV* by Nataša Tešanović, Milan Lukić, Darko Aleksić et al; *Hayat TV* by Elvir Švrakić, Dženana Švrakić, Nermin Karačić and Emin Švrakić; *RSG radio* by Adnan Osmanagić; *Radio Kameleon* by Berbić Zlatko; *Radio Kalman* by Edin Kršo.
- 64 Data and estimates on ownership and affiliations of online media are not provided due to scarcity of information on these media outlets.
- 65 Published by Pres-Sing Ltd., which is founded by the editors and journalists Senad Avdić, Sedina Lončarević-Metiljević, Asim Metiljević, Suzana Mijatović, Sead Omeragić, Abdulah Sidran and Marko Vešović. Source: Court registry, Municipal Court in Sarajevo. It is important to note that the online database of registered companies does not include this company. The court documents on the registration were provided three days after the request, per fee of approximately 25 euro, i.e. 5 euro per page.
- 66 Media under state ownership will be considered in a separate chapter.
- 67 Source: <http://www.pink.co.ba/kompanija/onama/>. Accessed 28 January 2014.
- 68 Source: "Pranje prljavih para' u BiH" ("Dirty money laundering" in BiH), *Dani*, 30 December 2011.
- 69 See, for example, Čardžić, "Ivan Čaleta i OBN napali su sve nas" (Ivan Čaleta and OBN attacked all of us), *Dnevni avaz*, 12 January 2006.
- 70 Source: Mustajbegović, "OBN: Otvoreno pljačkanje Bosne" (OBN: Open plundering of BiH), *Dani*, 4 March 2005.
- 71 Azra Radončić is now a founder of AVAZ Ltd. company, which is the founder of Avaz-rotor press Ltd. Sarajevo, the founder of *TV Alfa*.
- 72 Among them Naser Kelmendi, the leader of a major crime network in the region. There was a series of police investigations against this group, within and outside of BiH, for possible involvement in smuggling, trafficking, money laundering, murder and other crimes. In a recent court proceeding against Zijad Turković for a series of crimes, a witness who had been for 10 years an employee in *Dnevni avaz* and *TV Alfa* stated that Radončić had approved a murder of Ramiz Delalić - Čelo, a war commander in the Army of the Republic of BiH. The same witness reported that Radončić had forbidden reporting on Turković and Kelmendi at the time when she was working for the daily. At the same time, Zijad Turković witnessed that Radončić had ordered the murder of Naser Kelmendi. Source: CIN, "Šejla Turković: Zijad je naslijedio 900,000 KM",

- and CIN, “Turković: Radončić platio za likvidaciju Kelmendija”.
- 73 The fact that Radončić was appointed a Minister of Security of BiH in 2012 was interpreted by some as a further downfall of the legal order in BiH. See, for example, Imamović, “Bilo jednom u BiH.” *Buka*, 11 June 2012.
- 74 By the beginning of April 2014, it remains uncertain whether the current political interests will lead to the confirmation of his removal by the House of Peoples of the Parliamentary Assembly of BiH.
- 75 Some media report that Gavrilo Bobar, much like some other persons affiliated with the leading SNSD party, received a loan of approximately 3 million euros from the Investment and Development bank in Republika Srpska in 2011. The same source suggests that the sustainability of Bobar bank is dependent solely on the funds from the state institutions in Republika Srpska (M.D. “Propalu fabriku Prehrana Željka Dragičević prodala Gavrilo Bobaru” (Željka Dragačević sold the failed Prehrana factory to Gavrilo Bobnar), *Slobodna Bosna*, 11 August 2011.
- 76 See, for example, the article at: <http://www.6yka.com/novost/25490/cijena-bosnjastva> (accessed 4 February 2014). See also: <http://www.poslovnih.hr/afers/trgovacki-talent-s-bascarsije-45771>. Accessed 12 January 2014.
- 77 Consortium of companies Nezavisne novine and Integral engineering (later taken over entirely by Nezavisne novine). It was speculated that the privatisation was influenced by SNSD, and that thanks to political affiliations Kopanja was not fined for failing to employ a certain number of workers in *Glas Srpske*, as obligated by the privatisation contract. The sources are however only few, primarily found on the blog of the journalist Slobodan Vasković. Available at: <http://slobodanvaskovic.blogspot.com>. Accessed 19 January 2014.
- 78 See, for example, M. Aščić. “M:tel kupuje Logosoft za 24 miliona maraka” (M:tel buying Logosoft for 24 million KM), *Dnevni avaz*, 25 December 2013, p. 2.
- 79 Of the 49 distributors of TV and radio program, the major ones are Telemach Ltd., with the majority of capital belonging to the company Bosnia Broadband based in Luxembourg, Cable TV HS, owned by private entities Hajdarević Enes, Jovanka Kabanica, Fadi Abaz and the Sarajevo company Satelit, and the distributor Elta-kabel Ltd. owned by Aco Kabanica.
- 80 In September 2013, Croatian *Nova TV* issued a statement that distributors in BiH are not authorised to distribute their program. CRA reacted and took out *Nova TV* from the Annex to the Licence for distribution of the audio-visual media services, after which cable operators stopped the distribution of *Nova TV* programs. CRA indicated (in a written reply on 25 December 2013) that there were no other cases of disrespect for regulations related to the distribution of program, and that in the case of *Nova TV*, the distribution was stopped soon after Nova “retracted” the licence for BiH distributors to take-over their signal. However, Senad Zaimović, the director of the advertising agency Fabrika, points out that both TV channels from Croatia and the Agency for Protection of Intellectual Ownership informed him that the licence for re-broadcasting of their programs was not regulated. See article: <http://www.media.ba/bs/magazin-medijska-politika-regulativa/senad-zaimovic-javni-servisi-su-s-pravom-zabrinuti>. Accessed 20 February 2014.
- 81 The major ones are: McCann Erikson Sarajevo, owned by Universal media Ltd. Sarajevo, a company owned by a citizen of Serbia, Srđan Šaper; Direct media Ltd., owned by Multikom Group Ltd. Beograd (Serbia) and in part by the private person, Aleksandra Ćuk. It is part of the network of companies operating in the Adriatic region. Mita Group Ltd. Sarajevo is owned entirely by the private person, Mirsad Kučuk, but it is also part of the wide network of agencies. Communis Ltd. is an agency owned by private persons, Ivan Stanković from Serbia and Zvezdana Cvijetić from Sarajevo. Omni media Ltd. Sarajevo is owned by a Croatian citizen, Neven Čičko. The owner of sv-rsa office in Sarajevo, mentioned by secondary sources (but not in the online register of pravodusje.ba), is Neven Kulenović.
- 82 The ownership structure of Mareco Index Bosnia Ltd. includes Balkan British Social Surveys and INDEX AD Shareholding association from Bulgaria, D3 Systems Inc Austria/USA, as well as private persons – two from Austria and three from

- BIH, Roswitha Hasslinger, Friedrich Karmasin, Aida Hadžiavdčić-Begović, Vahid Kljajić and Reuf Kljajić. Aida Hadžiavdčić-Begović stated in an interview conducted on 19 December 2013 that the ownership is to be soon transferred from Reuf Kljajić to other owners.
- 83 Formed in 2005 with the support of USAID/Chemonics. Members are the larger TV media outlets and advertising agencies, which joined with the aim to provide financial and procedural framework for research in the broadcasting sector. MIB was chosen based on credentials and the lowest offered price.
- 84 The search of available database was a courtesy of Saša Leković and his colleagues from ICIJ (International Consortium of Investigative Journalists), who stated they had never come across a similar case.
- 85 Representatives of Audience Measurement declined to be interviewed for the purpose of this research. Similarly, by 4 March 2014, no reply was provided by the Institute for Measurement in BiH (a request was submitted on 14 December 2013).
- 86 Internet reached 57 percent of population in 2012, i.e. 551,037 subscribers and 2,184,500 users (CRA 2013b). Of the 100 surveyed online media users, 17 percent reported that they use online sources every day, and 47 percent of them almost every day, while only 5 percent reported that they do not use online sources for news. The same source suggests that users tend to visit online news sources via links on social media - almost one fifth of 100 respondents visited news sources exclusively through social networks (Husejinefendić 2012, 228).
- 87 CRA, *Analiza tržišta emitovanja* (The analysis of the broadcasting market), p. 11.
- 88 AFIP and FIP in the Federation of BiH and APIF in Republika Srpska. Majority of capital belongs to the respective entity (AFIP and FIP - Federation of BiH and APIF - Republika Srpska).
- 89 LRC Inženjering also provides this data on commercial basis, but it was recently accused by AFIP of illegitimately acquiring information and of some inaccuracies. However, the Council of Competition ruled that AFIP abused dominant position on the market. See more at: <http://afip.ba/index.php/component/content/article?id=48&amp>. Accessed 03 February 2014.
- 90 It is normally available for larger businesses. The information cannot be ceded to other persons, further distributed or published. See the guidelines for the access to financial information, published at: <http://afip.ba/images/materijali/PravilaOUstupanjuPodataka.pdf>. Accessed 3 February 2014.
- 91 As stipulated in the Law on Public RTV system BiH, Law on Public RTV service BiH, Law on RTV FBiH and Law on RTRS, and Rule 57/2011 on public RTV broadcasters.
- 92 For illustration, the reply (e-mail, September 2013) to our request for information on the funds given by the Government of RS was that decisions involving subsidies for media are published in the *Official Gazette of Republika Srpska*. However, there is an unmanageably large number of volumes of *Official Gazette* which should be explored individually to find these decisions.
- 93 Source: PR officers of the audit house of FBiH and the audit house of BiH, informal telephone conversations, December 2013.
- 94 For example, annual audits are provided yearly for institutions on the level of FBiH, but the audit office is mandated to provide audit reports on public companies only occasionally, per established criteria of priority.
- 95 The database is available at: <http://database.cin.ba/finansiranjeudruzenja/>. Accessed 3 February 2014.
- 96 Somewhat higher are the estimates of another advertising agency – overall 33 million euro of advertising revenues; TV 70 percent, outdoor 10 percent, online 4 percent.
- 97 As shown in Table 10, Telekom Srpske has invested much more funds for advertising in 2012 than the two public telecom companies. Telekom Srpske was privatised in 2006, and its major owner now is Telekom Srbije (65 percent of stocks). Another public company, Elektroprivreda, is perceived to be related with SDP. Due to limitations on this research, advertising practices of these companies will not be elaborated further.
- 98 The values are indicative but do not enable clear conclusions about the tendentious motives in this sense.
- 99 The managers of the members of Mreža plus network – ATV, *Hayat*, *TV Oscar C*, *TV Tuzla*, and *Pink BiH*. See, for example, the article entitled “Dok SIPA traga za milionima eura koje je

- ‘oprao’ Darko Aleksić, direktorica *ATV*-a Nataša Tešanović traga za – donacijama,” published by *Slobodna Bosna*, 10 November 2011, p. 4, where it is claimed that Darko Aleksić, one of the owners of *ATV* was for example paid 440,127 euro and was involved in the laundering of 1.94 million euro.
- 100 During that time, the advertising agency *SV-RSA* was engaged in *SDP*’s election campaign in 2010, which is also an indicator of connections between the owner of this agency, Neven Kulenović, and the political party *SDP* (Suzana Mijatović, a journalist of *Slobodna Bosna*, interview, 12 January 2014). Source: “Milionski profit HT Eroneta izvučen preko marketinških agencija zagrebačkog ‘Digitela’ i sarajevsko-beogradske agencije *SV-RSA* koju vodi marketinški mešetar Neven Kulenović,” *Slobodna Bosna*, 17 February 2011.
- 101 See more in the article by Esad Hećimović, Hervig G. Hoeler and Blaž Zgaga, a result of an investigative journalistic project, supported by the *SEE Media Observatory*, published in *Slobodna Bosna*, 23 January 2014, pp. 32–36. It should be noted that Hećimović is an editor in the *OBN* television, and is not a journalist of *Slobodna Bosna*, but this article was published in that magazine.
- 102 We have contacted *OBN* for interview, but did not receive the final positive reply from its managers.
- 103 See for example, Dedajić, M., “Pod lupom revizorski izvještaji za 2007 and 2008” (The Audit Reports for 2008 and 2008 Under Scrutiny), *Dnevni avaz*, 10 February 2009.
- 104 We addressed a request for an interview to *SV-RSA* on 5 March 2014, but we did not receive a positive reply.
- 105 Similarly, Mijatović said that *Slobodna Bosna* has never signed advertising contracts with the public company *Elektroprivreda BiH* after reporting critically about this company.
- 106 Source: *CIN*, “Srcem na izbore i u kupovinu domaćih proizvoda.”
- 107 *Gemius Audience* is a global company with headquarters in Poland and 17 offices of which two in the neighbouring countries. *Gemius* had cooperated with a company from *BIH* - *Valicon* (majority capital owned by the Slovenian company *Valicon Ltd.*, and a private person *Ismir Omeragić*) until 2012, when around 100 different websites were included in the research.
- 108 In addition, while the rankings do not recognise a user as one unique user if he/she is accessing from different locations and may therefore be operating with unrealistic numbers, the *GA* measurement system is taking into account the data from the field and is expectedly much more reliable (a telephone conversation, December 2013).
- 109 For example, *Dnevni avaz* is currently not included in the measurement system.
- 110 Hadživadić-Begović reports that media (especially *Slobodna Bosna*) have tendentiously reported on the inspections of *MIB* and on *MIB*’s alleged refusal to engage in the measurement system audit, while in fact the problem was the lack of resources for such an audit, and that they failed to publish *MIB*’s responses. Hadživadić-Begović also reports that one of the inspectorates requested *MIB* to disclose information on the households included in the measurement system. Given that this would be against the principles of media research, *MIB* instead offered to test the numbers on the measurement equipment without disclosing the data on households. In addition, one of the households informed *MIB* that there were some people in the field trying to find the households included in the research and replace the measurement equipment, after which *MIB* introduced additional mechanism for data protection. No significant misconduct was established through these inspections (conclusions of the inspectorate, research archive).
- 111 In several countries in Europe including Spain, Czech Republic, Serbia and Macedonia people metres are not included in the certification of metrology institutions (Source: responses by metrology institutions sent to *MIB*; director of *MIB* forwarded the replies to *Mediacentar*; saved in the project archive). On the other hand, for example, the *AGB Nielsen* in Slovenia had to attest the equipment, get the certificate from the Slovenian Institute for Quality and Metrology, based on which the relevant ministry issued the decision allowing the use of the equipment (Source: e-mail reply from *AGB Nielsen Media Research*, Slovenia, January 2014, research archive)..
- 112 Source: Aida Hadživadić-Begović, the director of *MIB*.

- 113 See MIB press releases at: <http://www.mib.ba/01e.asp> (accessed 25 January 2014). The Mediacentar foundation has tried to arrange interviews with the representatives of both Audience Measurement and the Institute of Metrology, but the former did not want to respond to the request, while the latter asked for an official, written request. We have filed the requests at the beginning of December 2013 but have not received any reply.
- 114 Adnan Bilal, the marketing director of *RTV FBiH*, Senad Zaimović, the director of Fabrika advertising agency.
- 115 Other employees of CIN are the members of CIN's assembly, plus the Governing Board with seven members from Europe and USA.
- 116 According to a written reply by Leila Bičakčić, January 2014.
- 117 At the conference on the results of intervention of the international community in the region, organised by Analitika, Sarajevo, 16 October 2013.
- 118 Boards of Governors cannot include government officials, members of political parties, employees within PSB or of other companies involved in broadcasting, etc. However, other forms of possible interests in media-related companies are not included in the prohibition of conflict of interest (such as indirect connections, capital shares etc). The protection against unwarranted dismissal is partly provided by the requirement to specify the ground for the dismissal of board members and directors, but the three laws do not specify the appeal procedures and thus offer little protection against politically motivated dismissals by entities' parliaments.
- 119 See supra note 32.
- 120 The role of the Board of Governors includes the protection of interest of the public in terms of the broadcast program, supervision of the overall business performance and of the use of the broadcaster's property.
- 121 Since then, the Parliament of FBiH moved to other priorities leaving the issue unresolved, with one of the members of the previous Board resigning in June 2013, while the term in office of the rest of them expired (the last one in July 2013). Similarly, the attempts in 2009 to discharge the director of *BHRT*, Mehmed Agović, now the advisor to the Minister of Traffic and Communication, were seen to be bogusly justified by poor business performance, while being most likely motivated by the interests of leading political groups.
- 122 See, for example, the interview with Borka Rudić, the Secretary General of the BH Journalists association. See *MC Online*, "BH novinari: Ovo je politička optužnica."
- 123 Also, under the pressure of the European Union, the laws pertaining to *RTVFBiH* and *RTRS* were amended. The Law on *RTRS* was adopted on 11 May 2006. The Law on *RTVFBiH* was questioned for a possible violation of "vital national interest" i.e. equal rights of constituent peoples in decision-making, education, religion, language, nurturing of culture, tradition and heritage. Finally, the Law was adopted in August 2008.
- 124 Some progress was made during 2012 with the installation of digital transmitters, connecting three centres with PSB offices in Mostar, Sarajevo and Banja Luka. By the deadline for the switchover (December 2014), the procedural issue, development of infrastructure, public campaigning and assurance of both technological and informational readiness of citizens, should be resolved.
- 125 Complaint procedures have taken two years, partly due to the fact that the Complaints Office is slow and their term in office has expired. This infrastructure should be "connecting five IT centres in the system of digital connections and transmitters covering the area of Sarajevo, Mostar and Banja Luka with the digital signal" (Mehmed Agović, in a written reply, January 2014). The funds for this phase are already assured, and if there are no complaints over the tender, the realisation of this phase should start approximately by the end of February or in March 2014, Agović indicated.
- 126 See the article "Zašto je (ne)privatljiva hrvatska televizija u BiH". Available at: <http://www.media.ba/bs/magazin-medijska-politika-regulativa/zasto-je-neprihvatljiva-hrvatska-televizija-u-bih>. Accessed 21 December 2013.
- 127 See for example a series of articles published at: <http://www.media.ba/bs/magazin-medijska-politika-regulativa/da-hrvatskom-kanalu-u-bih> (accessed 21 December 2013).

- 128 The relevant laws on PSBS stipulate the existence of a program council, an advisory body including representatives of different constituents of the population, but their role has so far been marginal.
- 129 See for example Isanović (2008, 289).
- 130 See for example Tešanović (2011, 50).
- 131 However, the relevant institutions do not share the same view. At the assembly of the Council of Competition held in December 2013, *OBN's* charges against all three public service broadcaster were dismissed on the grounds that the abuse of dominant position of the market could not be determined. See: <http://bihkonk.gov.ba/7127.html> (accessed 8 February 2014).
- 132 Each of the three broadcasters had been allowed six minutes of advertising per hour, i.e. 18 minutes in total, before it was reduced to four minutes per hour (a decision that will soon be reconsidered; more in the chapter on policies), while commercial media are allowed 12 minutes of advertising per hour. In some cases, PSBS practice discounts that sometimes exceed 70 percent of the regular advertising price (CRA 2013a).
- 133 At the same time there are differences in the functioning of three broadcasters, with *FTV* having higher expenses than other two broadcasters and a higher average salary. The average salary of *RTV FBiH* employees is by 27.06 percent higher than that of *BHT* employees, and 24 percent higher than in *RTRS*, although CRA claims that their programs do not differ significantly
- 134 See Boev (2012, 29).
- 135 The percentage is approximate, but the idea is to limit the influence of the markets on the programming of public service broadcasters (*Article 19* 2005, 14).
- 136 This is the lowest possible percentage, and most likely there is a considerable number of households exempt from the obligation to pay licence fee, although we do not have the precise data (CRA 2013a, 15–17).
- 137 As a part of this research, 12 interviews with journalists, editors and owners of media outlets were conducted in October 2013, focused on position and performance of journalists (the remaining interviews were focused on other issues), while trying to respect the territorial and ethnic diversity, as well as to include different media sectors: public and private TV stations, radio, newspapers and online media.
- 138 See, for example, Marko (2012) and Jusić (2004).
- 139 Indicated by several respondents in this research. See also Marko, 2011–2012, p. 6.
- 140 For example, the current Minister of Economic Relations and Regional Cooperation of RS, Igor Vidović, was previously a member of the Governing Board of *RTRS* (four-year term, starting in 2009), and before that an official within the Assembly of the City of Banja Luka (2004–2008). The term in office of the previous director of *RTRS*, who was often mentioned for his support of the leadership of SNSD, was extended for 10 years, until September 2013 when he was finally replaced. It is speculated that the reason behind this replacement was that SNSD was not satisfied with his support anymore. See, for example, M.D., “SB saznaje: Dodik smijenio Davidovića, generalnog direktora RTRS-a.”
- 141 Some sources suggest the editor-in-chief does not have the minimum of five years of experience at editorial position, as requested in the call (see N.S., “Pisma čitatelja: Vera Sajić bira rukovodstvo Srne”). Željko Raljić of the *Respekt* magazine, interviewed on 7 October 2013, believes that the editor is closely affiliated with SNSD and will be appointed again; he also reckons that the new call for candidates will possibly not be published before the current editor gains the needed experience. In addition, the editors and journalists of this agency submitted a letter to the government of RS in August 2013, asking for a new management with required competencies (see for example “Urednici Srne pisali vrhu Srpske: spasite nas, na samom smo dnu,” *Kurir*).
- 142 It is likely that journalist themselves tend to work in media outlets which share their ideological position (as Isović suggested), or they later start to identify with that ideology and political option (as Žigić suggested). Most notably, the dominant ethno-national and entity fragmentation within BiH is reflected in the stances taken by journalists, which automatically assures much of their compliance with the particular interests of political elites. Two respondents also point to a problematic involvement of journalists in the political

- campaigns and their role of advisors to state officials, or involvement as party candidates.
- 143 Forty percent believe that there are occasional cases, 18 percent believe they are inherent to media practices, while 41 percent of respondents said they did not have knowledge of the existence of such practices. Only one respondent reported that he personally had been ordered not to report critically about certain governmental structures (Hodžić, 2008).
- 144 The Municipality Court in Sarajevo decided almost two years later that the dismissal was unwarranted and that Jurišić should be re-appointed. By that time, however, the position of chief editor ceased to exist due to internal changes in the FTV statute, which were again believed to be illegitimate. Jurišić was offered a different position in 2012, but refused reckoning it was not a fair equivalent. In mid 2013, Jurišić was appointed the editor of the TV program. However, this positive resolution was rather a result of changed circumstances, loosened political ties and judicial remedies, than an indicator of lasting changes in terms of the legitimacy of appointment procedures and political independence (see for example Sadiković, “Jurišić smijenjena zbog političkih pritisaka?”). In another case, although the declared reasons for the demotion of the editor of news program, Bakir Hadžiomerović, were the lack of professionalism and violation of journalistic norms, Mirza Huskić, a representative of the Trade Union of RTVFBiH and BHRT indicates that the dismissal was in fact tendentious and procedurally questionable (interview in October 2013).
- 145 Estimates by the respondents in the MSI research (IREX 2013, 25).
- 146 The salaries in the biggest outlets reach around 800 euro, and in rare cases up to 1790 euro.
- 147 Both interviews conducted in October 2013.
- 148 See Hodžić (2010, 13–15).
- 149 An interesting case was incitement to violence on Facebook against the journalist Predrag Lucić in April 2013, for his satirical poem about the war crimes in the village of Ahmići. The poem focused on the role of the Croatian army in the committed crimes but was mistakenly interpreted as disrespectful and politically problematic.
- 150 OSCE press release available at: <http://www.oscebih.org/News.aspx?newsid=1565&lang=EN>. Accessed 12 January 2014.
- 151 The attack by the President of Republika Srpska on BNTV journalists, accusing them of “taking the money from the Americans to destroy [him];” the attack of the mayor of Trebinje municipality on the journalist Nebojša Vukanović (ATV) and other journalists present at a press conference (February 2013). The editor of *Slobodna Bosna* magazine reported numerous threats and insults by Zoran Čegar, Chief of the Intelligence Sector of the Police of Federation BiH in May 2013. A member of the Assembly of Una-Sana Canton even physically attacked a journalist of the online outlet *IN Media* in January 2013, etc.
- 152 In addition, Željko Raljić, a respondent in this research, reported that he was exposed to a form of pressure in July 2013 when he was interrogated at the Ministry of Internal Affairs, as he believes, under the instruction of the chief of security of the President of the RS, after he published a pamphlet that had been sent to his office portraying the president of the RS as corrupt and a criminal. As Raljić said, the interrogation was focused on revealing the name of the person distributing the pamphlet, but Raljić refused to disclose this information.
- 153 President of the RS filed a lawsuit against Ljiljana Kovačević in May 2013, after she reported on the Prosecutor’s Office investigation concerning the construction of a government building in Banja Luka.
- 154 By the end of April 2012, only one of them was legally binding.
- 155 Law on Associations and Foundations of BiH, Constitution of FBiH, Constitution of RS.
- 156 Fourteen individual trade union organisations with around 200 employees and five individuals are members of this union (source: Mariana Šarčević, a representative of the Trade Union of Media and Print Workers in the RS). Eighteen media and around 1600 journalists are members of the Trade Union of Graphic, Publishing and Media Workers in FBiH (source: Amer Toskić, a representative of the Trade Union); both inputs provided through telephone and e-mail communication in August 2013.

- 157 A survey conducted in 2007 (Hodžić 2008) showed that around 31 percent of respondents – media workers (out of 121 in total) were members of trade union organisations. However, the trade union organisation in RS put the percentage at around 60; other sources indicate 15 percent of media workers are members of trade union organisations in BiH (Tešanović 2011, 63).
- 158 Press Council of BiH and BH Journalists 2012, 24-25.
- 159 They are: BH Journalists association (BH novinari), Association of Journalists of RS, Association of Young Journalists of RS, Association of Croat Journalists from BiH, Association of BH Journalists, and Network of Women Journalists. Additionally, there is the Association of Reporters from the Courts of BiH, as a part of Balkan Investigative Reporting Network (BIRN), but it is not registered as an association.
- 160 Information provided by BH Journalists on 19 November 2013.
- 161 Some sources suggest their reactions are not always consistent and, for example, there were no reactions to tendentious journalism in *RTV FBiH* prior to 2012.
- 162 Marko (2012, 10) also questions whether the major conference that this association organised was more of a political event, given that the main guest of the conference was the President of Republika Srpska who spoke of the economic perspectives of the RS.
- 163 See, for example, analytical article by Paulina Janusz, “Spin of a spin”, available at: <http://www.media.ba/bs/magazin-novinarstvo/spinom-na-spin> (accessed 3 March 2014), as well as article: “Protestants were promised the weapons for attacks on Republika Srpska”, available at: [http://pressrs.ba/sr/vesti/vesti\\_dana/story/54891/Demonstrantima+obe%C4%87ano+oru%C5%BEje+za+napad+na+RS!.html](http://pressrs.ba/sr/vesti/vesti_dana/story/54891/Demonstrantima+obe%C4%87ano+oru%C5%BEje+za+napad+na+RS!.html). Accessed 3 March 2014.
- 164 See, for example, previous MSI IREX reports.
- 165 However, the effects of these affiliations on media content should not be overemphasised. As one of our respondent said, most of the media content is still correct, and only content directly related to the relevant political parties can be expected to be biased and unprofessional (Davud Muminović, an assistant editor at *Al Jazeera Balkans*).
- 166 See also Džihana et al. (2012).
- 167 This statement is based on the perception of few respondents and it has by no means been confirmed through systematic content analysis.
- 168 In 2013, the court allowed CIN to access information on the salaries of state officials in two state institutions. See more at: <http://www.cin.ba/cin-dobio-dvije-tuzbe-protiv-institucija/>. Accessed 9 February 2014.
- 169 One of interviewees said, based on his own experience, that the *DW* follows professional standard of balanced reporting and allows investigative journalism (Emir Musli, a freelance journalist).

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