

MAPPING DIGITAL MEDIA: BOSNIA AND HERZEGOVINA



Mapping Digital Media: Bosnia and Herzegovina

A REPORT BY THE OPEN SOCIETY FOUNDATIONS

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Mapping Digital Media

The values that underpin good journalism, the need of citizens for reliable and abundant information, and the importance of such information for a healthy society and a robust democracy: these are perennial, and provide compass-bearings for anyone trying to make sense of current changes across the media landscape.

The standards in the profession are in the process of being set. Most of the effects on journalism imposed by new technology are shaped in the most developed societies, but these changes are equally influencing the media in less developed societies.

The **Mapping Digital Media** project, which examines the changes in-depth, aims to build bridges between researchers and policymakers, activists, academics and standard-setters across the world. It also builds policy capacity in countries where this is less developed, encouraging stakeholders to participate and influence change. At the same time, this research creates a knowledge base, laying foundations for advocacy work, building capacity and enhancing debate.

The Media Program of the Open Society Foundations has seen how changes and continuity affect the media in different places, redefining the way they can operate sustainably while staying true to values of pluralism and diversity, transparency and accountability, editorial independence, freedom of expression and information, public service, and high professional standards.

The Mapping Digital Media project assesses, in the light of these values, the global opportunities and risks that are created for media by the following developments:

- the switch-over from analog broadcasting to digital broadcasting;
- growth of new media platforms as sources of news;
- convergence of traditional broadcasting with telecommunications.

Covering 60 countries, the project examines how these changes affect the core democratic service that any media system should provide—news about political, economic and social affairs.

The **Mapping Digital Media** reports are produced by local researchers and partner organizations in each country. Cumulatively, these reports will provide a much-needed resource on the democratic role of digital media.

In addition to the country reports, the Open Society Media Program has commissioned research papers on a range of topics related to digital media. These papers are published as the **MDM Reference Series**.

Mapping Digital Media: Bosnia and Herzegovina Executive Summary

Both media organizations and the organization of media in Bosnia and Herzegovina have been profoundly affected by ethnocentrism, political clientelism, the withdrawal of international donors, and the financial crisis. As a result, the country's march towards digitization has been protracted and uneven.

In 2009, the Council of Ministers formally adopted a strategy which envisaged a quick and efficient switch-over process, with public broadcasters leading the field. But progress has been marred by insufficient funding, institutional inertia, and political divisions. In particular, there is a lack of coordination between the regulator, relevant government ministries, and the various public broadcasters. This was epitomized by the attempt of one public broadcaster, in Republika Srpska, to begin autonomous experiments with digital broadcasting as early as 2009, using different standards to those formally adopted by the country's converged communications regulator. This episode resulted in considerable confusion and a loss of public confidence, along with enforcement action against the broadcaster.

Nevertheless, there have been recent signs of progress, with the installation of digital transmitters developing apace in 2012. Advances in the rest of Europe have put pressure on authorities to get their act together and the new deadline of 2014 for analog television switch-off may yet be achievable.

Elsewhere on the digital media map, online connectivity has been growing steadily while broadband take-up grew exponentially in the last five years. In 2011, 55 percent of the population had access to the internet, of which more than 80 percent was via broadband connections. Although gender, ethnic, and urban/rural divides are being gradually dismantled, internet activity is still heavily concentrated within younger age groups.

Not surprisingly, then, television remains by far the dominant medium overall, particularly for news and information, and terrestrial is still the most popular platform of delivery. But its dominance has been eroded

by the growth of cable, which now accounts for 40 percent of household access (compared to 45 percent for terrestrial) with satellite confined to the margins. Radio listenership is still significant but unstable, with marked fluctuations in recent years, while newspaper readership has always been relatively low, even in the former Yugoslavia.

Against this backdrop, the promise of digital television lies principally in extending the territorial reach of terrestrial channels and thereby potentially fostering a more inclusive public sphere. Only the national public broadcaster currently has near universal coverage, with the remaining 44 licensed terrestrial broadcasters confined to regional areas. Whether this can foster greater unity among audiences that are highly fragmented along ethnic lines remains to be seen.

With the growth of cable and IPTV platforms, the primary effect of extending coverage has been the growth of commercial channels at the expense of public service broadcasters. The audience share of the most successful public broadcaster, Federal Television, has fallen by almost two-thirds in the past decade, with commercial channels picking up the spoils. Although public broadcasters still play a leading role in news provision, growing competition has resulted in overt commercialization of their output.

Radio diversity has been hampered by the drive to attract mainstream audiences. This has left niche audiences under-served, and digitization is not expected to open up new horizons in this respect. In any case, consumer survey data suggest that radio is used primarily for entertainment, with news and information being the preserve of television and, increasingly, the internet.

With regard to the latter, news and information services are dominated by new and emerging online-only editions. The websites of both newspapers and broadcasters have made few inroads into the online news audience. Some websites of public broadcasters are developing rapidly, but most are still perceived as visually unattractive with limited functionality.

Although the growth of online-only news services has fostered a degree of plurality in the overall news landscape, this has not translated into a more diverse news offer. This is because resource constraints and a lack of professionalism have left online journalism largely dependent on agency sources and stories recycled from conventional outlets.

There are, however, significant, albeit isolated counter examples that have demonstrated the enabling potential of digital technologies in original news gathering and dissemination. One such example is the donor-supported Center for Investigative Journalism in Sarajevo, which exploits multimedia opportunities to make a tangible impact on the mainstream news agenda. There have also been innovations in the way that news reports are presented and linked to source material as well as other consumer services. And although most online news outlets are staffed by non-professional journalists, ethical standards are gradually being adopted as proprietors become aware of the benefits in terms of credibility and protection from potential legal threats. Thus, 2011 saw the beginnings of a transformation of the self-regulatory Press Council into a Council for the Press and Online Media.

Nevertheless, there has been a substantive decline in overall news quality over the last five years, as a result of diminishing media independence. The reliance of online news outlets on agency sources is a contributing factor, but this decline is largely unrelated to digitization. More significant has been the financial crisis and withdrawal of international donors, which has opened the door to preferential media funding by the state and political elites vying for influence and control.

It is too early to tell whether digital activism will be an effective counterweight to this. The seeds of activism are evident in the use of social media to mobilize protests and the emergence of new civil society organizations, based around an online presence. But the reach of their influence remains undetermined and hampered by the extent of ethnocentrism prevailing in the country.

The financial crisis has undermined the financing of both commercial and public broadcasters with the latter being forced to slash advertising tariffs by up to 74 percent. The problem has been compounded by market saturation which threatens the sustainability of the television industry post-digitization. But conventional media have not been hit by significant migration of advertisers or audiences to online outlets, suggesting that current pressures may be more cyclical than structural. Economic recovery and industry consolidation are widely seen as the antidotes. It is perhaps in view of this that established media groups have not experimented with new business models or sought alternative revenue sources. Some attempts to erect pay walls around online news have proved unsustainable.

The regulatory authority, for its part, has done its best to respond to the challenges of digitization in the interests of all stakeholders. Established in 2001 as a converged regulator, the Communications Regulatory Agency has incorporated on-demand services into the regulatory framework in line with the European Union's Audio-Visual Media Services Directive. It has also administered spectrum licensing in a manner that is generally perceived as fair, efficient, and transparent. This is in spite of intense political pressure from the outset, much of which has been applied through state levers of funding and appointments. In 2008, for instance, the Law on Salaries and Compensations in the State Institutions was seen as recompense for the Agency's demonstrable independence, resulting in wage cuts of up to 60 percent for some of its employees.

Political pressures have been cited as one possible reason why the Agency's enforcement actions have been somewhat lacklustre in notable recent cases. Nevertheless, its commitment to transparency as well as to professional and ethical regulatory standards has won international commendation.

More generally, the legal framework has struggled to keep pace with digital developments, leaving a degree of uncertainty, particularly in respect of libel and media ownership. With regard to the former, there is a lack of clarity as to who is responsible for defamatory content online. With regard to the latter, there have not yet been any moves to replace previous legislation governing media ownership which expired in 2005.

With these limitations in mind, the report proposes a series of compelling policy recommendations aimed at catalyzing the digitization process, improving the function of public service broadcasting, and enhancing the stability and independence of both media markets and the regulatory institutions that oversee them.

These include a call for new legislation on media ownership; ensuring efficient work of the Digital Terrestrial Television Forum with a view to expediting switch-over; a new system of funding for the Press Council; a range of measures to protect the autonomy of the Communications Regulatory Agency; and greater coordination between public broadcasters and adherence to their mandates.

Context

The situation of the media in Bosnia and Herzegovina (*Bosna i Hercegovina*, BiH) has inevitably been shaped by the difficult economic situation, the lack of stability of its political system, and the particularization of society along ethno-national lines after the 1992–1995 war. Therefore, the data on social and economic indicators differ significantly from those considered average for European Union member states. For example, the EU's average GDP per head for 2009 was US\$32,947.65,¹ which was almost eight times higher than that in BiH (US\$ 4,278,556). By the same token, average unemployment in the EU was 9 percent in 2009, while in BiH it was 24 percent, representing an almost threefold difference.

The assessment of social indicators is additionally impeded by the fact that no census has been carried out for 20 years, and most of the available data do not give a clear indication of current demographic trends. Research during the post-war years² shows significant differences, as some studies include only the two “entities”—the Federation of Bosnia and Herzegovina and/or the Republika Srpska—while others take into consideration the refugees living outside the country and treat them as potential returnees. Last but not least, there are no usable data in Bosnia and Herzegovina relating to the linguistic composition of the population.³

While BiH strives to become a member of the European Union, there are many obstacles in its path. This was confirmed by the European Commission Progress Report for BiH in 2010,⁴ which stated that “the overall implementation of reforms is insufficient and the domestic political climate during the pre-electoral period has been dominated by nationalistic rhetoric. The lack of a shared vision on the direction of the country is blocking key EU-related reforms and impeding further progress toward EU accession.”⁵

1 See http://epp.eurostat.ec.europa.eu/portal/page/portal/sector_accounts/data/database (accessed 12 January 2012).

2 Republika Srpska Institute of Statistics, *Statistical Yearbook of Republika Srpska, 2010*. See <http://www.rzs.rs.ba/PublikacijeENG.htm> (accessed 20 April 2011). Federal Office of Statistics, *Statistical Yearbook, 2010*, at <http://www.fzs.ba/Eng/gode.htm> (accessed 20 April 2011).

3 No comprehensive data on language use in Bosnia and Herzegovina have been obtained since the 1991 census, according to which the Bosnian language was spoken by 37.28 percent of citizens, Serbo-Croatian by 26.52 percent, Serbian by 18.84 percent, and Croatian by 13.44 percent. However, these are pre-war data, and as such, are hardly relevant today. See the Federal Office of Statistics (Federalni zavod za statistiku), *Register of citizens of BiH*, May 1991, at <http://www.fzs.ba/Dem/Popis/Etnicka%20obiljezja%20stanovnistva%20bilten%20233.pdf> (accessed 31 May 2012).

4 See European Commission 2010, “Bosnia and Herzegovina 2010 Progress Report,” at http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ba_rapport_2010_en.pdf (accessed 4 May 2011).

5 European Commission, 2010, “Conclusions on Bosnia and Herzegovina,” at http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/conclusions_bosnia_en.pdf (accessed 4 May 2011).

The global recession in 2009 had a significant impact on BiH. During that year, GDP fell by 2.9 percent, industrial production by 3.3 percent, exports of goods and services by 17.6 percent, and imports of goods and services by 24.2 percent. In an attempt to re-establish fiscal stability, the authorities signed a standby arrangement with the International Monetary Fund (IMF) in July 2009, worth €2.1 billion.⁶ Exports increased in 2010 by more than 30 percent, but this was mainly due to recovery in the EU countries.⁷

The 1992–1995 war ended with the Dayton Agreement, brokered by the international community. This agreement created an unstable governance system comprising a collective presidency (with a Bosniak, a Serb, and a Croat representative), a weak central government, and two “entities”. Power in one of the entities (the Federation), as well as in the “cantons” of which it is composed, is shared or split between Bosniaks and Croats. It has often proved impossible to gain agreement between the two entities on measures to strengthen state institutions. The lack of political unity is reflected in the media landscape, which remains—more than 15 years after the end of the war—highly fragmented. Under pressure from the crisis and from the operation of a market that was partly created by international donors, the media are increasingly under the control of local political and economic centers of power. Although BiH adopted a strategic document defining the transition to digital broadcasting in 2009, not much has been done toward its implementation.

6 Centar za politiku i upravljanje (Centre for Politics and Management), 2009, *Put ka oporavku* (The Way to Improvement), p. 4, at <http://www.cpu.org.ba/files/Odgovori%20na%20ekonomsku%20krizu%20i%20srednjorocne%20perspektive%20razvoja%20.pdf> (accessed 4 May 2011).

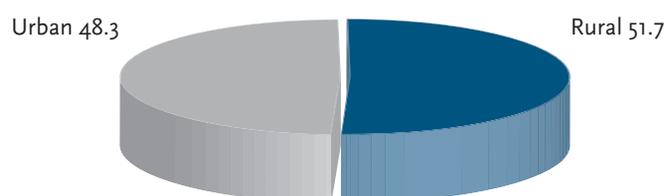
7 A. Domazet, 2010, “Bosnia and Herzegovina: Society and economics in the trap of politics,” in V. Bartlett and V. Monastiriotis (eds.), 2010, *Southeast Europe after the Economic Crisis: A New Dawn or Back to Business as Usual*, LSEE Research on South Eastern Europe, at <http://www2.lse.ac.uk/europeanInstitute/research/LSEE/PDF%20Files/Publications/SEE%20Crisis%20Book.pdf> (accessed 4 May 2011).

Social Indicators

Population (estimated number of inhabitants): 3,843,126 (2010)⁸

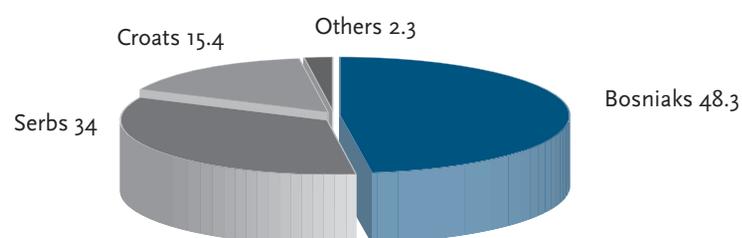
Number of households: 1,090,000 (2009)⁹

Figure 1.
Rural–urban breakdown (% of total population), 2010 estimate



Source: United Nations, *World Urbanization Prospects—the 2011 revision*, 2011¹⁰

Figure 2.
Ethnic composition (% of total population), 2001 estimate



Source: Ministry for Human Rights and Refugees, *Revised core document forming part of the reports of states parties Bosnia and Herzegovina*, Sarajevo, October 2010, p. 8

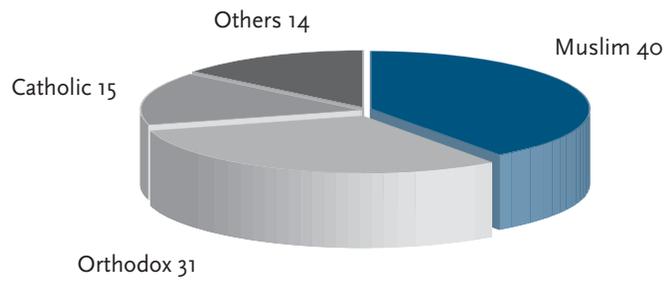
8 Agency for Statistics of Bosnia and Herzegovina, at <http://www.bhas.ba/eng/Default.asp> (accessed 27 December 2010).

9 Provided by the Open Society Foundation (OSF).

10 See http://esa.un.org/unpd/wup/Country-Profiles/country-profiles_1.htm (accessed 12 March 2012).

Figure 3.

Religious composition (% of total population), 2012 estimate



Source: CIA, *The World Fact Book: Europe—Bosnia and Herzegovina*, last updated 23 April 2012¹¹

¹¹ See <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html> (accessed 30 May 2102).

Economic Indicators

Table 1.

Economic indicators

	2005	2006	2007	2008	2009	2010	2011	2012
GDP (current prices), total in US\$ million	10,890	12,349	15,228	18,501	17,043	16,202	16,631	17,808
GDP (current prices), per head in US\$	4,370	4,912	5,556	6,316	6,146	6,219	6,513	7,021
Gross National Income (GNI), per head, current \$	6,500	7,350	8,150	9,380	8,680	n/a	n/a	n/a
Unemployment (% of total labor force)	31.1	31.1	29.0	23.4	24.1	27.2	23.0	21.0
Inflation (average annual rate in % against previous year)	3.6	6.1	1.5	7.4	-0.4	2.4	2.5	2.5

Note: Data for 2012 are forecasts. n/a: not available

Sources: World Bank for GNI; International Monetary Fund (IMF) for GDP, unemployment and inflation

These figures show that the country is facing severe economic problems, which overshadow all sectors of its development. The difficult financial situation directly affects the forthcoming digitization, as its implementation needs many resources currently unavailable. Hence, the process is moving at a slow pace and is failing to keep up with the countries of the EU. Moreover, it is not just the finances that affect this development. Social components in general—and the ethno-nationality based divisions in particular—are in no way less crucial, since they define the very functioning of the media, which in Bosnia and Herzegovina often results in clashes among media outlets, with negative implications for media diversity and pluralism.

1. Media Consumption: The Digital Factor

1.1 Digital Take-up

1.1.1 Digital Equipment

Bosnia and Herzegovina is a country of television viewers. The percentage of households owning a television set is close to 100, and the past five years have seen no significant changes in this regard. In addition, the share of other types of equipment, such as PCs, is constantly increasing.

Table 2.
Households owning equipment, 2005–2010

	2005		2006		2007		2008		2009		2010	
	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH
TV sets	1,042	95.6	1,075	98.7	1,051	96.5	1,050	96.2	996	91.4	1,068	98.2
Radio sets	535	49.1	830	76.2	612	56.2	609	55.8	671	61.6	737	67.8
PCs	218	20.0	242	22.5	274	25.2	307	28.2	555	51.0 ¹²	n/a	n/a

Note: HH: households owning the equipment; THH: total number of households in the country; PC: personal computer; TV: television; n/a: not available

Source: Editors' calculations based on data from the International Telecommunication Union (ITU)

Most households are not well prepared to access the content provided by digital media. However, this situation may well change soon, as the authorities do acknowledge the necessity of dealing with this issue. Keeping pace with the development of media in Europe is a goal for both the people in the media sector and the authorities, since it is one of the key points relating to the accession of Bosnia and Herzegovina to the EU.

12 UNDP, *E-Readiness Assessment Report*, 2009, Sarajevo, p. 10, at <http://www.undp.ba/upload/News/e-Readiness%202009.pdf> (hereafter UNDP, 2009, *E-Readiness Assessment Report*) (accessed 18 March 2011).

Based on the data collected, television is the primary source of information, as virtually all households own a television set and therefore have access to television news. However, digital media require equipment that most people do not have. Even though there are no exact data on the number of digital television sets in households, it is noticeable that interest in such equipment is increasing. According to media sources,¹³ sellers of LCD and plasma sets emphasize that consumers are extremely interested in these devices, and all those who have the money are eager to buy the latest digital television technologies.

With respect to radio, the percentage of households owning radio equipment has varied over the past five years. There was an increase in 2006, when 76.2 percent of households claimed to possess radio sets and to use them as a news source. This number decreased in 2008, when only 55.8 percent of households reported ownership of a radio.¹⁴ According to data for 2010, 67.8 percent of households said they had radio equipment.¹⁵

As a platform for accessing news the internet has become increasingly significant, since the number of households owning a PC is constantly growing and so, too, is internet penetration. According to research carried out in 2009,¹⁶ 51 percent of households owned a PC, which was 2.5 times more than in 2005.

The information and communication technologies sector (ICT) has also demonstrated strong development during the past few years. In 2007, the ICT market in BiH was estimated at US\$187.38 million with a 5 percent increase in the same year (although this is less than the rate of total industrial growth in the country, however).¹⁷

According to the Euromonitor International Report for BiH, the number of cellular phone users grew from 44.5 percent in 2004 to 76.7 percent in 2009.¹⁸ At the same time, income in the sector of mobile telephony has increased: in 2004, it made up 40 percent of the total income of telecoms operators, rising to 45.8 percent in 2009.¹⁹ This is due to the fact that telecoms operators offered new services, such as broadband mobile internet or data transfer, thus showing their intention to continue the rapid overall development of this sector.²⁰

13 Business web portal Beta, at <http://www.beta.ba> (accessed 9 February 2011).

14 OSF Editors' calculations based on data from the ITU.

15 Data from the Media Department of Mareco Index Bosnia, "BiH Media Market Monitor—yearly publication," 13 December 2010.

16 UNDP, 2009, *E-Readiness Assessment Report*, p. 10.

17 UNDP, 2009, *E-Readiness Assessment Report*, p. 9.

18 Euromonitor, "Technology, Communications and Media in BiH," 9 February 2011, at <http://www.instore.ba/istrazivanje/56-euromonitor-international/751-tehnologija-komunikacija-i-mediji-u-bosni-i-hercegovini.html> (hereafter Euromonitor, "Technology, Communications and Media in BiH," 2011) (accessed 18 March 2011).

19 Euromonitor, "Technology, Communications and Media in BiH," 2011.

20 Euromonitor, "Technology, Communications and Media in BiH," 2011.

1.1.2 Platforms

As mentioned previously, the dominance of television is noticeable in BiH. The most widespread platform for television transmission is still the terrestrial network. However, the share of this platform as a part of viewers' total television signal reception has been falling steadily since 2005. On the other hand, the biggest increase has been noticed in relation to cable television, as the number of cable users tripled between 2005 and 2010.

Some 85 percent of television reception is through terrestrial and cable networks (2010), while the satellite share is rather small. BiH authorities' estimates show that the satellite platform is mainly used as an alternative, and that the local program producers are oriented mostly toward terrestrial and cable networks.²¹

Terrestrial television development in BiH is characterized by a large number of television stations. At present, there are 44 television stations in addition to the three public broadcasters.²² However, limited territorial coverage remains one of television broadcasters' greatest problems. Only the national public broadcaster—Radio-Television of Bosnia-Herzegovina (*Radio Televizija Bosne i Hercegovine*, BHRT)—covers most of the country, reaching about 89.3 percent of the population.²³ The other two public broadcasters—Radio-Television of Republika Srpska (*Radio Televizija Republike Srpske*, RTRS) in Republika Srpska and Radio-Television of Federation of Bosnia-Herzegovina (*Radio Televizija Federacije Bosne i Hercegovine*, RTVFBiH) in the Federation of BiH—are aimed primarily at their respective entities, where RTVFBiH covers 89 percent of the population of the Federation, while RTRS reaches 94 percent of the population of the Republika Srpska.²⁴ Data from the Communications Regulatory Agency (CRA) state that “the majority of authorized TV stations have limited local viewership,” and only two private television stations, the Open Broadcast Network (OBN) and PINK, manage to reach more than two million viewers.²⁵

Up to June 2012, there has been no experimental phase related to digital terrestrial broadcasting. Digital satellite and cable reception are available on a limited scale, and there are no official data about their respective audience shares. Any increase in these two types of reception does not look very promising at the moment, given the poor economic situation in BiH and their relatively high subscription prices, which are still unaffordable for the average consumer.

21 Council of Ministers of BiH, “Strategy on the Digital Switch-over within the Frequency Bands of 174–230 MHz and 470–862 MHz in Bosnia and Herzegovina,” p. 47 (hereafter “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009), at http://www.dtt.ba/eng/Bilten_eng/StrategyDTT_2009.pdf Sarajevo (accessed 18 March 2011).

22 Communications Regulatory Agency Register of TV stations, 25 May 2012, at <http://rak.ba/bih/index.php?uid=1273787112> (accessed 30 May 2012).

23 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 48.

24 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 52.

25 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 53.

The analog cable television market has been growing steadily, however, and recently became the most competitive sector in the country. There were 50 cable providers at the end of 2009 in BiH,²⁶ although significant mergers and acquisitions followed the entrance of Telemach (owned by MID Europe Partners) to the market in 2010. By September 2010, Telemach had taken over the three main cable and internet providers, BH Cabel Net, Elob, and GlobalNet, which had controlled almost four-fifths of the Sarajevo market. Telemach has already started to establish its own optical cable network, covering all the areas from Bosanska Gradiška in northwestern Bosnia, to Metković in southern Herzegovina. According to news reports, this cable network will be significantly bigger and stronger than those used by all its other competitors,²⁷ and it will inevitably provide consumers with higher quality services. Its prices are also expected to be much more affordable.²⁸

Table 3.
Platforms for TV reception, 2005–2010

	2005		2006		2007		2008		2009		2010	
	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH	No. of HH ('000)	% of TVHH
Terrestrial reception – of which digital	648	60	648	60	641	55	583	50	583	50	525	45
Cable reception – of which digital	151	14	151	14	292	25	350	30	408	35	466	40
Satellite reception – of which digital	281	26	281	26	233	20	233	20	175	15	175	15
IPTV	n/a	n/a	12 ²⁹									
Total – of which digital	1,080		1,080		1,166		1,166		1,166		1,178	

Note: HH: households owning the equipment; TVHH: total number of TV households in the country; n/a: not available

Source: Mareco Index Bosnia

Over the past five years, internet penetration has grown substantially. This increase was especially high in 2010. According to the latest data from the CRA in BiH,³⁰ internet penetration in 2011 was 55 percent, estimated at 2,113,100 users and growing rapidly.

26 Communications Regulatory Agency, 2010, “Godisnji izvjestaj o radu za 2009” (Annual Report for 2009), p. 10, at <http://rak.ba/bih/index.php?uid=1272548129> (accessed 20 April 2011).

27 Asim Metiljević, “Bombaški otpor konkurenciji” (Resisting the Competition with Bombs), *Slobodna Bosna*, 3 February 2011, p. 18 (hereafter Metiljević, 2011, “Bombaški otpor konkurenciji”).

28 Metiljević, 2011, “Bombaški otpor konkurenciji,” p. 18.

29 Interviews with a Senior Expert Associate for Market Research and Analysis at the Communications Regulatory Agency, and with the Spokesperson of BH Telecom, 13 December 2010.

30 CRA, 2012, “Godisnji izvjestaj o radu za 2011” (Annual Report for 2011), p. 28, at <http://www.rak.ba/bih/index.php?uid=1272548129> (accessed 20 April 2012).

Table 4.

Internet penetration rate (% of population), 2005–2011

	2005	2006	2007	2008	2009	2010	2011
Internet	16.6	21.0	25.1	33.0	37.0	52.0	55.0
– of which broadband	7.5	16.8	30.9	56.0	73.1	74.8	83.4
Mobile telephony	41.4	49.1	63.7	76.9	83.0	n/a	n/a
– of which 3G				n/a			

Note: n/a: not available

Source: ISP Reports from the CRA³¹ and Annual Report 2011

Especially important is that broadband internet subscribers make up the majority of internet users. In 2011, the percentage of broadband internet penetration was 83.4. Compared with 2005, the number of broadband internet users had increased more than 10-fold by 2011. According to the CRA, the most common ways of accessing the internet are through cable television and ADSL, while 16.5 percent of internet users still access it through the telephone or an ISDN line (dial-up).³²

In the past five years, the quality of regular telephone and mobile telephone networks has made significant progress. This is evidenced by the fact that in all larger cities in BiH it is now not only possible to talk on mobile phones, but also to have internet access.³³ Mobile penetration has developed significantly, rising from 41 percent to 83 percent of the population. This growth has been boosted to a large extent by the CRA's decision to enable the three dominant telecoms operators to provide services across the entire BiH market, thus opening the door to strong and genuine market competition.³⁴ Consequently, mobile network coverage of the population reached 99 percent in 2008. Unfortunately, there are no data available on the usage of 3G mobile telephony. In 2009, three telecoms operators introduced 3G networks in BiH and the development of these services is underway.

1.2 Media Preferences

Television is the primary medium for BiH citizens to obtain information, entertainment, culture, and educational content.³⁵ According to a survey by GfK BH, 98 percent of the population watches television.³⁶

31 CRA, ISP Reports, at <http://www.rak.ba/bih/index.php?uid=1272548201> (hereafter CRA, ISP Reports) (accessed 28 May 2012).

32 CRA, 2012, "Godisnji izvjestaj o radu za 2011" (Annual Report for 2011), p. 29, at <http://www.rak.ba/bih/index.php?uid=1272548129> (accessed 20 April 2012).

33 UNDP, 2009, *E-Readiness Assessment Report*, p. 38.

34 UNDP, 2009, *E-Readiness Assessment Report*, p. 40.

35 See, for instance, GfK BH, 2006, *Elektronski mediji u BiH—koji se najčešće gledaju i slušaju?* (Electronic Media in BiH: Which Have the Biggest Audience?), at http://www.gfk.ba/public_relations/press/press/003245/index.ba.html (accessed 18 March 2011) (hereafter GfK BH, 2006, *Elektronski mediji u BiH*); and Oxford Research International, *Silent Majority Speaks*, 2007, at <http://www.undp.ba/upload/News/The%20Silent%20Majoriti%20Speaks%20Report.pdf> (accessed 7 March 2011) (hereafter ORI, 2007, *Silent Majority Speaks*).

36 GfK BH, 2006, *Elektronski mediji u BiH*. Available at <http://www.gfk.ba/> (accessed 7 March 2011). GfK BH is the BiH branch of GfK (Gesellschaft für Konsumforschung), the Austrian-based market research company.

It is also the medium that consumers trust the most,³⁷ and electronic media in BiH always top the list of the most credible news providers. There is a high degree of trust in public service broadcasters, and generally only a small number of citizens claim usage of sources other than television as their primary news source.³⁸

The growth of internet penetration to over 50 percent and the increasing spread of broadband connections make the internet a leading platform with regard to the dissemination of information. Research from 2009 showed half the total number of internet users in BiH used it on a daily basis.³⁹ Although the public assumption is that young people turn to the internet increasingly as their basic source of news and information, no research in BiH has tested this. Nevertheless, a research study involving only 100 internet users confirmed precisely such a trend.⁴⁰ In this admittedly small sample, only 5 percent of participants did not visit information portals at all, whereas 17 percent did so every day, while 47 percent visited news portals almost every day.

Newspaper readership in BiH has never been very high. Even in the former Yugoslavia, the newspapers with the greatest circulation in BiH came from Serbia and Croatia, not from BiH. Publishers have no obligation to report their circulation figures, and they appear reluctant to divulge reliable data; most of them did not support an initiative by marketing agencies to introduce circulation audits, so that advertising spend could be based on real market positions.⁴¹ Not surprisingly, then, actual circulations seem to be rather low. According to Freedom House, the total circulation of daily newspapers in BiH in 2010 was not higher than 90,000 copies,⁴² which would mean that only 2.5 percent of the entire population regularly bought a newspaper.

An analysis of different surveys in 2006 indicated that one-third of the population in BiH does not read newspapers at all,⁴³ and there are strong indications that the remainder read newspapers only rarely, for there are many signs that newspaper circulation is extremely low. The same study also points out that the dailies are read mainly by middle-aged and elderly people, while only *Dnevni avaz*, the most popular newspaper, is an exception with a readership distributed equally among all age groups.⁴⁴ (See section 1.3.1.)

Research indicates that 22 percent of the BiH population does not listen to radio at all.⁴⁵ Data for Republika Srpska were provided in 2007 by the Partner Marketing Consulting Agency. According to its findings, 27 percent of citizens in this entity do not listen to the radio, whereas 37.7 percent of those who do listen show

37 ORI, 2007, *Silent Majority Speaks*, p. 54.

38 ORI, 2007, *Silent Majority Speaks*, p. 54.

39 ORI, 2007, *Silent Majority Speaks*, p. 54.

40 S. Husejnfendic, "Influencija news portala na perzistenciju printanih medija u Bosni i Hercegovini (Zbogom, 'papirnatom' novinarstvu?)" (The influence of news portals on the persistence of print media in Bosnia and Herzegovina—a farewell to 'paper' journalism?), *Medijski dijalozi*, No. 11, Vol. 5, p. 229.

41 IREX MSI, 2012, at http://www.irex.org/system/files/u105/EE_MSI_2012_Bosnia.pdf, p. 34.

42 See <http://www.freedomhouse.org/report/freedom-press/2010/bosnia-and-herzegovina>.

43 See GfK BH, 2006, "Dnevne novine u BiH" (Daily Newspapers in BiH), Sarajevo, at <http://web.archive.org/web/20070320034522/www.gfk.ba/PR/2006/GfK+PR+02-2006+-+dnevne+novine.pdf> (accessed 7 March 2011); and Stanisavljević, D., 2010, *Mediji i javno mišljenje u Republici Srpskoj* (Media and Public Opinion in the Republika Srpska), FES, Banja Luka, p. 109, and Mareco Index Bosnia, BHMMM 2006–2009.

44 GfK BH, 2006, *Elektronski mediji u BiH*.

45 GfK BH, 2006, *Elektronski mediji u BiH*.

no interest in radio news.⁴⁶ Considering the number of radio stations in BiH, which are mainly local and regional, as well as the overall underdevelopment of the media market, it becomes clear that these stations offer mainly content aimed at the entire population rather than targeting specific groups, which is more characteristic of modern radio.⁴⁷ Therefore, although there are many radio stations to choose from, there is no diversity in radio output. That is why the choice for listeners is significantly narrowed down. GfK BH research shows that, in general, citizens find radio content to be adapted to all age groups.⁴⁸ However, it can be seen that public service broadcasting radio programs appeal mainly to the older population,⁴⁹ which can be explained by the emphasis these stations give to news and information.

1.2.1 Main Shifts in News Consumption

No research has yet been published in BiH to throw light on the changes in news consumption caused by digital migration of the audience. In fact, the media-related data are so scant that it is hard to identify any existing trends. There are many reasons for this situation, the main one being the small state budget aimed at research. As for private research agencies, they conduct studies for their clients on a commission basis, but the data obtained are largely unavailable to the public.

The biggest changes in the television market have been caused by the arrival of cable and IPTV operators. Beside their own offer, which includes world and regional news channels, they are obliged to distribute the programs of all the three public service broadcasters, as well as to announce the scope of the coverage of the local channels included in their offer lists.⁵⁰ In this way, local programs that used to be available only within a limited area have become available to audiences in different parts of the country. In addition, some news providers have appeared on cable and use this platform exclusively or primarily to reach the BiH audience. These include TV1 from Sarajevo and Al Jazeera Balkans, a news channel that covers the wider Balkan region. There are no data about the way in which this availability influences the habits of television viewers, but it is possible that these new opportunities will create new ways of consuming news.

The dynamics of the internet market are much bigger than those of the television market. Although internet use used to be primarily associated with the younger generation, and especially the urban population, it seems that the situation is changing in BiH, too. Data from 2009 showed that 65 percent of people in urban areas owned a computer, while this percentage in the rural regions was about 40.⁵¹ Almost three-quarters of young people (aged 15–24) use the internet,⁵² 84 percent of whom are students and pupils, 50 percent of users are

46 D. Stanisavljević, 2010, *Mediji i javno mišljenje u Republici Srpskoj* (Media and Public Opinion in the Republika Srpska), FES, Banja Luka, p. 109.

47 D. Mašić, "Lokalni radio u borbi na prezasićenom tržištu" (Local Radio Struggling in an Over-saturated Market), 3 December 2008, at <http://www.media.ba/mconline/bs/tekst/lokalni-radio-u-borbi-na-prezasicenom-trzistu> (accessed 18 March 2011).

48 GfK BH, 2006, *Elektronski mediji u BiH*.

49 GfK BH, 2006, *Elektronski mediji u BiH*.

50 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009, p. 48.

51 UNDP, 2009, *E-Readiness Assessment Report*, p. 44.

52 GfK BH, 2006, *Elektronski mediji u BiH*.

employed, and 4 percent are retired.⁵³ However, according to Gemius Audience data from March 2012,⁵⁴ more than three-quarters of the BiH internet audience aged between 10 and 75 use the internet every day and even several times a day, with a note that the 15–24 age group covers 93 percent of users and hence takes the lead.

Men make up more than half of this number, although the difference between men and women becomes smaller with every passing day.⁵⁵ Some studies⁵⁶ show that social media (primarily Facebook) are used for visiting news portals. Indeed, almost one-fifth of people involved in a survey on the influence of news portals on print media visit news portals exclusively through links that these portals post on Facebook.⁵⁷

Another survey of young people—also conducted with a very small sample—showed that the main advantage of portals over newspapers is their accessibility (45 percent), and the fact that access to information is free (24 percent).⁵⁸ On the other hand, the credibility of information received through news portals compared to that of newspapers has not been cited as an advantage by any person in the survey.

Radio stations also try to use the possibilities of digitization. Almost all of them have internet streaming, and many radio stations broadcast their programs exclusively via the internet.⁵⁹ Again, due to the lack of data it is impossible to say which types of programs users in BiH listen to online, or whether analog radio market trends can also be found in online choices.

Ethnic division characterizes the television and print media markets. Audiences in Republika Srpska prefer the channels from their own entity, such as RTRS, BN TV, ATV, PINK, and programs from Serbia,⁶⁰ whereas audiences in the Federation prefer to watch channels from that entity and from Croatia.⁶¹ Research in 2007 showed that almost one in 10 citizens watched the principal information programs from the neighboring countries.⁶² Also, 70 percent of those who read *Dnevni avaz* lived in communities mainly populated by

53 GfK BH, 2006, *Elektronski mediji u BiH*.

54 Valicon, “Svakodnevno korištenje Interneta nije karakteristika samo mladih posjetilaca” (Everyday use of internet is not only a characteristic of younger visitors), Gemius Audience Project, March 2012, at http://www.valicon.net/uploads/GemiusAudience_objava_rezultata_mart_2012.pdf (hereafter Gemius Audience Project, 2012) (accessed 29 April 2012).

55 Gemius Audience Project, 2012.

56 S. Husejnfendić, “Influencija news portala na perzistenciju printanih medija u Bosni i Hercegovini” (Zbogom ‘papirnatom’ novinarstvu?) (The influence of news portals on the persistence of print media in Bosnia and Herzegovina—a farewell to newspaper journalism?), *Medijski dijalozi*, 2012, No. 11, Vol. 5, p. 229.

57 S. Husejnfendić, “Influencija news portala na perzistenciju printanih medija u Bosni i Hercegovini” (Zbogom ‘papirnatom’ novinarstvu?) (The influence of news portals on the persistence of print media in Bosnia and Herzegovina—a farewell to newspaper journalism?), *Medijski dijalozi*, 2012, No. 11, Vol. 5, p. 229.

58 D. Stanisavljević, 2010, *Mediji i javno mišljenje u Republici Srpskoj* (Media and Public Opinion in the Republika Srpska), FES, Banja Luka, p. 230, footnote 63 (hereafter Stanisavljević, 2010, *Mediji i javno mišljenje u Republici Srpskoj*).

59 In order to do this research, we checked some of the websites offering a list of radio stations that can be listened online. For example, website <http://www.uzivoradio.com/BiH.htm> lists 199 radio stations in BiH, compiled from their own research or the voluntary application by radio stations to this list. To compare, the CRA register consists of 149 radio stations which broadcast their programs over the air.

60 Mareco Index Bosnia, published in Aida Hozic, “Democratizing Media, Welcoming Big Brother: Media in Bosnia and Herzegovina,” in Karol Jakubowicz and Miklos Sukosd (eds), *Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective*, Intellect, Bristol, UK / Chicago, USA, 2008, p.155 (hereafter Aida Hozic, “Democratizing Media, Welcoming Big Brother”); and IREX MSI, 2009 and 2010.

61 GfK BH, 2006, *Elektronski mediji u BiH*.

62 Stanisavljević, 2010, *Mediji i javno mišljenje u Republici Srpskoj*, p.104.

Bosniaks, while the readers of *Euro Blic*, *Glas Srpske*, and *Nezavisne Novine* were mainly Serbs. By the same token, areas mostly inhabited by Croats formed the main readership of *Dnevni list*.⁶³ Moreover, in areas where Croats and Serbs form the majority of the population, newspapers from Croatia and Serbia (not surprisingly) enjoyed the highest interest. In fact, these newspapers were sometimes more read than the local press.⁶⁴ These patterns of ethnic preference remained the same in spite of digitization, in particular for print media.

1.2.2 Availability of a Diverse Range of News Sources

Digitization is having a significant influence on the way that news is consumed in BiH. Although television is still indisputably the most popular source of news, it is quite clear that the internet is creating new possibilities and habits. Even the experience of watching television is changing, however, because users now have more channels at their disposal, including local and regional news. Also, the fact that internet news is free makes many people—particularly young people—turn to this platform in order to get news and information. Digitization seems to have had much less impact on the habit of listening to the radio, but this does not make much difference to news consumption, because the radio in BiH is mostly used for music. It seems that the publishers of print media have not found out how to gain the trust of the younger audience; they remain faithful to the old recipe of staying close to political groups or preserving an ethnic profile, in order to ensure their survival in the market.

1.3. News Providers

1.3.1 Leading Sources of News

1.3.1.1 Television

Television is the most available and most popular source of information in Bosnia and Herzegovina. Over the past five years, television channels accessed through cable or satellite have become increasingly popular. This holds true especially for the channels from Croatia (Nova TV, HRT1, HRT2) and Serbia (RTS, PINK). Meanwhile, the audience share of public broadcasting in Bosnia and Herzegovina (split between two entity broadcasters, RTVFBiH and RTRS, and the state-level broadcaster, Radio Television of Bosnia and Herzegovina (*Radio Televizija Bosne i Hercegovine*, BHRT) has fallen. However, RTVFBiH still holds a leading position, ranking among the top five television stations. But it is important to add that this public broadcaster gets around one third of its income from advertising,⁶⁵ while the advertising revenue of the other

63 Stanisavljević, 2010, *Mediji i javno mišljene u Republici Srpskoj*.

64 Stanisavljević, 2010, *Mediji i javno mišljene u Republici Srpskoj*.

65 Office for Revision of Institutions in the Federation of Bosnia and Herzegovina, *Report on Revision of Financial Reports of Public Broadcaster 'Radio-Television of Federation of Bosnia and Herzegovina'*, Sarajevo, 2010, at http://www.saifbih.ba/javni-izvj/j-pred/pdf/lzvj_JS_RTV_FBiH_2010.pdf; RTVBiH, *Business Report for January–December 2009*, at http://www.google.ba/url?sa=t&crct=j&q=finansijski+izvjestaj+FTV&source=web&cd=2&ved=0CFAQFjAB&url=http%3A%2F%2Fwww.rtvbih.ba%2Fdoc%2Flzvjestaj%2520o%2520radu%2520i%2520poslovanju%2520januar%2520-%2520decembar%25202009.%2520godine.doc&ei=CNLIT_f4I9PU4QITs27RH&usg=AFQjCNEGWywoN_xmlz_4yt9HzJFrX1vtCQ (accessed 28 May 2012).

two public broadcasters varies between 10 percent and 15 percent of their total income, which shows that its program structure is significantly commercially oriented.

According to Mareco Index Bosnia, the three stations with the highest television share are PINK BH, the network Mreza Plus (TV Hayat Sarajevo, ATV Banjaluka, RTV Mostar, Oscar C, Mostar, and TV Tuzla), and RTVFBiH.⁶⁶ Here, it has to be mentioned that since the beginning of 2011, Mreza Plus has been functioning in a new format, as its two leading stations (TV Hayat and ATV) left the venture to join a new network called Program Plus.

Table 5.
Three top TV stations (% of audience share), 2002–2009

	2002		2003		2004		2005		2006		2008		2009	
1	RTVFBiH	30.1	RTVFBiH	26.9	RTVFBiH	23.8	RTVFBiH	13.7	PINK BH	12.5	PINK BH	14	PINK BH	15
2	RTRS	7.3	OBN	6.9	PINK BH	10.4	PINK BH	11.6	RTVFBiH	11.8	Mreza Plus	12.4	Mreza Plus	14.2
3	OBN	5.8	RTRS	6.5	OBN	7.7	TVBN	6.1	BHT	7	RTVFBiH	10.9	RTVFBiH	11.8

Note: no data are available for 2007

Source: Mareco Index Bosnia, published in Aida Hozic, “Democratizing Media, Welcoming Big Brother”; and IREX MSI, 2009 and 2010

From Table 5, it can be concluded that the audience share of the most successful public broadcaster, Federal Television (the television component of RTVBiH), has decreased by almost two-thirds in the past decade, with commercial television stations picking up the spoils.

1.3.1.2 Radio

Comprising 149 stations, the radio market in BiH appears fragmented; the radio audience is undoubtedly so. According to research by GfK BH,⁶⁷ almost half (48 percent) of the sample surveyed preferred local radio stations, which individually have a very small listenership. According to the Broadcasting Board of Governors (BBG) Survey, public radio stations appear to be the priority for listeners. BH1 Radio is the station that more people in the survey have listened to over the past year than any other, followed by the entity public radio stations, Radio of Federation BiH and Radio of Republika Srpska. The only commercial radio stations which appear in the top three are Big Radio from Banja Luka and Radio BN from Bijeljina.

⁶⁶ Mareco Index Bosnia, published in published in Aida Hozic, “Democratizing Media, Welcoming Big Brother”; and IREX MSI, 2009 and 2010.

⁶⁷ GfK BH, 2006, *Elektronski mediji u BiH* (accessed 26 June 2011).

Table 6.

Three most listened-to radio stations (% of respondents), 2005–2010⁶⁸

	Winter 2005/2006	Spring/summer 2007	Spring/summer 2008	Spring/summer 2009	Spring/summer 2010
1	BH1 (38.1)	BH1 (31)	BH1 (32.8)	BH1 (30.8)	BH1 (24.6)
2	Radio of Federation BiH (27.9)	Radio of Federation BiH (24)	Radio RS (22.6)	Radio of Federation BiH (19.7)	Radio RS (12.8)
3	Radio RS (26.4)	Big Radio (22.9)	Radio of Federation BiH (22)	Radio RS (18)	Radio BN (12.6)

Source: BBG survey of BiH by InterMedia in partnership with Prism Research BiH

GfK BH research for 2006, however, reverses the public–private preference, finding the most popular station was Radio BN from Bijeljina with a 15 percent audience share, followed by BH1 Radio with 13 percent, and then Big Radio, from Banja Luka, with 10 percent.⁶⁹

At the entity level, Big Radio, Radio Nes, and BN Radio in Republika Srpska hold the leading positions, especially among young people. On the other hand, older generations express preferences for RTRS, and hence this radio has a listenership share of 20.4 percent.⁷⁰ In the Federation of BiH, Radio Stari Grad, Kalman Radio, and Radio M are especially popular.⁷¹

Most commercial radio stations do not pay much attention to news, and their information programs consist mainly of short news bulletins at the start of every hour. This is compensated to a certain degree by the news from Radio Free Europe, whose main news program for BiH is rebroadcast by 29 radio stations. Nevertheless, their general news content lags far behind the news offer of public radio stations, with their strong emphasis on the production of informative programs, paying huge attention to problems of culture, education, health, and so forth, which are rarely discussed by the commercial stations. In general, a great number of radio stations, both public and commercial, maintain their web pages and have already started to use web audio streaming.

1.3.1.3 Print Media

According to the registry of the Press Council of BiH, there are 11 daily newspapers, 103 magazines, eight religious journals, and 75 other publications in print in BiH.⁷² In addition, a number of newspapers from neighboring countries publish special editions for BiH.⁷³ Research shows that the two most read newspapers are *Dnevni avaz* from Sarajevo and *Euro Blic* from Banja Luka. *Euro Blic* is the edition of Serbia's daily newspaper *Blic* for Republika Srpska.

68 The survey question was: "Have you listened to Station X in the last 12 months?" For 2010, the figures are for the previous seven days only.

69 GfK BH, 2006, *Elektronski mediji u BiH*.

70 Stanisavljević, 2010, *Mediji i javno mišljenje u Republici Srpskoj*, p. 108.

71 Stanisavljević, 2010, *Mediji i javno mišljenje u Republici Srpskoj*, p. 108.

72 Press Council of BiH, at <http://www.vzs.ba> (accessed 7 March 2011).

73 *Večernje novosti*, Belgrade, at <http://www.novosti.rs/>; *Večernji list*, Zagreb, at <http://www.vecernji.hr/>.

Table 7.

The three most read newspapers (% of respondents), 2005–2010⁷⁴

	Winter 2005/2006	Spring/summer 2007	Spring/summer 2008	Spring/summer 2009	Spring/summer 2010
1	<i>Dnevni avaz</i> (25.5)	<i>Dnevni avaz</i> (29.4)	<i>Dnevni avaz</i> (34.5)	<i>Dnevni avaz</i> (20.6)	<i>Dnevni avaz</i> (29.7)
2	<i>Euro Blic</i> (15.9)	<i>Euro Blic</i> (16.1)	<i>Euro Blic</i> (14.3)	<i>Euro Blic</i> (9.8)	<i>Euro Blic</i> (15.7)
3	<i>Večernje novosti</i> (11.8)	<i>Večernje novosti</i> (8.3)	<i>Večernje novosti</i> (10.9)	<i>Oslobodjenje</i> (7.3)	<i>Press RS</i> (9.1)

Source: BBG survey of BiH by InterMedia in partnership with Prism Reseach BiH

The BBG survey shows that the third place has been occupied at different times by *Večernje novosti* from Serbia, *Oslobodjenje* from Sarajevo, and *Press RS*, which is also the local Republika Srpska edition of the Serbian daily newspaper *Press*. Other researches in this field show similar results.⁷⁵ The most read daily newspapers in BiH have a similar profile, which could be described as semi-tabloid, not so much because these papers are obsessed with celebrities, but rather because they pay great attention to news about tragedies, which they treat in a sensationalist way. The “pure” tabloids like *Express* from Sarajevo and *Fokus* from Banja Luka are a distinct genre, filled with unverified stories.

As previously mentioned, the print media market in BiH is strongly divided along ethnic, entity, and political-party lines. The audience of the two biggest dailies in Sarajevo, *Dnevni avaz* and *Oslobodjenje*, is mainly Bosniak. *Oslobodjenje* is traditionally close to the Social Democratic Party, whereas *Dnevni avaz* often changes its political preferences. Initially, it strongly supported the Bosniak Party of Democratic Action, but when its owner founded the Party for a Better Future of BiH in 2010, the newspaper became a megaphone for the new party.

In Banja Luka, the two daily newspapers that originate from Republika Srpska, *Nezavisne novine* and *Glas Srpske*, are owned by Zeljko Kopanja, a businessman who boasts in public about his close friendship with the president of the ruling party, the Association of Independent Social Democrats. Consequently, the press monitoring of the elections in 2010 showed strong affiliation of these newspapers to the ruling party of Republika Srpska.⁷⁶

In the western part of the divided city of Mostar, the two strongest newspapers, *Dnevni list* and *Večernje novine*, are clearly oriented toward a Croat readership. *Večernje novine* is the BiH edition of *Večernje novine* from Zagreb, and is perceived to be linked to a Croatian political party, the Croatian Democratic Community (*Hrvatska demokratska zajednica*, HDZ), while *Dnevni list* supports HDZ 1990, a party founded by people dissatisfied with HDZ.

⁷⁴ The survey question was: “Which newspapers have you read in the last 7 days?” Annual figures are not available.

⁷⁵ GfK BH, 2006, “Dnevne novine u BiH” (Daily Newspapers in BiH), Sarajevo, at <http://web.archive.org/web/20070320034522/www.gfk.ba/PR/2006/GfK+PR+02-2006+++dnevne+novine.pdf> (accessed 7 March 2011); and Mareco Index Bosnia, “Print Media Trends, 2007–2009,” at <http://mib.ba/03b.asp> (accessed 27 December 2011).

⁷⁶ GfK BH, 2006, “Dnevne novine u BiH” (Daily Newspapers in BiH), Sarajevo, at <http://web.archive.org/web/20070320034522/www.gfk.ba/PR/2006/GfK+PR+02-2006+++dnevne+novine.pdf> (accessed 7 March 2011).

1.3.1.4 News Websites

According to research by Valicon Agency, the most popular news websites in BiH for the last quarter of 2010 were: Sarajevo-x.com, Avaz.ba, Cafe.ba, 24sata.ba, Source.ba.⁷⁷ With the exception of Avaz.ba, which is the web portal of *Dnevni avaz*, all the other sites are online only.

Table 8.

Top 10 news web portals in the last quarter of 2010 (%) based on web analytics tracking system

	September	October	November	December
Sarajevo-x.com	22.61	25.30	24.77	25.23
Avaz.ba	14.09	15.35	12.96	13.48
Cafe.ba	5.92	6.92	6.83	10.62
24sata.ba	5.50	5.65	6.04	6.13
Source.ba	3.72	4.95	4.65	5.17
Hercegovina.info	n/a	3.74	4.13	5.01
Dnevnik.ba	n/a	n/a	n/a	3.80
Mojportal.ba	3.49	3.58	3.57	3.45
Depo.ba	2.96	3.52	2.80	3.29
Bljesak.info	2.95	3.28	3.15	3.17

Note: n/a: not available

Source: Valicon, Gemius Audience Project, "Visitorship of Websites in BiH," August–December 2010

In terms of numbers, Sarajevo-x.com has around 320,000 visitors per month,⁷⁸ while Bljesak.info, which is ranked 10th on the list, has around 40,000 visitors monthly.

Table 9.

Top three domestic news sites (perception of top three websites)
(% of respondents), 2005–2010⁷⁹

	Winter 2005/2006	Spring/Summer 2007	Spring/Summer 2008	Spring/Summer 2009	Spring/Summer 2010
1	Bih.net.ba (0.9)	Bih.net.ba (1.2)	Avaz.ba (2.4)	Avaz.ba (1.7)	Sarajevo-x.ba (4.3)
2	Sarajevo-x.ba (0.4)	Sarajevo-x.ba (0.7)	Bljesak.info (1.4)	Sarajevo-x.ba (1.5)	Avaz.ba (4.2)
3	www.rtvbih.ba (0.2)	www.city.ba (0.2)	Sarajevo-x.ba (1)	Bljesak.info (1.3)	Bljesak.info (2.5)

Source: BBG surveys of BiH carried out by InterMedia in partnership with Prism Reseach BiH

The data from the BBG survey also show the recent dominance of the Sarajevo websites Sarajevo-x and Avaz.ba, as well as the increase in popularity of the news portal from Mostar, Bljesak.info.

77 Valicon, Gemius Audience Project, "Visitorship of Websites in Bosnia and Herzegovina" (*Posjećenost bosanshobercegovačkih internet stranica*), August–December 2010, at http://www.valicon.net/ba/gemius/obavijest_zameditel/ (accessed 18 March 2011).

78 Valicon, Gemius Audience Project, "Visitorship of Websites in Bosnia and Herzegovina" (*Posjećenost bosanshobercegovačkih internet stranica*), August–December 2010, at http://www.valicon.net/ba/gemius/obavijest_zameditel/ (accessed 18 March 2011).

79 The survey questions were: "What websites do you visit most often for news and information?" (multiple choice) for 2005–2008, and "Please tell me your top three websites" (combined mention per source) for 2009–2010.

The news offer from online-only media puts great emphasis on the use of agency news or takes content directly from other portals and daily newspapers. The portal Avaz.ba is one of the rare exceptions, as it is increasingly producing its own news. The most popular websites of the commercial media, such as Sarajevo-x, Avaz.ba, and Bljesak.info, emphasize sensationalist news, mostly related to lifestyle and accidents, and often supporting their stories with shocking videos and provocative photos.

1.3.2 Television News Programs

The news program of RTVFBiH from Sarajevo has won a reputation for being the most watched television news in the country. The other public broadcasters have not yet succeeded in appealing to audiences to the same extent and their individual share comprises just over a third of that of RTVFBiH. With regard to commercial television, the news bulletins of TV Hayat (Sarajevo) and ATV (Banja Luka) both have the biggest audience share. In general, these two stations, along with BN TV (Bijeljina), put a strong emphasis on informative programs.

Table 10.
Top news programs (based on telemetrics), 2008–2010

	Channel	Program name	Genre	2008		2009		2010	
				Rating	Share	Rating	Share	Rating	Share
PSBs	RTVFBiH	“Dnevnik 2”	Main/primetime news	9.1	24.1	9.8	26.7	10.65	28.71
	RTRS	“Dnevnik RTRS”	Main/primetime news	5.4	13.9	4.8	12.9	4.4	12.2
	BHT 1	“BHT Dnevnik”	Main/primetime news	4.2	11.9	3.9	11.5	4.12	11.59
Commercial	NTV Hayat	“Vijesti u 7”	Main/primetime news	3.7	10.5	5.2	15	4.5	13.05
	ATV	“ATV Vijesti u 7”	Main/primetime news	3.9	10.7	4.1	11.5	3.8	11.01
	PINK BH	“Infotop”	Main/primetime news	3.2	10.2	2.9	9.3	2.4	7.81
	BN TV	“BN Monitor”	Main/primetime news	n/a	n/a	1.3	3.7	2.27	6.5
	OBN	“OBN Info”	Main/primetime news	1.1	3.4	1.4	4.3	1.53	5.19

Notes: A rating reflects the percentage of the total number of TVs tuned to a particular program; a share reflects the percentage of TVs actually in use. PSB: public service broadcaster; n/a: not available

Source: Joint Media Industry of BiH, 2010⁸⁰

1.3.3 Impact of Digital Media on Good-quality News

Given that digital broadcasting has not yet affected local television stations in BiH, it is not possible to discuss the implications of digitization with regard to news quality. At the same time, most television stations are buying digital studio equipment, which indicates that their production quality may improve.⁸¹ A telling example in this respect is TV Hayat, in Sarajevo, which has a reporting car with modern digital equipment that enables it to be ahead of its competitors in the production of real-time news.

80 Joint Media Industry of BiH, 2010.

81 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 53.

Regarding the influence of the internet on the quality of news production, there are more obvious differences related to the greater importance which public television stations attach to news. The public stations offer an increasing number of options for watching archived news programs on their websites, whereas not a single commercial station provides this option.

1.4 Assessments

The dominance of television as the main source of news and information in BiH remains indisputable, but this could be threatened by the growing penetration of the internet. Although public broadcasters take the lead in news production, their drive to acquire a bigger market share has resulted in overt commercialization of their programs, which is particularly noticeable in the case of RTVFBiH. At the same time, their websites are not among the most popular sites in BiH. This raises the question of how they will in the future reach audiences who are increasingly turning to the internet.

With regard to the development of radio, digitization is not expected to open new horizons. By and large, radio in BiH is considered as a means of entertainment rather than as a source of information. It is not generally perceived to have any news agenda-setting capacity.

The circulation of daily newspapers in BiH has never been very large. Given the power of television and the poor economic conditions in the country, it can be assumed that the influence of daily newspapers as a source of information might be getting weaker. Moreover, the quality of their online presence is so low that it seems unlikely that online news will acquire a leading position in comparison with the other media any time soon.

The internet is, however, gaining in significance as an information source for the citizens of BiH. Its penetration is increasing steadily and the number of PCs is constantly growing. The monthly number of visits to Sarajevo-x.com already represents a respectable readership. The increased number of visitors to the website also benefits from the fact that the internet market in the country is not regulated and many portals simply copy-paste content from other media without respecting copyright. On the other hand, the underdevelopment of the local internet market does not allow portals to hire more journalists who would produce original content.

2. Digital Media and Public or State-Administered Broadcasters

2.1 Public Service and State Institutions

2.1.1 Overview of Public Service Media; News and Current Affairs Output

The public service broadcasting (PSB) system of Bosnia and Herzegovina consists of three broadcasters and the Corporation of Public Broadcasting Services of BiH, which has a significant role in the coordination of their work but is still not functioning at full capacity in spite of the legal obligations. For the two years of its existence the Steering Board of the PSB has repeatedly failed to adopt a Statute of the Corporation, although the strategy for the transition to digital broadcasting stipulates that it is the key institution implementing the switch-over from the analog to the digital signal. According to the Strategy,⁸² “it is necessary to encourage and quicken the process of the establishment of the Corporation for production, transmission and broadcasting of digital programs in BiH. Only in this way a harmonized, stimulated, and at the same time a controlled process of introducing DTT [Digital Terrestrial Television] in the public radio-television system in Bosnia and Herzegovina would start.”

The organization of the three existing broadcasters envisages one broadcaster for each entity: Radio-Television of Federation of Bosnia-Herzegovina (RTVFBiH), Radio-Television of Republika Srpska (RTRS), and the state-wide broadcaster, Radio-Television of Bosnia-Herzegovina (BHRT). None of these three operators covers the entire territory of BiH. According to data from 2009, BHRT reaches about 89.3 percent of the total population;⁸³ RTRS can be received by 94 percent of the population of the Republika Srpska, while RTVFBiH reaches 89 percent of the citizens of the Federation of Bosnia and Herzegovina.⁸⁴ However, bearing in mind that everyone with a license to distribute public broadcasting programs (cable and IPTV operators) is obligated to transmit the programs of public broadcasters, the coverage of the population in BiH

82 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, and the CRA Register of TV stations, 25 May 2012, at <http://rak.ba/bih/index.php?uid=1273787112> (accessed 29 May 2012).

83 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 48.

84 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 52.

by the signal of public broadcasters has significantly increased. Therefore, not only has BHRT become the channel for the entire BiH, but RTVFBiH and RTRS have also increased their national reach, despite having been intended primarily to cover the area of their respective entities.

Very little is publicly known about whether PSBs produce all the program segments prescribed by the terms of the license. Although Article 26(8) of the Law on the Public Broadcasting System of BiH states that public broadcasting services are required to present their annual working plans and reports to both Parliament and the public, it is really hard to get hold of these reports. BHRT does not publish them on its website at all, and RTVFBiH provides only its financial reports. The situation is slightly better in the case of RTRS, but their website does not provide all annual reports.

In practice, it is impossible to estimate whether public operators fulfill the terms prescribed in their licenses, as those terms cannot be found on broadcasters' websites. The annual reports of public broadcasting services simply resemble promotional leaflets: they do not refer to particular current public obligations, and instead only compare the present results with those of previous years, while boasting about "exquisite achievements." Moreover, although the three public services nominally belong to the united public broadcasting system in BiH, no comparative analysis is possible, as there are no similarities whatsoever in the formats of the reports. The strange relationship among the public broadcasters and the way they present themselves to the public illustrates deficits in the fulfillment of their public mission.

According to the Annual Reports of BHRT for 2009 and 2010, BHRT tends to offer significant diversity in its programs, although they are not very popular among citizens, who seem to be more attracted by the entertainment programs of their commercial rivals. As stated in the BHRT Report for 2010: "The structure and quality of the television program correspond to the fulfillment of its public mission, but this occurs at the expense of the viewing ratings."⁸⁵ According to media expert Radenko Udovicic, "the primetime news of BHRT is characterized by a better coverage of topics of public interest and more authentic reporting, although their overall quality remains questionable as 'protocolary' topics often dominate the rest of the content."⁸⁶ ("Protocolary" news refers to a style of covering government activities, in which simple images of routine events—meetings, document signings, diplomatic receptions, and the like—are accompanied with an unquestioning commentary. The effect of such coverage is to alienate viewers from BHRT news.)

RTRS program statistics for 2008 and 2009 show that most air time goes on films and entertainment, rather than to programs of public interest. In 2009, 21.1 percent of air time was given over to news. RTRS news programs have smaller viewing ratings than the entertainment output. According to their 2010 report, the station ranked fourth at national level with an average grade of 5.7 percent, whereas it held second place in Republika Srpska, coming right after the commercial station PINK BH. However, RTRS had the highest

85 *Godisnji izvjestaji o radu BHRT za 2010 godinu* (Annual Reports about BHRT Production in 2010), p. 1. (Document in the possession of the reporters.)

86 R. Udovicic, 2009, "Indicator of Public Interest; Bosnia and Herzegovina," Mediaplan Institute, Sarajevo.

viewing ratings in the entity with regard to programs of public interest, especially when it came to social and economic features, documentaries, culture, children's and youth programs, and educational programs.⁸⁷

But this trend has not continued in 2011. In March 2011, RTRS was ranked seventh on the level of BiH with a share of 4.77 percent.⁸⁸ According to media analyst Dragan Stanisavljević,⁸⁹ the main reason for this is the fact that this broadcaster is increasingly perceived as a mouthpiece of the president:

Since January 2006, when Dodik became President of Republika Srpska the influence of the ruling political structures on this station has been noticeable and growing. Hence basic obligations of public broadcasters, such as impartiality, balance, diversity of opinions and independence are getting questionable. RTRS has started to offer one political option, that of the ruling party. It no longer airs reports critical to present authorities neither invites intellectuals with different opinions to speak to the public.

In a similar way, Dragan Bursac states that RTRS is the promotional program of the president, assessing its editorial perspective to be closer to that of the war years (1991–1995) than to the realities of the 21st century.⁹⁰

The majority of the programs broadcast by RTVFBiH in 2009 included information programs (news and current affairs), followed by films, children's and teenage programs and entertainment. The information programs of RTVFBiH have been the leader in this segment of the media market in BiH for a long time. According to the Strategic Plan of the stations for 2010, "the main goal is to inform, educate and entertain; to create programs aimed at various social categories, i.e., to produce shows without any commercial interest but which fulfill the social role of the public service."⁹¹ In practice, however, this is hardly the case, as RTVFBiH seems similar to the case of RTRS, and hence analysts broadly question its independence, focusing on its political affiliations with the Social Democratic Party (*Socijaldemokratska Partija Bosne i Hercegovine*, SDP BiH). According to Enver Kazaz, commentator and media expert, "Federal Television is under the direct control of SDP and spreads pure political propaganda, thus violating the basic principles of public broadcasting. Instead of democracy, RTVFBiH advocates the perspectives of partitocracy and leaderocracy."⁹²

With regard to public broadcasters at the level of cantons and municipalities, Rule 41/2009 on public broadcasting stations⁹³ defines the programming obligations of public stations and requires them to allocate at least 40 percent of their weekly content to news, current affairs, and educational programs, and at least

87 *Radio televizija Republike Srpske 2010 Izvjestaj o poslovanju u 2009 godini i Plan rada za 2010 godinu*. (Business Report for 2009 and Business Plan for 2010), p. 1.

88 D. Bursac, 2011, *RTRS—pretplatom do negledanja* (RTRS—Fee for Not Watching), at <http://www.buka.ba/rtrspretplata> (accessed 28 May 2012).

89 Stanisavljević, *Mediji i javno mišljenje u Republici Srpskoj*, 2010, pp. 101–102.

90 D. Bursac, 2011, *RTRS—pretplatom do negledanja* (RTRS—Fee for Not Watching), at <http://www.buka.ba/rtrspretplata> (accessed 28 May 2012).

91 *Radio-televizija Federacije BiH 2009 Programski plan za 2010 godinu* (Radio-Television of the Federation of BiH, Programming plan for 2010), p. 9.

92 E. Kazaz, 2011, *Za vodju i vlast: esdepeizacija medija* (For the Leader and for the Rule: SDPization of the Mmedia), at <http://www.radiosarajevo.ba/novosti/42024/enver-kazaz-za-vodu-i-vlast-esdepeizacija-medija> (accessed 28 May 2012).

93 Article 3, CRA Legal, at <http://www.rak.ba/eng/index.php?uid=1272015937> (accessed 28 May 2012).

6 percent to programs related to children's education. According to the data from the licenses of public broadcasters approved by the CRA,⁹⁴ it appears that they all observe these two requirements.

All the data provided by PSB reports should be treated with a great deal of caution as they do not reflect the results of independent monitoring and are produced and submitted by the stations themselves. This was clearly stressed by the media professionals who took part in the IREX MSI panel for 2011. Some of them, such as Amir Zukic from the cantonal TV Sarajevo and Reuf Heric from Radio Q, expressed doubts about the objectivity of the reports and believed that media often overstep the limits stipulated in their licenses.⁹⁵

2.1.2 Digitization and Services

Digitization has affected public broadcasting services in BiH to only a very small extent. Generally speaking, the online presence of PSBs is rather poor. According to data from Alexa.com, none of the three public broadcasters' websites is among the top 10 websites in BiH. RTVFBiH has an Alexa traffic ranking of 112, RTRS—315, and BHRT—376.⁹⁶

The websites are visually unattractive, the content is poor, and they do not provide the basic documents that should present the results of the work of these broadcasters to the public. It is a positive development that the websites offer certain shows in video format. In that regard, RTRS has been the most successful because it is possible to find the entire archive of central news programs from March 2009 to the present.

The exception is RTVFBiH, which launched a news portal called Federalna.ba in October 2011.⁹⁷ Visually, this portal is keeping pace with the most popular news sites in the country. With regard to its content, the portal functions somewhat independently from its television and radio programs because it also offers content that cannot be found in these programs. Also, the posted content is very often a supplement to that broadcast on television or radio. For example, a television program may contain a statement or a short version of an interview, while the complete version can be found on the news portal. In addition, the latest television programs as well as some archived ones are made available in a web format. Also, the portal offers a section called Federalnatv.ba, where the most popular content of Federal Television broadcast in previous years can be found. However, the content is to a significant extent commercial, if not indeed inappropriate: the home page has a section called Hot Click, with photographs and videos of Playboy girls.

In May 2012, nine out of 14 public broadcasters operating at the municipality level have their own websites. Although most of these sites are visually not attractive and their functionality is limited, it is a positive sign that more and more of these broadcasters choose to introduce the section with news archives and archives of other programs. In general, the delayed digitization process in BiH and the lack of any data related to the online content makes a detailed analysis of their impact on audiences an impossible task.

94 Communications Regulation Authority, 2010, at <http://www.bing.com/search?q=www.cra.ba&pc=conduit&form=CONTLB&ptag=A0A31BCAE4360437891F&conlogo=CT1224589> (accessed 28 May 2012).

95 IREX MSI, 2011, p. 25.

96 Alexa.com, 24 April 2011.

97 See <http://teve.ba/article/5147/10-godina-federalne-tv> (accessed 28 May 2012).

2.1.3 Government Support

Officially, a transitional period for the introduction of digitization is envisaged which has to end in June 2015, when the frequencies included in the GE-06 plan for digital services will be used freely. This plan is a binding international treaty and came into force in 2007.⁹⁸ It regulates frequency usage in the broadcast bands of Europe, Africa, and some parts of Asia, and it establishes frequency plans for analog and digital environments in these regions.

To achieve this, on 17 June 2009 the Council of Ministers of BiH adopted a Strategy for the transition from analog to digital terrestrial broadcasting within the bandwidths of 174–230 MHz and 470–862 MHz. This Strategy provides a solution for a quick and efficient transition to digital terrestrial radio diffusion. It calls for the promotion of the development of new technologies in BiH, the encouragement of pluralism in the communications sector, and stimulation of the creation of conditions for the development of media freedoms and the protection of interests of all consumers and operators in the country. The Council of Ministers decided to use surplus budget from the CRA amounting to KM 2,952,000 (€1,509,333) to help further these goals. Specifically, this amount will be used to finance the part of the digitization project concerning the microwave connections of public service broadcasters in BiH.⁹⁹

The Strategy is aimed at both commercial and public broadcasters.¹⁰⁰ The main duties of the state regarding public broadcasters focus on the financial and technical conditions for the introduction of digitization,¹⁰¹ including guarantees for their development as the crucial factor of inclusion in democratic societies, meaning that every individual should have access to the programs of public broadcasters. The Strategy accounts for the protection of the public interest, obliging the state to provide the additional budget needed for the development of transmitting networks to allow all citizens who pay the license fee to receive broadcasting signals.¹⁰²

Considering the importance of public service broadcasters, the Strategy appeals to the Council of Ministers, the Federal Government, and the Government of the Republika Srpska to ensure that future owners of privatized telecoms operators will levy broadcasting taxes in line with the Law on the Public Broadcasting System in BiH, which obliges telecoms operators to make the same effort when collecting the license fee as when they collect their own fees.¹⁰³ The Strategy aims to avoid jeopardizing the existing model of financing, which has so far been more or less functional. Last but not least, the Strategy requires public broadcasters in BiH to lead the transition to DTT due to their dominant position in the broadcasting market and existing legal obligation to inform the public.¹⁰⁴ Moreover, public service broadcasters are also supposed to

98 See http://www.digitag.org/DTTResources/IBC06/Digital_future.pdf (accessed 5 May 2011).

99 See http://www.dtt.ba/dtt_sub_05_vijesti.html (accessed 29 May 2012).

100 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 15 (accessed 5 May 2011).

101 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 15 (accessed 5 May 2011).

102 The license fee is the fee levied for owning a radio or TV set.

103 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 16. See Article 42.4, 5.

104 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 30.

inform society regularly about the whole process and to post regular information about digitization on their websites.¹⁰⁵

However, public broadcasters do not have a special web section devoted to digitization and they inform the public about this process only sporadically, which is fully in keeping with their overall inert approach to digitization. Bearing in mind that government support for digitization to date has mainly been limited to the production of strategic documents, it cannot be said that state support has affected the independence and diversity of the PSBs' outputs.

2.1.4 Public Service Media and Digital Switch-over

In terms of public broadcasters' readiness for switch-over, the available data indicate that in 2010 BHRT began with the production of news programs using the digital EVS (electronic video systems).¹⁰⁶ The annual reports and plans of RTVFBiH, however, do not mention digitization, while the annual plan of RTRS for 2010 envisages a series of activities that would empower it to broadcast digitally.

However, the process of digitization has already come across certain problems, especially with regard to broadcasting in the Republika Srpska. The broadcasting of a digital signal according to the standard DVB-T with MPEG-2 compression was launched on 12 December 2009 with the program "Europe by Satellite"¹⁰⁷ in Banja Luka—Pobrdje.¹⁰⁸ This triggered an ongoing debate about the position of this public broadcaster vis-à-vis digitization. The move met the expected negative reaction from the CRA because the adopted Strategy for the transmission to digital broadcasting invested authority with the state and not with the entities' institutions for this work. Besides that, the MPEG-2 standard within which RTRS began its experimental broadcasting is not in line with the MPEG-4 standard determined by the Strategy for usage in BiH.

The CRA fined RTRS the sum of KM 100,000 (€50,000) for "violations of the Law on Communications in BiH," citing Article 32,¹⁰⁹ which stipulates that the use of radio frequencies must be submitted to the Agency for its approval, and because it did not follow their instructions dated 14 December 2009 to "stop the illegal broadcasting that violated the Law."¹¹⁰ After an appeal by RTRS, the fine was lowered to KM

105 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009, p. 36.

106 BHRT, 2011, *Izvjestaj o radu u 2010 godini* (Annual Report for 2010), at <http://www.bhrt.ba/lat/> (accessed 28 May 2012).

107 "RTRS odbija platiti novčanu kaznu od 100.000 KM koju je izrekao RAK!" (RTRS Refuses to Pay the Fine of KM 100,000 As Ordered by CRA), 21 January 2010, at <http://sjoviciclavuj.blog.rs/blog/sjoviciclavuj/bih-skandal-na-sjednici-predstavnickog-doma-drzavnog-parlamenta/2010/01/21/rtrs-odbija-platiti-novcanu-kaznu-od-100.000-km-koju-je-izrekao-rak> (accessed 23 January 2011).

108 "RTRS se oglušila na prijetnje RAK-a" (RTRS Ignores Threats of CRA), 15 December 2009, at <http://www.bitno.ba/vijesti/bosna-i-hercegovina/rtrs-se-oglusila-na-prijetnje-rak> (accessed 22 January 2011).

109 "RTRS odbija platiti novčanu kaznu od 100.000 KM koju je izrekao RAK!" (RTRS Refuses To Pay the Fine of KM 100,000 As Ordered by CRA), 21 January 2010, at <http://sjoviciclavuj.blog.rs/blog/sjoviciclavuj/bih-skandal-na-sjednici-predstavnickog-doma-drzavnog-parlamenta/2010/01/21/rtrs-odbija-platiti-novcanu-kaznu-od-100.000-km-koju-je-izrekao-rak> (accessed 23 January 2011).

110 M. Filipović and Ž. Domazet, "RAK zbog digitalizacije kaznio RTRS sa 100.000 KM" (CRA Fines RTRS KM 100,000 Because of Digitization), *Glas Srpske*, 21 January 2010, at <http://www.glassrpske.com/vijest/2/novosti/34100/lat/RAK-zbog-digitalizacije-kaznio-RTRS-sa-100000-KM.html> (accessed 24 January 2011).

75,000 (€37,500) given the difficult economic situation of the broadcaster.¹¹¹ RTRS then announced that current BiH legislation did not define digital broadcasting, and therefore no possibility of fines could be stipulated by the law. Moreover, they refused to pay the fine and stated that, “The draconic sanction of KM 100,000 clearly showed the goal to prevent the further development of RTRS, an intention aimed to stop the introduction of new technologies and in conflict with the requirements of the European Community. In addition, various officials including the president of the Republika Srpska, Milorad Dodik, qualified the decision as ‘unacceptable,’ ‘illegal,’ and ‘another attempt to underestimate Republika Srpska institutions’ referring to the CRA as ‘the institution of idlers’ and ‘a cancerous tissue which should be removed.’”¹¹²

However, at the same time the CRA announced that they had not permitted RTRS to carry out a test broadcast of a program using the digital signal, and hence it was a “direct violation of the standards defined in the state Strategy on the transition from analog to digital broadcasting.”¹¹³ Moreover, the CRA stated that it intended to use the measures prescribed by the Law on Communications of BiH with the aim of preventing the illegal use of frequency resources and other activities which contradict the legislation.¹¹⁴ After several attempts to obtain the fine from RTRS, the CRA was successful only after submitting numerous appeals to the Court of BiH. In February 2011, the CRA claimed there was no legal justification for delaying the payment any further. RTRS continued to delay until 22 February 2011, when its account was blocked. The principal fine was then paid, but the default charge remains outstanding.¹¹⁵

2.2 Public Service Provision

2.2.1 Perception of Public Service Media

Public broadcasting services in BiH are often the topic of a controversial debate that questions their overall functioning and real mission. The main discussions focus on the institutions and mechanisms to control PSB, on the methods of its financing, and last but not least, how to guarantee the rights of employees with regard to violations by management.

Given the existing ethnic divides in BiH, there is very little doubt that RTRS is the broadcaster of the Serbs and not of all the citizens living in the Republika Srpska entity.¹¹⁶ By the same token, Federal Television

111 “Regulatorna agencija za komunikacije RTRS-u kazna smanjena na KM 75.000” (Communications Regulatory Agency Lowers the Fine of RTRS to KM 75,000), *Dnevni avaz*, 19 March 2010.

112 “Regulatorna agencija za komunikacije RTRS-u kazna smanjena na KM 75.000” (Communications Regulatory Agency Lowers the Fine of RTRS to KM 75,000), *Dnevni avaz*, 19 March 2010.

113 “RTRS se oglasila na prijetnje RAK-a” (RTRS Ignores CRA Threats), 15 December 2009, at <http://www.bitno.ba/vijesti/bosna-i-hercegovina/rtrs-se-oglasila-na-prijetnje-rak> (accessed 22 January 2011).

114 “RTRS se oglasila na prijetnje RAK-a” (RTRS Ignores CRA Threats), 15 December 2009, at <http://www.bitno.ba/vijesti/bosna-i-hercegovina/rtrs-se-oglasila-na-prijetnje-rak> (accessed 22 January 2011).

115 CRA, 2012, “Godisnji izvjestaj o radu za 2011” (Annual Report for 2011), p. 62, at <http://www.rak.ba/bih/index.php?uid=1272548129> (accessed 20 April 2012).

116 Amer Džihana, “The Public Broadcasting System in B-H: Between Ethnic Exclusivity and Long Term Sustainability,” at http://www.soros.org.ba/images_vijesti/stipendisti_2008/amer_dzihana_final_policy_study_en.pdf (accessed 20 April 2012).

is mainly perceived as Bosniak, especially when it comes to airing the opinions of Croatian and Serbian politicians. It would be an exaggeration to qualify this television broadcaster as exclusively Bosniak, although it employs Croats mainly as program announcers and hosts, and holds back from hiring them for editorial positions.¹¹⁷

Ethnic divides in BiH have strongly affected the very concept of the public interest, redefining it along ethnic lines. Therefore, the entire PSB development is primarily determined by questions on what each ethnic community will get and to what extent.¹¹⁸ The hyper-complexity of these issues makes it difficult to find a solution at the institutional level. Slavo Kukić, a media expert, says that “these legacies require a higher level of sensitivity as they continue to be a source of frustration and intolerance, a cause of separation and distancing. In other words, the ethnic element must be taken into account everywhere and at any time.”¹¹⁹

With regard to PSB political affiliations, it has already been said that people perceive RTRS as serving the Alliance of Independent Social Democrats (*Savez nezavisnih socijaldemokrata*, SNSD), and Federal Television as serving the SDP. There are no grounded claims to connect BHRT with any particular partisan position.

The financial situation of public broadcasters is very difficult. BHRT and RTVFBiH have debts to the state amounting to millions,¹²⁰ while RTRS relies to a large extent on the financial support provided by the Government of Republika Srpska. All this, however, has not made public broadcasters cooperate more closely and try to lower their expenses and increase their efficiency. As analysts Amer Džihana and Tarik Jusić have observed, “the existing legal framework and proposed organizational structure have failed to provide for efficient cooperation among the three broadcasters, which act as competitors rather than as partners.”¹²¹

The consequence, according to media commentator Dušan Babić, is “an irrational use of resources, staff surplus, high production costs and a lack of competitiveness in relation to commercial broadcasters.”¹²² In practical terms, Serbs in BiH seem the most reluctant to pay when it comes to the idea of an all-Bosnian public service, although “the mechanism for redistribution of the license fee revenue is politically skewed in order to win their acceptance.”¹²³ On the other hand, the Croats in BiH largely refuse to pay the fee because

117 M. Radević, “Zasto tone Federalna TV?” (Why is Federal TV Sinking?), *Slobodna Bosna*, No. 743, p. 46, 10 February 2011.

118 Amer Džihana, “The Public Broadcasting System in B-H: Between Ethnic Exclusivity and Long Term Sustainability,” at http://www.soros.org.ba/images/vijesti/stipendisti_2008/amer_dzihana_final_policy_study_en.pdf (accessed 13 February 2011).

119 Amer Džihana, “The Public Broadcasting System in B-H: Between Ethnic Exclusivity and Long Term Sustainability,” at http://www.soros.org.ba/images/vijesti/stipendisti_2008/amer_dzihana_final_policy_study_en.pdf p.98 (accessed 13 February 2011).

120 See <http://www.depo.ba/vijest/11122> and <http://radio-feral.ba/2011/02/zasto-tone-televizija-federacije-bih/> (accessed 28 May 2012).

121 Amer Džihana and Tarik Jusić, 2008, “Bosnia and Herzegovina” in Sandra Bašić-Hrvatini, Mark Thompson and Tarik Jusić (eds), *Divided They Fall: Public Service Broadcasting in Multiethnic States*. Mediacentar, Sarajevo, p. 94.

122 D. Babić, 2007, “Javno radio-televizija BiH: Stari problem novog zakona,” *Puls demokratije*, at <http://arhiva.pulsdemokratije.net/index.php?id=268&cl=bs> (accessed 12 October 2010).

123 S. Bašić-Hrvatini and M. Thompson, 2008, “Public Service Broadcasting in Plural and Divided Societies,” in Sandra Bašić-Hrvatini, Mark Thompson and Tarik Jusić (eds), *Divided They Fall: Public Service Broadcasting in Multiethnic States*. Mediacentar, Sarajevo, p. 32.

they believe that the existing channels are not theirs.¹²⁴ Eventually, as the statistics for 2010 show, Bosniaks also started to evade paying license fees.

Last but not least, public broadcasters are often mentioned when it comes to violations of labor relations in the media. Among the most notorious cases is that of Mehmed Agovic, BHRT's director, who was removed from his position by the Steering Board in September 2008. In spite of the legally binding court decision made in November 2008, he was not restored to the position of Director General until April 2011. In total, Mr Agovic was removed from his position and then brought back three times, each time accompanied by court proceedings, constant conflicts between himself and the Steering Board, until he became advisor to the Minister of Transport and Communications in February 2012. The case ended with the appointment of a new director of BHRT in March 2012.¹²⁵

A similar case occurred with Duska Jurisic, editor of RTVFBiH, whose removal was likewise ruled to have been illegal. To obstruct her return, the management of Federal Television quickly changed the structure of the program's editorial office and abolished her former position. However, the Court found in Jurisic's favor.¹²⁶

This overall lack of cooperation and even hostility among the competing public broadcasters, their low levels of professionalism, overlapping airing times, and disrespect for Court decisions have directly influenced the quality of programs they offer. It can thus be inferred that this has to some extent encouraged viewers to prefer the programs offered by commercial operators and/or the channels transmitted from neighboring countries, thus further aggravating the poor financial situation of local public service operators.

The above-mentioned factors point to the conclusion that PSBs in BiH are still not capable of fulfilling their public role, by promoting multi-ethnic values or shared Bosnian interests. The influence of politics in the media and the heritage of the past are still very strong.

2.2.2 Public Service Provision in Commercial Media

Many commercial operators have shown that their programs contain a certain amount of what could be described as public interest content. This type of programming includes news programs, educational and children's programs, etc. Moreover, the less formal style used in the news program presentation typical of the commercial operators is often more appealing to audience tastes.

124 Amer Džihana, "The Public Broadcasting System in B-H: Between Ethnic Exclusivity and Long Term Sustainability", at http://www.soros.org.ba/images_vijesti/stipendisti_2008/amer_dzihana_final_policy_study_en.pdf (accessed 13 February 2010).

125 M. Rener-Smajovic, "Muhamed Bakarevic, generalni direktor BHRTa" (Muhamed Bakarevic, Director General of BHRT), *Nezavisne novine*, 27 March 2002.

126 J. F., "Kantonalni sud u Sarajevu odbio žalbu FTVa Pravna pobjeda Duške Jurišić" (Sarajevo Cantonal Court repudiated the statement of claim of FTV, Legal victory of Duska Jurisic), *Oslobodjenje*, 16 April 2011.

Thus, Hayat TV from Sarajevo¹²⁷ and ATV from Banja Luka offer a show for children, investigative reporting, and programs to familiarize audiences with local self-governance; TV1 (Sarajevo) offers a very extensive news program. The main reason for the existence of this public service provision are the existing rules prescribed by the CRA, stating that programs broadcast by all television stations should contain at least 51 percent of European audiovisual content, as well as audiovisual content from BiH of at least 25 per cent.¹²⁸ However, the new 2011 Code on audiovisual media services and radio services, which replaces the Code on broadcasting radio and television programs, contains no such provision; hence, this factor will soon be irrelevant. Besides that, individual licenses issued by the CRA stipulate additional public obligations, obliging commercial stations that apply for frequencies to produce a certain percentage of informative, educational, cultural, and other content of public interest.

In spite of this, there are significant differences among commercial stations in this regard, and while some of them put great emphasis on the production of news content, others fulfill this obligation only minimally and formally. It is also worth noting that public interest provision is highly politicized, and factual programs are used to promote the agenda of associated parties.

Given the poor production capacity of local media, however, it is hard to imagine that public provision in commercial media will continue to be a trend in the future. Moreover, the arrival of Al Jazeera Balkans in BiH attracted significant numbers of senior news staff away from the commercial broadcasters.

2.3 Assessments

Digitization is still at an early stage. The Government adopted a Strategy for Digital Switch-over envisaged for 2011 and then delayed to 2014, allocating a leading role to PSBs in that process. However, the insufficient reforms of the public broadcasting system at all levels, along with its poor financial situation and strong political affiliations, undermine many aspects of the implementation of the Strategy, where technological issues seem to be only secondary in importance. The biggest problem is that politicians in BiH and society as a whole still have not reached agreement over what kind of public service is needed. Ethnic divisions and the strong politicization in the country impede cooperation among different public broadcasters and do not allow proper coordination in their functioning. This has created problems in the management of the stations, affecting the quality of programs, and hence reluctance among the audience to support PSB as a concept.

Moreover, strained relations among public operators, resulting in the rushed attempt of RTRS to start experimental digital broadcasting, has only made the situation even more complicated. On the one hand, this has diminished the confidence in the institutions responsible for digitization, notably the CRA. On the other hand, operators and citizens are uncertain as to which technical standard of compression (MPEG-2 versus

127 See <http://www.hayat.ba/> (accessed 28 April 2011).

128 See Articles 26 and 28 of the Code on broadcasting radio-television programs, at `javascript:$ja.download('download.php',name=kodeks_o_em-
itovanju_rtv_programa_(2008)&file=1272633211.pdf&folder=)` (accessed 11 December 2011).

MPEG-4) will ultimately be established, and so are unsure as to which equipment will be needed to transmit and receive these programs. A possible aid for digitization of public broadcasting from European funds is conditioned by the requirement to have the PSB reforms completed, but so far there is no political will to move things in that direction. The Serbian side does not seem interested in the existence of a broadcaster and corporation at state level, the Croatian side insists on the establishment of an exclusively Croatian broadcaster, and the Bosniak side is resistant to change as it fears that this would lower the income of the Federal Television, over which they have control.

By and large, PSB programs have remained unchanged by digitization, with the addition of scarce and largely unoriginal online content. Websites have been launched and do operate, but they resemble tools for promotion rather than an extension of the program offer.

Hence, it can be concluded that digitization in BiH has still not made any significant positive changes, and it is not clear when and whether such changes can be expected.

3. Digital Media and Society

3.1 User-Generated Content (UGC)

3.1.1 UGC Overview

Of the 10 most visited websites in BiH in March 2011, according to Alexa.com,¹²⁹ four belong to the category of UGC sites. These are: Facebook.com, YouTube.com, Pik.ba (the leading BiH website for sales and shopping), and Wikipedia.org, followed closely by web search engines such as Google.ba, Google.com, Windows live.com, Yahoo.com, and news portals Sarajevo-x.com from BiH and Index.hr from Croatia.

The Alexa.com data also show that four of the top 10 local BiH sites do not have UGC content at all, whereas the websites that do have this type of content provide mainly forums.

Table 11.
Top local websites

Website	URL	Alexa traffic ranking	Type	UGC
Sarajevo-x	sarajevo-x.com	5	News portal	Classifieds and forum
Pik.ba	pik.ba	6	Site for buying and selling	All
Dnevni avaz	dnevniavaz.ba	12	News portal	Forum
SportSport.ba	sportsport.ba	15	Sport information site	Forum
24 sata	24sata.info	18	News portal	Comments below articles
Bljesak info	bljesak.info	19	Internet magazine	No
BH Telecom	bhtelecom.ba	20	Website of telecoms operator in BiH	All
Source.ba	source.ba	21	Video portal	No
Depo portal	depo.ba	24	News and entertainment portal	Some
Moj portal	mojportal.ba	25	News portal	No

Source: Alexa.com, 10 April 2011

129 See <http://www.alexa.com/topsites/countries/BA> (accessed 10 April 2011).

The results referring to the BiH online market, provided in February 2011 by the Valicon agency,¹³⁰ include only local websites and users. They show that among the top 10 websites there are three UGC websites: Pik.ba and market.ba (for shopping and sales) and Blogger.ba. Besides these, there are news portals, Sarajevo-x.com and Avaz.ba (the portal of the most read daily newspaper in BiH), and several portals for entertainment, sports, music, jobs, and services information.¹³¹

Table 12.
Top local websites, by visitor numbers

Position	Website	Number of real users (BiH)	Reach (%) (BiH)	Estimation of number of users outside BiH
1	Sarajevo-x.com	329,430	25.92	292,604
2	Pik.ba	304,622	23.97	176,894
3	Blogger.ba	247,941	19.51	419,184
4	Avaz.ba	169,139	13.31	113,971
5	Infobar.ba	148,779	11.71	29,572
6	Dernek.ba	122,960	9.67	118,293
7	Sportsport.ba	101,689	8	37,826
8	Market.ba	97,913	7.7	31,941
9	Posao.ba	95,907	7.55	11,736
10	Hitovi.ba	88,698	6.98	184,335

Source: Gemius Audience, February 2011, BiH¹³²

According to a survey conducted for the needs of this report,¹³³ most of the user-generated content that appears on these websites are user comments and video sharing, whereas there are fewer websites with elements of wiki and blogs.

130 See http://www.valicon.net/uploads/GemiusAudience_objava_rezultata_februar_2011.pdf (accessed 28 May 2012).

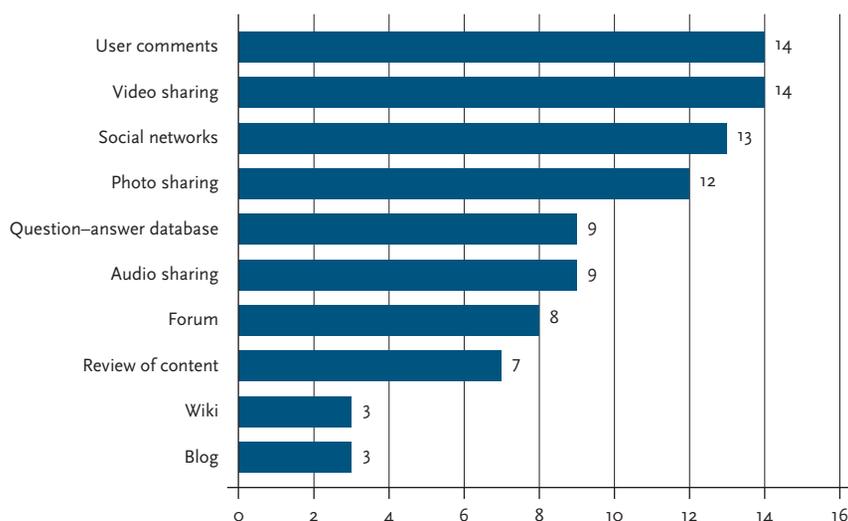
131 See <http://www.dernek.ba>; <http://www.infobar.ba>; <http://www.sportsport.ba>; <http://www.posao.ba>; <http://www.hitovi.ba> (accessed 12 April 2012).

132 See http://www.valicon.net/uploads/GemiusAudience_objava_rezultata_februar_2011.pdf (accessed 30 April 2012).

133 The survey included 18 representatives of web portals gathered at a conference of the Press Council, entitled "Protecting Professional and Ethical Standards in Online Media," held in Neum between 17 and 19 March 2011, as well as a meeting of editors and owners of online media, held in Sarajevo on 18 March 2011.

Figure 4.

Elements of UGC among BiH websites, March 2011



Source: Survey of 18 web portal representatives by report authors, March 2011

However, the ranking provided only shows which of the cited UGC aspects can be found on websites, and does not tell us anything about the extent to which they are used. It would be wrong to conclude that video sharing is more widespread than forums among the BiH online community. The analysis also shows that only a few web pages use video sharing. On the other hand, forums are quite popular, but due to their more controversial nature some websites avoid moderating them.

The survey has also shown that blogs are not a very popular UGC tool in BiH, since out of all 18 portals included only three have blogs. Participants in this survey said that blogs' popularity was somewhere in the middle, and it proved difficult for them to determine whether the blog phenomenon was significant or insignificant among the online community in BiH.

3.1.2 Social Networks

The number of users of social networks in BiH, as well as the number of people familiar with this way of using the internet, has increased significantly over recent years, along with the number of those who own a computer. According to research conducted by GfK BH in 2009,¹³⁴ 52 percent of citizens in BiH over the age of 15 know about this type of social network. Unsurprisingly, it is primarily young people who use social networks the most; 90 percent of people in the 15–24 age group have heard of them, while only one in 10 people over the age of 65 knows something about Facebook, Twitter, MySpace, etc.

134 GfK BH, "Internet društvene mreže" (Internet Social Networks), Sarajevo, 29 July 2009, at http://www.gfk.ba/imperia/md/content/gfkbh/pr_eng/pr_2009/gfk_bh_-_09-2009_internet_drustvene_mreze.pdf (accessed 22 March 2011).

However, the data available referred mainly to the use of Facebook, whereas the other social networks have not been subjected to much research. Moreover, the number of people with a profile on Facebook in BiH only confirms the well-known fact that this social network holds the primary position among all the social networks. The case of BiH shows, for example, that 46 percent of all active internet users have their profile on Facebook, whereas only 5 percent use Twitter and 1 percent use MySpace.

According to the GfK BH research, Facebook members use this social network at least once a day to chat with their friends (53 percent), to send e-mails (43 percent), to play online games (19 percent), etc. According to some newspaper headlines, the number of Facebook users in BiH reached one million at the beginning of 2011.¹³⁵ This number is expected to rise as the internet penetration in BiH is constantly increasing.

Analysis of the social networks in BiH shows that there is no local equivalent to global social networks such as Facebook. However, there are websites—such as Dernek.ba—which have many of the elements of the global social networks. Established in 2007, it is entirely directed at younger people and offers many services for social interaction. This includes opportunities for going out, having fun, and dating. The website regularly publishes information about music events and cultural forums. It also offers blogs, but their number is rather small and people rarely use them.¹³⁶

Dernek.ba had its boom in 2008, and since then its popularity has been decreasing, as international social networks have taken over. The last data available on this are from December 2010, when Valicon¹³⁷ stated that among the most visited websites in BiH, Dernek.ba came sixth with 111,036 real users. Several months earlier, in August 2010,¹³⁸ this local social network had 126,121 real visitors and was placed as the fifth most visited local website. At that time, the closest to it, with 49,203 visitors, was Gamers.ba, a social network dedicated mainly to computer games. Among the top 30 local websites, another social network worth mentioning is Teen.ba, aimed primarily at young people, which had 26,282 real visitors in December 2010.

None of the local social networks mentioned above has been founded or operated by established media.

3.1.3 News in Social Media

With regard to the topics found on blogs, it seems that they are mainly concerned with love and war.¹³⁹ A blog named “Wrinkles around the Eyes,” sharing the war memoirs of Saudin Becirevic, became one of the most visited sites with over 750,000 unique visitors.¹⁴⁰ Politically engaging content, as well as content that

135 “Broj korisnika facebooka iz BiH dostigao jedan million!” (Number of Facebook Users in BiH Reaches One Million!), 26 January 2011, at <http://www.balkan24.com/facebook-blog/3114-broj-korisnika-facebook-a-iz-bih-dostigao-jedan-milion.html> (accessed 22 March 2011).

136 Interview with Emir Pilavdzic, Executive Director of Dernek.ba, 25 February 2011.

137 Valicon, “31 percent BiH internet korisnika kupuje i iz domaće fotelje!” (Thirty-one percent of Internet Users Shop from Their Armchairs at Home), Sarajevo, 17 January 2011, at http://www.valicon.net/uploads/Gemius_objava_rezultata_decembar_2010.pdf (accessed 22 March 2011).

138 Valicon, “Rezultati posjećenosti BiH internet medija za mjesec august 2010” (Results of Visitorship to BiH Online Media for August 2010), 22 September 2010, at http://www.valicon.net/uploads/gemiusAudience_rang_lista_august_2010.pdf (accessed 22 March 2011).

139 Emir Pilavdzic, Executive director of Dernek.ba. Interview with the author, 25 February 2011.

140 See <http://www.sarajevo-x.com/bih/sarajevo/clanak/091121003> (accessed 30 March 2011).

could be considered to be investigative reporting are very rare on blogs. Out of all 18 website representatives involved in the survey,¹⁴¹ only one said that there was much content of this type on blogs, whereas according to all the others such content can be found only occasionally, or almost never.

The most important blog platform is Blogger.ba.¹⁴² Every month, it publishes around 19,000 different posts, grouped into 10 categories: daily news, politics and society, culture and art, economy, sports, technology, film, music and television, teen love and sex, photography. On a daily basis, Blogger.ba updates around 400 posts from all categories. Most of the posts—about 200—are updated in the category of daily news. The most visited blogs in this category and those with the most favorites are the blogs about health and beauty, diet and recipes, soap operas, religious topics, pearls of wisdom, personal love experiences, etc. When it comes to the topics discussed in posts, sports are dominating. Every month, there are about 2,450 such posts, whereby football is tackled in 2,350 of them. Posts include news related to the UEFA Champions League, big European clubs, and transfers of players and coaches. These posts also attract the greatest number of comments. The topics about love and sex cover more than 700 posts per month, placing them second in terms of UGC activity.

“United Bosnia and Herzegovina,” a topic from the category of politics and society, has about 600 posts. These posts reveal certain activist tendencies among participants, and their topics are related to current political and social events. At the beginning of 2011, several posts concerned Jovan Divjak, a former General of the Army of BiH, arrested in Vienna. These posts have mostly been supportive of the general. At the same time, they received more comments than those that discuss in broader terms the tragic past of the region and the war between 1992 and 1995. The posts do not tend to carry nationalistic insults or extreme messages, and concentrate mainly on different and sometimes opposing interpretations of what happened. The topic “United Bosnia and Herzegovina” has also covered the suspension of the Football Association of BiH by FIFA and UEFA; the governmental elections in the Federation of BiH; some of the decisions made by the High Representative, etc. At the same time, with its 2,330 favorites, this topic was the most visited in the whole category of politics and society.

The category related to music, films, and television receives around 700 posts every month. The most popular and the most visited blogs are those that allow downloading of music and films as well as blogs discussing news about film celebrities. Poetry and literature belong to the same category and occupy an important position too, with 600 posts every month. The dominant place goes to poetry written by bloggers themselves, whereas copying someone else’s lines is rare.

141 The survey included 18 representatives of web portals gathered at a conference of the Press Council, entitled “Protecting Professional and Ethical Standards in Online Media,” Neum, 17–19 March 2011, as well as a meeting of editors and owners of online media, held in Sarajevo on 18 March 2011.

142 The data about blogs were collected in March 2011.

3.2 Digital Activism

3.2.1 Digital Platforms and Civil Society Activism

With regard to digital activism, half of the 18 website participants in the poll said that their pages occasionally offer content which advocates changes in society or suggests social solutions.¹⁴³ This type of activism relates mostly to humanitarian actions, protection of animal rights, protests against football hooliganism, and promotion of certain policy options made through editorial comments.

In general, digital activism in BiH has found representation in various Facebook groups. Over 43,000 people constitute the group supporting Ejup Ganic,¹⁴⁴ a member of the presidency of BiH during the war who was arrested in London at the request of Serbia on charges of war crimes. The situation is similar for Facebook groups “Release Jovan Divjak right now,” with over 18,000 members,¹⁴⁵ and “Support for General Jovan Divjak,” with over 11,000 members.¹⁴⁶ It is difficult to say that these groups initiated the subsequent protests on the streets of Sarajevo, as traditional media also got involved in intensive reporting about the arrest.¹⁴⁷

In any case, online activism has certainly contributed to the exchange of information among protesters. The situation is strongly reminiscent of the protests in Sarajevo in 2008,¹⁴⁸ resulting in the resignation of the cantonal prime minister. Those protests were largely mobilized through the social networks (although not triggered exclusively by them). According to an analysis by the Sarajevo Center for Investigative Reporting, demonstrations by members of the “Dosta” (Enough) movement, along with many other citizens, pointed to the problem of safety in the capital of BiH after a series of attacks on citizens, which culminated in the murder of a teenager on a tram. After cantonal Prime Minister Silajdzic called the citizens who gathered a “mob,” numerous protests demanded that he and the mayor, Semiha Borovac, should resign. Silajdzic resigned shortly afterwards.¹⁴⁹

The global manifestation “Sixteen Days of Activism” at the end of 2010 also deserves to be mentioned, as it had a significant impact in BiH. The action, known as “Locked,” focused on new information technologies and violence against women and was supported by several non-governmental organizations in BiH. It produced six local digital stories dealing with the experience of female convicts as well as with conditions in

143 The survey included representatives of web portals gathered at a conference of the Press Council, entitled “Protecting Professional and Ethical Standards in Online Media,” held in Neum between 17 and 19 March 2011, as well as a meeting of editors and owners of online media, held in Sarajevo on 18 March 2011.

144 See <http://www.facebook.com/Podrska.za.Ganica> (accessed 22 April 2011).

145 See <http://www.facebook.com/pages/Oslobodite-Jovana-Divjaka-odmah/188420824530240> (accessed 30 April 2011).

146 See <http://www.facebook.com/pages/Podrska-za-general-a-Jovana-Divjaka/149964461730384> (accessed 30 April 2012).

147 See, for instance, S. Cavrag, 2011, “Barasaninu istekao rok trajanja” (Barasanin’s Term Has Expired), *Nezavisne novine*, No. 4527, p. 13, 30 March 2011; D. Karup-Drusko, 2011, “Jovan Divjak uhapšen je greškom Beča” (Jovan Divjak Arrested in Vienna by Mistake), *Dani*, No. 718, p. 22, 18 March 2011; Fetahovic, J., 2011, *Država BiH ima kapacitete da brani Divjaka* (BiH Has Capacity To Defend Divjak), *Oslobodjenje*, No. 23,063, p. 5, 9 March 2011.

148 See <http://www.sarajevo-x.com/bih/sarajevo/clanak/081009088> (accessed 30 April 2012).

149 Center for Investigative Reporting, “Analiza ostavke” (Analysis of resignation), Sarajevo, 15 July 2009, at <http://www.cin.ba/Stories/AdHoc/?cid=920,2,1> (accessed 29 April 2012).

prisons across the country. One of the initiators of the project in BiH, Valentina Pellizzer, announced the publication of a guide “which could later be used for changes in society” as, according to her, “almost 95 percent of the content found on the internet refers to some type of violence against women.”¹⁵⁰ The digital format of the video stories that were then produced was chosen both because of its financial affordability and high potential to reach a wide audience.

3.2.2 The Importance of Digital Mobilizations

As pointed out above, initiatives of digital activism have started to appear in BiH, although the real extent of their influence is difficult to determine. The number of non-governmental organizations (NGOs) is increasing, and currently there are organizations such as “Dosta,”¹⁵¹ “Why Not,”¹⁵² and “Centers for Civic Initiatives,”¹⁵³ which have an explicit activist agenda. They all use the internet as a tool for campaigning and mobilization. Given that the influence of the NGO sector in BiH is still not very great, and that ethno-political patterns strongly dominate society, it is too early to speak of digital mobilization as a crucial factor for social activism.

3.3 Assessments

The blogosphere and UGC seldom generate new information in BiH. Data on visitor numbers show that the demand for websites providing news is not very significant in BiH. Among the top 10 websites, there are only two news portals. User-generated content is mostly expressed through controversial comments, which enable anonymous users to freely express their points of view in the public sphere. Sometimes these comments provide very clear examples of chauvinism, although that is not typical for the news. Moreover, socially or politically engaging topics rarely make their way to the top list of priorities discussed by online media and forums, and genuine news is not a characteristic feature of blogs.

In spite of that, the very nature of public communication is changing. Internet penetration is constantly growing, especially with regard to younger generations. Hence, young people are becoming increasingly engaged in different initiatives that are digitally mediated. Still, online political activism is not particularly popular in BiH. There are various reasons for this, such as the ethnic divisions in the country, the arbitrary role of the international community in BiH, and the lack of tradition of a civic sector. In that sense, digital initiatives remain limited by the very nature of political and social relations, where civil society is to a great extent dominated by the existent ethno-political structures.

150 See <http://www.mojevijesti.ba/novost/63498/odrzana-radionica-o-zaustavljanju-nasilja-nad-zenama>.

151 See <http://dosta.ba/latinica/> (accessed 23 April 2011).

152 See <http://www.zastone.ba/> (accessed 23 April 2011).

153 See <http://www.cci.ba/> (accessed 23 April 2011).

4. Digital Media and Journalism

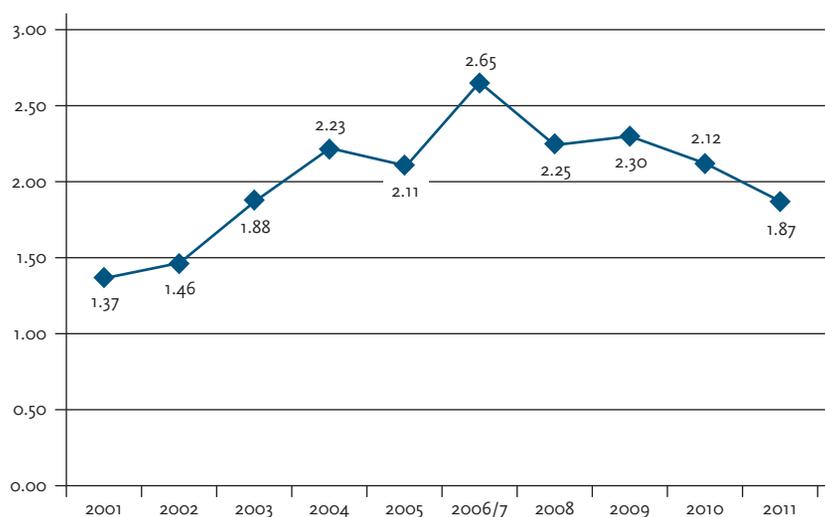
4.1 Impact on Journalists and Newsrooms

4.1.1 Journalists

There is widespread opinion in the journalism community of BiH that over the past five years the quality of media and journalistic standards has decreased. This trend is quite noticeable after 2007, as shown in Figure 5 by the graph with scores for professional journalism, expressed in the Annual IREX Report, Media Sustainability Index (MSI).

Figure 5.

MSI scores for professional journalism, 2001–2011



Source: IREX MSI¹⁵⁴

154 Chart compiled from data at http://www.irex.org/system/files/EE_msiscorers.xls (accessed 28 May 2012).

The decrease is primarily reflected in the fact that there has been a growing tendency among media outlets to show openly their affiliation to different political parties.

There are many reasons for this trend, most of which are unrelated to digitization. From an economic point of view, the media have been heavily affected by the global recession, which has driven down advertising prices. At the same time, foreign donations have decreased significantly over the past five years, compelling many media outlets to turn toward local methods of financing, often connected with the centers of political power.

Relations between media and politics have certainly intensified during the last five years. This is particularly true for the Republika Srpska, where the authorities have given the media around €7.4 million¹⁵⁵ between 2009 and 2011 (although such cases certainly exist in other parts of the Federation too). According to the then editor in chief of *Dani* magazine, Faruk Boric:

Over the past five years, there has been quite a drastic change of the situation in RS [Republika Srpska] primarily related to the rise of Milorad Dodik, currently its President. Mr Dodik has managerial abilities and he knows the main people in the media, RTRS, SRNA and the press. His friend Željko Kopanja, editor-in-chief of *Nezavisne novine*, ha[s] given him strong support, and in general this is the case with many other media that have a clear pro-governmental, pro-regime stance. Situations like this can be found all over BiH, as there is a strong change of public rhetoric mainly characterized by homogenization of ethnicities in BiH [...] This is how a media and politics circle has been formed, and what we have today is a strongly ethnically divided media scene in BiH.¹⁵⁶

Mehmed Halilović, a former Deputy Ombudsman for the Media in the Federation of BiH, says it has become increasingly obvious that the editorial policies of the key media outlets reflect the daily policies of the parties to which they are linked.¹⁵⁷ The media follow political directions and they offer no serious resistance to this subordinate relationship. Many journalists would not dare to confront their superiors, and risk losing their jobs or being deprived of certain work-related rights if they do. It is also probable that the journalists themselves share the same ideology as the political elite to which the outlet they work for is linked, and hence consciously promote a certain type of politics. In any case, only a few active journalists would publicly admit the existing political and ideological pressures to which they are exposed.

On the one hand, new technologies and digitization have made it easier for journalists to do their job. The actual work of journalists has become much easier, and information is more readily available. This is stressed by editor and journalist Ozren Kebo: “It is primarily the physical work that has lessened as now journalists

155 CIN Online Publication, *Vladini milioni za private medije u RS-u* (Government gives millions to private media in RS), 22 February 2012, at <http://www.cin.ba/Stories/AdHoc/?cid=1048,2,1> (accessed 27 May 2012).

156 Interview with the author, 12 March 2011.

157 Interview with the author, 20 April 2011.

do not have to type texts on a typewriter several times, as used to be the case.”¹⁵⁸ Faruk Boric emphasizes that news today moves at the speed of light.¹⁵⁹

On the other hand, BiH journalists associate digitization with violations of copyright, creating significant financial difficulties for media content owners. According to Kebo:

There is complete chaos on the internet. Taking texts without any authorization has become general practice. There are only two portals which ask for permission. In some cases, a text is published on 60 portals and no editor has ever asked if he or she can take it. It is clear that more time is needed to overcome the current anarchy and to establish professional standards in online journalism so that no content would get stolen as we have invested in it.¹⁶⁰

The past five years have seen the emergence and increasing importance of online journalism in general, and of news portals in particular. People who launched news portals and currently run them do not usually come from the world of professional journalism. Most often, they are youngsters who started other services on the internet, such as selling things or providing entertainment, before embarking on news portals. Editor Eldin Karic states:

Young journalists may not have the basic journalistic approach needed, but they are very skillful when it comes to using internet technology. We now have journalists with modern skills and poor understanding of reporting. Whenever we have information which is not checked, even if later it proves to have been partly correct, the public gets the perception that it has been misinformed.¹⁶¹

In this situation, it can be observed that in a great many cases, journalists rely on agency feeds because they lack the skills to research and write their own news stories. This situation is potentially harmful, because the two strongest local news agencies, SRNA and FENA, are owned by entity authorities, and there is no legal safeguard to ensure the independence of these agencies—unlike in the case of the public broadcasters.

4.1.2 Ethics

Although online journalism has not had a particularly corrosive effect on news quality and professional standards in the media, it has certainly not enhanced ethical journalism. Indeed, the rules of journalism are only just being learned in the blogosphere, and ethical standards are gradually being adopted as owners of portals have started to realize that observing them will increase their credibility, and also offer them a degree of protection from legal complications and lawsuits. By and large, however, in BiH there is a collective

158 Interview with Ozren Kebo, Sarajevo, 12 March 2011.

159 Interview with Faruk Boric, Sarajevo, 12 March 2011.

160 Interview with Ozren Kebo, Sarajevo, 12 March 2011.

161 Interview with the author, 12 March 2011.

opinion¹⁶² that professional standards in online journalism are lower than those in the print media, although the situation there is also still far from satisfactory.

Since the beginning of 2011, the Press Council has been undergoing a process of transformation into a new Council for the Press and Online Media. Consequently, several news portals, such as Sarajevo-x.com, Dnevnik.ba, and 24sata.info have become members. As a consequence, it can now be expected that the regulatory activities to be conducted by this reformed Council will increase the professional standards in online journalism as well.

4.2 Investigative Journalism

4.2.1 Opportunities

Investigative journalism in BiH is not a new concept. For the last 15 years, since the war, various print media and television programs have offered some investigative reporting. However, all editorial offices of traditional media have problems with the resources needed for investigations, and it is almost impossible to find any of them able to allocate sufficient journalists to research a particular topic in-depth, sometimes for months on end. Nevertheless, stories are often presented as investigative journalism, whereas in fact they primarily serve the interests of media owners, or of a given ethno-political cause. Moreover, media in BiH are to a large extent owned by local tycoons. Eldin Karic, editor of the web portal Zurnal.info, states that the international donors, who in a way helped to maintain the independence of the press as described earlier, moved out of BiH too early, leaving the media in the hands of politically minded barons.¹⁶³

A positive example of investigative reporting in BiH is the Center for Investigative Reporting in Sarajevo (*Centar za istraživačko novinarstvo*, CIN), a joint project of the Department of Journalism at New York University and the Journalism Development Group.¹⁶⁴ The Center is financed by USAID grants from the Open Society Fund in BiH.¹⁶⁵ Although this project was not initially very successful, over the past few years CIN has succeeded in becoming a recognizable organization, which regularly produces investigative stories of a high professional standard and the result of long-term investigative work. The Center usually presents its findings in a multimedia format, offering texts and photos for the newspapers and web portals, as well as video materials, for the web and television stations. By using multimedia, CIN gains advantages compared to investigative stories published exclusively in print media or on television. This is how the journalists of CIN post links to original documents and databases gathered for the research, and they also effectively mix different video, audio, and text materials, in order to make their stories as credible as possible. Thus, most of the stories developed by CIN appear first on websites and then later reach the traditional media.

162 Ozren Kebo, Faruk Boric, Eldin Karic, interviews with the author, March 2011.

163 Eldin Karic, interview with the author, 12 March 2011.

164 On the Journalism Development Group, see <http://ijnet.org/node/70250> (accessed 12 March 2011).

165 See <http://www.cin.ba/about/?cid=97,2,1> (accessed 23 April 2011).

With the exception of CIN, investigative reporting on news portals is almost non-existent. News portals in BiH usually produce very little of their own content and mainly rely on the information published by news agencies as well as on other websites. Editorial staffing is usually limited, both in terms of numbers and professionalism. According to Ozren Kebo, this situation impacts on the capacity for ethical journalism, as well as the concomitant levels of public trust: “People need to know which portals they can trust. I think that we will trust mostly portals which pay greater attention to the professionalization of their editorial staff and offer final product based on plurality of sources and on information which has been confirmed.”¹⁶⁶ Similarly, there is no development of investigative reporting on blogs in BiH. According to the survey conducted with representatives of web portals,¹⁶⁷ 17 out of 18 respondents think that blogs do not offer any investigative stories, or that they are not even familiar with the concept.

Positive examples of outlets that do publish investigative reports include a web magazine called Zurnal.info, which is supported by donor funds. During 2011, by mid-December, it had published 294 stories on corruption in different sectors of public and social life.¹⁶⁸ Some of these stories were subsequently taken up by other media. The Sarajevo weekly *Slobodna Bosna* also supports and publishes investigative reporting and has (since the start of 2012) become available online, although the website does not offer the entire content of the print edition.

4.2.2 Threats

Although there are positive examples of digital tools being used to develop investigative reporting, they are mostly limited to outlets supported by foreign donors. According to all available indications, no business model that is commercially sustainable in BiH could secure a future for this type of journalism.

4.2.3 New Platforms

Online investigative journalism per se is not widely practised in BiH. Reporters do their stories for the traditional media, while bloggers use the internet for other purposes, such as to promote themselves or their ideas, but mainly for entertainment. Moreover, the dominant perception in the country is that online media might enhance the speed of information dissemination, but not so much the quality of journalism.

4.2.4 Dissemination and Impact

As already mentioned, online blogs scarcely ever carry out investigative reporting and focus mainly on personal and lifestyle issues. However, a case illustrating the new ways of disseminating investigative reports is that of Nedžad Branković, former Prime Minister of the Government of the Federation of BiH. Following in-depth journalistic research conducted by CIN, an investigative piece was published on the CIN website, showing

¹⁶⁶ Ozren Kebo, interview for this report, Sarajevo, 12 March 2011.

¹⁶⁷ The survey included 18 representatives of web portals gathered at a conference of the Press Council, entitled “Protecting Professional and Ethical Standards in Online Media,” held in Neum between 17 and 19 March 2011, as well as a meeting of editors and owners of online media, held in Sarajevo on 18 March 2011.

¹⁶⁸ See http://www.zurnal.info/home/index.php?option=com_content&view=article&tid=10888:ta-ste-vi-uinili&catid=16:okuacija-u-sedam-slika&Itemid=33.

a video interview with the minister, who, when asked, “How did you get your apartment?” responded, “Legally.”¹⁶⁹ The clip was later taken up by the most influential news portal in BiH, Sarajevo-x.com. Sections of the interview then appeared in a music video of a well-known band, *Dubioza kolektiv*, and after that it was aired by many local television stations and other mainstream media. All the coverage gave the former prime minister the notorious image of a corrupt person, and the phrase “Legally” became a widely accepted, empty byword used to make fun of the corruption of governmental officials. There are other cases where online media were used to reveal corruption or irresponsible behavior by politicians and other public figures, but the above-mentioned case is probably the best example of a story triggered by online media that went on to reach a wider audience and influence public opinion.

4.3 Social and Cultural Diversity

4.3.1 Sensitive Issues

Bosnia and Herzegovina is characterized by turbulent relations among the national groups living in the country. The war in 1992–1995 resulted in a huge ethnic division of society, and consequently discussions about the rights of the three “constituent peoples”—Bosniaks, Serbs, and Croats—characterize a great part of the overall post-war discourse, often giving rise to numerous sensitive issues.

In addition to the three main ethnic groups, as specified in the Constitution of BiH, there is the category of “others,” where all other national minorities are placed.¹⁷⁰ There are 17 legally acknowledged national minorities in BiH,¹⁷¹ of which the biggest is the Roma community, consisting of between 35,000 and 80,000 people.¹⁷² Poverty, unemployment, and unequal social representation of the Roma population have all been the cause of various negative stereotypes. Beside the legally acknowledged minority groups, there is also a portion of the population called “new minorities,”¹⁷³ referring to the representatives of any of the three constituent peoples who live in an area where mainly other constitutive peoples live. Practice shows that the new minorities are often deprived of the rights and status enjoyed by the citizens who form the majority in a respective area.

The question of sexual minorities also comes up every now and then. The most telling example was the attempt to organize a LGBT Festival in September 2008. The Festival was cancelled after at least eight people got injured by hooligans attacking both the participants and the journalists covering the event.¹⁷⁴

169 See <http://database.cin.ba/prikaz.php?subjekt=34>.

170 Constitution of BiH, Preamble, at http://www.dei.gov.ba/o_bih/?id=49 (accessed 23 April 2011).

171 Davor Marko, 2010, *Mediji i Manjine* (Media and Minorities), p. 132, Sarajevo (hereafter Marko, 2010, *Mediji i Manjine*).

172 Marko, 2010, *Mediji i Manjine*, p. 146.

173 Marko 2010, *Mediji i Manjine*, p. 164.

174 See <http://dnevnik.hr/vijesti/svijet/video-na-otvaranju-gay-festivala-u-sarajevu-ozlijedeno-osmero-ljudi.html> (accessed 23 April 2011).

4.3.2 Coverage of Sensitive Issues

Various regulatory acts—including laws, rules, and decrees—contain mainly negative obligations of the state aiming to make BiH journalists and media outlets employ a fair and non-discriminatory approach when covering sensitive issues. For example, the Law on Public RTV of Republika Srpska states that RTRS “shall not broadcast material the content and tone of which encourages national, ethnic, religious or racial hatred, intolerance or discrimination against individuals and groups, or which could, according to reasonable judgment, cause violence or riots, or encourage felonies.”¹⁷⁵ Also, Article 3.3 of the Code on Audiovisual Media Services and Media Services of Radio states:

providers of media services shall not provide content which includes any discrimination or prejudice based on sex, race, ethnicity, nationality, religion or belief, physical and psychological special needs, age, sexual orientation, social origin, as well as every other content the purpose or consequence of which is to deprive or jeopardize any person of acknowledging, enjoying and realizing on equal basis, of their rights and freedoms.

However, there are no special provisions regarding the state’s positive obligations on reporting about minorities except for the public broadcasters, all of which are obliged to stick to decrees that define the linguistic, national, and cultural equality of the three constituent peoples.

Article 26 of the Law on the Public Service Broadcasting System in BiH¹⁷⁶ prescribes the affirmative role of PSB with regard to the national, religious, traditional, cultural, and linguistic rights of minorities.

CRA Rule 41/2009¹⁷⁷ on Public Service Broadcasters states in Article 3.2 that public broadcasters are required to pay special attention to minorities and other vulnerable groups. According to its provisions,

at least 40 percent of the weekly programs should consist of news and other informative and educational programs. Out of the total weekly program intended for news and other informative and educational programs, 10 percent should be dedicated to the issues of refugees and displaced persons, to national minorities and to vulnerable groups of the population.

With regard to the media coverage of minority issues, according to social researcher Davor Marko:

Leading majority media follow or illustrate the social-political reality. They shape their content mainly from the perspective of majority thus presenting its own people as the endangered one, whereas “the others” are either marginalized, or presented as negative. As a consequence, the presentation of national minorities in the media (quantitatively and qualitatively) is almost non-existing, there is no interest in their problems, and there are also very few journalists who deal with this problem.¹⁷⁸

175 Article 15.1.

176 RTRS Law No. 13.13 and RTVFBiH Law No. 38.4.

177 This rule does not refer to the system of public broadcasting at a state level, but to stations founded or owned primarily by state structures such as cantons, municipalities, etc.

178 Marko, 2010, *Mediji i Manjine*, p. 135.

This statement seems to give a fairly objective reflection of the reality given the fact that stipulations of the Law on Public Service Broadcasters are simply words on a piece of paper. By and large, the public broadcaster of the Federation of BiH neglects the linguistic and national representation of the Serbian language and people, whereas the public broadcaster of the Republika Srpska is almost exclusively addressing the Serbian citizens in this entity.¹⁷⁹

Lastly it should be mentioned here that only RTRS has television and radio programming related to the national minorities, while the other two public services do not have any similar programs, using as an excuse their financial limitations and lack of staff capacity.¹⁸⁰ At present only two national minorities in BiH—Roma and Jews—have representative magazines, the former being available in electronic form.¹⁸¹

According to research by the Q Association¹⁸² based on content analysis of the print media in BiH during 2006, articles in newspapers are still full of stereotypes, although most media write either positively or negatively about the homosexual and transgendered communities. Within the period of research, 10 standard stereotypes were noticed in the BiH press. Most of them refer to homosexuals and homosexuality and reflect the dominant stereotypes of hetero-patriarchal norms, where homophobia is the strongest among men. In addition, the language used in these articles refers mainly to men. Most of the articles treated homosexuality in a superficial way, just through the prism of the journalists themselves, as opposed to offering an in-depth analysis of accurate information, which was not based on popular attitudes.¹⁸³

4.3.3 Space for Public Expression

Regarding the coverage of minorities by digital media, there is no research to document the existing patterns. Such an analysis is difficult, given the fact that the news online content in BiH in general is not original, but is rather lifted directly from traditional media. Slobodanka Dekic of the Mediacentar, Sarajevo, and gay rights campaigner, adopts this view, saying that “original text is not much, content is mainly a copy–paste practice. As for UGC (comments, forums, etc.) they are often used for dissemination of hate speech and threats. On various occasions, including the Festival of 2008 organizers of forums and events were subjected to such rhetoric and Facebook is an especially convenient online platform for organizing.”¹⁸⁴ Dekic also pointed out that “none of the official websites were ever used as a tool for fighting against hate speech.”¹⁸⁵

179 Dzhiana, A., 2008, “PSB in B&H—Between Ethnic Exclusivity and Long Term Sustainability,” Policy Research Paper, Open Society Fund B&H, Sarajevo.

180 Marko, 2010, *Mediji i Manjine*.

181 Marko, 2010, *Mediji i Manjine*, p. 170.

182 Udruzenje Q, 2006, “Analiza terminologije koja se odnosi na LGBTIQ populaciju u štampanim medijima u Bosni i Hercegovini” (Analysis of Terminology Referring to LGBTIQ as Used by the Print Media in Bosnia and Herzegovina), Sarajevo, BiH, at <http://www.queer.ba/files/LGBTIQMedijska.pdf> (accessed 23 April 2011).

183 Udruzenje Q, 2006, “Analiza terminologije koja se odnosi na LGBTIQ populaciju u štampanim medijima u Bosni i Hercegovini” (Analysis of Terminology Referring to LGBTIQ as Used by the Print Media in Bosnia and Herzegovina), Sarajevo, BiH, at <http://www.queer.ba/files/LGBTIQMedijska.pdf> (accessed 23 April 2011).

184 Slobodanka Dekic, interview with the author, 20 April 2011.

185 Slobodanka Dekic, interview with the author, 20 April 2011.

4.4 Political Diversity

4.4.1 Elections and Political Coverage

The legal framework surrounding elections in BiH has been amended on various occasions to better reflect the changes caused by new technologies that affect communication during election campaigns.

The Election Law of Bosnia and Herzegovina,¹⁸⁶ passed in 2001, was amended in 2008 to include new provisions related to SMS messaging, as well as to the internet as a way of delivering audio, video, or text content.¹⁸⁷ In fact, the amendments to the Election Law prohibit any type of agitation aimed at voters 24 hours before elections, including communication using SMS messages, MMS messages, via the internet, as well as through traditional media (Article 7.4). The law also prohibits dissemination of hate speech and incitement to violence, regardless of the type of platform used.¹⁸⁸ The Election Law stipulates that breaches of these provisions will be sanctioned by fines starting from KM 1,000 to KM 10,000 (€500–€5,000).¹⁸⁹ Furthermore, the Central Election Committee adopted the Rulebook on Media Representation of Political Subjects in Pre-election Period, which specifies the provisions of Election Law and also covers the internet.¹⁹⁰

The CRA is in charge of monitoring the performance of the electronic media during election campaigns. According to its report on media coverage of the 2010 elections,¹⁹¹ there were only 25 cases of possible violations of the applicable rules and decrees. The Agency's general assessment was that broadcasting license-holders approached their obligations to inform the public about the election process professionally and in accordance with the applicable rules and regulations.¹⁹²

4.4.2 Digital Political Communications

Political communication in BiH is slowly changing with the arrival of digital media. The models of communicating include various internet tools, ranging from the websites of political parties and blogs to the pages of social networks. However, the main way of political communication remains old fashioned, via traditional media dissemination of political statements and announcements.

Politicians in BiH have not yet adapted to the new ways of communication provided by digitization. Hence, only a few of them maintain personal blogs. Among those cases worth mentioning is the blog of Zeljko Komsic, a member of the BiH Presidency, who commenced blogging at the beginning of January 2008, and

186 *Official Gazette of BiH*, No. 23/01.

187 *Official Gazette of BiH*, No. 33/08.

188 Article 7.3.

189 Article 19.9.

190 Central Election Committee, *Rulebook on Media Representation of Political Subjects in Pre-election Period*, Sarajevo, April 2010.

191 CRA, 2011, "Izvjestaj o medijskom pracenju opcih izbora u Bosni i Hercegovini—oktobar 2010" (Report on Media Coverage of the Elections in Bosnia and Herzegovina, October 2010), at <http://rak.ba/bih/index.php> (accessed 28 May 2012).

192 "Communications Regulatory Agency, 2011, "Izvjestaj o medijskom pracenju opcih izbora u Bosni i Hercegovini, oktobar 2010" (Report on Media Coverage of the Elections in Bosnia and Herzegovina, October 2010), p. 24, at <http://rak.ba/bih/index.php> (accessed 18 March 2011).

by April 2011 had registered almost 520,000 visits.¹⁹³ Activity on the blog has declined since 2008, however, and there have been no new posts since 26 February 2010.

Another blogger who has provoked interest is Rajko Vasic, Secretary General of the Party of Independent Socio-Democrats. Between March 2008 (when it was launched) and April 2011, the blog had about 70,000 visits.¹⁹⁴ Vasic is very active; he published no fewer than 1,113 posts during this period. His ideas often draw the attention of the Federation entity media, as he uses extreme political and social rhetoric.

In addition, Facebook is becoming increasingly popular and is used by both political parties and their candidates during election campaigns.

Table 13.

Numbers of party followers and candidates on Facebook during the 2010 elections

Political party	Candidate	Facebook members	
		Party followers	Candidate
SDA	Bakir Izetbegović	3,923; regularly	4,412; regularly
SBiH	Haris Silajdžić	1,285; regularly	4,196; regularly
SBB BiH	Fahrudin Radončić	3,360; regularly	7,925; occasionally
SNSD	Milorad Dodik	558; regularly	
SDS		3,801; regularly	
HDZ BiH	Borjana Krišto		928; not updated after the elections
HDZ 1990	Martin Raguž	285	363; content not updated after the elections

Note: Party names are given in full in the List of Abbreviations at the end of this report

Source: Table compiled by report authors, 14 February 2011

It is difficult to establish any clear relationship between the age of politicians and the number of their Facebook supporters. One of the youngest politicians in BiH, Martin Raguž, has only a few members in his Facebook group, whereas a political veteran, Haris Silajdžić, attracts substantially more. Modern campaigns are now conducted by teams who pay equal attention to all the possible voters' profiles and carefully consider their specifics. Thus, all the political parties in BiH have their own web pages where they mainly report on their activities and promote their leaders. The web design of the pages is fairly up-to-date and user-friendly, as they open quickly, offer various interactive features, and in most cases are connected with the most popular social networks. In sum, despite the fact that digitization has enabled marginal political voices such as Rajko Vasić to attract media attention, it has not added significant new voices to the political mainstream; nor has it shifted the balance of political power in the media.

¹⁹³ See <http://zeljkokomsic.blogspot.ba/>.

¹⁹⁴ See <http://vasicrajko.blogspot.com/>.

4.5 Assessments

Digitization has influenced the work of journalists, providing them with easier access to information and new ways to disseminate it. It has facilitated the entrance into the media for many young people who, due to their enhanced computer skills, have embarked on careers in journalism. Hence, digitization has triggered a change of generations in the media. This tendency has enriched the media content with new motives so far untouched by journalists in traditional media. News portals have connected media with other web services, such as sales, video production, marketing, etc. Journalists working for online media appear as increasingly important mediators of information for a wider audience, and consequently have added to the importance of agency journalism. Currently, news portals base the greatest part of their content on the information received from news agencies. As the main agencies are owned by the entities where ethnic policy dominates, the influence of political structures on the main news producers becomes very important, and there are no good mechanisms to enable these agencies to be truly independent.

Social differences in BiH are mostly reflected in the confrontations between the political elites of the three ethnic communities, and this certainly represents one of the legacies of the war. All other debates about social diversity have been put aside. Even though digitization has made it easier for national minorities to access the internet, this has not resulted in an enhancement of their presence in the traditional media. In addition, the possibility of anonymous communication, mainly through commenting on texts online, often results in further intolerance, dissemination of hate speech, and hence deepens the existing ethnic divisions.

On the one hand, digitization has produced some additional support for investigative reporting, as this has benefited from the new opportunities for enhanced access to information. Online media have exercised pressure on traditional media by publishing various investigative stories, which otherwise might have not been disclosed to the public, as demonstrated by the Center for Investigative Reporting in Sarajevo. On the other hand, digitization has threatened news reporting with new risks, as access to online platforms increases the chances of using unchecked and sometimes false information presented in the form of investigative stories.

Last but not least, digitization has enhanced communication between political actors and voters. The number of politicians who tend to use digital communication, however, is still rather small, as is evident from the very low usage of blogs. In some cases, usage is also ephemeral and transitory, or limited to election periods. This is hardly surprising, as blog communication has a restricted audience reach, given the digital divides around new media literacy and access. However, political parties have become increasingly present on social networks, and they invest significant resources in their websites in a bid to reach and broaden their electoral support base.

5. Digital Media and Technology

5.1 Spectrum

5.1.1 Spectrum Allocation Policy

On 28 November 2006, the Council of Ministers announced the adoption of the Policy for the Broadcasting Sector in BiH. One of the main goals of this policy has been to limit ownership concentration and to guarantee media pluralism, and to ensure equal development of all types of media in BiH. In addition, it has been stated that radio-frequency spectrum is a public good, and hence it is the property of all citizens living in BiH. Therefore, this field has to be legally regulated.

With regard to the use of analog frequencies, the CRA has drawn up a Plan for the Intentions and Usage of Radio-Frequency Spectrum in Bosnia and Herzegovina,¹⁹⁵ as stipulated by the Law on Communications. Bearing in mind the importance of the rational usage of radio-frequency spectrum as a limited resource, this plan has been synchronized with the European Conference of Postal and Telecommunications Administration decisions ECC/DEC (03)05 and ECC/DEC/ (01)03, with the CEPT/ERC/REP 25 Report, and with all other relevant recommendations and decisions, as well as with the needs of users in BiH. The Rule on the Plan of Usage of Radio-Frequency Band 50/2010 determines the ways of using the radio-frequency band in BiH. It also specifies the central frequency of channels and the permitted broadcasting strength, and also defines the deadline for applying this rule.¹⁹⁶

The transition to digital terrestrial broadcasting required the creation of new plans for distributing the frequency spectrum. The Strategy on the Digital Switch-over stipulates that BiH should have four multiplexes, with MUX A reserved for the national public RTV broadcasters and MUX B reserved for other terrestrial television stations. License-holders for MUX C and MUX D will not be selected until the analog television signal has been fully turned off.

¹⁹⁵ CRA, "Plan namjene i korištenja radiofrekvencijskog spektra za Bosnu i Hercegovinu" (Plan for the Intentions and Usage of Radio-frequency Spectrum in Bosnia and Herzegovina), at <http://www.rak.ba/bih/index.php?uid=1269428226> (accessed 19 March 2011).

¹⁹⁶ CRA, 2010, "Pravilo 50/2010 o planu korištenja radiofrekvencijskih opsega 29,7–68 MHz, 68–87,5 MHz, 146–174 MHz, 380–399,9 MHz, 406,1–430 MHz, 440–470 MHz, 862–876 MHz, 915–921 MHz za PMR/PAMR" (Rule 50/2010 on Plan of Usage of Radio-Frequency Band 29.7–68 MHz, 68–87.5 MHz, 146–174 MHz, 380–399.9 MHz, 406.1–430 MHz, 440–470 MHz, 862–876 MHz, 915–921 MHz for PMR/PAMR), at <http://www.rak.ba/bih/index.php?uid=1273477710> (accessed 19 March 2011).

The Strategy stipulates that MUX A and MUX B must ensure that at least 85 percent of the population can receive the DTT signal. When awarding frequencies to MUX B, it is necessary for this multiplex to satisfy further detailed conditions, although the Strategy stipulates that “The choice of channels should cause minimal changes in the present use of analog television stations. (...) The CRA will conduct a detailed analysis of justifiability in opening a new public call for television frequency allocation and establish more rigorous criteria concerning the changes of technical annexes [which regulate the technical conditions for broadcasting such as output power, transmitter model, and program feed] for analog terrestrial broadcasting of television channels.”¹⁹⁷ It also stipulates the need to have open calls for the allocation of potential freed-up frequencies during the period after the analog terrestrial signal has been turned off.¹⁹⁸

There are no indications whatsoever that certain users, groups, or institutions are favored by broadcasting spectrum allocation policy.

5.1.2 Transparency

The Policy for the Broadcasting Sector states that the transparency of the managing structure and concentration—as well as ensuring media pluralism—will be provided by establishing a register of all users of radio spectrum, and by regular monitoring of all programs available in BiH. This has been suggested as being the only way to ensure equal status of all media in the BiH market. So far the CRA, in charge of spectrum allocation, appears to be one of the most transparent agencies in the country. Although there are no legal obligations that bind the CRA to make its decisions public, the Agency regularly informs society about its activities, making this information available on its website. In addition, prior to the acceptance of any rules, the Agency conducts public consultations, strictly in accordance with the Law on Communications.¹⁹⁹ Thus, panelists from the IREX MSI normally award high grades to CRA’s overall work, stating that it is “one of the most successfully functioning organizations launched by the international community”²⁰⁰ in BiH, and that “the standards established by this Agency are superior.”²⁰¹

However, it is still rather early to talk about transparency and fairness in the allocation of radio-frequency spectrum for digital broadcasting, as the process has not begun yet.

197 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 24 (accessed 18 March 2011).

198 See E. Povlakic and S. Petrovic, “Medijske transformacije: regionalna konferencija o digitalizaciji i razvoju novih medija” (Media transformations: regional conference on digitization and development of new media), Mediacentar, Sarajevo, 18–19 February 2011, at http://www.google.ba/url?sa=t&rcct=j&q=tender+za+MUX+B&source=web&cd=4&ved=0CDgQFjAD&url=http%3A%2F%2Fwww.media.ba%2Fmconline%2Ffiles%2Fshared%2FUvodjenje_DTT_u_BiH_-_EP.ppt&ei=Sh6fT8mGHo7MtAb5r-GcAQ&usq=AFQjCNED-PtRH3j6u1zONt4Ws_WkmtCuNw (accessed 29 April 2012).

199 Indicators for Independence and Efficient Functioning of Audiovisual Media Services Regulatory Bodies: A Study Conducted on Behalf of the European Commission (INDIREG), 2010, p. 180, at <http://www.indireg.eu/> (accessed 28 May 2012).

200 IREX MSI Index, 2009.

201 IREX MSI Index, 2009.

5.1.3 Competition for Spectrum

As digitization in BiH is still in its initial phase, it is impossible to assess the level of real competitiveness among broadcasters and multiplex operators. Competition for spectrum appears to be related to who has control over this field, the state of BiH or the other two entities, as section 2.1.4 showed, and it is not related to the rivalry between the public broadcaster and various commercial operators, because competition has not yet started in earnest

5.2 Digital Gatekeeping

5.2.1 Technical Standards

So far, there have been numerous workshops, seminars, and round tables organized by the CRA on different aspects of DTT. However, these events have not provoked significant public debate over technical standards in digital terrestrial broadcasting. Bosnia and Herzegovina has decided to use the DVB-T standard with MPEG-4 compression system for DTT. The decision to use this standard could be attributed to the fact that, being late coming to the process of digitization, BiH had the opportunity to analyze the experience of other states' process of transition to digital broadcasting. Therefore, the choice to use the MPEG-4 standard is considered to be a good solution, as it is superior to the MPEG-2 standard already introduced in some countries.

5.2.2 Gatekeepers

As the process of digitization in BiH has not yet begun, there are no operational gatekeepers, such as multiplex operators.

5.2.3 Transmission Networks

Considering the fact that there is still no digital network for terrestrial television, the influence of transmission operators on the distribution of spectrum resources cannot be discussed.

On the other hand, the operations of Internet Service Providers (ISPs) are determined by the rules of the CRA. The general license for providing internet services from 2004 prohibits ISPs from making any restrictions to services based on national, racial, religious, political, territorial, or any other criteria which could violate human rights and fundamental freedoms as guaranteed by the Constitution of Bosnia and Herzegovina or any other law or document applied in BiH.²⁰² At the same time, there is an obligation on the ISP to remove certain content, which is not allowed, offensive, harmful, or violates protected copyright.²⁰³ All other relations between ISP and users have to be defined by mutual contracts, which would also include defining

202 Article 6.2 of the General License for the Provision of Internet Services, at http://www.rak.ba/bih/download.php?name=isp_dozvola&file=1267933617.pdf&folder (hereafter General License for the Provision of Internet Services) (accessed 11 December 2011).

203 General License for the Provision of Internet Services, Article 6.1.

the conditions under which the ISP would stop providing the service.²⁰⁴ So far, there have not been any identified cases of ISP activities that are contrary to the conditions stipulated by the license.

5.3 Telecommunications

5.3.1 Telecoms and News

Rule 56/2011 issued in December 2011 regulates general conditions, activities, and compensations for issuing licenses for the distribution of audiovisual media services and radio media services distributed either through wire or wirelessly to subscribers. According to this rule,²⁰⁵ all providers of audiovisual media services must carry the programs of the three public broadcasters in BiH without receiving any special fees for that service, in accordance with their technical capacity. Providers have also been obliged to make a permanent offer on a non-commercial basis to distribute programs for every licensed terrestrial broadcasting station falling within the zone of the telecommunications network used for distribution.²⁰⁶

The rule further states that non-terrestrial providers are not allowed to modify the content of third party broadcasters in any way,²⁰⁷ but it does give them the right to start their own information channel to be used exclusively for communication with their subscribers.²⁰⁸

The first Internet Protocol Television (IPTV) in BiH was started in March 2009 by Logosoft, a company from Sarajevo. In addition, two out of the three biggest telecoms operators in BiH then introduced digital IPTV services. BH Telekom began with the realization of this project in September 2009,²⁰⁹ and M-Tel followed in May 2010.²¹⁰ Both operators have included in their packages a great number of local, regional, and foreign television programs. IPTV also contains an electronic program guide (EPG), which enables the users to have an overview of all programs, as well as Video on Demand (VOD) services. The users also have other services at their disposal, such as the possibility to pause, rewind, forward, or record programs broadcast on the linear schedule (Time Shift TV), or to play games within the IPTV system. According to the data available in 2010, BH Telekom had 12,000 subscribers to its digital IPTV service.²¹¹

In 2005, the CRA made several decisions and imposed penalties on cable operators broadcasting programs for which they did not have adequate contracts. However, it seems that the power of the CRA weakened, as rebroadcasting of sports programs without the necessary permission has still remained unsanctioned.

204 General License for the Provision of Internet Services, Article 4.4.

205 Rule on Licenses for the Distribution of Audiovisual Media Services and Radio Media Services. 56/2011, Article 8.

206 Rule 56/2011, Article 9.

207 Rule 56/2011, Article 11.

208 Rule 56/2011, Article 13.

209 See <http://www.bhtelecom.ba/portalnovost+M57b433fa279.html>.

210 See http://www.mtel.ba/preview_story/22564/Predstavljena_m:tel_open_usluga.html.

211 Interview with Nadja Lutvikadic, BH Telekom spokesperson, Sarajevo, 13 January 2011.

CRA measures were applied only in Sarajevo, while broadcasts in other parts of BiH went on without any interference. This practice, which has privileged some operators, has been severely criticized by the representatives of local broadcasters.²¹² However, the CRA has still not provided an adequate response to their complaints.

A second controversial issue has been the blacking out of the screens of public service broadcasters during certain programs. This practice was started by various cable operators in Republika Srpska in 2007,²¹³ and it has intensified in subsequent years. It affected a weekly evening show called “60 Minutes,” which was particularly unpopular among political elites in RS as they were constantly criticized. Various political analysts, such as Vlastimir Mijovic²¹⁴ and Gordana Katana,²¹⁵ emphasized that cable operators assign programs’ political bias as a result of pressure from the ruling political party. Moreover, as operators from RS distribute their programs in the Federation of BiH, sometimes during the period of their broadcasts, parts of the country are left without a signal for Federal Television.²¹⁶ Such acts have led Federal Television to protest against the signal disturbance, demanding that the CRA take appropriate enforcement measures, as cable operators are legally bound to provide a quality signal for public broadcasters.²¹⁷ In 2009, CRA representatives said that they would look into the situation and respond subsequently,²¹⁸ although at the time of writing no such response has been forthcoming.

It is important to stress that the arrival of cable and telecoms operators in the market has contributed greatly to an increase in the number of both domestic and foreign news channels available in BiH. It has also enabled many local television stations—as well as public service broadcasting stations—to attain national coverage (see section 1.2.1).

5.3.2 Pressure of Telecoms on News Providers

There have been no reports of direct pressure by cable operators on news providers, but the instances of switching off the Federal Television signal during the broadcasting of certain programs could certainly be considered as direct interference in its editorial policy. Since cable operators are obliged to transmit the programs of public broadcasters, it is still unclear whether the switch-offs have been due to technical problems, or are the result of a politically orchestrated strategy to limit the reach of unfavorable public service broadcasting news coverage.

212 Statement by Kenan Cerimagic from TV Hayat, made during the conference held on 18 February 2011 at Mediacentar, Sarajevo.

213 See V. Mijovic, “Sluga naroda” (Servant of the People), *Oslobodjenje*, 20 November 2007, at <http://www.idoconline.info/digitalarchive/public/index.cfm?fuseaction=serve&ElementId=392351> (hereafter V. Mijovic, 2007, “Sluga naroda”) (accessed 28 May 2012).

214 V. Mijovic, 2007, “Sluga naroda.”

215 G. Katana, “Svaka slicnost je namjerna” (Every Similarity is Deliberate), *Oslobodjenje*, 28 February 2009.

216 S.C., “Pola sata mraka tokom ‘60 minuta’” (Half an Hour of Darkness During the Program “60 minutes”), *Oslobodjenje*, 6 May 2009, at <http://www.idoconline.info/digitalarchive/public/index.cfm?fuseaction=serve&ElementId=562746> (hereafter S.C., 2009, “Pola sata mraka tokom ‘60 minuta’”) (accessed 28 May 2012).

217 S.C., 2009, “Pola sata mraka tokom ‘60 minuta’.”

218 S.C., 2009, “Pola sata mraka tokom ‘60 minuta’.”

There are three main telecoms operators in Bosnia and Herzegovina: BH Telekom, HT Mostar, and Telekom Srpske.²¹⁹ The first two are owned primarily by the state. Traditionally, telecoms and GSM operators are known to be among the most important advertisers in the media. Considering that the two operators are mainly state-owned, the political affiliations of their management and their advertising business policies are matters of public interest and concern. These companies' influence on the editorial policies of certain media outlets has been alleged more than once.

Journalist and media commentator Senad Pecanin writes that economic clientelism in BiH has replicated the political clientelism which started with privatization, and is reflected in the fact that journalists either “publish what these powerful employers/authorities want them to publish,” or “it is about situations when media and journalists are paid not to publish anything about topics and persons which they would otherwise deal with.”²²⁰ A panelist from the IREX MSI 2011 study, Faruk Boric, then editor-in-chief of *Dani* magazine, said: “I am convinced that not a single editor would ever consider publishing a big story that casts a negative shadow on any of their big advertisers ... it is questionable whether journalists and editors would even start investigating such a story, knowing in advance that they might lose a big advertiser; this kind of self-censorship probably appears everywhere in BiH.”²²¹

5.4 Assessments

The spectrum allocation process is not politicized. The Council of Ministers of BiH created the Policy for the Telecommunications Sector in 2008²²² and the Policy for the Broadcasting Sector²²³ in 2006, and hence it has established the basis for an efficient usage of radio-frequency spectrum and its allocation, which can be classified as fair and non-discriminatory. Besides that, since 2008, the CRA has started the transition process of the regulatory framework in line with the new approach of the EU from 2002, which includes giving special licenses to network operators, service providers, and content providers.²²⁴ The CRA has also started to award separate licenses for the distribution of terrestrial RTV, for the distribution of broadcast programs (all platforms except the terrestrial one), and for the provision of audiovisual media services (content production).

With regard to the transition from analog to digital broadcasting, the state Policy for the Broadcasting Sector has prescribed that the CRA must ensure pluralism as well as provide concessions for digital broadcasting, taking into account the interest of citizens as the primary goal. The process of transparency is ensured by

219 See http://www.bhtelecom.ba/index_en.html, <http://www.mtel.ba/menu/2373/?s=af3vc2ichl5jsjj3oc9rm59qt4> and <https://www.ripe.net/membership/indices/data/ba.hptbih.html> (both accessed 28 May 2012).

220 S. Pecanin, “Klijentelizam i mediji” (Clientelism and the Media), at <http://www.media.ba/mcsonline/bs/tekst/klijentelizam-i-mediji> (accessed 28 May 2012).

221 IREX MSI, 2011, p. 24, at <http://www.irex.org/project/media-sustainability-index-msi-europe-eurasia> (accessed 28 May 2012).

222 See <http://rak.ba/bih/index.php?uid=1269953663> (accessed 28 May 2012).

223 See <http://rak.ba/bih/index.php?uid=1269441148> (accessed 28 May 2012).

224 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 12.

prescribing that new frequencies are assigned on the basis of public invitation. The Policy also envisaged that there is a need for must-carry rules in respect of the programs of public broadcasters. The Policy also highlights that it is necessary to ensure that a certain amount of program content (programs of public interest) is available to all viewers at equal conditions and an equal price, as well as to ensure that there is no monopoly on the system of conditional access, which could result in a limited number of consumers.²²⁵ The broadcasting policy also stipulates that the regulation of digital broadcasting has to ensure a balance between public and private media, with guarantees that broadcasters of programs of public interest should have an advantage when it comes to the assignment of concessions.²²⁶

Regarding regulation implementation, the CRA is generally considered to be one of the most efficient state agencies and carries out its obligations in a fair way, strictly according to the legal provisions. However, there are certain indications that CRA authority is becoming weaker, as some cable operators' broadcasting of sports programs in breach of the regulations has remained unsanctioned. By the same token, the lack of any adequate reaction from the CRA to cable operators who switched off the signal of public broadcasters also indicates that there are problems in its enforcement capacity. In that sense, the question of the upcoming allocation of spectrum in the digital era will largely depend on the strength of the CRA to stick to the stipulated measures. The CRA's position might become even weaker if the constant attacks on its independence do not stop.

225 Broadcasting Sector Policy, 2.14, at <http://rak.ba/bih/index.php?uid=1269441148> (accessed 28 May 2012).

226 Broadcasting Sector Policy, 2.15, at <http://rak.ba/bih/index.php?uid=1269441148> (accessed 28 May 2012).

6. Digital Business

6.1 Ownership

6.1.1 Legal Developments in Media Ownership

Media concentration in BiH is mainly regulated by the Communications Regulatory Agency (CRA). Rule 21/2003 concerning media concentration and the ownership of electronic and print media defines the basic concepts and limits on concentration and cross-ownership.²²⁷ This rule stipulates that a part-owner is a person who has a share of 10 or more percent in the overall structure of ownership, and that a private person or a legal entity cannot own two or more radio or television stations that have the same audience coverage.²²⁸ Besides this, the rule limits cross-ownership: a private person or a legal entity that owns one print media outlet cannot own more than one electronic media outlet.²²⁹

The rule relating to both media concentration and ownership of electronic and print media entered into force on 1 April 2004. Its validity was 18 months, as the idea was to have it supplemented and ultimately to achieve a balance between the rule, market development, and the recommendations of the European Commission. However, when at the end of 2005 the period of validity of the rule expired, a new rule has not been made, nor was there any supplement to the existing one. In practical terms, this means that at the moment BiH has no legal regulations defining media ownership and concentration.

Moreover, the CRA has not provided any clarity on how to resolve the existing situation, and still hesitates on whether to adopt a new rule, or to start an initiative for passing a law on media concentration and media ownership.²³⁰ The issue is further aggravated by the fact that passing such a law would put this area firmly under the authority of the Council of Competition of BiH,²³¹ which has a mandate to decide if any market

227 “Pravilo 21/2003 o medijskoj koncentraciji i vlasnistvu nad elektronskim i stampanim medijima” (Rule No. 21/2003 on Media Concentration and Ownership of Electronic and Print Media), at http://www.rak.ba/bih/download.php?name=pravilo_21/2003_o_medijskoj_koncentraciji_i_vlasnistvu_nad_elektronskim_i_stampanim_medijima_&file=1270642082.pdf&folder=-.

228 Article 2.

229 Article 3.

230 Helena Mandić, Head of CRA Broadcasting, interviews with the author, December 2010.

231 See <http://www.bihkonk.gov.ba/ba/index.html> (accessed 28 May 2012).

activities violate the existing rules and regulations on competition. Currently, the procedure for passing a new law has not started, and there is no will to regulate this field again using CRA rules. However, it seems logical to regulate this field using a new law as the powers of the CRA are related primarily to electronic media, whereas they do not cover the activities of the press and the internet. But as the policy-making process in BiH has ceased during the past few years, there has been no progress on this issue either.

However, there are no signs that the situation regarding media ownership has worsened since this rule expired because the market has not seen any noteworthy acquisitions. The media landscape in BiH is often described as fragmented and chaotic. The CRA reports from 2006 describe the radio and television markets as fragmented.²³² With respect to radio, the top 10 operators generated less than 40 percent of the overall market income, whereas the remaining 60 percent was distributed among more than 130 radio stations. Moreover, not a single operator had a share exceeding 15 percent.²³³ According to CRA data from 2011,²³⁴ there are 389 media outlets, including 192 print media, 149 radio stations, and 48 television stations. Compared to the situation in 2000, when their overall number was 411 (130 print media, 210 radio stations, and 71 television stations), the number of electronic media outlets has decreased.²³⁵ Conclusions regarding the print media are difficult to draw, as there is no relevant central register.

An interesting feature of the television market is that it does not include big foreign television corporations, unlike in neighboring Croatia and Serbia. This is understandable because the market is oversaturated with electronic media, and BiH still lacks the governmental stability that foreign investors prefer. Moreover, considering the popularity of channels owned by big corporations and broadcast from Croatia and Serbia, and which can be viewed in BiH by cable or spillover, it is clear that these stations are quite able to reach the BiH audience without direct investment in the country.

6.1.2 New Entrants in the News Market

In August 2010, a new commercial television station with national coverage, TV1, began broadcasting in BiH. Its programs can be watched through cable operators in most parts of the country. Although TV1 started as the first news television to offer five-minute news bulletins on the hour from 7 a.m. to 12 p.m., it very soon changed its concept and became infotainment television with a mixture of news and entertainment—like so many other commercial stations in BiH.

The second significant investment in the market is due to the arrival of Al Jazeera Balkans (AJB). The Qatari Al Jazeera television network bought NRTV 99, a local outlet in Sarajevo, and turned it into its regional television center. Broadcasting started on 11 November 2011 through cable networks, as its license for

232 CRA reports at <http://rak.ba/bih/index.php?uid=1273701339>.

233 CRA, 2006, p. 118.

234 CRA, 2011, at <http://rak.ba/bih/index.php?uid=1273701339>.

235 Z. Udovičić, M. Halilović, T.I. Jusić, and R. Udovičić, 2001, “Mediji na prekretnici: medijska slika BiH” (Media Landscape in BiH), Mediaonline, at <http://mediaonline.ba/ba/print.asp?ID=30> (accessed 25 May 2012).

terrestrial television covers only the region of Sarajevo. AJB addresses the entire territory of former Yugoslavia, with six hours daily of local language output, and it is rather proud of having employed staff from all these countries.²³⁶

Although it is too early to predict what influence these new players will have on the television market, expectations are high with regard to the quality of their news programs, especially that of AJB. While the journalist community expects them to raise professional standards and ultimately help to improve journalism in the country, the audience expects higher program quality in both areas of news and entertainment.

6.1.3 Ownership Consolidation

Given the inadequate legislation on media ownership and the very limited interest big corporations show to enter the media market, it is hardly surprising that this market is dominated by local tycoons. In Sarajevo, these include Fahrudin Radončić (owner of TV Alfa, the newspaper *Dnevni avaz* and the print company publishing it, and several weekly and monthly magazines) and the Selimović family (owners of daily newspaper *Oslobodjenje*, tabloid *San*, and the weekly magazine *Dani*). In Banja Luka, the most famous is Zeljko Koplanja, who owns two daily newspapers (*Nezavisne novine* and *Glas Srpske*), as well as Nes Radio. Research conducted by the Faculty of Political Science at the University of Sarajevo in 2009 on media owners' influence on the work of journalists in BiH showed that "media owners, not editors, define the editorial policy and journalists have simply to follow it."²³⁷ One of the authors of this report, Lejla Turcilo, has further stressed "the direct connection between marketing and editorial content in both electronic and print media, resulting in a lack of criticism to those who pay for advertising space."²³⁸

Concentration of media ownership in BiH has resulted in "media wars" among competing media families. In 2008, there were almost 40 negative articles about Selimović in *Dnevni avaz*, while *Oslobodjenje* carried many critical texts against Fahrudin Radončić.²³⁹ Meanwhile, the Press Council and the courts received piles of complaints from the owners of these outlets, trying to sue each other.²⁴⁰ Hence, public debates do not mention arguments highlighting the positive effects of ownership consolidation. Furthermore, if we consider the links between these media tycoons and the politicians who control the entity public broadcasters, we might conclude that such consolidation seriously harms media pluralism. It is particularly difficult to consider any possible positive effects in the light of the increasing deterioration in the amount of fair, unbiased reporting in both media and journalism, and which is particularly visible in the open support journalists demonstrate toward their political and business mentors.

236 See <http://balkans.aljazeera.net/site-page/o-nama> (accessed 25 May 2012).

237 L. Turcilo, 2010, "Mediji u raljama profita" (Media in the Jaws of Profit), at <http://www.media.ba/mconline/bs/tekst/mediji-u-raljama-profita> (hereafter Turcilo, 2010, "Mediji u raljama profita") (accessed 5 May 2011).

238 Turcilo, 2010, "Mediji u raljama profita."

239 Turcilo, 2010, "Mediji u raljama profita."

240 M. Halilović, 2005, "Primjena novog zakona o zaštiti od klevete u BiH: novinari nisu previše profitirali" (The New Libel Law in BiH: Not Much Benefit for Journalists), at <http://www.media.ba/mconline/bs/tekst/primjena-novog-zakona-o-zastiti-od-klevete-u-bih-novinari-nisu-previsje-profitirali> (accessed 25 May 2012).

6.1.4 Telecoms Business and the Media

There has been no merger or acquisition activity in the telecoms sector that has impacted on the media. (For more on the influence of telecoms advertising on the media, see section 5.3.2.)

6.1.5 Transparency of Media Ownership

The idea of introducing a register of all license-holders in the communications sector was raised by the Report of the Communications Regulatory Agency in 2002,²⁴¹ as it concluded that as a consequence of the war, the television market in BiH was not concentrated but fragmented. The assumption was that such a register would contain updated data about the ownership structure of companies licensed by the CRA, which would enable a timely regulatory response to ownership transactions. The register was compiled and subsequently posted on the Agency's website.²⁴²

Court registrations of all media companies are publicly accessible. Hence, each citizen can invoke the Freedom of Access to Information Act and receive access to these data. Moreover, all the data in the CRA Register are available online. However, this access is of limited value in respect of transparency for two reasons. First, the owners of print and internet outlets are not obliged to register. And second, it is far from clear that the data provided by the companies are accurate. Dunja Mijatovic, former director of CRA's Broadcasting Department, went as far as to say that "who the real owners are, we as an agency cannot and need not know. This is also a matter for the tax administration and financial police. What should be accepted as relevant documentation is the court registration because it is transparent and can be accessed."²⁴³ This fact suggests that, along with the CRA, various legal institutions should also be involved in the media ownership regulation to guarantee adequate results.

The transparency of website ownership has never been high. The panelists from IREX's MSI study for 2009²⁴⁴ indicated that web portal ownership is not transparent enough, and actually contributes to major violations of the Copyright Law because content from other media is simply posted on web portals without reference to the original author or outlet.

241 CRA, 2002 Report, at <http://www.rak.ba/eng/index.php?uid=1273696422> (accessed 25 May 2012).

242 CRA Register, at <http://www.rak.ba/eng/index.php?uid=1272017943> (accessed 25 May 2012).

243 IREX MSI, 2008, pp. 21–22, at <http://www.irex.org/project/media-sustainability-index-msi> (accessed 25 May 2012).

244 IREX MSI, 2011, p. 25, at <http://www.irex.org/project/media-sustainability-index-msi> (accessed 28 May 2012).

6.2 Media Funding

6.2.1 Public and Private Funding

The overall revenue of the BiH television market in 2006 amounted to KM 118 million (€59 million),²⁴⁵ some 40 percent more when compared with 2003.²⁴⁶ The biggest source is advertising, comprising 45 percent of the total figure, followed by 33 percent from the license fee (applicable only to public service broadcasters), with the remaining revenue of 22 percent coming from public finance sources (direct subsidies from entity or cantonal authorities and money received by the media at public tenders organized by these authorities) and private donations.

Here, it is important to distinguish between three types of participants in the broadcasting sector: national public service broadcasters, cantonal and local public stations,²⁴⁷ and private stations.

Public service broadcasting (including the license fee) generated almost two-thirds of the total revenue across the television market in 2006. Another one-fifth of the overall revenue was due to the three biggest and most significant commercial television stations (PINK BH, OBN TV, and Hayat TV), whereas the remaining 15 percent was split between smaller and more localized broadcasters (the majority of which are part of the PSB sector).²⁴⁸ However, sources from advertising agencies claim that the BiH market has been stagnating since the start of the global financial crisis in 2009, and by the end of 2011 amounted to KM 98 million (US\$ 65.3 million).²⁴⁹

Increasing numbers of media outlets risk their editorial freedom by turning for assistance to government structures, as market mechanisms prove insufficient to guarantee their operations. Consequently, all media outlets critical of the government have found themselves excluded from any financial assistance. This situation is further aggravated by the advertising agencies that press the media to reduce air time costs. Thus, according to several auditing agency documents from the past five years,²⁵⁰ public broadcasters have been compelled to discount their official rates to a great extent, reaching even 74 percent for marketing agencies.

245 CARDS Report, 2006, *Overview of the Communications Sector in Bosnia and Herzegovina*, 2006, at <http://rak.ba/bih/index.php?uid=1273701339> (hereafter CARDS Report, 2006) (accessed 28 May 2012).

246 Unfortunately, data such as those from the CARDS Report are not available after 2006.

247 See the explanation of public service stations in section 1.1.2.

248 CARDS Report, 2006.

249 IREX MSI, 2011, p. 32, at http://www.irex.org/system/files/u105/EE_MSI_2012_Bosnia.pdf (accessed 28 May 2012).

250 Office for Revision of Institutions in the Federation of Bosnia and Herzegovina, *Report on Revision of Financial Reports of Public Broadcaster 'Radio-Television of Federation of Bosnia and Herzegovina'*, Sarajevo, 2010, at http://www.saifbih.ba/javni-izvjlj-pred/pdf/Izvjlj_JS_RTV_FBiH_2010.pdf, p.23; RTVFBiH, *Business Report for January–December 2009*, p.13, at http://www.google.ba/url?sa=t&crct=j&q=finansijski+izvjestaj+FTV&source=web&cd=2&ved=0CFAQFjAB&url=http%3A%2F%2Fwww.rtvfbih.ba%2Fdoc%2FIzvjestaj%2520o%2520radu%2520i%2520p%2520oslovanju%2520januar%2520-%2520decembar%25202009.%2520godine.doc&ei=CNLIT_f4I9PU4QTS27RH&usg=AFQjCNEGWywoN_xmlz_4yt9HzJFrX1vtCQ (accessed 28 May 2012).

According to unofficial assessments, 65 percent of the advertising spend goes to television, 18 percent to print media, 10 percent to outdoor, 5 percent to radio, and 2 percent to internet advertising.²⁵¹ According to Senad Zaimovic, director of the Fabrika Marketing Agency, only about 20 percent of the money intended for the internet goes to local companies: the rest is paid to international giants such as Google and Facebook, where advertising prices are much cheaper. In fact, such data indicate that there has been no significant migration by advertisers to search engines and social media, and that the internet still forms an almost unnoticeable part of the advertising market.

6.2.2 Other Sources of Funding

Electronic media in BiH have not developed alternative sources of funding, and their economic situation remains very difficult. Reuf Heric, owner of Radio Q, a local radio station from Visoko, claims that, “these days most of the media are struggling to survive month after month, a fact reflected by the low incomes of their employees, unpaid phone and electricity bills, lack of new investments, and so on.”²⁵² However, established media groups are not seeking new or alternative sources of funding as a way out of their economic difficulties. There is a general expectation and hope for future improvement in the overall economic situation in the country, with a resultant increase in advertising revenue. Given that these media still operate in analog mode, it can hardly be expected that they will introduce new services such as pay-TV, which could possibly raise new sources of income.

In recent years, however, some print media outlets have developed a system of online subscription. But there are no available data on the profitability of this system, and there are in fact indications that it is not proving to be a sustainable source of income. Some publishers such as Dario Novalic,²⁵³ owner of *Start Magazine*, decided to give up their online subscriptions, because once purchased, newspapers in electronic format get sent to many other consumers, for which no additional charge would ever be paid.

With regard to online media, no data are available regarding their means of funding. Certainly, advertising is one of them. But there are only a few online media outlets that manage to be sustainable, as online advertising is still in its initial phase of development in BiH.²⁵⁴ Adnan Curo,²⁵⁵ a co-owner of the website Source.ba, says that their site could not survive on advertising alone, and that it is cross-subsidized by money earned from television production.

251 IREX MSI, 2011, p. 32, at http://www.irex.org/system/files/u105/EE_MSI_2012_Bosnia.pdf (accessed 28 May 2012).

252 IREX MSI, 2011, p. 24, at <http://www.irex.org/project/media-sustainability-index-msi> (accessed 28 May 2012).

253 Interview with Dario Novalic, Sarajevo, March 2011.

254 IREX MSI, 2011, p. 25, at <http://www.irex.org/project/media-sustainability-index-msi> (accessed 28 May 2012).

255 Interview with Adnan Curo, Sarajevo, March 2011.

6.3 Media Business Models

Digitization has brought about changes in media business models very slowly in BiH, and these are primarily reflected in online businesses such as online sales, which are still at an early stage of development. Such changes are limited to online and print media only, as electronic media still operate in analog format.

6.4 Assessments

Transparency of ownership in BiH has not improved since 2005. Moreover, the legislative basis of media regulation has deteriorated.

It is too early to talk about any impact of ownership on the performance and independence of the media in the digital era, because the process of digitization is still in its initial phase and has not reached television stations, which are the main players in the media market.

The global economic crisis, along with the mass withdrawal of international media donors during the past five years, has inhibited the consolidation of the media industry. The media market, seriously hit by the crisis, encouraged growing political and economic interference in the media, with subsequent detrimental effects on its independence. Consequently, all media outlets which had been somewhat critical of the government have been either completely excluded from financial assistance, or they have received financial assistance sporadically.

There has been no experimentation with new models of financing, because there is a consensus in the media industry that the market is oversaturated and does not allow for sustainable development. All media stakeholders understand the necessity of consolidation in the market, especially with regard to television. For the quantity of programming provided for the range and diversity of social groups in BiH is very much lower than the quantity of television stations. On the contrary, most of the stations offer very similar content and survive in the market precisely because of the money that the public authorities give them, either directly from the budget or through public calls that are lacking clear criteria (see section 7.3.1).

It is almost certain, however, that the elimination of weak television stations will progress slowly, and it is difficult to see how the market alone could solve this structural problem, without intervention at the policy-making level. On the contrary, such intervention might actually increase the political dependence of the media: an outcome that looks even more likely, given the steady decrease of international institutions' presence in, and commitment to, BiH (see section 7.2.2).

7. Policies, Laws, and Regulators

7.1 Policies and Laws

7.1.1 Digital Switch-over of Terrestrial Transmission

7.1.1.1 Access and Affordability

On 17 June 2009, the Council of Ministers of Bosnia and Herzegovina adopted the Strategy on the Digital Switch-over within the Frequency Bands of 174–230 MHz and 470–862 MHz,²⁵⁶ aimed at the successful and quick transition from analog to digital terrestrial broadcasting. The Strategy focuses on the promotion of new technologies in BiH, the promotion of media pluralism, and on establishing conditions for freedom of the media. In addition, it calls for good access, quality, and affordability of digital terrestrial television (DTT). According to the Strategy, broadcasting policy must keep pace with global trends, and this is one of the commitments that BiH has made at an international level. The main goals related to the transition from analog to digital broadcasting included in the Strategy are as follows:

1. Complete switch-off of UHF analog radio-diffusion by 1 December 2011.
2. Usage of the DVB-T standard with MPEG-4 (H.264/AVC) compression system.
3. Minimum duration of transition period.
4. Phase transition with interdependency of all stages.
5. Implementation of information campaigns to educate the citizens about the process of digitization, emphasizing the advantages of DTT, and highlighting the steps which citizens themselves should take in order to receive the digital signal.
6. Insuring subsidies for citizens to buy DVB-T receivers, thus enabling television stations to start using the digital signal earlier.

²⁵⁶ “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009.

The initial date for complete switch-off has been officially postponed to 1 December 2014. This new deadline is also in line with the Policy for the Broadcasting Sector document which states that, “considering the economic situation in Bosnia and Herzegovina, transition from analog to digital technologies should be set for the end of 2014.”²⁵⁷

Although the implementation of the Strategy has been delayed, the deadline of 2014 is not unachievable. Moreover, it is expected that the ongoing digitization process in Europe will increase pressure on the BiH authorities; the threat of not being able to send or receive signal coverage of world events is likely to pressure them into speeding up the process.

The Strategy empowers the CRA to develop an adequate regulatory framework, issue licenses, and carry out all other activities connected with the transition process to digital terrestrial broadcasting.²⁵⁸

The process of licensing did not start in the first quarter of 2012, despite the fact that the CRA began to pave the way for the transition to digital broadcasting through talks with expert teams of public broadcasters in BiH.²⁵⁹ Nevertheless, the installation of transmitters to cover the areas of Sarajevo, Banja Luka, and Mostar with digital signal is now in progress. The installation, run by the PSBs, is part of a two-year project aimed at building a new system capable of providing both analog and digital broadcasting of radio and television programs. In addition, on 7 February 2011, the Ministry of Communications and Transport of BiH announced a tender for purchasing the equipment needed for the introduction of DTT.²⁶⁰ In general, it seems that the CRA is fulfilling its obligations as defined by the Strategy, but other participants in the digitization process have not been quite so active.²⁶¹ Various bureaucratic procedures are hampering the digitization process, as Emir Vajzovic from the Faculty of Political Science in Sarajevo suggests: “It is still unknown why almost two years after the Strategy was adopted administrative obstacles due to lack of coordination between the CRA and the Ministry of Transportation impede its proper implementation.”²⁶²

The Strategy also mentions socially endangered groups in the population and persons with special needs.²⁶³ It emphasizes that it is necessary to ensure that “certain program content providers on the state and regional level be obliged to provide certain parts of their program content to the persons with special needs.”²⁶⁴ The

257 “Sluzbeni glasnik BiH,” *Official Gazette of BiH*, No. 18/07, 13 July 2007.

258 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009.

259 CRA, 2012, “Godisnji izvjestaj o radu za 2011” (Annual Report for 2011), p. 42.

260 E. Powlakic, “Uvodjene DTT u BiH” (Introduction of DTT in BiH), at http://www.google.ba/url?sa=t&source=web&cd=1&ved=0CBQQFjAA&curl=http%3A%2F%2Fwww.media.ba%2Fmsonline%2Ffiles%2Fshared%2FUvodjenje_DTT_u_BiH_-_EP.ppt&ei=6kPDTbaNN4qTswals6TIDw&usq=AFQjCNED-PtRH3j6u1zONt4Ws_WkmtCuNw (accessed 5 May 2011).

261 In a press release on 20 April 2010, “CRA expresses its optimism that other participants involved in the process of digitization would also conduct the necessary activities to meet their obligations, related to protection of the interests of the end users,” at http://dt.ba/eng/dtt_sub_05_vijesti.html (accessed 28 May 2012).

262 E. Vajzovic, 2011, “Digitalna BiH: Kada? Zasto? Kako?” (Digital BiH: When? Why? How?), at <http://www.media.ba/msonline/bs/tekst/digitalna-bih-kada-za-kako> (accessed 28 May 2012).

263 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 19 (accessed 11 December 2011).

264 “Strategy on the Digital Switch-over in Bosnia and Herzegovina,” 2009, p. 19 (accessed 11 December 2011).

following potential additional services have been mentioned: subtitles that can be separately added to the picture, additional videos (for sign language), subtitles, etc. Hence, it can be concluded that the issues of these groups are also covered by the Strategy, and that it principally gives adequate directives for ensuring the provision of services for these groups in the digital age too. At this stage, however, it is impossible to discuss any issues with regard to implementation.

7.1.1.2 Subsidies for Equipment

The Strategy for Digital Switch-over calls for the authorities to draft an action plan in order to conduct all procedures on time.²⁶⁵ It took the Ministry of Transport and Communications of BiH more than two years to continue with the work of the Forum for Digital Terrestrial Television (DTT Forum), an expert committee responsible for preparing and adopting the Action Plan. The plan was to specify which institutions would be responsible for the transition to digital broadcasting and establish a timeline for activities, including deadlines, sources, and methods of financing.

The DTT Forum created the Action Plan on 30 January 2012²⁶⁶ and sent it to the Council of Ministers for approval, but by the end of April 2012 there had still been no response (see section 7.1.1.4). This plan was also responsible for guaranteeing each phase of the process, and in particular the adoption of a subsequent regulatory framework, as well as the subsidizing and usage of the digital dividend. The approach to public subsidies was to follow the experiences of other countries and be based on the advice of EU institutions.²⁶⁷ The Strategy is not precise as to which country needs to be followed in this regard. However, the document analyzes the experiences of some EU countries, such as Austria, the Czech Republic, Italy, Finland, Latvia, Hungary, Slovenia, and Sweden, as well as regional practices applied in Croatia, Serbia, and Montenegro.²⁶⁸ It also envisages that BiH citizens should receive financial help for buying the digital equipment.²⁶⁹ In order to treat everyone equally, the state has decided to provide financial help for all citizens and cover a certain percentage of the costs for digital equipment. The exact amount of money will be determined in due course, as it is not possible to do so at the moment due to the constant changes in the price of digital receivers. In addition, subsidies will be included in the license fee, and only households that pay this fee regularly will receive this kind of financial help in the form of subsidy coupons.²⁷⁰ From the start of the transition period, the coupons will be valid for six months, in order to speed up the process of digitization and to make the simulcast period of using both analog and digital television shorter.

265 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009.

266 See <http://rak.ba/bih/aktuelnost.php?uid=1331108708&searchterm=akcioni+plan> (accessed 18 March 2011).

267 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009.

268 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009, p. 45.

269 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009, p. 1.

270 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009, p. 29.

7.1.1.3 Legal Provisions on Public Interest

As mentioned in section 2.2.1, the concept of public interest in BiH, as projected in popular discourse, is limited to the interests of the different ethnic groups, which are then mostly interpreted by the leaders of the respective political parties, all claiming to serve the people. In such an environment, questions of media pluralism cannot be seen from the perspective of the diversity of programming, or the misuse of power in the media. Instead, the debate focuses on whether certain media are Serbian, Croatian, or Bosniak. Still, considering the fact that many reforms are progressing toward the goal of getting closer to attaining EU membership, numerous regulations have been adopted in accordance with European practice. In that sense, the Strategy on the Digital Switch-over emphasizes the importance of digitization for media pluralism,²⁷¹ where program content will be specially regulated and its goal will be to ensure cultural diversity.²⁷²

The details of this regulation are still unknown, but given the current practices, it can be assumed that there will be a regulatory framework in accordance with EU standards, which will then be very poorly implemented. Furthermore, the Strategy consists of general decrees from the Policy for the Broadcasting Sector, which make it obligatory for both the state and the entities to prepare the public for digital broadcasting. This includes the establishment of a suitable means of informing and training the public in the use of digital equipment and new services, in cooperation with public broadcasters.²⁷³ It also considers guarantees for the development of public broadcasting services to be an essential factor in the democratization of society.²⁷⁴

7.1.1.4 Public Consultation

The preparations for the transition to digital terrestrial broadcasting officially began with the decision to establish the DTT Forum in 2005 (see section 7.1.1.2). The Forum started work in 2007. It was not structured as a classic governmental body: along with representatives from the Ministry of Transport and the CRA, it included expert working groups specialized in programming, technical, social, economic, and legal issues. The Forum's task was to suggest an optimal solution for introducing DTT standards in BiH, to prepare a Strategy for transition, and submit it for adoption to the Council of Ministers of BiH by the end of 2008.²⁷⁵ Prior to adoption, the draft of the Strategy for the Transition to Digital Broadcasting was opened up for public consultation. Round tables were organized in bigger cities in order to present the draft strategy and invite people to offer their comments and suggestions.²⁷⁶

271 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009, p. 6.

272 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009, p. 12.

273 "Strategy on the Digital Switch-over in Bosnia and Herzegovina," 2009, p. 35.

274 Policy for the Broadcasting Sector, *Official Gazette of BiH*, No. 18/07, 13 March 2007.

275 E. Vajzovic, 2008, "Digitalna televizija u Bosni i Hercegovini" (Digital Television in Bosnia and Herzegovina), at <http://arhiva.pulsdemokratije.net/index.php?id=1129&l=bs> (accessed 28 May 2012).

276 See http://dtb.ba/dtt_sub_05_vijesti.html (accessed 28 May 2012).

Furthermore, information campaigns to include the publication and dissemination of leaflets, broadcasts of 30-minute shows, consultancies, etc., were held to explain the broad goals of digitization and the benefits of DTT. The campaigns also envisaged the establishment of a free telephone line for people who had concerns about digitization, and a plan to organize an “Open-door day” and “Info-corners,” where citizens could get the information they needed. The implementation of the public relations aspects of digitization was planned to comprise two separate two-month phases to be organized right after the pilot project of digital transmission and the beginning of the transition process. These activities have not yet been realized, and no promotional activities have been conducted either.

7.1.2 The Internet

7.1.2.1 Regulation of News on the Internet

There is no special legal regulation to define news delivery on the internet and on mobile platforms. Currently, legal liability for internet content rests with the author/editor and the site owner.²⁷⁷ Legal protection can be requested by evoking the laws on defamation. The Law on Defamation in the Federation of BiH states that, “The author, editor, and the person in charge of checking the content where libel has been found could be held responsible for that.”²⁷⁸

However, it seems that the existing situation related to internet content is rather chaotic. Media analyst Ranko Udovicic says that “because of the fact that the online content regulation is not clearly defined, significant numbers of website forums often become the space for expressing serious nationalistic ideas and hate speech.”²⁷⁹

Sanja Vlasisavljevic, a columnist, is among the strongest advocates of internet regulation in BiH. She points out that the online media—especially when it comes to comments and forums—provide countless examples of cases damaging personal credibility and reputation. According to her, the problem is that the rules of forum participation “that oblige every registered user to make sure that the information he/she would publish, or transfer would not libel a third person,” are not respected.²⁸⁰ Vlasisavljevic believes the CRA should be involved in the regulation of the content appearing on the web portals.

Such a farce! It is evident that the website administrators have a handful of work and do not see all the brutalities which they, in a way, promote in their media. I feel so bad every time when at the very bottom of the portal page, I see messages explaining the rules, such as “Portal Sarajevo-x.com is not responsible for the content of the comments published on the forum” or “The messages on the forum exclusively illustrate the opinions of their authors

277 Interview with Mehmed Halilović, 10 February 2011.

278 Article 6.2.

279 R. Udovicic, 2010, “Internet: sloboda bez granica?” (Internet: Freedom without Borders?), Media Plan, Sarajevo, p. 6, at <http://mediaplan.ba/docs/InternetEN.pdf> (accessed 28 May 2012).

280 S. Vlasisavljevic, “Internet kao netaknuta sloboda govora” (Internet as Untouched Freedom of Speech), *Dnevni avaz*, 6 March 2011, at <http://www.dnevniavaz.ba/izdvojene-kolumne/25431-internet-kao-netaknuta-sloboda-govora.html> (accessed 25 May 2012).

and not the opinion of internet-portal Sarajevo-x.com.” On the contrary, I think this portal is and should be held responsible for everything it presents to the public!²⁸¹

It is quite certain that there are many people in BiH who share Vlasisavljević’s opinion. Thus, the question of ethical standards in online media became a topic of heated discussions during a special conference of the BiH Press Council, held in mid-March 2011.²⁸² Some of the web portals’ editors present at that conference, such as Milan Sutalo of 24sata.info, decided as a temporary measure to cancel the comments on their sites, fearing that someone could sue them, as they do not have the capacity to filter the entire web content.²⁸³

The idea of putting the CRA in charge of internet regulation, as Vlasisavljević has suggested, could be considered, but it is not the only possible solution. According to many of the participants in the above-mentioned conference, European practices show that not many media regulation authorities have powers over online content, thus prompting media self-regulation as a possible way of coping with the problem (see section 7.2.4).

7.1.2.2 Legal Liability for Internet Content

As mentioned in the previous subsection, in BiH there is no special regulation of internet content. The only restriction applied to online news—as with print—concerns defamation and libel. In 2002, both entities of Bosnia and Herzegovina adopted separate laws on defamation, although these were practically identical in essence. In both cases, defamation was decriminalized and transferred from the domain of criminal law into the domain of civil law. In this way, BiH ranked among the few countries in the world that accepted the highest international democratic standards in this field. The 2005 amendments to the defamation laws, made in both the BiH Federation and in Republika Srpska, moved jurisdiction from the cantonal (district) courts to the municipal (basic) courts. As a consequence, the level of expertise has been reduced, as judges in the municipal courts have less knowledge about the interpretation of the law, especially with regard to very sensitive issues such as defamation, that quite often involve an interpretation of the concept of public interest.

The law encourages freedom of speech to such an extent that even expressions that might offend, anger, or upset are protected.²⁸⁴ At the same time, however, the law requires the professional conduct of journalists to be in line with a journalistic code of ethics and to be without bad intent. The new law also prevents state institutions from initiating civil proceedings against journalists, although members of these institutions can initiate actions on their own behalf.

Mehmed Halilović, a former Deputy Ombudsman for the Media in the Federation of BiH, argued that the most important point of the law is that “the plaintiff must prove that a false statement about him/her has

281 S. Vlasisavljević, “Internet kao netaknuta sloboda govora” (Internet as Untouched Freedom of Speech), *Dnevni avaz*, 6 March 2011, at <http://www.dnevniavaz.ba/izdvojene-kolumne/25431-internet-kao-netaknuta-sloboda-govora.html> (accessed 25 May 2012).

282 Conference of the Press Council entitled “Protecting Professional and Ethical Standards in Online Media,” held in Neum between 17 and 19 March 2011.

283 Presentation of Milan Sutalo delivered at the conference of the Press Council entitled “Protecting Professional and Ethical Standards in Online Media,” held in Neum between 17 and 19 March 2011.

284 Civil Law, Article 2b, at <http://www.tuzilastvobih.gov.ba/?opcija=sadrzaj&kat=4&cid=41&jezik=e> (accessed 25 May 2012).

been published while the defendant journalist proves only that his/her actions were in accordance with the professional standards and that s/he had fair intentions.”²⁸⁵

With regard to court procedures related to internet content, there have been only a few cases. Most telling is the judgment (P-6/03) dated 26 October 2005 from the Cantonal Court of Zenica on internet content, passed on the basis of the Libel Law. Citing the provisions of Article 6 of the FB-H Libel Law and Article 198.1 of the Law on Obligatory Relations, the Court ruled that the texts published on the web page Visoko.co.ba contained expressions offending the dignity and honor of the people concerned. The court ruled that the appellants were to be paid KM 2,000 (€1,000) each. However, the Supreme Court of the Federation of BiH passed a judgment (Gž-159/05) dated 14 March 2006 that annulled most of the initial judgments, acknowledging that they contained offences and not libels, and thus were not a matter for the Libel Law. Nevertheless, the Constitutional Court of BiH passed a decision (AP 1659/06) dated 18 October 2007, according to which the verdict of the Supreme Court was abolished, and the case was returned to it for fresh consideration.²⁸⁶ The case continues.

Another example comes from the Municipality Court of Livno, where at the beginning of 2008 libel charges were brought against the owner of the web portal Livno-online.com.²⁸⁷ The case continues. In another case from 2009, the Municipality Court of Mostar took the decision to accept the libel charges of the prosecution concerning internet materials.

Those examples show that legal liability for internet content still remains an unknown area for both authors and owners of portals, as well as for the judges themselves, as they do not yet have sufficient practice in dealing with the issue.

7.2 Regulators

7.2.1 Changes in Content Regulation

The main law that regulates the field of communications in BiH and defines the work of the CRA is the Law on Communications from September 2003. This law establishes a converged regulator, which has authority over both the content and the means of broadcasting. The law empowers the Council of Ministers of BiH to create the communications policy, and assigns its regulation to the CRA.²⁸⁸ This means that the CRA adopts the relevant rules and regulations, and also issues individual decisions.²⁸⁹

285 Interview with Mehmed Halilović, 10 February 2011.

286 See http://www.ccbh.ba/hrv/odluke/povuci_html.php?pid=91948 (accessed 28 May 2012).

287 See <http://www.livno-online.com/zupanija/6748-tufba-protiv-wwwlivno-onlinecom> (accessed 28 May 2012).

288 Law on Communications, Article 3.1.

289 INDIREG Preliminary Final Report, 2011, p. 179, at http://ec.europa.eu/avpolicy/docs/library/studies/regulators/preliminary_final_report.pdf (accessed 28 May 2012).

The most significant fields of media policy codified by the CRA refer to media concentration and pluralism, regulation of content, and broadcasters' commitments, including the regulation of advertising and sponsorship, as well as the editing of radio and television programs.

In addition to the Law on Communications authorizing the CRA to regulate the field of communications, Article 9 of the Law on the Public Broadcasting System authorizes the Agency to allocate frequencies to public broadcasters. Article 10 defines this authority's role in granting work permits to those broadcasters comprising the public RTV system in BiH. The permit also delineates the obligations of public broadcasters with regard to concrete program frameworks for each service provided by the public broadcasters.²⁹⁰

In 2011, the CRA made the regulatory framework for the area of broadcasting comply with the provisions of the EU's Audiovisual Media Services Directive (AVMSD). This included amending codes on advertising and sponsorship, and editing of radio and television programs, as well as passing new rules. The new set of sublegal acts for the field of broadcasting includes the following.²⁹¹

- Code on Commercial Communications
- Code on Audiovisual Media Services and Media Services of Radio
- Rule 55/2011 on providing audiovisual media services
- Rule 56/2011 on licenses for distribution of audiovisual media services and media services of radio
- Rule 57/2011 on public radio and television stations. (N.B. This rule does not refer to the stations of the Public Service System—BHRT, RTVFBiH, RTRS—as explained in section 1.2.1.)
- Rule 58/2011 on providing radio media services.

The most important development is the inclusion of on-demand media services in the regulatory framework. These rules introduce a two-level approach to the regulation of media services, meaning that the content chosen by viewers/listeners is subjected to a milder form of regulation. Other changes in the regulatory framework cover the regulation structure, but they also introduce new terminology. The changes made existing provisions more precise or extended them. This was the case, for example, for the provisions related to the protection of minors, concerning violence and other harmful behavior, and also the right to reply, as well as the regulation of new areas, which became relevant only after the appearance of digital services. This is why a special article (Article 16) came to be added to the Code, detailing the manner and conditions under which the audience can participate in audiovisual and radio programs by calling, sending messages, and using other electronic communications networks, which must contain clear information and conditions for participation, and should not deceive the audience with inaccuracies, ambiguities, and so forth.

290 Law on the Public Broadcasting System in BiH, Article 10b, at <http://www.rak.ba/bih/index.php?uid=1272017574> (accessed 28 May 2012).

291 See Annual report of the Communications Regulatory Agency for 2011, pp. 10, 11.

At the end of 2011, the data stated that there were 48 program distributors providing their services in BiH, 44 of whom do this through cable, one through satellite (DTH), and three through an IPT platform; and 32 licenses for the provision of audiovisual services were reissued.²⁹² Meanwhile, the CRA does not have any authority over internet regulation, and the regulation of this field has not been allocated to any of the agencies (see section 7.1.2.1). The exception would be future users of licenses for television broadcasting over other electronic communication networks, in particular those which provide their services on the internet.

The arrival of new services and the need for new regulation have not led to any changes in the structure of the CRA itself, primarily because it was already established as a converged regulator. Nevertheless, the CRA has created an entirely new regulatory framework in line with the AVMSD, responding to the demands of digitization. And it is clear that the CRA will try to keep pace with the other European regulatory bodies and will adopt further rules and amendments in accordance with the EU's audiovisual media regulation, even though BiH is not obliged to do this.

7.2.2 Regulatory Independence

Political interference often threatens the independence of the CRA, although the Agency has been designated an independent and non-profit-making institution by the Law on Communications.²⁹³ However, the Agency's independence has been under political attack from the very start.

In 2002, when the CRA was established, the Parliament of BiH cut the overall government budget by 25 percent, including the CRA budget, thus endangering its basic activities. The High Representative for BiH reacted to this act of Parliament by passing a "Decision Amending the Structure of Expenditures of the Communications Regulatory Agency for 2002," to enable its successful financing and operation in that year.²⁹⁴

The weakening influence of international institutions in BiH has opened the door to increased pressures on the Agency from local authorities. The main pressures are linked to legislation that contradicts the Law on Communications and consequently affects the CRA's independence. In 2008, the Law on Salaries and Compensations in the State Institutions of BiH²⁹⁵ was amended to include the CRA, contravening the established legal practice according to which the Agency had the right to determine the salaries and work categories of its employees.²⁹⁶ As a result, some of the CRA staff salaries were cut by up to 60 percent.²⁹⁷ According to Mr Halilović, this law contravenes the Law on Communications, which approves the financial

292 Annual report of the Communications Regulatory Agency for 2011, p. 10.

293 Article 36.1.

294 T. Jusić, 2005, "Television in Bosnia and Herzegovina," in *TV across Europe: Regulation, Policy and Independence*. Budapest: Open Society Institute, p. 281.

295 "Zakon o plaćama i naknadama u institucijama BiH" (The Law on Salaries and Compensations in Institutions of BiH), *Official Gazette of BiH*, No. 50/08.

296 M. Halilović, "Disciplining Independent Regulators," 10 July 2008, at <http://arhiva.pulsdemokratije.net/index.php?id=1060&l=en> (accessed 28 May 2012).

297 Asja Roksa Zubcevic, interview with the author, 14 April 2010.

independence of the CRA,²⁹⁸ particularly as the CRA is not financed by the state budget but through its own income and donations.²⁹⁹ This income includes the routine license fees that are paid for the regulation and supervision of broadcast and telecoms operators. This money should be included in the state budget, and then the Council of Ministers approves the budget prepared by the CRA; while the Council cannot increase the budget, it can reduce it by a certain percentage. On the other hand, donations include money received by the Agency to complete specified tasks or projects of public interest. Although the Decision of the High Representative of 2 March 2001 states that the CRA budget is a part of the budget of the institutions of BiH,³⁰⁰ as Halilović explains, “the CRA is not financed from the BiH Institutions budget and is not a budget user as defined by Article 1, Paragraph 1 (c) of the Law on the Salaries and Compensations of BiH Civil Servants.” This means that the CRA budget is subject to a number of other laws, including the Law on Salaries and the Law on Ministries and Other Administrative Bodies.³⁰¹ This was not the case before the Law on Salaries and Compensations in the State Institutions of BiH was amended.

The legal amendment³⁰² that placed the CRA among the state budget institutions empowered the Council of Ministers to gain more influence over the decision-making process of the Agency, since “various committees or state bodies may treat CRA as an institution dependent on the Council of Ministers,”³⁰³ according to CRA Director Kemal Huseinović.

In addition, the Agency’s independence is still jeopardized even after Parliament adopted the amendments to the Law on Ministries and Other Bodies of Management on 30 December 2009.³⁰⁴ These amendments placed the CRA in the group of independent management bodies. Helena Mandić of the CRA explains that, “the concept of ‘stand-alone’ in the context of this law should not be confused with the concept of independence. Namely, ‘stand-alone’ in this context means that the Agency is not a part of any ministry or other body, while the Law subjects it to numerous direct influences of executive authorities.”³⁰⁵

Besides legislation, the pressures on the CRA involve direct political interference in its decision-making processes, particularly in appointing the Director of the Agency and its Council, as well as during the adoption

298 “Zakon o komunikacijama BiH” (Law on Communications of BiH), *Official Gazette of BiH*, No. 31/03, at <http://www.rak.ba/bs/legal/?cid=2428>. Article 44.

299 M. Halilović, “Disciplining Independent Regulators,” 10 July 2008, at <http://arhiva.pulsdemokratije.net/index.php?id=1060&l=en> (accessed 25 May 2012).

300 Office of the High Representative, “Decision Combining the Competencies of the Independent Media Commission and the Telecommunications Regulatory Agency,” Sarajevo, 2001, at http://www.ohr.int/decisions/mediadec/default.asp?content_id=75 (accessed 11 June 2012).

301 H. Mandić, 2012, “Regulation of broadcasting field in BiH,” in M. Halilović and A. Dzihana (eds) *Media Law in Bosnia and Herzegovina*, Sarajevo, p. 246.

302 “Zakon o izmjenama i dopunama Zakona o placama i naknadama u institucijama Bosne i Hercegovine” (Law on Changes and Supplements to the Law on Ministries and Other Bodies of the Management of Bosnia and Herzegovina), *Official Gazette of BiH*, No. 75/09, at http://www.mft.gov.ba/bos/images/stories/zakoni/2009/2_Zakon_place_B_id_75_09.pdf (accessed 25 May 2012).

303 *Dnevnik*, “Izvršna vlast ‘poklopila’ RAK i Ured za reviziju državnih institucija” (The Executive Power Retorted upon CRA and the Office for the Revision of State Institutions), 22 February 2010, at http://www.dnevnik.ba/index.php?option=com_content&view=article&id=4590:izvrna-vlast-qpoklopilaq-rak-i-ured-za-reviziju-dravnih-institucija&catid=81:bih&Itemid=458 (accessed 25 May 2012).

304 *Official Gazette of BiH*, No. 103/09.

305 H. Mandić, 2012, “Regulation of broadcasting field in BiH” in M. Halilović and A. Dzihana (eds) *Media Law in Bosnia and Herzegovina*; interviews in BiH, 2012.

of the CRA annual reports. In 2007, the Council of Ministers refused to approve the reappointment of the incumbent director for a second mandate, explicitly rejecting the CRA Council's unanimous proposal.^{306, 307} Five years on, the appointment of the Director of the Agency has still not been approved by the Council of Ministers.³⁰⁸

The elections of the CRA Council were another example of political interference vis-à-vis the Regulator's independence.³⁰⁹ In 2009, following the start of the procedure for appointing the new CRA Council, the BiH Parliament did not approve the list of candidates submitted by the Council of Ministers. The Council of Ministers imposed additional demands regarding the appointment process for CRA Council members.³¹⁰ Consequently, there was no agreement on the procedures, and a new CRA Council has not been appointed yet.

Despite all the attacks, the CRA has managed to safeguard and maintain its independence to a very large extent, as so far it has not taken any decisions motivated by the direct influence of political or economic interests. There are growing fears, however, that the decrees currently being issued as part of the Strategy for the Digital Switch-over may become a basis for future political interventions, especially if the influence of the international community in BiH continues to weaken.

Therefore, it is very difficult to say that there are real guarantees to ensure the independence of the CRA, since even when there are clear legal provisions guaranteeing this independence, political forces can ignore or incorrectly interpret these provisions and thus make them worthless.

7.2.3 Digital Licensing

As already mentioned, the CRA has authority over the licenses for both broadcasting and audiovisual services. In general, it can be claimed that the process of licensing is fair and politically unbiased. Mr Halilović points out that, "the regulatory standards established by the Communications Regulatory Agency correspond to the highest possible level."³¹¹ Nevertheless, people from the media industry often express criticism of CRA activities, especially with regard to the way it handles their complaints. They also stress that the CRA has somehow deviated from its role in the early years of its existence, and currently is not particularly strict when it comes to ethics violations. This altered position might be a consequence of the long-term political pressures on the way management appointments within the Agency have been made, which ultimately has reflected on its overall functioning.

306 M. Halilović, "Disciplining Independent Regulators," 10 July 2008, at <http://arhiva.pulsdemokratije.net/index.php?id=1060&l=en> (accessed 25 May 2012).

307 See Article 40.

308 "Saopštenja: Održana 95. sjednica Vijeća ministara BiH" (Statements: Session 95 of the Council of Ministers of BiH), held on 23 July 2009, at <http://www.vijeceministara.gov.ba/Print.aspx?id=8795> (accessed 25 May 2012).

309 See Article 39.2.

310 OSCE, "Spot Report: BiH Media and Media Regulators Under Pressure," 18 February 2010, p. 2, at <http://www.oscebih.org/Default.aspx?id=0&lang=EN> (accessed 28 May 2012).

311 MSI Index, 2010.

By and large, however, the general opinion of the CRA, including that held by media stakeholders, is that it has definitely contributed positively to the development of the media market in the country, a development that might not have come about without the Agency. In that sense, gaining complete independence and authority seems crucial for the CRA with regard to the forthcoming licensing process in the digital era, as otherwise the various pressures on the regulator might threaten its fairness.

7.2.4 Role of Self-regulatory Mechanisms

While the work of the electronic media is directly regulated and controlled by the CRA, the functioning of the print media is left to self-regulatory practices based on the precepts of the Press Council and the Professional Code of Journalism. This system of self-regulation takes for granted the assumption that imposing professional and ethical standards through legislation would result in arbitrary limitations on all legitimate journalists' freedoms, and would thus impede the flow of free information in society. In addition, it is considered an ethical principle in itself that the work standards in journalism should be set by the journalist community. Such an understanding of media self-regulation means that observation of professional standards depends on journalistic conscience rather than being based on the force of the law.

The Press Council³¹² in BiH was set up in 1999 by five active associations of journalists, including the Independent Union of Professional Journalists (*Nezavisna unija profesionalnih novinara*), the Association of Journalists (*Savez novinara*), the Association of Croat Journalists in BiH (*Udruga hrvatskih novinara u BiH*), the Association of Journalists of RS (*Udruženje novinara Republike Srpske*), and the Association of Independent Journalists of RS (*Nezavisno udruženje novinara Republike Srpske*). Since the Press Council was first registered only in Federation BiH, it was subsequently re-registered at the state level in 2006 as an Association of Citizens (*Udruženje građana*), in accordance with the Federal Law on Associations and Foundations.

In April 1999, the founders of the Press Council adopted the Press Code of BiH,³¹³ which includes a set of internationally accepted ethical norms and standards to be followed by the Press Council members, at the Founding Assembly. Since then, the Code has been amended twice, in 2005 and 2006. Editors and publishers of print media are obligated to ensure that the Code is respected by all their staff. Besides the Code, the self-regulation system also includes Recommendations and Guidelines³¹⁴ for professional reporting regarding specific ethical issues such as children's rights protection, gender, police and media relations, etc.

Ljiljana Zurovac, director of the Press Council, believes that the Council has managed to become a valuable tool for enhancing professional reporting in the press, as more and more print media increasingly respond to the objections made by the Press Council.³¹⁵ To support this statement, she stressed that the number of cases solved by mediation has increased from three in 2005 to 27 in 2010,³¹⁶ also explaining that mediation is the

312 See <http://www.vzs.ba/ba/> (accessed 28 May 2012).

313 Press Code of BiH, at <http://www.vzs.ba/ba/> (accessed 25 May 2012).

314 Press Code of BiH, at <http://www.vzs.ba/ba/> (accessed 25 May 2012).

315 Interview with Ljiljana Zurovac, February 2011.

316 Interview with Ljiljana Zurovac, February 2011.

process of regulating the content of a print media outlet without sending the complaint to the Complaints Commission. She further pointed out that during the mediation process, the Secretariat of the Press Council contacts the editor of the media outlet which has allegedly violated the Code. A subsequent positive response, including publishing the necessary corrections, would resolve the complaint without any intervention by the Complaints Commission. According to Zurovac, in 2010 alone there have been 115 complaints in comparison with 2001, when this number amounted to only seven. Ljiljana Zurovac connects the growing number of citizens' complaints (yearly from 2006 onwards) with the advocacy activities of the Press Council.

The recent advent of online journalism in BiH has presented the Press Council with numerous ethical problems, such as the publishing of news without attribution to original sources and violations of the Copyright Law. This development has pushed the Press Council to extend its authority to include web portals. As a result, the Assembly of the Press Council has recently decided to include news web portals in the self-regulation system. The decision of the Press Council³¹⁷ treats all websites that are registered as NGOs, or are owned by political parties and advertising agencies, as non-eligible for membership in the Press Council.

Consequently, in November 2010 representatives from various websites such as Sarajevo-x.com, 24sata.info, and Infobrcko.com became members of the Press Council, while Pogled.ba, Bizon.ba, and Tip.ba expressed their readiness to accept self-regulation according to Press Council guidelines. This means that even websites that—due to their ownership structure or to an insufficient number of employees—cannot formally become members of the Press Council are still able to apply its standards of professional journalism. The main motivation for websites to join the Press Council is the fact that they increase their own credibility by presenting themselves as respecting professional norms of reporting. In addition, joining the Press Council opens up the possibility of accessing this organization's international connections. However, it is still too early to talk about the consequences of including the news web portals in the self-regulation system, although it is expected that other web portals may follow suit and thus make the Press Council more accepted within the professional community.

7.3 Government Interference

7.3.1 The Market

After the war, the practice of preferential state funding in BiH was mainly realized through various hidden means. It usually involved non-transparent subsidizing procedures, and/or the approval of applications for financing without any clear criteria for how grant money would be spent. Boško Čeko, the Head Public Auditor in the Republika Srpska, admits that government donations remain problematic not only when it comes to the media, but also with regard to all kinds of grants and grantees.³¹⁸

317 Document on file with the report authors.

318 "Stotine budžetskih miliona KM za babu i stričeve" (Millions from the Budget Going to the Family), *Start BiH*, at <http://www.startbih.info/Tekst.aspx?id=197> (accessed 25 May 2012).

The situation is the same in other parts of the country. According to Munib Ovčina of the Public Audit Office in the Federation of BiH, “for years now, no criteria have been applied for distributing public money, although such [criteria] have been clearly formulated by the Government. Moreover, there is no adequate reporting about the ways public money is spent.”³¹⁹

An example of preferential media funding occurred in Hercegovacko-Neretvanski Canton in 2008, when the cantonal authorities gave KM 1,300,000 (US\$ 878,000) of public funds to the three biggest media stations without even waiting for the tender deadline to expire.³²⁰ The Association of Private Electronic Media (*Asocijacija privatnih elektronskih medija*, PEM) asked the cantonal prosecutor to investigate the case urgently, labeling such practice by the cantonal government as discriminatory and bribery.³²¹ Panelists from IREX’s MSI Study for 2011 confirmed that there was no improvement in 2011. They emphasized that matters of criteria, transparency, and political affiliations were the biggest problems of this type of financing.³²²

A similar recent example of non-transparent financing occurred in Republika Srpska, where money was awarded by a local authority decision. In March 2012, a non-governmental organization, the Center for Humane Politics (*Centar za humanu politiku*, CHP), reported the prime minister of RS and several of his ministers to the public prosecutor’s office in Republika Srpska on suspicion of planning and approving the payment of several million KM from the budget to news outlets, in order to bribe, control, and limit the freedom of the press and other means of public information.³²³ The CHP’s official statement said that “the actual intention ... was to ... bribe and control the media so as not to publish objective and critical content about the work, responsibilities and situation in their spheres of authority, the Government of Republika Srpska, their political parties and other institutions of Republika Srpska.”³²⁴

Not only did the subsidy process favor the media with affiliations to the RS Government; it also put the media in the Federation of BiH on an unequal footing as, in practical terms, they operate in the same national media market. As Adnan Osmanagic of Radio Stari Grad pointed out, “we exist in a single market, together with colleagues from RS who instantly became privileged by gaining the initial advantage through the possibility of buying additional equipment or paying journalists, which is a problem in itself.”³²⁵

319 “Stotine budžetskih miliona KM za babu i stričeve” (Millions from the Budget Going to the Family), *Start BiH*, available at <http://www.startbih.info/Tekst.aspx?id=197> (accessed 25 May 2012).

320 IREX MSI, 2009, p. 14, at <http://www.irex.org/project/media-sustainability-index-msi> (accessed 25 May 2012).

321 “Oštra osuda diskriminacije pojedinih medija u HNK” (Severe criticism of discrimination of certain media in HNK), at <http://www.klix.ba/vijesti/bih/ostra-osuda-diskriminacije-pojedinih-medija-u-hnk/081215046> (accessed 25 May 2012).

322 IREX MSI, 2012, p. 33, at http://www.irex.org/system/files/u105/EE_MSI_2012_Bosnia.pdf (accessed 25 May 2012).

323 See <http://www.chpngo.org/vijesti/254-predsjednik-vlade-rs-prijavljen-zbog-podmicivanja-medija-i-ogranicavanja-slobode-stampe.html> (accessed 28 April 2012).

324 “Predsjednik Vlade RS prijavljen zbog podmicivanja medija” (The Prime Minister of RS reported due to bribing the media), at <http://www.6yka.com/novosti/21144/predsjednik-vlade-rs-prijavljen-zbog-podmicivanja-medija> (accessed 28 April 2012).

325 IREX MSI, 2010, p. 25, at http://www.irex.org/system/files/EE_MSI_2010_Bosnia%20%20Herzegovina.pdf (accessed 30 April 2012).

7.3.2 The Regulator

To date, all CRA decisions except one³²⁶ have been approved both by its Council—a superior body with whom complaints may be filed—and by the Court of BiH, where appeal procedures take place. With regard to the CRA’s sub-rules and codes, the competent authority for appeal is the Constitutional Court.³²⁷ Between 2007 and 2009,³²⁸ only nine cases of appeals about CRA decisions were directed to the BiH Court. The Court rejected six of them outright, while three were partly taken into account. In these cases, the Court demanded that the Agency explain the reasons behind the penalties and clarify why it had imposed financial sanctions instead of using other less severe measures as prescribed by the Law.³²⁹ These examples, along with general opinion on the CRA’s performance with regard to licensing, provide evidence that the CRA did not abuse its powers and stuck strictly to its mandate. Considering the fact that the process of digitization is still in its initial phase, any analysis of pressure on digital media is not relevant.

7.3.3 Other Forms of Interference

No other methods of interference differing from those previously mentioned have ever been noted and/or reported.

7.4 Assessments

In general, the existing legal framework of BiH seems adequate to meet the further challenges of digitization. Although subjected to various political pressures, the CRA functions as a converged regulator trying to maintain its initial levels of independence and efficiency. The Agency takes into consideration the regulatory changes that occur in advanced European countries and tends to incorporate them into the local system. Besides that, the CRA has been given a significant role with regard to the transition from analog to digital broadcasting, although it is too early to assess its implementation of policy in this respect.

Political influence on the media has increased in recent years, but this can be primarily linked to the change of political context, which is characterized by international disengagement from BiH, as well as by the attempts of domestic political structures to fill in the gap that this disengagement has opened up. Such behavior by the authorities is often interpreted by media professionals as a preference for “suitable” media—those who will not write critically about the authorities. This can narrow the range of information available to citizens.

A lack of experience regarding digitization characterizes the legal institutions, and in particular the local courts of justice. Currently, they have problems coping with the growing number of libel complaints filed

326 In 2011, the Court of BiH accepted the appeal regarding the final decision of the CRA, See: CRA, *Annual Report 2011*, p. 66.

327 CARDS Report, 2006.

328 CRA, *Izveštaji o kršenju pravila u periodu 2007–2009 godine* (Reports on Rule Violations between 2007 and 2009), at <http://rak.ba/bih/index.php?uid=1272548169> (accessed 28 May 2012).

329 CRA, *Izveštaji o kršenju pravila u periodu 2007–2009 godine* (Reports on Rule Violations between 2007 and 2009), p. 24, at <http://rak.ba/bih/index.php?uid=1272548169> (accessed 28 May 2012).

against web portals. The way in which they tackle these cases shows deficits in their knowledge with regard to sensitive issues such as defamation and an understanding of freedom of speech on the internet. All in all, more cases of this kind are likely to clarify the picture as regards content liability. On the other hand, as the internet is not regulated either in many countries of Europe or in the rest of the world, the lack of an appropriate model might continue to make it difficult for the local courts to cope with this issue. However, incorporating news web portals in the Press Council and making them part of the system of self-regulation is certainly a good sign of an efficient application of professional standards in online journalism.

8. Conclusions

8.1 Media Today

8.1.1 Positive Developments

- The media regulation in BiH is to a great extent in line with European and international practices, and enables the development of the media in accordance with the established democratic standards. Various laws, such as the Law on Free Access to Information, the Law on Defamation, the Communications Law, etc., contribute to the freedom of expression and stimulate improved transparency in society.
- The converged regulator, the Communications Regulatory Agency (CRA), has striven to guarantee the proper functioning of broadcasters and telecoms operators, and bring their operations in line with the directives of the European Commission. Since it was established, the CRA has proved to be quite an efficient body regarding the implementation of regulatory decrees and standards.
- The Press Council, as the main body responsible for media self-regulation, has done a lot for the improvement of standards in journalism in BiH, and trying to maintain the good reputation of the profession. Its recent attempts to extend the validity of the Press Code to include online media can also be considered as a positive step in that direction.
- The country has adopted a Strategy on the Digital Switch-over to allow for the transition from analog to digital terrestrial broadcasting aimed at providing better quality of services at affordable costs.
- The great expansion of cable operators, now covering almost the entire country, has largely contributed to a greater variety of programs and services, including the appearance of digital IPTV.
- The constant increase of internet penetration, currently available to more than half of the BiH population, is an encouraging factor for the advent of new media technologies and online journalism. During the last two years, more and more news portals have appeared, which slowly but steadily are improving the overall quality of their offer.

8.1.2 Negative Developments

- The media market is oversaturated, and struggles to sustain the existing media outlets. There are no efficient business models to guarantee the quality and variety of programs, and hence professional standards are often of questionable value.

- Media regulation implementation remains problematic, as political pressure on the media is increasing. Hit hard by the global economic crises, BiH media have shown themselves ready to sacrifice their editorial independence in order to get financial support from political parties, while the regulatory mechanisms are not in a position to prevent such practices.
- Media self-regulation is still not accepted by many media players, who violate the Press Code, thus leading to breaches of copyright, libel, and in some cases hate speech. This is especially valid for the online portals, where many people with an insufficient knowledge of journalistic standards now operate.
- Public media at both national and local level are still trying to define their role, and there is no shared concept in society about this. This situation is to a large extent determined by the strong ethnic divides in BiH, which do not allow a clear formulation of the idea of public interest.
- Delayed implementation of the Strategy on the Digital Switch-over has caused fears that the deadline set for the transition from analog to digital broadcasting will not be met. This means that the country may become isolated in terms of the technological developments and standards that dominate the rest of Europe and the world.
- Poor coordination among institutions impedes their proper cooperation and blocks the implementation of policies vis-à-vis digitization.

8.2 Media Tomorrow

Bearing in mind the uncertain political future of BiH, media development might get worse before it improves. This is especially valid for the PSB system, which due to the continuing ethnic divides may yet fall apart. Given the overt politicization of society, an imminent positive solution can hardly be expected.

The small and underdeveloped media market will continue to raise the question of the necessity for such a large number of outlets. This may bring about increased media concentration and ultimately improve the quality of production. At the same time, difficult economic conditions may push more media to come under the influence of politically interested parties, thus leading to further erosion of their independence.

The appearance of new players in the media market, such as TV1 and Al Jazeera, gives some hope that there may also be positive changes. Some analysts believe that Al Jazeera in particular could boost the development of journalism in BiH and increase its importance in the region.

The process of digitization will continue and increase the share of online media consumption. Even if the digital switch-over date is postponed, new services will gradually enhance both the scope and quality of digital media. This may have a negative effect on the traditional media, as they are not investing sufficiently in this area.

List of Abbreviations, Figures, Tables, and Companies

Abbreviations and Acronyms

ADSL	Asymmetric digital subscriber line
AJB	Al Jazeera Balkans
AVMSD	Audiovisual Media Services Directive
BBG	Broadcasting Board of Governors
BHRT	Radio-Television of Bosnia-Herzegovina (<i>Radio-televizija Bosne i Hercegovine</i>)
BiH	Bosnia and Herzegovina (<i>Bosna i Hercegovina</i>)
CHP	Center for Humane Politics (<i>Centar za humanu politiku</i>)
CIN	Center for Investigative Reporting in Sarajevo
CRA	Communications Regulatory Agency (<i>Regulatorna agencija za komunikacije</i>)
DTH	Direct to home
DTT	Digital terrestrial television
EPG	Electronic program guide
EU	European Union
EVS	Electronic video systems
GDP	Gross Domestic Product
GNI	Gross National Income
GSM	Global System for Mobile communications
HDZ	Croatian Democratic Community of Bosnia and Herzegovina (<i>Hrvatska demokratska zajednica BiH</i>)
ICT	Information and communications technology
IMF	International Monetary Fund
IPTV	Internet Protocol Television
ISDN	Integrated services digital network
LCD	Liquid crystal display
LGBT	lesbian, gay, bisexual, and transgender
MMS	Multimedia messaging service

MSI	Media Sustainability Index
NGO	Non-governmental organization
OBN	Open Broadcast Network
OSF	Open Society Foundations
PEM	Association of Private Electronic Media (<i>Asocijacija privatnih elektronskih medija</i>)
PSB	Public service broadcasting/broadcaster
RS	Republika Srpska
RTRS	Radio-Television of Republika Srpska (<i>Radio-televizija Republike Srpske</i>)
RTV	Radio and television
RTVFBiH	Radio-Television of Federation of Bosnia-Herzegovina (<i>Radio-televizija Federacije Bosne i Hercegovine</i>)
SBB BiH	Union for a Better Future of BiH (<i>Savez za bolju budućnost BiH</i>)
SBiH	Party for Bosnia and Herzegovina (<i>Stranka za Bosnu i Hercegovinu</i>)
SDA	Party of Democratic Action (<i>Stranka demokratske akcije</i>)
SDP BiH	Social Democratic Party of Bosnia and Herzegovina (<i>Socijaldemokratska partija Bosne i Hercegovine</i>)
SDS	Serb Democratic Party (<i>Srpska demokratska stranka</i>)
SMS	Short message service
SNSD	Alliance of Independent Social Democrats (<i>Savez nezavisnih socijaldemokrata</i>)
UGC	User-generated content
UHF	Ultra high frequency
USAID	United States Agency for International Development
VOD	Video on Demand

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Companies

BH Cabel Net
 BH Telekom
 Elob
 Fabrika Marketing Agency
 GfK BH
 GlobalNet
 Google
 HT Mostar
 InterMedia
 M-Tel
 Mareco Index Bosnia (MIB)
 Media plan institut
 MID Europe Partners
 Open Broadcast Network (OBN)
 Oxford Research International
 Partner Marketing Consulting Agency
 Prism Research BiH
 Q Association
 Telekom Srpske
 Valicon

Mapping Digital Media: Country Reports

1. Romania
2. Thailand
3. Mexico
4. Morocco
5. United Kingdom
6. Sweden
7. Russia
8. Lithuania
9. Italy
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11. United States
12. Latvia
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14. Netherlands
15. Albania
16. Hungary
17. Moldova
18. Japan
19. Argentina
20. South Africa
21. Turkey
22. Lebanon
23. Macedonia

Mapping Digital Media is a project of the **Open Society Media Program** and the **Open Society Information Program**.

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The Media Program works globally to support independent and professional media as crucial players for informing citizens and allowing for their democratic participation in debate. The program provides operational and developmental support to independent media outlets and networks around the world, proposes engaging media policies, and engages in efforts towards improving media laws and creating an enabling legal environment for good, brave and enterprising journalism to flourish. In order to promote transparency and accountability, and tackle issues of organized crime and corruption the Program also fosters quality investigative journalism.

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