



Western Balkan's
Regional Platform for
Advocating Media Freedom
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SYSTEM OF PUBLIC BROADCASTING IN B&H – IS THERE A SOLUTION?

The public broadcasting system in Bosnia and Herzegovina, since its establishing, faces numerous challenges and problems that, over time, have led to its existential crisis and the question of its survival. There are numerous discussions, analyzes and interpretations of the causes of these problems, but in this analysis we will try to focus on several key unsolved issues that need to be addressed as soon as possible if the issue of the public broadcasting system is to be addressed properly, and not only to maintain and keep alive what we call the Public System/Service in B&H today, which is far from the proper public broadcasting system.

The key issue of the public broadcasting system in Bosnia and Herzegovina, that is, the public service (which is the term that is more often used in public discourse) lies in the fact that it is essentially neither a system nor a service. Namely, the definition of the public service says that it is a "non-profit, independent radio-television organization, founded on behalf of the general public and financed from public revenues, which meets the needs of the largest possible number of citizens, or the general public, with impartial and unbiased, diverse, balanced and high-quality programs without discrimination". (Veljanovski, 2005: 28), and in this context, the key words of the public service are: independence, diversity, balance, content quality, non-discrimination and meeting the needs of the public. The public service must, therefore, be oriented on the public interest, which means information that "helps people to better understand issues of relevance to the public, or to decide more reasonably about them" (as defined by the BBC's Editorial Principles for example), that is information which are necessary for the citizens to satisfy their information needs, to be well-oriented in the society in which they live, and be able to competently make decisions about their society. Therefore, the public interest is considered complementary to freedom of expression and as such is the starting point in the work of public services. However, the analysis of media content and media monitoring conducted so far, especially during the pre-

election campaigns (Bh. Journalists 2016, Media Plan Institute 2010), have shown work in the interest of political elites, and not the public, especially when it comes to entity broadcasters. That is, we could say, almost logical consequence of the concept of developing a public broadcasting system, which, since its establishing, arose as an unhappy compromise with particular ethno-national politics, which led to the creation of a system that was not a system at all, because three parts of that system (BHRT, RTRS and RTVFBiH), and without the establishment of the Public Broadcasting Corporation (which supposed to be "a common management structure between public broadcasting services with the same rights and obligations towards all three public broadcasting services (BHRT, RTRS and RTVFBiH)"i) as an integrative component, have become institutions *per se*, which completely reflect entity and ethno-national as well politically competitive nature of the state of Bosnia-Herzegovina. As noted by prof. Najil Kurtić: "The idea of a public broadcasting system is basically subversive versus political relations and structures that, almost continuously, for the quarter of century, dominate the political scene in Bosnia and Herzegovina. By definition, the function of public broadcasters is to strongly support political entities oriented towards affirmation and realization of democratic relations in society and the common interest, while at the same time limiting the volume and visibility of political subjects guided by undemocratic values and practices ", and in Bosnia and Herzegovina there is a full limitation of democratic potential of public broadcasters ", which is usual for undemocratic political forces and is in the function of preserving the acquired positions and unimpeded realization of partial interests, and primarily the preservation of power. This is characteristic of all non-democratic political structures (parties, movements and leaders) regardless of the ideology behind which they hide." (Kurtić, <http://najilkurtic.ba/view-more/javni-emiteri-u-krizi/220>).

So, to say it in more simple words, the very first problem created in the time of establishing (or at the early age) of the system of public broadcasting was its constituting not according to laws, but according to "what was possible at that very moment" or according to "political will" of actors involved in that process. This unusual, and unknown in the European practice, precedent that the legal framework is created (Law on Public Broadcasting System of B&Hii), which will never be implemented, has produced many problems and even absurd situations later, such as not completing digitalization process, not achieving consensus on principles of financing of public broadcasters etc. Once it was agreed that the public broadcasting system should be established and developed on the principles of politics, and not the decision-

making policy, the development of the system as it should be was actually abandoned, and the one on which there was a minimum of consensus was established. Or, in order to clarify the distinction between political and policy oriented decision making on the public broadcasting system, we can say that there was a process of making broadcasters for which there was a minimum political will of all involved political actors (the political structures that ruled this country for the quarter of the century as prof. Kurtić says), which, in fact, made public services a key political issue, and did not go towards creating a system that would be established on behalf of the general public and satisfy the needs of the largest possible number of citizens (as the public service is defined by prof. Veljanovski), which would be a policy or strategic decision on a public service. But this is not surprising, since the idea of the possibility of a general, civic public in Bosnia and Herzegovina, has been destroyed and the idea of ethno-national publics with divergent, but not complementary interests, is taking place from the beginning (and even before) of the 1990ies.

The failure to enforce the law and the unwillingness of political elites to support the public broadcasting system in Bosnia and Herzegovina are following public service broadcasters, hence, from the very beginning, but reducing the debate on the system's crisis only on these two elements would give a one-dimensional and non-objective picture. Therefore, it is necessary to point out two other key problems of public service in B&H. One refers to managing them and to the long-standing incompetence and unwillingness of management structures to solve some fundamental functional issues (such as the internal structure of employees, their redundancy in the administrative part, along with the lack of quality staff and their subsistence in the program production segment, the lack of solutions to financing problems, etc.), and the other to the general image of public broadcasters and the lack of support from the population of B&H to public broadcasters (in terms of their unwillingness to pay the RTV tax). The management of public broadcasters has also become a political and politicized issue. The state and entity parliaments play a key role in the appointment and removal of members of the Managerial Board of Public Broadcasters, which is one of the direct ways of control, which is something that representatives of professional journalistic associations, NGOs and

representatives of the international community keep pointing out.iii. Appointments are reflection of political negotiations, and in some cases even against the lawiv, which is reflected not only on non/functionality of the public broadcasters and deepening their

problems, but also their image in the public, which often sees them as an instrument of politics, and not citizens (in 2017. 47% of participants of the research on media freedom in B&H recognized strong political influence on public broadcasters). Furthermore, the issue of managing public services is also problematic from the aspect of management, not just politics, since practice has shown three completely different management approaches in three parts of the system, that is, in three broadcasters. Thus, RTVFBiH opted for a typical market-oriented approach and profiled itself almost as a commercial station, with low-cost content such as the Shopping Queen, a cheap reality program from Croatia, soap operas, etc., which is not a public service role, but in a financial sense enabled this TV house to survive and to have a significantly better financial status than BHRT, RTRS has turned to an almost state-run broadcasting model (which counts on the support of the Entity authorities, which is ensured with clientelistic attitude towards them and the development of this broadcaster as a state-making broadcaster of RS), while all the previous managements of the "state level" broadcaster BHRT behaved completely in the style of management of other public institutions, waiting for the solution" outside ", and not trying to find it on their own. As already mentioned, the B&H public broadcasting system is essentially the reflection of a dysfunctional state, a divided society and a very complicated approach to the public good, and this division and competitiveness, not cooperation, directly reflects on a number of segments of the system, such as the use of resources (are often the same content, sports for example, broadcast on all three channels, but with three different commentators), mutual relations in financial terms among broadcasters (the allocation of revenues from the RTV tax according to the 50% system for BHRT and 25% for entity broadcasters never came to life), program content (different approach to the same events and/or actors, ie bias and unbalance of program content), etc.

When it comes to the image of public broadcasters and their perception in the public, the two aspects that are most often mentioned are the dissatisfaction of citizens with the program and the lack of willingness of citizens to pay the RTV tax. In this context, too often things are considered one-dimensionally, neglecting the multi-layeredness of this issue. Namely, interpretations of citizens' lack of readiness to support public services range from the fact that citizens are not satisfied with the program, so they do not want to pay it, to the fact that they are manipulated by political elites, so they do not consider public services their own and do not want to give money to them. The fact is that citizens do not consider that

RTV tax is an adequate way of financing public services; 78.15% of the respondents in the research on media freedom in B&Hvi said that the survival of public services can be supported by the permanent abolition of RTV taxes and their financing from the state and entity budget. This can point to two problems in relation to citizens' perspective on public service: one is their view of public services as those serving the state and entities, that is, they promote the interests of their elites, and thus they should pay them, and the other is the problem of misunderstanding what budgetary financing in general means. Indicator that the citizens want to transfer the responsibility for financing public service to the state and entities is actually an indicator of their low level of political literacy and not understanding not only the fact that budget money is, in fact, their money (and even if they see strong political influences on public services, they do not see they would continue to finance them through budgetary funds), but also the lack of understanding of the fact that any financing of the public service from the budget funds is essentially, its transformation from the public service (established in the public interest and public interest and financed by that public, as it is defined in theory) into the state service (which serves the interests of the elite, not citizens, and in which journalists are socio-political workers, as is the case in undemocratic systems). Furthermore, the thesis about citizens' dissatisfaction with the program, due to which they do not want to pay the RTV tax, is also superficial, speculative and manipulative, and also counts on the fundamental ignorance of legal obligations by citizens. RTV tax, namely, is not a reflection of the audience's taste, but the "fee for owning radio or TV in the household or with a legal entity", as defined by the Law, and it is precisely this aspect of their awareness that is not being developed, since the non-payment of a tax is one of the mechanisms of weakening the public broadcasting system, which is directly and consciously part of the agenda of some political representatives in B&H, and in a significant parts of the country obstruction of the public system is part of the political agenda, and instructing the citizens not to pay RTV tax consciously and deliberately part of the political strategy, which is also one of the precedents in the institutional sense: that from legislative institutions that have, among other things, passed normative regulations on the public broadcasting system, political representatives directly invite citizens to disregard the same regulations. Of course, in this context, it is necessary to highlight another important dimension of the problem of the boycott of the RTV tax by one part of the Bh. society, more precisely, of an ethnic group, which believes that it is unrepresented or subrepresented in programs of public

broadcasters. Namely, it is about requirements for another public service that would be in Croatian language and proposals for the reconstruction of the public broadcasting system, which would then in a different way represent what we define as a public interest. There are numerous arguments for and against the reconstruction of the public broadcasting system in the way that advocates of the idea of a channel in the Croatian language see it, but in this analysis we are free to represent the thesis that the idea of establishing three broadcasters as representatives of three ethno-national groups is contrary to what the system of public broadcasting should be, and this is a system that preserves the values of a civil society and serves the interests of all citizens, regardless of their national, ethnic, religious, political, cultural or any other affiliation, that is, takes into account all the information and communication needs of all majority and minority groups, and tries to satisfy them through the diversity of its program.

When we talk about the editorial policies of the three existing broadcasters, it is quite clear that with politically affiliated management boards, management, and editorial structures (there are, of course, exceptions, but they are an exception, not a rule) it is not possible to expect that this public services value a balanced, balanced, fair, impartial reporting, and other principles and standards that would provide citizens with quality information and representation of the interests of all. Previous media research shows that BHRT shows the highest level of content balance in comparison with the other two parts of the system (RTRS and RTVFBiH), especially in "sensitive" situations and processes (such as election campaigns^{vii}), but it is per se the controversial fact that there is no unique approach to developing editorial policies and consensus on professional standards (so, there are, for example, cases, of extremely biased reporting on some political subjects in exchange for certain privileges, such as material and other benefits, exclusive information etc., which are the most direct indicators of political clientelism^{viii}, but also in the public negatively connoted cases of journalists who work under the directive of political parties or a certain part of their working lives work in public services, then as PRs or media advisers to certain politicians, elected officials or parties, and then they return to the public service again). It is precisely the deviations in some parts of the system from professional standards (and which relate not

exclusively to political clientelism, but also to some other even formal standards, such as the engagement of inexperienced presenters and journalists, not caring for their communication style which is inappropriate for public service etc.) is one of the reasons for the decline of public confidence in public services.

Another extremely important problem of public service are labor and legal relations and the status of employees, which is particularly relevant for BHRT employees, as part of the system that is in the biggest financial crisis. Extremely low and irregular wages, work under honorary contracts, overtime work, unpaid work, cancellations, transfers from one newsroom to another, failure to pay pension and health insurance, are the main problems that BHRT employees are facing, as well as employees in other two public services. The responsibility for such difficult position of employees is certainly at the management of public services, but also in relatively quiet, dissociated and non-functional trade union organizations of journalists in public broadcasters.ix

Even from a relatively superficial analysis, the enormous problems faced by public broadcasters in B&H are evident. However, we can think about the public broadcasting system in Bosnia and Herzegovina at the level of the problem or at the level of the principles. If we are thinking at the level of the principle then it is necessary to start from the fundamental starting point accepted by all European countries, and which considers public broadcasting system to be a public good that guarantees the citizens the possibility of quality informing and which is, as an institution, important for every prosperous state and every democratic society. What kind of public service we need is something that we will have to think about in the future, in the context of digitization, technological convergence, non-linear content consumption over the Internet, changes in users' habits etc. But, that we need the public service, as a service for all citizens and an integrative factor in the society and the state, should be unquestionable. However, the dominant ethno-national policies that do not want functional and civic-oriented public broadcasting system, in public discourse, promote one, at first glance a pragmatic attitude, which, in fact, has for years been the goal or the ultimate outcome of their actions towards public broadcasters which roughly says the following: the current public broadcasting system in B&H is so burdened with problems and incapable of resolving them that the only solution is its division by entity and ethnic lines. The key

arguments are that the public service at the level of B&H (BHRT) has accumulated enormous internal and external debts, has a large number of employees, and the program contents do not correspond with that number; therefore, a high quality program is not produced, the previous management did not prove to be competent to make the broadcaster functional and its contents significant and interesting to viewers, no steps have taken place in terms of digitization, etc. All of these are really important and essential questions about the way the public broadcasting system has been functioning so far, the reasons for which it has fallen into such a crisis and who is responsible for such a situation, as well as about its future and the needs for its transformation and redefinition.

However, it should be kept in mind that a public broadcasting system that works in the interest of the citizens/public is a precondition for the survival of democratic values and public interests in the media space of every democratic country and society. In this context, meaningful, essential, unpolitical and strategic discussion and dialogue about what the public broadcasting system in Bosnia and Herzegovina needs without doubt is the first step in solving the accumulated problems. In this context, we are free to propose some of the recommendations:

- - It is necessary to start from the concept of public broadcasters as those that in their essence have a public interest, that is, the right of all citizens to fair, objective, impartial, balanced reporting and a high-quality, balanced and professionally created program that is inclusive in terms of all minority groups and which all citizens are consider as a tool to be well-informed and well-represented.

- Discussions on the application of existing ones or the adoption of new legal solutions should be based on European experiences and practices, while respecting the specifics of the B&H context, but bearing in mind the EU integration processes and the need to harmonize normative regulation with European standards and principles.

- Try to shift the focus from politicized to policy solutions in order to bring the solutions which are in line with the standards and principles of democratic public services, and not dependent on the degree of political will for the existence (or non-existence) of the public system for all citizens.

- Find an adequate mechanism for the financial sustainability of public broadcasting systems that will not only survive through artificial, intervention, reactive ad hoc measures, but will have sufficient resources to fulfil their informative, educational, entertainment and other media functions through quality program content.
- Complete the digitization process and, accordingly, modernize the production of program contents and technical capabilities for it.
- Improve the economic position and the working-legal status of journalists, which is not possible without a systematic approach that will require consideration of the ratio of current human resources and program quality and changes in this context (in order to, for example, increase the number and quality of employees in program production (journalists, editors, presenters, technical staff for the production of programs), and reduced the number of staff in supporting and often non-functional services.
- More strongly work on the image of the public broadcasting system in the general population, in order for citizens to better understand its social role, the importance for themselves, and the importance of their support to that system.
- And, ultimately, strategically plan and develop the public broadcasting system, instead of the dominant tendencies of its decommissioning, politicization, manipulation and instrumentalization.

All these are just starting principles that should be the essence of development of strategies of the public broadcasting system. Other unresolved issues (mentioned or omitted in this analysis) related to public broadcasters in B&H can only be resolved after reaching a consensus that the state of Bosnia and Herzegovina needs a high-quality public broadcasting system and that its political representatives, but also representatives of the international community, and the non-governmental sector, and ultimately citizens of this country are ready to support such a system.

i Law on Public Broadcasting System, available at:

https://www.parlament.ba/sadrzaj/zakonodavstvo/precisceni_tekstovi_zakona/default.aspx?id=58892&langTag=bs-BA&pril=b

ii Ibid

iii <http://www.osce.org/bs/fom/94108?download=true>

iv <http://bportal.ba/udru%C5%BEenje-bh-novinari-novi-uo-ftv-a-demonstriranje-sile-imenovanja-mimo-zakona/>

v http://safejournalists.net/wp-content/uploads/2017/05/03.05.-Prezentacija-_Istrazivanje-o-medijskim-slobodama-u-BiH-3.5.2017.-BHN.pdf

vi Ibid

vii More on: <https://mediaplaninstitut.files.wordpress.com/2017/05/izbori-u-bih-2010-kako-su-mediiji-pratili-politicku-kampanju.pdf>, <http://bhnovinari.ba/wp-content/uploads/2016/09/preliminarniizvjestajmonitoring2016.pdf>,

<http://www.mediaonline.ba/ba/pdf.asp?ID=2555&n=OCJENA%20POLITI%20C8KIH%20RAZLI%20TOSTI%20U%20MEDIJSKOM%20IZVJE%20ATAVANJU%20TOKOM%20OP%20ATI%20IZBORA%202014.%20U%20BOSNI%20I%20HERCEGOVINI>

viii More on political clientelism in media in B&H:

http://www.fes.ba/files/fes/img/Bilder_Aktivitaeten/Analiza_Lejla_Turcilo.pdf ix More on working conditions of journalists in B&H on:

<http://www.mediaonline.ba/ba/pdf.asp?ID=3555&n=NOVINARI%20U%20PROCJEPU%20DEVASTIRANIH%20MEDIJA%20I%20PRAVNE%20NESIGURNOSTI>

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