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The Media and Power-Sharing: Towards an Analytical Framework for Understanding Media Policies in Post-Conflict Societies. Public Broadcasting in Bosnia and Herzegovina

1. Introduction

Media can be and have been exploited to escalate conflict. More recently, a literature on the potential of media to reduce conflict has begun to develop (Wolfsfeld, 2004; Ellis 2006; Price and Thompson, 2002; Kempf, 2003; Bratić, 2006), offering insights into the socio-political, cultural, socio-psychological, and discursive aspects, as well as elements of the internal organization of news production, through which media can eventually contribute to conflict reduction and prevention. What is so far lacking in this literature, however, is an analytical framework / theoretical model to evaluate and explain the conflict reduction potential of the media at a practical policy-making level.

In contrast to the media, in the broadest areas of democratic governance, especially constitutional design and electoral systems, there is a longstanding and developed literature on institutional structuring for conflict reduction through power-sharing (Sisk 1996; Lijphardt 1977, 1990; Horowitz 1985, 1990, 1991). Two competing models of power-sharing have been proposed as the best method to reduce conflict in divided societies, Arend Lijphardt's (1977; 1990) *consociational* model and Donald Horowitz's (1985, 1990) *integrative* model. However, neither model has been systematically extended to examine other intermediate institutions of the state, such as policing, education or media, where the conflict reducing potential of the state actually gets implemented (Palmer 2005). Within the tradition of power-sharing theory, there is a general lack of studies of what it means to implement power-sharing models at the institutional level.

The power-sharing literature delineates special institutional arrangements for democratic conflict management in divided societies exiting from violent conflict. We argue that under specific circumstances of such post-conflict societies, similar arrangements can also be necessary at the level of intermediate institutions, focusing in this paper on public service broadcasting media. That is, we

suggest that it is not enough for media reforms in post-conflict societies to be modelled on those in established democratic societies, but that further steps to ensure adequate representation and decision-making of all major REN (Religious, Ethnic, and/or National) groups similar to those outlined in the power-sharing literature are necessary. This paper extends the theoretical framework of power-sharing to the field of media. We argue that this is already a significant and useful step for theoreticians and practitioners in the field of media and conflict, as well as those focused on power-sharing. We then use this framework to evaluate the conflict reduction potential of specific media policies deployed in post-conflict multi-ethnic contexts, specifically the reform process of the Public Service Broadcasting (PSB) system in Bosnia-Herzegovina.

2. Media, Conflict and Peace

As Wolfsfeld (2004: 8) points out, “much has been written about the role of the news media in conflict and war, but very little about their role in peace”. Further, only limited attention has been “devoted to the relationship between the international community and local or indigenous media before, during, and after conflicts. As information management became central in the run-up to wars and in post-conflict reconstruction, a decade of costly experiments commenced (Thompson & Price, 2002: 1).” Yet, these experiments, run by international community organizations such as the UN, OSCE and others, in places such as Cambodia (1992-3), Bosnia-Herzegovina (since 1995), or Kosovo (since 1999), were conducted without any significant organizational awareness from implementing agencies about how to strategically and systematically structure the media to contain conflict and promote peace (Thompson & Price, 2002: 2). This suggests a general lack of theoretical and conceptual understanding of how media policies should be devised to help stabilize post-conflict societies.

A body of literature on the role of the media and journalism in post-conflict periods, and more specifically in conflict prevention and peace-building, has been developing in recent years.

Wolfsfeld (2004) in his study “*Media and the Path to Peace*” attempts to establish a theory about the role of news media in peace, and outlines several theses that attempt to clarify this role. According to Wolfsfeld (2004: 220), “all other things being equal, the news media generally play a negative role in attempts to bring peace.” This negative role is linked to the nature of news selection

and production in media organizations, the level of sensationalism in reporting, the intensity of the crisis, the broader socio-political environment and the political power elite's support to the peace process in general. Another important element is the extent to which news media are shared by the antagonists in the conflict. Wolfsfeld (2004: 42; italics in original) argues that, "*the greater the extent of shared media, the more likely it is that the news media will play a constructive role in a peace process*". Although Wolfsfeld manages to plot major elements that influence the role of the media in peace process, he does not offer a theoretical framework that could be useful for developing specific media-focused policies, apart from the argument on shared media which suggests that media policy that aims at conflict containment should attempt to establish shared media, as these are to push both journalists and politicians towards more moderate rhetoric.

An important contribution to understanding the role of the media in peace processes, and especially of media policies in post-conflict societies was the publication of the book "*Forging Peace*" in 2002, edited by Monroe E. Price and Mark Thompson, that deals with issues of information intervention in conflict and post-conflict zones (Thompson; Taylor; Darbshire), and studies cases of Cambodia (Marston), Bosnia-Herzegovina (Thompson & De Luce), Rwanda (Des Forges), Kosovo (Mertus & Thompson), and East Timor (Wimhurst), with strong emphasis put on the link between information intervention policies and international law (Farrior; Blinderman; Mertus). These studies point to several policy-relevant aspects of media functioning and of information intervention in post-conflict societies: First, the rule of law and stable democratic regulatory frameworks and institutions are central to any such consideration. Second, it is of crucial importance to establish media outlets that deliver impartial information and peace-building messages. Third, "no better alternative than attempting to establish some form of public service broadcasting exists for societies riddled with corruption and feeble media markets, ruled by ineffective media regulation, and saturated by state-controlled, politicized media (Thompson & Price, 2002: 21)".

A number of other relevant studies concerned with the role of the media in post-conflict societies and peace building have recently been published. A series of articles in the online journal "*Conflict & Communication Online*" (<http://www.cco.regener-online.de>) contribute to the debate, focusing on issues such as peace journalism and the news production process (Kempf, 2003; Bläsi, 2004); peace media and development communication (Becker, 2004); media and cultural conflict (Shinar, 2003), the socio-psychological effect of the media in times of crisis (Bratić, 2006), and

media peace discourse (Shinar, 2004). None of these studies, however, attempts to offer a systematic theoretical framework for assessing and understanding media policies in post-conflict societies from the perspective of the potential of such policies to contribute to the long-lasting containment of conflict and promotion of moderation in overall media conduct and media structures in general.

Donald G. Ellis (2006) points to the complex relationship between media and political conflict, and to the key role the media play in either stimulating or ameliorating the conflict. “Even if the media are not the presenting cause of the conflict, they remain a powerful influence (...). The media reflect societies and are thus an indication of conflict if nothing else. How stories are reported, ownership of media, the legislative environment, the role of government, and visual images are all related to conflict (Ellis, 2006: 125)”. A report by the U.S. Institute of Peace (Frohardt and Temin, 2003, quoted in Ellis, 2006) concludes that “the media are a problem when (a) too much power is concentrated in a single media outlet and that there is very little media diversity, (b) media are not accessible to the community, (c) journalists are not properly trained, (d) ideology creeps into journalists’ reporting, and (e) governments do not create a favorable legal environment.”

Similarly, other studies of the link between media and conflict (Thompson, 2000; Reljić, 1998, Snyder and Ballentine, 1996) point out that the media’s role in conflict is linked to a set of structural conditions, such as the legal framework, information monopolies, the influence of neighboring states, elite politics, and the depth and nature of the crisis.

Nevertheless, none of the approaches listed above offers a systematic theoretical framework that would explain how the media system is to be institutionally structured, in relation to the nature of deep REN division in a post-conflict society, so that it reduces conflict. What we have so far are only hints, assumptions and theoretical fragments that tell us that shared media, efficient regulation, and democratic institutions are probably the best solution. But we still don’t know how all of these – the shared media, regulation, democratic institutions – are to be structured in relation to the distribution of power in divided post-conflict society characterized by REN divisions, how these structures relate to each religious-ethno-national group, and how these groups in return shape the structures put in place. The lack of such understanding has led to many failures in media reforms, most notably in recent years in Bosnia-Herzegovina, where several large-scale media projects have failed (such as the Open Broadcast Network¹) or have been stalled for years (such as the reform of the Public Service

1 Open Broadcast Network (OBN) was an attempt to establish independent state-wide broadcaster that would weaken

Broadcasting System). What is generally lacking is a theoretical / analytical model that would offer a consistent framework for assessing concrete media policies in relation to their conflict-prevention and/or conflict-production potential and their long-term effects, as opposed to the ad-hoc policy making that now prevails. We suggest that the power-sharing literature offers a solid theoretical basis that could be used as a starting point for developing a more coherent conception of the conflict-reduction potential of media policies in plural post-conflict societies.

3. Power-Sharing Theory and Models

Theorists of power-sharing have argued that majoritarian democracy is particularly unsuited for societies with deep REN divisions and a history of tension and conflict for three primary reasons:

1. Minority group based political parties may be permanently excluded from participation in governance and therefore have no incentive to "play by the rules of the game."
2. There are few "floating" voters whose preferences are based on non-ascriptive characteristics. Thus, politicians rarely broaden their appeal to members of other REN groups and have few or no incentives to do so.
3. Politicians have incentives to participate in radical outbidding on potentially divisive ethnic issues (Sisk, 1996).

Power-sharing theorists claim that the rules of the political game can be structured to "institutionalize moderation on divisive ethnic themes, to contain the destructive tendencies, and to preempt the centrifugal thrust created by ethnic politics (Sisk, 1996: 33)." In particular, the power-sharing literature provides a theory of how the state can be organized in order to minimize the conflict risks that result from a majoritarian system in divided societies, calling for specific structures of democratic governance to manage and moderate conflict in societies with deep REN divides (Montville 1990; Sisk 1996).

There are two major approaches to power-sharing: Arend Lijphart's consociational model and

nationalist oligopolies on the media, and ensure free and fair reporting across the country. The project collapsed after only a few years.

Donald Horowitz's integrative model (Sisk, 1996). Lijphart suggests four basic principles of consociational democracy – (1) grand coalition government that fosters cross-ethnic elite cooperation, (2) minority veto that reduces minority group fears, (3) proportionality in allocation of shared resources, such as public funds and civil service positions, and (4) ethnic group autonomy (Lijphart, 1977, 1985, 1990; also see Keating, 2007).

In contrast to this model which has been criticized for relying too much on elite cooperation (Horowitz, 1985; Sisk 1996), Horowitz in his integrative power-sharing model (1985: 597-600), suggests that territorial and electoral reforms can create cross-cutting cleavages and promote inter-ethnic cooperation and intra-ethnic competition.² This can be achieved by “five mechanisms of conflict reduction”: (1) dispersions of conflicts by “proliferating the points of power so as to take the heat off of a single focal point”; (2) emphasizing intra-ethnic rather than inter-ethnic competition through reservation of some local posts and territorial devolution; (3) policies to promote inter-ethnic cooperation, such as electoral laws promoting inter-ethnic coalitions; (4) encouraging alignments around interests other than ethnicity, strengthening cross-cutting cleavages; and finally (5) distributing resources to eliminate disparities between groups (Horowitz, 1985: 598-599).

The two models offer substantially different approaches to reducing conflict: the consociational model reduces conflict by granting autonomy, reducing interaction between ethnicities, and fostering elite cooperation, while the integrative model attempts to promote *inter-ethnic* cooperation and *intra-ethnic* competition thus creating cross-cutting cleavages (see Sisk 1996, Palmer 2005). In short, consociational theory argues that ethnic tensions and fears can be reduced by minimizing the need for interaction between ethnic groups except at the elite level, while the integrative model of power-sharing proposes that conflict can be reduced by creating a web of interests and cross-cutting cleavages that result in incentives for more moderate behavior.

The power-sharing literature has centered on a debate between which of the two ideal-typical power-sharing models have the most potential for prevention and reduction of conflict between REN groups, focusing primarily on issues of governance, electoral systems, cultural autonomy, and constitutional design. In practice in societies exiting from violent conflict, though, this debate is

2 Horowitz prefers to call his model of power-sharing “Incentives for Moderation”; the vast majority of the literature on power-sharing, however, refers to the model as “Integrative” (see, for example, Sisk (1996) and Kettley et al (2001)). While respecting Horowitz's preferred term, we continue in this tradition of using “integrative” to describe his model.

moot, as neither model is likely to be implemented in full. Power-sharing theorists do not create ideal power-sharing arrangements; instead, a host of competing interests, local and international, shape constitutional frameworks and power-sharing governance through intense negotiations and compromise (Palmer, 2005). Negotiators may or may not be familiar with power-sharing theories. Instead of consociational or integrative arrangements, the outcome is likely to be a complex mixture of the two models, often in combination with other conflict reduction mechanisms not easily categorized as consociational or integrative (Sisk 1996).³ Further, power-sharing is implemented at the level of state administration, i.e. not solely in terms of parliamentary rules and governance, but in institutions such as media, education, and policing.

In short, the power-sharing literature lacks any theory of how these models can be implemented in state administration such as media, while the literature on media and conflict lacks any concrete framework for analyzing the conflict reduction potential of various media structures. The next section extends the theoretical framework of power-sharing to the media, and more specifically to state administered Public Service Broadcasting systems.

3. Power-Sharing and the Media

As detailed above, power-sharing theory highlights three problems with majoritarian democracy in divided societies and makes detailed proposals on how to design constitutions and electoral rules to overcome these problems. We argue that a similar set of problems results from what might be called a majoritarian structuring of media system in divided societies:

1. First, the minority groups might be excluded from participating in decision making and governance of the media system and in formation of the politics of representation in such a system. As a result they have no incentive to "*play by the rules of the game*" and are ready to step outside of the official media system and build an alternative and largely isolated communicative space.
2. Second, only a few listeners and viewers do not identify with one or the other ethnic group.

³ A joint project of Cambridge University and the European Centre for Minority Issues refers to this as "Complex Power-Sharing" (Kettley et al 2001).

As a consequence, media rarely broaden their appeal to members of other ethnic groups and have few or no incentives to do so.

3. Finally, and in connection with the previous point, media have an incentive to participate in radical outbidding on potentially divisive ethnic issues because of the difficulty of attracting viewers from other groups.

Media systems in divided societies which express these three problems may be characterized as *centrifugal* while those which are designed to overcome these issues may be deemed *centripetal*.⁴ Hence, in societies with deep REN divisions we can differentiate between media systems with respect to the overall potential of the media to contribute either to conflict proliferation (centrifugal media environment) or conflict containment (centripetal media environment).

Post-conflict reforms of media systems have been driven by rather ad-hoc policies and often do not systematically deal with issues that arise from the characteristics of centrifugal media systems. More often than not, policies are inconsistent and contradict each other. Political compromises frequently hurt media reforms, resulting in ineffective solutions and a plethora of new problems as well as failing to address the crisis potential of a centrifugal media system. Further, bad policy choices are often made, resulting in disastrous financial, political, symbolic and structural failures. Finally, proposed and implemented policies often mix consociational, integrative and majoritarian solutions incompatibly, clearly illustrating a lack of conceptual understanding of the crisis or any fundamental theoretical and conceptual basis for proposed solutions.

While some elements of proposed and implemented reforms are certain to be essential components of media reform, a package of reforms that takes into consideration the specific character of divided societies in a comprehensive way (i.e. are aware of the problems of majoritarianism in divided societies) is more likely to be effective in reducing the potential for conflict. Power-sharing theory is designed for this purpose, but must be extended to the media to be useful.

In accordance with the consociational and integrative power-sharing models, we can identify two models of media system that would be able to reduce centrifugal drives and strengthen

4 Horowitz sometimes refers to his model of power-sharing as “centripetal”. Our use of this term here is not an endorsement of Horowitz’s model of power-sharing over Lijphart’s. Instead, both models of power-sharing when effectively implemented would create a centripetal media environment, as will be clarified below.

centripetal tendencies, contain conflict and promote moderation – *Consociational Media System* and *Integrative Media System* (also see Palmer, 2001a, 6-7):

Consociational Media System

- A consociationally structured media system would have separate stations for each major ethnic group in order to ensure group autonomy.
- Each of these stations would be funded proportionally to its ethnic population.
- For governance of the media system at a broader than station level, we would expect an executive board consisting of appointees from each of the major stations and REN groups. The structure and the procedures of the managing board and other decision-making instances would have a veto-mechanism at disposal to representatives of each group.

Integrative Media System

- There should be shared, cross-ethnic media appealing to all REN groups.
- Funding would be allocated in such a way as to eliminate the disparities between groups.
- In order to ensure dispersions of power, we might expect many stations, none of which is ethnically-oriented, but based on perhaps regional criteria or specialized programming (eg. Sport channel, education channel, etc.).
- Competition for positions within broadcasters would be designed to ensure that those fighting for positions needed to appeal to ethnic groups other than their own (i.e., appointment done by ethnically mixed boards of governors). Additionally, intra-group competition should be promoted by reserving some posts within group (for example, on regional criteria).
- Programs would rarely appeal to ethnic identity in order to ensure multi-ethnic audiences for each station and potentially create bases of identity other than ethnicity.

Table 2 below outlines more specifically these two types of media system in six key areas of media policy making: 1) Organization and Structure, 2) Legislation and Regulation, 3) Funding, 4) Management, 5) Staffing, and 6) Programming.

Table 2 - Model of Media Power Sharing in Ethnically Divided Post-Conflict Society (Media Policy Power-Sharing Matrix)

Aspect of Media Policy Making	Consociational approach	Integrative approach
Organization & Structure	<p>Each major ethnic group has its own media system and own public service broadcasters and channels</p> <p>There are no, or there are only marginal shared media</p>	<p>Shared PBS channels that aim at the whole population (or portions of the population that cross-cut REN categories) disregarding ethnicity</p> <p>Larger number of channels as to ensure the dispersion of power and creation of non-ethnic based interests, (e.g, based on regional and not ethnic criteria, or based on programming content such as sport-channel, educational-channel, entertainment channel)</p> <p>Existence of strong shared media</p>
Legislation & Regulation	<p>Separate legislative and regulatory mechanisms and bodies / agencies for separate media systems</p> <p>Distribution of positions within the Board of the regulatory body / agency based on ethnic proportional representation</p> <p>Positions for the staff proportionally distributed on ethnic principle, as in public administration. Most would be in separate, homogeneous channels.</p> <p>Veto rights on decisions and regulations based on ethnicity principle</p> <p>Legislation of PBS and broadcasting on the level of separate units for each REN group within limits defined by elite agreement at state level.</p>	<p>State-wide regulatory body in charge for all broadcasters</p> <p>Distribution of positions within the Board of the regulatory body / agency requires approval of at least some members of other REN groups as well.</p> <p>Appointment for staff positions also include some intra-ethnic competition mechanisms (such as regional competition)</p> <p>Legislation of PSB and the broadcasting on state level</p>

Funding	Proportional funding in accordance with the size of ethnic groups	Funding in accordance with needs / cross-ethnic funding and elimination of misbalance in resources
Management	Proportional ethnic representation in management board Veto powers on ethnic basis Limited or no central management of Public Service Broadcasting System	Appointment requires appeal to and approval from other ethnic groups Promotion of intra-ethnic competition on, for example, regional basis
Staffing	Staff at each channel is ethnically homogenous, limited mixing of REN groups No policy towards mixing of ethnic groups members in staffing.	Each REN group is prominently represented in each channel or unit Appointments also based on the need to get approval from other ethnic groups Promotion of intra-ethnic competition on, for example, regional basis
Programming	Separate programming for separate ethnic groups, in separate languages/dialects	Shared programming, with cross-ethnic targeting, mixed use of languages, regular alternation of languages (if there is no substantial difference between languages that prevents understanding)

In praxis there is likely to be a mix of both consociational and integrative models and approaches. Nevertheless, the models present an analytical framework for systematic assessment of policies applied in the reform processes of media system in an ethnically-divided post-conflict society. The framework is straight-forward and can be used to map policies along either the *consociational* or *integrative* approach to containing conflict with respect to media reform. The models can tell us in what areas a particular approach has been used, how consistently it has been used, and how it relates to the way other segments of the media have been treated with respect to containing conflict and institutionalizing moderation. The model can also be used to highlight whether all important aspects of media reform have been considered at all and therefore potentially still present the source of centrifugal ethnic politics, friction and conflict. We suggest that this framework can also be used for comparison purposes, though that remains beyond the scope of this paper. Below we use this framework to analyze the reform of Public Service Broadcasting in

Bosnia-Herzegovina (BiH) in the post-Dayton Peace Agreement period after four years of conflict ending in late 1995.

4. The Dayton Agreement and Post-Dayton BiH

After prolonged, violent conflict in BiH, the Dayton Peace Agreement (DPA) ended the war and established a complex power-sharing system with elements of consociational and integrative power-sharing. Tensions in the agreement would structure the reform process of the media system as well as all other elements of the state.

Local Political Structures under Dayton

The DPA set up a complex governance structures of two entities - the centralized Republika Srpska (RS) dominated by Serbs and the Federation of BiH dominated by Bosniaks and Croats. The decentralized Federation was further divided into ten cantons - five primarily Bosniak cantons, three primarily Croat cantons, and two “mixed” cantons.

Governance under Dayton was largely consociational power-sharing. A tripartite presidency, with one member from each of the three constituent peoples of BiH, ensures a *Grand Coalition* executive. *Proportional representation* is guaranteed in the legislative branch. *Mutual veto* is established in the House of Peoples where each REN group is able to block a law if they believe it violates their vital national interests. Most importantly, *segmental autonomy* was ensured by devolving most power to the entities (especially in the RS) and cantons (in the Federation), with only limited authority at the central level. Population shifts during the conflict meant that the vast majority of governance units were largely ethnically homogeneous, thus maintaining segmental autonomy.

External Mandates and Dayton

In addition to the local political structures it created, the DPA gave power to an international quasi-protectorate, led by the High Representative in civilian aspects and the NATO-led IFOR

(Implementation Force)⁵ in military aspects, to ensure the implementation of the agreement, through building up the state and ensuring the respect of human rights. Most importantly, one of the main components of the DPA was the return of refugees and displaced persons. Because of the complex geographic distribution of ethnic groups in pre-war BiH, implementation of this 7th Annex of the DPA would break down the homogeneous populations in territorial units that the war created and the DPA partially sanctioned, thus ending *segmental autonomy*. That is, the DPA both set up consociational governance and established procedures and empowered actors to break down this consociationalism by eliminating segmental autonomy.

A number of issues have resulted from the tension between these aspects of the DPA, frequently eliciting groups to use their veto powers. The interests of major REN groups and the International Community (IC) have been characterized by continuous tension. Croats and Serbs push for consociational solutions, even keeping open options for secession and eventual union with neighboring states, Croatia and Serbia respectively. The Serb elite are unanimous that under no circumstances will they allow weakening and changing of the borders of the Republika Srpska as defined in the DPA. The Croat elite aspire for the creation of a third entity and effectively splitting the Federation of BiH between Croats and Bosniaks. At the same time, Bosniaks are pushing for more integrative solutions with decentralization on principles other than ethnicity (such as geographic and economic regionalization) and elimination of the consequences of the recent war, especially in terms of territorial distribution of ethnic groups. This especially means the change and eventual elimination of the borders of the Republika Srpska. Finally, the international community represented by the OHR and EC is pushing for a combination of consociational and integrative solutions for practical purposes, strengthening central institutions and cross-ethnic cooperation where it is needed for more efficient functioning of the state, but at the same time insisting that territorial distribution will remain in place as is agreed in the DPA as a guarantee for the peace. These contradicting approaches witness the lack of basic consensus on the future outlook of the state and are a constant source of political crisis and the paralysis of the political process. The resulting tension between local power structures and external agents, separation and integration, would characterize the dynamics of the post-Dayton reform process.

⁵ After one year, the original term of its mandate, IFOR was renewed under the name “SFOR” or Stabilisation Force.

5. Public Service Broadcasting after the Dayton Agreement

Immediately after the DPA, the broadcast media system could be characterized very strongly as centrifugal, with three nationalist political parties controlling three state/party broadcasters. The International Community soon entered the broadcast media arena in order to overcome this problem. Unlike many other spheres of state administration, state media often exist in a broader system including private media as well as media from neighboring states. This is certainly the case in BiH with, as of late 2007 there are some 40 TV and 140 radio channels – many of which were initially supported by international donors - including three nation-wide commercial TV broadcasting networks targeting the entire population of BiH.⁶ Nevertheless, there are several media sub-systems simultaneously existing at different levels and territorial areas which continue to be defined by both the ethnocentric nature of the media and by the ethnic character of the audience. One media sub-system operates within the Republika Srpska and primarily targets the majority Serb population in that entity. Within the Federation, there are basically two additional media sub-systems, one within the predominantly Bosniak-populated regions of the entity and another within majority Croat areas in the Federation of BiH. Moreover, the Croat-oriented media system is primarily attached to the media from neighboring Croatia, while the Serb-centered media of the Republika Srpska are linked to Serbia. To address this, the International Community eventually took steps to turn the three state/party broadcasters into a Public Service Broadcasting System.

The Genesis of the Public Service Broadcasting System – A Short History

It is often stated that the war in Bosnia actually started with the battle for the then state-owned broadcaster RTV Sarajevo, when in late 1991 the Yugoslav Army controlled by the regime in Belgrade, along with Serb paramilitary forces in BiH, seized several transmitters of the broadcaster and began to re-broadcast pro-Milošević programs from Serbia.⁷ The war divided the media along

6 Public register of Television Stations at the Communications Regulatory Agency, (URL - <http://www.rak.ba/bs/broadcast/reg/tmp11.aspx?cid=2422>; accessed on 3 July 2007). See for example Jusić, 2005: 264.

7 According to Thompson (2000: 228), the first transmitter was taken on August 1, 1991, so that by the international

ethnic lines, creating three ethnically shaped media systems that were largely controlled by ruling ethno-nationalist parties. At the heart of these three systems were three state/party controlled broadcasters:

- In the Serb-controlled territory of Republika Srpska, the SRT (*Srpska Radio-Televizija*, Serb Radio-Television) which acted as a propaganda mouthpiece of the SDS party.
- EROTEL was established in Croat-controlled territories, and acted as a transmitter of national TV programs of neighboring Croatia's national television, and was tightly controlled by the HDZ party.
- In Bosniak held territory, RTV BiH (Radio-Television of Bosnia-Herzegovina) emerged as a successor to the former RTV Sarajevo, and was linked with the SDA party.⁸

Since the DPA made almost no mention of the media, the ruling nationalists maintained their control over the most influential media, continuing with discourses of polarization and hatred, while at the same time preventing opposition voices. Hence, the international peace implementation agencies were forced to undertake a series of actions to address the situation and create preconditions for the creation of an open and fair public space and more tolerant and professional media.

Initially, the International Community (IC) tried to establish independent state-wide shared media outlets, Open Broadcast Network TV channel and FERN radio, but in the post-conflict context these media were unable to challenge nationalist-controlled regime media. Faced with extreme nationalist propaganda coming from SRT, the Office of the High Representative (OHR) finally intervened; on October 1, 1997 this office requested NATO/SFOR peacekeeping troops to seize control of the SRT transmitters; removed politicians from its board of directors; re-drafted the editorial charter of the network; and appointed an international supervisor to oversee the

recognition of BiH in April 1992 half of its territory was covered by RTV Serbia broadcasting, and the rest of the transmitters that were not put under the control of Serb forces were subsequently destroyed, reducing the coverage of what remained of RTV Sarajevo to some 25% of BiH territory.

8 For details of performance and political links of these broadcasters during and immediately after the war, see Thompson (2000), and Thompson and De Luce (2002).

transformation of the SRT.⁹

It was only then that the IC began to get serious about the creation of a Public Service Broadcasting System. OHR proceeded with an initiative that resulted in the drafting of a memorandum on transformation of RTVBiH into the public service broadcaster of Federation BiH.¹⁰ In 1998, the Peace Implementation Council (PIC) - the highest supervisory body that oversees implementation of the DPA - called for the creation of a single, state-wide public service broadcasting system, and for the drafting of legislation to ensure the political and financial independence of the public broadcasters. As obstruction and pressures by local political elites continued, blocking the creation of PSB, the OHR made a series of decisions that led to the creation of the existing Public Service Broadcasting System that culminated on 23 May 2002 when OHR imposed a set of decisions - bringing about the *Law on the Basis of the Public Broadcasting System and on the Public Service Broadcasting in Bosnia and Herzegovina*, imposing the *Law on the Radio-Television of Republika Srpska* and the *Law on the Radio-Television of the Federation of BiH*. With these decisions, a Public Service Broadcasting System of BiH was established.

Further, as a result of continuing pressure by OHR, in February 2000 the EROTEL network which illegally, without broadcasting license, rebroadcast Croatian national TV programs across BiH was finally switched off.¹¹ This was another important step towards consolidation of broadcasting in BiH in general and towards more effective reforms of public broadcasters in particular.

After the imposition of relevant laws in 2002 by OHR, the EU and the EC put strong pressure towards even more reforms of public broadcasters, requesting that a new legal framework be adopted that would further strengthen the PSB System and its components, and guarantee their independence, functionality and sustainability, as a precondition for ratifying the Stabilization and Association Agreement between BiH and the EU. Nevertheless, even in late 2007 this precondition has not been fulfilled, and the reasons are many, as will be seen below.

9 Thompson & De Luce, 2002: 208-212.

10 Thompson & De Luce, 2002: 223.

11 Television Across Europe: regulation, policy and independence, 2005: 293.

6. Public Service Broadcasting and Power Sharing

Despite extensive reform efforts, Public Service Broadcasting in BiH remains polarized. Our analysis below plots key policy points in the six key areas of media policy making previously outlined in order to identify the driving centrifugal forces that continue to produce tension in the public service broadcasting system. We find that key tensions result from situations in which normatively / formally adopted and prescribed power-sharing solutions in practice are not implemented at all, or are implemented partially, inadequately, or along *majoritarian* models. Often, *consociational* solutions are being implemented instead of formally prescribed *integrative* models. The failure to adopt and implement a consistent power-sharing framework results in the incapacity of the system to contain conflict and keeps it in a permanent state of crisis.

Organization & Structure

In terms of organization and structure, the Public Service Broadcasting System of Bosnia and Herzegovina was formally designed to be integrative. It consists of the following components¹² :

- A state-wide Public Service Broadcaster (BHRT), which consists of one television channel (BHT 1) and one radio channel (BH Radio 1).
- Radio-Television of the Federation of Bosnia & Herzegovina (RTFBIH), which is the public broadcaster of the Federation of Bosnia & Herzegovina entity, consisting of one TV channel (FTV) and two radio channels (Radio Federation and youth radio channel Radio 202).
- Radio-Television of Republika Srpska (RTRS), the public broadcaster of Republika Srpska entity, consisting of one TV and one radio channel.

The state-wide BHRT broadcaster was conceptualized as a typical shared-media outlet (with special consideration in programming and staffing, as will be shown below), while RTVFBiH and RTRS have been formally defined geographically as broadcasters for all residents of the Federation

¹² According to *the Law on the Public Service Broadcasting System in BiH that was adopted in 2005*,

of BiH and the Republika Srpska respectively. However, these two regional stations are shared, integrative media only to the extent to which Annex 7 of the DPA has been implemented, i.e., to the extent to which refugees have returned back home, and the two entities are truly ethnically mixed territories.

Since Annex 7 has not been implemented there is a fundamental contradiction and a source of tension: While RTRS formally is to be seen as a broadcaster of all citizens of RS in accordance with 1991 census data and the decision on constituency of peoples, and therefore as integrative, in practice since RS is genuinely a Serb-dominated entity with Bosniaks and Croats not even close to their levels in the 1991 census, RTRS can be seen as part of a consociational arrangement – an ethnic Serb dominated RTV. Hence, at the level of the RS entity, RTRS is a majoritarian media structure that primarily caters to Serb interests.

Meanwhile, RTVFBiH has a largely integrative structure with regard to Bosniaks and Croats, the primary inhabitants of the Federation (though largely excluding Serbs who have not returned to the Federation in large numbers). This structure has, however, driven the continual complaints of representatives of Bosnian Croats, a significantly smaller demographic group than Bosniaks in the Federation, who feel that they, like the Serbs, deserve their own PSB channel as would be the case in a consociational model.

The organization and structure of the PSB system is then clearly contradictory in itself, with structures formally designed and declared to be integrative, but in practice are mixed integrative, consociational, and majoritarian due to failure to implement Annex 7. There is a serious discrepancy between formal and real organizational structures, which acts as constant generator of tension and conflict.

Legislation & Regulation

The legal and regulatory framework has been a notable success for conflict reduction potential, largely due to the implementation of the integrative regulatory mechanism of the Communications Regulatory Agency (RAK – *Regulatorna agencija za komunikacije*¹³) of Bosnia

13 <http://www.rak.ba>

and Herzegovina. The state-level RAK is the key regulatory body for both broadcasting and telecommunications, with a legal basis is the Law on Communications of BiH¹⁴. The RAK has clearly become the core integrative mechanism for the whole broadcasting sector - a robust and independent regulator with broad powers has proved to be the right approach to regulating the chaotic broadcasting scene after the war – downsizing the market to a more realistic number of broadcasters and eliminating the language of hatred and propaganda from the programs. RAK duties are drafting and ensuring implementation of rules on broadcasting; issuing licenses and ensuring compliance of broadcasters to license obligations and provisions.¹⁵

Overall, we can say that the regulatory frameworks and institutions have contributed to the elimination of language of hatred and of radical outbidding in content of public broadcasters. One could say that this segment has been consistently implemented and is not the cause of any specific ethnic tension, i.e. it contains conflict efficiently.

Funding

Funding of public broadcasting in BiH largely fits with an integrative model of power-sharing. Public broadcasting is primarily financed by revenues from RTV subscription fee and advertising. The license fee¹⁶ as well as the advertising revenues are centrally collected and distributed among the three public broadcasters. A share of 50 per cent of the collected revenues is allocated to the state-wide broadcaster BHRT, while entity broadcasters get 25 per cent each.¹⁷ Such a mechanism of distribution of resources aims at strengthening the state-wide broadcaster BHRT and is supposed to eliminate differences between financially stronger and weaker groups and regions. Such a model of disproportional redistribution of resources from richer to weaker groups fits with the Horowitz's integrative model – it strengthens smaller groups through subsidies by larger groups in

14 Law on Communications of Bosnia and Hercegovina, *Official Gazette of BiH*, No. 33/02 of 12 November 2002, (hereafter, Law on Communications of BiH), available in English at <http://www.cra.ba/en/legal/?cid=2427> (accessed 30 June 2005).

15 Section IX (Communications Regulatory Agency) of the Law on Communications of BIH (art. 36-44), section X (art. 45 and art. 46).

16 The license fee is a tax on possession of television and radio sets.

17 BHRT "Public Radio and Television Service of Bosnia-Herzegovina Business Report for 2006," March 2007, p. 1

order to eliminate causes for dissatisfaction and disadvantage of smaller groups and give them incentive to participate.

Nevertheless, this *integrative* model of funding is in contradiction with de-facto *consociational* structure of PSB in practice, and it puts the largest burden for financing public broadcasting on Federation BiH entity which collects far larger advertising and license fee revenues than RS.¹⁸ The first symptoms of this problem are already visible: namely, new system of distribution incomes from marketing is still not in effect because FTV management was particularly opposed to this and is refusing to implement this segment of the Law on Public Service Broadcasting System of BiH.¹⁹

A second problem is the persistent boycott by a significant part of the Croat population of the payment of the monthly subscription fee. According to the 2006 Annual Financial Report of BHRT Telecom operator HT Mostar which collects the subscription fee in the areas mostly populated by Croats managed to collect not more than 28 percent of the license fees, while at the same time BH Telecom that works in areas primarily populated by Bosniak collected 81 percent.²⁰ The Croat population is boycotting the license fee payment in the light of the standing request of Croat politicians for establishment of Croat channel within PSB system.

Hence, the burden of the PSB system is mainly on Bosniak population living in Federation BiH, and this can potentially be a serious cause of dissatisfaction and tension in the long run.

Management

As in some other areas highlighted above, management structures of the Public Service Broadcasting system are a hybrid of consociational and integrative models. At the level of the Public Service Broadcasting System, there is a System Board consisting of 12 members (3 Bosniaks, 3

18 Report of the Office of Audit of Institutions of the Federation of B-H. July 2007, p. 13; BHRT's 2006 Annual Business Report, March 2007, p. 28; JP RTRS "2006 Annual Report/2007 Annual Plans," p. 14; The Report of the Audit office of the Institutions of BiH „Izvještaj o reviziji Javnog radiotelevizijskog servisa BiH (BHRT) za 2005. i 2006. godinu“, Sarajevo, October 2007, p. 10

19 Magazine *Dani*, 14.09.2007. p. 7

20 BHRT's 2006 Annual Business Report, March 2007, p. 26

Croats, 3 Serbs, and 3 representatives of other ethnicities), who come from the Managing Boards of the three broadcasters: RTVFBiH, RTRS, and BHRT (four members from each of the three broadcasters).²¹ The System Board coordinates activities, proposes license fee policies and coordinates between the three broadcasters. The Board also adopts programming codes of conduct, dealing among others with issues such as languages, culture and tradition of constituent peoples and minorities in BiH (Article 8; 1:c).

Bosnian Croat representatives have raised the issue of the structure of the System Board and stopped the adoption of the Law on RTVFBiH arguing that since the minimum of 7 members need to be present for the decision making, and decisions are made by simple majority, it means that only 4 members of the System Board can make decisions of utmost importance for all three constituent people.²² The same argumentation was used by the Constitutional Court of FBiH²³ which ruled that the Law on RTVFBiH has to be amended to accommodate these complains, formally and practically preventing the adoption of the Law on RTVFBiH without which the PSB system can not start functioning properly. The amended proposed law on RTVFBiH is now returned back to the Parliament of FBiH.

Hence, the managing structure as envisioned by the law has a mix of consociational, integrative and majoritarian elements in the way how power is shared between different ethnic groups represented in the System Board of the PSB, thus providing potential for further polarization and tension.

Staffing

The laws on public broadcasting services define public broadcasters' obligation to implement relevant provisions related to equal rights of constituent peoples and others in Bosnia-Herzegovina in

21 Law on the Public Broadcasting Service, Article 7

22 Separate opinion of Valerija Galić, Judge of the Constitutional Court of BiH, in relation to the decision of the Constitutional Court of BiH in case no. U-10/05, available at: <http://www.ccbh.ba/bos/odluke/index.php?src=2#>

23 Decision of the Council for the Protection of Vital National Interests of the Constitutional Court of the Federation of Bosnia and Herzegovina, deciding on a request of the Croat Caucus in the Federation Parliament, Decision no: U-11/06, dated 19 July 2006, available at: www.ustavnisudfbih.ba

relation to its staffing structure.²⁴ The three public broadcasters employ a total of 1,904 staff - 49 per cent Bosniaks, 30 per cent Serbs, 9 per cent Croats, 9 per cent Bosnians,²⁵ and 3 per cent others.²⁶ When compared to the census data from 1991, it is visible that the largest difference exists in the level of representation of Croats who are significantly underrepresented.²⁷

At the level of the individual broadcasters, the situation is as follows: BHRT has a staff of 997 people - 67 per cent Bosniaks, 12 per cent Bosnians, 9 per cent Croats, 8 per cent Serbs, and 4 per cent others.²⁸ Federal Television has 409 employees - 66 per cent Bosniaks, 13 per cent Croats, 13 per cent Bosnians, 5 per cent Serbs, and 3 per cent Others.²⁹ At RTRS there are 498 employees - 93 per cent Serbs, 3 per cent Croats, 2 per cent Bosniaks and 2 per cent others.³⁰ The situation is somewhat better when it comes to the ethnic representation in news departments and editorial and managerial staff, but it significantly varies between three broadcasters.

Hence, all three televisions to a lesser or greater extent have difficulty with adequate representation of the constituent peoples in accordance with the 1991 census.³¹ In these circumstances, neglect in providing adequate ethnic representation in the staffing structure further weakens already fragile public broadcasting system.

24 Article 8 of the Law on the Broadcasting Service of B-H, Article 8 of the Draft Law on RTVFBiH, Article 18 of the Law on RTRS.

25 The RTVFBiH and BHRT managers assess that the category of ‘Bosnians’ largely includes people coming from mixed marriages.

26 Data based on documents: “Structure of BHRT employees” from August 9, 2007; “National structure of RTVFBiH on July 31, 2007” from August 29, 2007; “JP RTRS -2006 Business Overview” 25 January 2007, p. 9. (documents on file with authors).

27 According to the 1991 census of the population, there were 43.5 percent Muslims (today Bosniaks), 31.2 percent Serbs, 17.4 percent Croats, 5.6 percent Yugoslavs and 2.3 percent Others living in BiH. Federal Bureau of Statistics <http://www.fzs.ba/Dem/Popis/NacStanB.htm>

28 “Structure of BHRT employees” from August 9, 2007 (on file with authors)

29 “National structure of RTVFBiH on July 31, 2007” from August 29, 2007. (on file with authors)

30 “JP RTRS -2006 Business Overview” 25 January 2007, p. 9. (on file with authors)

31 Kukić, 2007

Here, the tension arises from the formally integrative design of the PSB system, which in practice fails to adequately represent all major socio-cultural groups and constituent people in its staffing, thus having a negative impact on management and programming (see below) as well.

Programming / Content

The Law on the Public Broadcasting System of BiH defines programming obligations in relation to interests and needs of the constituent peoples and ethnic minorities in BiH, such as equal use of all three official languages, and of both alphabets (Latin and Cyrillic), as well as ensuring equal representation of the traditions and heritage of all three peoples and adequate representation of others (Article 26). However, specific quotas for each of the constituent peoples and ethnic minorities do not exist.

The issue of language used on public televisions is one of the most frequent topics discussed. Croat political representatives and public figures³² object that Croat language is underrepresented on all three public broadcasters.³³ On the other hand, a number of Bosniak critics maintain that language on Federal Television is under strong influence of Croatian language.³⁴

The linguistic policies of all three public broadcasters are based on authors of news items having the right to choose what language they will speak. With this kind of linguistic policy, linguistic representation is directly related to ethnic representation of staff working in news and other program units. Bearing in mind inadequate ethnic representation, it is clear that three languages cannot be in practice equally represented on each of the three public broadcasters, which then undermines *integrative* model that is formally applied, and adds to the tension.

32 Statement by former Croat Member of the Presidency Ivo Miro Jović, Hrvatsko Slovo, 15 October 2005, available at: http://www.hkz.hr/Hrvatsko_slovo/2005/547/medjuHrvatima.htm.

33 Kukić, 2007

34 Filipović N., Slobodna Bosna, 7 June 2007, p. 46; Riđanović M., Oslobođenje, 29 June 2007, p. 36;

7. Final Remarks

Power sharing theory is a helpful framework for categorizing and analyzing media reforms in post-conflict, divided societies which are characterized by deep REN cleavages. It enables us to identify key aspects of centrifugal / centripetal media system, and to systematically review media policies on institutional level and how those policies help incite or mitigate the conflict, i.e., how such policies contribute to either centrifugal or centripetal dynamics within media system. The dimensions that we focused on were structures / organization, regulation, funding, management, staffing and programming of media outlets, and in particular of public service broadcasting system in Bosnia and Herzegovina.

Our analysis demonstrated that the PSB system in BiH still has significant characteristics that classify it as a centrifugal media system: Elites do not play by the rules of the game and tend to develop their own media systems or segments of the system under their control; audience is strongly ethnically divided and media, including public broadcasters, still to significant extent cater to “their” ethnically profiled audiences and have no intention to broaden their appeal, and there are still circumstances when even public broadcasters participate in radical; ethnically-based outbidding and polarizing discourses.

There are several reasons for such a situation: Firstly, there is a general mismatch between integrative legal and organizational arrangements on one side and actual consociational practices on the other. What is defined normatively as an integrative solution, in practice is implemented as consociational arrangement, which becomes the major source of conflict.

Secondly, there are serious problems with the way management works, allowing for majoritarian practices within the PSB decision making bodies.

Thirdly, funding is done in such a way so that it to extreme puts pressure on one group, while other two are benefiting. Although this looks like integrative arrangement, in long run it can have negative effect on the system as a whole, since the group that now pays the most will probably soon refuse to do, what could undermine the system in its totality. Also, integrative model of funding is in contradiction with the excessively consociational praxis in which PSB operates.

Fourthly, in terms of staffing the three public broadcasters are supposed to function in accordance with integrative model, guaranteeing equal representation of all three major ethnic

groups. Nevertheless, in practice, this is not the case and there are serious imbalances in this respect, and often the majoritarian dominance of one group over the others.

And finally, in terms of programming, there is not adequate representation of all three ethnic groups, which is in contradiction with the law, and thus becomes a major source of tension, especially since minority groups feel heavily underrepresented in programming of public broadcasters. This is also linked with staffing issues – inadequate representation of ethnic groups in staffing results in inadequate representation of those groups in programming, especially in news and political shows. Also, inadequate representation of ethnic groups in programming is directly linked with the funding model. Namely programming is either consociational or even majoritarian in its character, while funding is integrative, which is rather incompatible combination that can only lead to future deep conflicts.

These are five elements where power-sharing arrangements have not been adequately implemented, and this is where consequently there are sources of conflict and tension that still persists within the PSB system. Such findings demonstrate that applied media policies are not tailored properly, and they fail to address and contain conflict, but often become even additional source of the conflict and tension. This criticism is directed primarily to international community decision makers but also to local / domestic actors who have designed such policies. In many ways, proposed and implemented solutions for PSB reform do not have necessary potential for conflict reduction and moderation, but rather the contrary.

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