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### From the Field:

## **Researching Media Assistance as a Tool of Democratisation and State building in Post Conflict Societies – Lessons from the Case of Bosnia and Herzegovina**

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**Abstract:** This paper aims to give insights into my research on media assistance and its effects on democratisation and state building processes in Bosnia and Herzegovina (Bosnia). I try to analyse a process which lasts more than 15 years, and includes different aspects, from law making to establishing new media. I argue that most of the measures have been carried out in a state of imposition, in a semi-protectorate, that is Bosnia after the war. This period of post-war reconstruction in Bosnia is difficult to research for many reasons, starting from the obvious fact that processes are still going on, to the fact that different international players who were involved in the process over the years, hardly left archives available to the public to be analysed. What is left sometimes does not give a complete picture. In the paper different methods will be presented, that have been applied in order to overcome these difficulties. Thus, I try to give some recommendations for other researchers working on similar topics.

**Keywords:** media, democracy, media assistance, media development, democratisation, state building, post conflict reconstruction, Bosnia and Herzegovina

### Introduction

For more than 15 years, the “international community”<sup>1</sup> (IC) has been involved in democratisation in Bosnia and Herzegovina. This process aims to establish and consolidate democracy in the country that at the beginning of the 1990s went through war for three and a half years, that ended with a genocide.

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<sup>1</sup> I am using the term “international community” as a common reference to a number of international players, including governmental, non-governmental, intergovernmental organizations as well as private foundations who engage themselves in post-conflict countries in a process of state building and democratisation.

Among other large-scale changes, the democratisation process in Bosnia includes reforms of the media sector, with the premise that the media play a very important role in sustaining democracy, and state building. Media assistance was deployed to influence significant changes in the media, starting with the introduction of media laws and regulations previously not even known in the country or the Balkan region itself.

Scholars are considering that media assistance in Bosnia is “the biggest media experiment in democratisation that has been ever tried” (Chandler 1999:130), or “the biggest media assistance intervention in modern history” (Howard 2003). Nevertheless, the exact amount of money spent in the process is hard to determine since many organisations have been involved, and systematic coordination has never actually existed. Moreover, it is hard to number all the projects that were going on, what their purpose was, and which goals were achieved. The “experiment” was stopped a couple of years ago, but resumed in 2010 with new initiatives, which makes a challenge for scholars to research the whole process, or even more, to try to draw lessons for future cases. However, it appears that it is important to look at the results achieved so far, and to try to take into account how and if they reflect on democratisation and state building at all.

Even though results have not been evaluated by the IC, it did not stop them to apply similar models to some other post-conflict countries, such as Kosovo, Iraq or Afghanistan. Both observations – that the case of Bosnia provided a model for media assistance in post-conflict countries as well as the fact, that media assistance strategies in Bosnia have been revived two years ago – aroused my scientific interest to investigate in the field. At the same time, working as a journalist for over 15 years in Bosnia, I have recognised at first hand that media assistance apparently did not have significant impact in Bosnia. For example, it is hardly more secure to be a journalist in Bosnia today than a few years ago. Moreover, it is hard to say if the media have become more professional, if they are less influenced by politicians, or if they are more self-sustainable now. Senad Avdic, a journalist from Sarajevo, in one of his columns described the whole process as “an absolute failure of the international community” (Avdic 2009:4/5). I do agree with a majority of media professionals from Bosnia, who are doubtful whether any aspect of the media development process was implemented effectively. Moreover, we are asking: What was the purpose of it, after all?

I am aware of the recently growing academic literature about different aspects of peace reconstruction in the Balkans (e.g. Bieber 2006; Chandler 1999; 2001, Bose 2002; Gow 1996, are just some of the authors), and almost all of them are recognising the importance of the democratisation process and the need to reconstruct the media. But they all lack to focus on details with regard to the process of media assistance. Thus, my intention is to fill this gap.

In this article, firstly, I will give a summary of the most important – or rather biggest – media assistance projects in Bosnia. Secondly, I try to explain the method I am using to investigate this process. Finally, I will point to some of the lessons I have learned along the way on how to do research on ongoing processes, when not much information on what has been done is available, and when the impact of the process is difficult or almost impossible to measure.

My perspective on this topic is the one of a scholar who is doing research in South East Europe, but also that of a journalist who spent years working for different media in Bosnia. I witnessed the troubles the media in post-conflict countries like Bosnia went through, from limits in freedom of movement to limits in freedom of speech, and closely observed changes that went on for years.

## **Background of Media Assistance in Bosnia and Herzegovina**

Until March 1991, Bosnia and Herzegovina was part of the Socialist Federal Republic of Yugoslavia (SFRY) that started disintegrating with the downfall of Communism in Eastern Europe. In the fall of 1991, first multiparty elections were held in Bosnia, when three nationalist parties, one predominantly Bosnian Serb, one Bosnian Croat and one Bosniak (Bosnian Muslims) won<sup>2</sup>. By the end of March 1992, the referendum for succession from Yugoslavia was held, but was rejected by the ruling Serbian party that insisted Bosnia should stay part of Yugoslavia. However, the majority of the population voted for succession and the country proclaimed independence on March 31st 1992. The war started immediately afterwards, supported by the forces and governments from neighbouring Serbia<sup>3</sup>, and later even from Croatia<sup>4</sup>. In preparation for the war, as well as during the war, the media were used as a powerful political propaganda tool and helped in spreading hate and inciting enmities<sup>5</sup>.

After three and a half years, in December 1995, the war was stopped with the Dayton Peace Agreement<sup>6</sup> (DPA). The DPA defined future arrangements in Bosnia, including the division of the country along ethnic lines<sup>7</sup>, setting up a Constitution and establishing the mission of the international community<sup>8</sup>. It was the beginning

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<sup>2</sup> Srpska demokratka stranka (Serb Democratic Party), Hrvatska demokratska zajednica (Croat Democratic Union), and Stranka demokratske akcije (Party of Democratic Action)

<sup>3</sup> See ICJ decision in the case of Bosnia and Herzegovina vs Serbia, <http://www.icj-cij.org/docket/index.php?p1=3&k=8d&p3=4&case=91>, accessed on October 2012

<sup>4</sup> See the International Criminal Tribunal decision in the case of Blaskic, Kordic and Cerkez, Kupreskic, Furundzija at <http://www.icty.org/cases>, accessed on October 2012

<sup>5</sup> For more see Thompson, Mark, Forging War, The media in Serbia, Croatia and Bosnia and Herzegovina, Article 19, 1994

<sup>6</sup> Negotiations were held in Dayton, Ohio, US, arranged and lead by the US with participation of some other, mostly, Western countries.

<sup>7</sup> The country is divided in two entities - Republika Srpska with predominant Bosnian Serb population, and Federation of Bosnia and Herzegovina with predominant Bosniak and Bosnian Croat population. By DPA, the city of Brcko is established as districts.

<sup>8</sup> DPA available at [http://www.ohr.int/dpa/default.asp?content\\_id=380](http://www.ohr.int/dpa/default.asp?content_id=380), accessed on September 2012

of the IC engagement in post war reconstruction, which included the above mentioned engagement in the media sector.

Interestingly, during peace negotiations in Dayton, the media were not subject of discussion, and the future arrangements were not mentioned in the agreement. Zoran Udovicic (2001) concluded that the international media intervention “mainly arose from the spirit, rather than the letter of the DPA”.

However, some of the DPA articles do mention freedom of the media as a precondition for the organisation of elections, and that was a door opener for media assistance. For example, Annex 3 defines that “the Parties<sup>9</sup> are obliged to ensure conditions for the organisation of free and fair elections, so that citizens will be able to make decisions about their vote, and to vote in secret without fear or intimidation”. It also says “the Parties shall ensure freedom of expression and of the press; shall allow and encourage freedom of association (including of political parties); and shall ensure freedom of movement”.<sup>10</sup>

The freedom of expression in Bosnia is guaranteed by the Constitution, which is part of the DPA Annex 4. The Constitution mentions that the signatories of the DPA “shall prevent any incitement of ethnic or religious hostility through the media”.<sup>11</sup> This was a task hard to fulfil, because the politicians who were in charge immediately after the war, were those who fought the war, and some of them were even responsible for war crimes. Instead of removing those politicians from power, the IC decided to try to assist the media to become more professional and less politically dependent, as well as to provide unbiased information, with the hope to empower the public to vote against nationalists. Eventually, election results over the years show that these efforts had only limited effects.<sup>12</sup>

## **Daytonised media**

Kemal Kurspahic (2003:166), a former journalist from Sarajevo coined the term “daytonised” to describe a situation within the media sector, when the media as well as the country were divided along ethnic lines, and politicised to the level that it was clear which media belonged to which party. Moreover, many journalists were party members, or close to different political options, and not even trying to hide that from the public. The handful of independent media, mostly based in the capital Sarajevo, Zenica and Tuzla, did not have significant influence.

The IC chose a slightly similar strategy to the one existing political parties used, deciding to try to influence editorials with their ideas. Julian Brightwhite, who

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<sup>9</sup> The worked Parties refers to all former warring sides who signed the DPA, meaning governments in Sarajevo, Zagreb and Belgrade.

<sup>10</sup> Dayton Peace Agreement, Annex 3, available at [http://www.ohr.int/dpa/default.asp?content\\_id=371](http://www.ohr.int/dpa/default.asp?content_id=371), accessed on 2 February 2010

<sup>11</sup> Dayton Peace Agreement, 4, available at [http://www.ohr.int/dpa/default.asp?content\\_id=372](http://www.ohr.int/dpa/default.asp?content_id=372), accessed on 2 February 2010

<sup>12</sup> Last local elections were held this September when the same parties as in 1991 won by large majority.

served from 2002 to 2004 as a Director of Communication Department for the Office of the High Representative (OHR)<sup>13</sup> in Sarajevo, explained to me that the IC in Bosnia had “a political agenda, too: to promote some kind of civic society, non ethnic, democratic options,” and to do that, they were “buying editorial policy”<sup>14</sup>.

Nevertheless, Kurspahic (2003: 166) concluded how the IC made Bosnian media part of the “deal with the devil” by accepting nationalists as leaders and recognising the partition of the country made during the war “instead of encouraging and supporting them [the media] to break free and become independent observers and critics of nationalist manipulation of the past and the present.

According to available documents, media reports and interviews I conducted with former IC officials, the media were topic of almost every meeting of the Peace and Implementation Council (PIC), a body of 55 members – some of them ambassadors and some representatives of the different IC organisations present in Bosnia. Even more, in 1997, the OHR formed The Media Support and Advisory Group which used to meet once a week. The members were representatives from the OHR, OSCE, European Commission (EC), and UN Mission in Bosnia (UNMBH).

The first PIC meeting, which was highly important for the future media intervention strategies (Price 2002), was held in Sintra, Portugal, in May 1997. It resulted with the Declaration placing the media high on the IC agenda in Bosnia. Participants agreed to broaden the powers of the OHR in relation to the media, and to encourage promotion of independent media as an “essential step for developing democratic institutions”, as well as to strengthen the work of independent publishers and broadcasters<sup>15</sup>. In Sintra, PIC members decided to assign to the OHR rights and powers “to curtail or suspend”<sup>16</sup> any media network or programme acting in opposition to the DPA, a power that was implemented soon after.

In the same year, the OHR ordered *Srpska Radio Televizija* (SRT) to moderate its programme. The channel was run by the local nationalist Serbian party which was headed by indicted war criminal Radovan Karadzic. Since SRT did not obey this request, NATO was called up to intervene in August 1997. The point for the IC to intervene in this way was when SRT compared the Stabilisation Forces (SFOR), which were in charge with implementing the military aspect of the Peace Agreement, with SS forces, calling them SS-FOR. In response, SFOR took control over some of the transmitters used by SRT, and US jet planes were called in to jam

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<sup>13</sup> An ad hoc institution established with the DPA responsible for the implementation of the civilian aspect of the Agreement. A couple of years after the DPA was signed, the OHR was given the powers to impose laws and dismiss elected politicians from their offices.

<sup>14</sup> Interview with Julian Brightwhite, August 2010.

<sup>15</sup> PIC Sintra Declaration, Communiqué Political Declaration from Ministerial Meeting of the Steering Board of the Peace Implementation Council, available at

[http://www.ohr.int/pic/default.asp?content\\_id=5180](http://www.ohr.int/pic/default.asp?content_id=5180), accessed on November 2011

<sup>16</sup> PIC Sintra Declaration.

their programme. This move was the first step to be called an information intervention<sup>17</sup>. A similar approach was used in 1998 when the IC carried out a decision to close *EROTEL*, a TV network that broadcasted in the part of the country where the majority of Bosnian Croats used to live, because the network did not obey the rules.

Originally, the DPA put the Organisation for Security and Cooperation in Europe (OSCE) in charge of overseeing the elections. The organisation also had a duty to observe the media coverage of the pre-election process, and on the election day. In December 1995, the OSCE established the Media Development Office (MDO) to define goals in media reforms (Domi 2004). This function was transferred to the OHR in 1997 when the PIC met in Bonn and decided to impose a de facto protectorate over Bosnia providing this organisation with authoritative powers<sup>18</sup>.

For PIC, the meeting held in Bonn showed “firm commitment to establish free and pluralistic media,” and the strong support for the OHR involvement in media reforms (Price 2002, 188). The first document that was called a “media strategy” was drafted by the OHR and accepted by the PIC in Bonn. Simon Haselock<sup>19</sup>, Deputy High Representative for the Media, who took part in drafting this strategy, said that it was based on three pillars: 1) editorial intervention and media reconstruction and regulation; 2) encouragement of independent media and the provision of alternative sources of information, and 3) the reform of public broadcasting.

Further on, the OHR took a much bigger role in media development. According to Laurent Pech, their role was the most important in relation to media reform (Pech 1999/2000), since the OHR (together with the OSCE) participated in the set up of rules and regulations, laws and bodies involved with media reform. Moreover, they established new media to be run and financed by the IC.

In his observation of the situation in the country in the aftermath of the war, Tarik Jusic (Jusic 2000: 231-249) described how the IC was faced with “the enormous challenge” of totally reconstructing the existing media, while none of the ruling parties was willing to support such a reconstruction, seeing it as a threat to the power they had over the media. At the same time, no basic state institutions or legal system was functioning, accompanied by “the absence of democratic traditions, civic culture and any form of a grass roots civic movement,” (Jusic 2002).

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<sup>17</sup> The term “information intervention” was for the first time used by Jamie F. Metzel in 1997. For more see Metzel, F. Jamie, Information Intervention: When Switching Channels Isn’t Enough, Foreign Affairs, November/December 1997, available at <http://www.foreignaffairs.com/articles/53575/jamie-f-metzl/information-intervention-when-switching-channels-isnt-enough>.

<sup>18</sup> PIC Bonn Conclusions available at [http://www.ohr.int/pic/default.asp?content\\_id=5182](http://www.ohr.int/pic/default.asp?content_id=5182), accessed on September 2011.

<sup>19</sup> Interview with Simon Haselock, July 2011, Oxford.

## Regulating the media

In the aftermath of the war, the media were highly politically influenced, they functioned mainly without set rules and regulations, journalists were often exposed to violence and restrictions of freedom, and the overall conditions hardly allowed development to the better.

The IC decided to get involved in the process by establishing regulatory bodies, starting from May 1996 when the Media Expert Commission (MEC) was introduced. The body was set up by the Provisional Election Commission (PEC), with the aim to introduce the rules and to supervise their implementation before and during the elections. PEC issued an Electoral Code of Conduct, defining rules for the media, and taking the role to supervise the implementation (Pech 1999/2000), and MEC monitored the compliance to these rules. Until September 1998, MEC acted in 201 cases against the media that violated the rules (Popovic 2005: 125-133). This task of supervision transformed the MEC into a “powerful body,” (Chandler 2000: 116) that could recommend to PEC to sanction any media or journalist, or person and institution they considered to violate the rules. The Commission was empowered to recommend financial penalties and the removal of candidates from electoral lists to the PEC. Yet, MEC did not manage to exclude the influence the political actors – in particular the nationalist parties – had over the media in 1996 and 1997 (Pech 1999/2000).

In their 1997 report, the International Crisis Group (ICG 1997: 21) observed that the work of the MEC was disappointing because of “the defeatism which seemed to pervade the entire organisation” due to “the absence of the leadership and expertise”. Even the MEC admitted in 1998 that their effectiveness was limited after the war “mainly because of a failure to use the tools available to its greatest effect” (Pech 1999/2000).

At the same time, with the intention to enhance media plurality, the IC helped to create a number of new media outlets, especially broadcast media. According to the OSCE data<sup>20</sup>, over 400 electronic media outlets existed in Bosnia in 1996. Dunja Mijatovic, who participated in the establishment of the Independent Media Commission (IMC), that was in 1998 transformed into the Communication Regulatory Agency (CRA), remembers that only Paraguay had more media than Bosnia back then: “It was not media pluralism, but pure media anarchy.”<sup>21</sup> Faced with the problems, caused to some extent even by uncoordinated media assistance, the IC had to establish a body to regulate the media spectrum and to issue licences.

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<sup>20</sup> Interview with Tanya Domi, April 2012, Skype. She said that the ratio was one media outlet for every 17,000 people, while the European standard ratio at this time was 250,000 for one media outlet.

<sup>21</sup> Interview with Dunja Mijatovic, Vienna, February 2012.

In 1998, the PIC formed the International Media Standard and Licensing Commission (IMSLC) as a regulatory body to inherit the MEC. The body reported to the Media Standard Advisory Group (MSAG), also an IC creation. The plan was that the IMSLC would license broadcasters while setting up structural and editorial standards<sup>22</sup>. International media were extremely critical about this body describing it as “a tribunal that will have the power to shut down radio and television stations, and punish newspapers” (Shanon 1998: 8). This body was finally replaced by an Independent Media Commission (IMC)<sup>23</sup> in June 1998. The IMC was in charge to regulate and license the broadcast media, as well as to set up the Code of Practice. The IMC also had powers to sanction media, including financial penalties or suspension of licenses, as well as seizure of equipment or closing down operation and eliminating the license, for which they were entitled to “enlist the support and assistance of all law enforcement agencies in Bosnia and Herzegovina, and seek assistance from the Peace Stabilization Force or its successors”<sup>24</sup>.

The IMC leadership was composed of international members and appointed by the OHR. It was supposed to become fully local over the years. The work of the IMC was endorsed during the PIC meeting in Madrid<sup>25</sup>. The first general director was the former Swedish judge Krister Thelin. He understood that this body is independent from the rest of the IC in Bosnia, and that he, as well as the HR, has power in the media sector assigned to them in Bonn.<sup>26</sup> His attitude confirms that the media, as well as the country, were placed under protectorate.

According to the IMC document from 2000, the media in post-war Bosnia were “the most politicised in Europe”<sup>27</sup>. The IMC understood that their work was to find a way to create the legal framework for broadcasters, which eventually will contribute to democratisation<sup>28</sup>. The IMC was forced to create its own system, rules and procedures while working in a “legal vacuum”<sup>29</sup>.

The first goal for the IMC was to count the exact number of broadcasters in the country, which had been completed by October 1999<sup>30</sup>. The second phase, that

<sup>22</sup> OHR Bulletin 66, 23 February 1998, available at [http://www.ohr.int/ohr-dept/presso/chronology/bulletins/default.asp?content\\_id=4991#6](http://www.ohr.int/ohr-dept/presso/chronology/bulletins/default.asp?content_id=4991#6), accessed on October 2011.

<sup>23</sup> Decision on the establishment of the Independent Media Commission, available at [http://www.ohr.int/decisions/mediadec/default.asp?content\\_id=95](http://www.ohr.int/decisions/mediadec/default.asp?content_id=95), accessed on January 2012.

<sup>24</sup> Ibid.

<sup>25</sup> PIC Madrid Declaration available at [http://www.ohr.int/pic/default.asp?content\\_id=5190](http://www.ohr.int/pic/default.asp?content_id=5190), accessed on September 2011.

<sup>26</sup> Interview with Krister Thelin, October 2011, Skype.

<sup>27</sup> Special Report, Bosnia and Herzegovina, White Paper of the Independent Media Commission, Sarajevo, Media Online, Southeast European Media Journal, available at <http://www.mediaonline.ba/en/?ID=4>, accessed on November 2010.

<sup>28</sup> Ibid.

<sup>29</sup> Interview with Katrin Metcalf Nyman, January 2010, email.

<sup>30</sup> Before the establishment of the IMC, frequency management and broadcast licensing was handled by different bodies in different parts of the country, with no co-ordination and little respect for any rules. In addition, as the situation was known to be chaotic, broadcasters in many cases just did not apply for any licence at all but just started broadcasting or changed frequencies or other parameters. The Telecommunications Directorate nominally existing on the State level in reality

lasted over four years, was issuing licences. The Broadcasting Code of Practice<sup>31</sup> was issued on August 1, 1998, and amended on June 9, 1999. The Code instructed the media not to broadcast any material which could incite ethnic or religious hatred and to observe general community standards of decency and civility. Moreover, the media shall avoid to promote the interests of one political party. It also stated that the right of reply is required when broadcast material unjustly places a person in an unfavorable light or otherwise if fairness and impartiality require it<sup>32</sup>.

Meanwhile, besides the IMC, the Telecommunications Regulatory Agency (TRA) existed and was responsible for telecommunications and frequency management. The OHR merged the two agencies in March 2001, creating the CRA<sup>33</sup>. In October 2002, the Law on Communications was imposed<sup>34</sup>, a decision that came after 18 months of waiting for the Council of Ministers (state government) to approve the draft. This law formalised the role of the CRA in legal terms, and regulated communications. According to the law, the Council of Ministers is responsible for policy-making and the CRA for regulation, while the body is headed by the Director General, nominated by the CRA and approved by the Council of Ministers. At the same time, the CRA is meant to finance its work from technical license fees, meaning that it is not dependent on the state budget even though the Council of Ministers approves the budget. In 2003, the CRA became a fully local institution. Mijatovic recalls that it was the first ever IC created body to become fully local<sup>35</sup>.

Nevertheless, political pressure on this institution persisted over the years. OHR reacted several times defending the CRA and issuing different obligatory decisions to provide support. Eventually, in 2012, the OSCE ordered an analysis of the existing law on CRA which concluded that “although the independence of the Agency is proclaimed in the text of the Communication Law and there are many positive aspects elaborating on this issue, specific guarantees of such independence are lacking through other provisions.” (OSCE 2012). The study recommended a number of measures that could improve the situation<sup>36</sup>. In this case, as in many others when laws were imposed in Bosnia, it is obvious how they were not written for a long term, but they were instant solutions meant to be amended or changed, and adjusted to the respective situation. However, weak state institutions, as well as legislators were never able, or willing, to deal with these issues.

only represented a small part of the country and the Bosniac (Muslim) part of the population.

<sup>31</sup> Broadcasting Code of Practice available at <http://new.mmc2000.net/wp-content/uploads/2011/06/BOSNIA.pdf>, accessed on September 2011

<sup>32</sup> Ibid.

<sup>33</sup> Decision Combining the Competencies of the Independent Media Commission and the Telecommunications Regulatory Agency, available at

[http://www.ohr.int/decisions/mediadec/default.asp?content\\_id=75](http://www.ohr.int/decisions/mediadec/default.asp?content_id=75), accessed on September 2011

<sup>34</sup> Law on Communications available at <http://media.parlament.org.ua/uploads/files/f153.pdf>, accessed on October 2011

<sup>35</sup> Interview with Dunja Mijatovic, February 2012, Vienna.

<sup>36</sup> Analysis Bosnia and Herzegovina: Legislative Framework on the Communications Regulatory Agency available at <http://www.osce.org/fom/94101>. Accessed on October 2012.

## Changing and imposing laws

Obviously, print media had a different status in Bosnian society. Even during the war, as well as after it, it was possible to find print media that were independent from leading politicians or any interest groups. The level of professionalism was, to a certain degree, higher in newspapers than in broadcast, too. At the same time, the influence of print was much lower than that of electronic media. Nevertheless, the IC decided to have their say even in regulating print. The MEC was given the possibility to control the print media, but its successor, the IMC, refused to carry on with that responsibility arguing that it is not practiced in democratic countries<sup>37</sup>. It is obvious, from previous examples, that much of what has been carried out in the name of media assistance is not democratic practice. Still, in this particular case the IC decided to stay away from regulating print for reasons that are hard to comprehend today. This decision can be seen as the individual decision put forward by Krister Thelin, but there is also the possibility that the IC just decided to concentrate on the media that were more influential and had a larger audience, hoping that the rest will follow along the way. One other explanation is that even this approach was a type of experiment, since Bosnia was the first country in South Eastern Europe to have self-regulation of the press.

However, the IC did have a say in defining how the print should be regulated. In 1998, the PIC issued a declaration calling for the establishment of a Press Council, a body composed of local journalists and respected citizens, "as well as one or more international representatives with legal or media experience"<sup>38</sup>. Bosnia became the first transitional Southeast European country to establish self-regulation in print. According to Dieter Loraine, consultant for the CRA and Press Council, in April 1999, a 16-article Press Code was adopted by the five journalist associations and all major newspapers and magazines published it<sup>39</sup>. As soon as in July 1999, all associations agreed on the establishment of the Council. In March 2000, a survey among journalists showed 80 percent support for the establishment of the Council<sup>40</sup>. The first chairperson of the Council, the British Lord John Wakeham, once chair of the British Press Complaints Commission, was appointed by the IC. In May 2001, the first local director was appointed, while the international chairperson remained. The first complaint the Council received was only in September 2001.

The Press Code, written by "the expert group" composed mainly of international experts, in consultations with some local experts in media and law, set the rules according to which journalists and their publications are obliged to the public to

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37 Interview with Krister Thelin, October 2011.

38 PIC Madrid Declaration.

39 Interview with Dieter Loraine, June 2010, London.

40 Chronology available at

[http://www.vzs.ba/index.php?option=com\\_content&view=article&id=227:sekretarijat-vijea-zatampu-u-bosni-i-hercegovini-arhiv-1998-2006&catid=7:o-nama&Itemid=10](http://www.vzs.ba/index.php?option=com_content&view=article&id=227:sekretarijat-vijea-zatampu-u-bosni-i-hercegovini-arhiv-1998-2006&catid=7:o-nama&Itemid=10), accessed on June 2011.

maintain high ethical standards “always and under all circumstances”<sup>41</sup>. This approach did not proof as being very effective: while some media completely ignored the Code, others, newly established ones, never even accepted it. Unlike in broadcast media, hate speech in print persists until today. This is just one of the examples of the non functioning system of self-regulation in Bosnia and Herzegovina.

Alongside the establishment of regulatory bodies, the OHR, together with OSCE, started to work on different laws for the media under the Media Law initiative. Their goal was to develop a framework to promote and protect the rights of journalists; to ensure freedom of expression; and permit the launch and operation of transparent and independent media outlets. Back then, journalists in Bosnia were often threatened while at work, arrested by local authorities, even beaten up. In 2000 OHR issued a decision on the Law on Freedom of Access to Information<sup>42</sup>. Bosnia became the first country in the Balkan region to have such a law. It was amended on the state level in 2006 and again in 2009.

On June 30, 1999, OHR announced a decision related to the decriminalisation of the libel and defamation law. By the decision, defamation was no longer considered before criminal courts but charged with civil actions. According to Halilovic, not many countries in Europe are regulating defamation in this way (Halilovic 2001). The decision was based on the fact that from 1996 to 1999, some 50 charges were issued against journalists only in Sarajevo. The majority of these charges were initiated by politicians. In some of the cases the court pronounced prison or suspended sentences for journalists that were indicted (Halilovic 2001).

Even though these media laws were overly considered as advanced and modern, Halilovic points to the fact that many were written in English language, and only translated into Bosnian which caused problems: “So many things get lost in translation,” Halilovic claims adding that laws were not only written in a foreign language, but sometimes literary transcribed from some other countries, without considering the situation in Bosnia. This issue caused different problems, leaving local judges and legal community to interpret laws from case to case. At the same time, those laws were and still are too modern to be implemented in a country where even the legal system is undergoing huge reforms and, more or less, implementation remains embryonic until today.

## **Establishing the new media**

Media assistance had even more forms such as the establishment of media that

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<sup>41</sup>Press Code available at  
[http://www.vzs.ba/index.php?option=com\\_content&view=article&id=218&Itemid=9&lang=bs](http://www.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9&lang=bs), accessed on June 2011.

<sup>42</sup> Decision available at [http://www.ohr.int/ohr-dept/media-d/med-recon/freedom/default.asp?content\\_id=7268](http://www.ohr.int/ohr-dept/media-d/med-recon/freedom/default.asp?content_id=7268), accessed on October 2011

were run by different organisations that belonged to the IC. One of the biggest was the Open Broadcast Network (OBN), a state-wide television network, considered to be one of the most expensive media assistance projects in the country until today. The amount of money spent by different donors is estimated to be more than 20 million dollars over a period of five years (Pucher 2001).<sup>43</sup> The project involved a group of organisations, foundations and governments (including European Commission, The Open Society Institute, US government etc) and was coordinated by the OHR.

The idea to establish a TV network was born in spring 1996 by then High Representative Carl Bildt who, later on, wrote that his plan was to have TV before the first postwar elections in order to “bring decency to the media and life to democracy in Bosnia” (Bildt 1998: 260).

Boro Kontic,<sup>44</sup> director of Media Centre Sarajevo, met the group of international experts that was supported by the OSI and send to make plans for the new TV. As Kontic told me, he expressed disagreement with the plan suggesting rather to focus donor attention on reconstruction of the public broadcasters. “But they did not want to listen,” Kontic recalls.<sup>45</sup>

The OBN establishment was an interesting experiment even for a number of the international media that reported about it:

“A Russian cargo aircraft is scheduled to leave Stansted Airport, near London, today, carrying pounds 3m-worth of transmission, editing and production equipment supplied by NTL, the British television transmission company. A team of six technicians will help set up the channel. Also on hand will be personnel from Harris, a leading US manufacturer, which has agreed to install a new transmitter at Banja Luka, site of the British military contingent in Bosnia. IFOR, the United Nations peace implementation force, is to ensure that there is no interference with the service. It is expected that it would continue after the elections, and could form the embryo of a new national channel.” (Horsman 1996: 9)

Despite the extern impulses, the TV staff of the OBN was local, consisting of a mixture of experienced and younger journalists who were new to the job. Over the time, the OBN became well-known for its news programme and political talk shows, which often offered the IC point of view on current politics, but also gave space for oppositional political parties that were hardly present in the other media.

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<sup>43</sup>Frano Maroevic, former spokesperson for the European Commission Mission in Sarajevo mentioned the same amount in an interview I have conducted in March 2010 in Vienna. Janny Ranson, former CEO for the OBN, wrote in her Master thesis that it was the most expensive single media project even undertaken by the IC. Simon Haselock confirmed the amount of \$20 million. He claims that the money that went into the OBN, initially was offered to the TV BiH, but was refused by local Bosniak politicians who refused the IC conditions. For this information I could not find a confirmation.

<sup>44</sup> Interview with Boro Kontic, September 2011, Sarajevo.

<sup>45</sup> Ibid.

One may say that the OBN was created in order to spread the ideas the IC had for Bosnia, starting with democratisation. In practice, this meant that any IC official had unlimited time to present his or her view on the screen, - and a lot of them made use of it. On the other hand, voices opposed to those views were not encouraged by OBN. At the same time, even though the OBN was created under the premises that it should contribute to an overall professionalisation of the local media, it did not put an effort to introduce investigative journalism, or anything innovative. It rather relied on the old forms that existed in Bosnian electronic media, derived from the times before the war.

As far as local employees are concerned, they were satisfied with the working conditions and salaries that were at least three times higher than most of the local media could offer at the time (Poucher 2001)<sup>46</sup>. One year after the establishment of the OBN, the ICG called the project "a disaster which should be scrapped" (ICG 1997: 21). The strongest complaint raised by the ICG was that the established structure was not sustainable, a claim that proved to be truth with the time. Finally, the donors started pulling out, starting with Soros' Open Society Foundation, followed by the EC, and soon after others left, too. By 2000, the OBN accumulated huge debts, satellite bills were not paid, nor the salaries to the Bosnian staff. According to the local media, in 1999, the OBN had a depth of over three million dollars (Hrasnica 2000: 83).

Compared with the OBN project, the Free Elections Radio Network (FERN), established by the OSCE and Swiss Government in 1996, was more "a success story" (ICG 1997:21). However, it was also very expensive (estimated costs were nearly \$100,000 for one month), and could not survive without the international funding, and for that reason it was transformed into public radio, which can be seen as a success. Even in this case, like with the OBN, the network of correspondents was established from all around the country. For local professional journalist the possibility to work in a state wide media was yet another reason to come to FERN, besides that they were paid much more than in the local media. "For many of us it was for the first time after the war to even communicate with somebody who was at the "other side", so to speak. And it went well," Lejla Omeragic Catic, former FERN journalist told me.<sup>47</sup>

In the case of Radio FERN, the restrictions on programming imposed by the IC were more straightforward than in the OBN. One of the rules was that no music from former Yugoslavia should be played on air. "It was kind of strange, but in a way, maybe it was a proper decision. They explained to us that we should avoid playing local music since maybe some of it can be offensive for somebody."<sup>48</sup>

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<sup>46</sup> Gabriel Vukadin, OBN general manager, told in 2001 to IWPR that with an average monthly salaries of 1200 DM (approximately \$600) the 150 staff at OBN were among the highest paid journalists in Bosnia, a country where the average journalist's salary is between 200-300 DM. Vukadin said his own salary was the fourth or fifth highest salary of all media managers in Bosnia.

<sup>47</sup> Interview with Lejla Omeragic Catic, May 2012.

<sup>48</sup> Interview with Lejla Omeragic Catic, May 2012.

Finally, in mid 2001, Radio FERN was integrated into the public broadcast service *Radio 1* that started broadcasting in May 2001 (Popovic 2005). Domi calls this process a “miracle” explaining that it was hard to get the IC support for the Radio FERN until the end of its existence.

## **My approach and its challenges**

In the previous part, I mentioned just some of the IC projects in the media sector in Bosnia. Huge efforts were made with regard to public broadcast sector reform, journalistic trainings, equipping the media outlets, etc. The aim of my own research is to detect the most important ones, those that left a trace in Bosnia until today. In order to do that, I had to reconstruct, step by step, what had been done; I had to decide what is more and what is less important, and to see whether I can find data of these projects and people willing to talk to me about them.

My experience as a journalist helped a lot in doing so, since I was part of the media community in Bosnia after the war, and aware of some of the projects and different aspects already forgotten by many. Even more, I used to work for some of the media that received financial help, or those established by the IC, which gives me an insider’s perspective on the phenomenon. However, I had to use local media archives to reconstruct some of the events connected with media assistance in Bosnia and to detect the names of the people involved. Most of the internationals who were participating in the process do not live in Bosnia today and it was a challenge to find them and pull them back 15 years ago.

The media archives were helpful not only in this sense, but also enabled me to reconstruct the attitude at the local community, as well as media professional, had towards some of the projects, and the way the IC tried to explain their actions. The picture I got was that most of the time, the local media, media professionals and even lawyers familiar with the media laws, were suspicious about the success of many of the projects the IC initiated. They were also expressing their reservations publicly and suggested different ways to act via the existing media. But, in most, if not all, instances they were not heard by the IC. In particular, they were critical of the establishment of the new internationally funded media, calling on the IC to rather assist the existing public broadcaster; as well as of the possibilities to implement new laws and the sustainability of some of the projects. Until today, most of them remain sceptical on calling the whole intervention a success. On the other hand, people who I interviewed and who used to work for the IC, are less, but still, sceptical about the results of their work - but they are hardly ready to accept responsibility for that. Some of them expressed regret for not having involved more local media experts and law experts, or for not having a concise strategy and coordination among different organisations involved in media assistance. This ambivalent picture of the process I could not have gotten without interviewing protagonists from all sides involved.

The main difficulty I faced was the denial of access to archives of different IC organisations involved in the process. Some donors, like Soros' Open Society Foundation, kept detailed documentation to themselves and made it available for anybody to access. Some others, like the UN have no publicly available archive or documentation on what they did in Bosnia. The OSCE archive was partially made available to me, and it was of a great help and value since many of the documents were not seen by any researcher so far. The OHR, the head institution in the process, that influenced most the state-building process, refused to provide me access to its archives saying that most of the documents were not kept at all. What is available from the OHR are official documents and press statements that can be found on their website, but they do not give insights into the decision making process, something that is of huge importance for an investigation like this one. Moreover, there have been so many organisations involved in the whole process that soon after I started the project I had to realise that it will not even be possible to track down all the actors.

To fill this gap, I decided to interview people who used to work for different organisations, as well as local media analysts and journalists. My approach was very journalistic due to my background as a journalist. However, I decided purposely believing that especially journalists will be more comfortable to talk to me when I interview them in more "relaxed" or well-known way. Each interview was different, adjusted to the person I spoke with and the circumstances he/she used to work in. At the same time, I introduced myself to all interviewees as a journalist from Bosnia in order to make clear what is my background and that I am familiar with the whole process.

However, I double checked the information I got from them by comparing it with available documents and putting it into a theoretical framework in order to get more reliable data for my research. It was a bottom up approach that gives me the possibility to reconstruct some of the events related to the process of media assistance, but also to hear about differences among diverse IC bodies on their methods and approaches in Bosnia, their disagreements and concerns.

Another issue that I have to deal with all the time, is the possibility that I have a certain bias, both as a person from Bosnia and a journalist. However, in the meantime I find both more as an advantage than a problem, since it provides a background that helped me to detect some of the issues somebody from the "outside" maybe could have had more difficulties to notice. Moreover, I have the possibility to read local media and to interview local people who were working for different projects in their mother tongue.

Along the way I realised that the part that was missing in most of the available scholarly articles and books on the media assistance process in Bosnia is the voice of the local community. I tried to include this perspective in my research and to analyse results while comparing them with interviews and information I got from

people who used to work for the international community. I realised that the way these two groups evaluate what has been done and what is needed in media and society in Bosnia, was in many cases very different.

## Conclusion

Most of the literature available on the topic was written by authors from the Western countries that are considered developed democracies with a long tradition of free media. They have different standards for the media and understand democracy differently from the authors who are coming from emerging democracies, or even more, like in my case, post-war countries. From that point of view, I find it very important to encourage people from this type of countries to engage in research, not only in the field of media development, but also in the field of democracy and democratisation and related subjects. It can open the doors for different conclusions, and provides a space for new ideas, questions and answers. Moreover, I do believe that it is not possible nowadays to intervene in some country and not to consult the local community on what they want and how they want to get there. One of the conclusions of my investigation in Bosnia is that many mistakes could have been avoided if the local community had been more involved in the decision making process.

What we can learn from my experience in the field is: It can be a valuable addition to an investigation if researchers know the local community, language, culture, etc. It does not necessarily mean that the researchers have to be part of the community, like it is in my case, but to know as much as possible on them is a valuable asset. At the same time, to be a member of the respective community does not automatically imply being biased. Every researcher has some kind of bias in its approach, and it is almost impossible to avoid that. Putting your findings into an appropriate theoretical framework, comparing and analysing, following the rules of academic accuracy, will provide a framework to make the work more objective and relevant. I do believe that in my case my background was a valuable asset.

The difficulty of this type of research – and I am sure that Bosnia is not the only example – is the lack of documentation on work of those who were involved in different aspects of the democratisation process. The actions of these organisations in Bosnia were not coordinated, plus it is almost impossible to number all of those who took part in post-war reconstruction. In my case, I could not have access to archives of some of the organisations that used to work in Bosnia. I think, that this is a huge mistake made by those organisations, and even more: it is very irresponsible. Their work was supposed to be not only instant help to one country, but it also should provide valuable lessons for some future interventions. Unfortunately, this will not be the case and it is hard to learn today from their mistakes, but also from what they have done good, and to transfer that to other cases.

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