

Implementation of media policy in post-war Bosnia and Herzegovina

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ABSTRACT

The study examines the implementation of media policy designed by international community in Bosnia and Herzegovina in post-war Bosnia and Herzegovina. The research was done on the analysis and comparison of three case studies - establishment of the Communication Regulatory Agency, the Press Council and the reform and establishment of Public Broadcasting System of BiH. The study comprised documenting, assessing and explaining of the implementation. The main findings show a clear connection between the historical context within which policy interventions are shaped, the nature of policy interventions and implementation. The problems occurring in the process of designing policy solutions are echoed in the later implementation, too.

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LIST OF ABBREVIATIONS

BiH - Bosnia and Herzegovina

FBiH - Federation of Bosnia and Herzegovina

RS - Republic of Srpska

CRA - Communication Regulatory Agency

PC - Press Council

PSB - Public Service Broadcasting

BHRT - Radio-television of Bosnia and Herzegovina

RTVFBiH - Radio-television of Federation of Bosnia and Herzegovina

RTRS - Radio-television of Republic of Srpska

OHR - Office of High Representative

OSCE – Organisation for Security and Cooperation in Europe

NGO- Non-governmental organization

IGO-International governmental organization

UN- United Nations

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Table 1: Financial operations of the CRA in 2008

1. INTRODUCTION

During the 1990s, the international community launched media intervention programs in Balkan conflict zones that were not known since the end of the Second World War when similar programs were deployed to restructure post-war media landscape in Germany and Japan. (Price and Thompson 2002). The significance of this intervention, especially when it comes to Bosnia and Herzegovina (BiH), lays in the fact that it was actually an experiment that was later on used as a model for media intervention in other conflict areas (such as Kosovo, Iraq, Afghanistan, etc).

In fact, before Bosnia there were no similar cases that could have been used as models for media reforms. As Price and Thompson (2002) note the experience from the post-Nazi Germany was informative but not instructive since the roles of intervention players were significantly different in these two examples. On the other hand, new post-cold war era required new types of interventions.

Many studies have been written on media interventions in BiH and the Balkans (e.g. Price and Thompson 2002, Thompson and De Luce 2002, Karłowicz 2003). These studies have regularly been addressing to the international community with analyses of what was successful or unsuccessful or with recommendations of the way in which the interventions in media systems in other conflict areas could be improved. However, recently, as the interest of the international communities for political events in the Balkans decreased, the interest of scientists and policy analysts about what is happening with the results of traced policy interventions has decreased, too. Referring to insights of previous researches as well as the new ones (i.e. Hozic 2008, Dzihana 2009), this study aims to reflect on the process of implementation of media policy in

BiH traced by the international community taking into consideration that it has been more than 10 years since the first initiatives for systematic reform of B-H media sector were started. The study analyses three case studies- the establishment of the Communication Regulatory Agency (CRA), the creation of the Press Council and the transformation of Public Service Broadcasters (PSB) and creation of PSB System of BiH.

Beside Introduction this study contains five more chapters. The second chapter explains theoretical concepts behind media reforms in post-conflict and post-communist states. The third chapter contains methodological and analytical framework used in this research. The fourth chapter refers to documenting implementation. The fifth part contains assessing the implementation and the sixth part consists of the explanation of the implementation process. Finally, the seventh chapter summarizes the main conclusions of the study.

2. MEDIA INTERVENTION – THEORY AND POLICY

Any reform that is being conducted in Bosnia and Herzegovina, and so the media reform, as well, has to take into consideration two facts. First, that BiH represents a post-war state the foundations of which were set by Dayton Peace Agreement (DPA) after painstaking negotiations of the warring sides with the mediation of American, European and other international officials in American military base Dayton, Ohio. This contract, which includes also the Constitution of BiH, defines BiH as the country of three constituent peoples (Bosniaks, Serbs, Croats) which consists of two entities - Federation of BiH (composed of 10 cantons mainly with Bosniak and Croatian majority) and the Republic of Srpska which is mainly populated by Serbs. A great majority of authority is attributed to the entities, that is, to cantons, in the case of FBiH, while DPA leaves the central government with very little authority. The end of the war did not bring a clear division between the winners and defeated ones. Moreover, the political system of BiH tailored in Dayton is characterized by numerous opportunities for blocking, so that the only efficient system for unblocking is in the institution of the High Representative which is the final interpreter of DPA with a variety of authorities and in the very application of this agreement. In practice, it means that every reform has to be prepared for the arguments of those who were till recently the enemies and who approach almost every issue with entirely opposite visions, so that the agreement on crucial issues is practically impossible. Therefore, the reforms in all sectors have been mostly initiated and often imposed by the OHR. Also, the implementation of policy options has most frequently been conducted either with a direct participation of foreign IGOs and NGOs or with their supervision.

On the other hand, BiH shares the common legacy with other post-communist countries where the transition from one into the other socio-political system started to take place at the beginning of the nineties. The reform of the media is not an exception. In order to create a new media system it was necessary to break the ties with the former system which is marked as non-democratic one. However, the former system certainly has the influence on the future one which is emerging because the media reforms “do not take place from scratch” (Palmer 2001, 1), but that they reflect the complex set of relations present in a certain historical and social ambient. Media systems are, as Freedman claims, decisively created and their characters are “shaped by competing political interests that seek to inscribe their own values and objectives on the possibilities facilitated by a complex combination of technological, economic and social factors”. (2008, 1)

In order to explain the way in which these two aspects of the reform influenced the implementation of media policy in post-war BiH, firstly we will observe theoretical concepts behind the media policy actions and reforms in post-conflict and post-communist states.

2.1. Framework for post-conflict states: Information intervention

The term ‘information intervention’ is closely connected to the notion of humanitarian intervention. As Metzl who coined the term in 1997 explains, information intervention presents just a type of humanitarian intervention (Thomposon 2002, 41). However, neither of these two terms has precise legal definition which means that in practice they could include a broad range of activities. Moreover, different types of military interventions could be done in the name of

humanitarian intervention including ones that are primarily motivated by goals other than humanitarian. Metzl claims that at the core of any humanitarian intervention there is a belief that a state that severely violates human rights of its citizens consequently is deprived of an element of its sovereignty (Thompson 2002, 41). In this situation, the protection of human rights takes precedence over the protection of state sovereignty. Scott and Weiss define humanitarian intervention as “nonconsensual humanitarian activities mounted from outside an area in crisis, sometimes involving the threat or the use of military force” (cited in Price and Thompson 2002, 7). As a main interveners usually appear powerful state, a group of states or international community (Ibid).

On the other hand, information intervention strives to achieve the same goal as humanitarian intervention but primarily by use of information tactics. Price and Thompson note that “the term ‘information intervention’ has been coined to comprise the extensive external management, manipulation or seizure of information space in conflict zones” (2002, 8). Important distinction that Price and Thompson (2002) make is between public diplomacy and media development activity. The public diplomacy includes information intervention that aspires to disseminate certain type of messages to certain target groups with or without the consent of the sovereign state. For example, international actors involved in conflict resolutions in BiH found very quickly that without media support for their missions they are doomed to fail and started to disseminate media messages that were more prone to peace and their peace keeping operations across the entire country. On the other hand, media development activities start with “the premise that true media freedom permits democratic debate and can contribute significantly to the peaceful resolution of disputes” (Darbshire 2002, 329). In that sense, the task of information intervention is to build democratic media that will be free and independent as

independent media are integral to democracy (Kumar, 2006). Furthermore, free and independent media emerge as basic prerequisites for democracy. As Jakubowitz notes „according to liberal theories of democratic state, such as those of John Stuart Mill, democracy is unthinkable without freedom of speech, freedom of press and freedom of association. Accordingly, media freedom is generally seen today as a necessary precondition of democracy — and vice versa“ (Jakubowitz and Sukost 2008, 10).

Rhodes (2007, 11) summarize main goals and objectives of different media development information interventions in the Balkans into two categories: (1) support striving to achieve political and social objectives by strengthening independent media and (2) support for media-specific objectives aimed to develop a free, diverse, and professional media landscape. The first category includes activities by international donors and NGOs such as protection of the media freedom and freedom of expression in general, promotion of democracy and EU integration, protection of minorities and reinforcing peace agreements. On the other hand, media specific objectives comprised activities which are supposed to result in professional and responsible media that follow the ideal of objectivity in reporting, editorial neutrality and independence, accuracy and responsibility and respect for diverse societies (Rhodes 2007, 11).

Kumar points out several limitations of democratization framework for media reform in post-conflict societies. The most important is that “a narrow focus on democracy alone is not always sufficient to build a powerful constituency for independent media, as it does not always capture the imagination of national planners and political leaders who are grappling with urgent social and economic problems” (2006).

We can conclude that the concepts of human rights and democracy are of crucial importance to define the notion of information intervention. While human rights violations is a legitimate basis for intervention in the affairs of sovereign states, the framework of democratization emerges as a basic guideline that should ensure the establishment of free and independent media that will contribute to the peaceful resolution of the conflict and to the democratic development of the country.

2.2. Framework for post-communist states: Democracy building

Political, social and media changes in post-communist countries have mainly taken imitative forms (Splichal 2001, Jakubowicz and Sukost 2008). Splichal (2001, 31) groups these imitative reform tendencies in two broader groups. The first one contains reforms which primarily imitate the external environment of Western Europe and the USA, and the other one contains those imitating processes from the past. While reform processes in the first group were assumed to result in establishing similar media systems just as in role-model countries, reforms from the second group mostly expressed intentions of communist political forces till then. Jakubowicz and Sukost (2008, 19) call the former orientation in policy reforms an atavistic one. Unlike reforms that imitate Western countries models where journalists are expected to perform an independent watchdog function in a society, in atavistic model journalists should be subdued to the government which is attributed as a leader in transformation processes.

Both models of policy reform are present in post-communist states and it is important to note that even when policy reforms have atavistic intentions, they usually try to cover them by imitative rhetoric (Jakubowicz and Sukost 2008, 20). The success of post-communist elites in achieving these goals could be explained by the existence of a phenomenon that Jakubowicz marks as 'partitocrazia' (2008, 112) referring to the monopolization of public life by political parties and consequently to the exclusion of other social actors from decision making processes. This means that the public in most of these countries is reduced to the political public. The initiatives from the civil sector are not strong enough to significantly influence on making any kinds of important decisions for the social community.

The changes in post-communist states could be grouped into several categories. The first category encompasses the transformations that lead out of the old order. The second is the interim stage with presence of elements of both previous and the new system. Finally, the third phase characterizes the consolidation of the new order (Jakubowicz and Sukost 2008, 24). Essentially, post- communist countries close to the third stage of policy reforms actually face the similar challenges when defining their media policies as European states with long democratic tradition do (Jakubowicz and Sukost 2008, 17).

2.3. Competing models for media regulation

According to Price (2002) model in the context of policy transfer means “the proposition that from one national practice, a scheme or approach can be abstracted and applied elsewhere” (2002, 59). When applied to a new settings a model can accurately reflect the original practice

or it can be reshaped, abstracted and represented in ways that camouflage or reflect political biases (Ibid, 59).

Basic models of media regulation could be classified into two categories - (1) neo-liberal model and (2) welfare model. As Curran notices (2001, 216) with the fall of the global socialist system in the world, there also occurred the fall of one of paradigms for media regulation which saw the media as “serving the need of the people under ‘actually existing socialism’”. This means that the approach of market liberalism triumphed, and this basically calls for minimized media regulation because it gives rise to cultural paternalism and the denial of media freedom. The another approach, which Curran labels as ‘welfare’, is the alternative to the neo-liberal approach of regulation and it is important that it was created within the very tradition of Western Europe. Generally, those that advocate this approach believe that the market is not able to serve wider social interests. This is how, for example, there have been introduced regulations that allow “public media to facilitate a dialogue in society’ (Curran 2001, 222). Neo-liberal model has the strongest expression in US model of regulation although this model is close to some European countries such as the UK, but which has a stronger tradition from the Public Service media.

Karłowicz claims that the US free market model assumes pluralism of media which means “numerous media outlets addressing narrow audiences” (2003, 118). On the other hand, the European model advocates for pluralism within the media with “fewer but higher quality stations” (2003, 118). The selection between these models, or their mutual mixing when applying the media assistance programs has its consequences on the final shape shape of the media system.

3. METHODOLOGY

The study follows comparative design, that is, a multiple case study approach which is common in qualitative research studies. These studies occur when the number of cases is more than one and the main argument of its supporters is that it improves theory building because the researcher through comparison has a better position to see the conditions under which the theory has or does not have explanatory power (Bryman 2008, 60). What the critics of multiple-case study approach treat as a flaw is focusing the attention on the ways in which the cases can be contrasted, and not on the specific context of each case, as well as the setting of an explicit focus at the beginning of the study which limits the researcher to acquiesce a more open-ended approach in different phases of the research (Bryman 2008, 61). The problem of the context in which policy solutions are applied is not a real threat for this research since all solutions are designed and applied in the same settings and almost simultaneously.

The data for the research are collected by the use of secondary sources. The review of relevant literature as well as the analysis of secondary documentation were the main sources. In addition, several open-interviews with experts and policy makers were conducted.

3.1. Case Selection

The focus of this research paper will be on the following three cases:

- (1) The creation of the CRA
- (2) Setting up of the Press Council
- (3) The creation and Transformation of the PSB System

By having this choice, the analysis will cover broad range of policy interventions. For example, it is necessary to examine the Law on Communication when discussing the CRA establishment because that law provides stipulations for the CRA operations. On the other hand, the perception of success of the chosen cases is very different. There is a broad consensus among experts that the CRA creation was a very successful project. The Press Council establishment is mainly perceived as a failure while success or failure of the PSB transformation is still highly disputed.

3.2. Analytical Framework

Implementation in this study means: to carry out, accomplish, fulfill, produce and to complete.(just what Webster and Roger cited in Hill and Hupe 2002, 3). Implementation comes after a certain design the purpose of which is to plan doing something.

In the context of policy studies one of the most influential definitions of implementation are provided by Mazmanian and Sabatier:

Implementation is the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, it stipulates the objective(s) to be pursued, and in a variety of ways, 'structures' the implementation process. The process normally runs through a number of stages beginning with the passage of the basic statute, followed by the policy outputs (decisions) of implementing agencies, the compliance of target groups with those decisions, the actual impacts – both intended and unintended – of those outputs, the perceived impacts of agency decisions, and finally, important revisions (or attempted revisions) in the basic statute. (1983: 20–1 cited in Hill and Hupe 2002)

The main question posed when examining the implementation is 'what happens between policy expectations and (perceived) policy results' (DeLeon, 1999a: 314–5 paraphrasing Ferman, 1990: 39 cited in Hill and Hupe 2002).

The core mission of implementation research, as Warner notes, is to describe, assess, and explain "what is happening and why" (Warner 2004). In that sense, it is possible to notice three categories of analytic strategies which are at disposal to researches. (1) Documenting implementation which gives the answer to the question 'what is happening?'; (2) Assessing implementation which takes into consideration the questions "Is it what we want or expect to happen?" and (3) explaining implementation through the answer to the question "Why is it happening as it is?" (Warner 2004).

In this study, documenting implementation is given through different background information so that before the assessment of implementation a clear picture of what is actually being assessed is given. The main actors involved in policy formulation and implementation were identified through answering on questions who is the formulator, who is the decision maker and who is the implementer (Hill and Hupe 2002, 4).

Assessing implementation has been done on the basis of two criteria that Warner (2004) recommends for assessing implementation- (1) Opinions and judgments of the professional community members (when assessing independence of established bodies) and (2) Legislative or administrative rules and performance standards (when assessing sustainability).

In searching for the answer to the question “Why is it happening as it is?” explanatory factors described by Vedung have been adapted (2000, 212). Particularly, this study will look on (1) historical background of intervention- Political support, Size of proposed change, Level of support, Symbolic politics, Participation of affected interest (2) Intervention design- Clarity, Technical complexity, Validity of intervention theory and (3) Implementation - National agencies, Formal Intermediaries, Street level bureaucracy, Addressee participation.

3.2.1. Focus of the research

Vedung (2000) emphasizes the distinction between two essential approaches to valuing implementation of public policies: descriptive and prescriptive. With prescriptive valuing, evaluators themselves choose the values on the basis of which the valuing will be conducted, no matter if those values were set by decision makers or not. Those values can be deduced from certain theories and generally they start from the fact that some values are superior to others. The examples of prescriptive values of merit are: contribution to problem solving, client needs, equal distribution, public interest. On the other hand, in descriptive valuing the criteria are set by others and the evaluator basically describes those values without indulging into the assessment of their quality in comparison to the alternative values. For effectiveness evaluation, Vedung cites the following descriptive merit criteria: Goal attainment; Client concerns, expectations, and

conceptions of quality; Professionals' conceptions of merit; Citizens expectations and values; Merit criteria of diverse stake holding audiences and Goal free evaluation with no value standard at all.

In this research, I will use descriptive values which, according to Vedung (2000, 249) should have the priority over prescriptive ones, because they are more practical both politically and socially in a system of pluralistic interests. In one word, I will take the merit of values which policy makers have set when they defined the media policy. Concretely, for this paper, what is relevant are the goals set by the representatives of IGO when they established the CRA, the Press Council and the System of PSB.

Also, the paper will focus on overarching goals. Namely, when defining the media policy, numerous goals are set and the questioning of their implementation would take much more time and space than it is possible within this study.

The general goal of media intervention in BiH which was set by The Peace Implementation Council is the establishment of free and pluralistic media in BiH. In Conclusions after the Bonn Peace Implementation Conference 1997 the chapter on the issue of media says:

1. The Council reiterates its firm commitment to establish free and pluralistic media throughout Bosnia and Herzegovina. (PIC 1997)

In concrete cases of the establishment of the CRA, the Press Council and the System of PSB, main goals include establishing (1) **independent** bodies which will be (2) **sustainable**.

It is also important to take into consideration that these goals refer to outputs and not on the outcomes of these policies. This means that this study will not question whether the establishment of independent and sustainable bodies truly leads towards the establishment of free and pluralistic media, nor will the analysis of implementation examine other possible outcomes of these policy measures.

These goals can be deduced from the following statements:

(a) CRA

The High Representative's Decision Combining the Competencies of the Independent Media Commission and the Telecommunications Regulatory Agency from 2001 has established the CRA. Article 4 of the decision refers to the Independence of the Communications Regulatory Agency

The CRA shall be an independent body with the status of a legal person in Bosnia and Herzegovina (Article 4)

Article 5 of the same decision defines financial matters which enable the sustainability of this body.

5.1 It is recognized that the funding of the CRA shall come from the following sources:

- i. license fees;
- ii. Resources allocated by the Common Institutions of Bosnia and Herzegovina;

- iii. Grants or donations received by CRA in so far as they are in conformity with general principles of law.

(b) Press Council

In the report of OSCE (OSCE, 2005), the organization which was the most in charge of the establishment of the Press Council it is stated that “the OSCE-sponsored Press Council became self-sustaining, operating as an independent regulator of BiH print media” (p. 81) from which it can be understood that the policy maker defined independence and self sustainability of the press council as the main goals which are to be achieved by its activities.

(c) PSB System

The decision of the High Representative for BiH on Imposing the Law on the Basis of the Public Broadcasting System and on the Public Broadcasting Service of Bosnia and Herzegovina from 2002. (OHR 2002) precisely emphasizes that the imposed legislation aims to establish independent and sustainable PSB System.

The Steering Board acknowledged the need for effective legislation to make the public broadcasting system independent and sustainable in line with Council of Europe standards, noting that this is also a key requirement of the European Union Road Map (OHR 2002)

The concept of independence in this study is not precisely defined. Usually independence of these types of bodies means independence from elected officials but also independence from industry interests. However, this study uses the opinions of professional community members about independence and it is possible that they have different understanding of this concept. On the other hand, references to the definitions of independence provided in the respective laws give to this study more solid ground.

Sustainability in this study means financial sustainability, or in other words, whether the established bodies positively work in the way stipulated by the laws of BiH.

4. Documenting Implementation

4.1. *The Communication Regulatory Agency (CRA)*

The Communication Regulatory Agency (CRA) was founded in March 2001 by the decision of the High Representative for BiH (OHR 2003). By this decision the formerly functioning Independent Media Commission (IMC), regulating radio and television licensing, program monitoring and codes of practice, and the Telecommunications Regulatory Agency (TRA), managing telecommunications and frequencies, were merged (Jusić 2005).

The CRA's mandate started on October 21, 2002 with the imposition of the Law on Communications of BiH. Parliamentary Assembly of BiH formally enacted the Law on Communication of BiH in September 2003 without any changes. According to the Law, the council of Ministers BiH is in charge of creation policy in the field of communication while the Agency is competent for regulating communication.

The CRA is established as an independent institution with the status of legal entity in BiH. Main bodies of the CRA are Council of the CRA and director general. The strategic questions are in competency of the CRA Council while director organizes a day-to-day work of the Agency. The Council of the Agency has the function of appellate body for the decisions made by Director General. The Agency has "its own incomes" from which it is financed. The budget of the Agency is a part of the budget of joined institutions of BiH and it is approved by the Council of Ministers of BiH after the approval of the Council of the Agency. The Agency

prepares the annual report about finances and activities and it submits it to the Council of Ministers of BiH (Revizor 2009).

The important predecessor of the CRA is the Independent Media Commission established by the Decision of the High Representative on 11.06.1998. OHR established this body, based on „Western European and North American democratic practices“ (Thompson and De Luce 2002, 212), while local authorities are required only to be at disposal to this Agency in case it makes a request for assistance. The Council and the director of this agency are also appointed by the High Representative. So, in this phase, formulator, decision maker and implementation come from the international community in BiH. Local staff is also included in the work of this agency but the key positions are held by foreigners. The Agency has so developed under the international community in BiH, in order to be transformed later into the Agency led by local people which have in fact been working along with foreigners in the Agency for the past several years. The Law on Communications brought in 2003, only confirmed the actual state.

4. 2. The Press Council

The Press Council has been established on September 22nd 2000 with the task to consider complaints of citizens and the public to the writing of the press. From 2000 till 13th December 2006, the Press Council was registered at the level of Federation B&H Entity, with possibility to operate at territory of the entire country. First establishers were Journalists' Associations in Bosnia and Herzegovina, while the Newspaper Publishers were not part of this body at that time. Only in 2006 when new statute of the Council was passed The Press Council in Bosnia-

Herzegovina was legally registered on the state level and included print media publishers, journalists and citizens from B&H as its founders (VZS 2010).

The work of the Council is primarily based on the Press Code of BiH which has been adopted by journalist associations in B-H in April, 1999. These two instruments are the base of the system of self-regulation in the press. The system of self-regulation lies on the presumption that imposing professional and ethical standards by law results in arbitrary limiting of legitimate journalist freedoms and obstacles to the free flow of information in the society, and that the journalist community should create the standards which journalists should obey on the bases of their conscience and not by the force of law (OSCE, 2007). Thus, the key task of the Press Council is to investigate and to decide on individual complaints on publications in the press solving the conflicts between the public and the press by using journalist means solely, such as: the right to response, publishing the correction, apologies and disclaimers.

The idea of establishing the Press Council was presented to the B-H public in the document made by the Independent Media Commission (IMC) and Working Group for the self-regulation of media in 2000. (Udovicic 2000). This means that policy formulators in this case, too, were the representatives of international community largely coming from Independent Media Commission and OSCE BiH. The presented model of the work of Press Council was created according to British model () and the first two Chairmen of the Press Council come from the Press Complaints Commission of UK (VZS 2010).

In this case, decision makers were Journalists' Associations in Bosnia and Herzegovina , and five of them, with an exception of the Journalist Association of BiH were working on the basis of ethnic criteria. They were supposed to decide whether they will accept the offered

solution and create the Press Council. The resistance to this idea came primarily from journalist associations with Croatian or Serbian background which wanted to apply ethnic criteria in deciding in this field, too. “The president of Working Group Vlatko Menigs from the Association of Croatian Journalists of BiH, thinks that the Council should include national parity, and even the dose of a consensus decision making. (Udovicic 2000). As decision maker, there still appears international community as well, because it made a strategic decision to approach the system of self-regulation in the press. The High Representative has also imposed legislation on freedom of information and decriminalisation of libel and defamation (OHR 1999), which created the conditions for introduction of the system of self-regulation. In the end, Journalists' Associations were also supposed to be actively included in the implementation with a task to form executive bodies of the Association while the task of financing in the first years was given to international organizations.

Basically, in this case, just as in the case of CRA all three phases (formulation, decision making and implementation) involves representatives of the international community but the level of their engagement is significantly lower in the phases of decision making and implementation. Contrary to this, local actors, although they were not actually deciding about the design of the policy solution, were more significantly involved into the process of implementation.

4.3. Public Service Broadcasting System of BiH

The law on public broadcasting system of BiH from 2005, established the public broadcasting system in BiH as well as the relations between the legal subjects of which it consists. These are:

- a) Radio-television of Bosnia and Herzegovina (BHRT) as the public service of Bosnia and Herzegovina;
- b) Radio-television of Federation of Bosnia and Herzegovina (RTVFBiH) as the public service of Federation of Bosnia and Herzegovina
- c) Radio-television of the Republic of Srpska (RTRS) as the public service of the Republic of Srpska
- d) The corporation of all public broadcasting services of BH (Corporation)

Passing the legislative framework in the Parliament of BiH, as well as in the parliaments of entities, followed only after several decisions of the High Representative which has created the actual state confirmed by these laws. The exception is the Corporation, which, unlike public broadcasters, has still not begun to work in its full capacity. More precisely, beside occasional meetings of the Steering Board on which it is discussed about the questions of the establishment of Corporation, there are no other activities.

Policy formulator in the case of transforming previously state-run televisions into public broadcasters and later reconstructing the system of public broadcasting in BiH was the international community. However, as this was not about establishing entirely new bodies, but about the transformation of existing ones, policy formulator had to start from the existing state

when creating the solutions. In that sense, possibilities for working without a significant participation of local actors in the process of policy formulation as it was the case with the CRA and the Press Council were to some extent limited. The High Representative appointed the Transfer Agent and the Expert Team for the establishment of public service broadcasting (OHR 200) which brought the solution about transformation in the cooperation with public broadcasters.

In this case, too, the international community in BiH is the main decision maker. In this sense, in 2002, the High Representative imposed laws about public broadcasters as well as the Law on the Basis of the Public Broadcasting System and on the Public Broadcasting Service of Bosnia and Herzegovina (OHR 2002). Unlike legislative solutions regarding the CRA and the Press Council which brought an entirely new practice to BiH not caring about the existing political organization of the country, legislation from the field of PSBs fully follows the political logic of BiH and establishes the system which basically gives a strong autonomy to the broadcasters but very little developed mutual cooperation between them. The final decision makers are state and entity parliaments by passing the Law from 2005 to 2009. However, these laws are only slightly different from the laws which had been imposed by the High Representative earlier.

Implementations' solutions are primarily public broadcasters but the power is in the implementation itself belongs also to entity parliaments which appoint the members of the Steering Boards of the public broadcasters.

5. Assessing Implementation

5.1. Independence

5.1.1. Formal independence

All three organizations have high level of formal independence. The independence is legally prescribed in all important segments. The CRA a functionally independent and a non-profit making institution with the status of a legal person under the laws of Bosnia and Herzegovina. (The Law on Communications Article 36). The Press Council is non-government, non-political and unprofitable organisation that, by principle of free and voluntary accessing to the Association, gathers its members due to accomplishment of objectives and activities set by this Statute. (Statute of the Press Council, Article 3). Public RTV services are independent in their work; they have the editorial independence and institutional autonomy (PSB Law, article 4).

5.1.2. De-facto independence

When measuring de-facto independence, as indicator, we will use the quality assessment appearing in the annual report of IREX Index of media sustainability from 2005 till 2010. This report has been made on the basis of panel-discussion with representatives of journalist community, media industry, regulator, NGOs and independent experts and it contains their quality assessment of the independence of the CRA, the PSBs and slightly less of the Press Council. Beside that, we will use other sources in order to document certain opinions which have not been sufficiently backed up in these reports. On the basis of analysis of five last Irex reports,

we will indirectly assess to which extent the CRA, the Press Council and the PSBs in BiH are independent.

(a) Communication Regulatory Agency

The independence of the CRA has been perceived by most of the IREX panel-discussion participants to be on a high level. The report from 2005 says:

„The licensing of broadcasters is essentially fair, competitive, and apolitical, most panelists agreed. (MSI 2005).

The report from 2006/7 does not assess the independence of the CRA while the report from 2008 confirms the opinion that the independence of the CRA is high.

The Communications Regulatory Agency (CRA) is the state agency that licenses and regulates broadcasters and the field of telecommunications generally. According to the panelists, this independent state body has been performing these tasks in a fair manner and with growing integrity. Dunja Mijatović, director of CRA's broadcasting division, emphasized that CRA decisions have survived several court challenges (there were approximately 60 lawsuits over the past five years); clearly demonstrating that licensing is indeed apolitical and fair. CRA performance was assessed as positive, especially compared to the experience of other countries in the region (MSI 2008).

The report from 2009 emphasizes that the CRA has established top standards of regulation and it has been applying them in the same manner.

The principles set down by CRA in the broadcasting sector are labeled as very advanced. Halilović emphasized, “The standard established by the Communications Regulatory Agency and the way this field is regulated here are really superior. After all, European recognition [the fact that CRA works closely and with the approval of many European partners] confirms that.” (MSI 2009).

However, this report already mentions political pressures on the independence of the CRA. As a politically motivated attack, it has highlighted the refusal of the Council of Ministers BiH to name suggested candidate by Council of the CRA for the director general. However, it seems that at that moment, there was the belief that in spite of the pressures, the CRA manages to stay independent.

Boro Kontić, director of Mediacentar Sarajevo, said that CRA is “one of the most successful organizations launched by the international community, which has transformed into a national agency. It now faces a hundred of problems—that’s a different matter—but they seem to have succeeded in finding the right balance in their work.” These sentiments are shared by many other media professionals (MSI 2009).

According to the report from 2009, this concern of local media professionals about political pressures has been also shared with the representatives of various IGOs.

Representatives of the local media scene, as well as the international bodies OSCE, the Council of Europe, European Parliament, and European Commission, expressed concern about this situation. But the Council of Ministers refused to accept the decision of the CRA Council about its new director general (MSI 2009).

The report from 2010 highlights that the effect of the CRA in the media scene in BiH is positive, from which it can be concluded that the CRA still operates independently from political structures and other interest groups.

All the panelists agreed that CRA has made a positive impact on the media in B&H, hence it received high scores (MSI 2010).

However, as the political pressures on the CRA became more intensive, panelists have expressed their concern about the independence of the CRA and especially about its future.

Panelists expressed their worries for the CRA's independence and, consequently, for the process of future electronic media regulation (MSI 2010).

(b) Press Council

Only the report from 2010 mentions the independence of the Press Council. It is emphasized that the main pressures on the Council come from the media houses and not from the state.

The Press Code in B&H has existed for 10 years, but its implementation faces various obstacles, primarily the non-acceptance of standards by journalists. This is why the director of the Press Council claims that in 2009 there was no political pressure on the Press Council's work, but rather that the pressures came from the media outlets. She believes that these reactions occur inevitably because the entire process of self-regulation of newspapers is a novelty and as such it has still not been recognized as one of the benefits for the profession.

One of these pressures is stepping out from the Press Council of one of the dailies with the highest rating in BiH, Dnevni Avaz, after the complaint committee accepted to consider the complaints made by the owner of a competing daily to the writing of this paper (Ljiljan 2009).

c) Public Service Broadcasters

The report from 2005, mentions the political pressures on the independence of public broadcasters. They were expressed as external pressures through calling on the boycott of paying the subscription as well as watching certain programs, but also as the internal pressures through the influence of leading people on editors.

Amir Zukic, Bosnia and Herzegovina Television (BHT) news program editor, assesses the state's influence on public media from his own experience: "The influence doesn't take place through any structures, but it will happen that a politician will say: 'Don't watch a certain program and don't pay the television license fee.' Or, he will call one of my bosses and try to influence me through him." (MSI 2005)

The report from 2006/7 also mentions external pressures through the boycott of subscription and enhanced pressures through disabling the reporters of Public Service of BiH to report from the meetings of the Government and Presidency of the entity of the Republic of Srpska. However, more importantly, this report says that „the Steering Board of the Public Broadcasting Service dismissed General Director Drago Maric on the very day his term in that post would have ended“ (MSI 2006/7) which was the proof of the influence on the independence of this public broadcaster from political authorities through the activities of members of the

Steering Board. These moves of the Government of the Republic of Srpska disturbed not only the local public but also the representatives of IGO, which urged the OSCE Representative on Freedom of the Media to have the influence on stopping these pressures through talking to political officials.

The report from 2008, confirms the continuing pressures and this time the identified problem is the fact that there is the connection between Steering (Governing) Board i and politicians, because the members of this body are selected and appointed by Representatives of the BiH Parliament from a short list of candidates, submitted by the Communications Regulatory.

The CRA's Dunja Mijatović stressed that public broadcasters will not be completely impartial as long as the B&H parliament appoints members of the BHRT governing board on the basis of political, rather than professional, affiliations (MSI 2008).

The report from 2009, as well, identifies the way of electing the members of the Steering Board as the greatest problem of violating the independence of public broadcasters.

Although the general opinion of the panelists was that the legislative framework for public televisions is not bad, the majority said that they believe there are serious shortcomings in the way the management mechanisms for public televisions are defined, because they enable direct political control over the public broadcasters (MSI 2009).

Basically, the objection of panelists is that the procedure of election does not eliminate favoring the election of politically suitable candidates to the Steering Board, who then conduct the policies of their political mentors in this body.

The members who have gone through this procedure are mostly there to carry out the interests of certain political groups. Moreover, as BHT Director Milenko Vočkić said, they blatantly display their intention to take complete control of BHT. “The BHRT supervisory board members completely reflect and transfer political influence on the management structures and even on editorial structures, and they try to do that very openly. And worst of all, they have managed, based on the law, which can be interpreted quite loosely, to make a statute that allows them to do that.” (MSI 2009).

The report from 2009, also mentions that BRHT and RTVFBiH as public broadcasters are more independent than RTRS which is tightly connected to the ruling party in RS.

Finally, the report from 2010, confirms the continuing problems related to the independence of public broadcasters. The report mentions delaying of the Steering Board to bring back to work the former general manager in spite of „several judgments issued by the Court of B&H stating that Mehmed Agović must be reinstated as BHT general director. (MSI 2010).“

This report, too, mentions the closeness of ruling political structures of RS and the management of RTRS, the examples of which are seen as making the new building of this television as well as the decision of the Government of RS to finance media outlets with KM 5 million in the name of the alleged overcoming the global financial crisis, the significant part of which went to RTRS.

“I am afraid that this means that any kind of criticism towards government’s actions, which is something that characterizes media all over the world, will disappear,” said Kontić. (MSI 2010)

From the report of MSI BiH we can deduce the following conclusions about the independence of the CRA, the Press Council and PSBs:

- The CRA has established high professional standards and it has been conducting them
- The work of the Agency seems fair and apolitical
- Pressures on the Agency are primarily political reflected in the fact that suggested leadership has not been appointed.
- There is a dilemma whether the Agency has the same degree of independence from political authorities as it had in 2005, because the general manager has been working for three years of his mandate without a formal confirmation of him being appointed by the Council of Ministers.
- Pressures on the Press Council do not come from politicians but from publishers which condition their involvement in the work of this Council by accepting their requests in the work of the independent complaint commission.
- Pressures from political structures on PSBs are continuing during the whole time of the analysis and they have various forms.
- External pressures are reflected in calls to boycott of paying the license fee which, by economic pressures, violates the independence of ‘unsuitable’ broadcasters as well as in disabling journalists of these houses to report on the activities of the Government. Also,

the public calls for the boycott of watching the program of these televisions intend to influence the editing policy of the broadcaster.

- Internal pressures on the independence of broadcasters are seen in appointing the suitable political structures in the Steering Board of public broadcasters which then conduct the policies of their mentors.
- Although there is the resistance to these pressures, coming from both the management and editorial structures, it is obvious that these pressures have achieved their goals and that public broadcasters have made several decisions which do not contribute to their independence from political authorities.
- Of three public broadcasters in BiH, RTRS appears as the weakest link with regard to the independence from political authorities. It seems that this RTV station does not have the resistance towards the political editing of program, hence there are the questions, and to which extent does this station represent a public RTV service in the first place?

5.2. Sustainability

CRA

The funding of the CRA according to the Law on Communication (article 44) should come from the following sources:

- a) Recurrent technical license fees for the regulation and supervision of the telecommunications operators and broadcasters; and

b) Grants or donations received by the Agency insofar as they are in conformity with general principles of law. When grants or donations are given for specific tasks or projects in the public interest, they shall be accounted for separately to the approved budget and not be included therein.

The Report by the Audit Office of the Institutions of Bosnia and Herzegovina for 2008. Shows that the CRA has finished financial year with following results:

	Planned Budget 2008 (KM)	Budget Implementation 2009 (KM)	Difference (KM)
CRA	8.249.265	7,399,964	849,301

Table 1: CRA financial operations in 2008

The table makes it obvious that the CRA has at its disposal an adequate budget which was not even entirely spent. Revising report from 2007 shows that, at the end of the year, the CRA had no less than 7.675.000,00 KM more of the income, the spending of which was then collocated by the Council of Ministers of BiH.

Press Council

Sources of income of the Press Council as defined by its Statute are:

- fee
- state grants
- donations or gifts from public institutions, physical and legal persons, domestic and foreign, in cash, services or assets of any sort
- interest, rent, honoraria and similar sources of passive income, gained through activities of the Association and accomplishment of objectives, as defined by the Statute
- other sources in accordance with the Law and this Statute (article 47)

In its work, the Press Council heavily relied on foreign donations as the main source of incomes (Zurovac 2010). Fee collected from publishers is, according to the executive director, a symbolic amount; hence it is not sufficient to cover the work of the Association. Although there are only three full time employees, the Press Council is not able to ensure regular monthly salaries. According to Zurovac (2010) in the first half of 2010, employees did not receive three salaries. The problem which the Council is facing with is the inability of ensuring the means for salaries and other regular activities of the office, while for conducting different programs there still is a donor market where it is possible to find the sources of financing. This is how, for example, the Government of Germany in May 2010, donated EURO 46.824,48 to the Press Council for the realization of project ‘The protection of public interest and truth, through the support to self-regulation of the print media in BiH’.

The Press Council intends to start a more significant initiative towards local authorities with a goal of getting the financial means for everyday functioning of the Office. In this way, financial sustainability of this association would be ensured, however, conducting of various program activities would still entirely depend on donations of foreign organizations.

PSB

According to the Laws on PSBs in BiH regular operations of PSBs are principally financed by revenues from the licence fee and advertising (PSB Law Article 20). The licence fee is defined as tax on possession of television and radio sets and it is assumed that each household and legal entities is in possession of at least one radio or television receiver. However, the financial sustainability of PSBs is hardly achieved. Audit Office for the Institutions of F B- H found that RTVFB-H was illiquid in 2006 with total debts amount to KM 3.9 million (Dzihana 2009). The similar situation was found in BHRT in 2006. Total debts at the end of 2006 were KM 16,292,187 and the company's credits were KM 19,209,354. "The report states that debts cannot be settled without additional financial inflow to what is presently available." (Dzihana 2009). Only RTRS stabilized its operation in the period 2003-2008.

Main problem regarding the projected revenues is low level of collection of the licence fee. Although, level of 85 per cent is supposed to secure financial sustainability for the PSBs in 2006 only 63 per cent of licence fee revenue was collected (Jusic i Dzihana 2008).

Another problem is particularly high costs of programming due to lack of the coordination between PSBs that compose the System. All three broadcasters produce very similar news program which is more or less available on the whole territory of BiH. Although, the PSBs are financed from the same source they spend around one third of the funds raised from the licence fee on producing three separate news programs (Dzihana 2009).

Further problem is high number of employees. Comparison of the staff size and total revenues of PSBs in BiH with those of PSB in Croatia and Slovenia shows that PSBs in BiH have unreasonable large number of employees. Croatian PSB in 2005 had almost five times bigger revenues than PSBs in Bosnia and a little more than 1.5 times bigger size of employees. PSB Slovenia had in the same year slightly higher number of employees but 2.5 times higher than Bosnian PSBs' revenues (Dzihana 2009).

6. Explanation of Implementation

The characteristic of formulating the media policy reforms in BiH is the fact that policy formulator and decision maker are mainly presented in the international community in BiH. Moreover, the very implementation has been largely conducted or supervised by the international community. This situation is quite different from the policy formation process of countries which have the sovereignty to make such decisions on their own. Therefore, our explanatory variables should be observed in the context of local and international actors.

6.1. *Historical background of intervention*

Political support

Hypothesis: Reform adopted with stronger political support has more chance of being implemented later.

The least political support when creating policy intervention of three analysed cases had the policy on PSBs transformation. Local actors saw in then state televisions strongholds for gaining political control in society and they strongly opposed to changes. On one hand, Serb and Croat national parties did not want any change because they already had their ethnic televisions while Bosniak parties claimed that BiH already has Radio-Television of B-H where nothing should be changed. (Media Plan Institute, 2000 cited in Dzihana 2009). On the other hand, different concepts between main donors (European Union and USA) and policy designers

(IREX, Internews, OSCE, etc.) in the approach to media assistance did not lead to a clear political will for a complete approach to the transformation of PSBs. While US media assistance program favored the help to private media outlets, EU strived to promote the approach to the reconstruction of PSBs.

Political support for proposed solutions was most clearly expressed when creating the CRA. There was the growing awareness of international community about the significance of media in creating and perpetuating conflicts, so that they were determined to organize this field in accordance with democratic standards. Local politicians were simply excluded from the entire process of establishing the CRA and not until did this agency stand on its own; it has become a state institution. Hence their political support is not particularly relevant.

When establishing the Press Council there was also a political support of international actors, while local actors expressed their will in demands for ethnically based criteria when making decisions in the Council. However, as this policy solution moved to the field of self-regulation, it has squirmed from the direct political control, too so that it can be concluded that in this case political support did to have such an important role as in two previous cases.

We can conclude that the level of political support of both local and international actors, has a significant role in explaining why the establishment of the independent and sustainable the CRA has been successfully ended, while it did not work in the case of PSB. The level of political support, however, does not explain why the Press Council is not sustainable.

Size of proposed change

Hypothesis: if the change is intended to be smaller the greater chances that implementation will succeed.

None of the analysed policy interventions could be seen as incremental. All three have made a radical break with previous situation. Still, the greatest policy intervention is certainly the transformation of PSBs. It required the transition from state broadcaster to public broadcasters, as well as creating new relations between formerly hostile broadcasters. On the other hand, there are no significant differences in the size of proposed change when we compare the CRA and the Press Council. Therefore we can conclude that this variable contributes to the explanation why implementation of the PSBs largely failed, but it does not offer the explanation of differences between the implementation of solutions in the CRA and the Press Council.

Level of attention

Hypothesis: if the level of attention accorded to the intervention by its proponents is higher, the implementation, the greater chances that implementation will succeed.

Without a doubt, the highest level of attention of international actors was the one concerning the CRA. It is possible that more attention was paid to the regulation of electronic media than print ones because those priorities are in force in the countries of international actors. Also, in war and post-war period, it was the electronic media that showed their devastating power which required a significant attention. On the other hand, the reform of PSBs was not in

the focus of attention of international actors. It is a fact that this reform started only three years after the war, after the unsuccessful attempt of establishing a commercial broadcaster which was supposed to have a more important role than PSBs.

The level of attention can also be observed in the context of the length of decision making period (Vedung 2002, 216), and the assumption is that level of attention is lower as the process of policy making is longer. The longest process policy making was in the case of the reform of PSBs. No less than 10 years was needed to adopt the legislative framework (Dzihana 2009). The CRA and the Press Council had shorter periods of time in this regard and they did not differ significantly.

The conclusion is that the level of attention partly explains the success of the CRA, the partial success of the Press Council and the unsuccessfulness of PSBs because the level of attention at policy formation reflected such order.

Symbolic politics

Hypothesis: if the intervention is seriously intended and not just symbolic politics, the greater chances are that implementation will succeed.

With regard to international actors there is little doubt that they really wanted the interventions in all given fields. Still, while in the case of the CRA and the Press Council rhetoric reflected the actual intentions, in the case of the PSBs reform international actors, too, were involved in symbolic politics using the obscure language. On one hand, it was necessary to win

over the opposing local actors which approached the transformation with different visions. On the other hand, there was a gap between the goals which are usually attributed to PSB such as state building, national coherence, etc, and the intention to create the PSB on the basis of Dayton organization of the state which does not provide enough guarantees for these goals to be achieved in the first place. In that sense, it is not entirely clear whether the international actors truly wanted to contribute to creating a stronger Bosnian identity as they used to say in certain circles (Price, www) or they intervened with a solution which was in accordance with DPA as they claimed in the public.

So, the existence of intention to actually conduct policy intervention partly explains the success/ failure of establishing the CRA, the Press Council and the PSBs.

Participation of affected interest

Hypothesis: if those that would be affected by intervention actually participated in its framing, the chances of successful implementation would be higher.

The smallest participation has been noticed in the case of the CRA, where a completely new solution was introduced without a significant participation of local actors. In the case of the press Council there was a certain participation of local participants in additional changes of the statute when print publishers were included as the founders of the press council. On the other hand, although not as much open, the participation in case of the PSB transformation surely existed. The intervention started from the existing state which provided the space for local actors to negotiate about future solutions.

Therefore it can be concluded that in the case of BiH the claims opposite to the given hypothesis are true. The less the participation of local actors in framing of intervention, the higher the chances of successful implementation.

6. 2. Intervention design

Clarity

Hypothesis: Clearer the intervention design, the chances of successful implementation are higher.

It is certain that in every intervention design the elements of obscurity can be found. As Vedung notes “if clarity is life and blood of science and scholarship, obscurity is at the heart of politics” (2002, 219). In the same way, in concrete laws and statutes which regulate three analysed cases it is surely possible to find such examples. For instance, the unclear formulation in the Law on Communication about the election of general director enabled the Council of Ministers BiH to obstruct the confirmation of appointing the general director of the Agency for three years now. Still, even without a more through analysis it can be concluded that the legislation regulating PSBs is the most obscure especially in the parts which define their cooperation. This is how the discussions about the functions of the Corporation have been going on for years, which is seen as a reason for not establishing it. Basic-Hrvatin and Thompson also point to the problem of the clarity of intervention design in the case of PSBs in BiH.

“Bosnia has admirable legal provisions requiring the public service broadcasters to "ensure ... equal representation of contents that correspond to the tradition and heritage of all three peoples and adequate representation of others". These terms are not defined, however, and in practice, their interpretation and application is at the discretion of individual programme-makers or editors, working - of course - in circumstances that strongly discourage a principled anti-nationalist position. (Basic-Hrvatin and Thompson 2007, 34)

Also, legislation has not been precise with regard to the ethnic representation in the personnel structure, either. In PSB Law (Article 8) it is stated “BHRT in its activities and in the personnel structure, conducts relevant constitutional decrees related to the same rights of constituent peoples and the Others in Bosnia and Herzegovina”, without referring to concrete constitutional decrees.

The other element of clarity is not setting the clear priorities. Policy interventions usually have multiple goals, which are frequently mutually confronted. In this case, the blurriest picture is the one of the priorities of PSBs- overcoming ethnic divisions, independence from political structures, contribution to the cohesion of B-H society, promoting culture and tradition of each of constituent peoples, serving to the interests of minorities, broadcasting high quality programs, and similar.

We can conclude that the clarity of design partly explains the implementation of three analysed cases. However, only a deeper analysis of each of the documents defining the work of these bodies would provide an insight into the extent to which this factor affects the implementation.

Technical complexity

Hypothesis: the less complex technical design of the intervention, the chances of successful implementation are higher.

It is necessary to notice that certain programs may be very clear but still very complex (Vedung 2002, 224). Design interventions when transforming PSBs are the most complex ones. It comprises four laws which regulate the transformation and the establishment of four legal subjects. In that sense, this variable partly explains why the implementation of these solutions was so difficult. On the other hand, it could be concluded that the intervention design in the field of print media is less complex than in the field of electronic media, because it was needed to form a converged regulator regulating not only broadcasting but also the sector of telecommunication. Therefore this factor does not explain the difference in the implementation between these two regulatory bodies.

6.3. Implementation

In the implementation phase it is necessary that actors involved in it must comprehend policy intervention, be capable to implement it and be willing to do so. (Vedung 2002, 227). These three types of properties we will apply to three types of implementators - steering Boards, directors and street-level bureaucracy or ordinary employees.

Steering Boards

Hypothesis: the higher comprehension, capability and willingness of steering board members, the chances of successful implementation are higher.

When it comes to the CRA, originally the CRA council was appointed by high representative which by comprehension, capability and willingness ensured by appointing foreign experts to leading positions in the Council (OHR 1998).

Beside this, local experts were appointed into the Council, too. Thereof, OHR had financial possibilities to gather the qualified personnel but also to choose those who were committed to conducting the traced policy. First cracks in the willingness occurred with the election of the director of the Agency which has been going on for three years. Two members of the Council were on the side of political parties which openly attacked the integrity and the independence of the CRA.

In the case of the Press Council, too, the first Chairman was a foreign expert (VZS 2010). The strategy similar to the one of the CRA was applied, and it was ensured by the fact that IGO entirely financed the Press Council. After the stop of foreign donations and registering the Press Council as association the founders of which are print publishers, there were the activities which were contradictory to the goals of policy designers. Publishers started to condition their members by accepting their requests.

The Steering Boards of Public Broadcasters are the weakest link in the implementation. These boards were originally appointed by the OHR, and after the adoption of the law on PSBs, this authority was taken over by entity and state parliaments. Although the role of the CRA is to create a longer list of candidates which apply to an open competition and pass it on to the parliament for the election, so far only the candidates having a political support have been chosen. So, the way in which these members comprehend the designed policy varies just like the political options in BiH differ. To the same extent, their willingness to apply the solutions is different. Normally, members insist only on those parts of the law which suit them. For example, the members from RS come out with every possible reason to delay forming the joined Corporation. At the same time, this did not stop them to take the money for their work in the Steering Board of that Corporation although it has not officially started to work. And finally, their capacities for conducting the reforms are questionable, too, because the key criteria for their choice were not the expertise but political suitability.

It can be concluded that this explanatory factor helps in understanding the implementation of selected policy options.

Directors

Hypothesis: the higher comprehension, capability and willingness of directors, the chances of successful implementation are higher.

Just as in the case of the Steering Board, the same strategy was applied with the director of the CRA. First a foreign director, and then local, who with the work with foreign implementing actors proved enviable, level of comprehension, capability and willingness. To which extent the director contribute to the preserving of the independence of Agency for the past three years since he did not get the confirmation of the Council of Ministers BiH, is still not clear. It is difficult to point to the decision of the CRA made under the pressure of political authorities, but the logic says that the unsolved situation of his appointing affects mostly director and his willingness to keep up with traced policy goals.

The press council did not have such a consistent situation with directors. Since the establishment of the Council three people held the position of director. This position was not as attractive as it used to be over the first five years of its work when foreign donors financed the work of the Council. Therefore it can be said that the Council can, for a while now, through the work of an extremely dedicated director, ensure the high level of comprehension, capability and willingness. However, on a long term basis, it is difficult to expect that this position will be held by a person of the greatest quality if there is no adequate salary.

While the position of director of two entity PSBs are quite stable, on the PSB on a state level there are frequent changes on this position. The reason for such state is that entity televisions do not face great disputes in the relation between the Steering Board and Director General, while it is not the case with PSB of BiH. In any case, there are reasons for doubt in all three categories when it comes to directors. On one hand, the director of RTRS has a strong connection with ruling structures of RS hence it is clear that there is a one-way understanding of policy design. It could be narrowed down to the promotion of RTRS exclusively as the television

of Serbian people. While with two other directors there is no such exclusivist approach to understanding the policy intentions, it is evident that there are strategic differences in understanding the role of broadcasters on entity and state level. These two PSBs are in the same building in Sarajevo, and there are constant disputes among them about owing one to the other and about doing each other favours. With regard to capability of applying the policy options, it could generally be said that PSBs have been systematically destroyed by years both in financial terms and in personnel terms. Therefore it is difficult to believe that directors are capable enough to conduct complicated reform projects. This is how, for example, in the last two mandates, the position of director of RTVFBiH was held by the people without adequate managerial experience. With regard to the willingness to conduct interventions, it can also be said that directors were a part of the problem and not of the solution. Neither the management of RTVFBiH nor the one of RTRS did anything to improve the disastrous personnel situation in ethnic sense or to make public services open for all peoples and citizens of BiH. On RTRS Serbian language is being exclusively used, and on RTVFBiH Croatia and Bosnian have been dominant even though these broadcasters are obligated to use and promote all three languages equally (Dzihana 2009). Beside that, these managements are obviously not ready to take the measures in order to cut the expenses of program production, nor to reduce the surplus of their staff. All this gravely endangers the implementation of policy design.

It can be concluded that the analysis confirms the hypothesis, and that this explanatory factor partly explains the implementation of selected policy solutions.

Street level bureaucracy

Hypothesis: the higher comprehension, capability and willingness of employees, the chances of successful implementation are higher.

The staff of the CRA had over the years much higher salaries than the average of the country. In the first years, the CRA was fully financed by foreign donations. The policy of the international community was such that the loyalty was to be bought with high salaries. According to Thompson (2002) it was not rare to see a highly qualified person leaving his/her job and come to work to a foreign organization as a driver. However, even after the transition to financing from their own incomes, salaries remained high because the Agency was making profit. By the Law on salaries and compensations in institutions of BiH in 2008 salaries were lowered down and especially lower for employees with lower qualifications (Zubcevic- Roska 2010). According to the manager of the sector for audio-visual policy, the staff of the CRA is extremely qualified and it has expressed its expertise both in working with local actors and in the cooperation with agencies from other countries. The fact that the CRA has not yet lost a case on the court of BiH on the issues of complaints to its decisions (MSI 2008) significantly contributes to this claim.

The Press Council has a small number of employees. Just as in the case of director of this Association it is questionable whether it is possible to have quality staff without adequate salaries on a long term basis.

The number of employees on PSBs is almost 2 000 (Dzihana 2009). Bad personnel policy, small and irregular salaries, caused the personnel of these houses to consist of the personnel of not such high quality. The most important question is to what extent the staff is

ready for reform processes. In the time when during the transformation there was the idea to sell the building of RTV BiH, as well as to fire 500 employees, the employees strongly objected and stopped the realization of such solution.

This hypothesis, too, proves to be true. So, comprehension, capability and willingness of the CRA employees of policy interventions contributed to better implementation of such solution. Contrary to this, with PSBs, low level of these factors contributed to a bad implementation. When it comes to the Press Council it is difficult to determine to which extent these factors contributed to the situation of the Council, so far, but it can reasonably be concluded that these factors will have a negative influence on the work of the Council in the future, provided the situation is not changed.

7. Conclusions

The implementation of policy interventions almost never entirely fulfils all goals of those who designed policy solutions. The same situation is with the implementation of three policy interventions in BiH which have been analyzed in this study. Without any doubt, the establishment of the CRA is the biggest success while PSBs reform is on the other side of the continuum. The establishment of the Press Council is somewhere in between these two positions. Through the observation of historical context within which these decisions were formulated, it can be noticed that the behaviour of the local decision makers is a constant, and it is reflected either in the obstruction or in indifference towards the proposed reforms. On the other hand, in spite of the intention to conduct a comprehensive reform international decision makers did not show enough understanding or support for a bigger reform of the PSB System.

The lack of support was evident in the phase of designing the policy solutions which have remained unclear and open for various oppositional interpretations. Also, the resistance that came later in the implementation is the product of those inclinations. However, more importantly, the resistance in implementation is primarily the product of non-conducting political reforms which would create a better atmosphere for the establishment of PSB System in BiH, as well as for a more quality functioning of the CRA and the Press Council.

Media system is only a part of the socio- political system of the state, and, as it was showed by Hallin and Mancini (2004), the final look of the media system depends on the nature of relationship between political system and the media.

However, this research reaches certain limits, originating from the very design of the research. It is certain that the research should pay the attention not only to outputs but also to the expected outcomes of the policy interventions. In this way, it would be possible to open the discussion about the extent to which the certain theory behind the intervention design is adequate for achieving intended goals. Also, more extensive studies which would include survey research with precise questions about the perception of independence and sustainability would be welcome for sure, as well as the study which would thoroughly examine linguistic obscurities and potential contradictions between various intended goals of design policies, too.

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