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## Transparent business in media sector is a major public interest in BiH

Law on Transparency of Media Ownership in BiH is one of the most important challenges for members of parliament that shall soon be appointed to their new positions and mandates in the House of Representatives of the Parliament of BiH. This legal solution is important taking into consideration that non – existence of this law had previously been emphasized in reports on advancement of BiH issued by the European Union institutions. Apart from this, passing of this law does represent the interest of wide general public in BiH, because its passing would ensure the transparency in media sector, which is a fundamental presumption required for BiH public to pledge their trust in media work.

As far as electronic media is concerned, the information about audio and visual broadcasting permit users are available on the existing legal business company registry, but there is no information about direct and tied owners, which means that the public have no insight and cannot find out the information about the persons standing behind media houses and persons making any impact and influencing those media houses.

In professional community, the damage of web sites with no available information about the founders and entrepreneurs involved, has been especially identified and recognized. During last few years, the expansion and emerging of new web sites, operating and posting information on media scene, without clear information on their impressum, including the information about ownership structure, editing policies and other relevant information, has become evident. Unregistered web sites in an unsettled media market in BiH, operate on almost equal basis along with registered web sites. Web sites that operate in so called green zone in public perception do make great contribution in degrading the reputation of regular media houses that operate legally.

Along with the irregularity of media ownership, there is also a problem with a non – transparent media financing from public budget funds at all governing levels in BiH. The fact that the state and its institutions spend millions of BAM on an annual level for different types of media financing, should not be considered as major problem if that (public) money were allocated in most transparent way, based on clearly defined criteria. Due to non – transparent allocation of public budget funds to media, the suspicion that this kind of practice outlines that way through which the present governing authority officials, regardless to a governing level, does exist in public where there is a possibility of governing authority officials do make an impact and influence the media editing policies.

Project "Media and Public Reputation", launched with an aim of establishing and developing media ownership transparency, including media financing and advertising in BiH, gathered, among other participants, media owners and entrepreneurs including media managers, during several round table meeting sessions. All those that manage reputable media houses with clear and visible impressum posted on their official web site pages, were, with no doubt and hesitation whatsoever, strongly supporting the passing of the law on media ownership transparency. Why these laws are considered important; what do they mean for media industry, public and democratic processes and who the key figures are, in sense of supporting the passing of these laws?

New E – Journalist edition texts and articles by: **Željka Mihaljević**, a co-founder of Radio Studio N in Livno, **Jurica Gudelj**, Dnevnik.ba, an informative local web site editor-in-chief; **Esad Šabanagić**, Reprezent.ba, an informative local web site editor-in-chief; **Dejan Rakita**, Elta television, director and editor – in – chief; **Amil Dučić**, member of editing office of Klix.ba, informative local web site.

*Arman Fazlić, E-journalist Editor*



## Dull and blur water - easier to catch a fish!

By: Željka Mihaljević

Many things remain unsorted and unsolved in Bosnia and Herzegovina, as far as legal regulation is concerned, and what does appear positive or to some extent, acceptably regulated is unfortunately very hard, difficult or in many cases impossible to implement in reality. This outlines the discrepancy in terms that we have been forced to fight against for nearly two decades. As far as media field is concerned, we have been facing vast variety and unconformity that even most reputable experts have found amazing. One of the most sensible questions that have not been resolved yet is the issue of media ownership transparency, which is directly in contrast with European Union Recommendations and best possible practices abroad. Therefore, the time when official authorities in Bosnia and Herzegovina should commence with their activities and concrete actions, has come in terms of developing advanced media policies and by doing this, the question of regulation and self – regulation of media contents would be possible to access in rather different way. In fact, we should emphasize that media ownership transparency is partially enabled and ensured through the registration process, including the registration of commercial business, associations and foundations, however this process does not comprehend all “media houses” in the market.

Although, the information about permit users for audio and visual broadcasting are constituent part in commercial business registry, but there are no information regarding the details of responsible (both direct and indirect) owners and entrepreneurs, which means that general public cannot identify who is behind and who is backing up certain media house and finally, who makes impact on media houses and influences the work of those media houses. Additionally, the rule set up by the CRA of BiH, regarding the concentration of media ownership expired in 2006. Adding all of the above mentioned facts, it becomes clear that the public access to information leading to who owns or supports particular media house, including the impact and influence imposed upon media houses, has worsen and become extremely difficult to attain.

Along with a complete irregularity, in regard with media ownership transparency, there is an emerging problem of non – transparent financing of media in Bosnia and Herzegovina. Due to fall of incomes deriving from commercial advertisings, media houses in Bosnia and Herzegovina have decided to rely on funds and grants allocated from public budget sources. The fact that governing official authorities and its institutions often decide to allocate, fund or give grants to certain media houses, spending thus tens of millions of BAM for different types of financing, should not represent a major problem in this sense, if that public money was allocated in most transparent way and based on clearly pre – defined and determined criteria. Bearing in mind that this is not the case, the question and even certain suspicion arises as far as this issue is concerned: doesn't a non – transparent way of allocating public budget money actually mark the way through which the actual official authorities, regardless to what governing level we refer to at present, use to make an impact and influence the editing policies, acquiring thus affection by media houses

Let us just review the lower governing

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### Events

1 Oct 2018

Three – day professional seminar for prosecutors from BiH held in the town of Neum

26 Sep 2018

During the first two weeks of pre – election campaign, most room and space given to actual holders of public posts and functions

15 Sep 2018

Representatives of West Balkan media organizations at training in Sarajevo

12 Sep 2018

7 out of 10 citizens believes that elections in BiH are not free, 56% of the examinees shall definitely vote in the forthcoming elections

### Press releases

12 Oct 2018

BHJA Steering Board: Protest over the selective approach of the management of the “Optima Group” to the media and journalists

10 Oct 2018

BHJA Banja Luka Journalists Club: Treat the attack on journalists as an attack on an official person

1 Oct 2018

BHJA Banja Luka Journalists Club: Stop tagging the journalists

## Media on media

8 October 2018

[Bulgarian TV journalist brutally murdered](#)

5 Oct 2018

[Nova BH and Nova M televisions started broadcasting](#)

25 Sep 2018

[10 stranaka potrošilo 790 hiljada na oglašavanje u medijima](#)

20 Sep 2018

[Trebinje Police Commander in Chief addresses the female journalist: "If I were you, I would not go alone in the dark!"](#)

## Vacancies

[World of speed - Auto shop magazine seeks for a journalist/web administrator. Deadline for application: 4 November 2018.](#)

["Običan" radio Mostar seeks for anchor in a sport show. Deadline for application: 21 October 2018.](#)



levels (from state level we shall take a look at entity level, cantonal level, that is, city/town or municipal level). Namely, aren't we all witnesses that, in significant number of electronic media houses that are founded through city/town or municipal budget sources, the editing policy, and in some cases the managing media structure and even editors, have been subject to many changes, depending directly on election results, that is, depending on political party that governs this particular area?

Taking into consideration that we refer to city/town based commercial companies, whose financial sustainability and existence is directly tied to money allocation (from public budget sources), most managers, directors and editors are subconsciously bound to the old saying: "Do not bite the hand that feeds you". In such situation, or in terms of politics, the opposition has very limited or no access to local radio and television stations, including the public that complains about the work of institutions and public enterprises. To dishonest and

irresponsible governing officials, (but not including everybody), but still to dishonest ones, this represents an access to a wide range of possibilities to conduct instrumentalism of public budget financial means for personal promotion, instead of promoting journalism and public needs, particularly during the pre – election period of time. Having in mind that elections are held every two years in Bosnia and Herzegovina, this means that constantly live in pre – election (for one year and even more) and post – election period (one year and more than one year, depending on time when election results are implemented and in Canton 10 this sometimes lasted for over years).

Additionally, we should add another great obstacle to professionalism and brave journalism – namely, auto – censorship. Those that allocate and give money away, that is, city, town or municipality (or higher governing levels) official authorities, do not even have to dictate and guide the editing policy of local media houses (radio or television stations), instead, the managers, principles, directors or editors and often journalists themselves decide to limit their own judgements being afraid of eventual consequences they may have to bear with, if they cross the line, additionally thus limiting their own work.

The situation is not any better, as far as private electronic media houses are concerned either. Journalists rarely own and are real entrepreneurs of media houses in BiH (like the case with Radio Studio N in the town of Livno). Therefore, quality – based professionalism and objective reporting is also here significantly dependable on money allocations, that is, they both equally depend on political or other preferences that owner is biased to. It is discomfiting that media houses, with their professional and objective reporting relish vast great reputation with their listeners, are actually losing the battle of placing themselves in the market as advertisers, because if you take a critical look at certain occurrences, regardless whether local structure is involved here (and not to mention selling and buying votes during the election process, re – arrangements of position and opposition, conditioning for supporting certain laws at parliaments and assemblies etc.); it altogether outlines the reason why local companies (especially those that are bound and tied with politics) avoid you for business commercial advertising deals and instead, they prefer to advertise with public radio and TV stations.

We should emphasize here the lack of objectivity and discrepancies with agencies responsible for providing measuring figures (listening ratio, viewership, etc.), whose results serve as reference points to marketing agencies in order to determine which company they shall take as partners during the advertising campaigns.

Namely, while private (independent) media houses had been in better financial situation and had to pay for these kinds of surveys and researches, the number of their listeners was on pretty satisfactory level (they had better ratings); on the other hand, during the period of one or two years of not paying, the number of their listeners suddenly "decreased".

I shall make an overview to one, but in my opinion, equally important and rather significant danger that may jeopardize quiet, peaceful and tolerant life in BiH; namely so called new media sources. These include web sites with large number of those whose primary interest is to release and post the news before anybody else (before their competition), regardless to the nature of this news and without prior checking of its authenticity and above many other things, this occurrence is not benign at all, these new "media houses" allow all kinds of comments to be posted on their web site and these comments are often in form of hate speech. Sometimes only first, second and third comment are related to information post-



## Free Media Help Line

### Actual cases:

**BHRT TV reporters** - BHRT TV reporters were assaulted by masked male persons, upon their return from journalist report duty in Siroki Brijeg on 21 August 2018. The driver was severely injured and the vehicle itself was also damaged. Members of BHJ Board of Directors issued a press release and FMHL submitted a notice letter to Police authorities in Konjic demanding information about assault on journalists TV reporters. Konjic Police authorities replied by stating that they were working on this case and were searching for offenders.

**Gloria Lujanović, Dnevnik.ba, a local web site female journalist** - After several texts posted by Mrs. Lujanovic, regarding war crimes committed by mujahedeen fighters in Central Bosnia during the war in 90s, she received threats posted on social media. Free Media Help Line sent a notice letter to the Ministry of Interior Affairs (Police Authorities) of HN Canton. MUP HNK are yet to reply and respond in regard with this case.

**Vladimir Kovačević, BN television reporter** - Two persons disguised with face masks attacked physically Vladimir Kovacevic, a BN TV reporter in front of his apartment. During this assault, Mr. Kovacevic was severely injured. Members of BHJ Board of Directors reacted by issuing a press release. Banja Luka Journalist Club reacted by issuing several press releases and holding meetings with the intention of drawing attention to MUP RS highlighting the importance and urgency of solving this problem and identifying the assaulters.

According to information available to FMHL, one of the doers was arrested and the police are looking for the other one (unavailable to official authorities in RS).

ed and then, regardless to what the text was referring to, there is a great shift from regular conversation to emerging hate speech, including mutual arguing and quarrel between regular internet “commentators”.

This entire field would be much easier to settle, if we could only know where to officially submit a complaint, because great number of media houses do not have posted impressum and even their e-mail addresses are often difficult to find on their official web pages. Although there are required mechanisms tailored to submit a complaint in regard with false, incorrect and manipulative posts, articles and texts on radio and TV, sanctioning and imposing fines for these actions has never in fact been properly established, developed and implemented with full capacities, since sanctions and eventual fines imposing have often been completely unbalanced.

If BiH, a country that still struggles while bearing with post - war consequences and country lead by politicians that, during the pre - election period, “feed” their ethnic groups with fear from other ethnic groups, thus ensuring their election successes holding governing positions that they surely never earned and deserved (in terms of fairness and honesty), could have proper and competent laws that would adequately prevent hate speech appearing in public, it would mean a lot, as far as the advancement and progress of the entire society is concerned. Unbalanced court practice, rejection of files submitted for hate speech use or, which seems even more devastating, failing to increase the level and scope of responsibility for what had had been said or written, simply cannot produce anything positive. The question of media ethics is becoming more and more frequent at present. Encouraging the freedom of speech about any topic and subject, does not justify the appearance of hate speech, because hate speech does not represent freedom but instead it represents the deed (action) that is certainly a subject to criminal prosecution processes

These occurrences are not as frequent in electronic media as they are in an online market.

In fact, it is the Communication Regulatory Agency of BiH (CRA) that regulates their work (television and radio) and the CRA is consequently legally and fully entitled to sanction and impose fines for the appearance of hate speech and drastic violation of ethical standards in audio and visual programs.

However, Press Council of BiH is self - regulatory body in charge with printed and online media, however it is not legally entitled to impose sanctions and fines; instead it uses self - regulating journalist - based methods including corrections of false allegations, publishing of replies and reactions and denials or even public apologies.

We shall once again repeat the fact that large number of media houses do not have impressum and that it is difficult to track down even e-mail address, let alone contact phone numbers or full name of the responsible person in charge.

In order to outline the need and necessity for urgent solution to the problem of regulation of media ownership and media financing in Bosnia and Herzegovina, several surveys and researches had already been conducted and implemented in the field. One of these projects includes “Media and Public Reputation”, a project financed by the Delegation of EU in BiH and implemented by the Consortium consisting of the following parties (associations and organizations): Association of BiH Journalists, Press Council of BiH, online media in BiH, Media center and JaBiHEU, a local NGO. This survey and research showed that it is necessary to advance media ownership transparency, taking into consideration that the lack of media ownership could result in an absolute absence of insight and details regarding the identity of the individuals backing up certain media and also including the details about particular interest - based groups that also support certain media. The State institutions should in this case for the sake of their interests and as oppose to a significant part of politicians, being the part of the state/entity/canton/city/town or municipality, because the more blur the water is, bigger chances of catching a fish there is. The question is to what extent the owners and entrepreneurs are ready to do something like this, particularly those that receive budget money and donations in a non - transparent way, or receive budget money as politically “suitable” and “obedient” receive larger part of marketing cake which in BiH, is certainly not sufficient and big enough to feed all “fish in media sea”.



## Law on Media Ownership Transparency

**It is public broadcasters that present a problem, not local web sites**

By: Jurica Gudelj

Passing on the Law on Media Ownership Transparency is just one of many steps required to establish the order in media scene in BiH and required not only to set the order in online media sector, but also in online web site sector where I personally operate. Namely, the above mentioned law and accordingly the required order should comprehend traditional media houses – newspapers, radio and television houses, because some newspapers/radio/television are difficult to determine as far as their ownership structure is concerned, just as is difficult and hard to determine ownership structure for many local web sites as well.

Moreover, today in BiH, nobody can tell who the actual owners of FTV, BHT and RTRS are, and let alone private media houses, such as regional television houses. It is therefore unusual to expect that there can be order and ownership transparency provided in the world of web sites, when we don't even know who the actual owners of FTV are for instance. Of course, many would say immediately that the FTV is actually owned by the state authorities, that is, that it is public property of all citizens of the Federation of BiH, but this sounds more like a fairy tale, rather than actual fact. The real owners of public broadcasting service operators are actually political parties, except that the ownership is non – transparent and we therefore cannot determine the actual origin of this kind of ownership, as if we were referring to certain underground web site, instead of referring to public broadcasting service providers.

Nevertheless, it is crucial to make first step and at least attempt to normalize media market, including BiH public. If this cannot be obtained with public media broadcasters, then we shall proceed with what is feasible and what can be done, as far as this particular issue is concerned.

The world of web sites, as new emerging media sources is indeed exciting and provides several opportunities. One of these opportunities is the fact that nobody knows who is behind these web sites that is, nobody knows who produces opportunities of anonymous influence imposed upon general public.

This has particularly been obvious during an ongoing pre – election campaign. Almost all political parties have managed to create their small, underground web sites through which they, to some extent, attempt to influence the public opinion.

Still, the problem on non – transparency of ownership amongst media isn't something that appeared during pre – election campaigns only, it had instead become a permanent problem causing most of the damage to web sites that tried to be completely transparent way in their operating scope of work.

Namely, the audience today rarely makes the difference between the web sites such as, Klix.ba, Bljesak.info, Dnevnik.ba, Buka.ba and other various exclusive news based web sites, including screen, mega - media and similar *underground* online web sites. Simply, it has not been enough time for public to even develop the need with the purpose of making a distinction between web sites that post fake – news and have their specific agendas (these do not include true and genuine web sites providing the public with true information) from web sites that are journalism orientated. For now, everything has, from the public point of view, been commonly considered and defined as “web sites”.

Consequently, Dnevnik.ba, a local web site, including Klix.ba or Bljesak.info are treated equally in the market just as any other local web site that operates without impressum posted on their official web site pages and web sites that have no information regarding details about their points of contact whatsoever. What advertisers seek and require, are what they refer to as Her Majesty, that is, clicks and advertisers are not really concerned in terms of how their viewers reach those clicks, as long as they use them. This places mainstream web sites in an awkward position, since they consequently must compete with disloyal and unfair competition.

In order to succeed, the entire story, in regard with the law on media ownership transparency, in this case, in regard with local web sites, would require necessary a concrete benefit from the implementation of such laws. It is only the pure benefit that could make the owners and entrepreneurs of web sites to

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*Everybody needs law on media ownership transparency – media, public audience and advertisers. This law should be quality tailored in terms of respecting the opinion provided by experts and experiences demonstrated in western countries as well. The mainstream media houses shall support it if it provides them with better positioning on the market comparing to underground media sources.*

*This story is actually very simple: he who has nothing to hide and who wants fair business race shall not oppose this law.*



release and expose all relevant information in most transparent way, including their ownership structure, because any problem may be solved only if one of the parties involved would have benefits out of it.

Therefore, the state should not by any means and under any circumstances do business with underground web sites. Equally, no companies should do business with local underground web sites either. This would prevent money laundry and would also reduce the potential influence of foreign intelligence services with BiH public.

Online media owners that have clear intentions should not have problem with ownership transparency issue. Just as we should know who the owner of any business premises or owner of any company is, we should also know who the owner of any media house is. Moreover and even today, almost all responsible in mainstream online media houses in a country should have clearly posted Impressum and their ownership structure should consequently be transparent.

On the other hand, all those that are in online journalism business, that is, those that work in web sites, are aware of the damage that *underground* web sites cause to entire media community.

However, I am afraid that law on media ownership transparency shall not be stopped due to web sites and their presence in media market; instead it shall not be stopped due to large media systems. Equally, I am afraid that this question shall not be possible to resolve until the problem of organizations within public RTV services is also sorted out and solved, because the fact that we do not know who controls what and what mechanisms they use in order to control FTV or RTRS are in fact bigger problems than emerging of some underground web site.

Everybody needs law on media ownership transparency – media, public audience and advertisers. This law should be quality tailored in terms of respecting the opinion provided by experts and experiences demonstrated in western countries as well. The mainstream media houses shall support it if it provides them with better positioning on the market comparing to underground media sources.

This story is actually very simple: he who has nothing to hide and who wants fair business race shall not oppose this law.

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## **Overview: Do we want and should we know who the media owners are?**

*By: Esad Šabanagić*

BiH public does need and want to have information regarding who the owners of media houses in BiH really are, since BiH citizens are consumers of provided information, that is, consumers of media contents and programs. General public should be aware of this, if all relevant information about media ownership structure is available, which is in fact the topic and theme of this overview, where we also want to outline the significance of the Law on Media Ownership Transparency and its implementation. This also represents the theme and issue that has been a main point of focus for many (both) local and international experts, including official representatives of European media scene. Some neighboring countries have made significant progress in this field and some are yet to begin with particular changes in this field and the situation in our country, on the other hand, merely confirms the necessity of these kind of changes, because when we do become familiar with the facts and information regarding media owners, we shall be able to determine what their intentions in public space may be.

As soon as the Law on Media Ownership Transparency becomes implemented, we shall be able to know full names of media owners (entrepreneurs) and their ownership share in those and other media houses. We shall also be able to discover who would be in charge with official editing policies and the public shall have clearer view regarding certain editing policies upon which they shall be able to adjust their information – based habits. This law shall definitely enable brighter picture in community and market, comparing to what they are at present, because the public will be able to know who the people that own information sources are, which would additionally allow the public to identify and recognize their personal motifs.

*Bosnia and Herzegovina is still, by all means, way too far from recommendations, regarding media ownership transparency. Journalists and media organizations have, through publications, round table discussions and by initiating initial contacts with official authorities, began their work with the purpose of raising the level of media ownership transparency that is often underestimated and it may result in producing serious and undesired consequences, influencing not only the efficiency of media policies, but also having influence over entire functioning of democratic society.*

As far as the question of media ownership transparency in Europe is concerned, this issue has been a subject to many discussions, although different countries have different views in regard with this particular subject and issue. The stance by European Union outlined that media house issue should be regulated at national level, while the OSCE advocates the idea of so called self – regulation, as effective tool in order to disable the influence that governing official authorities may impose upon media houses. Both of these concepts may be found in Bosnia and Herzegovina. While on one hand, Communication Regulatory Agency in BiH (origin. RAK) regulates the field of electronic media; online media and journalism in general are left to conduct the self – regulation concept through Press Council and online media houses.

Bosnia and Herzegovina is still, by all means, way too far from recommendations, regarding media ownership transparency. Journalists and media organizations have, through publications, round table discussions and by initiating initial contacts with official authorities, began their work with the purpose of raising the level of media ownership transparency that is often underestimated and it may result in producing serious and undesired consequences, influencing not only the efficiency of media policies, but also having influence over entire functioning of democratic society. Just as Parliamentary Assembly of the Council of Europe has emphasized in its Resolution on increasing media ownership transparency, it has become necessary in order to allow the citizens to establish their own pinions and views regarding the value of information, ideas and reviews provided by media sources. Therefore, the solution to the problem of media ownership transparency is at present very hard to implement in Europe, let alone in Bosnia and Herzegovina.

In one of the resolutions, Parliamentary Assembly of the Council of Europe is concerned about the problem of media ownership transparency and media control, due to lack of transparency duties towards local regulations in member states or through non – transparent legal construction of direct or hidden ownership, which is often tied and bound to political connections, economic or religious interest – based groups or simply connected with foreign – policy propaganda of the real media owner.

Ownership structure, mostly transparent and hidden has great impact over media pluralism because - “media owners own public opinion”, and their concentration decreases media space, in both, market and social way. Media concentration damages have reflection and impact on wide social reality causing thus the damage to media freedoms and liberties.

#### **(Un) known media owners in Una – Sana Canton**

There are two major towns and six municipalities with 13 media houses operating in Una – Sana Canton territory, with surface of 4.125 km<sup>2</sup> and population of some 273.261 (according to last census). These include: 3 TV stations, 11 radio stations, weekly newspaper and web site ReprezenT), without news correspondents and without several registered web sites as civil associations. This particular region is often referred to as “abandoned media marsh”, due to its poor and inadequate media picture. Still, even at this media environment, there is no media concentration and there is no, as oppose to other regions in BiH, unknown facts regarding media ownership structure. The fact that media ownerships structure is completely inappropriate for better quality of media picture in this particular area, resulted in “abandoned media marsh”, as far as media in Una Sana Canton is concerned. Namely, from 13 media hoses operating in this region, 4 of them are private media houses (3 radio stations and ReprezenT, a local web site), and what is even more amazing is the fact that two radio stations and ReprezenT, a local web site, have their head offices in Velika Kladusa, a town with most certainly lowest possible media freedom and liberty rates, not only in BiH, but also abroad.

In other media houses the founders include the Cantonal Assembly of Una –Sana Canton and Municipal Councils, but the “real” owners are the election wining political parties with their (eventual) coalition partners and with publically recognized political leaders.

Therefore, media ownership transparency in Una – Sana Canton over registered media houses is commonly recognized and widely known fact and these media houses do make insignificant contribution to above mentioned poor and inadequate media picture. Online media houses do play major role in practicing their unprofessionalism and by acting in rough and sever way as semi – wild web sites operating in media field in this particular part of BiH, without any reliable infor-





*Media ownership transparency would, on one hand, make significant contribution in allowing general public to have access regarding the interests that stand behind certain media houses. It would also provide the state bodies and institutions with a possibility of limiting overcrowded concentration of ownership and regulate the issues in respect with the conflict of interest and foreign ownership shares in media sector. Therefore, the benefits are multiple and the need for regulation of this problem that only few manage to resist, including less significant interest – based groups, even though the BiH governing authorities show no interest to solve and sort out this sensitive question.*

mation regarding their owners, editor and even have no information regarding their address. In a quite small area, (dis)allowed concentration of large number of “so called media houses”, without required professionalism and address have still managed to win over this particular space, shaping thus social role that media should play in this society to a mere market based and market – targeted information source.

According to this example of Una – Sana canton, we could conclude that it would be necessary to compose thorough legal regulations for this field in BiH, mostly due to disloyal competition and quality of media contents and programs. This requirement does not include the comprehension of ownership transparency regulation, defining tied persons, the duty of submitting the information regarding physical entities backing up and standing behind companies, since having the regulation for online media is especially required, with the introduction of registry as part of their obligatory registration process.

Media ownership transparency would, on one hand, make significant contribution in allowing general public to have access regarding the interests that stand behind certain media houses. It would also provide the state bodies and institutions with a possibility of limiting overcrowded concentration of ownership and regulate the issues in respect with the conflict of interest and foreign ownership shares in media sector. Therefore, the benefits are multiple and the need for regulation of this problem that only few manage to resist, including less significant interest – based groups, even though the BiH governing authorities show no interest to solve and sort out this sensitive question. Due to above mentioned reasons, the authors of the Recommendation of the Law requires strong support and media communities, so this law could become a subject to passing by official authorities in shortest possible period of time, because it would, from the media community point of view, represent and display a fair based relationship towards media houses, that is, it would be fair towards general public in BiH, as they should expect this from true, genuine and honest media owners and entrepreneurs. The law would solve few more, rather significant problems, and these include conflict of interests, cash flow in media houses and unsatisfied media clientelism. This should represent rather separate and special moral – based principle of media ethical values in terms of having personal behavior towards those whose work media houses in BiH criticize and question, about whom they write stories and articles, from whom they require transparency in preserving transparency in business sphere, spending public funds, etc.

Therefore, the Law on Media Ownership transparency over media houses is necessary requirement in order to simply raise the general consciousness and point out about the importance of information regarding media owners, because “abandoned media marsh” is not just a picture and an opportunity for Una – Sana Canton, but also an opportunity for entire BiH where journalists and their consumers find difficult to find their ways out, as far as this issue is concerned. “Abandoned media marsh” suit many today and this is way it is difficult to reach legal regulation and this does not refer and relate to media field only; instead it unfortunately relates and reflects entire picture or society and local community we live in.

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## Law on media ownership transparency represents the fight crucial to professional journalism sustainability

By: Dejan Rakita

One of the most ablaze problems in the field of journalism in BiH is certainly media ownership transparency. This problem emerged in order to announce the beginning of pre – election campaign which has, this year, been described as rather “dirty and unfair” campaign and to has, to some extent, been extremely agitating. Also, at this particular moment, recent and emerging web sites and blogs represent great problem, because they require no special permits from regulatory bodies or permits issued by state – level or local official governing authorities. The motifs by financiers, including the entrepreneurs of those so called “portaloids” (as they had been referred to for a longer period of time by journalists in BiH), and the names of entrepreneurs, including the journalists being engaged in these media houses, that is, information and details that should be posted in impressum, shall still remain unknown for general public.

Best example illustrating the use of insufficiently developed legal regulation in this particular field are the web sites to which broadcasters with national frequency often refer and use and the fact the public broadcasting services use the web sites display particular concerns among professional media community. BiH Journalists and Banjaluka journalists’ club warned about this anomaly in several occasions.

All these texts and articles are by default posted without any signature by their “authors”, posted without any respect “from the other side” and even without any other statements. The content itself resembles the content considered as something between the blog and status on any social media (Face book for instance), but media sharing contents posted on such web sites do not necessary represent the problem where they furtherly forward such news to much greater public audience in comparison with web sites that had originally posted the above mentioned texts, articles and posts. Often, these news outline the headlines during informative media programs with national frequency, and additionally display the headlines posted on official web sites of such media houses. What does appear symptomatic here, is the fact that portaloids do not have their author – based news posted on daily basis; instead they copy them from other web sites and agencies and they, once a week release and post texts or articles with clear goal to discredit certain person or detract a particular venue. Portaloids by themselves do not have sensible reading rate, however they manage to reach their viewing and reading audience in rather instant way (by sponsoring here the web site or above mentioned “news” on social media), but also through large – scale media houses (such as public broadcasting service providers) that refer to these portaloids.

Unfortunately, the BiH audience has never been considered as properly educated, as far as the distinction between professional texts that fulfil professional journalism standards from those that are not, is concerned. Therefore, texts posted on social media are read and viewed equally. Often, texts by other nature are more viewed and read because they have speculation – based titles that attract wider audience. We cannot expect that the law on media ownership transparency would have its form and legal duty, because the current state and situation actually suits political elites in BiH that often support portaloids, but also other type of media houses they support, to at least, a level or stage where they obviously influence their editing policy.

Having additional time is not necessary at all in order to discover which side or party certain media “favor” and which side or party involved they actually criticize. As far as other media types are concerned, including television, radio or newspapers, you could still know who the owner might be (at least in fictional ways), and consequently, who the real and actual entrepreneur and financier is in fact. In such cases, media have been financed through pre – arranged public tenders and public procurements, where we, once again, get to political elites that misuse the position and resources they dispose of. Media transparency ownership, but also the way of media financing, is extremely important due to public responsibility and media relation and conduct towards the general audience, but also towards better comprehension of the content they release and post, that is, its context. Wider support of journalists’ community is definitely

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necessary in order to settle and harmonize this particular field, including legal regulation, because media shall bear the greatest suffering and this includes media houses that do their work in most professional objective and honorable way, because the majority of BiH audience is incapable of infiltrating provided information. This also represents a significant part of the problem, which in indirect way, is related to this issue – education of wider audience regarding media content. Media community, that is, its “healthy” part that has no problem with media ownership transparency and media factors, is indeed capable of sorting out and solving this problem, primarily with concrete recommendation and proposals of this law (media staff are still best familiar with this rather specific and demanding issue) and by pressure imposed on institutions to pass this law and eventually to begin with its implementation. Taking into consideration that media work does not respect the general rules of this profession, including ethnic norms, this discrepancy does in fact jeopardize all other media sources, as it should instead support analytic media houses (such as Raskrinkavanje.ba, Analiziraj.ba and Gerila.info). These web sites outline and highlight all media houses that may be considered and marked as unprofessional and unethical media sources that forward or share false news, spread hate at the same time or instigate agitation or spread similar anomalies. Analytics and argument – based critics, represent important tools and mechanisms in fight to preserve our professional and occupation which is at present clearly jeopardized.



*Law on Media ownership transparency in BiH has been one of the most crucial and legal – based solutions that must be passed by BH Parliament official representatives, not in order to fulfill and meet EU requirements; instead it must be passed in order to ensure enormous deficiencies in media industry in BiH that mark a clear distinction between us and developed countries throughout Western Europe.*

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## **Black dot on media scene: “Wild web sites” and degradation of journalism**

*By: Amil Dučić*

Official governing authorities have never even attempted to solve the problem regarding the lack of media ownership transparency. This sentence was highlighted in the report issued by the European Commission, related to the progress of BiH and posted in summer this year. According to the current situation, this sentence shall be a constituent part of the European Parliament report, also related to BiH progress, which is expected to be passed this autumn.

European Union warned about this rather sensitive and BH media related problem, but a non – government sector lead by the Council of Europe and Association of BiH Journalists has been even more persistent in issuing several warnings about this issue.

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This law should, for instance, clearly highlight the duty and obligation of all media houses as far as the reliable information regarding ownership and structure is concerned. It should also draft eventual penalties and fines should media houses omit to bind these regulations with clear and precise competences by authorized institutions, with the purpose of implementing this particular law and associated legal provisions.

Recently, a real burst of new emerging web sites was noticed as these have been existing in media field without impressum on their official pages, that is, clear information regarding ownership structure and associated and required information.

These web sites that vastly use all advantages of rather messy market in this particular branch and they have been bombarding the public with sensational headlines and titles, not hesitating to spread and share propaganda, to post false news, propagate hate speech etc. In short terms, they represent black dots in media scene, jeopardizing thus media professionalism and degrading journalism to lowest possible levels.



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As far as the extent that so called “illegal web sites” (apart from intoxicating the public) use to destabilize and degrade the dignity and professionalism of reputable media houses is concerned, there have been many cases and examples that perhaps best illustrate this situation, such as the most recent discovery by raskrinkavanje.ba, a local web site.

This web site, whose primary goal is to check the authenticity and correctness of true media information being posted or released in public, identified recently posted statement given by Fadil Novalic, Prime Minister of the Federation of BiH, who had claimed that “one could make a living with BAM 400, 00 earnings per month”.

This statement was found on Balkan.info web site. Balkan.info web site referred to Vijesti24h.info, yet another web site, in regard with this news, however, the domain of this web site had expired as they later discovered.

According to Raskrinkavanje.ba, many “illegal web sites” created a structure withdrawn from Fadil Novalic interview posted in August on leading BiH web site, namely Klix.ba, titled: “Fadil Novalic from Klix.ba: I have got less money since I was appointed Prime Minister”. However, within next 24 hours, a new re - constructed statement by Fadil Novalic was spread like a virus throughout even 6 illegal web sites including: Balkan-life, “Poslovni dnevnik”, Puls24.info, Go vijesti, Radio bet and Web novine.

This sample case best illustrates chaotic and even schizophrenic situation as far as media scene is concerned, particularly in the field web sites.

Project “Media and public reputation” launched with the purpose of establishing the media ownership transparency, including the financing and advertising in BiH, had gathered, during several round table sessions in the past period, among other things, media owners, that is, media entrepreneurs. All those that have been running reputable media houses and those having clear impressum, had, without any dilemma and hesitations, agreed on passing the law on media transparency, because on the other hand, there were those that did not obey the rules and that played unfair game and were unscrupulous in order to collect and have as many clicks as possible on their web sites, all with the purpose of having share in the media industry market.

But what seems to be a problem? One of the answers could include the following: the governing authorities have been turning their eyes blind despite crystal clear demands and requests required by media community in order to finally harmonize this particular field legally. Here are some examples displaying how BiH governing official authorities ignore this issue:

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Answering the question raised by Aleksandra Pandurevic, an SDS Member of Parliament during the meeting session of the House of Representative on 14 June 2017 about the progress regarding the draft of the law on media ownership transparency in BiH, Ismir Jusko, Minister of communication and transport said:

„The Agreement on stabilization and joining defined that BiH must conform its legislative from the field of communication and transport to regulatory framework of EU”. Therefore, clear answer to this question was never in fact presented.

In January this, the Joint Commission for European Integration recommended to both Houses of Parliamentary Assembly of BiH, to pass the conclusion demanding from the Council of Ministers to fasten the procedure of passing the Law on Media Ownership Transparency in BiH where all provisions deriving from this law would comprehend all media houses in BiH, including those available on the internet only, that is, online media houses.

Three months later, the Joint Commission for Human Rights of the Parlia-

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mentary Assembly of BiH, during the thematic meeting session, regarding the freedom of expression and media liberties, announced the draft of the Law on Media Ownership Transparency in media. We are still waiting for the epilogue.

In the meantime, we are in the middle of the election campaign. The chances of having present governing authorities to pass the above mentioned law are consequently brought to a minimum.

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The money collected on both de facto and de jure basis, to some extent represent a so called grey market in BiH. This should even display an additional reason and motivation to create the law on media ownership transparency, including the law on media financing through commercial advertising.

## Impressum

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