



DIVIDED THEY FALL

Public service broadcasting in multiethnic states

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In the beginning, broadcasters were national. They were intended to strengthen the political order by serving the dominant concept of national identity. Over several decades, the idea of 'public service broadcasting' emerged from beneath this stiff cloak to become one of Western Europe's gifts to civilization. Public service broadcasters evolved, in the best cases, into institutions that truly served the public interest which sometimes runs against government.

Despite their shortcomings, they remain the only kind of broadcaster that can fulfill the commitments that all European governments have made to respect cultural pluralism and diversity, and the media rights of minority groups. Yet public service broadcasters take their shape and ethos from the states and societies that sustain them. So what happens when there is no single public to serve? Or, perhaps more accurately, when factional elites prevent publicly-funded broadcasters from even trying to serve a single public? Can public service broadcasting ever help to convert ethnic division into ethnic difference?

These are the kinds of questions that underlie *Divided They Fall: Public service broadcasting in multiethnic states*. Media experts from Belgium, Bosnia & Herzegovina, Macedonia and Switzerland describe their public broadcasting models and practices. In the Introduction, the editors argue that public service broadcasting has a choice: it can either underwrite ethno-cultural differences, by confirming audiences in their static sense of ethnic belonging, or it can air these differences by exposing those differences to debate, with all the risks that this may entail.

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**PUBLIC SERVICE BROADCASTING
IN PLURAL AND DIVIDED SOCIETIES**

Sandra BAŠIĆ- HRVATIN and Mark THOMPSON

I. Public service broadcasting: an ideal-typical history

National broadcasters take their shape and ethos from the states that sustain them. As they emerged between the two World Wars and after 1945, these broadcasters were intended to strengthen the existing political order by serving the dominant concept of national identity.

Over several decades, the idea of 'public service broadcasting' emerged from beneath this stiff, authoritarian cloak to become one of Western Europe's more recent gifts to civilisation. Entrusted with public funds to produce television and radio programmes that meet the communication needs and interests of citizens in a democracy, public service broadcasters should operate at arm's-length from government, even while government ultimately controls their funding and often appoints their directors and - indirectly - their governors. Self-evidently, this sort of broadcasting is based on the belief that public space for communication should be extensively regulated, not dominated by market forces, and that the rights at stake should not be reserved for the producers alone, but also held by the consumers, i.e., ordinary citizens.

"Touched with a sense of the whole as well as the parts, possessing a sense of responsibility to a public as well as a private interest",¹ public service broadcasting

¹ M. Tracey, *The Decline and Fall of Public Service Broadcasting*, Oxford: Oxford University Press, 1998, p. 265.

was supposed to raise the level of public information and taste by providing a diet of unbiased, objective news and high-brow culture, made palatable with a limited quantity of more commercial material. Beginning in the 1950s, under the pressure of commercial competition, the definition of acceptable content was broadened to include avant-garde, satirical and frankly populist programming. "From this perspective, the nature of public broadcasting would be that any programme offered, whatever the genre, should be the best of its kind, the best it can be."² In this way, the wider social purpose of public service broadcasting - sometimes called its mission - was renewed by adaptation to more democratic, less austere and deferential times. From serving the national interest (as defined by government), public service broadcasters evolved, in the best cases, into institutions that served the public interest (which may in some circumstances be defined as against government). The autonomy of such powerful institutions is bound to be contested, at times fraught with tension, yet this tension has often been creative, both politically and culturally.

Since the 1980s, when public service broadcasters had already lost or were losing their television monopolies, public service broadcasting has been acclaimed by intergovernmental organisations as a pillar of European cultural identity, "directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism", "an element of social cohesion, a reflection of cultural diversity and essential factor for pluralistic communication accessible to all".³ All member-states of the European Union (EU), the Council of Europe (CoE) and the Organisation for Security and Co-operation in Europe (OSCE) have undertaken to support public service broadcasting and ensure that it can be financially autonomous and editorially independent.

² Ibid., p. 271.

³ The first quotation is from the Protocol on the system of public broadcasting attached to the EU's 1997 Treaty of Amsterdam. The second is from the Council of Europe's Seventh Ministerial Conference on Mass Media Policy (Kiev), in 2005.

It is ironic that these grand endorsements were made when public service broadcasters already faced intense pressure, initially from commercial rivals that flourished in the new deregulatory climate (now an orthodoxy), and then by innovations that multiplied the modes of delivering 'audio-visual content' to mass audiences. Despite this pressure, there was still a broad consensus in Western Europe that public service broadcasting earned its privileges by its ability "to guarantee a range, depth, quality, and independence of programme output which other arrangements would simply not support".⁴

After the end of the Cold War, the post-communist countries of Central and Eastern Europe pledged to reform their state broadcast networks into public service broadcasters, removing them from political control. The story of these failed transitions is an epic of misunderstandings, mixed intentions, scarce resources, institutional stagnation and shameless delaying tactics. None of this was surprising. After all, it took some 30 years to emancipate the *BBC* - the archetypal public service broadcaster - from British government control. Beyond the specific causes of failure, however, there is a larger cause; so large, indeed, that it stretches to the horizon, almost dwarfing the mere matter of broadcasting. For, as Michael Tracey discerned a decade ago:

[t]he impasse in developing coherent policy for broadcasting in the new democracies ... is not just, or primarily, a consequence of the intransigence of an old order which has not quite died, or of the stalling tactics of the nomenclatura in new guise. The problem is fundamentally one of deciding what kinds of societies, polities, and economies they want to be. If a society has not decided its own preferred character in a broad sense, it will find it exceedingly difficult to determine its character in the particular sense of its broadcasting.⁵

⁴ M. Tracey, 1998, p. 51.

⁵ *Ibid.*, 1998, p.275.

Naturally, this difficulty most acutely affects public service broadcasting, which presupposes and even depends on the existence of a social consensus, "a broad agreement on a number of fundamental topics - politics, religion, sex, economics".⁶

Another source of pressure on public service broadcasters has come from a less predictable quarter. The decades since 1945 have seen "the rise and rise of human rights".⁷ Resolved to prevent any recurrence of the enormities that were perpetrated against civilians during the Second World War, the democracies of the world constructed a framework of interlocking, overlapping human rights treaties, many of them relating to ethnic diversity or multiethnicity, sometimes under the rubric of 'minority rights'.

The right of citizens to have access to media in their own language is established in international law, as is the right to enjoy fundamental rights and freedoms without discrimination, with equality before the law. The United Nations Declaration on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities (1992) stipulates that states must ensure that members of minority groups can exercise all their human rights and freedoms, including the freedom of expression, as defined in a series of treaties from the Universal Declaration of Human Rights to the International Covenant on Civil and Political Rights and the European Convention on Human Rights.

More recently, the European Charter for Regional or Minority Languages and the Council of Europe's Framework Convention for the Protection of National Minorities reconfirmed the obligation of states-parties to provide minorities with media in their own languages. The Framework Convention states that the right to freedom of expression includes linguistic freedom and non-discriminatory access to the media. It

⁶ S. Hood, *On Television*, London: Pluto Press, 1983., p. 122-123.

⁷ This is the title of a book by Kirsten Sellars: *The Rise and Rise of Human Rights*, Stroud: Sutton Publishing, 2002.

also requires states-parties to "adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism".⁸

These pledges and obligations meshed with various commitments to media pluralism that the Council of Europe has promoted since the early 1980s, to cultural autonomy, and more recently to the intergovernmental declarations on cultural diversity that enjoyed a vogue around the millennium.⁹ Owing to their legal status and public funding, public service broadcasters can be - and in many cases, are - required to promote social and cultural pluralism. It is much more unusual, and legally questionable, to make such requirements of commercial broadcasters.

As well as providing a foundation for international human rights law, these treaties have transformed the human rights standards within sovereign jurisdictions. National institutions are now accountable under law, but also politically - in terms of public expectations - in ways that were almost unthinkable when public service broadcasting emerged, around 60 years ago. Along with wider trends that no government can control - economic and cultural globalisation, the ongoing communications revolution, immigration to the developed world, climate change - these shifts have affected national identity, loosening traditional bonds and hierarchies.

Clearly, then, public service broadcasters are required to straddle positions which are difficult to reconcile even when they are not contradictory. They are expected:

⁸ More practically, the OSCE Office of the High Commissioner on National Minorities prepared "Guidelines on the Use of Minority Languages in the Broadcast Media", 2003, available at: http://www.osce.org/documents/hcnm/2003/10/2242_en.pdf (Accessed November 2007).

⁹ Such as the Council of Europe Committee of Ministers' Declaration on Cultural Diversity (2000) and the UNESCO Universal Declaration on Cultural Diversity (2001).

- to uphold the highest standards of quality and production, while competing with commercial broadcasters which are not barred by public-service obligations from pursuing lowest-common-denominator output across their schedules
- to be universally available on existing platforms, while competing on newly available (technically restricted, expensive) platforms
- to remain editorially independent while more or less vulnerable to government influence over funding and senior appointments.
- to serve both the one (the nation, all citizens) and the many (minority groups of many kinds)

These general observations are a backdrop to the present study, which considers public service broadcasting in four European countries that are notably multiethnic and, in two or three cases, divisively so. In particular, the study examines how these public service broadcasters deal with the multiethnic character of the societies that they serve.

2. Democracy and plural society

Plural society has always been a litmus test of democracy. Societies that are deeply marked by so-called primordial (racial, ethnic, linguistic) differences, or scarred by divisions, conflicting (in most cases diametrically opposite) identities, and seemingly irreconcilable opinions on how to organize community life, can reach a consensus only with difficulty, if at all. Yet social consensus lies at the heart of a stable political system, which constitutes the point of departure for building democracy.

A stable political system is not a prerequisite for democracy, but one of its components. What would be an appropriate theoretical framework for the analysis of plural societies, in particular the role of the media in bridging the gap between individual groups? To what extent do communication systems in plural societies simply mirror relations within a political system? To what extent do public service media in plural societies create a wider platform for cooperation, and provide a special form of 'overarching loyalty'¹⁰ that contributes to overcoming differences among individual segments of society, or at least to rendering those differences negotiable? How can public service media serve all citizens of a country while teaching them to "live", understand and respect these differences?

While this study cannot answer such questions, it shows where some answers may be sought. The aim of our analysis is to explain the operation of public service media in plural societies, using four countries as examples: Belgium, Bosnia and Herzegovina, the Republic of Macedonia, and Switzerland. In so doing, we will try to transcend normative reductionism and present possible approaches to the shaping of public service models that could provide effective conflict management in the short term, and long-term cooperation among the segments of plural society.

Before pursuing our analysis, we should explore the concept of *plural society* bit more in depth. This concept might have been introduced by John S. Furnivall, a British civil servant who worked in Burma a century ago. In his studies of Burma and Indonesia, Furnivall analysed the "medley of peoples" that constituted those societies. The different groups mixed without combining, he observed; each group "holds by its own religion, its own culture and language, its ideas and ways". Close interaction was provided by the (literal) marketplace. The outcome was a "plural society, with different sections of the society living side by side but separately within the same

¹⁰ A. Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, New Haven i London: Yale University Press, 1977.

political unit". Since conflict among individual communities renders plural societies ineffective in creating national unity (homogeneity), Furnivall saw an external threat as the only force that could bind such a community together. In the more recent definition by Rabushka and Shepsle, society is plural if it is culturally diverse and its cultural sections are organized into cohesive political sections.¹¹ This definition allows for a distinction between (numerical) *plurality* and (qualitative) *pluralism*, i.e. between differences on the social level, on one hand, and the political organisation of such differences, on the other.

Lorwin introduced the concept of *segmented pluralism* and defined it as an organization of social movements, education and communication systems, voluntary organizations and political parties along religious and ideological cleavages.¹² Pluralism is implicit in the acknowledgement of different religious, socio-economic and political affiliations; segmentation is implicit in the institutionalization of the greatest part of other organizational forms established along the lines of political-religious cleavage. A political system is based on segmented pluralism if cleavages produce the framework for education, media, interest groups, leisure-time socializing and political parties. In line with this definition, we can say that the political systems in our four countries are based on segmented pluralism.

Theorists have also mentioned *fragmented societies*, whose defining characteristic is the freedom of many culturally different communities to dominate the political process and the actual inability of any such community to establish such dominance.¹³ Individual political parties mainly represent the interests of a single

11 A. Rabushka, i A. K. Shepsle, *Politics in Plural Societies. Theory of Democratic Instability*, Columbus, Ohio: Charles E. Merrill Publishing, 1972. p.21.

12 V. Lorwin, "Segmented Pluralism: Ideological Cleavages and political Cohesion in the Smaller European Politics", *Comparative Politics*, 1971, 3(2), p. 141.

13 Rabuschka & Shepsle, 1972, p. 177.

religion, single linguistic group or ethnic community. Multi-party coalitions are difficult to form and sustain over a longer period of time.

One way to explain the difference between plural and fragmented society is to say that in the former, several groups live next to each other (mixing without combining, as Furnivall would say), while in the latter, several groups live segregated lives (i.e. barely mixing with each other). Plural society is established when inter-ethnic contacts are regulated by stable rules and expectations which serve the interest of all the groups involved without wiping out their ethnic characteristics. The concept of plural society therefore inevitably involves a certain level of stability, or society is merely chaotic rather than plural.

Lijphart employs at least two definitions of plural society. He borrows (from Eckstein) the term *segmental cleavage* to describe a society in which political divisions occur along the lines of objective social differences, particularly those that obtrude. Segmental cleavages may be religious, ideological, linguistic, regional, cultural, racial or ethnic. Political parties, interest groups, media of communication, schools and voluntary associations tend to be organized along segmental cleavages. Lijphart calls these groups "segments".¹⁴ Segmental cleavage is a specific kind of political division whose main traits are disagreement over individual policies or disputed issues, and cultural diversity based on radically different interpretations of the political world.

There are several cleavages within plural societies, some overlapping and others cross-cutting. Cleavages influence the shaping of identity, determine the number of individual segments of plural society and the intensity of loyalty to a specific segment. Lijphart emphasizes that cross-cutting cleavages are not the main factor in explaining political stability in plural societies. However, cross-cutting cleavages do have an indirect impact that may or may not conduce to consociational democracy.

Political scientists distinguish between a general political division and a specific political cleavage, where the latter implies an existing conflict between segments. Arising from social reality, cleavages become politicized when they turn into controversial issues and are appropriated by political parties. Lijphart belongs to a group of authors who argue that social cleavages are a necessary and sufficient condition for the emergence of political cleavages. Social divisions are automatically translated into political cleavages, whereby they adopt the image of subculture political parties, associations or the mass media. Moreover, wherever social divisions exist, so does animosity among groups or subcultures. At that point the cleavages become even deeper. Lijphart does not go deeper into this problem, but he does make a rather simplified assumption that cleavages trigger equal hostile relations. Lijphart neither classifies nor ranks cleavages according to their intensity, and he likewise does not problematize the fact that individual cleavages do not affect every member of a community. Consociational democracy based on elite cooperation substitutes for the cross-cutting of cleavages, by which it ensures the stability of democracy. This points to the conclusion that in countries with consociational democracy there are no cross-cutting cleavages. However, Lijphart himself includes cross-cutting cleavages among the conditions that are conducive to consociational democracy.¹⁵

The potential for conflict caused by the segments formed around the cleavages depends on the degree to which overarching loyalties curb their intensity. Overarching loyalties contribute to cohesion and are the opposite pole to divisive cleavages. They can function on the level of a particular segment or of society as a whole. According to Lijphart, overarching loyalty among elites can substitute for the absence of cross-cutting loyalties among the masses, and in cases where various social groups have divergent interests and values, mutual isolation and self-sufficiency

¹⁵ Ibid., pp. 75-81.

can be more conducive to stable democracy than cross-loyalty. Thirty years ago, Lijphart wrote that:

The interaction of cleavages and overarching loyalties thus determines the number and nature of the segments in a plural society. Overarching loyalties are even more important if they provide cohesion for the society as a whole and thus moderate the intensities of all cleavages simultaneously. Nationalism is potentially such a cohesive force. Not only its strength is important, but also the question of whether it truly unites the society or instead acts as an additional cleavage by providing a loyalty to a "nation" that is not conterminous with the state. Nationalism is not strong in any of four (Austria, Belgium, Netherlands and Switzerland) consociational countries.¹⁶

The study of cleavages and overarching loyalties is crucially important for analysing the media in plural societies. We assume that cleavages within society are mapped onto the cleavages within the media space, and vice versa, that the media space is formed along the existing cleavages. Nevertheless, cleavages within the media space should not be confused with plurality. The hallmark of a plural media space is a diversity of media and media content that is grounded in actual media consumption. On the other hand, a cloven media space is plural only insofar as every segment of plural society has its own outlet, i.e. insofar as individual groups use exclusively their own media.

3. Power-sharing theory and models: consociational vs. integrative

Our point of departure is the broadly conceptualized power-sharing model that emerges, separately, from the work of Arend Lijphart and Donald Horowitz.

Theorists of power-sharing argue that societies with deep ethnic divisions and a history of inter-ethnic tension and conflict need much more complex mechanisms for reducing conflict by guaranteeing adequate representation of ethnic groups, and eliminating the danger of 'majoritarianism' than standard constitutional designs and democratic procedures can offer.¹⁷ This is Palmer's summary:

The power-sharing literature highlights three problems with simple majoritarian democracy (or the Westminster, first-past-the-post system) in societies with severe ethnic divides: (1) Minority group based political parties may be permanently excluded from participation in governance. As a result they have no incentive to 'play by the rules of the game'. (2) There are few 'floating' voters with preferences based on non-ascriptive characteristics. Thus, politicians rarely broaden their appeal to members of other ethnic groups and have few or no incentives to do so.

¹⁷ Horowitz 1985, Lijphart 1977, Palmer 2001a.

(3) Extending number two, politicians have incentives to participate in radical outbidding on potentially divisive ethnic issues.¹⁸

Theorists of power-sharing suggest that, in order for these centrifugal tendencies to be balanced out, the political system can be structured to "institutionalize moderation on divisive ethnic themes, to contain the destructive tendencies, and to preempt the centrifugal thrust created by ethnic politics".¹⁹

"In a consociational democracy the centrifugal tendencies inherent in a plural society are counteracted by the cooperative attitudes and behavior of the leaders of the different segments of the population", argues Lijphart.²⁰ Although he does not offer a precise definition of consociational democracy, it can be understood to mean the stable coexistence of different societies within one state. Lijphart suggests four basic principles of consociational democracy:²¹

- (1) government by a grand coalition of the political leaders of all segments of a plural society
- (2) the mutual veto or "concurrent majority" rule, which serves as an additional protection of vital minority interests
- (3) proportionality as the principal standard of political representation, civil service appointments, and allocation of public funds; and
- (4) a high degree of autonomy for each segment to run its own internal affairs.

18 K. L. Palmer, *The Power-Sharing Process: Media reforms in Bosnia-Herzegovina*, Paper presented at the Kokkalis Graduate Student Workshop, Harvard University, Cambridge, Massachusetts, February 9-10, 2001a., p. 3. URL: http://www.ksg.harvard.edu/kokkalis/GSW3/Ken_Palmer.pdf (accessed 20. June 2007).

19 Sisk, 1996, p. 33, quoted by Palmer, 2001a, p. 4.

20 A. Lijphart, *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*. New Haven and London: Yale University Press, 1999, p.1.

21 Lijphart, 1977, p. 25.

Consociational democracy should ensure the political stability of plural societies. The feature that sets it apart from other models is cooperation among the elites which represent the subcultures that have formed within the political divisions. "Consociational democracy entails the cooperation by segmental leaders in spite of the deep cleavages separating the segments. This requires the leaders to feel at least some commitment to the maintenance of the unity of the country as well as a commitment to democratic practices."²²

Our analysis covers four countries which have each adopted, in their own ways, elements of consociational democracy in political decision-making. Belgium is a plural country with three main cleavages or *families spirituelles*.²³ Our starting-point is that Belgium has very weak overarching loyalties that are, however, counterbalanced by an effective model of consociational decision-making. Obviously, the cleavages along the lines of language were resolved only formally, and - viewed from today's perspective, which was not Lijphart's in the 1970s - not very effectively. Switzerland is a segmented society with ethnic, linguistic, religious and social class cleavages, yet it has evolved a power-sharing system that allowed a common interest and a national identity to develop. The Swiss political system defies categorization in the dominant types of democratic systems; it is highly decentralized, with power-sharing between the confederal authorities and cantons, and traditions of "direct democracy", involving ordinary citizens in decision-making. Wolf Linder, a leading Swiss political scientist, sees the power-sharing arrangements as the essence of the system:

Power sharing - instead of competition for political power - seems to facilitate peaceful conflict-resolution among culturally different groups ... Power-sharing, as an alternative model, avoids the alienation arising from perpetual winner or loser positions. Federalism offers a degree of autonomy to minorities so that they may live

²² Ibid., p. 53.

²³ Ibid., p. 60.

their own lives and maintain their own cultural values. Proportional rule favours non-discriminatory participation. Even if it does not guarantee proportional influence, it can favour effective and peaceful conflict-resolution and integration.²⁴

Bosnia and Herzegovina and Macedonia, the two ex-Yugoslav republics, are, by contrast with Switzerland, relics of a model of "consociational authoritarian politics".²⁵ Goldman defines authoritarian consociationalism as cooperation among relatively equal oligarchies within a ruling cartel, in which every member clearly represents one segment of plural society and must engage in negotiations with the other representatives in order to obtain a desired share of the common wealth and protect its own segment against the attacks and sanctions imposed by other segments. The consociational authoritarian model in former Yugoslavia began to "crack" when the authoritarian system split politically (the explosive birth of political pluralism). At that point, the overarching loyalty to one party began to dissolve among the newly formed, ethnically segmented parties, which mapped ideological divisions onto ethnic divisions. Bosnia and Macedonia are fragmented societies where cleavages run along ethnic, religious and linguistic lines, coupled with largely superficial ideological cleavages that follow the same lines. Overarching loyalty is very weak and mainly 'negative': it arises from the fear that one segment will prevail over another or others, and that conflict may ensue if the power-sharing arrangement (among elites) ceases to guarantee consensual decision-making.

In contrast to Lijphart's consociational model, Horowitz's integrative power-sharing model suggests that territorial and electoral reforms can create cross-cutting

²⁴ W. Linder, *Swiss Democracy: Possible Solutions to Conflict in Multicultural Societies*. St. Martin's Press, 1994, p. 36.

²⁵ Goldman, 1985, quoted by I. Lukšič, *Demokracija v pluralni družbi? Preverjanje veljavnosti konsociativne teorije*, Ljubljana: Znanstveno in publicistično središče, 1991, p. 153.

cleavages and promote inter-ethnic cooperation and intra-ethnic competition.²⁶ This can be achieved by "five mechanisms of conflict reduction":

- (1) dispersing conflict by "proliferating the points of power so as to take the heat off a single focal point"
- (2) emphasizing intra-ethnic rather than inter-ethnic conflict by reserving some local posts and territorial devolution
- (3) adopting policies that promote inter-ethnic cooperation, such as electoral laws promoting inter-ethnic coalitions
- (4) reducing inter-ethnic conflict through policies that encourage alignments around interests other than ethnicity, thereby strengthening cross-cutting cleavages
- (5) distributing resources to eliminate disparities between ethnic groups

While both models propose possible ways to reduce conflict, they use different approaches. The consociational model presupposes that conflict is reduced if individual segments are guaranteed autonomy on the level of cooperation among the elites, while the integrative model promotes cross-cutting cleavages and cooperation mechanisms other than ethnicity.²⁷

²⁶ D. L.Horowitz, *Ethnic Groups in Conflict*, Berkeley, Los Angeles and London: University of California Press, 1985, pp. 597-600.

²⁷ See also Palmer, 2001a, p. 5.

4. Power-sharing and public service broadcasting

In their essence, these approaches to power-sharing both concentrate on the provision of maximally efficient mechanisms for maintaining political stability in plural societies. Neither approach, however, has much to say about the media. What is the role of the media in a consociational model, and what in the integrative model? If the consociational model relies on the cooperation of elites and the efficacy of negotiations, then the effective regulation of public service media (as negotiated by the elites) should suffice to establish *media consociation*. If we start from the integrative model, however, then the key to transcending the conflict is *media integration* (whereby the media offer the mechanisms to establish overarching loyalty) and the elimination of cleavages by way of a common media system. The question remains, to what extent can the media transcend the cleavages within deeply segregated societies if these cleavages are not transcended on the political level? Is it possible to establish a consociational or integrative model of public service media if the power-sharing model (be it consociational or integrative) does not function on the level of the political system as a whole?

The consociational regulation of a broadcast system, with public service broadcasting as an important element, may proceed from either of the two arrangements that provides autonomy for individual segments in a plural society: namely, *segregated* or *plural segregated*. In a segregated model, each segment (each ethnic, religious, linguistic group) would have its own public broadcasting system.

There would be no cooperation among segments, and each media system would be autarchic, intended to cater to the needs of one group. In a plural segregated model, the norm would be a unified public broadcasting system within which individual segments would have programming, management and financial autonomy. Both models presuppose media consociation and a consensus reached by the political elites, leading to legislation that provides formal, legal, organizational, financial and programming conditions, management and staff needed for the operation of the public service(s).

An integrative model, by contrast, would seek to combine differences and build overarching loyalties in an attempt to transcend existing ethnic, linguistic, religious or ideological cleavages. The basis of the integrative model would be an inter-ethnic and inter-religious dialogue in which coexistence would be the result of an active integration policy and the search for sameness in differences. Both models can be effective in regulating the public service, but they do not explain the extent to which the form (a method of institutional regulation) determines the content (programming content), i.e. to what extent the actual supply and demand correspond to ideal norms, whether they be consociational or integrative.

5. On the ground

So much, then, for theory. Let us now consider the situation of public service broadcasting in our four countries.

None of our four countries has a public broadcast system that conforms entirely to the consociational or integrative model. Switzerland comes closest - to the integrative model. In experimental terms (which may not be applicable), it is the 'control': the positive standard by which the other countries may be measured. It has stronger overarching loyalties than the other three countries. Cultural rights pertain to languages (language-users), not to territories, and Switzerland has consistently ensured that the four linguistic groups are guaranteed their language rights. The public service broadcaster, *SRG SSR*, is required to foster mutual trust and understanding among all citizens, while ensuring programmes of equal quality in all four languages, regardless how many people speak it. It has done this by establishing three substantially different broadcasters for the three language areas. This is possible because the citizens of this wealthy country tolerate a high licence fee, and the largest language group (the German-speakers) is willing to subsidize services for the other groups (The benefit to the smallest group, the Italophones, is evident in the low percentage of repeats on its public service television). This is the "principle of national solidarity" in action. The public service channels "achieve by far the greatest market shares in all language regions".

There is very limited exchange of programmes, amounting to no more than 1.5 per cent of the primetime schedule. Only about 3 per cent of Swiss watch television programmes from other language areas. Yet programmes from neighbouring countries (Germany, France, Italy) are very popular, to the extent that only 35 to 40 per cent of the audience in all the language regions watches Swiss programmes. So strong is the influence of these neighbouring countries that both the public service programming and the viewing habits of Swiss language groups have more in common with those of their respective neighbours than with each other.

This pattern suggests that *SRG SSR* has been less effective at fulfilling its integrative role. As Nena Skopljanac observes, "The level of exchange across language boundaries is modest, and its institutional setting cultivates and perpetuates

separation along linguistic lines". As in our other three countries, there are very few multilingual media, and very few people watch TV from other language areas in their own country. Inter-regional TV projects have been sporadic, but have on occasion won a large following, suggesting that more should be done in this line. There is little doubt that, on the evidence of this chapter, and despite its clear achievements, *SRG SSR* does indeed "cultivate and perpetuate separation along language lines".²⁸

Moreover, Swiss public service broadcasting has so far ducked the most concrete challenge to its remit on national cohesion. This challenge is posed by the citizens of foreign origin (roughly 20 per cent of the population) who do not belong to any of the four language groups. Skopljanac writes:

This section of society is either under-represented in the media, or represented by stereotypes, generalizations, and stigmatization. Conflict serves as the most common frame for media reporting. According to its licence, "strengthening of understanding, cohesion and exchange among country regions, cultures and social groups" is one of the core roles of *SRG SSR idée suisse*. Its broadcasters should play a leading role in this respect, also because it is regarded by immigrants and other foreigners as the key information provider.

There is always a limit to public service inclusiveness, as there is to that of the states and the communities that own them. Perhaps this is what the limit looks like in Switzerland. This does not mean, however, that critics should stop pushing for improvement.

²⁸ It will be interesting to see if *SRG SSR*'s new pan-Swiss channel, launched in December 2007, turns out to provide a core of creative resistance to this trend. *HD suisse* has a 24-hour schedule, including live events (sporting and cultural) as well as a variety of high-definition public service programmes from all language areas, and co-productions. If it is to achieve its potential, however, *HD suisse* will need to be given resources for subtitling, which it currently lacks.

In Belgium, there is no unified media space. "Belgium has not had a public broadcaster working for the whole of the country since the late 1970s". The three public service broadcast systems are completely separate and independent, with "no structural or organizational ties". Operating within political dividing lines, each is accountable only to its respective language community. They "address their own communities only, they project a mirror image of their communities, and they do not co-operate to promote a national image or a dialogue between the communities". There is no mechanism to redistribute licence-fee revenue from one system to another. Programmes are not exchanged; nor are there co-productions. There are no guidelines on fostering national or federal loyalties, or on reciprocal coverage of events in other communities.

Our authors describe a tussle between antithetical conceptions of cultural rights, with their different implications for public service broadcasting. The *territorial* conception (preferred by the Flemish community) implies that each language group needs to have its own separate institutions, while the *civic* conception (preferred by the Francophones) implies that different language services could co-exist within a single institution. Taken to an extreme, the logic of the former conception leads to a struggle for 'ethnic territory', i.e. the condition of Bosnia and Herzegovina. The latter conception, by contrast, points towards the Swiss solution. Ethnic distribution in Belgium, as in most countries, suggests that a Swiss solution would be more rational. As so often, nationalist logic has defeated rationality. Indeed, in one sense the situation of public service broadcasting in Belgium is even more extreme than in Bosnia, for (a) there is no state-wide public broadcaster, and (b) the three public service broadcasters belong to the communities, which by definition are each monolingual, not to the regions, which are - inevitably, to some degree - multilingual, hence multicultural. The clinching proof of the irrationality of the resulting arrangement is the multiple anomaly of Brussels, the state capital, which both of Belgium's historic communities also claim as their own capital.

Interestingly, the initial institutional division of public service broadcasting along language lines predated the constitutional reforms of 1970s which set Belgium on the road to federalization - or perhaps beyond it, towards confederation or disaggregation. Soon after those reforms, the public broadcasting systems were brought under the close political control of the Community parliaments. Everything that has happened subsequently has been consistent with those developments in the 1960s and early 1970s.

The ban on commercial broadcasting until 1987 made it very easy for foreign channels to pick up Belgian advertising. When commercial competition was finally allowed, the Flemish public broadcaster responded by raising its game; showing "a new dynamism", it became a centre of cultural energy. Competition by channels from the Netherlands had failed to achieve this. While Flemish audiences mainly watch the programmes produced by their own channels, French-speakers do not. Francophone media in Belgium appear to be overawed by their French counterparts, just across the border. The authors trace this failure to the management culture at the Francophone broadcaster, which requires compliance rather than encouraging aspiration (Whether this reveals or confirms a wider cultural syndrome in Francophone Belgium, we are not qualified to say).

There is a slight inconsistency in the authors' conclusions. On one hand, they say that the relations between public service broadcasters are: "not very different from the sort of relations between the inhabitants of each of the Communities, especially between Flemish and French-speakers. Each Community is, by and large, unaware of events and concerns in the other. It is only the existence of federal institutions (the federal government, the Belgian parliament, federal ministries, etc.) as well as common symbols (sports, the monarchy, car licence plates, identity cards, etc.) which remind Belgians that they live in one country".

On the other hand, they believe that the Flemish and Francophone communities' public service broadcasters do more than merely *reflect* their different cultural experiences and references: they "strongly emphasize" these differences. Perhaps this inconsistency signals the instability of the situation - non-consensual, still evolving, in a way that inherently favours outspoken radicals such as Filip Dewinter, leader of the Vlaams Belang, who recently declared "There's no Belgian sentiment. There's no Belgian language. There's no Belgian nation. There's no Belgian anything".²⁹ Or another Flemish politician, Yves Leterme, who has compared the Francophone public service broadcaster with Radio *Mille Collines*, the radio station that helped to incite the 1994 genocide in Rwanda. It is very difficult to see how public service broadcasters in this situation can begin to build the overarching loyalties that might bridge the gulfs between communities.

Bosnia and Herzegovina and the Republic of Macedonia have approached the transition of state-controlled into public service broadcasting in their own ways. Macedonia has a "divided" public service, with each ethnic group having its precise share of programming. Although some elements of consociational democracy are present, the Macedonian media system, in terms of its organization and operation, is a typical segmented plural system in which social cleavages are mapped onto media cleavages. In practice, every government works as an uneasy condominium of ethnic Macedonian and Albanian parties, sharing the spoils of power, with the Macedonians taking the lion's share. Hence, it is an unwritten rule that the senior Macedonian party in power selects the director of *MRTV*, the public service broadcaster, while his or her deputy is chosen by the senior Albanian party in power. Revealingly, the ethnic elites have not quarrelled over key media legislation, for the reason that they see eye-

²⁹ Quoted by Ian Traynor, "'Belgium? Something that does not exist'. Political fault lines divide nation", *The Guardian*, 17 September 2007.

to-eye: as long as each elite gets to control 'its' share of the media space, what is there to disagree about?

In formal terms, *MRTV* is obliged to promote social and cultural pluralism. It fulfils its obligations to the minorities, with proportionate output in their languages. It is also important that *MTV1* retains a significant cross-ethnic viewership and produces more original programming than the private channels. Yet it does not follow that *MRTV* really plays a positive (integrative) role in this deeply divided society. While our author reports that no research has been done on this important point, *MTV's* audience share has declined until it is now one of the lowest of any public service broadcaster in Europe. The level of trust in *MTV* news in *both* languages is even lower: between 2 and 7 per cent (compared with 40 per cent trust in the news bulletins of the leading private channel).

No broadcaster can play a significant social role if the public despises and ignores its programmes. We are left with the impression that successive governments have been too absorbed by their tactical struggles to retain influence over *MTV* to notice that the network's own influence has leached away, due to the wretched quality of its output. Or - an even worse possibility - the politicians noticed this, and do not care. A thoroughgoing overhaul of the newsroom might do much to restore the network's reputation, but the network is in financial meltdown. As it sinks under the weight of surplus staff, its main source of revenue - the licence fee - has almost halved over the past decade; politically, it is awkward to press for more efficient collection of this fee when the public makes, in relative terms, so little use of its services. *MRTV* is locked in a vicious downward spiral, from which only a massive injection of political will to reform, with funds to match, might save it. The mission of *MRTV* should also be redefined, complementing the emphasis on fostering the identities of separate communities with an equal emphasis on promoting shared values. However, this tricky political task can wait until *MTV* is capable of producing programmes that people want to watch.

Of our four countries, only Bosnia and Herzegovina has attempted to implement virtually all the key elements of consociational democracy on the political level. The efficiency of consociationalism is, however, not based on a consensus among political elites (which stick to the ethnic mandate from their voters), but on a "fragile" system of negotiations among the representatives of ethnic elites. Consociation is imposed by the international community, meaning that the traditional democratic mechanisms of checks and balances, which should be embedded in the political system, are taken by the elites to represent a minimal - and ultimately coercive - level of cooperation that is required to prevent new conflict. The idea of a common or shared public service is not implemented in practice, despite legal obligations.

Despite many attempts at the formal and legal level, the public service broadcaster does not function as a factor of social integration and national solidarity, capable of consolidating the constitutive nations. The lack of internal political consensus perpetuates the continual crisis of public service broadcasting. The systematic failure of politicians, media managers, and relevant state and international agencies to ensure the full implementation of existing legal solutions produces a deadlock that is both corrosive and, in the longer term, unsustainably expensive.

Bosnia and Herzegovina is a reluctant and highly fissile association, run as a protectorate by a reluctant international community. The constitutional and legal essence of the state lies in the protection of the three "constituent peoples" against majoritarianism. When everything from policing and education to transport, housing and criminal justice are not only politicised to the maximum degree but also contested by two or, more usually, three parties, control over the media is bound to be contested as well. The single public broadcast channel for the whole country, *BHRT*, straddles the dual entity-based system, to which it is subordinate. The mechanism for redistributing licence fee revenue is politically skewed in order to win the Bosnian Serbs' acceptance of the principle of pan-Bosnian public service broadcasting, for the Serbs are the most hostile to this idea. Given that some 70 per

cent of Bosnian Croats boycott the licence fee (obeying their elected leaders, who are lobbying for a separate Croat-language channel in the public service network), it follows that the only ethnic group that is not hostile to pan-Bosnian public service broadcasting is forced to pay disproportionately for *BHRT* - which only has a 10 per cent audience share in the Federation entity.

The poor quality of public service programming, caused by the zero-sum mutual hostility of the broadcasters (backed by the ethnic elites) drives viewers to watch foreign channels. This further depletes revenues, deepening the local broadcasters' financial crisis. Although they are strapped for cash, the public service broadcasters waste much of their production budgets in futile competition with each other, duplicating (and even triplicating) programmes, and refusing to coordinate their schedules, for political reasons. Not surprisingly, the public disdains most of the resulting output; the Serbian entity broadcaster has some of the lowest public service viewing figures in Europe, down there with *MTV* in Macedonia. This does not mean that viewers would necessarily prefer 'politically correct' programmes, promoting multiethnic values and shared Bosnian interests (The unpopularity of *MTV* shows the fate of politically correct, multiethnic TV when the professional quality is desperately poor). But it does suggest that the public will not watch television out of sheer ethno-political loyalty. Which is good news.

The obvious comparison is not with other transitional 'new democracies' of Central and Eastern Europe, or even with its ex-Yugoslav neighbours such as Croatia or Macedonia. Rather, it is with Germany and Japan after 1945. On the basis of those countries' unconditional surrender and full-scale Allied occupation, their broadcasting systems were comprehensively restructured. High international standards were not only introduced but also implemented, over a long enough time for them to become entrenched and eventually accepted. New norms were grafted onto the society, and the graft 'took'. In Bosnia and Herzegovina, by contrast, where the international commitment to turn the country into a stable democracy was limited in strength and

prospective duration, high international standards were foisted on political elites that had no wish to see them implemented, and whose resistance has proven more stubborn and resourceful than their international and local opponents. The lack of clinching commitment by the international community was exacerbated by a lack of vision on the part of the international officials on the ground. (If it had been possible to create a robustly independent broadcasting regulator for the whole country, in the teeth of local opposition, it should also have been possible to create independent public service broadcasting).

Consequently, in many cases, those high international standards have been reduced to rhetoric, or lip-service. To pick one of many examples, 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. The values being entrenched by this system, and with this style of international engagement, are more likely to be cynical than democratic.

Table 1: Dimensions of analysis

Dimensions of analysis	Belgium	Bosnia and Herzegovina	Macedonia	Switzerland
Regulation. Legislation Authorities and Procedures	<ul style="list-style-type: none"> - Separate regulatory bodies for separate cultural communities. - Legislation of PBS and broadcasting on the level of cultural communities. The federal government exercises no power over three PBS and can only intervene to a very limited extent, within strict limits. - There are no structural or organizational ties between three services, and for each of them legal framework is given by the parliament of each Community. 	<ul style="list-style-type: none"> - State- wide regulatory body responsible for regulation and setting out key regulatory principles of broadcasting - Legislation of PBS and the broadcasting on state level. 	<ul style="list-style-type: none"> - State wide regulatory body - Legislation of PBS and the broadcasting on state level. - Distribution of positions within the Board of the regulator based on ethnic representation. - Positions for the staff distributed on ethnic principle, as in public administration.. 	<ul style="list-style-type: none"> State- wide regulatory bodies Legislation of PBS and the broadcasting on state level. The media sector is structured by language differences and is based on the centuries old tradition of language rights (four language groups German, French, Italian and Rhaeto-Romanic)
Organizational structure	Each of three cultural communities (Dutch or Flemish- speaking /VRT/ French- speaking /RTBF/ and German- speaking /BRF/) has its own PBS	<ul style="list-style-type: none"> - Public Service Broadcasting System consists of three broadcasters: a state level broadcaster (BHRT) and the two entity broadcasters (RTRS and RTVFBiH) 	<ul style="list-style-type: none"> - Shared PBS channels. - Larger number of RTV channels. - Programming in seven languages: Macedonian, Albanian, Turkish, Romany, Vlach, Serbian and Bosnian. 	The Enterprise and parent organizations form SRG SSR idée suisse. Parent organizations comprise four regional companies that match the language areas. Parent organizations also function as a bridge between the public and SRG SSR.
Funding	Funding along Community lines Licence fee incorporated in an overall tax paid by all citizens (Brussels and Dutch- speaking community). In Wallonia RTV owners pay a separate licence fee.	Licence fee is collected at one central account and distributed among the three public broadcasters (50 per cent goes to state-wide broadcaster, while each entity broadcaster gets 25 per cent (-50:25:25-formula)	License fee is paid by all citizens; the fee is collected by MRT.	Financial equalization is laid down in the charter. Resource allocation ensures that citizens in the different language areas receive programs of equivalent quality (internal cross-subsidization).

<p>Management</p>	<p>VRT the managing director is appointed by the Flemish government RTBF Board of directors represents all the political parties elected to the parliament of Belgium's French Community.</p>	<p>The Supervisory Board (SB) and Managing Board (MB) are two key governing bodies of BHRT. SB has four members, one from each of three constituent peoples and one representing -others- (i.e. minority groups). For MB there is no requirement to have equal representation. System Board consists of 12 members (4 from each PSB).</p>	<p>The law does not stipulate the representation of all ethnic groups on the PSB management board. However, an unwritten rule is observed in practice, according to which the deputy executive director is a representative of the Albanian ethnic group.</p>	<p>The main governing bodies are the Central Council and the Board of Directors. The Central Council is the supreme governing body of SRG SSR at the national level. It has 21 members (12 members are elected by regional parent organizations). Its complex structure deriving from the parent organizations ensures its accountability to the public in a highly decentralized environment and reflects the representation and equality of the language area.</p>
<p>Staffing (Human resources policies)</p>	<p>With a few exceptions, each PBS employs only people from its own Community. There are no rules laying down recruitment conditions inspired by ethnic criteria or criteria concerning the candidates belonging to one or another Community</p>	<p>Staffing does not reflect the diversity of the country All three PSBs more or less fail to achieve an adequate representation of the constituent peoples in the ranks of their own employees.</p>	<p>All ethnic groups are represented on the staff. There are no special demands to promote intra-ethnic competition.</p>	<p>Accountability to the public. The level of exchange across language boundaries is modest, and its institutional setting cultivates and perpetuates separation along linguistic lines.</p>
<p>Editorial/programming policy</p>	<p>Each PBS addresses their own Community only, they project a mirror image of their Community, and they do not co-operate to promote a national image or a dialogue between the Communities.</p>	<ul style="list-style-type: none"> - Equal use of all three official languages of the constituent peoples (Bosnian, Croatian and Serbian), as well as two alphabets (Latin and Cyrillic). - Journalists have right to choose what language they will use. - Equal representation of contents that correspond to the tradition and heritage of all three peoples and adequate representation of others. Equal representation <p>Audience is ethnically divided (ethnic-based viewing)</p>	<p>Shared programming, with minimal cross-ethnic targeting. Programming segmentation corresponds to the audience segmentation.</p>	<p>Requirement to provide services of equal standards for all language areas, no matter how many people speak the language, has consistently been respected. Each language area is confronted with the same language media of the neighboring country. People almost exclusively use media in their own language. PSB operate to promote national cohesion, foster mutual trust and understanding among Switzerland's different linguistic communities.</p>

6. Towards a conclusion

We hesitate to draw general insights, let alone normative principles, from this quartet of studies. Different countries might have been included, and, regardless, recipes for successful public service broadcasting are heavily dependent on context and culture. Nevertheless, a few parting observations may be offered, mainly in the hope of spurring readers to come up with their own, as they read the chapters that follow.

- By and large, members of ethnic groups consume those media that address the group to which they belong. This suggests a basic preference that cannot be ignored.
- Yet, even in successful multiethnic states, public service broadcasters have not dedicated enough resources to 'ethnic crossover' programming. Although these broadcasters could offer efficient mechanisms of overarching loyalty, i.e. by shaping a common communication space, they have rarely - if ever - done so.
- The only overarching loyalty or shared media experience occurs in the segment where the media address individuals belonging to different segments of society as consumers rather than citizens. Today, entertainment is the public broadcasters' major programme category, and it does not follow linguistic, ethnic, religious or political divisions.
- When it comes to ethno-cultural differences, public service broadcasting has a choice: it can *underwrite* them, by confirming audiences in their static sense of ethnic belonging; or it can *ventilate* them - by exposing them to multifaceted debate.

- Revenue should be redistributed to ensure quality public service broadcasting for smaller groups, where necessary. This is symbolically as well as practically important, for it proves 'majority' commitment to the realisation of 'minority' rights.
- There should be more research into the integrative potential of public service broadcasting in ethnically divided societies. This would help in the search for answers to the following question: Can public service broadcasting help to convert ethnic *division* into ethnic *difference*? Without the evidence that such research would discover, this key question leads beyond the horizon of our modest study.

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BELGIJA

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I. Executive Summary

Each of the three cultural communities of Belgium (Dutch or Flemish-speaking, French-speaking and German-speaking) has its own public-service broadcasting system (PSB). In the 1970s, when Parliament devolved cultural powers to the Communities, each public broadcaster became fully autonomous and all structural ties between them were cut. All the relevant aspects, such as internal organization, funding, content, and audience reporting, were left to the Communities and the political power in the Communities. Although some formal similarities continue to exist between the three systems - since they are all heirs of one public broadcaster - the separation today is complete, and the two halves of the country hardly ever watch each other's programs. The Belgian example enables us to understand how PSBs that are independent of each other can operate in a country in full transition from a unitary to a federal state.

2. Context and history

The history of Belgium's institutions from 1830 (when the country was founded) to the present day shows the evolution from a unitary state to a federal one. This evolution is ongoing and in the next few years the country may perhaps become a confederation, while some people even raise the possibility of dissolution.

These transformations have affected all the sectors that are directly linked to the state as such. Radio and television, and in particular public service broadcasters (PSBs), are no exception. It is reasonable to say that the radio and television landscape mirrors the country's institutions.

To understand the Belgian situation and the way its PSBs work, it is necessary to know how Belgium has evolved. Especially since the 1960s - though there were telling signs long before that decade - the unitary state has gone through a slow process of deconstruction. Today's federal Belgium is not the outcome of the wishes of formerly autonomous regions or territories to enter into a union and manage a number of affairs jointly. It is, on the contrary, the result of demands for greater autonomy by the cultural and linguistic communities. This Belgian brand of federalism is characterized by a continuous weakening of the central government's powers and competencies.

In the northern half of Belgium, the Flemish Community comprises speakers of Dutch or dialects of Dutch. In the southern half we find the French Community, with Francophone citizens, some of whom formerly spoke various Walloon dialects that

have now practically disappeared. Lastly, since the end of the First World War, Belgium has had a small community of German speakers along its eastern border.

There are no precise figures on the speakers of these languages because population censuses since the 1960s have not included questions about language use. According to the most commonly used estimations based on electoral results, Dutch speakers are about 60 per cent of the population, French speakers are about 40 per cent, and German speakers about 0.70 per cent. On 1 January 2007, Belgium's population stood at 10,511,382.¹

Autonomist tendencies are based on two different views of what a state is and how different communities should live together (see below). Belgium's many state reforms have tried to make allowance for these views, hard to reconcile as they sometimes are. Underlying these two views are the cultural and linguistic differences characterizing Belgium's two historic communities. However, building upon these differences, the two viewpoints also generate strongly different notions of 'statehood'. One viewpoint sees Belgium as an entity comprising three different cultural communities; this implies that individuals belonging to a given cultural community, wherever they may live, must enjoy the same individual rights with respect to culture, including the media. The second viewpoint sees regional autonomy as the foundation of cultural (and other) rights; hence, it seeks to re-organize Belgium into three fairly autonomous Regions, each with power to legislate in a large number of general affairs on its own territory.

These two philosophies could be easily reconciled if they were applied to the same territory. However, the situation in Belgium is such that the Regions do not fully overlap with the Communities because there are areas that are not linguistically and culturally homogeneous. There is no Flemish Region corresponding with a Flemish-speaking community, and there is no Walloon Region that is identical with the

¹ <http://statbel.fgov.be/downloads/pop200701com.xls>.

Francophone community. Nor has the German-speaking Community been given the status of a *Region*. As a territory, German-speaking Belgium is integrated in the Walloon Region. However, as far as 'personalizable' matters and culture go, the German-speaking Community does have institutions of its own.

In some cases, the Cultural Communities spread beyond their regions. This happens in several places along what is called the 'linguistic frontier' separating Dutch-language territory from Francophone territory. This frontier originates in the demarcation between the Roman Empire and Germanic Europe and was fixed once and for all (in theory, at least) in 1963. However, allowance was made for a number of exceptions so that inhabitants of some towns and villages of one region could enjoy the cultural rights of the other region's language.

On 1 January 2007, the Flemish Region numbered 6,117,440 inhabitants (58 per cent of Belgium's overall population), while the Walloon Region had 3,435,879 inhabitants (32 per cent). The remaining 10 per cent are not to be found in Flanders or in Wallonia but in the Brussels Region.² The Brussels Region is yet again a special case. It is considered to be bilingual, although an overwhelming majority of the population now speaks French. Since language use is not included in the censuses, the weight of the two languages in the Brussels Region cannot be exactly determined. The results of the latest local elections, however, show that the French-speaking political parties won nearly 85 per cent of the votes.³ As voting is obligatory in Belgium, this figure indicates the proportion of French-speakers in Brussels. Politically speaking, Brussels is regarded as Belgium's third Region, on par with Flanders and Wallonia; a region, however, in which the two cultural Communities enjoy specific rights.

The Flemish, for their part, have been careful to group together, as much as possible, regional and community competencies, as in this way the near-perfect

² Ibid.

³ <http://elections2004.belgium.be/fr/>

overlap of the 'Flemish Region' with the 'Flemish Community' could be underlined. In a symbolic gesture, they named Brussels as their regional and cultural capital.

The Francophones cannot assimilate the 'Walloon Region' with the 'French Community', for nearly 25 per cent of Belgium's Francophones do not live in Wallonia but in the Brussels Region, and a sizeable percentage of the population living in the Flemish Region in the periphery around Brussels are Francophones and culturally French. They have no intention of adapting to the language of the Region where they live, even though the Flemish authorities would dearly like them to. The capital of the Walloon Region is Namur, and the capital of the French Community is Brussels. So Brussels is the capital of two Communities, as well as the state capital.

Clearly at this stage of its evolution Belgium has several complex levels of power; moreover, practice shows that politics, identity and geography sometimes conflict in ways that are insoluble. Claiming greater autonomy, indeed even independence, Flanders, rich and prosperous as it is, would like to exercise a maximum of powers itself. As some of its elected leaders see it, the existence of the federal state means that Flanders has to help and support Wallonia, so that its own development is hindered. There could thus be economic as well as cultural reasons for Flanders to dissociate itself from Wallonia as much as possible.

Francophone Belgium, which has a more complex political organization than Flanders, is also less rich. Wallonia finds it hard to stop its economic decline. And the large number of institutions in Brussels as well as in Wallonia are expensive. As a result, the southern half of Belgium, by contrast with the northern half, wishes to preserve the Belgian state, as the guarantor of federal solidarity between the two entities.

It is this solidarity alone, bearing mainly on the sector of health care and social security (unemployment benefits, pensions, etc.), which constitutes the basis of what is left of the federal state, apart from largely symbolic elements such as a few

'national' sports stars and of course the royal family. The latter too, however, is challenged in some Flemish circles.

This context defines the conditions in which Belgian PSBs operate. Since 1959 they have fallen within the scope of cultural affairs instead of telecommunications; control over radio and television has been turned over to the communities, along with the whole of the cultural sector as well as education. As a result, Belgium has had as many PSBs as it has cultural communities defined in the Constitution. These PSBs do not fall under the Flemish, Walloon or Brussels Regions, but under the communities. *VRT (Vlaamse Radio- en Televisieomroep)* serves the Flemish Community, *RTBF (Radio Télévision Belge de la Communauté Française)* serves the French Community, and *BRF (Belgischer Rundfunk und Fernsehen)* serves the German-speaking Community. As *BRF* addresses a very small audience, this analysis focuses on broadcasting in the two larger communities.

Though the communities have gradually grown apart, there are still many resemblances between the present-day broadcasting landscapes in Flanders and Wallonia. Both have a diversified supply of public, private, national, regional and local stations, pay-stations and specific-audience channels. There is a fairly high degree of cross-ownership and various transmission systems are operational in the whole country. Public broadcasting has a mixed funding system and reflects the political set-up in the Community concerned. Still, there are major differences in emphasis, for instance with regard to the interpretation and implementation of European legislation, the organization, funding and operation of public broadcasting, and the financial structure of private broadcasting.

2.1. Background

The first national radio in Belgium, Radio Belgique, dates from 1923. It was a French-speaking private station set up by the *Société Belge de Radio-Electricité* (SBR),

a supplier of electrical equipment. Five years later, in 1928, Flanders too had its first radio station, *De Vlaamsche Radiovereniging* (VRV). These neutral initiatives, which were mainly inspired by technological and financial concerns, were soon followed by more politically and ideologically based broadcasting associations both in Flanders and in Wallonia. This gave rise to a landscape of private broadcasting companies.⁴ Fearing that it might lose control over the airwaves, the Belgian government followed the example of Great Britain in setting up a national public broadcasting company in 1930, called NIR/INR (*National Institute for Radio Broadcasting*). This organization provided programs in French and Dutch and was financed by government funding consisting of 90 per cent of the revenue from radio licences. Advertising was prohibited. During the 1930s, pluralism was guaranteed in different ways. NIR/INR did not have a broadcasting monopoly; moreover, part of its output had to be made in cooperation with existing or newly-founded private broadcasting and production companies.⁵

In the early post-war period, when serious crises destabilized Belgian society, the authorities intervened several times in the running of public broadcasting.⁶ To restore NIR/INR's credibility, its statute needed to be thoroughly revised. In 1953, the exploitation rights of television were assigned to NIR/INR. In 1959, NIR/INR was taken out of the hands of the Ministry for Post, Telegraph and Telephone and merged with the Ministry of Cultural Affairs. In 1960, public broadcasting was given a new statute, as a result of which its de facto monopoly and further decentralization were ratified. NIR/INR was split into two separate organizations, the *Belgische Radio en Televisie, Nederlandse Uitzendingen* (BRT) for Flanders, and the *Radiodiffusion-Télévision Belge, Emissions françaises* (RTB) for French-speaking Belgium. There was

⁴ W. Bertels, 1972.

⁵ W. Bertels, 1972, pp. 111-112.

⁶ J. C. Burgelman, 2003.

also a third agency, the *Instituut voor de Gemeenschappelijke Diensten/Institut des Services Communs* (Institute for Common Services), which was in charge of, amongst other things, broadcasts in German. Each organization was to make its own programming decisions and each was to have its own budget. Government intervention was limited in principle, but in practice the government had a good deal of influence through its appointment procedures.

The 1960 Law on Radio and Television was an important step on the road to community-based broadcasting policy. Reorganizing the PSB by linguistic criteria, the 1960 law anticipated the country's further federalization, which began officially with the revision of the Constitution in 1970, under which a number of powers were transferred from the central government to each of the cultural communities.⁷

From the 1970s onwards, following consecutive reforms of the Belgian state, radio and television had to deal with two different legislative levels. Most broadcasting policy was no longer enacted by (national) law but by (community) decree. On one hand, the law of 21 July 1971 made public broadcasting a part of cultural affairs, hence under the power of the communities. On the other hand, four issues still remained in the hands of the national government: technical matters, revenue from radio and television licences, government announcements, and advertising. The law of 16 July 1973, better known as the *Culture Pact*, had far-reaching consequences for public broadcasting, its intention being to ensure the protection of the variety of ideological and philosophical trends in the country. The boards of directors of public broadcasting companies had to reflect the proportion of seats held by the political parties represented on the Community Parliaments. This system consolidated the politicization of public broadcasting.

Further phases of state reform reduced the power of central government by devolving decision-making powers on broadcasting to the communities. Between

⁷ F. Delperée, 1980.

1971 and 1976, most activities of the Institute for Common Services were divided up between the Francophone and Flemish sections. The law of 18 February 1977 completed the separation of the PSBs. The German-language service, *BRF*, moved to the eastern district of Eupen-Sankt-Vith.

In the late 1970s, both communities passed their first decrees on broadcasting, in 1977 in Wallonia and in 1979 in Flanders. During the 1980s they developed separate broadcasting policies. Meanwhile, due to economic, geographic and demographic factors, Belgium became one of the most densely cabled countries in the world, supplying viewers with a wide range of foreign stations. This was also felt as a threat to national advertising. As long as commercial radio and TV advertising remained banned by federal regulation, the communities could not adopt policies of their own. The advertisers could only reach their audiences through foreign stations. Since *Télé-Luxembourg* (RTL Télévision) was carried on the Belgian cable system, the pressure exerted by this phenomenon was felt much more strongly in French-speaking Belgium than in Flanders. In the course of the 1980s, this situation became an important argument in both communities in favor of ending the PSB monopoly and allowing commercial stations and advertising. As far as radio was concerned, the PSB monopoly came to an end in 1981. The existing local radio stations were legalized, though under strict conditions.⁸ The law on Radio and Television Advertising (6 February 1987) made it possible for broadcasters to acquire revenue from advertising on both radio and television.

In the meantime, the Flemish government had passed its so-called Cable Decree (28 January 1987), which laid the legal basis for ending the monopoly of the public broadcasting company. The same happened in the French community with the decree of 17 July 1987, which provided for the advent of privately-owned TV

channels while at the same time legalizing local and community television stations, which had existed in Wallonia since 1976.

Today, federal legislators have hardly any impact on broadcasting policy. Still, as far as television is concerned, community legislation needs to take account of the rules imposed by the European Union. Apart from obligations with regard to developing the production and cultural specificity of each community, the only remaining bone of contention is the allocation of frequencies.

2.2. Structure of the television sector

Flemish Community Media

The Flemish Community's *VRT* has five national radios with a total market share of about 70 per cent.⁹ In addition, there is *RVI* (Radio Vlaanderen Internationaal), which addresses Flemish people living abroad.

VRT has two television channels. The first (*Eén*) is intended to have a broad appeal with generalist programming, targeting the widest possible audience. The second channel has changed its image several times over the course of the years. It is split into two networks and time-blocks: *Ketnet*, which addresses children, has mainly day programs until 8 p.m., when *Canvas* takes over. *Canvas* presents quality programs ranging from documentaries to current affairs and drama.

Flanders has only two national private radio stations: *Q-Music* and *4FM*, both of which have been controlled by the media holding *VMMa* (Vlaamse Media Maatschappij) since 2007. *VMMa* also has three television networks, and is thus the biggest competitor to the public broadcaster. The three television channels of *VMMa* are *VTM* (addressing the widest possible audiences with programs of its own),

⁹ CIM survey, 2007.

Kanaaltwee (which is meant to be complementary to VTM and mainly presents foreign serials, feature films and a limited number of programs of its own making), and *Jim-TV*, a channel for young people (12 to 25) focusing on music. The second large private media holding in Flanders is SBS, which has two channels, *VT4* and *VijfTV*. *VT4* targets a young audience aged between 15 and 44; *VijfTV* addresses a female and more adult audience.¹⁰

Flanders has one pay-tv: *Prime*, formerly *Canal+*. Prime has three channels and a range of digital programs. Its programming mainly consists of feature films, series and sports programs. Furthermore, there are a number of thematic channels targeting niche audiences. Finally, Flanders also has ten private regional television stations; they mainly present news from particular regions.¹¹

French Community Media

The broadcasting landscape of the French Community is fairly similar to that in Flanders. The public broadcaster *RTBF* faces competition from a number of private operators. Yet there are quite a number of differences. Competition is more lively and diversified. Most of the radio and television operators in the French Community are controlled by companies and financial groups from abroad. The RTL Group, a Luxembourg company owned by the German company Bertelsmann, is the major shareholder of *RTL-TVI*, 34 per cent of whose shares are held by French-speaking press groups in Belgium.¹² The stations of the AB Group are mostly controlled by the French group AB, which in turn came under the control of the radio and television giant TF1 in early 2007. The pay-tv sector, which used to be controlled by the French group *Canal+* (with which *RTBF* was associated in French-speaking

¹⁰ F. Saeys, 2007, pp. 164-169.

¹¹ www.prime.be/nl.

¹² F. Antoine, 2000a.

Belgium), is now owned by cable-distribution companies (most of which are public-sector companies) associated with the public authorities of the Walloon Region. Finally, regional or local television stations too differ markedly from their Flemish counterparts, in that they are not owned by private operators; they are non-profit organizations controlled on the one hand by political parties and on the other by cultural associations in each sub-region. In the French Community these television stations are for the most part publicly funded.¹³

As for radio, a large number of private stations also belong to the RTL Group, being associated with the largest group of daily newspapers in the French Community. Other stations, too, are owned or co-owned by press groups. Several radios operating in the French Community belong to French media groups, which regard the southern half of Belgium as a media appendix of France.

To compete with these private media, *RTBF* has five national radio stations and one international radio, in addition to its two television channels and one international satellite channel.

RTBF's radio stations and radio programs are differentiated on the basis of age brackets and/or social groups. *La Première* is a talk radio station offering news and content for a fairly intellectual and often also slightly older audience. The station is regarded as the 'major reference station of the public broadcaster'.¹⁴ *VivaCité* is a popular and generalist station with a subdivision in each sub-region of Wallonia and Brussels. *Music3* is a classical music station. *Classic21* offers middle-of-the-road rock music and news. *Pure FM* finally is a music station for young people.

Of *RTBF's* two television channels, *La Une* is a generalist channel that is intended to meet the competition of the leader in the field, *RTL-TVI*, but which also faces stiff competition from the major French channels (*TF1*, *France 2*, *France 3*, etc.). *La Deux*

¹³ F. Antoine, 2000b.

¹⁴ www.rtf.be/media/radio/podcast/prem/prem.xml.

is constantly undergoing transformations: it schedules many sports events, in addition to more intellectual or serious programs as well as programs for children. Since 2006, *RTBF* has also been associated with the Belgian version of the cultural channel *Arte*, for which it produces a daily cultural magazine that is only broadcast in Belgium.

German Community Media

Finally, *BRF* is the public broadcaster of the German Community.¹⁵ It has three radio stations. *BRF1* and *BRF2* mainly focus on pop and rock music and on hits and popular music, respectively. The third station is run jointly with the *Deutschlandfunk* in Brussels, addressing German-speakers living in Brussels. *BRF* operates one television channel, which can be received only on cable in the German-speaking Community. Its programs deal with regional news and current affairs, including, apart from regular newscasts, sports, a weather program and cultural items. The programs are repeated in loops all evening.¹⁶

¹⁵ F. Antoine, 2000a, pp. 215-218.

¹⁶ F. Saeys, 2007.

Table 1. Structure of the television sector in Belgium

	Flanders	Wallonia	German Community
Radio			
<i>Public</i>	VRT (6 networks)	RTBF (6 networks)	BRF (3 networks)
<i>Private</i>	Network radios Local radios Q-Music & 4FM (nationwide)	Network radios Local radios Bel RTL. Radio Contact. Mint... (nationwide)	/
Television			
<i>Public</i>	VRT (2 channels. 3 networks)	RTBF (2 networks) + RTBF Sat	BRF
<i>Private</i>	VMMa (3 networks) VT4 (2 networks) Prime (Canal+) thematic stations 10 regional stations	RTL-TVI (3 networks) AB Group (2 networks) Betv (formerly Canal+) Thematic stations 12 regional stations	/

2.3. Market shares of the main players and the nature of the audience

Flemish audiences mainly watch the programs of their own Flemish channels. The number of Flemish viewers who tune in to stations from the Netherlands has fallen substantially in the past twenty years. The ongoing evolution and widening of the radio and television landscape have definitely accelerated this trend. This is in

marked contrast with Wallonia, where the French-speaking audience watches not only its own programs but also channels from France.¹⁷

In Flanders from the 1970s on, despite its official monopoly, public television did experience real competition; Netherlands broadcasters gained a market share of 25 per cent in Flanders during the 1980s.¹⁸ Nevertheless, the increasing density of cable networks did not result in a further segmentation of available viewers, at least until the advent of a Flemish commercial rival in the late 1980s. Flemish viewers mainly tune in to Flemish channels and much less to channels operating from the French-speaking community, even less than to foreign channels. This naturally has an impact on programming: local (Flemish) productions are popular and therefore take a relatively big share of the programming schedule of the public TV channels.¹⁹ It is equally striking that the news and current events programs spend little time on news from the French-speaking community. Also, French-speaking politicians have no interest in appearing on Flemish television, since voters can only vote for candidates from their own region or community.

A closer look at the audience figures for Flemish channels²⁰ reveals that changes occurred mainly in the late 1980s, when the radio and television market was liberalized and private television channels began to emerge. The first arrivals (1989) were the commercial channel *VTM* and a few regional channels. As in most European countries, the advent of new channels led to a drop in the audience figures of the public broadcaster. In spite of successive reforms, the audience rankings of the public broadcaster fell even more when *Kanaal 2* and *VT4* went on air in 1995, sinking to

¹⁷ F. Antoine, 1997; F. Saeys, 2007, pp. 112-127.

¹⁸ F. Saeys, 1991; NOS research department (several issues), *NOS-Jaarverslag [NOS Annual Report]*, NOS, Hilversum.

¹⁹ A. D'Hoest & H. Van den Bulck, 2007.

²⁰ Source: VRT Studiedienst & Audimetrie.

a historic low of 15 per cent. Between 1995 and 1997, even more radical reforms were implemented by the public broadcaster, who was henceforth called *VRT*. The re-styling efforts were chiefly visible in the television channels. From then on, *VRT* had a 'widening' channel addressing a wide audience, and meant to compete with the commercial channels, and a 'deepening' channel, one part of which addressed given target audiences and another children and youngsters. The successive reforms implemented by the public broadcaster *VRT* in the 1990s have resulted in a turnaround. Current ratings show that *VRT* is again the market leader in Flanders.²¹

In French-speaking Belgium, the PSB never enjoyed a true monopoly. This became clear at the very outset in 1953, when public television was created. In the French-speaking half of Belgium, the 819-line system was chosen, not for technical reasons, but because it was the standard used by *ORTF* (*Office de la radio-télévision française*), the French broadcaster. Transmitted from Lille in northern France, *RTF* programs could be received in most of Belgium's French-speaking territory. The Dutch-speaking half of the country chose the 625-line standard, which was used in the Netherlands.

From the very beginning, therefore, French-speaking Belgians could choose between their national public broadcaster and French TV. Contrary to what happened in Dutch-speaking Belgium, this rivalry has not led them to design popular programs highlighting the cultural identity of French-speaking Belgium in general and Wallonia in particular. The cultural orientation towards France, so noticeable from the outset, has become even more marked, with the programming of Belgian channels including a large number of French-made items.

The most widely watched program in French-speaking Belgium was for many years the news bulletin (both that of *RTL-TVI* and that of *RTBF*).²² It can be

²¹ F. Saeys, 2007, p. 127.

²² Source: CIM Audimétrie

hypothesized that the popularity of these informative programs is to be attributed to the fact that they were the most important means that television had to reflect the cultural identity of French-speaking Belgium.²³

The two halves of the country hardly ever watch each other's television programs. The overall results of audience research show that the penetration of channels from the southern (French-speaking) half in the northern (Dutch-speaking) part of Belgium is only classified in the category 'others'; this also goes for Dutch-speaking channels and their impact on the French-speaking half of the country. In Dutch-speaking Belgium, in 2004, the daily degree of penetration of the public-service French-speaking channels stood at 3.1 per cent (*La Une* having 2.3 per cent, *La Deux* 0.9 per cent). The channels of the *RTL* group and the French channels each accounted for 2.4 per cent. By way of comparison: *TVI* (then the major Dutch-speaking channel of the public broadcaster) accounted for 62.7 per cent. In French-speaking Belgium, the degree of daily penetration of the public-service Dutch-speaking channels was 4.2 per cent (*TV1* 2.5 per cent, *Ketnet* 0.9 per cent, *Canvas* 1 per cent). The commercial channels accounted for 4.5 per cent. By way of comparison, *La Une* accounted for 54.2 per cent.²⁴

2.4. General broadcasting regulation and structures

In 1985 the Flemish Media Board (*Vlaamse Mediaraad*, *VMR*) was created to advise the Flemish government and Parliament on matters concerning media policy. The advice of the Media Board was not binding, so that its impact on media policy was relatively small, at least in the initial stages.²⁵ Apart from the Media Board, two

23 F. Antoine, 2005, pp. 20-23.

24 Figures from a study by CIM PMP, 2004.

25 D. Voorhoof, 1994.

more specific boards were set up: the Board for Advertising and Sponsoring (Raad voor Reclame en Sponsoring) and the Board for Local Radios (*Raad voor Lokale Radio's*). At a later stage all these organizations were co-ordinated and replaced by the VMR.

Even before it was ended *de jure*, VTM's monopoly on advertising ended *de facto* in February 1995 with the setting up of VT4. A subsidiary of SBS, VT4 was a British-registered and based station that targeted Flemish viewers and Flemish advertising. By broadcasting from the UK, it could get around VTM's monopoly on advertising. Moreover, it was not obliged to comply with the Flemish government's stipulations on advertising, which were much more restrictive than those laid down for commercial stations in Great Britain. In December 1996, the European Commission declared that VTM's monopoly was in conflict with European regulations. Flemish legislation therefore had to be amended. But even though the advertising decree of 28 April 1998 effectively put an end to VTM's monopoly, VT4 preferred to remain British for a while.

In 2001, SBS obtained licences for two Flemish television stations. One was used from 2002 on, when VT4 was effectively turned into a Flemish station, naturally with all the commitments resulting from that decision. In 2004 SBS set up its second Flemish station, *Vijf TV*, which targets a female audience. Meanwhile, in 2001 VMM had set up its third station, *Jim-TV*, with music for a younger audience.

The 1986 decree on audiovisual affairs created the CSA (*Conseil Supérieur de l'Audiovisuel*), which was a purely consultative body. It remained so until the end of the 1990s, when a more voluntary control policy was introduced, in contrast with the laxity characterizing the functioning of the Belgian media system in its initial stage of deregulation. Thus a body was set up in charge of authorizing, supervising and, if necessary, penalizing radio and television companies. Inspired, both in its title and in its desire to sanction, by the model of the French Higher Radio and Television

Council, the Higher Radio and Television Council (CSA) of the French Community of Belgium was established by the decree of 24 July 1997.

In accordance with the 1987 decree, RTL-TVI was chosen by the government of the French-speaking Community as the commercial channel of the French Community of Belgium. Its licence was to cover a period of nine years and was renewable. However, in October 2005 the RTL-TVI Board of Directors decided not to apply for the renewal of its licence as a French-speaking Community channel. Basing itself on the EU Television without Frontiers Directive and in addition having a broadcasting licence in Luxembourg, the company considered that from now on this would suffice to broadcast in Belgium, since the Luxembourg regulatory framework imposes fewer constraints than that of the French Community of Belgium.

In the German-speaking Community, the decree of 27 June 1986 set up the Belgian Center for Radio and Television of the German-speaking Community. The more recent decree of 27 June 2005 incorporates the rules imposed by European Union legislation.

3. Regulation and management of public service broadcasting

3.1 Public Service Broadcasting in the Flemish Community

At its very outset, *BRT* was given a fourfold task: education, information, training and entertainment. The emphasis and content of these tasks changed throughout the years. Particular attention was paid to news broadcasting, which had to be carried

out in a "spirit of strict objectivity and without the slightest measure of censorship from the government."²⁶ The 1995 broadcasting decree, amended by the decree of 1997, laid down the legal foundation of the current public broadcaster. It introduced an executive agreement or a public-service contract, which has a limited duration of four to five years and is concluded between the government and the public broadcaster. The contract stipulates PSB objectives, responsibilities and funding conditions. It puts the public broadcaster under the obligation to carry out a number of tasks in exchange for a given sum of money. These two elements are linked by making the annual grant dependent on the extent to which *VRT* performs its tasks. These tasks come within *VRT*'s overall assignment to provide high-quality programming, particularly with regard to information and culture. All its programming must contribute to the development of the identity and diversity of Flemish culture and the growth of a democratic and tolerant society.²⁷ Monitoring *VRT*'s compliance with the provisions of the public-service contract is entrusted to an external monitoring body set up in 2006, the *Vlaamse Regulator voor de Media* (VRM).²⁸

The new public-service contract was signed between the public broadcasting company and the Flemish government on 19 July 2006. As far as performance criteria are concerned, there is a manifest evolution towards a holistic approach: no longer is there an a priori subdivision into radio and television; the public broadcaster's task is regarded as a whole, with the development of digital and multimedia applications as an integral part.

26 *VRT Decreet* 1979.

27 F. Saeys, 2007, pp. 137-142.

28 D. Voorhoof, 2006.

3.2 Public Broadcasting in the French-Speaking Community

In the French-speaking Community, the decree of 14 July 1997 transformed the semi-public corporation *RTBF* into an independent company responsible for public-service radio and television in the French-speaking part of Belgium. This new status, which did not fundamentally change the institution's mission or internal working, made contractual the relations between the PSB and the State, defining both the financial commitment by the French Community, and also the obligations and constraints that this funding imposed on *RTBF*. These matters were settled in a management contract or public-service contract on 14 October 1997 for an initial period of five years. A second contract covered the period of 2002-2006. A new contract began in 2007. In order to ensure its public service mission, the contract stipulated that *RTBF* would receive an annual grant from the French Community. In return, the management contract defined *RTBF*'s obligations.

The management contract negotiated in 2006 presents a rather different configuration from the previous ones, and comes closer to *VRT*'s management contract. The philosophy of the latter contract is based on the establishment of targets to be achieved, whereas that of *RTBF* was based on strict compliance with a list of obligations and constraints. Under this heavy yoke, *RTBF* never demonstrated the reactive dynamism that was encountered at the *VRT*. Even in the guise of an independent company, the institution remained close to its official status of state agency, strongly marked by political influence.

3.3 Funding

Under the law of 16 January 1989, radio and TV licence fees became a community tax: the fee was collected at the national level but the net revenue was transferred to the communities in its entirety. More recently, radio and TV licences were abolished in Brussels and the Dutch-speaking Community, being incorporated

into an overall tax to be paid by all citizens, including those who do not own a radio or television set. It is therefore only in Wallonia that radio and television owners still pay a separate licence fee.

In the Dutch-speaking Community, the annual grant from the state is supplemented by sponsorship, both on radio and on television, and by commercial advertising that is allowed on public radio, but not on television. Though the public broadcaster's commercial revenue is subject to a number of constraints, it still amounts to about one third of the company's total budget.²⁹

In the French-speaking Community, in 1989 and 1991, the introduction of advertising at RTBF did not result in balancing the station's books, with projections for the 1990s pointing to chronic deficits in excess of €9.9 million annually. To remedy this situation, the public broadcaster went through a series of restructuring efforts. As a result, RTBF improved its financial situation. The latest reforms enabled it to halt the increases in its deficit. And the company would like to have more means. As it does not seem possible to increase public financing, RTBF believes that more

²⁹ The most important part of this revenue comes from radio advertising. However, because the private operators have exerted a good deal of pressure, the current public-service contract (2002-2006) limits the revenue from radio advertising to a maximum of €37 million, which is a good deal less than the amounts generated in previous years. Still, the contract also contains a so-called "warning-light procedure," which stipulates that the government will step in should the actual income from radio advertising fall short of the maximum. The revenue from sponsoring of programs on radio and television is limited to €8.7 million. In the new PSB contract for the period 2007-2011, the principle of mixed funding is retained, with VRT voicing doubts if the means appropriated will be adequate for the fulfillment of these tasks, let alone for the public broadcaster to keep developing. The new contract provides for an annual basic government grant (€279 million in the first year, 2007), to be supplemented with additional means for special tasks. Moreover, the public broadcaster is allowed to generate a given amount of money from advertising and sponsoring, specified in advance.

resources can only be generated by increasing advertising revenue, which has reached its legal limit. In 2006 this point was one of the topics reviewed when the management contract was renegotiated.

3.4 Governance structure

In the Dutch-speaking Community, the decree of 29 April 1997 transformed *BRTN* into the public limited company VRT (*Vlaamse Radio- en Televisieomroep*), fully owned by the Flemish Community. This conversion ended a period of radical reform.³⁰ From now on, the public broadcasting company was to be run as a 'normal' enterprise, operating in a fairly independent fashion within boundaries laid down in the public-service contract. The public broadcaster continues to be run by a Board of Directors with twelve members and a managing director. The managing director is appointed by the Flemish government and is, in principle, a non-partisan individual, in charge of day-to-day management with powers in the administrative, financial and human-resources fields. He/she is assisted by a management committee, whose members include, apart from the managing-director, a number of general directors appointed by the Board on the proposal of the managing-director and without having to take account of any partisan considerations. The members of the management committee are recruited on a contractual basis and can therefore be easily replaced; moreover, the duration of their mandate is limited. The overall result of this reform is that the political ties between the public broadcaster and the parties in power are severed.

The most striking change was the new relationship between the PSB and the government: from now on it would take the form of an executive agreement, a public-service contract between both parties. The first agreement of this type was signed for the period 1997-2001, the second for 2002-2006, and the latest for 2007-

2011. On the one hand, the contract defines the tasks of the PSB in terms of performance criteria and measurable objectives, and on the other it fixes the system of funding which is required to attain these objectives. With the introduction of this system of public-service contracts the parties' respective rights and duties are clearly defined.³¹ The basic intention of the public-service contract was to make the PSB more autonomous. It was hoped that it would be able to react promptly and accurately to new developments in the media landscape, within the framework drawn by the government.

A new decree for VRT, approved on 10 May 2006, defines the powers of the top management and the Board of Directors. While the Board of Directors is in charge of strategic decisions, the top management decides on operational decisions. Just like the creation of the Flemish Regulator for the Media, the new decree fits in the current government agreement, which aims to lay down rules for greater financial transparency and better balance in *VRT's* managerial structure.

Along similar lines to what happened in Flanders, *RTBF* was set up in 1977 by a decree transforming the public broadcaster *RTB* into a public service depending on the French Community of Belgium. This dependency was twofold: the public broadcaster was funded by an annual grant from the government of the French Community and the management was supervised by a board of directors consisting of 13 members representing all the political parties elected to the parliament of Belgium's French Community. The board appointed a standing committee to see to the day-to-day supervision of the management. The management itself was entrusted to an administrator-general appointed by the French Community government. The employees too were organized on a political basis, i.e. according to the weight of the democratic political parties with seats in parliament.

³¹ F. Saeys, & T. Coppens, 2003; Coppens, T. & Saeys, F., 2008.

At a later stage the procedure for appointing the administrator-general was re-examined and the influence of political parties in recruiting personnel was considerably reduced. It was actually the personnel of *RTBF* who exerted pressure to change the system, as a number of employees did not wish to be classified according to the rule of political preferences and refused to accept a system of promotions on the basis of political criteria. Apart from these two changes, the 1977 provisions are still valid. Moreover, the relations between the public broadcaster and the political world continue to be very close, even though *RTBF* claims that it is committed to recruiting and promoting its staff on the basis of non-partisan criteria.³² In practice, however, middle-ranking and senior appointments at *RTBF* are still made after consultation with the political parties, and that the appointees often represent the parties making up the government of the French Community.

Still, all democratic political views are represented in the public broadcaster and on its board of directors, thus observing the Belgian tradition which makes sure that even opposition parties have representatives in public institutions.

4. Human resources policies

The number of employees in *VRT* in 2007 was 2,537 people.³³ Originally *VRT*'s employees were almost all 'statutory' or 'established' personnel, i.e. appointed after

³² www.rtf.be/corporate/historique/ARTICLEXML_014550.

³³ F. Saeys, 2007, pp. 146-147.

they had passed an exam. Since the 1990s, as a result of cost-cutting and a quest for greater efficiency, *VRT* no longer recruits 'established' employees, so this category will disappear in a few years' time. More and more employees are hired on a contractual basis or as freelancers.³⁴ In 2006, 60 per cent of *VRT*'s workforce worked on a contractual basis and 40 per cent were statutory employees.³⁵

VRT's staff includes a number of French-speakers with a perfect command of Dutch.³⁶ They are employed in various departments, for example on the editorial staff of *Radio Vlaanderen Internationaal* and on the French-language editorial staff of *vrtnieuws.net* (*VRT*'s news website). Official figures of the number of staff from the French-speaking half of Belgium are not available. *VRT* staff files mention nationality, but not regional origin (Flanders or Wallonia).

VRT sets great store by diversity, both on and off-screen. In consequence there is a well-balanced representation in programs and a diversified workforce. *VRT*, moreover, interprets the notion of 'diversity' in a very wide sense, comprising age, gender and ethnic origin. This special focus results from the public-service contract, which includes the following provision: "*VRT has an important role to play in the further development of the identity and diversity of Flemish culture and of a democratic and tolerant society*".³⁷ To underline this goal, the managing director signed a 'Diversity Charter' in 2003, pledging to make *VRT* a mirror of the diversity in Flemish society.³⁸

As an outcome of this charter, a *Diversity Cell* was created to help program makers achieve a more accurate representation of members of ethnic-cultural

34 F. Saeys, 2007, pp. 146-147.

35 *VRT, Annual report 2006*, *VRT*, Brussels, 2006, p. 61.

36 Interview (e-mail) with G. Marzo of the Diversity Cell of the *VRT*, Ghent, 22 August 2007.

37 *VRT, Engagement [Commitment]*, *VRT*, Brussels, 2007; see http://www.vrt.be/vrt_master/over/vrt_overvrt_diversiteit_engagement/index.shtml

38 *Ibid.*

minorities. Various affirmative actions (not including positive discrimination) are meant to help members of immigrant communities find their way to *VRT*. Apart from helping and advising producers of programs, the Diversity Cell organizes workshops and debates on diversity-linked issues. One commendable initiative is the setting up of an extensive network of people from minorities who can participate in studio audiences, sit on panels, give their opinion as experts, or act in a drama series, etc.³⁹ In spite of all these initiatives, research shows that fewer than 1 per cent of Flemish journalists have roots in immigrant communities.⁴⁰ As *VRT* makes no distinction in its workforce between Belgians from the French or Flemish Communities (see above), there are no initiatives to benefit Belgians from the French Community.

In the French Community, *RTBF* has recently taken radical measures to reduce its established or statutory workforce, which accounted for a huge proportion of its wage bill (in 2005, this bill still exceeded € 158 million, while the cost of various fees, commissions and other sorts of free-lancers' pay amounted to a mere € 9 million). Even so, there were still 62 per cent 'statutory' or established staff in 2006.⁴¹

The bulk of *RTBF*'s workforce works in television. They are recruited on the basis of "non-partisan criteria",⁴² usually after having passed an exam. As mentioned above, criteria involving the candidates' membership of a given party or their ideological beliefs no longer appear to play any role, at least not as far as functions or jobs on the lower levels of the hierarchy are concerned. There are no criteria dealing with nationality and certainly not with people's linguistic origin. Still, the *RTBF* workforce is preponderantly French-speaking, since one of the tasks of *RTBF* is to contribute to the renown of Belgium's French culture, a requirement which leads

39 Ibid.

40 I. Devroe, 2007, p. 106.

41 Source: RTBF.

42 www.rtbf.be/corporate/servicepublic/ssLINK/ARTICLEXML_014550.

to the recruitment of people whose command of French is near-perfect and who can fully represent this culture. Knowledge of other languages is a component of the recruitment examination, but a candidate's inability to speak any language other than French does not disqualify him or her as a candidate.

Of the 288 journalists working for *RTBF*, six originate from the Maghreb community in Belgium; there is an equal number of second-generation Italians and Spaniards. It is not possible to find out the number of employees 'with Flemish roots'. It would be a very delicate exercise to try and establish such a category since until recently a small group of the intelligentsia living in Flanders spoke French or even adhered to French culture and had French as their mother tongue.⁴³ Today this situation has practically ceased to exist among the younger generations of journalists. In practical terms, *RTBF's* bilingual journalists cover the kind of information referred to as 'national', which is mainly political.

5. Programming and editorial standards

In the Dutch-speaking Community, all Flemish broadcasting companies are subject to a number of programming regulations. On the international level, there are the constraints issuing from the Television without Frontiers Directive. The stipulations of these guidelines are rather flexible and subject to interpretation, both

⁴³ One of the anchormen of RTBF TV news bulletins used to be a native of Ghent, one of Flanders' larger towns. As a French-speaker, Dutch was a second language for him.

with regard to the quotas laid down for programming European productions and to those for purchasing independent productions.⁴⁴ On the other hand, licences issued by the Flemish Commissariat for the Media contain quotas for Flemish cultural productions. Nevertheless, there is a clear distinction between public and private television stations as far as the origin of programs is concerned: the public broadcaster has markedly more Flemish and European films and series, while American productions prevail with the private operators.⁴⁵ This trend has caused some concern about 'Americanisation', loss of Flemish identity and the decay of norms and values.⁴⁶

In addition to these quotas, Flemish broadcasting companies are obliged to provide a diversity of programs consisting of information (news and current affairs), education and entertainment and to broadcast a number of news programs daily. The advent of private broadcasters has led to the blurring of boundaries between program categories. Issues such as the growing 'commercialization' of the public broadcaster's programs and an increased number of entertainment programs have since been prominent. Entertainment is today the public broadcaster's major program category.⁴⁷

The rivalry between public and private channels has undeniably resulted in a new dynamism.⁴⁸ Despite great efforts to make its programming more attractive, *BRTN's* market share fell to a dramatic low in 1995, also due to the appearance of *Ka2*, *VTM's* second channel, and *VT4*, the commercial Flemish station of SBS, based in the UK.⁴⁹ It was only then that the public system was radically revamped, not only from the structural point of view, but also with regard to programming. The general

⁴⁴ V. Castille, 2000.

⁴⁵ E. de Bens & H. de Smaele, 2000.; I. Van Nieuwenhuyse, 2005.

⁴⁶ H. van den Bulck & A. Dhoest, 2007.

⁴⁷ Ibid.

⁴⁸ K. Vandenbrande, 2007.

⁴⁹ F. Saeys & C. Van Baelen, 1996; De Bens & S. Paulussen, 2005.

mission was defined as "to reach the largest possible part of the Flemish population with a diversity of programs that could arouse the interest of the viewers and listeners and meet their expectations." Information and culture are designated as priority areas, but sports, modern-style educational programs, entertainment and youth and children's programs must also be supplied.

In the French-speaking Community, *RTBF's* programs address "all the French-speakers in Belgium and the Belgian French-speakers living abroad".⁵⁰ The public-service contract of *RTBF* provides in particular that "RTBF must clearly show its attachment to cultural diversity and to the importance of mirroring the diversity of the audiences and the cultures which enrich the French Community", and that "RTBF must put its own stamp of quality and imagination on the radio and television landscape of the French Community". The public broadcaster must recruit artists and actors belonging to the French Community.

RTBF programming is intended to highlight the heritage and culture of the Community on which it depends. But *RTBF* must also be "a champion in the construction of a democratic and tolerant society". As the public-service contract puts it, this must be made clear by programs that contribute to strengthening cultural diversity; programs that make this possible are listed in the contract. As a public-service broadcaster, RTBF must therefore seek to open their programs to the variety of cultures and to minorities.⁵¹

These wide-ranging objectives make no explicit reference to the realities of other communities living in Belgium. They certainly do not suggest any relationship with

⁵⁰ RTBF Public-service contract 2001-2005, *Préambule* [Preamble].

⁵¹ Article 7 of the public-service contract stipulates that RTBF must support "the fight against homophobia and for equal opportunity, respect for minorities, cultural diversity, the development of a critical spirit, the cultivation of civic virtues and civic responsibility and the fight against violence, especially through images".

Flanders or the German-speaking Community. *RTBF* programming does not include any item aimed at Belgium's two other Communities. No program is broadcast in Dutch or German. This confirms that each public-service broadcaster addresses its own specific audience.

The obligation to comply with the Television without Frontiers Directive and to respect its imposed quotas on European work ensures, in French-speaking Belgium, less 'Americanization'. However, not all the players comply with the Directive. The lower limit of 51 per cent laid down by the Directive is sometimes only slightly exceeded. Thus, in 2004, *RTBF* claimed that it had broadcast 54 per cent European works of drama, and that 76 per cent of the full-length films were European, as was 81 per cent of 90-minute televised drama. But barely 18 per cent of the 50-minute serials were European. The public service therefore met the Directive's requirements, but not in the context of series broadcasting, which takes up a significant amount of time of *La Une's* program grid.

A substantial part of *RTBF's* European-made (but not home-made) programs are French, shown in Belgium before being aired in France itself. The basic cultural reference point of French-speaking Belgians lies to a large extent outside their own community and Belgium altogether.

With very few exceptions, *RTBF* does not present programs made by its Flemish counterpart *VRT*. Only if *VRT* offers a 'scoop' on a topic of national importance⁵² will *RTBF* translate and broadcast a Flemish program. This is also true of news coverage, in which examples of exchanges of footage between *VRT* and *RTBF* are few and far between. Finally, there is no co-production of programs between the two public broadcasters.

52 For example the bets placed on trumped-up matches in the premier league of the Belgian football championships.

RTBF occasionally presents programs covering current affairs in Flanders. Until recently, its TV news bulletin included an item dealing with the way Flanders looked at news events, but this type of programming has now been discontinued. In radio broadcasts, the Flemish point of view is given in a few items of the news bulletin.⁵³ However, *RTBF's* organizational guidelines do not include a code or explicit rule defining how news and current affairs from the northern half of the country should be treated. Nor are there recommendations on how to highlight or enhance national or federal feelings.

On 13 December 2006, the first channel of *RTBF*, *La Une*, presented a reality-drama program which led people to believe that Flanders had proclaimed its independence. The program was not broadcast by VRT, but the Flemish public broadcaster did put it on its internet site. The program hit public opinion in the French Community like a bombshell and has had countless repercussions. It prompted all French-speaking media to take a greater interest in events in Flanders and to let Flemish people be heard more often. *RTBF* has since devoted several programs to the Flemish point of view. One Francophone and one Flemish newspaper have edited pages jointly during one month.⁵⁴ This is all totally novel in a country that has so far only spoken about separation.

In Flanders, the vast range of available television channels and programs implies that the Flemish audience shows hardly any interest in Belgium's French-speaking channels. This has an impact on programming: local (Flemish) productions are popular and therefore take a relatively big share of the programming schedule of the public TV channels. It is equally striking to see that the news and current events

⁵³ The headlines of the Flemish radio news bulletin (VRT) are quoted in the 8h news bulletin of *RTBF* radio. The editorial comments of the Flemish press are summarized right after this news bulletin.

⁵⁴ *Le Soir and De Standaard*.

programs spend little time on news from the French-speaking Community. Flemish news bulletins do report on events in Wallonia, but generally the emphasis is on what happens in Flanders. There is no Flemish rule or instruction laying down how the French-speaking Community must be reported on, how much time must be spent on it or how it must be portrayed. One other example, apart from news bulletins, is *Vlaanderen Vakantieland*, a cultural travel program in which the tourist highlights of the French-speaking Community too are presented on a regular basis. A final example is Eurosong (the pre-selection for the Eurovision Song Festival), in which the two public broadcasters alternate in selecting the worthiest candidate to represent Belgium.

6. Conclusions

Belgium has not had a public broadcaster working for the whole of the country since the late 1970s. Each of the three cultural and linguistic Communities defined in the Constitution has its own PSB, and the three systems are totally independent of one another. There are no structural or organizational ties between the three services, and for each the legal framework is given by the parliament of each community. Control over the radio and television landscape rests with the three communities, and no community has any say over what the others do. The federal government exercises no power over the three PSBs and can only intervene to a very limited extent, within strict limits.⁵⁵

⁵⁵ For example, the government announcements by members of the federal government.

With a few exceptions, each PSB employs only people from its own community. There are no rules laying down recruitment conditions inspired by ethnic criteria or criteria concerning the candidates belonging to one or another community. Each PSB looks at the others practically as if looking at a foreign institution. Each addresses its own community only, and the terrestrial areas covered by *VRT* and *RTBF* signals are not large enough to cover the territory of the other community in its entirety.

Generally speaking, this is not very different from the sort of relations between the inhabitants of each of the communities, especially between Flemish and French-speakers. Each community is, by and large, unaware of events and concerns in the other. It is only the existence of federal institutions (the federal government, the Belgian parliament, federal ministries, etc.) as well as common symbols (sports, the monarchy, car licence plates, identity cards, etc.) which remind Belgians that they live in one country. Whereas in the past exchanges between Flemish and Walloons were frequent enough (marriages, internal migration, etc.), they do not see much of each other nowadays. Knowledge of French among Dutch-speakers has diminished considerably in recent decades, and French-speakers have never been very eager to learn Dutch.

In light of this general context it comes as no surprise that the PSBs address their own communities only, they project a mirror image of their communities, and they do not co-operate to promote a national image or a dialogue between the communities. It is often claimed that the media as a whole (and in particular the printed media), far from trying to invert the dynamics of this trend, actually strengthen the tendency towards separatism.

This state of affairs is compounded by the fact that the two largest communities have different points of cultural reference. Flanders, as a result of having had to fight for its cultural and linguistic identity, has developed a strongly marked cultural identity of its own. By contrast, French-speaking Belgium has always found most of its cultural references beyond its borders, especially in France. These differences also

mark the sector of radio and television; it can even be claimed that the sector strongly emphasizes them. A substantial portion of recorded music broadcast by the French-speaking radio and a large number of *RTBF* television programs are imports from France, which has no similarity to the situation in Flanders vis-a-vis imports from the Netherlands.

The full-fledged autonomy enjoyed by the PSBs in the three communities is a telling illustration of the political evolution of the country. It also shows that a state can survive at a federal level (so far) without having a federal public-service broadcasting system. Still, whenever Belgium is going through a critical period, people are heard wondering at the absence of trans-community audiovisual media that might help to mend or restore ties between the communities. However well-meaning such suggestions may be, they do not correspond with the dominant tendencies in the media or society.

The case of Belgium is not just the result of developments in the national radio and television sector. After all, the public broadcasting system is merely one element in the transformation of the country's structures and it simply illustrates, in the field of the media, the consequences of choices made at the political level. It is therefore primarily as an historical example of a rounded-off evolution that the Belgian situation may illustrate the relations between PSB and the state in ethnically divided countries.

But the Belgian situation also reveals the dangers involved in such a break-up and the role that PSBs can play in speeding up a process of dissociation, a role they may play unintentionally or wittingly, well aware of the expectations of the political authorities in each community. And these political powers have, after all, not abandoned the control of the communities' public-service broadcasting systems.

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BOSNIA AND HERZEGOVINA

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I. Executive Summary

Public Service Broadcasting (PSB) in Bosnia and Herzegovina is a reflection of the country's complex political and constitutional arrangements. Due to the stalling tactics employed by the local political forces coupled with a rather inconsistent approach taken by the international community, the transformation of state-run television networks, which began in 1998, has not yet brought a complete legislative framework for PSB, not to speak of long-term sustainability. As a consequence, significant parts of the population still do not accept PSB, the public broadcasters are in a difficult financial situation, and political pressures are not an exception.

Considering the linguistic similarities between the three official languages (Bosnian, Serbian, and Croatian) and the continuous coexistence of all BH peoples in the entire country over the centuries, law makers have established a unique Public Service Broadcasting System consisting of three broadcasters: a state level broadcaster (*BHRT*) and the two entity-level broadcasters (*RTRS* and *RTVFBiH*).

The legal framework created attempted- but mostly failed- to strengthen the role of the public service broadcasters as a factor of social cohesion between the three ethnic groups. It defines the three broadcasters within the PSB System as broadcasters for the entire population within their respective territories of coverage. Going even beyond this, the law requires all three broadcasters to fully reflect the ethnic and cultural diversity of the country in their programming and staffing.

However, as in many other areas of failed or cumbersome reforms in Bosnia and Herzegovina, the PSB System is characterized by a huge discrepancy between normative stipulations on one side and actual practice on the other. For example, the language and tradition of all constituent peoples is not adequately represented by all three public service broadcasters, and their staffing does not reflect the diversity of the country.

As a consequence, public service broadcasting remains a contested field, subject to constant political power struggle and manoeuvring, and characterized by a continuous state of crisis. It closely reflects intense inter-ethnic tensions and the complex paths of redefinition of ethnic group identities, combined with the daunting task of intensified EU integration processes. This study shows the difficulties that PSB faces in a post-conflict, multi-ethnic country, where the war ended more than 12 years ago, but the peace has not yet properly begun.

2. Introduction

2.1 Background

Public service broadcasters (PSBs) in Bosnia and Herzegovina (hereinafter, BiH) reflect the complex political arrangements that emerge from a unique constitutional design. BiH consists of two self-governing territorial units, defined as 'entities': the Federation of BiH (FBiH) and the Republika Srpska (RS), and three 'constituent

peoples': Bosniaks, Croats and Serbs,¹ along with a fourth category of "others".² Furthermore, the FBiH entity is a federal structure in itself, consisting of ten self-governing cantons.³ The result is an asymmetric structure with two entities and three ethnic groups, while cantons within FBiH add another level of government.

Apart from territorial division, the country has a weak central government, while a broad range of powers rests at the level of the entities. There is also an extensive form of consociational⁴ power-sharing, ensuring a balance between the three constituent peoples. Hence, the collective presidency has three members, one Bosniak, one Croat and one Serb, while the representatives to the House of Peoples are elected according to territorial and ethnic criteria. A constitutional provision for

¹ In June 2005, the country had a population of 3,842,537, Source: Agency for Statistics of Bosnia and Herzegovina. Available at <http://www.bhas.ba/Files/statistika-bih.htm>. (Accessed on 4 August 2007). As a result of the war that lasted from 1992 to 1995, the three "constituent peoples" mostly live in ethnically homogenized territorial units: RS has a Serb majority while FBiH is mostly populated by Bosniaks and Croats, concentrated in their majority cantons (four Bosniak-dominated and four Croat-dominated cantons), except two mixed ones. According to some sources, in 1996 the ethnic structure of Federation BiH was: Bosniaks 1,773,566 (72.5%); Croats 556,289 (22.8%), Serbs 56,618 (2.3%), and others 58,192 (2.4%). Source: Wikipedia, the free encyclopedia, http://en.wikipedia.org/wiki/Federation_of_Bosnia_and_Herzegovina, (accessed on January 26, 2008). In 1996, the population of Republika Srpska numbered 1,475,288 inhabitants: Serbs 1,427,912 (96.8%), Bosniaks = 32,344 (2.2%), and Croats = 15,028 (1.0%). Source: Wikipedia, the free encyclopedia, http://en.wikipedia.org/wiki/Republika_Srpska#Modern_estimates (accessed on January 26, 2008)

² The "others" are minority groups.

³ Additionally, there is the self-governing unit of Brčko District which belongs to neither entity.

⁴ Arend Lijphart suggests four basic principles of consociational democracy: (1) grand coalition government that fosters cross-ethnic elite cooperation, (2) minority veto that reduces minority group fears, (3) proportionality in allocation of shared resources, such as public funds and civil service positions, and (4) ethnic group autonomy (Lijphart, 1977, also see Palmer 2001a, Keating 2007).

the protection of "vital national interests" gives veto rights to the entities as well as to the constituent peoples.⁵ This model also applies at the level of entities, and the consociational power-sharing mechanisms to ensure ethnic balance are applied in the organization of ministries and public administration.⁶ The range of power-sharing mechanisms⁷ is so far-reaching and extensive that they tend to paralyse the political system,⁸ making it extremely difficult to propose and undertake policy reforms in any area, including the media.⁹

Such an extensive and multi-layered protection against majoritarianism is not balanced by mechanisms for cooperation between the administrative units, levels and constituent peoples. There is a lack of basic consensus about the nature of the state, and the divisions are deepened by an overwhelming distrust between political elites. Together with the weak central institutions, all this works to "solidify ethnic boundaries, penalize those unwilling to play ethnic politics, and effectively disenfranchise those not belonging to any of the three recognized groups".¹⁰

⁵ According to Zvonko Mijan, "The constitutional concept of "constitutiveness" has not been extensively defined in the BiH Constitution, or the entity constitutions, but it has been institutionally defined by the "Decision on Constitutiveness" of the Constitutional Court of BiH No. U-5/98", (Source: Zvonko Mijan, Constitutive Peoples (II): The Vitality of National Interest, Puls demokratije, 10.9.2007. (<http://www.pulsdemokratije.net/index.php?id=349&l=en>, Accessed on January 26, 2008).

⁶ See M. Keating, 2007.

⁷ Power-sharing mechanisms for reducing conflict are supposed to guarantee adequate representation of ethnic groups and eliminate the danger of majoritarianism in societies with deep ethnic divides, strong inter-ethnic tensions and a history of ethnic conflict (Horowitz 1985, Lijphart 1977, Keating 2007).

⁸ See M. Keating, 2007.

⁹ See M. Keating, 2007.

¹⁰ M. Keating, 2007.

The shortcomings of this system are partly redressed by the internationally-appointed High Representative,¹¹ who supervises the implementation of the civilian aspects of the Dayton Peace Accords. The military aspects of the DPA are ensured by the 2500 strong peacekeeping forces led by the European Union.¹² The European Commission (European Union) exerts a strong influence on internal affairs, as does the USA. Nominally a sovereign state, BiH is in practice an international protectorate.

Overall, the country is substantially dysfunctional, and major reforms have stalled. This has also affected the reconstruction and development of PSB. The permanent crisis in PSB reform has become a metaphor of the wider political crisis. It is also closely linked to the broader issue of constitutional change.

2.2 Structure of the television sector

Currently, there are 40 licensed television stations¹³ and 142 radio stations,¹⁴ with a growing cable TV market featuring 49 cable operators.¹⁵ Additionally, there is the Public Service Broadcasting System, which consists of three broadcasters: *Radio-*

11 Under the Dayton Accords, the High Representative is the final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement. The High Representative's authority was further strengthened in December 1997, with the award of the so-called "Bonn Powers".

12 See for example: FACTSHEET - EU military operation in Bosnia and Herzegovina (Operation EUFOR - Althea) (<http://www.eusrbih.eu/media/pr/1/?cid=545,1,1>, accessed on January 26, 2008).

13 15 public and 25 private; Public register of Television Stations at the Communications Regulatory Agency, (URL - <http://www.rak.ba/bs/broadcast/reg/tmpl1.aspx?cid=2422>; accessed on 3 July 2007).

14 63 public and 79 private; Public register of Radio Stations at the Communications Regulatory Agency, (URL - <http://www.rak.ba/bs/broadcast/reg/tmpl1.aspx?cid=2421>; accessed on 3 July 2007).

15 Communications Regulatory Agency, 2005, p. 91.

Television of Bosnia-Herzegovina (BHRT), which is the state-wide broadcaster; and two entity broadcasters, *Radio-Television of Federation of Bosnia-Herzegovina (RTVFBiH)* and *Radio-Television of Republika Srpska (RTRS)*.

None of the broadcasters covers the whole country. According to the Bosnian regulator, the Communications Regulatory Agency (CRA), "most of the licensed TV stations have a limited local coverage".¹⁶

There are only two TV stations received by more than 2 million viewers in approximately 100 municipalities (OBN and Pink); 7 "medium size" broadcasters cover between 16 and 50 municipalities reaching between 500,000 and 1,000,000 viewers; 30 TV stations are received by less than 500,000 viewers in less than 16 municipalities. It's worth noting that the remaining 11 TV stations have a very limited coverage, ranging between 1,500 and 80,000 viewers.¹⁷

According to the same source, approximately two thirds of the TV stations are registered in FBiH and one third in Republika Srpska. In spite of ethnic divisions, a significant number of TV channels can be seen by all of the three constituent peoples.¹⁸

As a state-wide public broadcaster, *BHT1* covers both entities, while *FTV* mainly covers Federation territory and *RTRS* targets viewers in Republika Srpska.¹⁹ According to the *BHRTV* annual report for 2006,²⁰ *BHT1* reaches some 93 per cent of BiH territory, while *RTRS* reaches some 78 per cent of the population of Republika Srpska.²¹ and *RTVFBiH* reaches 92 per cent of the population of *FBiH*.²² In 2004,

16 Ibid., p. 91.

17 Ibid., p. 73.

18 Ibid., p. 71.

19 Communications Regulatory Agency, 2005, p. 73.

20 BHRT annual report for 2006, p. 5.

21 Taken from the RTRS website, <http://www.rtrs.tv/kompanija/pokrivenost.php>. (Accessed 27 July 2007).

22 Sector for communication and promotion of RTV and online programs of RTVFBiH (17 September 2007).

some 95 per cent of households in BiH had a TV receiver,²³ with a total of 1,100,000 TV households in 2005. "As of mid 2005, satellite television is available in approximately 500,000 households, accounting for nearly 48 per cent of the total TV households in the country, whereas more than 100,000 TV households ... subscribe to cable TV services."²⁴ Cable TV is much more important than one might assume based on the official data about cable penetration.²⁵ Namely, ratings of foreign TV stations²⁶ which are primarily available through cable or spill-over from neighbouring countries²⁷ have increased steadily over the past four years. Hence, the audience share of these foreign stations increased from 14.3 per cent in 2002 to 33.3 per cent in 2006.²⁸

Since 2003, the three broadcasters within the PSB system have steadily lost viewers to the largest commercial broadcasters, such as *Pink BH*, *OBN* and *Hayat*, as well as to foreign TV stations, such as *HRT* and *TV Nova* from Croatia, and *RTS* from Serbia.²⁹

23 Agency for Statistics of B&H, 2004, <http://www.bhas.ba/> (Accessed in July 2007.)

24 Communications Regulatory Agency, 2005, p. 69.

25 According to unofficial data, there are around 300,000 cable television subscribers.

26 By foreign TV stations is meant stations from neighboring countries (HRT 1& 2 - Croatia, Nova TV - Croatia, RTL - Croatia, PINK - Serbia and Montenegro, RTS 1&2 - Serbia and Montenegro, BK - Serbia and Montenegro, B92 - Serbia and Montenegro), TV Audience Measurement 2002-2006, Mareco Index Bosnia, available at: <http://www.mib.ba/version02/01/news.htm> (Accessed 13 September 2007).

27 Even in markets where spill-over is not possible, such as Sarajevo, the share of foreign TV stations is very significant, running to 25.6 per cent according to MIB data for April 2007.

28 TV Audience Measurement 2002-2006, Mareco Index Bosnia, available at: <http://www.mib.ba/version02/01/news.htm> (Accessed 13 September 2007).

29 Communications Regulatory Agency, 2005; EUMAP, 2005.

Table: TV audience share at the national level, 2002-2006

	2002.	2003.	2004.	2005.	2006.
Public service (FTV; RTRS; BHT1)	37.9	33.5	31.8	24.8	23.7
Local / regional TV stations	42.6	45	48.9	40.6	40.3
Foreign TV stations	14.3	16.3	14.6	30.8	33.3
Other satellite TV channels	5.2	5.2	4.7	3.8	2.7

Source: Report Mareco Index Bosnia - BiH Gallup International 2002-2006, available at: <http://www.mib.ba/version02/01/news.htm> (Accessed 13 September 2007.)

The individual TV stations' performance over the 2002-2006 period show a rapid drop in ratings for *FTV* and *RTRS*, a slight increase for *BHT*, and continuous significant growth for the strongest commercial channels, especially *Pink BH*.³⁰

2.3 The Ethnic Nature of the Audience

TV ratings and viewers' habits confirm the overall division of BiH along ethnic lines. This is best seen in the ratings of the PSB channels in each entity. According to MIB,³¹ *FTV* had ratings of around 21 per cent in the Federation in 2006, while *RTRS* only had around 1 per cent and *BHT1* around 10 per cent. In Republika Srpska, *RTRS* viewership in 2006 was around 9.4 per cent (2006), *BHT1* had 3 per cent while *FTV* had only 1.4 per cent. Other research data, too, indicate that the audience is ethnically divided:

³⁰ MIB Mareco Index Bosnia - BiH Gallup International 2002-2006, available online at: <http://www.mib.ba/version02/01/news.htm> (Accessed 13 September 2007).

³¹ MIB Mareco Index Bosnia - BiH Gallup International 2002-2006, available online at: <http://www.mib.ba/version02/01/news.htm> (Accessed 13 September 2007).

If we split the results by three areas, with Bosniak, Croat and Serb majorities, [the] data is drastically changed, implying that the media landscape is (ethnically) divided (...) or at least that is what citizen's subjective assessments show. (...) According to citizen's subjective assessments, it is evident that in areas with Bosniaks as majority, the most frequently watched channels are FTV, BHT and OBN. In areas with Croat majority, the most frequently watched channels are those with Croatian attributes (HRT1, HRT2, HR RTL and Nova TV). In areas with Serb majority most frequently watched channels are PINK BH, BN and RTRS.³²

Ethnic-based viewing strongly affects all three PSB channels. Although *Federal TV* cannot be seen in all of Republika Srpska and *RTRS* cannot be seen in all of Federation BiH, they still cover significant parts of the population of "the other" entity but are obviously not able to attract the ethnic groups that dominate that entity. At the same time, *BHRT* can be seen in most of the country, while retaining the strongest appeal among Bosniaks. Finally, but most importantly, the Croat population in BiH is almost completely oriented to TV channels from neighbouring Croatia - *HRT1*, *HRT2* and *NOVA TV*, and only some 30 percent of Croat population in BiH pays obligatory monthly licence fee for PSB, mostly for political reasons (see section of funding, below). In sum, Bosniaks watch Sarajevo-based channels (*Federal TV*, *BHT 1*, *OBN*), Serbs watch *RTRS* and Belgrade-based programs, while most Croats are dependent on and oriented towards programs from Croatia.

³² GfK BH Market Research Centre, Press Release, 12 February 2006. Available at <http://www.gfk.ba/PR/2006/GfK%20PR%2002-2006%20-%20TV%20and%20radio.pdf>. (Accessed on 16 September 2007).

2.4 General broadcasting regulation and structures

Under the 1995 Dayton Peace Agreement (hereinafter DPA), responsibility for communication issues is assigned to the entity governments. Moreover, within the FBiH, communication policy issues were assigned to the cantons. Such a diffuse and fragmented set of responsibilities has made any attempt to systematically regulate and reform broadcasting sector virtually impossible, resulting in the vast number of broadcasters, lack of editorial standards, lack of regulatory and enforcement mechanisms and capacities, legal confusion, and last but not least, the failure to initiate more progressive reform of the public broadcasters.

This chaotic situation was significantly changed in October 2002 by Decision 52/02 of the High Representative, which introduced a comprehensive framework for the broadcasting sector at the state level, in the form of the *Law on Communications of Bosnia and Herzegovina*.³³ This law stipulates that the BiH Council of Ministers is responsible for policy-making and the CRA is responsible for regulation, and sets out key regulatory principles of broadcasting.³⁴

Hence the Law on Communications establishes basic principles and preconditions for the regulation of broadcasting, while "(t)he definition of a more comprehensive framework for the broadcasting sector has been left by the Law to the CRA, which has adopted several rules and codes of practices",³⁵ creating the framework for competition, diversity and pluralism of ownership, and setting out principles for programming and advertising. The CRA's Broadcasting Division is

³³ Law on Communications of Bosnia and Herzegovina, Official Gazette of BiH, No. 33/02 of 12 November 2002, (hereafter, Law on Communications of BiH), available in English at <http://www.cra.ba/en/legal/?cid=2427> (accessed on 8 July 2007). The Law on Communications of BiH replaced the Telecommunications Law of BiH (Official Gazette of BiH, 29 June 1999, No. 10/99).

³⁴ Law on Communications of BiH, Arts. 3 and 4 (a-e).

³⁵ Communications Regulatory Agency, 2005, p. 43.

responsible for regulation, licensing, enforcing rules, monitoring compliance and protecting copyrights. The independence of the whole broadcasting sector is linked to the independence of the CRA.³⁶

3. Structure, Management and Funding of the Public Service Broadcasting

3.1 The public broadcasting system

The transformation of the former state-controlled broadcasters into PSBs has come a long way since the Dayton Accords.³⁷ Reforms have been pushed through by strong pressure from the OHR and backed by the Peace Implementation Council (PIC) after a series of initial clashes with local political elites.³⁸ In June 1998, the PIC called for "the creation of a single, State-wide, public service broadcasting system. This decision was reinforced by the PIC declaration on media reform at the Madrid meeting in December 1998. This declaration gave even stronger powers to the OHR to facilitate the reform of State-owned broadcasters into public service broadcasters."³⁹

In mid 1999, the HR established the state-wide Public Service Broadcasting of Bosnia and Herzegovina (today's *BHRT*), and the entity Public Service Broadcaster

³⁶ See EUMAP, 2005.

³⁷ See for example, Thompson and De Luce.

³⁸ See Thompson and De Luce, also the Chapter on Bosnia-Herzegovina in EUMAP, 2005.

³⁹ EUMAP, 2005, p. 294.

for the Federation BiH.⁴⁰ The HR also requested the assembly of Republika Srpska to establish a public broadcaster for that entity.⁴¹ After another year of obstructions, the HR issued the *"Second Decision on Restructuring the Public Broadcasting System in Bosnia & Herzegovina"*,⁴² establishing two new public corporations: the *Public Broadcasting Service of BiH*, and the *Radio-Television of the Federation of BiH*.⁴³

When the entity authorities failed to adopt laws to implement these decisions, the HR established BHRT by decree and in May 2002 imposed the *Law on the Basis of the Public Broadcasting System and on Public Service Broadcasting in Bosnia and Herzegovina* (hereafter, PSB Law 2002).⁴⁴ In the same month, the HR imposed three further decisions regarding public service broadcasting: the *Decision Imposing the Law on Radio-Television of Republika Srpska*,⁴⁵ the *Decision Imposing the Law on Radio-Television of the Federation of Bosnia & Herzegovina*,⁴⁶ and the *Decision on the*

⁴⁰ High Representative Decisions on the restructuring of the Public Broadcasting System in BiH and on freedom of information and decriminalisation of libel and defamation, 30 July 1999.

⁴¹ High Representative Decisions amending the Law on Radio-Television of the RS, 1 September 1999.

⁴² High Representative Second Decision on restructuring the Public Broadcasting System in BiH, 23 October 2000. Available at: http://www.ohr.int/decisions/mediadec/default.asp?content_id=91 (Accessed on 11 August 2007).

⁴³ See Bosnian chapter in EUMAP, 2005.

⁴⁴ High Representative Decision Imposing the Law on the Basis of the Public Broadcasting System and on the Public Broadcasting Service of Bosnia and Herzegovina, 23 May 2002. Available at: http://www.ohr.int/decisions/mediadec/default.asp?content_id=8359 (Accessed on 11 August 2007.)

⁴⁵ Decision Imposing the Law on Radio-Television of Republika Srpska, available at: http://www.ohr.int/decisions/mediadec/default.asp?content_id=8361 (Accessed on 11 August 2007.)

⁴⁶ Decision Imposing the Law on Radio-Television of the Federation of Bosnia & Herzegovina, available at: http://www.ohr.int/decisions/mediadec/default.asp?content_id=8360 (Accessed on 11 August 2007.)

*Liquidation Procedure to be Applied in Winding-up the Public Enterprise Radio and Television of Bosnia and Herzegovina.*⁴⁷ The result was the creation of the Public Service Broadcasting System of Bosnia-Herzegovina, consisting of the following broadcasters:⁴⁸

- Public Broadcasting Service of Bosnia & Herzegovina (*PSB B&H*), the public broadcaster of BiH, comprising one television channel (*BHT*) and one radio channel (*BH Radio 1*).
- Radio-Television of the Federation of Bosnia & Herzegovina (*RTFBiH*), the public broadcaster of the Federation of Bosnia & Herzegovina entity, consisting of one TV channel (*FTV*) and two radio channels (*Radio FBiH* and *Radio 202*).
- Radio-Television of Republika Srpska (*RTRS*), the public broadcaster of Republika Srpska entity, consisting of one TV channel and one radio channel.

Although the three broadcasters have been established, some important provisions of the *PSB Law 2002* have not been implemented - most notably Article 9, which requires the public broadcasters to create a joint Transmission Corporation to operate the transmission network.⁴⁹ Additionally, the existing legal frameworks and proposed organizational structure failed to provide for efficient cooperation among the three broadcasters, which act as competitors rather than partners. As media commentator Dušan Babić observed: "The consequence of poor coordination

⁴⁷ Decision on the Liquidation Procedure to be Applied in Winding-up the Public Enterprise Radio and Television of Bosnia and Herzegovina, available at: http://www.ohr.int/decisions/mediadec/default.asp?content_id=8362 (Accessed on 11 August 2007.)

⁴⁸ *PSB Law 2002*, art. 3.

⁴⁹ As Dušan Babić explains, the failure to establish the transmission corporation "(...) has had the most dire effect on the Public Radio and Television Service of BiH (BHRTV), which has played the part of a Public Broadcasting System of BiH in the past years, functioning as a para-corporation with a multitude of obligations - programming and production, maintenance of technologically obsolete and deteriorated equipment, providing space and equipment, cleaning, etc. All of this required considerable finances and was an additional burden on BHRTV, hindering a more intensive development of this broadcaster". Source *Javna radio-televizija BiH: Stari problem novog zakona, Puls demokratije*, 2007, available at: <http://www.pulsdemokratije.net/index.php?id=268&l=bs>.

and cooperation was the irrational use of resources, staff surplus, high business costs and a lack of competitiveness in relation to commercial RTV network".⁵⁰ The situation was further complicated by decreasing ratings, weaknesses in the model of collection of the monthly licence fee, overstaffing, debts, and continuous obstacles mounted by opponents of PSB.

Hence, in late 2005, two new laws were adopted on the state level, replacing the Laws imposed by the HR in 2002, with the goal of creating legal and structural preconditions for a functional and sustainable PSB system: *The Law on the Public Service Broadcasting System in BiH*⁵¹ (hereinafter *System Law 2005*), and the *Law on the Public Service Broadcasting of BiH*⁵² (hereinafter *BHRT Law 2005*). These Laws were adopted under strong pressure from the HR and the EC, which made them one of 16 preconditions for a Stabilization and Association Agreement (SAA)⁵³ between BiH and the EU.⁵⁴

The System Law 2005 regulates the whole PSB system, and the relationship between the three broadcasters: *BHRT*, *RTRS*, and *RTVFBiH*. It also calls for the establishment of a joint organizational unit within the PSB System - the Corporation of the Public RTV Services of BiH (hereafter, the Joint Corporation) - to be funded and managed by all three public broadcasters in order to perform a variety of duties, including management of the transmission network, internationally representing the

⁵⁰ Babić, 2007.

⁵¹ Official Gazette of Bosnia and Herzegovina, no. 78/05.

⁵² Official Gazette of Bosnia and Herzegovina, no. 92/05.

⁵³ The Stabilisation and Association Process (SAP) is a mechanism for co-ordinating the EU's relations with Albania, BiH, Croatia, the former Yugoslav Republic of Macedonia (FYROM), Serbia and Montenegro. The process foresaw the negotiation of a Stabilisation and Association Agreement (SAA) with each of these States, in recognition of the progressive implementation of free trade and as a framework for the State's commitment to assume EU standards in such fields as human rights, rule of law, competition policy and the environment.

⁵⁴ On the conditions set by the EC, see the Bosnian chapter in EUMAP, 2005.

PSB System, program rights issues, managing technical resources and property, advertising, and coordination. The Law on *BHRT* regulates the operations of the state-level *BHRT* broadcaster.

The European Union also required the entities to amend the laws regulating *RTVFBiH* and *RTRS*. The Law on *RTRS* was adopted on 11 May 2006, while the adoption of the Law on *RTVFBiH* has been stalled, because Croat and Bosniak members of the entity parliament are not able to reach a compromise, while Croat representatives arguing that the draft Law damages the national interests of Croats in BiH, and have therefore initiated the procedure for the protection of "vital national interest".⁵⁵ They also claim that the decision making procedures at the System Board gave no assurance that all three constituent peoples would be equally represented.⁵⁶

Notwithstanding these objections, the state-level Constitutional Court concluded that the proposed Law did not threaten the vital national interests of the Croat people.⁵⁷ However, the Croat members of the Constitutional Court published a separate opinion, dissenting from the decision. As the Constitutional Court has the final say in these matters, the System Law was adopted at the state level. Nevertheless, when the same procedure to protect vital national interests was again put in motion at the entity-level Parliament of FBiH, during debate on the Law on *RTVFBiH*, the Constitutional Court of the FBiH entity upheld the objections of the Croat representatives. The stalling in the adoption of the *RTVFBiH* Law prevents the implementation of the state-level System

⁵⁵ For this case relevant stipulations are in the definition of vital national interest of constituent peoples stated in Amendment XXXVII on the Constitution of FBiH: equal rights of constituent peoples in the process of decision-making; education, religion, language, promotion of culture, tradition and cultural heritage; see: Decision No. U 10/05. Official Gazette of Bosnia and Herzegovina, no. 2/04.

⁵⁶ According to the System Law 2005, the System Board comprised of 12 members- all four members of the Supervisory Boards from each Public Broadcasters- which are members of the System Board according to official position. Also see Decision No. U 10/05. Official Gazette of Bosnia and Herzegovina, no. 2/04

⁵⁷ Decision No. U 10/05. Official Gazette of Bosnia and Herzegovina, no. 2/04.

Law; the Joint Corporation is still not established, and there is only partial implementation of the other provisions of the state-level Law, especially in the area of funding and programming (see below). This saga confirms that the political elites are not able or willing to compromise in order to achieve consensus, and therefore cannot agree upon solutions. As a consequence, the purely political issues such as the one about the number and nature of TV channels within PSB have moved from the political to the judicial arena.

3.2 Funding

According to the CRA, "(r)evenues of *BEH TV* broadcasters, in the 2004 financial year, totalled approximately KM 102 million", and remained at approximately the same level in 2005.⁵⁸ As in many EU countries, the public broadcasters are the strongest players on the market, attracting close to 70 per cent of total market revenues (including the monthly licence fee). A further 15 per cent are shared by three largest private TV stations (*NTV Hayat*, *Pink BiH*, *OBN*) while the remaining 15 per cent of revenues are distributed among local broadcasters.⁵⁹ The public broadcasters attracted 43 per cent of advertising revenues, while the three strongest private broadcasters drew 32 per cent.⁶⁰

Even so, the financial situation of the PSBs is difficult. According to the System Law, their regular operations are primarily financed by revenues from the licence fee⁶¹ and advertising. Each of the three PSBs operates as an independent company responsible for its own financial operation. The System Law 2005 envisions collecting

⁵⁸ Communications Regulatory Agency, 2005, p. 73. (Assessment for 2005 based on data for the first half of the year).

⁵⁹ Communications Regulatory Agency, 2005, p. 76.

⁶⁰ Ibid, p. 73.

⁶¹ The licence fee is defined as a form of tax on possession of television and radio sets and it is presumed that one person in each household as well as legal entities is in possession of at least one radio or television receiver.

the licence fee at one central account and distributing it among the three public broadcasters, so that 50 per cent of the total licence fee revenue collected goes to the state-wide broadcaster, *BHRT*, while each entity broadcaster gets 25 per cent. This system of distribution became effective on 1 December 2005. The licence fee has been collected through telecom operators in both entities, but each entity broadcaster also collects the fee through its own services. In 2006, only 63 per cent of licence fee revenue was collected: considerably below the planned projection of 85 per cent that is supposed to secure financial sustainability for the PSBs.⁶² According to the System Law 2005, advertising revenues are treated the same way as the licence fee: all advertising revenue from three broadcasters is to be put into one pot and distributed according to the same formula of 50:25:25.

This mechanism of distributing resources has a twofold purpose: to direct most of the funding into *BHRT*, and to eliminate the difference between financially stronger and weaker groups and parts of the country. This is in accordance with Horowitz's integrative model, which recommends such disproportional distribution of resources so that smaller groups are strengthened by subsidies from larger groups.⁶³ This in effect fosters stronger cooperation between groups by eliminating the feeling of discrimination on the side of smaller groups.

Subsidising weaker parts should not significantly subdue the ability of stronger parts of the System to finance their own activities. However, it seems that in the case of BiH, the lawmakers did not take this aspect into account. Namely, *RTVFBiH*'s contribution to *BHRT*'s total revenue is very considerable, while *RTRS*'s contribution is symbolic.⁶⁴ This is a consequence of incomplete and asymmetric reform of the

⁶² See: BHRT "Public Radio and Television Service of Bosnia-Herzegovina Business Report for 2006", March 2007, p. 1.

⁶³ D. L. Horowitz, 1985.

⁶⁴ RTVFBiH gave BHRT the sum of KM 8,125,998 in 2006, while RTRS gave KM 219,238. See: BHRT's 2006 Annual Business Report, March 2007, pp. 25 and 30.

broadcasting system.⁶⁵ Only the Corporation of Public Broadcasting Services will be able to place the existing broadcasters on an equal footing, as it is envisioned that complete program production will be given for management to the Corporation, while all three broadcasters will pay for services provided by the Corporation.

A second problem is the persistent boycott of the licence fee by a significant proportion of Croats. HT Mostar, which collects the fee in Croat-majority areas, collected no more than 28 per cent of the fees due, while BH Telecom, which collects the fee in areas populated mostly by Bosniaks, collected some 81 per cent.⁶⁶

Third, there is a serious problem with the distribution of revenues among the three public broadcasters according to the 50:25:25 formula endorsed by the System Law 2005.⁶⁷ This formula marks a radical break with the previous Law (2002) which allowed each PSB to keep its own marketing income. The new solution is most unfavourable for *RTVFBiH*. In 2006, the total marketing income for all three televisions was KM 18,905,584, with *RTVFBiH* contributing 61 per cent.⁶⁸ *BHRT* earned 24 per cent,⁶⁹ and *RTRS* earned some 15 per cent.⁷⁰

However, the new system is still not fully in effect. The *RTVFBiH* management was particularly opposed and, as an argument for delaying the implementation, they pointed out that the Corporation, which is obliged by the law to manage marketing, has not been established. *RTVFBiH* management, according to Director Jasmin

⁶⁵ During reconstruction, *RTVFBiH* was left practically without assets and got only 2 per cent of assets of the former Television of Bosnia-Herzegovina, while *BHRT* got the rest. See: The Report of the Office of Audit of Institutions of the Federation of B-H, July 2007, p. 8. *RTVFBiH* is now forced to pay *BHRT* for all services for producing its own program. *RTRS*, by contrast, brought no resources into *BHRT*.

⁶⁶ *BHRT*'s 2006 Annual Business Report, March 2007, p. 26.

⁶⁷ The new system of licence fee distribution favours *RTRS*. Its income in 2006 was more than 2.5 million KM higher than in 2005. See: JP *RTRS* "2006 Annual Report/2007 Annual Plans," p. 14.

⁶⁸ Report of the Office of Audit of Institutions of the Federation of B-H, July 2007, p. 13.

⁶⁹ *BHRT*'s 2006 Annual Business Report, March 2007, p. 28.

⁷⁰ JP *RTRS*, "2006 Annual Report / 2007 Annual Plans", p. 14.

Duraković, is determined to defend the principle that each television must receive the marketing revenue that it earns. Otherwise, he says, "those who work best would be punished".⁷¹ The President of the Supervisory Board of *BHRT*, Mr. Nikola Deretić, insists that the Law adopted in 2005 must be implemented in its entirety.⁷² Also, *BHRT* director Mehmed Agović maintains that this part of the law should be implemented as soon as possible and that it makes sense if the system is viewed as a whole.⁷³

The situation is further complicated by the lack of reform within the PSBs, which are heavily overstaffed (see section 4 below). Also, the issue of the formula for sharing revenues from the licence fee and advertising has to be seen in relation to the program content of all three broadcasters, to their human resources policies, and their signal footprint. If the money is to be collected and distributed centrally by the Public Service Broadcasting System, then the System needs to be able to coordinate all aspects of the three broadcasters' operations, including staffing, programming and editorial policy, and its mechanisms and procedures of program purchase and production (see below, sections on staffing and programming). The implementation of any single aspect of the law is linked to and conditioned by the implementation of any other provisions of the same law.

3.3 Governance structure

The Supervisory Board (*Upravni odbor*) and Managing Board (*Poslovodni odbor*) are the two key governing bodies of *BHRT*. The Managing Board, consisting of the Director General and sector managers, oversees the daily work of *BHRT*, while the Supervisory Board represents the public interest with respect to programming, and

⁷¹ Interview with Jasmin Duraković, 24 July 2007.

⁷² *Dani* magazine, 14 September 2007, p. 7.

⁷³ Interview with Mehmed Agović, 24 July 2007.

oversees the overall operations of *BHRT*. The Supervisory Board has four members, one from each of the three constituent peoples and one representing the "others". Two members are to come from each entity. Members of the Supervisory Board are appointed by the Parliamentary Assembly of BiH, based on a list of candidates submitted by the CRA. The Supervisory Board makes decisions by majority vote, with a minimum of three members present at the meeting. For appointing and removing the Director General, adoption of programming and financial plans and yearly budget, a minimum of three votes is needed. Under the relevant laws, *RTRS* and *RTVFBiH* have practically the same managing bodies as *BHRT*, except that all members of their respective Supervisory Boards come from their respective entities.⁷⁴

The Managing Boards (as opposed to Supervisory Boards) are not required to have equal representation of all constituent people. This allows situations where all members can be of one ethnicity, as is the case with *RTRS* today.⁷⁵ This is particularly important since the Managing Board is more important than the Supervisory Board in day-to-day management and operations.

At the level of the Public Service Broadcasting System, there is a System Board consisting of 12 members, who come from Supervisory Boards of the three broadcasters: *RTVFBiH*, *RTRS*, and *BHRT* (four members from each of the three broadcasters).⁷⁶ The System Board coordinates activities within the system, proposes the amount of the monthly RTV licence fee and supervises its collection, coordinates program schemes between three broadcasters, and acts as Supervisory Board of the joint Corporation of the PSB System. Moreover, the System Board adopts codes of conduct for the whole PSB System, through which it protects the languages, culture

⁷⁴ See, for example, Article 45 of the Law on RTRS.

⁷⁵ Interview with Dragan Davidović, RTRS director, 23 July 2007.

⁷⁶ Law on the Public Broadcasting Service, Article 7.

and tradition of the constituent peoples and minorities in BiH, in accordance with the Constitution (Article 8; 1:c).

One of the issues raised by Croat political representatives when invoking the mechanism for the protection of vital national interest was the Law's failure to explicitly stipulate a balanced representation of constituent peoples in decision making mechanisms at the System Board. Although the state-level Constitutional Court ruled against the claims by Croat representatives, the Croat judge of the Constitutional Court of BiH, Valerija Galić, in her separate opinion, explained that the way the System Board is conceptualized does not protect the equality of the constituent peoples. According to Ms. Galić, since the quorum for decision-making is 7 members, and decisions are made by a simple majority, it means that only 4 members of the System Board can make decisions of utmost importance for all three constituent peoples.⁷⁷

Nevertheless, at the entity level, the Constitutional Court of FBiH upheld the Croat representatives' claims.⁷⁸ It decided that the proposed decision making mechanism at the Supervisory Board of *RTVFBiH* enables "majorization" in decision making. It also ruled that programming principles have no clearly elaborated legal instruments to protect vital national interests. The draft Law on *RTVFBiH* was returned to the entity parliament for amendment in line with this decision. The Government of the FBiH, in its 17th Session,⁷⁹ stipulated the Draft Law on Public

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

78 Decision of the Council for the Protection of Vital National Interests of the Constitutional Court of the Federation of Bosnia and Herzegovina, deciding on a request of the Croat Caucus in the Federation Parliament, Decision no: U-11/06, dated 19 July 2006, available at: www.ustavnisudfbih.ba. This decision was based on the votes of Croat judges; the non-Croat judges gave separate and dissenting opinions.

79 Press Release of FB-H Government, Sarajevo, 2007, July 12 available at: http://www.fbihvlada.gov.ba/bosanski/sjednica.php?sjed_id=19&col=sjed_saopcenje

Broadcasting System of the Federation BiH after the OHR amended it. The amended draft was then adopted, but again without support from the Croat members of the parliament,⁸⁰ who again introduced an amendment for creating two separate channels in FBiH: a Croat channel and a Bosniak channel.⁸¹ The new amended version of the Law will be referred back to the Constitutional Court of FBiH.

4. Human resource policies

The three PSBs employ a total of 1,904 staff. Of these, 49 per cent declare themselves as Bosniaks, 30 per cent as Serbs, 9 per cent as Croats, 9 per cent as Bosnians,⁸² with Others making up 3 per cent.⁸³ Compared to the census data from 1991, it is evident that the Croats are significantly under-represented.⁸⁴ However,

⁸⁰ The Parliament of FBiH passed the law on 26 July 2007.

⁸¹ *Nezavisne novine*, 27.07. 2007, p.3

⁸² 'Bosnians' do not exist as a constitutional category. However, a large number of employees in Sarajevo declare themselves as such. The RTVFBiH and BHRT directors assess that this category to a great extent includes people coming from mixed marriages.

⁸³ This summary was made according to data on the number of employees and national representation for all three public broadcasters. Data for BHRT are based on an internal document, "Structure of BHRT employees", dated 9 August 2007, and data for RTVFBiH are taken from an internal document, "National structure of RTVFBiH on 31 July 2007", dated 29 August 2007. Data for RTRS are taken from "JP RTRS -2006 Business Overview", 25 January 2007, p. 9. (All documents on file with the authors).

⁸⁴ According to the 1991 census, the population of BiH was 43.5 per cent Muslim (now Bosniak), 31.2 per cent Serb, 17.4 per cent Croat, 5.6 per cent Yugoslav and 2.3 per cent Other. Federal Bureau of Statistics. Available at: <http://www.fzs.ba/Dem/Popis/NacStanB.htm>.

there are significant differences among public televisions in how they tackle the problem of staffing structure.

BHRT has a staff of 997 people:⁸⁵ 67 per cent Bosniak, 12 per cent Bosnian, 9 per cent Croat, 8 per cent Serb, and 4 per cent "Others".⁸⁶ In comparison to *FTVFBiH* and *RTRS*, *BHRT* has the most balanced ethnic structure when it comes to editors and program presenters. The *BHRT* director claims it is fully balanced.⁸⁷ The distribution of top positions supports this claim; the director is a Bosniak, *BHT*'s director is a Serb, and a Croat employee is expected to take up the empty position of news director.

Federal Television has 409 employees: 66 per cent Bosniaks, 13 per cent Croats, 13 per cent Bosnians, 5 per cent Serbs, and 3 per cent Others.⁸⁸ Hence, Croat politicians have often publicly complained that this is a television exclusively of and for Bosniaks.⁸⁹ However, Croats are more adequately represented in news production and presentation, as well as the television's management structures. The TV program director, who has more input than anyone else in creating television programs, is also

⁸⁵ It should be noted that 671 people are only temporarily registered as *BHRT* employees and that with the establishment of the Corporation of the Public Broadcasting System these workers will become Corporation employees.

⁸⁶ Data for *BHRT* based on document "Structure of *BHRT* employees", dated 9 August 2007 (On file with the authors).

⁸⁷ Interview with *BHRT* Director, Mehmed Agović, 24 July 2007.

⁸⁸ Data for *RTVFBiH* given in document "National structure of *RTVFBiH* on 31 July 2007", dated 29 August 2007 (On file with the authors).

⁸⁹ Former Croat member of the Presidency Ivo Miro Jović has stated: "I don't know of any Croat who works in the public service media. I know that on *FTV* there are 2.7 per cent Croats and 48 per cent Bosniaks. There are also 18 per cent Bosnians, which is not a constitutional category at all." *Hrvatsko slovo*, 15 October 2005, available at: http://www.hkz.hr/Hrvatsko_slovo/2005/547/medjuHrvatima.htm.

a Croat.⁹⁰ The management is making additional efforts to redress the ethnic balance among employees, and has announced the opening of a bureau in Posušje, a region with a majority Croat population.⁹¹ The representation of Serbs is still neglected.

The situation at RTRS is the least favourable in terms of ethnic representation. Of its 498 employees, 93 per cent declare themselves as Serbs, 3 per cent as Croats, 2 per cent Bosniaks and 2 per cent others (i.e. minorities).⁹² The ethnic structure of the editorial and managerial staff is still almost 100 per cent Serb. The Management Board, comprising directors of departments, is exclusively Serb. The situation in the news department is a little better, with 86 per cent of the 41 employees being Serbs, 10 per cent Bosniaks, and 4 per cent Croats.⁹³ This indicates the management's intention to improve the ethnic structure where this is most needed. However, unless non-Serbs are put into senior editorial and managerial positions, the broadcaster is unlikely to be perceived as a PSB of all citizens of Republika Srpska.

Evidently, all three PSBs more or less fail to achieve an adequate representation of the constituent peoples in the ranks of their own employees. The laws on public

⁹⁰ "The president of this RTV's Supervisory Board today is a Croat; Croats are also the director of FTV, two members of the Managing Board, and more than half of all hosts of the primetime news program. At RTV Federation, Finally, there are some 60 employees of Croat ethnicity, most of them journalists. All this, certainly, is not enough. For, there are not enough Croat journalists outside the news program - in the documentary, cultural-entertainment and educational programs. But the reason for this is not lack of will on the part of Federal RTV. Quite the contrary", Slavo Kukić, The president of this RTVFB-H's Supervisory Board, Večernji list, 2007, Aprli 27. Available at: http://www.poskok.info/index.php?option=com_content&task=view&id=8321&Itemid=103

⁹¹ Director General of RTVFB-H signed a contract on July 29, 2007 with Zvonko Jurišić, Prime Minister of West Herzegovina Canton about renting the building for RTVFB-H bureau in Posusje. See: <http://www.studio88.ba/bh/21/bih/5296/?tpl=23>

⁹² Data for RTRS from document "JP RTRS -2006 Business Overview", 25 January 2007, p. 9. (On file with the authors).

⁹³ The percentages were calculated according to the list of employees in news department of RTRS. 10 August 2007.

broadcasting define a public broadcaster's obligations to implement relevant provisions related to the equal rights of constituent peoples and others in Bosnia-Herzegovina.⁹⁴ However, it is not entirely clear what these relevant provisions, defined by the constitutions, are. Amendments to the entity constitutions state that "constituent peoples and the group of Others shall be proportionately represented in public institutions",⁹⁵ and that proportionate representation according to the 1991 census shall be established as a constitutional principle until Annex 7 of the Dayton Peace Agreement on the return of refugees and displaced persons has been fully implemented. However, "public institutions" are specified as ministries, municipal and cantonal bodies of governance, and municipal and district courts, and it is impossible to say when, if ever, Annex 7 will be considered to have been fully implemented.

This legislative vagueness has allowed television managers to take a relaxed attitude to establishing adequate representation of the constituent peoples in the PSBs. Their efforts in this direction are inadequate. Although there is awareness that the present structure is not adequate, concrete plans do not exist on what kind of ethnic structure they want to achieve and in what timeframe. Furthermore, data on ethnic representation at public televisions are not presented in any annual report. The issue of ethnic structure of staff has been the subject of public debate for several years. *RTRS* has been labeled by Bosniak and Croat politicians as an exclusively Serb broadcaster, while *Federal Television* has been seen by Croat politicians as a Bosniak broadcaster.⁹⁶ Croat representatives have expressed greatest dissatisfaction with the staffing structure,

⁹⁴ Article 8 of the Law on the Broadcasting Service of B-H, Article 8 of the Draft Law on RTVFBiH, Article 18 of the Law on RTRS.

⁹⁵ Amendment LXXXV to Article 97 of the Constitution of RS; Amendment LII (Article 11.1) to Article IX.7 of the Constitution of FB-H.

⁹⁶ S. Kukić, 2007.

complaining about the small percentage of Croat staff at the PSBs.⁹⁷ In these circumstances, neglecting the ethnic balance among employees contributes significantly to destabilising the fragile public broadcasting system. As Kukić remarks: "these legacies require a higher level of sensitivity to what may be a source of frustration and intolerance, a cause of separation and distancing. In other words, the ethnic element must be taken into account - everywhere where it may be pronounced".⁹⁸

Another important issue to be considered is that of the professional qualifications of the staff of PSBs. Proportional representation is obligatory at the decision making level, but not for all other levels, especially when it contradicts the requirement for appropriate qualifications and experience. A proper solution is to introduce quotas and the criteria of "*positive action*", i.e. "*affirmative action*", accompanied by judicial protection, but not at the cost of qualifications and expertise. Otherwise, the principle of constituent peoples becomes superior to the principle of non-discrimination.

⁹⁷ The head of the Croat caucus in the FB-H Parliament House of Peoples, Josip Perić, stated: "There are percentages. Even Bosnians, whom I didn't know existed as a people along with Bosniaks and who are not in the FB-H Constitution, have a bigger percentage of employees than Croats who are a constituent people." *Nezavisne Novine*, 28 July 2007, p. 8.

⁹⁸ S. Kukić, 2007.

5. Program framework and editorial standards

The PSBs' programming is regulated by their respective Laws, as well as by the obligations stemming from CRA Rule 01/1999 on the Definition and Obligations of Public Broadcasting, as amended in 2003.⁹⁹ Programming statistics indicate that none of the PSBs fulfills the CRA rules¹⁰⁰ that require a minimum of 40 per cent of programs to be of public interest.¹⁰¹ An average of 24.9 per cent of news programming and 2.9 per cent of educational and cultural programming was broadcast on *RTRS* in the last three years (2004-2006), while *RTVFBiH* had an average of 15.3 per cent of news programming and only 0.3 per cent of educational programming for the same period. The news programming share on *BHRT* in 2006 was 15.2 per cent of its total programming.¹⁰²

In terms of daily news programming, there is not much difference between the PSBs. Moreover, a lot of mutually competitive programs are aired at the same time.

⁹⁹ RAK Rule No. 01/1999 on the Definition and Obligations of Public Broadcasting, as amended on 22 September 2003 (published on 13 November 2003). Available at <http://www.rak.ba/bs/legal/rules-codes/broadcast/rules/default.aspx?cid=2812>. (Accessed on 10 August 2005).

¹⁰⁰ Article II: B *Program Content Requirements* prescribes that at least 40 per cent of program time in any week shall consist of news and other informative or educational programming.

¹⁰¹ Program statistics from RTVFBiH and RTRS Business Reports for 2004-2006 and BHRT Business Report for 2006.

¹⁰² RTVFBiH and RTRS Business Reports for 2004-2006 and BHRT Business Report for 2006.

The entity PSBs reserve the most attractive time for broadcasting their primetime news, which is 19:30, while *BHRT* airs its primetime news at 19:00. This kind of scheduling raises the issue of compatibility of public television programs because their programming is largely available across the whole country.

Television channels in the PSB system compete with each other. Instead of offering viewers top quality diverse content, they produce the same or similar programs of poor or mediocre quality, and broadcast them in the same time slots. However, the idea of creating a single service for news gathering, as well as redesigning the entity primetime news programs, found no support from *RTRS* management,¹⁰³ and *RTVFBiH* support is conditional.¹⁰⁴ All in all, uncoordinated schedules and duplicated (or even triplicated) production results in extremely irrational spending patterns. Numerous and redundant programs of poor quality are produced at a very high cost.

The section on Programming Principles in the Law on the Public Broadcasting System of BiH, also carried into the laws on the public broadcasting services, defines

¹⁰³ "Radio-Television of Republika Srpska (RTRS) will not move the broadcast time of its news program, nor will it agree to do away with this primetime news program", said Dragan Davidović, RTRS Director, *Nezavisne Novine*, 7 August 2004, p. 5.

¹⁰⁴ The views of RTVFBiH management on the issue had been changing over time. In an interview with our researcher (24 July 2007), RTVFBiH Director Jasmin Duraković endorsed the idea of creating a single news program. However, at an earlier point, in 2004, he did not accept BHRT management's idea for the entity televisions to discontinue their 19.30 primetime news programs and instead broadcast the programs "Federacija danas" (Federation Today) and "Srpska danas" (Srpska Today) at 17.00 as their central news programs, as well as a news bulletin around 22.00. On the other hand, the then BHRT Director Drago Marić maintained (9 August 2004) that "a year and a half ago there was consent from Federal Television management to stop the entity primetime news programs and to carry the primetime news program with the BHTV1 logo". Web-portal Danas, available at: <http://danas.co.yu/20040809/hronika1.html>.

PSB obligations in terms of satisfying the interests and needs of the constituent peoples and ethnic minorities. Three items define programming obligations with regard to ethnic, regional, tradition, religious and linguistic characteristics of peoples and ethnic minorities in BiH. Equal use of all three official languages of the constituent peoples, Bosnian, Croatian and Serbian, is required, as well as two alphabets, Latin and Cyrillic, and also that "In production of its own program and program in co-production the public broadcasting services shall ensure ... equal representation of contents that correspond to the tradition and heritage of all three peoples and adequate representation of others" (Article 26:5).

However, neither the Law nor the statutes of the PSBs, which further develop the programming principles, define program quotas for each of the constituent peoples and ethnic minorities, nor do they define what equal and adequate representation means. As the directors of all three PSBs confirmed to the authors of this report, the implementation of these requirements is at the discretion of individual editors. The *RTRS* Director General describes the situation as follows: "This is not something that is prescribed. It would be bad if we had to prescribe these things because then we would either hurt one party or push for another party; instead, it is a matter of inner feeling, the professional code of certain editors or a daily need to satisfy all these elements."¹⁰⁵

There are no statistics that would show whether public broadcasters fulfill the legally prescribed obligation on representation of content related to the cultural, religious and traditional needs of all peoples and ethnic minorities.

According to a report on *Media and Religion*,¹⁰⁶ *RTVFBiH* and *RTRS* do not give adequate coverage of the religious heritage of all three constituent peoples.

¹⁰⁵ Interview with the *RTRS* Director General, 23 July 2007.

¹⁰⁶ Tajić, 2007:20.

The issue of language is one of the most frequently discussed when speaking about PSB output. The loudest in these discussions are Croat political representatives and other Croat public figures,¹⁰⁷ but frequent objections are also heard from Bosniak public figures.¹⁰⁸ The essence of Croat objections is that the Serbian language is spoken on *RTRS*, Bosnian is spoken on *RTVFBiH*, and a combination of Serbian and Bosnian is represented on *BHRT*, while the Croatian language is nowhere to be heard.¹⁰⁹ In the Declaration on the Constitutional and Legislative Position of Croats in BiH, an unofficial but high-profile document dating from October 2005,¹¹⁰ it is stated that official and public use of the Croatian language is suppressed, bypassed and even negated in administration, education, culture, media and other public circles and institutions. Consequently, the Croat people need to have a separate public channel broadcasting in the Croatian language. On the other hand, a number of Bosniak critics maintain that the language on Federal Television is not Bosnian; on the contrary, they say it is kind of a 'laboratory' language, based on Croatian and with no basis in Bosnian-Herzegovinian speech.¹¹¹

Thus, PSBs have found themselves at the center of a broader debate on the position of language. The processes of creating three new languages out of the

¹⁰⁷ See: Statement by former Croat Member of the Presidency Ivo Miro Jović, *Hrvatsko Slovo*, 15 October 2005, available at: http://www.hkz.hr/Hrvatsko_slovo/2005/547/medjuHrvatima.htm.

¹⁰⁸ A. Sidran, "Jezik za zube" (Shut your mouth), *Slobodna Bosna*, 19 July 2007, pp. 48-49.

¹⁰⁹ See: S. Kukić 2007.

¹¹⁰ A conference titled "The Constitutional and Legal Position of the Croat People in BiH - Language, Education, Culture and Media", held in Neum on 27-29 October 2005, attended by representatives of the Croat Society of Science and Arts of BiH and University of Mostar, with active support from the Croat Community of Herceg-Bosnia, HKD Napredak, Central Croatian Cultural and Publishing Society branch in BiH, Society of Croat Writers of Herceg-Bosna, Association of Croat Journalists in BiH, etc.

¹¹¹ See: N. Filipović, *Slobodna Bosna*, 7 June 2007, p. 46; M. Riđanović, *Oslobodenje*, 29 June 2007, p. 36; or Web-forum of RTVFBiH at: <http://www.rtvfbih.ba/forum/viewpost.wbsp?ForumID=18&ThemeID=36>

formerly single Bosnian-Herzegovinian language standard are so intense and controversial that the PSBs were bound to be affected.¹¹² In these circumstances it is very difficult to plan and implement a coherent policy that will satisfy the interests of peoples who are determined to promote different languages.¹¹³

The linguistic policies of all three PSBs are based on the right of journalists to choose what language they will use, and in this regard no one has the right to tell them which language to use. On the other hand, PSBs have language-editing services that make sure that the language spoken by journalists is in line with the norms of the Bosnian, Serbian or Croatian language. So far these services covered the work of news program journalists, as well as subtitled foreign films, serials and documentary programs. *Federal TV* also partly language-edits texts in children's programs, but the whole program from this newsroom is not covered yet. With this kind of linguistic policy, linguistic representation is directly related to ethnic representation of people working in news programs and translators of foreign programs. Given the unbalanced ethnic representation in the PSB newsrooms, it is clear why the language-use in these programs is not balanced either.

¹¹² See, e.g. H. Vajzović, "Savremena jezička situacija - komunikativna i simbolička funkcija jezika" (The Contemporary Linguistic Situation in Bosnia and Herzegovina: Communicative and Symbolic Function of Language) in *Language and democratization: (proceedings)*, Sarajevo Language Institute, Sarajevo, 2001.

¹¹³ There is a huge debate as to whether these three languages are truly different in linguistic terms, and considerable consensus among linguists that this is not a matter of understanding (as the differences between the languages are slight), but rather of identity politics and recognition. This point seems to be important in that it is hard to find a similar example in comparative practice.

6. Conclusion

The lack of capacity of Croat and Bosniak representatives to reach a consensus on the shape and purpose of PSB, followed by the demand for a separate Croat channel, has for many years been the main formal obstacle to establishing a PSB legal framework in BiH. Analyzing the decisions of the Constitutional Courts of BiH and FBiH, it is difficult to support either solution without reservations. Even if we accept as more convincing the argument of the Constitutional Court of BiH that Croat vital interest is not violated by the law, we must also accept the argument of the Constitutional Court of FBiH that the existing articles of the law defining equal use of language and alphabet and respect for ethnic, regional, traditional, religious, cultural and other characteristics of the constituent peoples and all citizens of Bosnia and Herzegovina "do not have specific legal elaboration in the domain of their exercise and manner of protection, which could ensure satisfactory ... implementation."¹¹⁴

The PSBs do not provide equal representation of languages and alphabets. Hence, the existence of legal obligation does not practically guarantee the equality of the constituent peoples in the framework of all three broadcasters in the public

¹¹⁴ Decision of the Council for the Protection of Vital National Interests of the Constitutional Court of the Federation of Bosnia and Herzegovina, deciding on a request of the Croat Caucus in the Federation Parliament, Decision no: U-11/06, dated 19 July 2006. Available at: www.ustavnisudfbih.ba

broadcasting system, be they Croats, Bosniaks or Serbs. Moreover, there are no mechanisms to guarantee the implementation of legal obligations when it comes to adequate representation of minority communities.

On the other hand, there is no constitutional or legislative basis for the insistence on the creation of an exclusively Croat channel as the only solution to the problem. Namely, the Decision on the Constitutionality of Peoples and the Constitutions of FBiH and RS, which require proportionate staffing representation, as well as relevant laws on the Public Broadcasting System of BiH, do not envision the existence of public institutions that use only one of the three languages and employ only or predominantly members of just one people.

In addition to the obvious legislative and constitutional obstacles, the idea of creating purely ethnic channels is hardly feasible in economic terms. As Kukić has said,¹¹⁵ the request by Croat representatives and public figures for a separate channel is entirely legitimate, but Croats alone would have to pay for separate Croat channels; a solution which points toward complete ethnic segregation, as has already happened in the educational system.

Instead of seeking a solution within the framework of the present system by building in mechanisms to guarantee effective equality for all peoples and citizens, and insisting on the consistent implementation of existing laws, solutions are being sought that raise a number of questions related to BiH's overall constitutional arrangement, increase ethnic division, and are wholly irrational from a financial point of view.

However, the future of PSB is shaped not only by this disagreement, but also by the evident failure of the PSBs to establish themselves as public broadcasters for BiH and all its citizens. The framework of PSB reform has not led public television to act as a factor of social integration and cohesion.

In addition, the PSBs are in an extremely grave financial situation, in particular *RTVFBiH*, as well as *BHRT*; *RTRS* is somewhat better placed. This is the result of a number of factors: overstaffing, irrational duplication of program schedules and program production, and poor collection rate of the monthly licence fee. To a great extent, the poor financial situation is directly related to overall organization of the public broadcasting system, which again reflects the complex ethnic, political and territorial realities in the country.

Nevertheless, the key problem is that a solution for a purely political issue has been sought through legal mechanisms. This will not yield satisfactory solutions, as long as there is no consensus at the political level between Croat and Bosniak political representatives.

Another root cause of all the problems is the systematic failure of political actors, PSB management, and relevant state and international agencies to ensure full implementation of already existing legal solutions. The practice is that, depending on the territorial level (entity or state level), ethnic and political alliances and interests, some aspects have been implemented while others are ignored. This results in contradictory practices, where each side insists on implementation only of those aspects that are in its own interests while blocking the implementation of those that are not. So, Serb political actors insist on implementation of financial aspects, but are doing nothing to ensure adequate representation of other groups in staffing and programming at *RTRS*; Croat representatives insist on a third channel in the Croat language while boycotting the payment of the licence fee, thus undermining the very foundation of the broadcasting system. Bosniak representatives, meanwhile, propagate more integrative solutions while at the same time pushing legislation that has not been based on consensus and accepted by their Croat counterparts. This becomes a vicious circle of crisis, a perpetual engine for the production of conflict and the stalling of reform.

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MACEDONIA

Vesna ŠOPAR

I. Executive Summary

The media environment of Macedonia is a reflection of the multilingual structure of its society. Namely, not only the public, but also the private broadcasting sector broadcasts programs in the languages of the ethnic communities living in Macedonia. Thus, out of five private national television stations, one broadcasts in Albanian and Macedonian; at the regional level, programming in the languages of the ethnic communities is broadcast by five television stations (two in Albanian, two in Romany and Macedonian and one in Bosnian) and three radio stations (all in the Albanian language); while at the local level 12 television stations and 11 radio stations broadcast in the languages of the ethnic communities (ten TV stations in Albanian and two in Albanian and Macedonian, seven radio stations in Albanian, one in Albanian and Macedonian, two in Romany and Macedonian, and one in Macedonian, Serbian and Croatian).

The governance structures of *Macedonian Radio-Television* and the Broadcasting Council follow the multiethnic character of society, providing in their composition a fair representation of the citizens of all communities living in Macedonia.

The communication market is dominated by the commercial sector. National television stations have the biggest influence and the highest ratings, with programming that surpasses that of the public service broadcaster in terms of content and quality. In contrast, due to poor program quality, the ratings of *Macedonian Radio-Television (MRT)*, which is practically in a continuous process of transformation, have been

constantly declining. Reform of the MRT governance structure has brought almost no results to the structure and quality of programming. Programming has been declining due to commercialization and a drastic decrease in the broadcasting fee collection rate, while the audience is increasingly losing interest and trust in the public service broadcaster. This questions the fulfillment of obligations to create and broadcast public interest programs reflecting the social and cultural pluralism in the country.

MRT can take pride in programming organized according to language quotas. Thus it fulfills its obligation to nurture the cultural identity of the ethnic communities, as well as nurturing and developing the speech and language standards of all communities living in Macedonia. Programming is broadcast in seven languages, Macedonian, Albanian, Turkish, Romany, Vlach, Serbian and Bosnian, and the program scope is defined according to proportionate representation of all communities in the population of the Republic of Macedonia. But this division is accompanied by segmentation of the audience along ethnic lines due to language obstacles, which do not contribute to fulfilling the integrative role of the public service broadcaster in the broadcasting sphere. The public service broadcaster is presently on the threshold of major organizational, technical, staffing and programming changes.

2. Introduction

Macedonia is a multiethnic society with two dominant ethnic groups - Macedonian and Albanian. Throughout the period of political transition, since 1990,

the state has functioned as a typical divided society, with political tension that has not grown into an open armed conflict because of the inclusion of the Albanian community into government structures. This was not regulated by the Constitution, but was imposed by the reality and a desire not to exclude an important segment of society from politics. In other spheres, so-called positive discrimination was present in enrolment in universities, employment in public services and exercise of the right to education in elementary and high schools in one's own mother tongue. But, due to the concentration of the Macedonian population, especially in the employee structure and in particular the public sector, the Albanian community's demands for a more equal political, economic and cultural distribution are becoming increasingly pronounced.

The 2001 crisis (for which there has been no official explanation to this day as to whether it was a struggle for human rights, armed rebellion by ethnic Albanians, or secession, with explanations depending on which side one speaks to) resulted in the *Ohrid Agreement*,¹ under the strong influence of the international community. Revision of the Constitution, i.e. of the political system, followed, with the introduction of elements of consensual democracy, but maintaining the unitary character of the country. The power-sharing model was introduced along with the decentralization of

¹ "The Ohrid Agreement, or the Ohrid Framework Agreement, was the peace deal signed by the government of the Republic of Macedonia and Albanian representatives on August 13, 2001. The agreement ended fighting between the National Liberation Army and the Macedonian security forces and set the groundwork for improving the rights of ethnic Albanians in the Republic of Macedonia. The Agreement also included provisions for altering the official languages of the country, with any language spoken by over 20% of the population becoming co-official with the Macedonian language. Currently only Albanian with an approximate 25% of the population fulfils this criterion." Source: Wikipedia - The Free Encyclopedia, URL: http://en.wikipedia.org/wiki/Ohrid_Agreement#_note-0 (accessed on November 23, 2007). The full text of the Ohrid Agreement can be seen on the Council of Europe web site: http://www.coe.int/t/e/legal_affairs/legal_co-operation/police_and_internal_security/OHRID_%20Agreement_%2013august2001.asp (accessed on November 23, 2007).

local governance, proportionate representation of communities in the state administration and public services, and a minority veto (known in Macedonia as 'Badinter's majority'),² which means that a number of laws related primarily to cultural identity are passed by double majority (the majority of parliamentarians from different ethnic communities must vote for them). From the 'consociational' model³ the big coalition or federalization were not accepted. Implementation of the model in practice has certainly led to power-sharing in the political system, which is considered an important prerequisite for the country's stability.

Decentralization changed municipal borders, and in some municipalities the size of the Albanian population increased, prompting steps toward power-sharing and reducing the feeling of social exclusion. In addition, with decentralization, the competences of local authorities were strengthened. Elements of power-sharing are present in this regard as well, in particular in the decision-making process, in order to protect the population, primarily minorities in municipalities. A step forward was made in the administration with regard to the number of Albanians (reforms were started back in 2001) and this is taken into account not just quantitatively, but also qualitatively (in terms of hierarchical positions). However, in contrast to professional

2 Badinter's majority is a popular term in Macedonia denoting a double majority needed to pass specific decisions in Parliament. Article 69 of the Constitution of the Republic of Macedonia states: "The Assembly shall pass decisions by a majority vote of the representatives attending, in which it shall have the majority vote of the representatives attending from the non-majority communities in the Republic of Macedonia." The very term Badinter's majority comes from the name of a well-known French jurist and professor who headed a Commission formed by the European Community in 1992 which assessed the Constitution of Yugoslav republics from the aspect of how democratic they were. The commission's conclusion was that only Macedonia and Slovenia, from a constitutional point of view, met the requirements for European Community admission. Later, after the 2001 conflict, Robert Badinter was invited as an expert to help draft constitutional changes as a result of the Ohrid Agreement.

3 See, for example, A. Lijphart, 1999.

standards, political criteria are usually followed, creating dissatisfaction and inter-ethnic tension among Albanians themselves. The criterion of admission into the administration is political party affiliation, depending on which party is in power.

To this day the international community, taking into consideration not only the stability of Macedonia but of the whole region as well, has insisted on consistent implementation of the Ohrid Agreement as part of the country's constitutional system. In addition, Macedonia's progress in approaching the European Union is precisely reflected in the implementation of the Ohrid Agreement. However, inter-ethnic relations are used as a screen for boosting the popularity of specific political elites. For example, the opposition (especially Albanian parties), in order to boost their ratings, allege that the Ohrid Agreement is not being implemented, while the incumbent government, in contrast, alleges that it is being applied very consistently.⁴

Macedonia is a parliamentary democracy in which the Assembly (Sobranie) - the holder of legislative power - has one chamber and is composed of 120 parliamentarians elected on a proportionate principle in general elections. Executive power is bicephalous. The Parliament elects the Government and the president of the country gives the mandate to compose the Government to the party that won the most votes in elections. The Government in which executive power is concentrated is always a coalition government, not just because the Albanian political bloc is included in the authorities, but also because not a single Macedonian party in this period managed to win enough votes to form the Government on its own. At present, out of a total of 14 ministries, Albanians in the Government cover the fields of health care, education and science, culture, local self-government, and environment and spatial planning.

⁴ VThe opposition, in particular the Albanian party DUI (Democratic Union for Integration), uses every occasion, including Parliament sessions, television programs and statements to the media, to criticize the government for failure to implement the Ohrid Agreement.

In the broadcasting sphere, a 'dual media system' has been established, meeting from a normative and declarative point of view the basic prerequisites for media operation in conditions of parliamentary democracy and market economy and fostering the principle of pluralism and competitive confrontation of the two key broadcasting subjects - public and commercial. The influence of political power-sharing can be felt most of all with public service broadcasting, both at the national and local level, in particular in the election of management bodies and editorial policy. From a legal viewpoint, the relationship between politics and media is clearly regulated, but in practice not just public service broadcasting, but commercial media as well, barely manage to adhere to political neutrality and impartiality. Preference toward a particular political option is especially manifested at the time of election campaigns.⁵ In addition, ownership structure, in particular of large national radio and television stations, clearly indicates the correlation and intertwining of political and economic interests. The owners of the largest private television stations (or their sons) are political party leaders (*A1, Sitel, Kanal 5*), members of Parliament (*Sitel*) and former ministers (*Kanal 5*), while at the same time owners of large private companies (*Sitel, Telma*), although other people are registered in the Central Register as media founders and owners.⁶

Looked at as a whole, the ethnic structure of society has not directly affected the institutionalization of the broadcasting sphere. Namely, there have been no major differences in stands among political parties, especially Albanian and Macedonian ones, either regarding the passing of laws, or election of management bodies of the

⁵ See: Broadcasting Council Bulletin, no. 13, "Elektronskite mediumi i parlamentarnite izbori vo 2002. godina", Skopje, 2003, and Broadcasting Council report on media coverage of the 2006 parliamentary elections published on the Council website, www.srd.org.mk.

⁶ Source: Mediumskata sopstvenost i nejzinoto vlijanie vrz nezavisnosta na mediumite i pluralizmot, Makedonski insitut za mediumi, Skopje, 2004, pp. 63-68.

public service, or regarding the selection of radio and television stations that will hold broadcast licenses. Battles have only been fought over the efforts of governments (every government, including the incumbent one) to legally maintain their paternalistic attitude in this sphere. On the other hand, the opening of the broadcasting spectrum to a large number of subjects not only creates a good foundation for the development of media pluralism; it has also proven to be the right approach to the promotion of ethnic communities. In this context, the increasing number of private radio and television stations broadcasting in the languages of the minority groups, in particular in communities where they are most represented, is a real reflection of the ethnic structure of society.

3. Structure of the television sector

In the television sector of the Republic of Macedonia, three key subjects are dominant: terrestrial public broadcasting service, terrestrial commercial broadcasting, and cable radio and TV networks. Public service broadcasting comprises the national service *Macedonian Radio-Television* (with three television and four radio programs) and 29 local radio stations (of which 12, although illegally, also broadcast television programs). The commercial sphere consists of a total of 114 subjects, eight of which are at the national level (five television and three radio stations), 27 at the regional level (11 television and 16 radio stations) and 79 at the local level (36 television and 43 radio stations). The cable network has 118 operators that are registered (with notification from the Agency for Electronic Communications), but only 40 have a

Broadcasting Council license. In the meantime, for the first time foreign capital is entering the cable network.

Competition between the public sector and commercial sector is strong. At the national level, five private television stations compete against the Macedonian Television First (*MTV1*) and Second (*MTV2*) Programs, while three private radio stations compete against the Macedonian Radio First (*MRI*) and Second (*MR2*) Programs. At the local level, private radio and television stations practically have no competition as public local radio and television stations (29 radio and 12 television stations) are on the verge of collapse and currently attempting privatization.

The main players on the media market are large national commercial television stations which take the biggest proportion of the advertising pie, while the majority of local stations barely survive, generally only with the help of foreign donations. Those operating in small towns with underdeveloped economies fare the worst.

Public broadcasting has been generating losses for years, primarily due to the poor collection rate of the broadcasting fee. There have been no major changes in the programming structure and rating have dropped, even while covering almost the entire territory of the Republic of Macedonia. Namely, both *MTV1* and *MTV2* cover 98 per cent of Macedonia's territory, but big private televisions do not lag behind either, such as *A1* with 90 per cent and *Sitel* with 85 per cent, while *Kanal 5* (70 per cent) and *Telma* (69 per cent) have somewhat poorer coverage, and *Alsats-M* (30 per cent) has the lowest.

Private national television stations have the biggest audience share. The first on the list are *A1* television and *Sitel*, followed by *Macedonian Television First Program*, and then *Kanal 5* and *Telma*. Behind them is *Macedonian Television Second Program*, while *Alsats-M* and *MTV3* are at the end. Satellite channels via the cable network have the same audience share as *A1* (Table 1).

Table 1: Audience share of television channels in 2007

Television	Share (in %)
A1	23.7
Sitel	12.3
MTV	19.4
Kanal 5	7.6
Telma	3.9
MTV2	2.3
Alsat M	1.5
MTV	30.5
Satellite channels	23.2
Other channels	15.3

Source: SMMRI⁷

3.1. Nature of the TV audience

Macedonia currently has 530,000 registered radio and TV broadcasting fee payers, 459,165 of which are households and 70,003 of which are individuals. According to *Broadcasting Council*⁸ data from 2005, in terms of universality, or total

⁷ Research "Program Needs of the Television Audience in the Republic of Macedonia", Strategic Marketing & Media Research, June 2007.

⁸ Two such analyses have been carried out so far, in 2002 and 2005. The analyses were made using the standardized method and introduced by the Group of European Public Researchers (GEAR). The last analysis was implemented from 3 to 9 September 2005, by combining data from weekly analyses of programs on Macedonian television and national commercial television stations carried out by the Broadcasting Council Sector for Programming Work and data obtained through audience measurement regularly carried by SMMRI, Skopje. Source: "Does Macedonian Television Exercise Public Service Functions?", Broadcasting Council internal material.

reach, the ratio is as follows: *MTV1* has a reach of 53 per cent, *MTV2* 16 per cent, *MTV3* 6 per cent, while the commercial *A1* has 88 per cent, *Sitel* 74 per cent, *Kanal 5* 51 per cent and *Telma* 38 per cent. There is no doubt that the audience is losing interest in *Macedonian Radio-Television* programs. This is confirmed by analyses conducted in 2002, when *MTV1*'s reach was 90 per cent, *MTV2* 60 per cent, and the private television *A1*'s reach was 88 per cent.⁹

As for average time spent viewing television, the audience watches *MTV1* 37 minutes a day, *MTV2* 30 minutes and *MTV3* 21 minutes. In contrast, the private television *A1* is viewed on average 70 minutes a day, *Sitel* 40 minutes, *Kanal 5* 35 minutes, *Alsat-M* 31 minutes and *Telma* 25 minutes.

In terms of demographic characteristics of the audience, *MTV1* has the biggest reach among the audience aged 50 to 70 (30.4 per cent), *MTV1* has almost equal reach among the groups aged 10 to 19 (23.5 per cent), 50-70 (22.4 per cent) and 20-29 (21.8 per cent), while *MTV3* has the biggest reach among the group of people aged 50 to 70 years (31.5 per cent).

The audience is fragmented by ethnic background, in particular the two largest communities. The large number of private local radio and television stations broadcasting solely in Albanian or Macedonian contribute to this. For example, in Struga, there are two private television stations - one is in Albanian and the other is in Albanian and Macedonian, whereas in Gostivar there is one television station and it broadcasts in Albanian. In Kumanovo there are five private television stations in total, two of which are in Albanian and three in Macedonian, or in Tetovo, where out of a total of six private television stations three broadcast in Albanian and three in Macedonian. This, of course, is not contrary to the law, which states that "the broadcasters shall broadcast programs in the Macedonian language, whereas in the cases of programs intended for a non-majority community, the language of that

⁹ See: Broadcasting Council Bulletin, no. 12, Skopje, 2003, pp. 25-35.

community shall be used".¹⁰ The previous Law on Broadcasting Activity (from 1997) contained a similar solution: "Broadcasting organizations shall broadcast programs in the Macedonian language, whereas they may also broadcast program in the languages of the ethnic communities".¹¹

In this context, the policy of the Broadcasting Council, back since allocating its first licenses in 1998, was to take into consideration the cultural and language needs or interests of the ethnic minorities in Macedonia. Effort was made to achieve a balance, but not at the expense of compliance with criteria under the law for license allocation to those applying for broadcasting activity. Thus, there are cases that in some towns, such as Struga and Gostivar, there is not a single television station in the Macedonian language because those who applied for a license did not meet the criteria under the law for carrying out broadcasting activity. This disparity is alleviated in that all cable operators have an obligation to include all existing national radio and television stations in Macedonia in their program packages. Today, in addition to the large number of private Albanian radio and television stations, there are also two private television stations in the Romany (and Macedonian) language and one in Bosnian. That there are none in the Turkish, Vlach or Serbian languages is primarily a result of the inertia of these communities for this type of activity, rather than the *Broadcasting Council's* 'special attitude' to them.

It is very difficult to speak about the ethno-cultural structure of the television audience. Specialized research practically does not exist. Looking at the ethnic structure of the audience, for *MTV1*, 59 per cent of viewers are Macedonian and 35.7 per cent are Albanian. On *MTV2* the ratio is the opposite, 54.9 per cent are Albanian and only 1.6 per cent are Macedonian. One of the reasons for this is that the majority

¹⁰ The Law on Broadcasting Activity, Article 82, Official Gazette of the Republic of Macedonia, no. 100/05.

¹¹ The Law on Broadcasting Activity, 1997, Article 45.

of the Macedonian population does not speak Albanian and cannot follow the *MTV2* program, while the Albanian population traditionally is drawn towards television stations broadcasting in Albanian, although even among them, but to a much lesser scope, there are also those who do not understand Macedonian.

This is confirmed by data from the latest public opinion research.¹² Of the total number of Albanians surveyed, 40 per cent are informed daily and 25 per cent several times a week by *MRT2* news, whereas 15 per cent are informed daily and 23 per cent several times a week by *MTV1* news. Among Macedonians, only 1 per cent are informed daily and 2 per cent are informed several times a week by *MTV2* news, but far more are informed by the *First Channel* (19 per cent daily and 21 per cent several times a week).

Further, the Albanian population is turning more and more to the television *Alsat-M* (which broadcasts in Albanian, although some shows are also broadcast in Macedonian), which started broadcasting in 2006. Its news program is watched by 61 per cent of Albanians every day and by 16 per cent several times a week, while the percentage of viewers from the Macedonian population is negligible (1 per cent watch the television station's news program every day and 1 per cent watch it several times a week). In contrast, *A1* television's news program is watched by 58 per cent of Macedonians every day and 23 per cent several times a week. *A1* is popular among Albanians as well, with 32 per cent informed by it every day and 23 per cent several times a week. Or, the television station *Kanal 5*, whose news programs are watched by 40 per cent of Macedonians every day and by 26 per cent several times a week, while among Albanians 17 per cent watch it every day and 21 per cent watch its news several times a week. There is no doubt that language obstacles are crucial in the segmentation of the audience.

¹² Research: Program Needs of the TV Audience in the Republic of Macedonia, SMMRI, Skopje, 2007.

Segmentation of the audience is also affected by the similarity of languages. Namely, in television stations' total audience, satellite channels (via the cable network) participate with a big percentage (23.2 per cent). The most watched among them by the Macedonian population are Croatia's *HRT1*, Serbia's *TV Pink*, Bulgaria's *Planeta*,¹³ whereas the Albanian population watches programs from Albania and Kosovo, although *Alsat-M* television carries (re-broadcasts) more than one-half of its total Sunday program from Alsat television from Albania.¹⁴

With regard to ethnic groups, particularly smaller ones (Roma, Vlach, Bosniak, Serbian), the scope of the programs broadcast in their languages (one hour and 30 minutes a week respectively) cannot nearly satisfy their information needs, let alone nurture the lingual and cultural identities of these communities.

Despite the fact that *Macedonian Radio-Television* has an important function of representing public interests, it would be hard to say that citizens see its programming as their own. Not only are *MRT* programs rarely watched, but the public broadcaster also enjoys a low level of trust. According to the latest public opinion research data, only 7 per cent of citizens trust *MTV1*'s news program and 2 per cent trust *MTV2*'s news program. In contrast, the private *A1* enjoys the trust of 40 per cent citizens, *Alsat-M* 17 per cent, *Kanal 5* 11 per cent and *Sitel* 10 per cent of citizens.¹⁵

3.2 General character of TV programming

Macedonian Television, both on the *First* (63 per cent) and *Second* (57 per cent) Program Services, broadcasts a considerable scope of programs of its own production

¹³ Source: Strategic Marketing and Media Research, Audience share of mail channels, Skopje, 2007.

¹⁴ Broadcasting Council database, monitoring of public and commercial radio and television stations, February 2007.

¹⁵ Research "Program Needs of the Television Audience in the Republic of Macedonia", Strategic Marketing & Media Research, June 2007.

compared to the total programming broadcast in one week. As for commercial channels at the national level, foreign programs dominate their program structure. *Kanal 5* has the biggest scope of programs of its own production (31 per cent), followed by *A1* (21.5 per cent), *Sitel* (13 per cent) and *Telma* (9 per cent). Information programs, information-entertainment and entertainment programs dominate all of them.

The division of program offerings on *Macedonian Television* according to language quotas is a solution regulated by law. The Law on Broadcasting Activity defines that: "On the territory of the Republic of Macedonia, MRT shall broadcast one television program service in the Macedonian language and one program service in the language spoken by at least 20 per cent of the citizens that is different from the Macedonian language". The result is the First Television Program in the Macedonian language and the Second Television Program, which is primarily in Albanian and the languages of the ethnic communities in Macedonia, while the third is an assembly channel. In this way *Macedonian Radio-Television* aims to fulfill its public interest obligation, primarily the nurturing of the cultural identities of the communities in Macedonia and the nurturing and development of the speech and language standards of all communities.¹⁶

In addition, with regard to the television program in the languages of the ethnic communities, the oldest is the Albanian language program, which started broadcasting in 1967, followed in 1969 by a program in the Turkish language, in 1990 in Romany, in 1991 in Vlach, in 1994 in Serbian, while the youngest, in Bosnian, was launched in 2002. Research results show that this division is accompanied by segmentation of the audience along language (ethnic) lines. But this has not been the subject of special interest either on the part of the expert public or the public at large, nor the subject of in-depth analysis by relevant institutions. The law requires the

¹⁶ The Law on Broadcasting Activity, Article 121.

program produced by *Macedonian Radio-Television* "to be a reflection of social and cultural pluralism in the country, which, among others things, means fulfilling an integrative role in the broadcasting sphere".¹⁷

4. General broadcasting regulations and structure

The regulatory framework of the broadcasting sphere consists of several subjects: *Broadcasting Council, Ministry of Transport and Communications, Ministry of Culture and Agency for Electronic Communications*. The Ministry of Transport and Communications and Agency for Electronic Communications supervise the construction, maintenance and use of networks and means of broadcasting and transmission of programs.¹⁸ The Agency also issues licenses for use of radio frequencies. The Ministry of Culture is responsible for inspection supervision in terms of respecting the copyrights and related rights, as well as the use of the Macedonian language.¹⁹ The multiethnic structure of the country is reflected in the structure of these bodies. The Minister of Culture and Deputy Minister of Transport and Communications are from the Albanian community, while in the composition of the Broadcasting Council the Vice-President and one member is Albanian and one Bosniak.

¹⁷ Interview with Snežana Trpevska, Broadcasting Council expert advisor, Skopje, 12 July 2007.

¹⁸ The Law on Broadcasting Activity, Article 164.

¹⁹ Ibid, Article 165.

The key laws, in particular the Law on Broadcasting Activity and the Law on Electronic Communications, in terms of their drafting, passing and implementation, had not been a subject of disagreement between Macedonian and Albanian representatives, most likely because the proposed solutions did not hamper politicians' ability to control their respective media interest zones. There had been disagreements between the expert and scientific public on one hand and representatives of authorities (relevant ministries) on the other, in particular concerning the degree of independence and competences of the broadcasting regulatory bodies and management bodies in public broadcasting. Instead, the interest of Macedonian and Albanian political subjects was - and still is today - focused on the passing of much "more important" laws, such as the law on local self-government, law on decentralization, law on municipal borders, and election code, where the principle of political power-sharing is manifested most directly.

The Broadcasting Council, an "independent non-profit regulatory body with public competences and authority in the field of broadcasting activity",²⁰ has the key role in the broadcasting sphere. The Council is composed of nine members, selected according to the principle of appropriate and fair representation of citizens belonging to all communities in Macedonia, elected by the Assembly upon nominations submitted by authorized nominators, without the right to be re-elected.²¹ Previously, the law had envisioned the representation of members of ethnic minorities in the composition of the Broadcasting Council, which had been implemented in practice.²²

²⁰ Ibid, Article 21.

²¹ Authorized nominators are: Macedonian Academy of Arts and Sciences, Inter-University Conference, Majority Journalists' Association of Macedonia, and Committee of Elections and Appointments of the Assembly of the Republic of Macedonia. The Law on Broadcasting Activity, Articles 26, 28.

²² In this regard, the provision of Article 24 of the new Law on Broadcasting Activity on representation of ethnic minorities in the Council maintains continuity.

The Council has very broad competences: it passes and implements the strategy for development of broadcasting activity, decides on the allocation, revocation and renewal of licenses, coordinates the activities for allocation and use of radio frequencies, supervises the work of the entities involved in broadcasting activity, adopts decisions, rules, recommendations for implementing the law, undertakes measures against the broadcasters that fail to fulfill their duties laid out by the law, participates in the drafting of legislation, regulations and other acts regarding the broadcasting activity, approves the list of major events for the public in the Republic of Macedonia, and adopts and implements measures defined by the law.²³

The issue of independence of editorial policy is regulated by the Law on Broadcasting Activity and Anti-Monopoly Law, but with a very small number of specific protective mechanisms. The broadcasting industry "can" protect itself from state influence in several ways. First, the law regulates that "political parties, state bodies, bodies of the state administration, public enterprises, local self-government units, public office holders and members of their families, may not pursue broadcasting activity or appear as founders or co-founders of broadcasters, or acquire ownership of broadcasters".²⁴ In addition, radio and television program is based on the autonomy, independence and accountability of broadcasters, editors, journalists and other authors involved in the creation of programs and editorial policy.²⁵

²³ In 2006 the Council passed a number of recommendations and rules: List of Major Events, Rules on Equitable Representation in the Media during the Election Campaign, Instructions on the Right to Brief Reporting, Rulebook on the Protection and Nurturing of Cultural Identity, Rulebook on the Format of Radio and Television Program Services, Rulebook on European Audiovisual Works, Rulebook on the Protection of the Minor Audience from Programs that may be Damaging to their Psycho-social Development, Rulebook on Technical Standards and Parameters for the Studio Section of Broadcasters. Source: Report on the Work of the Broadcasting Council for 2006 (internal edition).

²⁴ The Law on Broadcasting Activity, Article 11.

²⁵ Ibid, Article 68.

Protection of editors and journalists from owners is regulated by the law in that "every broadcaster shall appoint an editor-in-chief, who shall be in charge of the realization of the program contents and shall be held responsible for the accuracy of all information broadcast in the program".²⁶

In practice, the situation is entirely different. A rule has been in effect on the public service for years that the ruling party "appoints" the director general both at the national and local levels, and that the Albanian coalition partner "appoints" the deputy. Therefore, incumbent politics are literally copied in editorial policy, in particular during election campaigns. According to Živko Andrevski, Professor at the European University of Skopje, the influence of authorities on the public service was strongest in the period from 1992 to 2002. "The political elite that was in power in this period used Macedonian Television as a propaganda tool the most, using Macedonian Radio to a much lesser extent, although they are part of one system".²⁷

5. Regulation and management of Public Service Broadcasting

The modeling of *Macedonian Radio-Television* in the spirit of democratic pluralism started back in 1991, when then *Radio-Television Skopje* was defined as a public enterprise by decision of the Assembly of the Republic of Macedonia. But the

²⁶ Ibid, Article 84.

²⁷ Interview, Skopje, 18 May 2007.

enterprise received a clear structure only with the passing of the first Law on Broadcasting Activity and the Law on the Founding of the Public Enterprise *Macedonian Radio-Television*. Namely, regulation of the public broadcasting sphere was based on the universal principle of "public welfare" or "public interest". The lawmaker defined this as the exercise of general public interest and adjustment to requests for informative, educational, cultural, scientific, sports, music, entertainment and other contents that reflect the social and cultural pluralism of the country.²⁸ Practically, it was thus accepted that the public service bases its activity on the principles of universality, diversity, editorial independence, social responsibility and justification, cultural identity and non-profit character.

5.1. The public broadcasting system

The public broadcasting system is composed of three subjects: national broadcasting service *Macedonian Radio-Television (MRT)* - comprising *Macedonian Television (MTV)* and *Macedonian Radio (MR)*, 29 local radio stations,²⁹ and Makedonska Radiodifuzija (MRD), an enterprise in charge of the transmission infrastructure. According to the law, all subjects are publicly owned.

MRT broadcasts three television program services and four radio program services in the territory of the Republic of Macedonia. The first television program service (*MTVI*) broadcasts in the Macedonian language, on average 24 hours a day, and in terms of genres consists of informative, educational, documentary, cultural,

²⁸ The Law on Broadcasting Activity, Article 120.

²⁹ The Broadcasting Council made a decision that all 29 public radio stations will be transformed into private broadcasting companies. The decision is a result of an extensive analysis of the broadcasting situation at local level, analysis of MRT capacities, stands of local public radio stations and stands and views of the public (Analysis: "Transformation of Local Public Broadcasting Organizations in Macedonia", Broadcasting Council, 2006).

entertainment and sports contents. The second television program service (*MTV2*) broadcasts in the languages of the ethnic communities in Macedonia (Albanian, Turkish, Romany, Vlach, Serbian, Bosnian) on average 16 hours and 30 minutes a day, with predominantly informative, documentary, entertainment and feature contents. The third is the *Assembly Channel*, devoted to broadcasting the activities of the Assembly of the Republic of Macedonia, with the Assembly itself responsible for its content. When there is a lack of Assembly activities, the program is filled with other contents, mainly feature and documentary programs.

Two radio programs (*MR1* and *MR3*) are in the Macedonian language, one with equal representation of informative, entertainment and educational contents, and the other exclusively featuring contents from the sphere of science, art and culture, whereas the Channel of Ethnic Communities (*MR2*) broadcasts in the languages of the ethnic minorities in Macedonia (Albanian, Turkish, Roma, Serbian, Vlach, Bosnian). The fourth radio program - *Kanal 103*, is devoted to meeting the specific needs of the audience, whose taste is primarily focused on new directions in music.

In addition, MRT has a radio and a television satellite program service intended primarily for emigrants and citizens of the Republic of Macedonia living in Europe and on other continents (in the Macedonian language).³⁰

MRT, as well as all other broadcasters, has an obligation to give special attention to nurturing the cultural and language characteristics of each ethnic community. Namely, they are obligated to dedicate at least 30 per cent of their daily broadcast time to programs in the Macedonian language or in the languages of the non-majority communities living in the Republic of Macedonia, and to dedicate at least 30 per cent of their broadcast vocal-musical compositions in the Macedonian language or in the languages of non-majority ethnic communities.³¹ In this respect, *MRT* has bigger

³⁰ The Law on Broadcasting Activity, Article 117.

³¹ *Ibid*, Article 74, Paragraph 1, Article 74, Paragraph 2.

obligations with regard to music and is obligated to provide at least 45 per cent of the broadcast vocal-musical compositions to be in the Macedonian language or in the languages of the ethnic communities, and on each radio program service at least 40 per cent originally produced in the Macedonian language or in the languages of the minority communities.³² The latest Broadcasting Council monitoring data confirm that *MRT*, both on the First, and especially on the Second Television Program, fulfills these obligations, in particular with regard to protecting and nurturing cultural identity (programs in Macedonian and languages of ethnic communities in Macedonia).³³

5.2. Funding

The funding of *Macedonian Radio-Television* has a specific history. Under the law, *MRT* is funded from the broadcasting fee,³⁴ from advertising, sponsorship, donations, sale of programs and services and from means secured in the budget of the Republic of Macedonia. From its definition as a public service, all the way to 1997, a court process went on regarding the amount of the broadcasting fee and how it

³² Ibid, Article 124, Paragraphs 2 and 3.

³³ Report on Monitoring of MTV1 and MTV2 programs from 27 March to 2 April 2007.

³⁴ The amount of the broadcasting fee is 2.5% of the average net salary per worker for the previous quarter (around 3.4 Euro). (The Law on Broadcasting Activity, Article 148). The broadcasting fee is a public fee and is paid by every family household, by hotels and motels, legal persons and office space owners, owners of catering and other public facilities possessing a radio receiver or TV set. (The Law on Broadcasting Activity, Article 146). Of the funds collected, *MRT* receives 76.6%, of which 72% goes toward creating and broadcasting programs and 4.5% for technical and technological development. The remaining funds go into the accounts of Makedonska Radiodifuzija (16% for maintenance and use of the public broadcasting network and 3.5% for public broadcasting network development) and the Broadcasting Council for regulating and development of the broadcasting activity in the Republic of Macedonia (4%) (The Law on Broadcasting Activity, Article 149).

should be decided. Citizens did not pay the fee, which completely exhausted *MRT* financially. The problem was solved normatively by the *Law on Broadcasting Activity*, but the consequences were felt for a long time, in organizational, production, staffing and technical terms. After finally coming up with a model for paying broadcasting fee via electricity bills,³⁵ a new and most difficult attack came. Under the new 2005 Law on Broadcasting Activity, *Macedonian Radio-Television* assumed the obligation of collecting funds from the broadcasting fee.³⁶ The collection rate was so low that the enterprise was on the verge of financial collapse. Employees did not receive salaries for months, they organized a strike, the executive director resigned, and to calm down the situation the Government intervened with funds from the budget (Table 3).

Table 2: Structure of revenue generated by MRT in 2005

Revenue sources	Participation in total revenue (in %)
Broadcasting fee	86.9
Advertising revenue	6.8
Sponsorship revenue	0.1
Revenue from donations	0
Other revenue	6.2

Source: Broadcasting Council³⁷

³⁵ In order to increase the license fee collection rate, the Law on Broadcasting Activity was amended (Official Gazette of RM, no. 70/2003) and the license fee is now paid through electricity bills.

³⁶ The Law on Broadcasting Activity, Article 116.

³⁷ Broadcasting Council Report for 2006.

Table 3: Broadcasting fee collection rate

Year	Collection (in %)
1997.	65.7
1998.	65.6
1999.	68.1
2000.	64.6
2001.	56.6
2002.	50.8
2003.	52.8
2004.	56.6
2005.	46.9
2006. (Januar-May)	29.8
2006. (June-December)	6

Source: MRT³⁸

Data on revenues and expenditures show that *Macedonian Radio-Television* has constantly had a negative balance in the past several years.³⁹ The latest assault is the Government's failure to adhere to its obligation under the law until the beginning of implementation of the Law on Broadcasting Activity for collection of the broadcasting fee (from December 2005 to May 2006), which will provide 80 per cent of the total amount of broadcasting fee from the budget.⁴⁰ The first emergency funds arrived with

³⁸ Financial Report on the Work of MRT for 2006.

³⁹ Report on the Work of the Broadcasting Council for 2006 (internal edition), Report on the Work of the Broadcasting Council for 2005 (Broadcasting Council Bulletin, no. 20, 2006, p. 18), Report on the Work of the Broadcasting Council for 2004 (Broadcasting Council Bulletin, no. 18, 2000, p. 31).

⁴⁰ The Law on Broadcasting Activity, Article 178.

a big delay from the budget and from public enterprises. In the framework of its strategy for rehabilitating the situation in public broadcasting, the Government gave a "visa" for the transfer of the first three million Euro from the Public Enterprise for Airport Services into *MRT*'s account. The Association of Private Electronic Media (APEM) strongly protested the Government "policy", assessing that the public service was using these funds for procurement of purely commercial programs, which stimulates unfair competition.⁴¹

Roberto Beličanec of the Media Development Center considers this manner of funding "an alternative way of servicing Macedonian Radio-Television, by which not only is a large amount from the broadcasting fee is lost, but with it also the enterprise's independence and autonomy".⁴² In order to alleviate *MRT*'s grave financial situation, in the new Law on Broadcasting Activity the Government envisioned an increase of the allowed advertising time on *MRT* - which may again provoke the anger of commercial media - and a reduction in the amount of broadcasting fee from the present 2.5 per cent to 1 per cent of the average net salary in the hope of increasing the collection rate, which is hard to expect in light of the low living standard of citizens and dissatisfaction with programs offered by the public service, coupled with the transition to the cable network, which among other things, has an obligation to transmit programs broadcast by domestic public and private television stations.

The costs of special radio programs, as well as the radio and television satellite program in foreign languages intended for immigrants and citizens of the Republic of Macedonia living abroad, are funded from the budget of the Republic of Macedonia. *MRT* independently makes decisions regarding this type of program, but in accordance with a special financial plan approved by the Assembly. The costs of broadcasting the

41 Daily "Utrinski Vesnik", 9 May 2007, Article "APEM protests over MRTV".

42 Interview, Skopje, 26 June 2007.

activities of the Assembly are provided from the Assembly and the costs of broadcasting *MRT* are provided with the funds from the broadcasting fee.⁴³ Special mechanisms for distributing these funds to stimulate ethnic equality do not exist.⁴⁴

5.3. Governance structure

The Law on Broadcasting Activity introduces essential reforms in the *MRT* governance structure. Normatively, the principle of election and appointment of *MRT* members is consistently developed, by which *MRT* is finally, "formally and legally", freed of dependence and direct influence of authorities both in the governance structure and editorial policy. In addition, bearing in mind the multiethnic composition of the country, the law prescribes that when determining the proposal of candidates for the *MRT* bodies (*MRT* Council), the Assembly takes account of fair and equitable representation of the citizens of all communities that live in Macedonia.

However, only a year after the implementation of the law, the Assembly passed *The Law on Amending the Law on Broadcasting Activity* (12 February 2007),⁴⁵ introducing changes in the governance structure - the category of a governing body, comprised of two persons, as well as two deputies, having equal responsibility in governing *MRT*'s work.⁴⁶ The Government's explanation for the move, "a model of two directors", is that it is an attempt to solve the catastrophic financial situation, drastic fall in audience shares and very low quality of the program offered by the public service.⁴⁷ The process was carried out and two governing officials are at the head of *MRT*, one of whom is a foreigner whose purpose is to help primarily in the

⁴³ The Law on Broadcasting Activity, Article 119.

⁴⁴ Data on the principles of distribution of funds are unavailable.

⁴⁵ Official Gazette of the Republic of Macedonia, no. 19/2007.

⁴⁶ The Law Amending the Law on Broadcasting Activity, Article 140.

⁴⁷ Daily "Dnevnik", 18 October 2006.

process of *MRT* restructuring. In the meantime, the Constitutional Court of Macedonia declared unconstitutional Article 4, Paragraph 3, of the Law on Amending the Law on Broadcasting Activity (from 2007), which states that the members of the governing body may be local or international private persons, and deleted the word international, with the explanation that governance of a public enterprise cannot be entrusted upon a person who is not a citizen of the Republic of Macedonia.⁴⁸ However, Director Sajović, who is Slovenian, was immediately granted Macedonian citizenship to be able to hold the governing position.⁴⁹

The *MRT* bodies are: the *Council of MRT*, *Management Board of MRT* and *Governing Body of MRT*. The Council of *MRT* represents and takes care of the realization of the public interests in terms of radio and television programs and the operation of *MRT*. The Council consists of 23 members⁵⁰ appointed by the Assembly upon proposal of authorized nominators.⁵¹ The list of authorized nominators, among

⁴⁸ Daily "Utrinski Vesnik", 11 January 2008, article "MRT's /Director/ General Janez Sajovic Falls in Constitutional Court".

⁴⁹ Daily "Vreme", 30 January 2008, "Volunteer Resignations Will Be Rewarded Monetarily".

⁵⁰ The members are appointed for 5 years with the right of re-election. They have the following competences: care of the realization of the public interest in the programs of *MRT* on the basis of the principles of editorial independence, determining the program policy of *MRT*, electing the members of the Management Board, adopting the annual financial plan of *MRT*, adopting the annual balance sheet, adopting the annual report on the results of the operation of *MRT*, adopting acts regulating the ethical and professional standards in the creation of programs of *MRT*, adopting the program for development of *MRT* (The Law on Broadcasting Activity, Article 133).

⁵¹ Authorized nominators are: universities, theaters (Albanian Theater and Turkish Theater), Association of Units of Local Self-Government, Olympic Committee of the Republic of Macedonia, Majority Journalists' Association, Chamber of Commerce, Macedonian Association for Information Technology, Music Academy, Majority Association of Authors of Musical Works and Composers, Faculty of Dramatic Arts, Community of Disabled Persons Associations in Macedonia, and Committee on Elections and Appointments of the Assembly of the Republic of Macedonia.

others, includes institutions representing the interests of ethnic communities, such as the State University of Tetovo, the University of South Eastern Europe from Tetovo,⁵² as well as the national institutions the Albanian Theater and the Turkish Theater. In appointing the Council members, account is taken of fair and equitable representation of the citizens of all communities.⁵³ Namely, out of the 23 Council members, 10 are from ethnic communities.

In addition, it should be noted that the Council passes certain decisions (in particular with regard to the program policy, exercise of public interest, *MRT*'s operational plan, financial plan of work) with a majority of votes of the total number of members, which has to include a majority of the votes of the total number of members that belong to the ethnic communities ("Badinter's majority").⁵⁴ This means consistent adherence to the principle of power-sharing and strengthening of the role of minority communities.

Macedonian Radio-Television is managed by the Management Board, which consists of seven members, elected by the Council of *MRT* on the basis of a previously implemented public announcement procedure. The members of the Management Board are elected for a term of office of five years, with the right to one re-election. Its competences are to monitor the success of the work of *MRT*, manage the property, approve the operational plan of *MRT*, monitor the implementation of the annual financial plan, elect the Executive Director of *MRT* and propose the Statute

52 These are two universities - one is state-owned and the other is private. The State University of Tetovo was formed when the SDSM-DUI was in power (2002-2006) as a result of Albanian requests for education in their mother tongue, but primarily the request of the coalition Albanian partner DUI (Democratic Union for Integration). Prior to that, the university operated illegally for more than 10 years. The University of SEE was founded with European Union funding to enable the Albanian community to be educated in their mother tongue.

53 The Law on Broadcasting Activity, Article 127, Paragraph 5.

54 Ibid, Article 130, Paragraph 3.

of *MRT*.⁵⁵ The law does not specifically envision that fair representation of the citizens of all communities in Macedonia should be taken account of in the election of the Management Board members.

The work of *MRT* is governed by a Governing Body comprised of two persons who have equal responsibility in governing *MRT*'s work and equal legal obligations.⁵⁶ The members of the Governing Body have their deputies. Both the Governing Body and their deputies may be local or international private persons offering high quality work program of *MRT*. They are elected by the Management Board of *MRT*, on the basis of a previously conducted public announcement procedure and a submitted program for *MRT*'s work.

It has been the practice so far for the deputy executive director to be from the Albanian ethnic community. If this principle remains, it should be expected that both Governing Body deputies will be Albanian. This is an unwritten rule, as neither the Law on Broadcasting Activity, nor the *MRT* Statute envision, as in the case of the *MRT* Council, that in selecting candidates account should be taken of fair and equitable representation of the citizens from all communities living in Macedonia. This principle has been used since the 1990's, when the director general and deputy director general were appointed and dismissed by the Assembly of the Republic of Macedonia. Macedonia has had a coalition Macedonian-Albanian Government back since the first parliamentary elections in 1990, which means that the *MRT* executive director has been nominated by the ruling Macedonian party and the deputy by the Albanian coalition partner, and this has functioned in practice so far. However, the

⁵⁵ Ibid, Articles 135 and 138.

⁵⁶ The Governing Body represents and presents *MRT*, manages the business policy of *MRT*, proposes the development program of *MRT*, proposes and implements the annual financial plan, implements the editorial and business policy, organizes and manages the operation processes, proposes acts and decisions to the Council and the Management Board, appoints and dismisses managerial staff, etc. (The Law Amending the Law on Broadcasting Activity, Article 140).

latest example of re-election of the previous deputy executive director to the same position (Albanian), although regular, based on public announcement procedure, speaks to the contrary. It was accompanied by pressure and intimidation due to the fact that he had previously been elected on proposal of DUI, an Albanian party which is in the opposition today.

6. Human resources policies

The staffing structure of *Macedonian Radio-Television* over the last 10 or so years has experienced drastic changes. It had the biggest number of employees from 1988 to 1993 - a total of 2,180. The first major changes commenced in 1997 with the passing of the Law on Broadcasting Activity. According to the latest data, the public service has a total of 1,137 employees.⁵⁷ Looking by profile, there are 632 program staff, 266 technical staff and 240 administrative staff, as well as maintenance and security staff. In the group of program staff, there are 292 journalists, 32 producers, 30 music staff and 177 other staff.

The ethnic structure of employees is as follows: 881 Macedonians, 137 Albanians, 49 Turks, 32 Serbians, 14 Roma, 8 Vlachs, 3 Montenegrins, 2 Croatians (7 others). Looking by gender, there are 691 men and 446 women. With regard to the number of editors, MRT does not have exact records, as this is a very changeable category.

Presently, the enterprise's biggest problem is how to reduce the number of employees as painlessly as possible, regardless of their ethnic background or size of the ethnic community they belong to.⁵⁸ This is the main preoccupation of both the public players and the ruling and opposition parties.

7. Program framework and editorial standards

Under the law, *Macedonian Radio-Television* is obliged to create and broadcast public interest programs reflecting the social and cultural pluralism in the country. In the course of production and broadcasting of the programs, *MRT* is obliged to adhere to professional principles and provide equal access to the different interests in society, to commit for the freedom and pluralism of expressing the public opinion, as well as to prevent any kind of racial, religious, national, ethnic and other kind of intolerance.⁵⁹ In the function of exercising public interest, *MRT* is obliged to provide information on regional and local characteristics and events. However, according to media experts, *MRT* does not have a program policy and exists "without organization

58 The MRT recovery program envisions a reduction in the number of employees by 329 people, to which the MRT employee syndicate has reacted strongly demanding that specific job classification acts be passed to define what positions should be vacated by the end of 2007. Article: "New Employees Hired at MRT", daily "Vreme", 5 October 2007.

59 The Law on Broadcasting Activity, Article 122.

and on a daily basis". In addition, transformation carried out over the last several years was not just expensive, but non-functional as well.⁶⁰

For all broadcasters, including the public service, the law in the section on program standards defines that they will base their work on the principles of "objective and unbiased presentation of events, with equal treatment of diverse views and opinions", as well as the principles of "autonomy, independence and accountability of broadcasters, i.e. editors, journalists and other authors involved in the creation of programs and editorial policy".⁶¹ The Declaration on Professional and Ethical Principles in *MRT* Programs contains the same principles.⁶² The Council of *MRT* is responsible for unbiased editorial policy.⁶³ The responsibility of the Governing Body, which manages and "implements the editorial and business policy of *MRT*", is equal in importance.⁶⁴

MRT has special obligations with regard to the language of broadcasting, not just in Macedonian, but also in the languages of the ethnic minorities in Macedonia. This principle is consistently respected and implemented, and the length of every program for minorities matches their proportionate representation in the total size of the population.⁶⁵ *MRT* programs contain specific quotas for ethnic communities.

⁶⁰ Views of Robert Beličanec, Executive Director of the Media Development Center, and Hisein Šakiri, Member of the Council of *MRT*, presented at the panel "The Operation of *MRT* Pursuant to the Law on Broadcasting Activity", Skopje, 25 June 2007.

⁶¹ The Law on Broadcasting Activity, Article 68.

⁶² The Declaration on Professional and Ethical Principles in *MRT* Programs, 2004.

⁶³ The Law on Broadcasting Activity, Article 133.

⁶⁴ *Ibid*, Article 141.

⁶⁵ According to the latest census of the population of Macedonia from 2001, the ethnic composition was as follows: 64.18% Macedonians, 25.17% Albanians, 3.85% Turks, 2.66% Roma, 1.77% Serbians, 0.84% Bosniaks and 1.97% others. Source: State Bureau of Statistics, *Statistical Year Book of the Republic of Macedonia*, 2002, pp. 44-48.

Programs are broadcast in six languages: Albanian, Turkish, Serbian, Romany, Vlach and Bosnian.

Table 4. Quotas for programs in languages of ethnic minorities on the public service

	Total weekly production (in hours)					
	Albanian	Turkish	Serbian	Romany	Vlach	Bosnian
MTV 2	65 hours	17 hours 30 min	1 hour 30 min	1 hour 30 min	1 hours 30 min	1 hour 30 min
MRT	56 hours	35 hours	3 hours 30 min	3 hours 30 min	3 hours 30 min	3 hours 30 min

Source: MRT and Broadcasting Council⁶⁶

The most common genres in programs in the languages of the communities are music and entertainment programs, informative programs and feature programs. Exact data is not available on whether and how much they satisfy the needs and interests of the ethnic communities.

Generally, the service fulfills primarily an entertainment role (62.6 per cent), followed by informative (19.5 per cent) and educational roles (17.9 per cent). The program on *Macedonian Television's Third Channel* cannot be compared in terms of content with other media because it has the role of an Assembly channel.

News in Macedonian is produced at a central desk, while news in programs for the communities is produced in each department's newsroom and are mutually linked by computers. Informative programs in Albanian, Turkish, Romany, Vlach, Serbian and Bosnian have the same organizational structure as the informative program in general.

⁶⁶ MRT database, RM Report on the Implementation of the Framework Convention on National Minorities, Broadcasting Council, 2006.

The informative program promotes the principle of a uniform editorial policy. But analysis shows that informative programs, primarily in the Macedonian and Albanian languages, have a different approach to covering events and phenomena.⁶⁷ Namely, while the Albanian language informative program gives far more time to events, for example, from Kosovo or Albania, these events are treated by the Macedonian language informative program as events from the region and world. As for political party activities in Macedonia, Albanian parties are present much more in news in the Albanian language, while Macedonian parties are present much more in news in the Macedonian language.

That there are certain problems in the way ethnic groups are portrayed was seen from several cases that occurred over the past months, agitating the general public. This regards two shows broadcast on *MTV*'s first program. One is a documentary show "My life for Macedonia", which portrays Ljube Boškovski, Minister of Interior during the 2001 conflict in Macedonia, presently in court in The Hague, but also smears the position of the president of the country. The show was aired on 16 April 2007, the day Boškovski's trial in The Hague started. The second show is "The Mijaci", which was rerun on 5 June 2007 as part of *MTV1*'s general education program and which presented a book by Popovski about the Mijaci (ethnic group within the Macedonian people) in which Albanians, according to his research, are a criminal nation.

In the former case the *MRT* Council asked the Executive Director and Management Board to hold accountable the editors-in-chief who allowed the documentary on Boškovski to be aired. The goal of their request for accountability was to prevent intrusions in *MRT*'s editorial policy in the future. Namely, the documentary show was aired without the approval of the editors-in-chief of the First

⁶⁷ Source: Sefer Tahiri, "Transformation of the Informative Program of Macedonian Radio-Television", term paper in postgraduate studies at the Institute of Sociological, Political and Legal Research, University of Ss. Cyril and Methodius, 2005.

Program Service and Documentary Program. In addition, the author of the program is an outside associate and *MRT*'s professional standards in cases like this require the Program Collegium to first approve the script, which had not been done.

In the latter case, the *MRT* Council publicly apologized for the offenses caused and the journalist faces dismissal. The Macedonian Association of Journalists Council of Honor also reacted to the show requesting the *MRT* Program Council management to publicly apologize and hold accountable the editors and journalists involved in promotion of hate speech. The Helsinki Committee reacted too, accusing the program of "practicing... ethnic hatred, racism and [the] use of hate speech in media". There were no particular reactions by the Albanian public, in particular to the latter incident, in the Macedonian media. If there were any in the Albanian media, the effect was missing due to language barriers for most of the population, especially Macedonian.

8. Conclusion

The public broadcasting service in Macedonia, especially in the last year or two, has been going through a very difficult and turbulent period. Its further development is seriously under question and there is a danger of potential liquidation or bankruptcy due to the enterprise's large outstanding debts. Therefore, all hopes and expectations are pinned on the success of the recovery program, both in organizational and technical, as well as staffing and programming terms.

The previous operation, as well as the future development of the public broadcasting service, was and is determined by Macedonia's division along ethnic

lines. Namely, *MRT* is constantly 'racing' to fulfill all obligations under the law, in particular those related to programming standards, a big part of which is taken up by servicing the ethnic communities in Macedonia. In this regard, it faces almost insurmountable technical problems - primarily an insufficient number of television channels for fulfilling these obligations.

The very poor financial situation of public broadcasters not only results in reduced program quality. It cannot cope with an increase in the number of program services either, as necessary as they may seem. The situation, so to speak, is absurd: on one hand, insufficient space for meeting the informative needs and interests of the general public; on the other, insufficient funding for their fulfillment. In the meantime, the Government focuses on meeting the requirements for NATO admission, as well as acquiring candidate status for European Union membership. This puts considerable pressure on legislative reform, leaving little energy and space for solving the major problems at *MRT*.

There is no doubt that *MRT* 'formally' ensures the fulfillment of the public interest and the needs of all ethnic communities living in Macedonia. But, 'essentially', whether and how much the integrative role of the public service in the multiethnic environment can be recognized in the program structure is hard to say. Specific analysis on this does not exist, nor has it been carried out yet. No public debates for the general public have been organized. The enterprise is exhausted and almost completely paralyzed by the poor staffing, financial and technical capacities. None of the previous efforts to improve program quality and make changes in the structure and content of program have produced positive results. *MRT* is still at the bottom in terms of audience share, and the program services in the languages of ethnic minorities fare even worse.

In this sense, public broadcasting faces a serious difficulty in fulfilling its basic roles, primarily universality, quality, diversity and fostering cultural identity. Data indicates negative trends. *Macedonian Radio-Television's* total audience is far smaller

than the audience of commercial media, whereas particular segments of the audience are almost entirely neglected.

The law stresses the need to nurture national culture, particularly the cultural and language characteristics of all ethnic communities in Macedonia, and this need is fulfilled by airing largely programming of its own production. However, these programs and shows are usually reruns and unattractive.

Existing legislation, through specifically elaborated modalities, underlines the role of the media in the development of ethnic identity, in particular the integrative social role of the public broadcaster. In this regard, there are no practical obstacles to program profiling and dimensioning of the media. To the contrary, there are more and more private radio and television stations in the languages of the ethnic minorities. But what is much more important is that the weakness of private media and especially public broadcasters is reflected in their passiveness to overcoming the increasingly pronounced segmentation of the audience along ethnic lines due to differences in language, posing a serious obstacle to the development of a multiethnic identity.

It is a fact that *MRT* tries to fulfill the needs of all ethnic communities, but it is questionable whether and to what extent the program scope and structure are in accordance with their real needs. Neither the public broadcasters nor the ethnic communities themselves have as yet initiated public debate on this matter. A way to improve their media status is to stimulate development of the non-profit broadcasting sector, particularly with regard to educational, cultural and other needs and interests of specific target groups and especially of the smaller ethnic communities in Macedonia.

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The Law on Broadcasting Activity, Official Gazette of the Republic of Macedonia, no. 100/05;

The Law Amending the Law on Broadcasting Activity, Official Gazette of the Republic of Macedonia, no. 19/07;

The Law on Electronic Communications, Official Gazette of the Republic of Macedonia, no. 13/05;

The Law Amending the Law on Electronic Communications, Official Gazette of the Republic of Macedonia, no. 14/07;

The Law on Territorial Organization of Local Self-Government in the Republic of Macedonia, Official Gazette of the Republic of Macedonia, no. 55/04.

Translated into English by Kanita Halilović

SWITZERLAND

Nena SKOPLJANAC

I. Executive Summary

Switzerland is a confederation comprising 26 cantons, i.e. states. It is important to note that the cantons have not emerged from ethnic or religious division. The cantons in Switzerland formed a nation state in 1848 because of common economic, social, political and security interests after a long historic process.

Switzerland has no national media. The media sector is not structured to correspond with the state power-sharing and territorial arrangements, but by language differences, and is based on the centuries-old tradition of language rights. There are four language groups: 64 per cent of the population speak German; 19 per cent speak French; 8 per cent speak Italian; and 0.6 per cent speak Rhaeto-Romanic. Each language area is provided with its own media.

A plural system in the broadcast media sphere was introduced rather late, with the Radio and Television Law (RTVG) of 1991. Currently there are 71 TV and 56 radio stations that hold a license and 23 TV and 20 radio stations that are only subject to the obligation to notify (the PSB broadcaster is not counted). The public service broadcaster - Swiss Corporation for Radio and Television (*SRG SSR idée Suisse*) - runs two television channels (three for the German-speaking area) and between three and five radio stations each for the German, French and Italian language areas. For Rhaeto-Romanic Switzerland, there is an almost complete radio programme and part of a television programme. *SRG SSR idée suisse* television channels face competition from the large number of foreign broadcasters that share one of Switzerland's national

languages. Nevertheless, they hold the leading audience shares in all three major language areas.

The Federal Constitution grants freedom of the media as a legal axiom. Independence of broadcasters is guaranteed by the Law on Radio and Television. The independence of *SRG SSR idée suisse* is specifically underlined. Allocation of licences is in the competence of the Federal Department of the Environment, Transport, Energy and Communications (DETEC).

RG SSR idée suisse is governed by civil law and operates in accordance with the principles of company law. Its charter requires it to broadcast national and language-region-specific services and take the particular characteristics of the country and the needs of the cantons into account in its programming as a whole. *SRG SSR idée suisse* must be organised in a way that guarantees its autonomy and impartiality, its efficiency, the representation within the organisation of its audience, and its national coordination and management. The main funding source is licence fee revenue, which covers roughly three quarters of its budget. The remainder is covered by advertising, sponsorship revenues and other commercial income. Revenues are collected and reported centrally. Resource allocation ensures that citizens in the different language areas receive programmes of equivalent quality. This system of financial equalisation is laid down in the charter. With approximately 5,800 employees (equivalent to around 4,700 full-time posts), *SRG SSR idée suisse* is the largest electronic media organization in Switzerland. The guidelines for editorial policy and day-to-day work in regard to programming are laid down in the Programming Charter, which is binding for all employees.

The data on the programme structure of *SRG SSR idée suisse* TV broadcasters can be summarised as follows: information programmes in all three language areas are primarily broadcast on the first channels, while entertainment programmes dominate the second channels. The schedule structure of *SRG SSR idée suisse* differs significantly from one language area to another. It is information-focused in German, drama-

focused in French, and sport-focused in Italian. These differences reflect similarities with the programme structure of PSB broadcasters in the neighbouring countries. The differences are even greater if both channels in each language area are looked at. One can conclude that *SRG SSR idée suisse* comprises three substantially different broadcasters.

According to its licence, *SRG SSR idée suisse* should have one TV broadcaster in each of the three major language areas. On the other hand, it also has to fulfill its integrative role. It should strengthen exchange, mutual understanding and social cohesion across the language boundaries. Some research indicates that *SRG SSR idée suisse* has serious difficulties in living up to its integration role. The level of exchange across language boundaries is modest, and its institutional setting cultivates and perpetuates separation along linguistic lines.

While the language rights in regard to four country languages are highly respected and consistently implemented, the needs of the foreign nationals who form 21 per cent of the resident population are completely neglected. Foreigners, "Gastarbeiter", asylum seekers, and refugees are the most socially marginalized and excluded minority in Switzerland. Integrating this population has been one of the hottest issues in public debates and media discourse for the last 20 years. This section of society is either under-represented in the media, or represented by stereotypes, generalizations, and stigmatization. Conflict serves as the most common frame for media reporting. According to its licence, "strengthening of understanding, cohesion and exchange among country regions, cultures and social groups" is one of the core roles of *SRG SSR idée suisse*. Its broadcasters should play a leading role in this respect, also because it is regarded by immigrants and other foreigners as the key information provider.

2. Context

2.1 Background

Switzerland is a confederation composed of 26 cantons, which the constitution defines as states. It has a highly decentralized system, with power-sharing between the federal authorities and cantons, and with political institutions which ensure that ordinary citizens are involved in decision-making ('direct democracy'). Federal government competencies are laid down in the constitution, and the government is not allowed to take any decisions regarding issues that are not assigned to it. Cantons play an extremely important role and have full autonomy to structure their internal political systems. Power-sharing between the federal government and the cantons is defined in constant negotiation and the federal government gains competencies only in affairs which are of interest to all the cantons. The core areas of federal government control are foreign policy, national defence, economy, education, culture and research, the environment, public transport, energy and communication, and social security. Competence in other issues is either shared between the federal government and the cantons or determined by the governments of the cantons and communities. The cantons formed a nation state in 1848 because of common economic, social, political and security interests after a long process.

The media sector is not structured to correspond with the state power-sharing and territorial arrangements, but rather by language differences, and is based on the centuries-old tradition of language rights.

Languages have always coexisted in the territory of contemporary Switzerland.¹ The Treaty of the Old Swiss Confederation that began to emerge in the 13th century was at first a purely German-speaking alliance. Early on, however, affiliated cantons added other languages to the confederation. In 1388, the first French-speaking part (in the Jura) joined the treaty. In 1439, the first Italian-speaking territory followed (in the Ticino). In 1496, the first Rhaeto-Romanic-speaking people joined the treaty. Therefore, the Swiss Confederation has had four languages for more than 500 years. Yet it was only with the Helvetic Republic (1798-1803) that French, Italian and Rhaeto-Romanic speaking cantons acquired equal rights and the model of minority language rights actually became differentiated and was written down. In 1999, Swiss citizens and the cantons approved the revision of the Federal Constitution. Linguistic diversity was the central issue, and compared to the old Federal Constitution, the new version contains a far-reaching and differentiated regulation of the Swiss language law. The reference to the equality of all national languages ("Landessprachen") (Article 4) under the section "general regulations" is an innovation; in the old Federal Constitution it only appeared under the heading "special regulations" (Article 116). Linguistic freedom is thus established as a fundamental right.²

Therefore, in contemporary Switzerland, four language groups exist with eight different types of written languages:³

- 64 per cent of the population in central Switzerland and in the northern and eastern parts of the country, bordering Germany and Austria, speak German. About 25 different dialects are spoken, including on the radio and television.

¹ W. Haas, "Sprachgeschichtliche Grundlagen", in R. Schläpfer (ed.), *Die viersprachige Schweiz* (Zurich: Ex Libris, 1984), pp. 21-70.

² R. Blum, A. Ochsner "Media in Multilingual Societies - Switzerland", in *Media in Multilingual Societies - Freedom and Responsibility*, Vienna: OSCE, The Representative on Freedom of the Media, 2003, pp. 131-159

³ R. Blum, "Sprachenvielfalt und Föderalismus", *Zoom Kommunikation & Medien*, no. 12/13 "Der Fernsehboom", May 1999, pp. 50-55.

- 19 per cent of the population in the western part of the country, which borders with France and is called "Suisse Romande", speak French and the language of the media is French as well.
- 8 per cent of the population in the south, which borders with Italy, predominantly in the canton of Tessin, but also in some valleys of the canton of Graubünden, speak Italian. Spoken dialects are sometimes used in the media as well.
- 0.6 per cent of the population in the mountain valley of the Grisons in the south east of Switzerland speak Rhaeto-Romanic, which includes five different dialects: Putér, Vallader, Sursilvan, Sutsilvan and Surmiran.⁴

Each linguistic area is provided with its own media. The Swiss public service broadcaster, *SRG SSR idée suisse*, runs two television channels (three for the German-speaking area) and between three and five radio stations each for the German, French and Italian parts of the country. For Rhaeto-Romanic Switzerland, there is an almost complete radio programme and part of a television programme. It is important to note that only 300,000 people in the Italian-speaking part of Switzerland are provided with a full programme. In addition, each region has news agencies, regional private radio and television stations, daily, weekly and Sunday newspapers as well as various periodicals.

A plural system in the broadcast media sphere was introduced rather late, with the Radio and Television Law (RTVG) of 1991. The establishment of broadcast media on the local level started in 1993, while the first regional language media⁵ were launched only in 1998.

⁴ M. Arnold, "Rumantschs vulains restar! Die romanische Kultur", *Basler Magazin*, 40, 5 October 2002, pp. 3-5.

⁵ Regional language broadcast media are defined as outlets that cover the whole or major part of one language area. Local and regional broadcasters cover only one minor part of the language area.

Table 1. Number of broadcast media in Switzerland⁶

Category	No
SRG SSR idée suisse (PSB)⁷	
TV	4
Radio	17
Private TV broadcasters that hold a licence	71
- Regional language TV stations	9
- Local and regional TV stations	
- high transmission activity	16
- medium; > 60 minutes/week	8
- low; < 60 minutes/week	11
- Videotext services (BTX)	27
Private radio broadcasters that hold a licence	56
- Regional language radio stations	5
- Local and regional radio stations	51
TV broadcasters that are subject to the obligation to notify	23

Source: Federal Office of Communications

⁶ Decisions on some licence applications are pending and the number will change in the course of 2007. More outlets that do not require licencing might be established. Thus the number may change in the course of 2008. Overview available at http://www.bakom.admin.ch/themen/radio_tv/marktuebersicht/index.html?lang=en (last modification: 19 March 2008).

⁷ SRG SSR idée suisse as a whole is a licence holder and the Federal Office of Communications considers it one broadcaster in its general overview. The figures presented are taken from a table with detailed data on SRG SSR idée suisse alone, available at http://www.bakom.admin.ch/themen/radio_tv/marktuebersicht/ssr_srg/index.html?lang=en (last modification: 28 November 2007).

The liberalisation of the broadcast media has not brought a boom of broadcast outlets. The number of regional language private broadcasters is particularly low. Both of the first private regional language TV stations for the German-speaking area - *Tele 24* (established in 1998) and *TV3* (established in 1999) - were forced to cease operations due to serious financial difficulties by the end of 2001. The main reason is extremely tough competition on the market with powerful private, mainly TV, channels from neighbouring countries. The German private TV channels represent especially challenging competition: *RTL*, *RTL II*, *Sat.1*, *Pro7*, *Vox* and *Kabel 1* all have programme and advertising blocks targeting the Swiss audience and market.

The new Radio and Television Law (RTVG) of 24 March 2006, which came into force on 1 April 2007, has the main intention of securing an independent Swiss programme offering that covers all linguistic regions to the same standard and can compete with programming from financially stronger broadcasters in neighbouring countries. The Radio and Television Law aims to ensure a strong public broadcasting service. As for private broadcasters, it relaxes the regulation for their establishment and operation, broadens access to distribution channels, and retains increased support from the licence fees (4 per cent of total fees collected have been allocated for this purpose).

2.2 Structure of the television sector

Switzerland has no national media, neither in the TV sector nor in general. There are very few multilingual media, mainly bilingual radio stations and newspapers in the linguistic boundary regions (such as the city of Bienne, with German and French, or the canton of Graubünden, with German and Rhaeto-Romanic) in addition to

bilingual NGO papers or scientific journals.⁸ The media, including television programmes, are separated according to language areas. Furthermore, each language area is confronted with the same language media of the neighbouring country. Switzerland's three main languages correspond to the national languages of large European countries that border Switzerland: Germany, Austria, France and Italy. As the Swiss cable network is very well developed, it is possible for almost every household to receive dozens⁹ of German, French, Italian and Austrian television programmes.

Table 2. Access to TV programmes

Programmes	% of Households
Cable	80
Satellite	10
Antenna	10

Source: Publisuisse 2007

Consequently, each language area is linked up with the foreign country where the same language is spoken. This means that people almost exclusively use media in their own language (if they use foreign language media this would be mostly the leading international channels such as *CNN*, *BBC World Service*, *MTV* or the Internet). Only about 3 per cent of Swiss watch television programmes from other Swiss

⁸ P. Cichon, "Sprachkontakt und Sprachbewusstsein an der französischdeutschen Sprachgrenze in der Schweiz", in Forum Helveticum (ed.), Zwischen Rhein und Rhone - verbunden und doch getrennt? Entre Rhin et Rhône - liens et ruptures, Lenzburg, 2002, pp. 142-145.

⁹ According to publisuisse, 46 international television programmes were accessible terrestrially or via cable in the first half of 2006; source: publisuisse Marktanteile 1. Halbjahr 2006.

language areas. On the other hand, most Swiss intensively follow the media of neighbouring countries where the same language is spoken. Accordingly, Swiss Germans do not watch television programmes of Swiss French-speaking area, but watch the German and Austrian channels such as *ARD*, *ZDF*, *ORF*, or private channels such as *RTL*, *Sat.1*, *Pro 7*, etc. French-speaking Swiss mainly watch French television programmes, and the inhabitants of the Ticino turn to channels from Italy. Consequently, Switzerland is overlapped by three big media regions, and the Swiss to a large extent use the television channels in the neighbouring country of the same language.

With regard to television use, Swiss-Germans are the most restrained: they watch TV for around two and a half hours per day. Swiss-Italians, however, watch TV for three hours on average per day. In this respect, their viewing habits are comparable to those of Italians.

Table 3. Reach and time spent viewing television in 2006*

Language areas	Daily reach	Time spent daily
German part	72%	146 min
French part	73.8%	170 min
Italian part	74.4%	180 min

*Basis - population from the age of three.

Source: Mediapulse AG

Data on the viewing habits in Switzerland reveal that Swiss-made programmes are viewed by a minority in all of the language regions (35 - 40 per cent). Further, Swiss-Germans only use the public service channels on a small scale (51 per cent versus 58 per cent in the French- and Italian-speaking parts). This can be explained by the fact that there is a big supply of private channels from Germany and that the German area has considerably more private programmes than, for example, the

French-speaking part. It is also remarkable that the Italian Swiss watch RAI programmes for almost twice as long as Swiss-Germans watch programmes provided by *ARD*, *ZDF* and *ORF* altogether.¹⁰

Table 4. Time spent watching Swiss PSB programs compared to the channels from neighbouring countries and audience shares (24 h)*

Programmes / language area	German	French	Italian
SRG SSR idée suisse	52 min (35.3%)	58 min (34.2%)	65 min (35.7%)
Channels from the neighbouring countries	88 min (60.3%)	111 min (65.3%)	113 min (62.9%)

*Basis - population from the age of three.

Source: Mediapulse AG

SRG SSR idée suisse television channels face competition from a large number of foreign broadcasters that share one of Switzerland's national languages. However, *SRG SSR idée suisse* has an advantage over foreign broadcasters in that it provides domestic information and offers a Swiss perspective.

2.3 Market shares of the main players and the nature of the audience

The Swiss advertising market has shown positive trends in the period 2004 - 2007. Gross advertising investments increased in 2005 for 4.5 per cent compared to 2004, amounting to some 3.4 billion CHF. The increase was even higher in 2006 - 8.9 per cent, with the gross advertising spend at around 3.7 billion CHF. The most significant winners are television (up by 10.2 per cent), daily press (up by 14.8 per

¹⁰ R. Blum, A. Ochsner, "Media in Multilingual Societies - Switzerland", in *Media in Multilingual Societies - Freedom and Responsibility*, Vienna: OSCE, The Representative on Freedom of the Media, 2003, pp. 131-159.

cent) and the Internet (up by 44.1 per cent). Television remains the second-ranked advertising investment field, just behind the daily press.

Table 5. Shares in advertising investments in 2006

Media	Advertising investment (in thousands of CHF)	Advertising investment (in thousands of EUR)	Market share (in %)
Daily press	1,327,551	829,719	36
Magazines	625,511	390,944	17
Specialised publications	182,432	114,020	4.9
Television	878,510	548,844	23.8
Radio	135,884	84,928	3.7
Poster	423,466	264,666	11.5
Cinema	50,382	31,455	1.4
Teletext	11,488	7,180	0.3
Internet	52,021	32,513	1.4
TOTAL	3,686,886	2,304,269	100

Source: Media Focus¹¹

The trends in market shares of *SRG SSR idée suisse* TV programmes do not follow these quite positive developments in the television market share. Namely, the Swiss PSB programs scored only a 1.5 per cent increase in 2005, compared to a 13.6 per cent increase for German and French private and 58.5 per cent increase for Swiss private broadcasters. Although operating in relatively small markets clearly demarcated by language and in spite of penetration of the private TV broadcasters

¹¹ "Entwicklung der Brutto-Werbeinvestitionen (kommerzielle Werbung) in den Schweizer Medien im Jahr 2006"; at www.mediafocus.ch

from Germany and France, SRG SSR idée suisse TV programs continue to generate the highest share of advertising spending.

Table 6. Shares in advertising allocated to TV in 2005 (in %)

Programme /language area	German	French	Total Swiss TV market
SRG SSR idée suisse	47.4	92.3	57.4
Swiss private broadcasters	9	-	7.3
Foreign broadcasters	43.6	7.7	35.4

Note: Data for the Italian language area not available

Source: Media Focus

SRG SSR idée suisse television channels also hold the leading audience shares of 32 to 33 per cent in their respective language areas. The figures rise to between 41 and 45 per cent during primetime (6 p.m. to 11 p.m.). In a comparison of individual channels, the SRG SSR idée suisse first channels achieve by far the greatest market shares in all language regions.

Table 7. TV audience shares in primetime in 2006 (in %)

Programme /language area	German	French	Italian
SRG SSR idée suisse primary channel	32.2	31.1	31.1
Other SRG SSR idée suisse programmes	11.1	10	13.4
Total SRG SSR idée suisse programmes	43.3	41.1	44.5
Swiss private broadcasters	4.4	0.6	1.4
Foreign broadcasters	51.2	58.3	54.1

Source: Mediapulse AG

Differences in audience shares compared to 2005 are negligible, which indicates that the Swiss PSB providers have a rather stable leading position in the television market.

2.4 General broadcasting regulation and structures

The Swiss Federal Constitution (BV) grants freedom of the media as a legal axiom. Article 17 reads: "The freedom of the press, radio and television, and of other forms of public telecasting of productions and information is guaranteed. Censorship is prohibited. Editorial secrecy is guaranteed".¹²

Article 93 of the Federal Constitution states that legislation regarding radio and television and other forms of public telecasting of features and information is a federal government matter. Radio and television "shall contribute to education and cultural development, to the free formation of opinion, and to the entertainment of the listeners and viewers". They must take into consideration the country's particular characteristics and the needs of the cantons, present events factually, and reflect a full diversity of views fairly and adequately. Article 93 also guarantees the independence of radio and television from state influence, as well as autonomy with regard to programme content. In addition, the Federal Constitution provides for an appeals body, which is independent of both the authorities and parliament.

Independence of broadcasters from federal, cantonal and communal authorities is guaranteed by the Law on Radio and Television (Article 6, paragraph 1). Editorial policy, choice of topics and the way certain issues are presented are in the sole competence of the broadcasters (paragraph 2). It is forbidden to request broadcasters to cover certain issues (paragraph 3). The independence of the *SRG SSR idée suisse* is

¹² Federal Constitution of the Swiss Confederation of 18 April 1999 (as amended by 15 October 2002).

specifically underlined by Article 31, which states that "the SRG organizes itself in a way that its autonomy and independence from the state and single social, economic and political groups are guaranteed".

Allocation of licences is in the competence of the Federal Department of the Environment, Transport, Energy and Communications (DETEC). The Law defines two categories of broadcasters: those who are only registered and those who are allocated a licence (Article 3). A licence is only required if licence fee revenue is accessed (according to the licence fee splitting principle, licensed private broadcasters are eligible to apply for a 'pot' of 4 per cent of the fee) or, if limited frequency resources are used, under preferential conditions. Other radio and TV stations are merely subject to the obligation to register. The Federal Office of Communications (OFCOM) is the supervisory authority for radio and television broadcasters. It checks whether the licence and especially the legal provisions relating to financing (advertising/sponsorship) are being complied with. The new Radio and Television Law extends the protection for broadcasters, who can appeal to the Federal Administrative Court, if they are refused a licence.

The Independent Complaints Authority for Radio and Television (ICA) is the federal authority in charge of assessing complaints about radio and television programmes. It determines whether programmes broadcast (apart from advertising) have violated national or international law or whether there has been an unlawful refusal of the right to appear on a programme. The ICA's decisions can be appealed to the Federal Supreme Court. Before a complaint can be filed with the ICA, the proceedings must be brought before the office of the ombudsmen, who act as arbitrators and mediators. The ICA comprises nine part-time members appointed by the Federal Council, and a secretariat. The ICA is not bound in its area of responsibility by any instructions from the Federal Assembly, the Federal Council and the Federal Administration. The ICA submits an annual report on its activities to the Federal Council. Its proceedings are normally held in public.

3. Regulation and management of Public Service Broadcasting

3.1 The public broadcasting system

SRG SSR idée suisse is a media enterprise that operates in accordance with the principles of company law. Its remit is based on the Swiss Federal Constitution, the federal Radio and Television Law (RTVG) and its charter. The activities of *SRG SSR idée suisse* are based on Article 93 of the Swiss Federal Constitution of 18 April 1999, the federal law on Radio and Television Law (RTVG) of 24 March 2006, the radio and television ordinance of 9 March 2007 (currently being revised), the *SRG SSR* charter of 18 November 1992, the *Swissinfo / SRI* charter of 14 June 1993, and the teletext charter of 17 November 1993. The RTVG requires *SRG SSR idée suisse* to carry out new tasks (such as sign language, subtitling and audio description), and restricts it with regard to commercial revenues (by banning alcohol advertising and advertising, which interrupts programmes).

SRG SSR idée suisse receives a charter to broadcast national and language-region-specific services and it must take the particular characteristics of the country and the needs of the cantons into account in its programming as a whole. The RTVG also lays down what services *SRG SSR idée suisse* must offer and which services are to be broadcast throughout Switzerland. *SRG SSR idée suisse* must be organised in such a way that its autonomy and impartiality are guaranteed, that it can be operated efficiently, that its audience is represented within the organisation and that it can be coordinated and managed nationally.

SRG SSR idée suisse holds two charters from the Federal Council, the SRG SSR charter to produce radio and television programming for Switzerland and the Swissinfo / Swiss Radio International charter to produce radio programming for broadcast outside Switzerland. Based on the former, the *SRG SSR idée suisse* comprises the following:

- Three radio stations each for the German, French and Italian-speaking regions and one radio station for the Rhaeto-Romanic-speaking area, all broadcasting on FM. The German and French-speaking areas have additional music channels, and the former has a youth channel as well. Also, three music stations (classical music, jazz and pop) are available for all language regions.
- Two television channels for each of the German, French and Italian-speaking regions, with programming in Rhaeto-Romanic.¹³

The charter also lays down a programming remit which SRG SSR *idée suisse* must fulfil across all its radio and television schedules:

- Promote understanding, cohesion and exchange between the different parts of the country.
- Consider the non-Swiss population and support contact with Swiss people residing abroad.
- Promote Switzerland's international profile and foster understanding abroad of its concerns.
- Produce own radio and television programming.
- Collaborate with the Swiss film industry and commission work from the audiovisual sector.

¹³ The PSB for the German-speaking area has the SF info, which is a replay-channel for programmes of SF 1 and SF zwei and is not allowed to have advertising. The draft charter for SRG SSR *idée suisse*, currently under consideration by the Federal Council and due to be decided upon in the beginning of 2008, foresees changes: sport programmes, most of all transmissions of sport events, should be transferred from SF zwei to SF info and the ban on advertising should be lifted. Private broadcasters argue this is a step to establish a third public TV channel within the SF.

The charter defines the statutory framework for the organisation of *SRG SSR idée suisse* in greater detail, and governs which officers must be appointed by the licensing authority and which by *SRG SSR*'s internal bodies. It also determines how *SRG SSR* must use the licence fee. Apart from the promotion of *SRG SSR*'s own stations and programmes, the charter forbids advertising on *SRG SSR* radio stations.

SRG SSR idée suisse undertakes to provide independent, high-quality radio and television programming as a public service enterprise. Operating according to the principle of national solidarity and keeping to strict financial equalisation arrangements between the different language regions, *SRG SSR idée suisse* aims to provide audiences throughout Switzerland with programmes of equal quality.

The "idée suisse" concept "denotes quality, credibility and independence. *SRG SSR*'s services focus on the reality of Swiss life in all its variety. They meet the needs of both, majority and minority groups, offering information, news and background reports on politics, the arts, social issues and sport, as well as feature films, series, light entertainment, radio drama and chat shows."¹⁴

3.2 Funding

SRG SSR's main funding source is licence fee revenue, which covers around three quarters of its budget (about 1.1 billion Swiss francs, approximately € 0.69 billion).¹⁵ The remainder is covered by television advertising (radio is allowed only revenue from sponsoring), sponsorship revenues and other commercial income (about 0.43 billion Swiss francs - approximately € 0.27 billion).

¹⁴ Facts and Figures *SRG SSR idée suisse* 2007.

¹⁵ The licence fee meets some other costs in addition to funding *SRG SSR*'s public service remit: 1.frequency management and monitoring, and transmitter network planning; 2.the cost of collecting the licence fee; 3.share of private radio and TV broadcasters (fee-splitting); 4.audience research; and 5.promotion of new broadcast technologies.

Table 8. Revenue structure for 2006

Revenue type	Sum (in millions of CHF / EUR)								
	Television			Radio			Total		
	Sum (CHF)	Sum (EUR)	%	Sum (CHF)	Sum (EUR)	%	Sum (CHF)	Sum (EUR)	%
Licence fees	704.3	440.2	64	411.8	257.4	92	1116.1	697.6	72
Commercial income	328.6	205.4	30	27.5	17.2	6	356.1	222.6	23
Others, reduction in earnings	64.1	40.1	6	10.2	6.4	2	74.3	46.5	5
Total	1,097.0	685.7	100	449.5	281.0	100	1,546.5	966.7	100

Source: Facts and figures 2007 SRG SSR idée suisse

The RTVG defines the licence fee as obligatory for anyone wishing to receive radio and television programmes, the level of which is determined by the Federal Council. The private company Billag AG is in charge of collecting the licence fees. When the costs of frequency management and monitoring, network planning and collecting the licence fee itself have been deducted, *SRG SSR idée suisse* receives the net licence fee revenue. The level of licence fee collection has been stable and on a rather high level in all language areas. The proportion of payments by language area is as follows:

Table 9. Financial acquisition 2006

	German/ Rhaeto-Romanic speaking area	French-speaking area	Italian-speaking area
Proportion of total population (in %)	72	23.6	4.4
Total no. of licence fee payers: Radio	2,016,851	626,990	98,320
Total no. of licence fee payers: TV	1,976,588	631,484	107,289
Proportion of SRG SSR revenues (in %)	70.4	25.6	4
Proportion of allocated funds (in %)	44.4	33	22.6

Source: Facts and figures 2007 SRG SSR idée suisse

The Federal Department of Environment, Transport, Energy and Communications (DETEC) supervises SRG SSR's finances. On behalf of DETEC, the Swiss Federal Audit Office (SFAO) is in charge of conducting audits. Concluding remarks in its report of May 2006 confirmed that the SRG SSR deployed its financial resources in a targeted and efficient manner.

Table 10. Operating expenses 2006

Language area	Financial resources allocated		
	Sum (in millions of CHF)	Sum (in millions of EUR) approx.	%
German-speaking area	707,6	442,3	44.9
French-speaking area	462,3	288,9	29.3
Italian-speaking area	291,2	182,0	18.5
Rhaeto-Romanic speaking area	25,6	16,0	1.6
Swissinfo/SRI	31,5	19,7	1.9
National Organisational units (less inter-company set-offs)	59,3	37,1	3.8
Total	1,577,5	986,0	100

Source: Facts and figures 2007 SRG SSR idée suisse

Revenues are collected and reported centrally. Resource allocation is based on the criteria that ensure that the different language regions receive programmes of equivalent quality. This system of financial equalisation is laid down in the charter. Without it, according to the SFAO audit, licence fees would be around 42 per cent lower and thus be on a par with other countries with similar broadcasting markets. However, in that case PSBs in the language areas with a smaller population would not have sufficient financial means to ensure quality public service programming. Yet it becomes evident that smaller linguistic groups only receive their rightful provision through cross-subsidies from the German-speaking area of Switzerland.

3.3 Governance structure

As an enterprise, *SRG SSR idée suisse* consists of seven Enterprise Units: Schweizer Fernsehen (*SF*), Schweizer Radio DRS (*SR DRS*), Télévision Suisse Romande (*TSR*), Radio Suisse Romande (*RSR*), Radiotelevisione svizzera di lingua italiana (*RTSI*), Radio e Television Rumantscha (*RTR*) and Swissinfo/Swiss Radio International (*SR*). The Enterprise also includes the national Organisational Units: General Management, Media Services (MSC), Production Services (PROD) and Business Unit Sport (BUS). These provide support in management, production, distribution and coordination of services, media research, and the purchase and sale of sports rights. The Enterprise also controls the subsidiaries of Publica Data AG, Publisuisse SA, RadioEvents GmbH, Schweizerische Teletext AG/Swiss TXT, Telvetia AG and TV Produktioncenter Zürich AG. All of these together make up the SRG SSR idée suisse Group. The enterprise is managed by an Executive Board that consists of the Director General, the Deputy Director General and the Directors of the seven Enterprise Units.

The Enterprise and the parent organizations form the *SRG SSR idée suisse* company. The parent organisations function as a bridge between the public and *SRG SSR idée suisse*. They comprise four regional companies that match the language areas: SRG idée suisse Deutschschweiz (SRG.D), SSR idée suisse Romande (RTSR), Società cooperativa per la radiotelevisione nella Svizzera italiana (CORSI), and SRG SSR Svizra Rumantscha - and Swissinfo/Swiss Radio International. In German and French-speaking Switzerland, the regional companies are further broken down into various member companies. The main governing bodies are the Central Council and the Board of Directors.

The Central Council is the supreme governing body of SRG SSR at the national level. It has 21 members: The President and four other members are appointed by the Federal Council (state authority), four further members are appointed by the Central Council itself, while 12 members are elected by the regional parent

organizations. The Central Council appoints the Director General and the external auditors; adopts annual reports and financial statements, the code of business, changes to the statutes, and any changes to the corporation's legal form. It also adopts applications relating to the *SRG SSR idée suisse* charter and applications concerning the level of licence fees that are submitted the Federal Council.

The Board of Directors is the supreme management body. It supervises business operations, lays down the principles of how the Enterprise is structured at its highest level and sets out guidelines for accounting, financial planning and financial controlling. The Board of Directors also executes decisions of the Central Council, determines corporate strategy and appoints those persons entrusted with business management. The Board of Directors is composed of seven to nine members of the Central Council. Three members are appointed by the Federal Council. The chairmen of the regional companies in language areas also have seats on the Board. The Central Council can appoint one or two further members at the proposal of the Board itself.

The Central Council and the Board of Directors at the national level correspond to the Regional Councils and Regional Boards for different language areas. Each regional company has a Public Council, which provides a platform for ongoing contact with viewers and listeners. Each language area has an ombudsman's office, set up by the Public Council, to handle complaints about radio and television services.

The *SRG SSR's* institutional setting guarantees *SRG SSR's* independence, as a majority of Central Council members and subsequently members of the Board of Directors are elected by the parent organizations and not state bodies. On the other hand, its complex structure deriving from the parent organizations ensures its accountability to the public in a highly decentralized environment reflecting the representation and equality of the language areas.

4. Human resources policies

With approximately 5,800 employees (equivalent to around 4,700 full-time posts), the *SRG SSR idée suisse* is the largest electronic media in Switzerland. Most of the employees (roughly 90 per cent) are staff at the PSB broadcasters in the four language areas, as follows:

Table 11. Staff per broadcaster (radio and TV together) in different language areas

Language area	Staff number	
	Full-time equivalents	%
German-speaking area	1,517	35
French-speaking area	1,539	35.5
Italian-speaking area	1,020	23.6
Rhaeto-Romanic speaking area	110	2.5
Swissinfo/SRI	141	3.3
Total	4,327	100

Source: Facts and figures 2007 SRG SSR idée suisse

As already noted, the *SRG SSR idée suisse* has a system of centralized collection and dissemination of all types of revenues. Its broadcasters all receive funding from the central pool in order to ensure it meets their need to offer services of equal

quality. Equalized standards are provided by mechanisms of internal cross-subsidization, which allocates more funds to broadcasters serving the minority language populations compared to the German-speaking area with the highest population. This allows *SRG SSR* broadcasters in minority language areas to employ sufficient staff to produce the planned programme output.

5. Programme framework and editorial standards

The guidelines for editorial policy and day-to-day work in regard to *SRG SSR idée suisse* programming are laid down in the Programming Charter, which is binding on all employees. It defines *SRG SSR idée suisse's* commitment to serve the general public and play "important role in informing debate and defining the cultural identity of Switzerland". It "undertakes to use programming to promote national cohesion ... devoting the necessary attention to all issues which foster mutual trust and understanding among Switzerland's different linguistic communities".

The Programming Charter obliges the *SRG SSR idée suisse* broadcasters to the following basic principles: serving the public; freedom and responsibility; integrity and independence; commitment to the truth; impartiality, objectivity and reflection of diversity of opinions; transparency and informing debate; fairness, safeguarding privacy, human dignity, protection of those who need it; consideration for the audience; accountability and answerability. Each *SRG SSR idée suisse* broadcaster has its guidelines, comprehensive documents that regulate in detail professional ethics

and standards as well as daily work procedures. They are binding for all staff and serve as a tool to guarantee high programme quality.¹⁶

The TV broadcasters for the three major areas - *SF* for German-speaking, *TSR* for French-speaking, and *TSI* for Italian-speaking area - have 24 hours programming on three (*SF*) and 2 channels (*TSR* and *TSI*). *SRG SSR*'s own data on programme output show that repeats make up the lion's share on both *SF* and *TSR*: 68 and 55 per cent respectively. The share for *SF* is lower when only *SF 1 and 2* are considered (*SFinfo* broadcasts 24 hours of repeats), but still remains quite high - 51 per cent. Only on *TSI* do repeats have a low level (12 per cent). On the other hand, the share of its own productions is 12 per cent on *SF*, 18 per cent on *TSR* and 30 per cent on *TSI*.¹⁷

The data¹⁸ on programme allocation to information and entertainment (Table 12) show that:

- Information programmes are primarily placed on the first channels in all three language areas, while entertainment dominates the second channels.
- The share of information programmes is significantly higher on the PSB in the German and Italian language areas (49 and 52 per cent respectively) than on the PSB TV broadcaster for the French language area (34 per cent). *SF1* and *TSI1* are predominantly information providers, while *TSR1* is more of an entertainment provider.

¹⁶ Guidelines are available on the web sites of *SRG SSR* broadcasters.

¹⁷ *SRG SSR, Facts and Figures 2007*.

¹⁸ The data on programme structure, topics, formats and genres provided herewith are from the research: Roger Blum, Nena Skopljanac, Daniela Schäufele-Krnet, Noemi Ranft: "Fernsehleistung und gesellschaftliche Kommunikation im Wandel: Eine Längsschnittanalyse der schweizerischen Fernsehprogramme". Institut für Kommunikations- und Medienwissenschaft, Bern University, Switzerland. The sample included the period October 2000 - September 2002.

**Table 12. Share of information and entertainment programmes in primetime
(programme duration in %)**

Programme categories/broadcasters	SF 1	SF 2	TSR 1	TSR 2	TSI 1	TSI 2
Information programmes. incl. sport	49	33	34	26	52	22
Entertainment programmes. incl. Matches	37	47	51	52	36	73
Children's and youth programmes	-	6	-	15	-	-
Others (mixed type programmes)	5	7	4	4	3	2
Advertising blocks	9	7	11	3	9	3

* Sport information broadcasts are classified to information programmes, while transmission or recording of sport shows are classified as entertainment programmes

More detailed data on the allocation of programme categories within the information programmes (Table 13) indicate no difference in regard to general rank on all three broadcasters: The highest share has "politics, economy, society". Topics from this area are primarily placed in the news shows. "Culture, education, science" is ranked second and "daily information" is ranked third.

Yet there are some important differences in regard to the level of representation of various programme categories within the information programmes:

- SF is focused on "politics, economy, society" on both programmes (70 per cent of information programme on SF1, and 50 per cent on SF2). "Culture, education, science" and sport information programmes have a small share on SF (6-8 per cent).
- On TSR there is a clear allocation: the 1st channel focuses on "politics, economy, society" (24.9 per cent of overall programme and around 75 per cent of information programme), while the 2nd channel has strong presence of "culture, education, science" (20.2 per cent of overall programme and around 4/5 of information programme).

- *TSI* has clear allocation as well: hard information - "politics, economy, society" as well as "culture, education, science" - are placed on the first channel (38.1 per cent and 11.1 per cent, respectively, and almost 95 per cent of the total information programme). On the other hand, the second channel is dominated by sport information programmes (over one third).

Table 13. Detailed program structure in (program duration in %)

Program categories/broadcasters	SF 1	SF 2	TSR 1	TSR 2	TSI 1	TSI 2
Politics. Economy. Society	35	15.8	24.9	5.2	38.1	6.7
Culture. Education. Science	7.6	6.6	5.7	20.2	11.1	5.4
Daily information	1.5	3.8	1.5	0	1	2.7
Fictional entertainment (film. serials)	23.4	30.1	41.3	17.8	23.6	20.5
Non-fictional entertainment	9	3.4	7.6	0.9	12.6	0.1
Music	3.4	2	0.1	10.6	0	3.1
Sport	6	18.7	4.1	23.4	1.9	56.1
Children/youth programs	0	5.7	0	15.2	0.2	0.1
Others*	4.6	6.8	3.8	3.9	2.1	2.7
Advertising blocks	9.5	7.2	10.9	2.8	9.4	2.6

* Programme announcements, own advertising, etc.

There are differences in regard to entertainment programmes as well:

- The entertainment programme offer in the French language area combines fictional programmes, music and transmission of sport shows. Fiction is mostly placed on the first channel (80 per cent of entertainment and 41.3 per cent of total programme),

while music and sport shows are placed on the second channel (around 65 per cent of entertainment and 35 per cent of total programme).

- Fiction and sport are the main types of entertainment programming on PSB in the German-language area as well. Fiction, however, has clearly a lower share. Instead of music, non-fictional entertainment is more emphasized, mainly on the first channel (one fifth of entertainment output).
- *TSI* has a structure similar to that of *SF* - fiction plus non-fictional entertainment - but with a higher share of the former. The second channel is strongly profiled as a sports channel (transmissions of sport shows make up almost 66 per cent of the total entertainment programme). This structure indicates that *TSI* has a similar entertainment programme structure as *RAI*. Such similarity, however, does not exist in regard to its information programme.

As for the broadcasting formats and genres within the information programming, magazine-type programmes are especially represented in *TSI* programmes, and documentary-type programmes are significantly more represented in French and Italian than in the German language area, which offers more information talk-shows and discussion broadcasts.

Specific characteristics in regard to entertainment programmes are as follows: a significantly higher representation of music is indicative for the French language area, while shows and quiz programmes mark the PSB in the Italian language area. Both reflect structures typical for TV broadcasters in France and Italy.

The *SRG SSR idée suisse* broadcasters in German and French language areas have quite a high representation of mixed broadcasting formats, in particular within their information programming - 18.5 and 22.1 per cent respectively, which reflects a need for program refreshments through innovative approaches.

The data on programme structure on both channels for all three major language areas can be summarised as follows:

- The programme structure of SRG SSR *idée suisse* broadcasters differs significantly. It is information-focused in German, fiction-focused in French, and sport-focused in the Italian-language area.
- The programme structure of PSB broadcasts in different language areas reflect similarities with the programme structure of PSB broadcasters in neighbouring countries. That said, the programming in the French language area is more fictional than "France 2", and the programming in the Italian language area is much more fact-based than *RAI*.
- Differences are particularly evident if both channels in each language region are considered. *SRG SSR idée suisse* has three substantially different broadcasters for three different language areas.

Since the mid 1990s there has been a visible trend of increase of infotainment approach in regard to selection of topics and the ways they are approached in information programmes. Topics like show-business and jet-set, crime, scandals, affairs and` exclusives have increased. They are significantly present in core news shows, not only in lighter information formats. In the quoted research, the share of TV packages in the news shows produced with this approach was significant on the first channels of all three SRG SSR broadcasters, ranging from 28 per cent on the PSB for the Italian language area to 33 per cent on the PSB for the German language area. The popular news show "10 vor 10", broadcast in primetime on the *SFI*, is particularly illustrative in this respect. One of the main reasons for its popularity is its concept, which is defined by the following 'infotainment' criteria. Namely, the show should, apart from politics and economics, report more on crime, consumption and sport. As Peter Wildberger, the former editor-in-chief, put it: "The news programmes ask: What is important? On the other hand, we also ask: What is interesting?"¹⁹

According to its licence, *SRG SSR idée suisse* should have one TV broadcaster in each of the three main language areas, so that it can provide equal quality programmes in all three main language areas. On the other hand, *SRG SSR idée suisse* has to fulfill its integrative role as well. It should strengthen exchange and mutual understanding across the language boundaries. The role of fulfilling both demands is quite demanding, as their full implementation actually leads into opposite directions. Namely, the request to serve each language area with its own broadcaster leads to a clearer separation of language areas. The request to strengthen exchange and mutual understanding becomes more difficult to realize. The fact that there is no national broadcaster obstructs the fulfillment of *SRG SSR idée suisse*'s integrative role.

Research data indicate that programme exchange among the three broadcasters is infrequent and irregular. On all three broadcasters, programmes produced by the other two *SRG SSR idée suisse* broadcasters make up to 1.5 per cent of programmes broadcast on the first channels in primetime. The first priority of each broadcaster is to produce programs for its own audience, with quite limited interest in reporting on developments in other language regions. There are significant differences among the three broadcasters in preferences in regard to the programming that is taken over: the broadcaster for the German-speaking area almost exclusively takes programmes related to politics, economy and society. On the other hand, the broadcasters for French and Italian-speaking areas take over more programming on culture, education and science.

Other language areas are not significantly represented in each broadcaster's in-house production, not excluding the primetime news bulletins. The best situation in this respect is the broadcaster for the Italian language area, which carries significantly more reports on the other two areas than those broadcasters carry about each other or about the Italian-language area.

Table 14. Location of topics in news bulletins on prime channels of the SRG SSR broadcasts in language areas (in %)

Location of topics / language area	German	French	Italian
Cannot be specified	4.2	2	1
Local/cantonal/regional - same language area	17.2	13.7	8
Local/cantonal/regional - other language area	3.8	2.8	10.1
National	22.9	36.2	32.4
International	51.9	45.3	48.4
Total	100	100	100

The next important indicator is the rather low average audience reach that SRG *SSR idée suisse* broadcasters have outside their language area. According to the audience data in 2002, the PSBs of the French and Italian language areas scored only 4 and 2 per cent of viewers in the German language area respectively. On the other hand, the PSB for the German-speaking area scored multiple shares in the French and especially the Italian language area (20 per cent). These data correspond to census data on internal population migrations, which indicate a higher number of German-speaking Swiss living in French and Italian language areas.

The *SRG SSR idée suisse* broadcasters reflect a broad spectrum of opinions and turn to a variety of social actors as sources of information. Officials and politicians from local to federal level are outnumbered by other actors; the proportion is roughly one third to two thirds. Yet, there is one strong limit - the language barrier. Language competence is the core criterion for selection of interviewees by broadcasters in all three language areas, with the consequence that persons from their own language area clearly dominate.

Table 15. Interviewees according to their language areas on the first channels of SRG SSR broadcasters in primetime (in %)

Interviewee's language area/ broadcaster	SF 1	TSR 1	TSI 1
German language area	95.2	12.5	3.1
French language area	3.5	86.8	2.5
Italian language area	1.3	0.7	94.4
Total	100	100	100

* According to duration, not number, of interviews.

SRG SSR's efforts to exchange programmes across the language areas mainly concern inter-regional radio and television programmes that are produced by and aired on its broadcasters in all three main language areas. The objectives of these programs are defined as follows:²⁰

- Present and explain differences and similarities between groups
- Provoke interest among the audience for cross-regional topics
- Show the attractiveness of cultural differences
- Use forms that are attractive and close to the audience
- Document situations in different language areas
- Meet the tastes and needs of all generations
- Have an attractive visual appearance
- Have a special character and be distinct from existing programmes

Since 1997, dozens of such programmes have been made. The most important television programmes of this kind include a soap TV serial "Lüthi und Blanc"; "Voilà", a documentary series on *NRLA*.²¹ "Lüthi und Blanc" and "Voilà" were part of the regular schedule, while the other broadcasts were produced sporadically. "Lüthi und

²⁰ Die Interregionale Programme der SRG, Projekte und Umsetzung, Fernsehen 1998-99, p. 1

²¹ Alp Transit or New Railway Link through the Alps (NRLA).

Blanc" was very popular among the audience, averaging 650,000 viewers, with a fan-club membership rising to some 1,500 people. The serial ended with its 288th episode in spring 2007.

Though valuable, inter-regional projects can hardly make a sustainable contribution to SRG SSR's integrative role. Integration is too complex a process to be effectively addressed by sporadic programmes or one regular programme.

In December 2007, the *SRG SSR idée suisse* plans to launch its first TV channel for all language areas. HD suisse is among the first TV channels using high definition technology in Europe and will be accessible on all cable networks in Switzerland. 24-hour programming in all four country languages will contain the prime productions of broadcasters from the different language areas, as well as co-productions produced by joint efforts. In-house productions are to be complemented by attractive foreign programmes, most of all various kinds of live-events, in particular direct transmissions of sport events.

Whether and to what extent HD suisse can contribute to the integrative role of the *SRG SSR idée suisse* will certainly depend on its share, format and the in-house productions that it will have in its programmes. The fact that all programmes will be broadcast only in their original language, without subtitles in other languages, definitely reduces its potential in this respect.

Concerning integration and the role of the media, especially PSBs, the issue of migrant population has so far been largely neglected. 21 per cent of Switzerland's resident population are foreign nationals. After Luxembourg, Switzerland has the highest share of foreigners in Western Europe. Integration of this population has been one of the hottest issues in public debates and media discourse in Switzerland for the last 20 years.

This section of society has been generally under-represented in the media, or represented through stereotypes, generalizations, and stigmatization. Conflict has served as the most common frame for media reporting, and the migrant population

has often been approached as a generator of social problems, linked to daily violence or crime. The overarching theme is the Swiss Asylum policy, while the main topics are misuse of asylum status, false motives for refuge, and, above all, produced and spread fear of damage to Swiss culture and welfare. Background information and contextual explanations are rarely contained in media coverage, while the investigative approach is almost non-existent.²²

The policy towards foreigners and asylum seekers has generated the most heated debates in the campaigns for the elections for the Federal Parliament since the early 1990s and has also been an issue of several popular initiatives and referenda. However, in the periods between these political processes, issues related to foreigners have drawn very little media attention. *SRG SSR idée suisse* TV broadcasters are no exception in this respect. The issue of foreigners and asylum seekers was among the top ranked in the coverage of the elections for the Federal Parliament in 1995 and 1999 as well as in 2003 and 2007 on the SRG SSR's broadcasters in all three language areas. However, the data for the thematic structure within the information programmes in the period 2000-2002 show that this topic was represented in the SRG SSR's television programmes with a marginal value of 1.4-2.2 per cent.

Yet the *SRG SSR idée suisse* licence defines one of its core roles as "strengthening of understanding, cohesion and exchange among country regions, cultures and social groups". (Article 24, paragraph 1b.) The *SRG SSR idée suisse* is well placed to play a leading role in this respect, not only because of the binding licence requirements, but also due to the fact that it is regarded among the migrant population as the key information provider. According to recent research funded by the Federal Office of Communications, some 60 per cent of interviewed foreigners watch often or very often the PSB television of the German language area, while the other two PSBs are

²² Bonfadelli, Die Darstellung ethnischer Minderheiten in den Massenmedien. In: Bonfadelli, H., Moser, H. (Hg.), *Medien und Migration. Europa als multikultureller Raum?*, 2007, pp. 95-116.

regularly followed by 35 per cent. Interviewees emphasised the urgent need for diversified and balanced reporting on issues affecting non-nationals. There is a high need for better programmes that would bring foreigners closer to Swiss citizens' culture, daily life, problems and achievements, and thereby foster their acceptance and integration.²³

Integration of the non-national population in Switzerland and media coverage that would contribute to it in the best way possible have lately been given greater importance in both media professionals' and media researchers' communities. Some comprehensive research projects on the issue have recently been completed. It is expected that hard data and more fact-based discourse will provide for more tolerant public debate on the issue. Research data will hopefully also be used to improve the coverage of migrant issues in Swiss media, especially in *SRG SSR idée suisse* programmes.

6. Conclusions

The Radio and Television Law (RTVG) of 2006 defines that the *SRG SSR idée suisse* shall provide for "understanding, cohesion and exchange among the country's regions, language communities, cultures and social groups, and shall take into consideration the specificities of the country and needs of the cantons" (Article 24, paragraph 1, point b). Furthermore, it obliges the *SRG SSR idée suisse* to provide at

²³ A.Vettori, S. Stern, Th.von Stokar, F.Kasser, N.North, Integration durch TV? Fernsehnutzung von Ausländerinnen und Ausländern in der Deutschschweiz. Infas 2007 (forthcoming).

least one radio and television programme in German, French and Italian language that is accessible throughout the country (Article 30, paragraph 1).

Based on these requirements and on its charter from the Federal Council, SRG SSR *idée suisse* comprises the following:

- Three radio stations each for the German, French and Italian-speaking regions and one radio station for the Rhaeto-Romanic-speaking area, all broadcast on FM. German and French-speaking areas have additional music channels, and the former has a youth channel as well. Further, three music stations (classical music, jazz and pop) are available for all language regions.
- Two television channels for each of the German, French and Italian-speaking regions, with programming in Rhaeto-Romanic.

In terms of legal provisions, access to information, and range and quality of media services, Switzerland is a good example of respect for high standards in regard to language rights. All four country language communities are well provided with the *SRG SSR idée suisse* radio and television programmes. Requirement to provide services of equal standards for all language areas, no matter how many people speak that language, has consistently been respected and implemented. SRG SSR *idée suisse* has developed a sound model of financial equalisation and cross-subsidies from the largest language area (German) in order to provide for the resource allocation that ensures that the different language regions receive programmes of equivalent quality.

SRG SSR idée suisse structural setting is in line with the setting of political institutions in a confederate state, with a highly decentralised system of devolution of power, local autonomy, and participatory democracy, which ensure that ordinary citizens are involved in political decision-making, and that no one group (interest, language, religious, and suchlike) is able to benefit unduly at the expense of another. It thereby strengthens mechanisms of checks and balances that provide for the functioning of the Swiss multicultural society and acts as a significant contributor to

democratic institutions and society in the way democracy is understood and practised in Switzerland.

This setting also provides for sufficient flexibility and autonomy in programme design of the broadcasters for different language areas in order to better meet the differences and specifics of cultural and media habits. This, combined with a common denominator of programming content being Swiss-centred, enables the *SRG SSR idée suisse* broadcasters to lead in audience shares and position on the TV media markets in all three major language areas.

However, such a structural setting has its weaknesses as well.

First, it requires a quite complex, heavy and costly structure. For example, *SRG SSR idée suisse* is only two times less expensive and has roughly 35 per cent more staff than the German public broadcaster ZDF, which serves a much larger audience.²⁴ Licence fee revenue is not enough to cover such high costs and *SRG SSR idée suisse* TV broadcasters are under pressure to generate advertising revenue. This is difficult to achieve in a small media market that is fragmented along language lines. The advertising spent on TV has had an upward trend (26.6 per cent over the period 2000-2005 and 10.2 per cent in 2006 over 2005). Although the *SRG SSR idée suisse* TV broadcasters managed to keep taking the lion's share, they did not manage to increase their share of the overall advertising spent. In fact, this share dropped in 2001 to 58 per cent compared to 67 per cent in 2000 and has since ranged between 58 and 63 per cent. The increase of 1.5 per cent in 2005 was much lower than those of German and French (13.6 per cent) as well as of Swiss private broadcasters (58.5%). Huge market pressure on behalf of private broadcasters, especially those from Germany, pushed the *SRG SSR idée suisse* TV broadcasters to commercialise its output. Audience shares and advertising income have become key requirements. Yet this approach is

²⁴ ZDF's costs in 2006 were €1.95 billion, i.e. around 3.1 billion Swiss francs (*SRG SSR idée suisse* expenses were around 1.6 billion Swiss francs) and 3,464,5 full-time posts (compared with around 4,700 of *SRG SSR idée suisse*).

difficult to reconcile with the requirement to offer public service programming, which does not follow market logic and often collides with it. Liberalisation of the advertising regulation in the Radio and Television Law (RTVG) of 2006 will enable the broadcasters, including SRG SSR *idée suisse*, to generate higher advertising revenue. This will certainly contribute to somewhat lower the market pressure on SRG SSR *idée suisse*, but will not solve the problem in the longer run.

Secondly, the *SRG SSR idée suisse* institutional setting and program concepts for the different language areas cultivate and perpetuate separation along language lines. Programmes predominantly focus on issues relevant to their own language region and provide for quite modest "exchange among the country's regions, language communities, cultures and social groups". There is a lack of mechanisms for programme exchange within the regular programming, and collective programming efforts are mostly practised with interregional programmes. However, such programmes have been produced and broadcast sporadically and thus have not been able to make up for the lack of mechanisms for regular exchange. HD *suisse*, to be launched in December 2007, is the first shared channel of *SRG SSR idée suisse* to provide programming from all language areas and for all language communities. It has the potential to become a media platform for more substantial exchange beyond language boundaries.

Yet the fact that the *SRG SSR idée suisse* does not sufficiently provide for exchange among the country's language groups does not automatically point to the conclusion that it does not contribute to mutual understanding and social cohesion, but enhances centrifugal drives in the Swiss multicultural society instead. This is not the case for many reasons, two of which we consider the most important.

First, complete fulfilment of respect for language rights in information provision no matter the size of the particular language community is a powerful integrative factor itself. It substantiates the rights guaranteed by the constitution, and thereby creates and maintains a high level of confidence among citizens.

Second, potential lines of conflict in Swiss society do not primarily run between language regions, but between generations as well as between urban and countryside areas. Some research finds that one third of interviewees indicate the existence of problems between age groups and one quarter among urban and countryside areas, which reflects significantly different positioning in regard to certain key political and social issues. On the other hand, problems among language regions are mostly defined as a lack of mutual knowledge, with interviewees feeling that they are insufficiently informed about other language regions.²⁵ The same research indicated that there is a positive opinion in regard to the integrative role that Swiss media play (70 per cent), with the *SRG SSR idée suisse* and the press identified as the leaders in this respect.

While the *SRG SSR idée suisse* fulfils its role with regard to the native Swiss fairly well, the foreign nationals living in Switzerland have been generally under-represented in programming. Though, unlike some other media, the *SRG SSR idée suisse* broadcasters have rarely deployed stereotypes, generalizations, and stigmatization, conflict has served as the most common frame for the reporting, and the migrant population has often been approached as generator of social problems, linked to daily violence or crime.

Foreign nationals make up 21 per cent of the total resident population, without the second and third generation of foreign nationals who got Swiss citizenship. This population already makes a significant part of society and will most probably continue to grow. Swiss multiculturalism needs to be revised in order to provide for better integration of this population. Media coverage has to be redefined and considerably improved. The *SRG SSR idée suisse* is well placed to play a leading role

²⁵ Medien und Identität - CH. Eine Studie zum Beitrag von Radio- und Fernsehprogrammen zur gesellschaftlichen und kulturellen Integration in der Schweiz, Institut für Kommunikations- und Medienwissenschaft, University of Bern. 1999/2000. Two surveys were carried out in 1998 and 1999, with 3,300 respondents each, as well as interviews with 50 opinion leaders in all language areas.

in this respect, bearing in mind its binding licence requirements as well as the fact that it has been regarded among the immigrant population as the key information provider. A high need for diversified and balanced reporting among the migrant population needs to be responded to, with more focus on contents that would bring the immigrant population closer to Swiss citizens' culture, daily lives and achievements, thereby fostering integration.

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ABOUT MEDIACENTAR SARAJEVO

Mediacentar Sarajevo is an educational and research institution supporting the development of the independent and professional media in South East Europe. The Mediacentar Sarajevo Research Program focuses on contemporary media policy issues, including regulation and self-regulation, public service broadcasting, representation of minorities and disadvantaged groups in the media, and the general role of the media and journalism in democratization processes in Bosnia and Herzegovina (BiH) and the region.

The Mediacentar has its own library on mass media, as well as a print media archive containing the most important newspaper issues from Bosnia and Herzegovina and the former Yugoslavia since 1945. Additionally, an online digital database, Infobiro (www.infobiro.ba) was created, with newspaper articles, research reports and statistical data on BiH and the region, which serve as an important tool for researchers and journalists from BiH and the wider region.

Activities and projects of the Mediacentar Sarajevo also include training and educational programs for journalists, production of TV shows and documentaries, public relations training and consulting, publishing, and the organization of various cultural events. An important program is also NetNovinar, an online resource centre for journalists, available at www.netnovinar.org.

Mediacentar was founded in 1995 in Sarajevo by the Open Society Fund Bosnia and Herzegovina. For more on Mediacentar Sarajevo, please visit www.media.ba

