OSCE

REPRESENTATIVE ON FREEDOM OF THE MEDIA

Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo
International Assistance to Media

A Report by Mark Thompson

Vienna 2000

The cover is a drawing by the German author and Nobel Prize laureate (1999), Günter Grass, "Des Schreibers Hand" (The writer's hand). He gave his kind permission for its use as the logo of the publications of the OSCE Representative on Freedom of the Media.
The drawing was created in the context of his novel *Das Treffen in Telgte*, dealing with the literary authors at the time of the Thirty Years War.

This report was possible due to the financial support of the
European Commission

Office of the Representative on Freedom of the Media 2000
Kärntnerring 5/7, Top 14, 2. DG
A-1010 Vienna, Austria
Tel. +43-1 512 21 450
Fax +43-1 512 21 459
pm-fom@osce.org

Design: WerkstattKrystianBieniek, Vienna
Printed by Eugen Ketterl, Vienna

Contents

Preface

This extensive report by Mark Thompson, author and prominent expert, to my knowledge, is probably the first of its kind. When my office came to the conclusion that an overview on the media activities of international organizations in the post-Yugoslav world would be useful to governments and to those international organizations, which are involved in the post-war assistance, I had no trouble identifying the author with the relevant regional experience and the necessary expert approach. I was very glad that Mark Thompson agreed to do this report for us.

The author describes the many extremely difficult obstacles and problems confronting the regional and national governments, and the mosaic puzzle the international organizations have to overcome when they start to set up and reorganize modern free media.

The region this report is covering was and still is faced with at least three dramatic challenges regarding the future of free media . The citizens had to overcome the heritage of a non-democratic ideological past.

Then they were faced with the repercussions of a decade of warfare and violence unseen in Europe since 1945; and at the same time they were confronted with a radical transformation of the economic and technological base of the newly emerging electronic communication industry.

This last point, the deepest transformation in mankind‘s basic forms of communication since the Gutenberg, is often overlooked by those of us who want to help re-establishing peace and freedom of media.

Mark Thompson has written a fruitful report giving answers to many question, and at the same time posing new questions to which those responsible must find the answers. It contains critical observations on UNMIK, bearing on both the UN and the OSCE, which are the judgement and the interpretations of the author. We accept the criticism of an expert who is known for his expertise and fairness even when we cannot agree to every single aspect of the many substantial conclusions the author has derived from his report..

We are grateful to the European Commission which provided financial support to this report.

Freimut Duve
OSCE Representative on Freedom of the Media 24 March 2000

Mark Thompson

Foreword

1. Since 1991, the lands of the former socialist federal republic of Yugoslavia have played host to various civilian and military missions, deployed by inter-governmental organisations (IGOs). The conflicts that brought these missions to the Balkans were unprecedented in post-Hitlerian Europe. The deployments were also unprecedented; such concentrated multilateral interventions had not been seen before outside Africa or Asia.

2. The present report focuses on one area of these missions' activity: their engagement with the local media, in particular their efforts to reform the broadcasting networks that were established during Tito's era in each of Yugoslavia's six republics and both 'autonomous provinces'.

3. It is a highly complex encounter, fraught with misunderstandings, at times confrontational. Historically, it occurs when the 'information revolution' has accompanied and accelerated far-reaching changes in the relationship between authorities and the public. Elected leaders of earlier generations, not to mention unelected envoys, would be incredulous at the degree of openness and accountability now required. The political class in established democracies has to adjust to the changing environment, trying to maximise the benefits and minimise the risks. The leaders of transitional, former communist countries have to adapt at forced-march pace. Not surprisingly, some of them — those with most to hide — have masked a refusal to adapt by manipulating and oppressing the media. However, the leaders of some international missions in the Balkans during the 1990s have themselves, for different reasons, also been suspicious of openness and accountability.

4. On one side in this encounter, then, stood IGOs that: (a) usually lacked experience with relatively sophisticated populations, (b) were unprepared to operate where the host government's genuine "consent" could not be assumed, and (c) were reluctant to encroach on internal affairs as traditionally understood. On the other side were host authorities that were obliged for political reasons to accommodate international missions but for the most part did not support unreservedly the mandates of those missions. The relationship was bound to be difficult, even stormy. These difficulties were magnified in the issue of media reform, particularly the reform of the broad-

casting networks. Governments that wanted their pretensions to democracy to be rewarded by the outside world had to release the media from their control. Yet such control was intrinsic to their conception and exercise of power. Even without convenient 'national emergencies' to rationalise their authoritarianism, they refused to release the media.

5. The notion of *credibility* is invoked here as a mutual concern. Different sorts of credibility were at stake in this encounter. The international missions needed local and sometimes international credibility if they were to carry out their mandates. Some mission leaders did not grasp that, in most situations, credibility was to be obtained only by undiplomatic bluntness and openness. Whether a mission rose to this challenge or ducked it, provided as accurate a test as any other of its will to learn from experience and achieve positive results.

6. On the local or national side, credibility was a precious stock in the domestic political market. It has been argued that nowadays, "political struggles focus less on control over the ability to transmit information than over the creation and destruction of credibility." (Keohane and Nye.) With the usual exception of Slovenia and perhaps also now of Croatia, this is not yet true of the former Yugoslav countries. Elementary control over information is still a focus of political struggle. The host authorities were, in effect, invited by the IGOs to wager that their domestic credibility would be improved by following the international precepts for democratisation. It turned out that very few leaders were ready to take this wager, even when they had signed up to the precepts. Yet explicit rejections were inadvisible; they led ultimately to Serbia's pariah status. It was in the media, and in terms of the media, that this tussle between declared objectives and clandestine resistance was perhaps most clearly expressed.

7. If no two sections of this report are quite alike, the reason is that the international engagement with the media issue has varied from place to place. In one case, Slovenia, it hardly occurred at all; democratisation went ahead with minimal outside involvement. Except in Kosovo, the broadcasting networks are the most popular sources of news information and comment. This is one reason why the report concentrates on the reform of these networks. The other reason is that governments are responsible for the broadcast sector as they are not — or should not be — for the press.

8. The report is not exhaustive. It excludes Serbia and Montenegro, because IGOs deployed in those countries have been fewer in number and smaller in strength, and also politically more confined than those to the west

and south. Although there is now an initiative to accelerate the reform of state broadcasting in Montenegro, no results have yet been shown. As for Serbia, there has been no engagement by IGOs with the state media. Occasional interventions by the OSCE and Council of Europe experts have been ignored. Also, the report does not consider the work of the purely humanitarian missions, nor does it have much to say about the military missions. It has nothing to say about the role of international media, and, except in the case of Kosovo, little about the local press. It does not examine the role or quantify the support of international non-governmental organisations (NGOs), whose material aid and moral solidarity, sustained over years, has enabled many of the most important private media to survive. For practical reasons, the report does not always place media policy by IGOs in its context of related policies on other issues. This separation is artificial, however unavoidable in a document of this length. Some readers may disapprove that the report is not exhaustively footnoted. The reason is simply the author's wish to produce a reasonably uncluttered narrative of a unique experiment in multilateral engagement and media reform, winnowing achievements from failures, then drawing conclusions and making recommendations.

9. Finally, a statement of the obvious. The mandate and operational modality of an intergovernmental mission reflect an aggregate international position — if nothing else, an agreed lowest common denominator — funded by taxpayers from many countries. It follows that this report is about more than IGOs. It is about a de facto policy consensus among the most powerful players on the diplomatic stage called the Balkans.

8 March 2000

SLOVENIA

10. The media played a major part in the social and political changes in Slovenia that preceded the republic's first democratic elections in 1990 and its withdrawal from federal Yugoslavia in 1991. In the context of Slovenia's ambition under a Christian Democrat-dominated coalition government to dismantle the socialist system and pursue integration into European structures, the need for new media legislation was widely discussed. A press law was drafted in summer 1990, and abandoned when professional and public opinion criticised the draft as repressive. Meanwhile, RTVS (*Radiotelevizija Slovenije*, Radio-Television Slovenia, transmitting on two channels) was retitled as a public service broadcaster with management appointed by parliament, new private broadcasters were able to register and operate, and subsidies to printed media were cancelled.

11. A second bill on media entered parliamentary procedures in late 1991, but successive governments hesitated. After independence, news about other Yugoslav republics was reclassified on TVS bulletins as "foreign". New daily newspapers were launched in 1991 and 1992. They both folded within a few years, unable to break the grip of the three established national papers over a relatively small market. A third such initiative in 1998 came to grief within a month.

12. New legislation was not adopted until April 1994, when the media sphere was deregulated to a point unimagined in other ex-Yugoslav republics. The Mass Media Law established a Broadcasting Council, appointed half by government and half by parliament with a broad remit of, inter alia, protecting the freedom of expression and the independence, openness and plurality of broadcasting programmes, and "proposing … the allocation and revocation of broadcasting channels". It also placed the transmission network under a separate auditor.

13. The Act on RTVS defined the national broadcaster's activities and responsibilities as a "public service institution". Broadcasting was thus divided into a non-commercial sector with RTVS and a string of regional and local broadcasters that were obliged "to inform audiences of one or more local communities on political, cultural, religious, economic and other questions", and a commercial sector that was subject to few constraints. Only 10 per cent

of their programming has to be self-produced. Advertising on public (non-commercial) channels can not exceed 15 per cent of daily broadcasting time, while private stations can carry unrestricted quantities of advertising. No charge is levied for licences or the use of frequencies. There is no requirement for news, cultural or educational programming. Nor is there any restriction on the formation of networks. Public broadcasters, on the other hand, have to devote at least 40 per cent of their output to news, culture, arts and education, plus minority programming.. The requirements for in-house or national or European production are minimal.

14. As a result, "[t]here are no documentaries on [the four national] Slovenian private channels, no education programmes, no cultural programmes and only one half-hour news programme on one channel. This is media diversity according to the rules of market pluralism." (Milosavljevic and Hrvatin.) More than 80 per cent of programming on all private TV stations are US imports. Significantly, Kanal A, which in 1989 was the first privately-owned television station in the former Yugoslavia, dropped its news and current affairs output in 1996 in order to broadcast imported serials and films, along with locally produced talk-shows and music. This new formula enabled the channel to increase its audience share from 2 per cent in spring 1996 to 14 per cent a year later.

15. Under the Act on RTVS, the national broadcaster is managed by the RTVS Council. As constituted, this body is reasonably protected from governmental or parliamentary influence. Only 5 of its 25 members are appointed by parliament; the remaining 20 are appointed by national minorities and 15 "institutions and organisations of civil society". The Council appoints the director-general, sets the licence fee (which is subject to government approval), adopts the statutes and financial plan, and defines programme standards.

16. In federal Yugoslavia, broadcasting licences had been issued by a federal authority. In 1992, Slovenia's Government Office on Telecommunications started to dispense frequencies to new broadcasters arbitrarily. The 1994 Mass Media Law authorised the Broadcasting Council to propose the allocation of frequencies to the Government Office, which retained responsibility for actually granting the licences, as well as for determining and controlling technical standards. In 1996, the Council adopted "Principles of Allocation" that included public-service criteria. A Law on Telecommunications,

to provide for the regulation and management of the frequency spectrum, was adopted in 1997. This law introduced a licensing fee and frequency tax.

17. In 1994, Slovenia had only one nation-wide commercial television station. The legislation did not anticipate rapid growth in this sector and has not prevented the concentration of ownership, amounting in the view of some critics to monopoly. This situation led to lobbying for the re-regulation of broadcasting, to ensure adequate public-service standards of pluralism and excellence in the private sector. In 1997, responding to these concerns, the Broadcasting Council suggested that a new media law was needed. The Ministry of Culture stepped in and prepared a draft law. This draft is currently before parliament.

18. RTVS's troubles are much less political than financial. Like the state or public networks in other ex-Yugoslav republics, RTVS remains over-staffed and inefficient. Fears of mass layoffs have caused labour unrest, for example in March 1996. Commercial competition forced TVS to make its products more attractive. Like public service broadcasters everywhere, it imitates successful programming formulas pioneered by commercial stations. TVS is allowed to carry a fairly generous amount of advertising. On the other hand, public-service obligations added to the lack of constraints on commercial broadcasting have squeezed TVS. Nevertheless, although it has lost viewers to its rivals, its first channel is still the most popular in the country, with the evening news programme retaining some 45 per cent share of the total audience. A survey by the journalists' union in 1996 found that RTVS was still the most trusted broadcaster.

19. Analysts of Slovenian media identify a number of problems, including ownership monopolies and concentration, commercialised uniformity of broadcast content, inadequate protection of journalists' sources of information, lack of enforcement of legal limitations on private broadcasters, and continuing interference by state and party bodies, sometimes using overly broad defamation law. It is argued that exaggerated concessions to free-market principle have swamped the small market with low-grade commercial imports, usually from the USA. It is also pointed out that hate-speech or something close to it has not been eliminated from the mainstream press. In its worst form, it was linked to the ugly populism that surfaced when Slovenia took in tens of thousands of Bosnian refugees in 1992 and 1993. Most of the media reflected uncritically the nearly consensual view in parliament that

this influx posed a threat to the newly-homogenised and independent Slovenian nation, even to the security of the young state.

20. By the mid 1990s, even civil libertarians judged that the media in Slovenia were free from government control or repression. There is disappointment in such circles that the democratic movement of the late 1980s and early 1990s has given way to blandness and commercialisation; that the dynamism of those years has yielded to parochialism. While this critique should not be taken at face value (were the media in socialism's final phase really so admirable, except for a few exceptions in Ljubljana?), there seems little doubt that, for instance, foreign-news coverage on TVS has diminished in quality. The civil libertarian critique is basically political, however, being founded on dislike of the government's perceived rejection of responsibility for the Bosnian catastrophe. One such analyst noted in 1994 that the government and opposition "agree on trying to detach Slovenia from any political context or arrangement in which it could be treated as a part of Yugoslavia or the Balkans, or even the Eastern European complex. … It is significant that *TV Dnevnik* [TVS news] never reports on Bosnian war refugees in Slovenia as an integral part of the war in Bosnia theme. … In short, they are treated as an obstacle" to Slovenia's respectability in European eyes. (Joze Vogrinc in Gow et al.)

21. One gauge of the situation is the output of the Open Society Institute in Slovenia. The OSI has published a detailed report on "strategic representation of space on the Slovenian government websites". The analysis finds, perhaps not surprisingly, that "the sites attempt to naturalise the idea of Slovenia as an integral part of Europe" and "are full of words that connote positive images of the country". The Institute prepared a similar report about the hate-speech expressed in a weekly column carried by one of the country's highest-circulation newspapers since 1995. The analyst failed to establish any connection between the column in question and the political scene at large. In no other country of the former Yugoslav federation would analysis of hate-speech have so little raw material to work on.

22. Slovenia's media laws were designed to satisfy European Union standards. Since 1990, the authorities have sought and received assistance in preparing new legislation from international organisations and bodies. Reviewing the draft new Mass Media Law at the end of 1999, experts from the Council of Europe found the draft to be "too prescriptive and too bureau-

cratic", liable to subject the media to political discretion. Particular concern was expressed that the Ministry of Culture would gain regulating authority over the broadcast sector and that the government would take over parliament's "founding rights" over RTVS. Such concerns were echoed by the International Press Institute and the European Broadcasting Union, as well as by local journalists and their organisations who feared that the re-regulation of the media sphere might provoke the re-emergence of political ambitions in government to influence the media. The fact is, however, that Slovenia is off the European Commission's list of countries with democratic deficits in the media sphere. With an Association Agreement with the European Union, Slovenia falls outside the EU's "regional approach" to south-east Europe.

CROATIA

23. Croatia's first multiparty elections were held in spring 1990. They were won by the HDZ (*Hrvatska demokratska zajednica*, Croatian Democratic Community), which held power until the January 2000 elections. During the first election campaign, the HDZ sent contradictory signals about the media. On one hand, it promised all the fruits of democracy. On the other, party leader Franjo Tudjman was openly chauvinist, as when he denounced the alleged over-representation of Serbs at the helm of Croatian media: "Look at who the editors of radio, television and the newspapers are … [We cannot] agree with there being six and a half Serbs among the seven chief editors on television." (Cohen, p. 97.) After its victory, HDZ soon showed its determination to exert control over the most influential mass media. The prime target was the national broadcaster, RTV Zagreb, soon renamed as HRT, *Hrvatska radio-televizija*, Croatian Radio Television. National and regional newspapers were also taken over. (Thompson, 1999, pp. 136 ff.)

24. During 1991 and into 1992, issues of freedom of expression were overshadowed by more elementary abuses of human rights during the seizure of a quarter of Croatia's territory by Yugoslav and Serb forces, with accompanying terror and expulsions (not yet known as 'ethnic cleansing'). Probably the event that did more than any other to trigger international concern about the media situation was the illegal acquisition in March 1993 of the biggest regional newspaper business, *Slobodna Dalmacija*, by a pro-HDZ tycoon. Non-governmental organisations in western Europe tried to publicise such repressive actions, with little success. By this time, international attention was fixed on neighbouring Bosnia.

25. This was the context into which the United Nations deployed the UN Protection Force (UNPROFOR) in March 1992. As its duties expanded into Bosnia and Hercegovina and then into the Former Yugoslav Republic of Macedonia (FYROM, henceforth Macedonia), UNPROFOR grew into the biggest peacekeeping operation ever mounted by the United Nations. After March 1995, the mission in Croatia was renamed the UN Confidence Restoration Operation in Croatia (UNCRO). In 1996, the UN presence in Croatia was reduced to the UN Transitional Authority in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in the east of the country, the much

smaller UN Mission of Observers in Prevlaka (UNMOP) in the far south, and a Liaison Office in Zagreb.

26. Analysis of UNPROFOR's mandate and performance in political, military and even moral terms has been extensive. Relatively little attention has been paid to the mission's record with media and information. It is true that the mission had no mandate for media-development, and its public-information activities were, though large in scale, not remarkable. Nevertheless the subject deserves attention. The reason for including UNPROFOR in this report is that the mission's interaction with Croatian media amounted to media-development by default — development, moreover, with negative consequences for the UN mission itself, for later international missions, and arguably for the development of democracy and human rights in Croatia.

27. UNPROFOR's 'honeymoon' in Croatia was over before it began. President Tudjman had accepted the mission against the advice and wishes of many prominent Croatians, including some in his own government and party. As the public realised that UNPROFOR was determined to cleave neutrally between the Croatian authorities and the "Krajina" Serb separatists, attitudes to UNPROFOR became sceptical, then hostile and contemptuous. These attitudes were fuelled by the media under control of the authorities, who had an interest in deflecting responsibility for Croatia's problems and distracting attention from their own violations of international agreements. Most days brought fresh accusations of one-sidedness in favour of the separatist Serbs, of callousness towards suffering Croats, of ineffectiveness and, worse, ill will. Already by July 1992, "[t]he presidential election campaign … included the distribution over the city by light aircraft of leaflets reading 'UNPROFOR and Other Occupiers: Go Home!'" (Arbuckle, p.ix. Also Malesic, pp.91-103 and Thompson, 1992, pp. 333-4.)

28. The purpose here is not to analyse the content of Croatian or Serb separatist propaganda against UNPROFOR but to consider how the UN reacted. During the mission's crucial first year, its response was fatally restrained and passive. The frustration recalled by one member of the mission at that time can speak for others: "Vilified publicly at every convenient occasion with impunity by the very people who were manufacturing incidents and confrontations in violation of signed agreements, UNPROFOR remained, seemingly by design, without a voice." (Arbuckle, quoted by Lehmann, p. 134.) UNPROFOR did not develop a media-relations and pub-

lic-information strategy until February 1994, when a Division of Information was established. A few months later, public dislike for UNPROFOR reached new heights. Over the summer, UNPROFOR's movement around the country was obstructed by blockades mounted by Croats who had been displaced from the Serb-controlled enclaves. Ostensibly spontaneous, these systematic blockades were organised by the authorities and publicised by highly sympathetic media coverage.

29. There were also electronic and printed media in the Serb-controlled enclaves, where basic conditions for journalistic independence did not exist. Consequently, these media were wide open to manipulation by one or another faction among the ruling elite in the enclaves. Such manipulation had consequences for the work of the UN mission. The author of this report was told in summer 1994 by a Canadian officer serving with UNPROFOR in Sector South that "When UNPROFOR is criticised in the [local Serb] media, it shows on the street very quickly." This officer cited a recent example of the extreme sensitivity of information in Croatia, as well as the permeability of the confrontation line. When Croatian media reported that local engineers were working with UNPROFOR to restore a water-pumping station in the 'zone of separation' between the two sides, Serb separatist forces promptly seized the station and blew up the pipeline under the noses of the UN.

30. The extent of the mission's continuing problem was indicated by the UN Secretary-General in a September 1994 report to the Security Council: "In its first two years of operation UNPROFOR, like other United Nations peace-keeping operations, has become acutely conscious of the lack of objective and accurate information in the mission area as well as of the harmful consequences of propaganda and disinformation about its role." The Secretary-General noted that the establishment of a separate Division of Information was an attempt "to overcome this crucial deficiency. Public information activities have been focused on informing the mission-area population about UNPROFOR's mission, mandate and activities, with a view to increasing public understanding and support of its peace-keeping efforts." As well as media relations and monitoring units, four production units had been set up: television, radio, publications, and print production and promotion. Sub-offices had been established in Sarajevo (Bosnia), Skopje (Macedonia), Belgrade (FRY) and the four Serb-controlled enclaves in Croatia.

31. In terms of potential influence on public opinion, the radio and television units were by far the most important in the Division of Information. Apart from the usual headaches over recruitment and procurement, these units were dogged by political difficulties over distribution. The Secretary-General said in September 1994 that UNPROFOR television programmes were being broadcast on national television stations in Bosnia, FRY and Macedonia, though not in Croatia. In fact, UN TV's five to 10-minute films were sometimes shown on private Studio B and later on state television in Serbia, on Bosniak-dominated state TVBiH and local (Bosniak-run) stations in Bosnia, and there was a five-minute weekly slot on Macedonian state television. No regular arrangements could be reached with state networks in Croatia or Serbia, or with Serb-run stations in Croatia and Bosnia.

32. As for radio, the Secretary-General could claim no more than that UN programmes were broadcast daily "on a local station in Sarajevo". Even when arrangements for regular broadcasting were reached with Croatian state radio, UNPROFOR's programmes were repeatedly censored before transmission. This occasionally happened also with Bosnian state radio in Sarajevo. The Secretary-General argued that the mission lacked "an independent means of reaching mass audiences on a daily basis without restriction … Accordingly, UNPROFOR plans to establish an independent UNPROFOR radio station which would give three-quarters of the population of the mission-area unhindered access to impartial, factual and timely information, thereby increasing public understanding and support for UNPROFOR's peace-making efforts".

33. The Security Council endorsed the mission's public information policy, including the multi-million dollar project for a radio station. Radio and television production continued to expand, but distribution problems could not be resolved with the local authorities. Audio and video cassettes were distributed to stations around the mission area. In Croatia, only a handful of radio stations would air UNPROFOR programmes, often between midnight and dawn, until co-operation improved in early 1995. Thereafter, some 30 stations broadcast an hour-long weekly programme, with a further 60 stations using excerpts The situation in Bosnia was better for UN radio and television alike; the head of the television unit described the co-operation in Bosnia as a "total contrast" to Croatia.

34. Staff in the Division of Information had warned as early as June 1994 that "official broadcast permission, frequency allocation and licensing" in

Croatia would require an "approach at the highest levels". So it proved. Discussions on use of frequencies in Croatia dragged on fruitlessly. By way of outcome, UNPROFOR was invited in early 1995 to hire three FM frequencies covering the Serb-controlled enclaves — where, of course, the Croatian authorities could not control broadcasting anyway! Not until March 1995 did the Secretary-General suggest that the Security Council might "consider calling upon all Governments and authorities in the UNPROFOR mission area to co-operate with the United Nations in the provision of suitable radio broadcasting frequencies and television broadcast slots". In resolutions 981 and 982 (31 March 1995), the Security Council duly urged such co-operation upon the governments of Croatia and Bosnia. Despite this backing at the highest level, the mission was unable to secure regular broadcast slots at national level. Programmes and articles contributed to domestic media remained liable to arbitrary cancellation or censorship.

35. Early in May 1995, Croatia recaptured Western Slavonia, one of the four "UN Protected Areas" (UNPAs), from Serb separatists. The mission had begun to unravel. Yet the flow of anti-UN material in the media did not abate. Perhaps it achieved its nadir on 9 May, when the HTV prime-time news bulletin reported on Defence Minister Gojko Susak's visit to the recaptured territory. Standing in front of an empty UN position, Susak accused the UN of having built fortifications for Serb forces in this area, and of "defending them together" against Croatian forces on 1 and 2 May. A graver charge would have been difficult to lay; yet no evidence was presented. On this occasion, the mission leadership was persuaded to react, albeit discreetly. Concern was expressed to the President's Office. The reply from the head of the Office, Mr Hrvoje Sarinic, merely observed — without apology or regret — that Minister Susak had been under great pressure at the filmed moment of his visit, since he had just seen the corpses of Croatian soldiers killed in action. This incident was not publicised by the mission.

36. The confounding of the UN mission to Croatia was completed in early August 1995, when Croatian forces recaptured two of the three remaining UNPAs. Four UN peacekeepers were killed in this action, and 16 wounded. Croatia and Serbia agreed at Dayton, in November, that responsibility for reintegrating the fourth UNPA would be transferred to a new mission, UNTAES (United Nations Transitional Authority for Eastern Slavonia, Baranja and Western Sirmium), early in 1996.

37. In sum, the Division of Information was unable to amend, stem or publicly rebut the flood of propaganda and disinformation by Croatian media. Principal responsibility rests with the host authorities that used the media against the UN mission and, except on a few occasions, prevented the mission from addressing its own counter-messages to the public. This was the reality that the mission had to deal with. At the same time, the Division of Information had a problem with its own headquarters. This was frankly discussed in a July 1994 memo from Michael Williams, the first Director of Information, to UNPROFOR's civilian leader, Yasushi Akashi, the Special Representative of the Secretary-General (SRSG): "…An effective and strategic press policy in Croatia cannot be separated from the broader need for a cohesive, focused and proactive UNPROFOR policy at the political level. … A clear and assertive response to issues that arise in the UNPAs and with the Croatian authorities…has been lacking. Our image in the local press reflects our weakened position in this regard. … For example, UNPROFOR Civil Affairs or military authorities must be able and willing to point out improper actions against UNPROFOR on the part of Croatian and local Serb authorities in Croatia. … Closer co-ordination among [mission] components and between headquarters and the field can ensure that we reinforce our policy message at all levels and on all fronts, including the media. UNPROFOR's strategy on the ground must be directed by an established and clear policy from headquarters."

38. Thus the Division of Information could do little to improve the mission's "image in the local" media as long as the mission remained passive before the "improper actions" of the parties. This warning, addressing an essential operational defect, went unheeded. The Division of Information got no assistance in the shape of a "clear and assertive" strategy for the mission. The SRSG did not provide a resonant "policy message" that the Division of Information could have "reinforced". On the contrary, UNPROFOR continued to pursue an unclear and reactive strategy of "impartial" accommodation with both parties in Croatia and all three parties in Bosnia. Inevitably, this strategy entailed evasiveness, at times amounting to denial, about the basic rights and wrongs of the conflict.

39. Williams's argument was valid and important. Yet it was tainted by one of UNPROFOR's besetting vices: the referral of blame to higher levels of the establishment. (The Division of Information pointed the finger at the mission leadership, which pointed the finger at the Secretariat, which pointed the

finger at the Security Council.) At the root of the mission's problem with media and information in Croatia was the conventional view, shared by the Division of Information, that media relations were a branch of diplomacy. On this view, the media activity of a peacekeeping mission should be subject to the same constraints and codes of communication as the mission's leadership in its contacts with the parties to its deployment. The consequences for the Division's product and its relations with domestic media were alike predictable and negative.

40. In terms of product, the UNPROFOR output was well-meaning but sanitised and bland. Potentially controversial language and images were banned. For example, UN media refused to use terms like "camps", "siege" or "genocide". Bowdlerising of this sort damaged the Division's work. It meant that the output was sometimes more insipid even than Security Council resolutions, let alone the trenchant reports of the UN Special Rapporteur on Human Rights, Tadeusz Mazowiecki, who said after resigning his position: "It was a problem for me from the outset that the UN speaks of 'warring parties', despite the fact that the Republic of Bosnia and Hercegovina is a member of the UN and that the 'Republika Srpska' is an artificial, self-styled formation." (Mazowiecki.) Secondly, by palliating the crimes and atrocities, the mission appeared insensitive and even amoral. This did the Division's and hence the mission's credibility no good among Croats and Bosniaks, and played into the hands of domestic hardliners.

41. In terms of relations with local media, UNPROFOR's policy was one of maximum discretion. The priority was not to offend the Croatian authorities or the "Krajina" leaders. A British officer who served in the UN military spokesman's office in Sarajevo during the winter of 1994-95 rightly notes that "the UN was unable to get its act together sufficiently to counter outrageous and inflammatory statements. By this I … mean … a system that enables it to correct information instantaneously and counter very obvious propaganda or one-sided reporting". (Lt. Col. Jan-Dirk von Merveldt in Biermann and Vadset, p. 259.) In Bosnia as in Croatia, however, the passivity was deliberate, not a careless omission. By declining to respond to propaganda or simple misreporting, the mission relied on the self-evident righteousness or superiority of its motives and deeds. This was an approach guaranteed to irritate local politicians, media and public alike. The result was a loss of moral and political credibility, and also of 'news value'.

42. The UN's passivity in the face of strategic propaganda helped to undermine its own work and bring about the humiliating denouement of 1995. By default, the mission encouraged its opponents — those politicians and journalists who opposed the mission's mediating role between the authorities and the separatists. There is an uncomfortable connection between the passivity described here and the Croatian regime's self-assured contempt for UNPROFOR's civilian leadership, as disclosed in Hrvoje Sarinic's account of the war years, published in Croatia in 1998. The SRSG's own appreciation of information and media issues may be estimated by their omission from his shortlist of elements essential to a UN peacekeeping operation. "Normally, [it] has a civilian leader … and several civilian components, for instance civil affairs, civilian police, maybe a human rights component, and/or an electoral component." (Akashi in Biermann & Vadset, pp.128.)

43. UNPROFOR's conventional view of media relations had been overtaken by events. It belonged to the era of 'classic' peacekeeping operations, when the genuineness of "the consent and co-operation of the parties" could be taken more or less for granted; and when recalcitrance could make little impression on great-power consensus in the Security Council. This era had ended soon after 1990. Indeed, one of the proofs that it had ended was the unprecedented deployment of a large UN peacekeeping mission on the European continent. UNPROFOR's strategy, or lack of strategy, for media and information was premised on certainties that had ceased to exist.

44. When the UN grasped that the Croatian authorities were inciting public opinion against the mission and its objectives, it tried to establish *rival* sources of information and opinion. This approach to public information had evolved in the missions to Namibia and Cambodia, both regarded as successful. It was not realised at the time that those missions, both intended to assist superpower disengagement, were the last of the 'classic' UN operations. UNPROFOR was, in contrast, a *substitute* for superpower engagement.

45. In Croatia, the conventional approach to public information ran up against difficulties that proved insuperable. In practical terms, UNPROFOR lacked a secure means of distribution; it could not ensure that its media products reached a wide audience. If it was mistaken to believe that the local authorities could be side-stepped without provoking determined resistance, it was unwise to develop production without ensuring distribution. The mission seemed to assume that the Croatian authorities would assist the UN to

reach a wide audience. When on the contrary the authorities obstructed the Division of Information, the mission persisted with futile negotiations rather than mobilising significant pressure upon the Croatian authorities to live up to their commitments as the mission's hosts. The will of the authorities to deny a wide audience to the UN was much greater than the will of the UN to reach that audience. Information policy was simply not accorded a high enough priority by the United Nations at any level. As a result, the mission's output of radio and television programmes was a waste.

46. Other shortcomings of the Division of Information included the arbitrary style to recruitment (heavily dependent on friends-of-friends) and the lack of training given to mission members. New recruits were given no guidance through the labyrinth of former Yugoslav politics, nor any understanding of the relationship between political authorities, the media and public opinion. As a result, staff were liable to make elementary gaffes that were pounced on by the domestic media, eager to show that the mission was incompetent or biased.

47. While complex and costly plans were devised for UNPROFOR to produce and transmit radio and television programmes, a simpler and cheaper strategy was overlooked. This strategy would have tackled more directly "the harmful consequences of propaganda and disinformation". Rather than establish rival sources of information, UNPROFOR could have engaged pro-actively and directly with the propagandists and their political sponsors. This engagement could have occurred at various levels, co-ordinated between the mission headquarters in Zagreb and the UN secretariat in New York. Instead of taking offence at the 'one-sidedness' of the media, the Division of Information could have echoed their outrage where this was justified by events, while publicising the anti-UN propaganda and holding the Croatian authorities responsible. At the same time, the mission leadership could have raised the matter insistently in its contacts with the local authorities, and mobilised parallel pressure in the diplomatic community in Zagreb. The UN Secretariat in New York could have conveyed the mission's concerns to the Croatian ambassador. Ultimately, the Secretary-General could have ensured that the Security Council was kept aware of the propaganda issue, and proposed an adequate response.

48. The lessons learned at the expense of UNPROFOR were applied by Tudjman's regime to successive international missions and bodies in Croatia.

Whenever the (mandated) activity of these missions threatened the self-perceived interests of the authorities, the missions and their officials were liable to face misinformation and propaganda by the media. The present writer participated more than once, as a UN Political Officer during 1997 and 1998, in discussions where senior Croatian officials offered, as a bargaining chip, to arrange favourable media coverage of a UN mission.

49. UNPROFOR's experience with media in Croatia suggests an axiom for the United Nations in the post-Cold War world. A mission's lack of political or operational credibility need not mean a lack of those qualities in its media strategy. But if the media strategy is weak and reactive, the mission's work will inevitably suffer. In other words, the media strategy of an international mission *can* be more successful — more credible — than its political strategy. A successful media strategy must be aware of news values, and be prepared to 'place' news stories, including exposure of propaganda or other misdeeds by the "consenting" authorities.

50. An international mission's media-relations strategy can always be bold and transparent, given the will of the mission leadership. It can appeal to a broad public via the media, even against the wishes and over the heads of the local authorities. Such was the remarkable case of UNPROFOR in Bosnia in spring and summer 1995, when, as has been argued by a former mission member, "a new UN regime in Bosnia …proved to be a success with the media, largely because it sought to establish credibility through transparency", at the very time that UNPROFOR was experiencing its worst setbacks in Bosnia. (Bet-El, p.20.) Perhaps such an anomaly cannot endure for long; nor can success in a secondary activity compensate for failure in the primary task; but it can certainly help, by lending credibility and a 'breathing space' to the mission.

51. Following the termination of UNCRO, the United Nations still played a prominent role in Croatia. The UNTAES mission was at the centre of national attention during its two years of existence (January 1996 to January 1998). UNTAES oversaw the reintegration of the last Serb-controlled enclave into Croatia. This process was to culminate in regional elections under the authority of the mission. After the traumas of the UNPROFOR era, UNTAES represented a return to familiar ground. While the mission's objective was ambitious, it was always achievable. Croatia's and Serbia's rulers — the regional superpowers — had decreed that Eastern Slavonia would be reinte-

grated into Croatia. The local Serb leaders accepted this, not least because a massive NATO-led force was deploying a few miles away in Bosnia, on the basis of the Dayton Agreement.

52. Although the possibility that Croatia would resort to force was rumoured from time to time, the key question hanging over UNTAES from the outset was whether it would be able to reintegrate not just territory but *people*. Consistent with their attitudes to Croatia's Serb minority since before the 1991 conflict, the HDZ authorities sought to discourage Serbs in Eastern Slavonia from regarding themselves as full and equal citizens. At the same time, the authorities did not want to antagonise the foreign powers, above all the USA, that supported the UNTAES mission and its head, the energetic US diplomat Jacques Klein. So they resorted to their tactics of minimal co-operation and lip-service, mastered during the UNPROFOR years. Naturally the media were drafted into this effort. In October 1996, the UN Secretary-General reported to the Security Council that the mission's "operational intent" was "misrepresented in the Croatian media", mentioning "the orchestrated attack on UNTAES in the Croatian media, [which] appeared to be related to domestic political factors and not to the activities of UNTAES on the ground."

53. Summarising the activities of UNTAES at the ceremony marking the end of the mandate, on 15 January 1998, the UN Under-Secretary-General for Peacekeeping Operations and also the head of mission made no mention of media. This was appropriate, for UNTAES had focused on running a conventionally effective public information campaign. A clear and coherent regional mandate was presented in a crisp and coherent way. Beyond this, independent Croatian newspapers were brought into the region, where they were eagerly read by local Serbs. The mission's only media-development activity was an intervention on behalf of four Serb-run radio stations and a Serb-run television company in the region. The mission tried to ensure a future for these media after UNTAES, when they would have to regulate their status under Croatian law. The US government assisted the effort to obtain temporary permits as a bridging solution. No bilateral agreement was signed, and it proved difficult for the OSCE and others to build on the effort of UNTAES in 1998. The radio stations applied for licences in 1999. They consider that their applications would not have succeeded without sustained international support. Whether they will be able to survive economically is another question.

54. In contrast with UNPROFOR, UNTAES had credibility. People believed that Klein meant what he said and would do what he promised. However, the mission could not, and did not, reform the attitudes of the Croatian authorities and the Serb minority in Eastern Slavonia. Although the UN still hates to hear it, there was an exodus of Serbs during and after the mission. The UNTAES area of responsibility (AOR) could not be indefinitely 'protected' from the nationalist or chauvinist policies of the government. The mission had a regional mandate to deal with an issue of national scope and importance. This was a mismatch that played into the hands of the Croatian authorities. The mission could prevent or correct media malpractices in its AOR but not exclude or necessarily even influence the national media, even when they undermined the mission's work. As a result, the April 1997 elections in both the AOR and the remainder of Croatia were covered by the pro-regime media in the usual way: biased in favour of the ruling party. With their more powerful signals, superior quality and availability, the state broadcasting media swamped Eastern Slavonia. UNTAES had full access to the airwaves in its AOR, but not to the national airwaves. Klein was tireless and at times outspoken, yet he could do little to make the national media encourage trust between national communities in his AOR.

55. The mission's limitations were shown by its failure to influence HTV programmes that were seen as particularly hostile to national reconciliation. UNTAES argued that one of these programmes, '*Hrvatski spomenar*' [The Croatian Memorial], a compliation of wartime news footage broadcast at prime time every weekday, should be reformed or cancelled. Eventually the UN Secretary-General mentioned the programme in a report to the Security Council, on 2 October 1997, describing it as "highly inflammatory footage of events during the war just prior to evening news programmes, thus belying the Government's commitment to the promotion of ethnic reconciliation." Pro-regime media in Zagreb complained that this programme was the only media product to have been singled out by the Secretary-General since the UN deployed in the region. This unprecedented criticism was in vain. After the expiry of the UNTAES mandate, the OSCE mission was repeatedly contacted by ethnic Serbs, fearful after seeing themselves on the previous evening's '*Hrvatski spomenar*', seeking advice on what measures they should take to avoid the wrath of ethnic Croat

neighbours. Only in spring 1998 did HTV remove "inflammatory footage" from the programme. This episode neatly illustrates the limits of international pressure when it conflicts with national policy. The point about '*Hrvatski spomenar*' is that it expressed the real attitude of the authorities at a time when it was not expedient to articulate that attitude directly. The programme was doubly valuable at a time when the government was attacked by domestic critics for making allegedly excessive concessions to the Serbs and the international community. So it stayed on air, unreformed, regardless of the UN Secretary-General's opinion.

56. Only after the Dayton Agreement had stopped the war in Bosnia and UNTAES was securing reintegration of the last Serb rebel enclave in Croatia did intergovernmental organisations focus on issues of Croatia's internal democratisation. Government funds from the USA, UK, the Netherlands, Italy and elsewhere were donated to private newspapers such as *Feral Tribune* and *Novi list*, and to radio stations such as 101 in Zagreb. When the ruling party tried to take over 101 at the end of 1996, a couple of weeks after Croatia's admission to the Council of Europe, the USA, the European Parliament and various European governments immediately expressed concern. UNESCO, the European Commission, the UK 'Know-How' Fund, USAID, the US Office of Transitional Initiatives and the Dutch and Swedish governments all supported private radio stations and press, and journalists' training. Start-up projects were occasionally subsidized on a grand scale, with mixed results; the weekly news magazine, *Tjednik*, was an embarrassing failure. On the other hand, the networked programming by independent televisions stations, launched in December 1999, was welcomed as a breakthrough (see below).

57. The intergovernmental organisation that was best placed to pursue the reform of the media sphere was the OSCE. Croatia was admitted to membership of the Conference on Security and Co-operation in Europe (CSCE) in March 1992. In 1994, the CSCE was renamed the OSCE, acknowledging that the "Conference" had evolved into an "Organisation". In October 1995, the OSCE Permanent Council sent a fact-finding mission to Croatia. In April 1996, the Permanent Council accepted Croatia's invitation to establish a mission. The immediate context of this invitation, and its acceptance, was Croatia's pending application for membership of the Council of Europe. In the longer term, the international powers wanted to prepare for the post-UNTAES period.

58. The mission was established in July 1996, with a strength of 14 international members. Its mandate authorised the mission to "provide assistance and expertise to the Croatian authorities at all levels, as well as to interested individuals, groups and organisations, in the field of the protection of human rights and of the rights of persons belonging to national minorities. In this context and in order to promote reconciliation, the rule of law and conformity with the highest internationally recognised standards, the Mission will also assist and advise on the full implementation of legislation and monitor the proper functioning and development of democratic institutions, processes and mechanisms."

59. On 16 June 1997, a separate mission sent by the OSCE to observe the presidential election, assessed that the presidential election had been "free but not fair". The main problems were identified as the media coverage of the campaign, and voting by Croats living abroad. On 26 June 1997, the Permanent Council authorised an increase in the mission's strength to 250 international staff. After the end of the UNTAES mission in January 1998, the OSCE had the largest international presence in Croatia. The 'enhanced' mission started to address media reform. The main problems identified by domestic and international analysts were: the political manipulation of the state broadcaster; the lack of private broadcasting at national level; the manipulation of the licensing procedure for private broadcasters; the use by officials of defamation laws to intimidate journalists; the effective monopoly of press distribution by two companies with close ties to the ruling party; and the unclear ownership status of some media. These problems had been shown to be most acute during electoral campaigns. Later in 1998, the independent press was shaken by the insolvency of the main press distribution network, a crisis caused by the corrupt practices of its owner, a tycoon close to the ruling party.

60. The mission gave first priority to assisting reform of HRT. There were several reasons for this decision. Like its counterpart in Serbia, HRT was (and still is) the most influential medium in the country. Given that no privately owned television station, or radio station with substantial news-production capacity, had a licence to broadcast throughout Croatia, HRT enjoyed unique access to the public. Surveys indicated that Croatian television (HTV) was the main source of information for 75 to 90 per cent of the population. The HTV news programmes were regularly viewed by 40 to 50 per cent of adults. HTV was, moreover, an entirely politicised institution,

exploited by the authorities as a pillar of their political control. At the same time, the government was indisputably responsible for the output of the network — something that could not be said of pro-government media that had undergone some form of (often dubious) privatisation. Finally, since its recognition as an independent state in 1992, Croatia had committed itself to establish and uphold accepted democratic standards of freedom of media, information and expression. Particular commitments had been made regarding public service broadcasting. Additionally, under the terms of accession to the Council of Europe in November 1996, Croatia had undertaken "to implement the recommendations of Council of Europe experts on legislation relating to the media", and "to comply, well before the next elections, with the recommendations made by the election observers of the Council of Europe and other international organisations [...] with regard to [...] the need to increase the independence of ... HRT".

61. In the first months of 1998, the authorities began to promise with more conviction than before the impending reform of HRT from a "state" to a "public" broadcaster. The ruling party promised substantial amendments to the law on HRT. This turn of events was probably linked to the emergence in October 1997 of 'Forum 21', a group of well-known journalists from HRT and elsewhere who wanted to "promote a dialogue about all important questions concerning electronic media" in general, and above all to argue for HRT's conversion into "public broadcasting institution that will meet all professional journalistic criteria [...] reflecting the pluralism of Croatian society".

62. The OSCE mission set about monitoring the implementation of relevant commitments and "assisting" the authorities to improve their compliance. In view of the promised legal amendments, the mission obtained President Tudjman's approval for a visit by Council of Europe experts to evaluate the intended changes. The experts suggested specific reforms that would grant HRT sufficient independence from government and parliament for it to operate as a public service broadcaster. For the next six months, the authorities and the OSCE plus Council of Europe played hide-and-seek with the draft amendments. In October 1998, the OSCE hosted a meeting for members of parliament with a second expert team from the Council of Europe. The experts were invited to submit their ideas in writing. Then the bill was rushed through parliament, where the vote was taken — despite a walk-out by many opposition members, protesting a procedural violation — before the submission had

arrived. As adopted, the amendments contained few of the Council of Europe's recommendations. As a result, HRT remained under the thumb of whichever party or parties controlled parliament. The OSCE mission commented publicly: "The bill makes several cosmetic changes to the HRT Law. We regret that an excellent opportunity for democratic reform has been passed over."

63. The authorities used the same stratagem the following summer, when parliament considered amendments to the other piece of key legislation for the electronic media — the Law on Telecommunications. Again, the OSCE inserted itself in the process and arranged a visit by Council of Europe experts. Again, the bill of amendments was adopted before members of parliament had the chance to see the experts' written recommendations. This was the OSCE's judgement: "Despite assurances that sufficient time would be allowed for the Council of Europe experts' recommendations to be considered before the final law was passed, the Law was adopted on 30 June 1999, before their written recommendations had been received. The Mission, in consultation with the Council of Europe, assesses that certain recommendations of major importance have not been incorporated." More positively, amendments to the new law were adopted in October which reduced the concession and frequency fees for private broadcasters by half, and also legalised up to 5 hours per day of networked programming. This latter provision was the result of discreet lobbying by an association of independent stations which was soon ready to broadcast a news bulletin that was visible in much of northern and western Croatia. Starting in December 1999, this project was developed with substantial international assistance from USAID and the European Commission.

64. The OSCE mission's political activity on media reform was accompanied by a practice of highlighting media issues in news conferences. Given the keen interest of journalists in reporting such issues, this practice generally achieved wide coverage in the media — except, with few exceptions, by HTV. The authorities resented this practice. The Foreign Ministry threatened in summer 1998 to seek the removal of the mission spokesman, citing as a reason his criticism of anti-Serb texts in the controlled press.

65. Another co-ordinated initiative in Croatia in 1998 was the development of a "non-paper" on Croatian media by the OSCE mission, the embassies of the European Union and the USA, and the European Commission. This paper identified the principal problems in the media sphere (see

above) and recommended feasible solutions. The government's response ignored certain points in the non-paper and denied others. In March, the OSCE mission provided the government with a dossier of misbehaviour by the HTV prime-time news bulletin. No response was forthcoming.

66. Such was the curious dialogue on media between the government and the international community during those years. By the end of 1999, little headway had been made despite circumstances that were, on the face of it, favourable — uniquely so in the former Yugoslav context. The government acknowledged the need for specific reforms; a lobby-group of influential professionals sought the same reforms; the diplomatic corps, including Croatia's strategic 'patrons', argued vigorously for the same measures.

67. Three considerations may explain why the reformists came off second-best. The authorities refused to risk losing control over the most influential media. At the same time, they preferred not to confront the international community by refusing to democratise the media. They held out the possibility of substantial changes that were not, however, delivered. While this was a sport that could not have lasted indefinitely, it endured for two years. The price for lack of progress in this and other areas where reform was due was paid in terms of international disapproval and continued exclusion from Euro-Atlantic bodies. It was a price the authorities were ready to pay.

68. Secondly, the domestic lobby for reform was too small and divided to worry the authorities unduly. 'Forum 21' was the exception proving the rule. While often complaining about the ruling party's abuse of media, the opposition parties had not embraced the cause of media reform with acumen or conviction. In the words of a leading member of Forum 21, Damir Matkovic in early 1999: "In the seven years since Croatia became independent, neither the ruling party nor the opposition has proposed any meaningful changes to state-controlled broadcasting". Lastly, the authorities believed, not without reason, that media reform was an issue on which it was possible to defy international will. In other words, it was not an equal priority with the return of refugees, the peaceful reintegration of Eastern Slavonia or the implementation of the Dayton Agreement for Bosnia. On each of these points, the authorities made significant concessions under international pressure.

69. But the results of the parliamentary elections of 3 January 2000 cast a more positive retrospective light on the international strategy towards Croatia. The OSCE mission prepared for these elections by organising indepen-

dent monitoring of HTV, starting in July 1999. The results were discussed at regular meetings of the OSCE, the European Union and the US with HRT management. Near the end of the year, the mission noted "some encouraging trends since the beginning of October, in the direction of greater balance in the coverage of the activities of the political parties". Yet President Tudjman and the HDZ remained at the centre of coverage; and HDZ remained the only party with significant "positive" reporting. It was also noted that media treatment of OSCE mission itself relaxed, as the government grew more unpopular during autumn. Around this time, on 20 November, the leading opposition parties committed themselves formally to turning HRT into a public service broadcaster. (There had been talk during the summer of further amendments to the HRT Law, as part of a settlement between the HDZ and the liberal opposition parties. Nothing had come of this.)

70. The ruling party lost the elections more heavily than anyone had foreseen, and the incoming coalition government soon declared its commitment to reforming HRT. On election day, the *International Herald Tribune* quoted SDP leader Ivica Racan that "creating a truly public television service" would be "the [victorious] coalition's first task." Within a month, officials were promising a new Telecommunications Law that would incorporate all the Council of Europe's recommendations.

71. While it would be implausible to argue that explicit international pressure had been the major cause of the regime's defeat, it was impossible now to argue — as many had done — that this pressure was "counterproductive". It seems more likely that this pressure had contributed to public impatience for reform. In short, the election result vindicated the vigorous and sustained international engagement with Croatia's recalcitrant leadership.

72. It is worth emphasising that the ruling party was routed by the electorate *while it still controlled the state broadcaster*. Monitoring by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) confirmed that HTV "remained excessively biased in favour of the ruling party, in both quantitative and qualitative terms" throughout the campaign. The bias was unavailing. A prescient explanation had been offered to the author of this report two months before the elections by Professor Zarko Puhovski: "The opposition does not realise that television doesn't matter any more. Two minutes more of President Tudjman on HTV news is two minutes more for the opposition. HTV isn't playing the role it did in 1993 or 1995. The opposition should realise it is

better to be attacked on TV now than to be objectively reported about." In other words, when the gap between the media message and the public mood or perception grows too wide, propaganda returns to strike the propagandist like a boomerang. The regime had lost sight of its own draining credibility; its control of the media highlighted just how out of touch it was.

73. When this happens, as in Slovakia in 1998 and now in Croatia, the media-analyst is tempted to throw caution to the winds and believe with the great lexicographer, Samuel Johnson, that "words are the daughters of earth and things are the sons of heaven". When the euphoria subsides, international vigilance should resume, encouraging the new government to make good its promises on the whole range of media reform questions. "Although better days are probably coming for media in Croatia after the fall of HDZ and Tudjman's policy, which held free journalism in contempt, it would be an illusion to expect that the new administration will be completely immune to all kinds of sycophants such as those who ruled the major media until now." (Hedl.)

BOSNIA AND HERZEGOVINA

74. With few exceptions, the media in Bosnia and Herzegovina (henceforth Bosnia or BiH) were divided along national or 'ethnic' lines during the 1991—95 war. A handful of independent media, concentrated in the capital Sarajevo, refused to sacrifice professional ethics to political conviction or opportunism. The remainder more or less served one or another of the parties to the conflict. These regimes regarded media-control as an essential resource of political power. Local as well as international witnesses agree that the media were highly influential on public opinion, before and during as well as after the conflict.

75. The UNPROFOR mission was present in Bosnia from March 1992 until early in 1996. Its relations with domestic and international media were typically, and notoriously, antagonistic. There was a widespread feeling in UNPROFOR that many international media adopted the standpoint of the Bosnian government, and even acted as propagandists for that government. For their part, the international media often criticised UNPROFOR for rationalising a distorted view of the war, equating the sides in conflict and, in particular, palliating the crimes committed by Serb forces. While the UN Secretary-General's recent report on Srebrenica effectively conceded that much of the criticism of UNPROFOR had been accurate, former senior members of the mission such as General Sir Michael Rose, UN commander in Bosnia during 1994, remain unrepentant and unreconciled.

76. Like other mission members, military and civilian, Rose has censured UNPROFOR's media strategy. "A lesson for the future must be that any peacekeeping force should be supported by an effective mass communications strategy capable of winning the information battle internationally and able to appeal over the heads of the warlords to the people themselves." (Rose, pp. 244-5.) Pointing out that the UN mission had "no media direction until 1994" and no designated spokesperson in Bosnia until 1995, former civil affairs officer Ilana Bet-El argues that "one of the more bizarre aspects of the war, and the UN involvement in it, must have been its appalling media direction — or lack of it."

77. As in neighbouring Croatia, the mission kept the local media at arm's length. This was a curious policy, given that international officials regarded the Bosnians as easily persuaded by propaganda. A British officer who served

in the UN military spokesman's office during the winter of 1994-95 has recalled that "there was no co-ordinated UN effort to counter the very effective and professional propaganda being churned out by the warring factions … We also lacked an overall mission-wide and co-ordinated campaign to inform the population … [T]he UN did not have its own uncensored output facilities for radio, television or print and thus failed to use effectively major and vital tools of peacekeeping. … [T]he UN, in my opinion, needs to alter its whole approach and attitude to the media and the rapid handling, timely and co-ordinated release and management of accurate information." (Lt. Col. Jan-Dirk von Merveldt in Biermann & Vadset, pp.256-7.) This officer left UNPROFOR in March 1995, before the dramatic improvement in the mission's public information work during spring and summer 1995. Paradoxically, this was the period of the mission's greatest failure, when hundreds of UN personnel were taken hostage by Serb forces, and the mission was unable or unwilling to defend the "safe areas". The mission's reputation sank to its lowest point in July, when Serb forces captured the Srebrenica "safe area" and slaughtered several thousand male captives.

78. The paradox has several explanations. The losses of the Srebrenica and Zepa "safe areas" led to the mission's withdrawal from the most exposed locations. Along with Washington's long-awaited engagement in the search for a settlement, this had the effect of removing pressure from the mission. And there was another factor. According to one of the mission's deputy spokespersons, "the big difference [in 1995] was the arrival of [General] Rupert Smith [as UN commander in Bosnia in January 1995], who let [the spokesman] and others more or less follow this line [i.e. transparency], and who himself appreciated that it was not in UNPROFOR's interests to publicly be playing down Bosnian Serb Army harrassment." For the first time, the mission expressed itself frankly about the real situation on the ground. This frankness won a measure of respect from journalists. The substantial criticisms of UNPROFOR did not melt away, but the mission did retrieve some credibility at, so to speak, the eleventh hour. The mystery is not that this occurred in spring 1995, but why it had not been done during the previous three years.

79. The "General Framework Agreement for Peace in Bosnia and Herzegovina", known as the Dayton Peace Agreement (DPA), was signed in December 1995. It contained next to no provisions about the media. Its archi-

tects either chose to ignore the media problem or hoped it could be addressed along the way, or at least prevented from blocking implementation. Key negotiator Richard Holbrooke has praised the international media for spurring international intervention in Bosnia in 1995, but his account of Dayton offers no clue why media were almost omitted from the agreement. His subsequent checklist of "flaws" in the DPA makes no mention of media, even though, by early June 1996, he was calling for Bosnian Serb broadcasting to be shut down (Holbrooke, 1998, pp. 334, 361-2).

80. The new constitution made no mention of media (except, arguably, in the provision that the common state institutions were responsible for establishing and operating "common and international communications facilities"). Authority to enact media legislation lay with the two "entities", and, within the Bosniak-Croat entity, with individual cantons. The DPA contained only a few assertions about freedom of information and media, usually related to the electoral process (e.g. Annex 3, Article 1.1). The signatories also committed themselves to "the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred" (Annex 7, Article 1.3.b). Responsibility for ensuring respect for these provisions fell to the Organisation for Security and Co-operation in Europe (OSCE), charged with preparing and overseeing elections by, at the latest, mid September 1996; and ultimately to the Office of the High Representative (OHR), the senior civilian organ in the DPA implementation process.

81. On 20 December 1995, the United Nations transferred its authority in Bosnia to the NATO-led Implementation Force (IFOR), which would implement the military provisions of the DPA. A year later, IFOR became SFOR (Stabilisation Force). Relations between UNPROFOR's civilian and military media operations had sometimes been strained, with the military seeing their civilian counterparts as inefficient and civilians feeling that the military were manipulative. According to an official US assessment, NATO was determined to avoid a repetition of UNPROFOR's misadventures with the media: "The proactive [public information] policy was critical early in the operation, as NATO needed to dissociate itself from the ill-fated UNPROFOR mission." (Siegel, p.41.) IFOR/SFOR mounted the biggest and costliest public information operation in Bosnia.

82. Nevertheless the IFOR Information Campaign (IIC) reproduced some of UNPROFOR's principal errors. "Unlike in wartime, there were no declared

enemies in B-H. Therefore, messages undermining the factions (legitimately elected in September 1996) were deemed inappropriate, even though the factions regularly stalled or prevented full implementation of the agreement they had signed. For example, the CJICTF [Combined Joint Information Campaign Task Force] could remind people that all parties supported the right of refugees to return. It could also praise multi-ethnicity or give examples of reconciliation processes. However, it could not tell the people of Bosnia that their leaders did not live up to their promises." (Siegel, p. 75.) Apart from the fact that most of the Bosnian leaders were not legitimately elected *until* September 1996, the IIC's discretion effectively invited the "factions" to persist in their non-compliance.

83. Not only did the IIC "not undertake efforts to directly refute the factions' regular disinformation efforts" (Siegel, p.92); it censored itself rather than imply criticism. This approach was taken to absurd lengths in the IFOR/SFOR newspaper: "The SFOR chief information officer insisted that a *Herald of Peace* article on education should not quote a Bosnian Croat Minister explaining that children in territory under Croatian military control would be taught the Croatian version of Bosnia's history. … [B]ecause the [Minister's] declaration contradicted the DPA objectives of rebuilding a democratic and multi-ethnic Bosnia, it should not be reported in *The Herald of Peace*." This ostrich-like logic is hard to grasp; local people certainly knew the Bosnian Croat politician's views on education. Not surprisingly, the "conciliatory tone of the [IIC] campaign dismayed many in the international community working in Bosnia. … OHR officials commented that they had little use for a campaign that was too weak to have substantial impact". The OHR's opinion was shared by the UN mission (UNMIBH) and the UN High Commissioner for Refugees (Siegel, p. 93). Given that the pro-Dayton media and public saw the OHR and UNMIBH as too conciliatory towards hardline elements, they presumably viewed the IFOR/SFOR approach with amusement or contempt. Then again, this may not have weighed with IFOR/SFOR, which "did not place a high priority on fostering good relations with local journalists". It goes without saying that IFOR/SFOR proved unable to combat anti-NATO propaganda (Siegel, pp.152, 155-7).

84. The search for an explanation why IFOR fell into the same errors as UNPROFOR might start with the fact that both organisations used strategies that had been developed in and for contexts that were remote from the Balkans in both senses. Like the United Nations' doctrine of media relations as prac-

tised by field missions, NATO's psychological operations had originated in "third-world countries with relatively low literacy levels [unlike] Bosnia-Herzegovina where the population is literate, relatively well educated, and is used to most forms of media that characterise the 'information society'." (Siegel, p.77.)

85. Bosnia's relative sophistication was confirmed by the explosion in the number of media when the guns were silenced. As in Slovenia and Macedonia in the early 1990s, a legal and regulatory vacuum made it relatively easy to found a television station or a newspaper. Many private media were supported by international donors. By summer 1996, with post-war reconstruction barely underway, Bosnia had 145 news publications, 92 radio stations, 29 television stations and six news agencies, concentrated in Sarajevo and other Federation territory. By the end of 1998, the number of broadcasters had jumped to 280. Despite this proliferation, the three pro-regime broadcasters retained their wartime predominance. RTVBiH (Radio-Television Bosnia and Herzegovina) based in Sarajevo, could only be watched in half of the country. SRT (*Srpska radio-televizija*, Serb Radio-Television), based in Pale and Banja Luka, could be seen throughout the Serb "entity" and in parts of the Federation too. The third 'giant' was Erotel, a Bosnian Croat broadcaster that facilitated the illegal re-broadcasting of HTV, Croatian state television.

86. In different degrees, these networks were controlled by political authorities opposed to the full implementation of the DPA. Yet the DPA gave precious little foundation for the international implementors to tackle this situation effectively. Making matters even worse, they seemed determined not to use the powers at their disposal. Under Annex 1-A of the DPA, IFOR had "the right to utilize such means and services as required to ensure its full ability to communicate and shall have the right to the unrestricted use of all of the electromagnetic spectrum for this purpose." Thus, IFOR could have established a television channel to support the wider humanitarian and institution-building objectives of the DPA, just as it could have shut down Bosnian Serb television, as Holbrooke apparently recommended in vain (Holbrooke, 1998, p. 344), and prevented the re-broadcasting of HTV. These options were rejected at an early stage, or not considered at all, presumably because they contradicted IFOR's guiding principle, imposed by Washington, of minimal engagement with civilian tasks.

87. As for the OSCE, its mission in Bosnia was tying itself in knots. As part of its remit to provide conditions for free and fair elections, it had to urge the media to abandon their bad habits of bias and manipulation. A Media

Experts Commission (MEC) was established, with a network of sub-commissions (MESC), to try and ensure compliance. They seemed to have little appetite for the job. As a consensus-seeking body staffed by officials with, in some cases, a woefully poor grasp of the principles of freedom of expression, and including broad local representation, the MEC was not best configured to impose politically delicate sanctions on media. Without strong backing from the mission leader, the MEC was simply spineless. A seasoned international analyst listed its evasions: "OSCE could, in theory, have fined media organisations out of existence. It could have banned whole political parties, and not just a few of their candidates. It could have taken back all the money it had given them for their campaigns, and not just modest sums. It could have acted more expeditiously in dealing with offences. It could have postponed the all-Bosnian poll, or one of the entity elections, or some of the cantonal votes — as it eventually did the municipal elections. It could have refused at the end of June [1996] to set a date, instead of certifying then, not that conditions for free and fair elections actually existed, but that they might — with a lot of luck — come into existence by 14 September." (Wheeler, p. 5.)

88. Thus, the OSCE mission tried vainly to persuade the domestic and international media that the agreed conditions for holding elections could be met, although everybody knew the opposite was true. The OSCE head of mission proceeded to certify that the elections could take place. In the judgement of many observers, this was a cynical move that would strengthen the hardline leaders of the three nationalist regimes and hence make the DPA even harder to implement. Senior diplomats at OSCE headquarters in Vienna were rumoured to be so incensed by US-led pressure on the mission that they leaked grim reports subverting the official message of qualified optimism. The *New York Times* was particularly adroit at embarrassing the organisation. On 13 June 1996, it publicised an internal mission document arguing that OSCE was ready to accept a "necessary minimum of media pluralism". The elections went ahead, according to Holbrooke, "in an atmosphere poisoned by a media controlled by the same people who had started the war. Advocates of reconciliation in all three communities were intimidated by thugs and overwhelmed by media that carried nothing but racist propaganda." (Holbrooke, 1998, p. 344.) Pilloried by local as well as international media, the OSCE haemorrhaged credibility, which was not retrieved until 1998, when the MEC fully exercised its power in the run-up to September elections.

89. Early in 1996, the High Representative, Carl Bildt, mounted a separate challenge to the triple monopoly of pro-regime television networks in Bosnia. He initiated the most ambitious international start-up project for the media yet seen in the former Yugoslavia. In April 1996, he announced the Open Broadcast Network (OBN), a new television channel that would link up a number of independent television stations in the Bosniak-Croat "entity", called the Federation. Raising money from a range of multilateral and bilateral sources, including the European Commission, the OHR got the OBN onto the airwaves a few days before the September elections. Since then, OBN has received more funding than any other media project in the region. It was also probably the most controversial project, at least until 1998 when, with continuing massive injections of assistance, OBN improved in quality and quantity. It was even pirated by private television stations in Serbia. Yet even now, OBN does not provide credible competition to the nationalist networks. OBN's business-plan foresees self-sufficiency by 2005. This may or may not be practicable, depending on the overall development of the broadcast sector — itself a hostage to the unforeseeable fate of Bosnia as a whole.

90. The other major start-up media project in 1996 was Radio FERN (Free Elections Radio Network), backed by the OSCE with Swiss funding and technical support. FERN soon became the first, and at time of writing still the only, independent radio station broadcasting for the whole country; the Republika Srpska authorities were unable to ban its broadcasts. Like OBN, the FERN project was designed to use and develop local journalists. It represented a notable advance both conceptually and practically on the UNPROFOR approach of importing foreign journalists to operate 'rival' media. Yet this approach also proved inadequate to the task of democratising the media sphere. Independent networks could not threaten the predominant reach and influence of the controlled media. Nor could their future be assured. Although Radio FERN has a business plan that foresees self-sufficiency in 2001, its future is uncertain.

91. By 1997, it was patently obvious that local pro-regime media posed an unignorable threat to crucial elements of the peace process such as the return of refugees, the formation of multinational and cross-entity structures, and the election of non-nationalist politicians. Efforts to reform the media or provide viable alternatives had failed; altogether more serious efforts were needed. The OSCE mission lacked the political weight and the mandate to

lead on this issue. Only the High Representative could plausibly do that. The OHR sought clear authority to reform the two flagship networks, RTVBiH and SRT, and take action against Erotel. In May 1997, the Peace Implementation Council (PIC) announced that the OHR had "the right to curtail or suspend any media network or programme whose output is in persistent and blatant contravention" of the DPA. A watershed had been crossed. The OHR could now move against the major broadcasters. A power-struggle in the Serb "entity" over the summer, between 'radicals' based in Pale and 'moderates' based in Banja Luka, led to a split between production centres in SRT. The international community was firmly backing the Banja Luka faction. On 1 October 1997, SFOR seized control of four key SRT transmitters. The ensuing negotiations shifted SRT's centre to Banja Luka. Mainly on the strength of this robust action, the PIC claimed in December 1997 that "notable progress" had been made in "the development of non-partisan media".

92. A piecemeal strategy to democratise the media was at last emerging. The next problems to be addressed were the restructuring of the two major internal Bosnian networks, RTVBiH and SRT, and the legalisation of the third (Erotel, with its links to Croatia), and the establishment of a regulatory body for the whole country. Three decisive steps were taken in June 1998. During the war, the Bosniak leadership had gained full control over the old republican network, RTVBiH. Nothing changed after the Bosniak-Croat Federation was signed into existence in March 1994. The Croat faction justified its own illegal re-broadcasting of HTV by reference to Bosniak domination at RTVBiH. In reality, the status quo suited both regimes.

93. In spring 1998, a split in the Bosnian Croat regime played into OHR's hands. Kresimir Zubak, the Croat member of Bosnia's tripartite presidency, began to distance himself from his party, the HDZ-BiH. On 10 June, shortly before he broke away to form a new party, Zubak joined Bosniak leader Alija Izetbegovic in signing a "Memorandum of Understanding on the Restructuring of RTVBiH". This document provided for "a public radio television service for the citizens of the whole of BiH and for the Federation". It included a commitment "to the full reintegration of the whole transmission infrastructure within the Federation, as well as within BiH for use by the public corporation and the Federation TV." The Federation would gain a "new public entity television … using the necessary technical infrastructure of RTVBiH". In the longer term, RTVBiH would eventually form a single corporation with SRT,

reflecting Bosnia's constitutional structure as a state with two "entities" and "three constituent peoples". Unauthorised broadcasting of foreign programmes was also banned — a provision intended to stop the illegal transmission of Croatian and Serbian programmes.

94. The Serb member of the Bosnian presidency denounced the Memorandum as a violation of the DPA and refused to sign. Zubak was denounced by other Bosnian Croats for having signed. Nevertheless, the following day Westendorp established on the basis of the "Memorandum" a new body with a wide mandate to "establish a regulatory framework for broadcasting and other media" throughout BiH. This body, the Independent Media Commission (IMC), was charged with organising the frequency spectrum and licencing all broadcasters, drawing up codes of practice for electronic and printed media, and imposing sanctions, up to and including suspension. Its tasks would eventually fall to an indigenous Telecommunications Agency. The IMC was to be institutionally separate from OHR, though answerable to the High Representative. Symbolising the shift of responsibility from the OSCE, the IMC inherited the MEC's tasks in December 1998. The MEC's last act before dissolution was to present a set of useful "Recommendations for the Future of the Media", printed in the MEC *Final Report* (see Bibliography).

95. When the IMC started work, Bosnia had "what may be the densest concentration of radio and television broadcasting in the world", with 280 identified broadcasters using more than 750 transmitters. (IMC document, "IMC Licensing Phase II: Goals and Policies Adopted 21 October 1999".) There was no coherent licensing system for electronic media, no coherent regulatory or legal framework, no rigorous monitoring of content except during pre-election campaigns, no usable protection of intellectual property. Faced with such a jungle, the IMC first set about mapping the flora and fauna. It prepared the first database of broadcasters. It promulgated a Broadcasting Code of Practice and guidelines for pre-election coverage, and helped draft a Press Code for self-regulation (adopted by six journalists' organisations in April 1999, but still without an implementing mechanism). In December 1998, the IMC launched its licensing procedures; all broadcasters that wanted to legalise their status had to apply for six-month provisional licences by the end of February 1999. Later, the IMC developed a rule on compliance with copyright obligations (a vital measure to combat airwave piracy), guidelines on accuracy and balance, and on reporting provocative statements (like-

wise important given the Bosnian addiction to venomous polemics), and a definition of public service broadcasting.

96. The IMC was criticised even before it started work by US and other media organisations and press which saw regulation as a dangerous precedent in a society with no tradition of media freedom. (The OSCE's media strategy for Kosovo was criticised in the same terms, by some of the same people, a year later.) There were internal problems too. Some senior personnel were new to the Balkans and took time to acclimatise, as well as to establish a modus vivendi with OHR and other international organisations. Journalists felt excluded or slighted when the powerful new body behaved tactlessly, as it sometimes did. Political mistakes were made: during its first year, the IMC should have not have allowed itself to seem unconcerned about Serbian television's presence in the Serb "entity", called the Republika Srpska. It was understandable that the IMC did not hit the ground running. But the vexation of the local (pro-Dayton) journalists and public at the sight of another set of highly paid foreign officials cautiously orienting themselves while Bosnian politicians pulled the wool over their eyes was also understandable.

97. The third landmark in June 1998 was the PIC's first open commitment to support a single broadcasting system for the whole country. The PIC Steering Board called on the High Representative to follow through on plans to establish a "countrywide public broadcasting system with the co-operation of both SRT and RTVBiH". The PIC did not tell the High Representative how to achieve this almost contradictory objective; for SRT, and perhaps RTVBiH too, would only "co-operate" in a countrywide PBS if they were first reformed beyond recognition, removing them from political control. Nevertheless, by this statement the PIC acknowledged the imperative of unifying the broadcast sectors in both of Bosnia's "entities". The form this unification should take was left to the OHR to decide. At the end of 1998, the PIC adopted its fullest statement on media reform (paragraphs 18 to 32 of the "Annex: The Peace Implementation Agenda"). It called for legislation on public media that enshrined the principles of editorial independence, religious tolerance and financial transparency, prevented political party domination and ensured respect for the interests of Bosnia's three "constituent peoples".

98. The first front to be opened in struggle to restructure Bosnian broadcasting was with Erotel, in Croat-controlled Mostar. Ostensibly under domestic ownership but in fact controlled by the Croatian authorities in Zagreb, Ero-

tel produced a token quantity of original programming. Its real purpose was to bring HTV into Bosnia. During the war, Croatian and/or Bosnian Croat forces had seized transmission equipment belonging to RTVBiH. This equipment, along with transmitters unlawfully installed by Erotel, received and transmitted all three HTV channels throughout most of Bosnia. Hence HRT was illegally occupying part of the frequency spectrum, a public resource allocated to BiH by the International Telecommunications Union. Owing to this occupation, the RTVBiH signal could not be received in western Herzegovina. Additionally, there was spillover from transmitters inside Croatia, some of them positioned to maximise their penetration of the neighbouring country. As a result, HTV had a bigger 'footprint' in western, central and northern Bosnia than any other network. In terms of content, the coverage served as a propaganda machine for the Bosnian Croat regime. During the 1996 election campaign, HRT gave exclusive promotion every evening to the HDZ-BiH party, an offshoot of the ruling party in Croatia. At times, the broadcasts used inflammatory language about international organisations and bodies such as SFOR and the International War Crimes Tribunal in the Hague, portraying them as enemies of the Croat people. Moreover, HRT was violating coypright by broadcasting foreign-produced programmes purchased for transmission in Croatia only. This in turn helped HRT to gain an unfair share of the Bosnian advertising market, which impeded the development of private broadcasting. Finally, this situation effectively deadlocked the reform of RTVBiH into a public network for the Bosniak-Croat "entity", called the Federation.

99. Despite these reasons for action, the international community turned a blind eye until the campaign for the September 1998 elections. In August, the MEC ruled that by favouring the HDZ-BiH party, the HTV campaign coverage had violated the "equitable access" provision of the electoral Rules and Regulations. Faced with unprecedented international pressure co-ordinated between embassies and OSCE missions in Sarajevo and Zagreb, and including the removal of Bosnian Croat candidates from the electoral lists, HRT eventually complied with its obligations during the last four days of campaigning. Immediately after the elections, HTV broadcast an apology for having under international pressure exposed viewers to "the content of certain [party-political] spots, which in fact reflected the political picture in Bosnia and Herzegovina and not in any way whatsoever the viewpoint of Croatia or HRT." This statement spoke volumes about HRT's conception of its role.

100. Following this qualified success, the OHR and IMC worked to keep up pressure on HRT to legalise its transmission in Bosnia. It was an agonisingly slow process, in which the Croatian and Bosnian Croat authorities used every kind of delaying tactic. The key negotiator on Erotel's side was a Hercegovina politician based in Zagreb, who had been President Tudjman's spokesman during the war. Occasionally the international side alluded to SFOR, intimating that what had been done to SRT in 1997 could also be done to HRT. But it wasn't. In September 1998, the IMC placed the disputed sites, facilities and frequencies under its own custody, pending an acceptable solution of the issue, and warning Erotel to change its "editorial practice to ensure that it conforms fully with the IMC Broadcasting Code of Practice". Nothing changed on the ground.

101. On 16 December 1998, the IMC raised the stakes, calling for the "direct rebroadcasting of HRT … [to] be terminated at the earliest practicable time, when and as RTVBiH is able to organise a Federal television system that meets the needs and rights of the Croat community in BiH". The IMC also foresaw that one of Federation television's two channels would be "predominantly Croat in content", albeit within a unified editorial structure. Correctly judging this conditionality and faint-hearted recipe as evidence that international will to compel a solution was still lacking, the Croats continued to delay. Erotel resisted applying to the IMC for a licence, as all broadcasters were obliged to do. But international pressure in Zagreb and Mostar did eventually bring a result: early in 1999, Erotel legalised its corporate status in Bosnia, applied to IMC for a licence, and indicated a readiness to withdraw from part of the frequency spectrum. The IMC said that HTV Channel 3 should be off the air by the end of January 1999, and Channel 2 by the end of February. All three channels stayed on air throughout 1999.

102. For its part, during 1998 and 1999 the Bosniak ruling party continued to marginalise the interim management board appointed to RTVBiH by the High Representative on the basis of the "Memorandum", using informal channels to influence programming. The internationally approved director of RTVBiH, a Bosniak by nationality, who was supposed to steer the network through the reform process, proved to be an ambiguous ally because he wanted RTVBiH to become the state-wide broadcaster, eliding Federation broadcasting. The Bosnian Croat leaders continued to demand a separately administered channel as the price of accepting a unified Federation network (RTV

FbiH). The Bosniak and Croat sides could not agree to adopt a law on Federation broadcasting that would turn RTVBiH into RTV FBiH. The OHR blamed Bosniak hardliners for twisting the draft law in its favour. It is important to recall that, throughout these negotiations, both the Bosniak and Croat ruling parties in Bosnia were spending large sums on the cantonal broadcasters that were under their respective thumbs.

103. In the other "entity", progress was negligible. After SFOR's seizure of SRT transmitters in October 1997, the High Representative demanded the "restructuring" of SRT, including the removal of politicians from the board and the appointment of an international "supervisor" to oversee compliance. On 13 February 1998, under pressure from the OHR and with SFOR still controlling the main transmitters, the government of the RS agreed to "Interim Arrangements" for restructuring SRT in line with European standards of public broadcasting. In April, use of the transmitters was restored to SRT. The following August, the government adopted a mechanism for transparent and reliable funding for SRT. These provisions were to be incorporated in a new law to be adopted by the end of 1998. No law was adopted. Since the July elections had given the presidency of Republika Srpska to an anti-western, anti-liberal candidate, Nikola Poplasen, the political atmosphere did not favour reform.

104. The SFOR action in 1997 had changed the basic quality of SRT's programmes. Although the blatant attacks on the international community and the DPA virtually disappeared from the screen, programming was still manifestly under total political control. The lack of genuine reform was confirmed during NATO's bombing campaign against FRY in spring 1999, when SRT reverted to its worst practices of misinformation and black propaganda. Shortly after the end of the campaign, the IMC fined RTS the civilised amount of 2,000 Deutschmarks for censorship, broadcasting false information and publicising material potentially threatening to public order. The striking lack of progress in reforming SRT has also been attributed to a poor performance by the international supervisor appointed in spring 1998. The *Wall Street Journal* had this to say: "The European Union hired him [Dragan Gasic] last year to reform SRT, but Mr Gasic has been at loggerheads with his employer. He refused to force SRT to run full-length European news broadcasts [during spring 1999], saying they aren't balanced because they don't show Serb civilians displaced by NATO bombs. He also refused to air NATO briefings in full,

saying it was 'unprofessional' to give SRT orders no one would dare give an American broadcaster. … Some EU colleagues accuse Mr Gasic of 'going native'." (13 May 1999.)

105. With all three national regimes continuing to stall on elementary media reform, the OHR took action. On 30 July 1999, more than a year after Izetbegovic and Zubak had signed the "Memorandum", the High Representative used his power to issue "interim measures which will bring Public Broadcasting into line with the [DPA], the commitments of the parties, the exhortations of the PIC and international standards in general." This decision established the Public Broadcasting Service of Bosnia and Herzegovina (PBS BiH); also Radio-Television of the Federation of Bosnia and Herzegovina (RTV FBiH); and called on the national assembly of the Republika Srpska to pass a law "establishing one public broadcaster for RS which will for all legal purposes succeed to SRT". The High Representative's decision broke new ground by ruling that the DPA Constitution for Bosnia provided for a single broadcasting system.

106. As envisaged in this decision, PBS BiH was light on detail, inevitably so given that the three nationalist regimes in Bosnia had not discussed a common broadcasting service and that the international side had not yet made up its own mind on the issue. PBS BiH would "lead [the] coordination among public broadcasters [in Bosnia] on issues of mutual interest" and inherit RTVBiH's membership of the European Broadcasting Union (EBU). In terms of content, the High Representative said that PBS BiH "shall produce and broadcast a minimum of at least one hour of current affairs programming per day on radio and television". Whether the future PBS BiH would be a residual body gasping for air between reformed and powerful "entity" networks, or a strong centre of unified production that might regenerate Bosnian broadcasting and nurture a civic identity, was a 'detail' that remained to be clarified.

107. As for Republika Srpska, on 31 August 1999 the High Representative issued amendments to the Law on RTV RS that went some way to redefining SRT along public service lines. These amendments, upholding the principles of editorial indepenence, financial transparency and cultural pluralism, brought SRT into line with the commitments that had been made, but not subsequently honoured, in February 1998. The RS assembly failed to adopt the amendments by the deadline of 29 February 2000. The Bosnian

Serb authorities resist any move to integrate the media space. The RS minister of information has suggested that both "entity" broadcasters should establish a joint body with no production or transmission capacity. Biljana Plavsic, until recently the bearer of international hopes for progress in RS, suggested that the two "entity" broadcasters could co-operate in the same way that their armed forces co-operated! The only recent good news was the adoption in February 2000 of legislation for a Media Ombudsman, due to be appointed in the near future.

108. At the end of 1999, negotiations on Erotel came to a head. The IMC had identified a number of transmitters that were essential to the future Federation TV and demanded that Erotel relinquish control at these sites. At the same time, it offered to licence the re-broadcasting of HTV on one of the freed-up channels, so long as the request was presented by Federation TV. In other words, the IMC was ready to legalise the transmission of HTV Channel One with its daily freight of propaganda throughout the Federation "entity", for an initial period of six months (the term of the IMC's provisional licences) plus the promise of a "sympathetic response" to any future request "by Erotel to expand its operations". Meanwhile, one of the two remaining Federation channels would "as a rule use the Croatian language" — a weaker formulation than "predominantly Croat in content", but very likely to mean the same in practice. This was a pusillanimous compromise by the international side, which appeared desperate for progress in establishing Federation broadcasting. Loyal to the technique that had succeeded for years, the Croats stonewalled again, holding out for Erotel to be guaranteed a full five-year licence.

109. During the autumn, a hairline fracture in the Croat negotiating team widened into a split. Developments in Croatia were decisive: President Tudjman was terminally ill and his party was expected to lose imminent parliamentary and presidential elections. The Bosnian Croat leaders opted to accept the international terms on offer even at the cost of defying Tudjman's inner circle, which still ultimately controlled Erotel. They may have calculated that Tudjman's advisors hoped to use Erotel as a resource in the post-Tudjman era: an arrangement that would have had unforeseeable consequences for the Bosnian Croat leaders themselves. In November 1999, with Tudjman on his deathbed, the IMC took the step of ordering Erotel to "cease all of its operating activities". Nothing happened. The order was issued again in December. Again, HTV's three channels stayed on air in Bosnia.

110. Understanding that changes were afoot and that the international offer was generous, the Bosnian Croat leader, Ante Jelavic, changed the board at Erotel, hoping that new appointees would see the wisdom of a tactical retreat. But the new board proved as intransigent as the old had been. Fearful of taking a 'counterproductive' step that might harm the electoral chances of the opposition parties in Croatia, US diplomats in Sarajevo and Zagreb advised against cutting off Erotel, despite urgings to the contrary by the OHR, OSCE, IMC and the Croatian opposition leaders themselves. In January, Croatia's electorate threw out the HDZ government and voted in a president who promised a clean break with Tudjman's policy towards Bosnia. Thus fortified, the IMC and OHR proceeded to switch off Erotel's signal on 17 February. SFOR helicopters carried the engineers to remote transmitter sites. Subsequent reports in the Croatian press claimed that the move was taken with the prior agreement of Croatia's new foreign minister. HTV Channel 1 stays on air; Channel 2 continues for the time being, mixed with test programming for FTV, the idea being to increase the latter and reduce the former as Federation broadcasting gets going.

111. It is too soon to say that the end of the struggle to reform the broadcast sector is in sight. It may only be the end of the beginning. At time of writing, the OHR and IMC are more hopeful than before that they will win the struggle. They do not seem particularly worried that none of the three sides has met the High Representative's recent deadlines for adopting legislation, restructuring RTVBiH or agreeing new arrangements for licence-fees. Their nonchalance about these matters is probably a sign of 'Balkanisation'; they believe they can prevail as long as they have enough stamina to hold on until the hardliners are thrown out by their own electorates, *and* if they carry a heavy enough stick. (Juicy carrots also help.)

112. A similar optimism is discernible in the efforts led by OSCE and OHR to promote the rights of journalists, foster professionalism, develop laws and standards that uphold freedom of information and protect journalists, encourage inter-entity contacts, award small grants to independent media, and monitor the media. In July 1999, the OSCE mission established a Media Ombudsman in the Federation, operating independently. Also in July, the High Representative imposed a "Decision on freedom of information and decriminalisation of libel and defamation" which called on the "entities" to adopt legislation "to create civil remedies for defamation, libel and slander in

accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms", and repeal relevant provisions of the criminal codes. In addition, the decision called for legislation on freedom of information. Both laws were to be drafted under the guidance of OHR with help from OSCE. The deadline was the end of the year. Neither "entity" complied. As usual at such junctures, the burden passed to international bodies. It is now up to the OHR and OSCE to prepare new drafts for the "entity" and state bodies to adopt.

113. These measures reflected concern at the continuing threats and other pressure, including politically motivated defamation cases, against journalists in both "entities". The worst incident was the near-fatal bomb attack on a courageous investigative journalist in Republika Srpska in October 1999. In February 2000, the OSCE, OHR, IMC and United Nations mission in Bosnia joined forces to launch a "programme intended to protect journalistic inquiry and free speech". OSCE and OHR undertook to prepare new laws on defamation and freedom of information. The journalists' organisations would form a Press Council to implement the code adopted in April 1999. OSCE and UNMIBH would develop guidelines for the police on treatment of journalists and vice-versa. OSCE and the Council of Europe would sponsor a "Media Summit". OSCE and IMC would monitor abuses of authority by public officials. It was the most ambitious co-operation among IGOs over Bosnian media, and an encouraging sign of what was possible in this respect, albeit four years after Dayton.

114. This programme drew protest from the World Press Freedom Committee (WPFC), a US-based media watchdog. The WPFC warned that "in countries lacking the foundations of democracy — including free and fair popular elections, a free and independent news media and independent courts — mechanisms such as press laws, media councils and ethics codes have been used routinely as tools of restriction on the free flow of information and news" (press release, 14 February 2000). By circulating their objections to the UN Secretary-General, the US Secretary of State, the OSCE Chairperson in Office, the High Representative etc., the WPFC gave the appearance of taking a sledge-hammer to crack a nut. Yet the point has serious implications for media reform and development strategies in Bosnia and Kosovo. By planning a comprehensive framework of protection in a society with no democratic tradition and where law does not rule, the IGOs in Sarajevo are wagering that

democracy will prevail; that Bosnia's political culture will be transformed; that the framework won't in due course be transferred to local authorities that will abuse it.

115. While this may be a right and necessary wager, let us take note that the IGOs are, in this field as in others, trying to compensate for basic flaws in the implementation of Dayton — flaws exemplified by SFOR's timidity. Unarmed investigative reporters presently run the sort of physical risks, just by doing their job, that NATO commanders, preoccupied with "force protection", refuse to allow their crack troops to face. It is a shameful situation. Nothing can protect journalists from being blown up or even from political and judicial harassment except a more robust approach to their duties by international civilian and military bodies.

MACEDONIA (FYROM)

116. Since declaring independence late in 1991, the Former Yugoslav Republic of Macedonia (FYROM, henceforth Macedonia) has been seen as peaceable but fissile. Its disentanglement from the former Yugoslavia and its unfinished passage to democratic stability have been performed under anxious international inspection. If it was the only Yugoslav republic to achieve international recognition without bloodshed, it was also the one "with the least developed economy, the lowest living standards and so [was] the least economically stable … It was as a consequence the least prepared for independence." (Kolar-Panov.) It was vulnerable to tension between the ethnic Macedonian majority and the large ethnic Albanian minority, and also to interference from abroad. Macedonia's relations with all four of its neighbours — Albania, Greece, Bulgaria and FRY (or five, including Kosovo) — are problematic. One of these, FRY, has been subject since 1992 to a regime of international sanctions. Another, Greece, imposed a unilateral embargo on Macedonia in 1994 and 1995. Between 1992 and 1998, Macedonia played host to the first preventive deployment of UN peacekeepers.

117. With the usual exception of Slovenia, Macedonia has been the international community's favourite child in the region. Its non-violent transition has been held up to other countries in the region as an example. In recognition, Macedonia has been integrated into Euro-Atlantic structures more rapidly than, say, Croatia, a more developed country in every quantifiable respect. Macedonia was accepted into the Council of Europe in 1995, two and a half years after Slovenia but a year before Croatia; it was accepted into NATO's Partnership for Peace in 1995 — Croatia is still not a member. The European Commission has also rewarded Macedonia, including it in the PHARE programme in 1996, concluding a Co-operation Agreement the following year, and now negotiating a Stabilisation and Association Agreement.

118. The government of newly independent Macedonia took a laissez-faire approach to the media, allowing an explosive growth in the number of broadcasters. As in Slovenia, an early attempt to draft a new media law was abandoned following professional objections. From late 1990 to September 1994, over 250 broadcasting projects were registered, of which some 140 actually operated. The first private station was A1, established in January

1993, complete with news programming. The private sector had crucial support from US philanthropist George Soros's Open Society Institute (OSI). The aim of OSI-Macedonia's media programme when it was launched in 1993 was to ensure pluralism; more than 50 broadcasters benefited from OSI support. The European Commission used its special budget line „to help the peace process in the countries formerly part of Yugoslavia" to provide piecemeal help to individual media.

119. By 1997, there were 210 registered broadcasters, including 90 radio stations, 29 television stations, and 91 radio-television stations. It was pluralism of a sort that Croatians or Serbians could only dream of. It was also chaotic and piratical. During 1993, the first year of the media boom, inflation was running at 20 to 30 per cent per month. Incomes had collapsed since independence; the advertising market was small. The new media were undercapitalised, often run from a private flat. Regulation was minimal, there was no concession fee or frequency maintenance charge. Piracy of Western satellite feeds and national programming from neighbouring countries was rife. An estimated 90 per cent of the private stations showed only music, commercials, light entertainment or pornography. The larger stations were founded by business groups and/or affiliated to political parties (or fractions of parties), interests reflected in their programming.

120. In May 1995, the authorities clamped down, suspending over 80 broadcasters. The suspensions were lifted after protest, and chaos was resumed until the Law on Broadcasting Activity was adopted in 1997. (The other key legislation for the media, the Law on Establishing the Public Enterprise MRTV, as well as the Law Establishing Public Company for Transmission and Broadcasting of Radio and Television Programmes, were adopted in 1998.) The broadcasting law went through six drafts and was prepared with input from the Council of Europe, EIM and Article 19, a British-based NGO. Co-operation in this respect has been exemplary. As a result, the legal provisions for minority representation, guidelines for election campaign coverage (admittedly vague), the limits on advertising (tighter for the public sector than in Croatia or Slovenia), the programme quality standards (despite a typical post-socialist tendency to prescribe "truthfulness", promotion of international understanding, etc.) and criteria for ownership (somewhat draconian) have been judged to be more or less satisfactory; imperfect, but meriting critical support. The concession fees were found to be excessively high, in view of

the economic situation. Other legal issues, such as access to information, have not yet been adequately addressed.

121. The main flaw in the broadcasting law is, unfortunately, of central importance: namely, the lack of genuine independence granted to the Broadcasting Council (BC), the licensing and regulatory body established under the Law. The BC is better than anything Serbia, Croatia or Bosnia have to show; it is comparable only to the Broadcasting Council in Slovenia. It has a remit covering both public and private networks or stations. While the BC is protected to some extent from government interference, its members are appointed by parliament. It lacks executive authority, for it merely proposes to the government that licences should be allocated or revoked. This dependence has been remarked with concern by the Council of Europe. The BC has sought to enlarge its powers, so far without success. Its performance to date has met with general approval, though there are suspicions about the objectivity of the BC's own published analyses of MTV news. Constituted in late 1997, it approved 117 out of 190 applicants for broadcast concessions in the first tender. The government awarded 115 licences, then added a further 25 under pressure from disappointed applicants. Given that Macedonia has a population of just over 2 million, the density of broadcasters is probably unequalled in Europe. As Macedonia is also one of the poorest countries in Europe, the competition for advertising revenue is fierce.

122. Despite the burgeoning competition, the national network, *Makedonska radio-televizija* (MRTV, Macedonian Radio-Television), easily dominates the broadcast sector. Research indicates that some 64 per cent of interviewees relied on MRTV for information during the 1998 parliamentary election campaign. (Seventy per cent did not inform themselves at all from private broadcasters, and only 32 per cent followed the radio coverage on a regular basis.) MTV broadcasts 24 hours a day, on three channels. Minority-language programmes are shown on Channel 2. The third channel is given over to imported programming. MRTV has a network of 29 radio stations, 8 of which also have a television service. At the end of 1991, it was converted by act of parliament into a public broadcaster. The restructuring was rhetorical; the network stayed over-manned, under-resourced, indebted and politically manipulated. A sharp rise in the licence-fee did nothing to cut the rate of non-payment. By 1996, MRTV claimed that 59 per cent of households failed to pay the fee, costing the network an estimated 29 million Deutschmarks annu-

ally. The permanent cash crisis made it easier for successive governments to treat MRTV as a resource of state power. An adequate funding mechanism was introduced in 1997, when a licence fee was added to consumers' monthly electricity bills. According to official figures, almost 30 per cent of consumers currently fail to pay the fee.

123. Apart from being badly managed and inefficient, MRTV's public credibility has declined. The coverage of parliamentary and presidential election campaigns in 1994 was assessed by the EIM as reasonably objective. At that time, commentators hoped that a watershed had been crossed; thanks to competition, MTV would have no choice but to keep improving. Alas, they were mistaken. In a trenchant analysis of MTV's performance during the 1998 elections, the BC found that only 31 per cent of interviewees judged MTV's coverage to have been neutral. Fully a quarter of them said MTV was the broadcaster they trusted *least*. Monitoring by the EIM and the OSCE Office of Democratic Institutions and Human Rights (ODIHR) also found that MTV's main election coverage was tilted in favour of the governing party. (Some private broadcasters achieved a much higher credibility rating, such as A1 television (covering 70 per cent of the population) and Kanal 77 radio on the national level, and TV Telma in Skopje and TV Tera in Bitola. Others, including the other private national station, SITEL, were openly biased.) The 1998 legislation permits parliament to dominate MRTV by appointing the director-general and the board of governors. Since its election in November 1998, the present coalition government has exploited its capacity to influence the network, for example by interfering at lower levels than its predecessors, replacing editors as well as directors. By early 1999, according to the OSI, the new government had changed 28 of the editor-managers at MRTV's 29 local stations, in violation of employment law. Commentators allege that the government is not criticised on MTV, though the lack of systematic independent monitoring makes it impossible to be categorical.

124. While the print sector has not been deregulated, this has not prevented liberalisation. The press still has to register under Yugoslav legislation dating from the 1970s, though this isn't a problem in practice. The market is dominated by the giant Nova Makedonija company (NM) which, like its equivalents in other former Yugoslav republics (Delo in Slovenia, Vjesnik in Croatia, Politika in Serbia, Oslobodjenje in Bosnia, Pobjeda in Montenegro), comprised newspapers, magazines, a printing house and a distribution net-

work. The circulation of *Nova Makedonija*, the flagship daily, was estimated as halving over the year after independence. All of NM's newspapers receive state subsidies; the Albanian-language daily is subsidised to the extent of 75 or 80 per cent of its entire revenue. The market rebuffed the first private daily paper, *Republika*, which started in 1992 and lasted only a year. The next such project was *Dnevnik*, launched in 1996 with assistance from the OSI and later the European Commission. When it slashed its cover price by 75 per cent, *Dnevnik* forced the state-owned dailies to follow suit. All in all, there are now five Macedonian-language dailies and two Albanian-language dailies: an impressive spectrum, all things considered, and when compared with the situation only five or six years ago, when readers had to choose from one Macedonian-language and one Albanian-language daily, both owned by NM.

125. NM's monopoly of news-printing was broken in the early 1990s when the OSI subsidised a private printworks, Evropa 92. But NM still dominates the distribution market, owning over 500 kiosks that sometimes refuse to stock rival publications. The government has ignored demands to dismantle this virtual monopoly. (According to the *Monitor for Human Rights in the Republic of Macedonia*, Annual Report for 1998.) NM was privatised in 1997, with the government retaining a 32 per cent stake. At the end of 1998, however, the new government intervened to save NM from bankruptcy; so the executive is again the majority owner. *Nova Makedonija* was openly biased against the opposition in the latest parliamentary and presidential election campaigns. Earlier this year, a reshuffle within the coalition government meant that a different coalition-partner was 'entitled' to run the second NM daily, *Vecer*. The editor was swiftly dismissed to make way for a political appointee.

126. Commendable as Macedonia's media legislation may broadly be, it is not respected or implemented in crucial respects. The government-controlled media routinely break their public-service obligations of objectivity and balance, also during election campaigns (*Nova Makedonija* violated the pre-election silence before the November 1999 presidential elections). Senior appointments in these media are politically controlled. The Broadcasting Council licensed many stations that had not fulfilled the requisite technical or programming criteria. The Ministry of Transport and Communications is loath to take measures against unlicensed broadcasters, so penalising the others. There is a high rate of non-payment of licence concession fees. Airwave piracy is still common outside the capital, Skopje.

127. An investigation of this situation might begin with the observation that political culture is no more liberal in Macedonia than in most other former Yugoslav republics. But it should also assess the international supervision to which Macedonia is subjected. According to an analyst at Skopje university, successive governments have had "to continually demonstrate an exemplary international comportment" (Kolar-Panov), with the result that the Law on Broadcasting Activity was prepared, inter alia, as "an exercise in symbolic policy-making designed to attract positive international endorsement". In other words, governments realise that the international community is much more interested in the letter of the law than in its implementation. In Macedonia's circumstances, international approval *now* is well worth the price of potential disapproval in future. Hence laws may be adopted in full knowledge that they are unimplementable. The broadcasting law is such a piece of showcase legislation.

128. Before pressing this line of analysis further, let us consider the minority or ethnic question in the media. The Albanian minority is 23 per cent of the total population according to an official census in 1994. (Many Macedonian Albanians claim the real figure is 30 or even 40 per cent.) The 1980s saw the rise of officially-sponsored anti-Albanian chauvinism, not as bad as in neighbouring Serbia but on the same lines. Hence, this community had reservations about independence and continues to be wary about its prospects in Macedonia. Their unease is fully reciprocated by many ethnic Macedonians, who view the minority leaders' political agenda with fear and resentment. Unlike in Croatia or Bosnia, the national division is also linguistic, the Macedonian and Albanian languages being mutually unintelligible.

MTV's concept of multi-ethnicity is inherited from the Titoist era, based on pedantic quotas of separate production. This quota has increased over the past decade, for Albanians and others — Turks, Vlachs and Roma. Whether greater production necessarily means better inter-ethnic understanding is another matter.

129. The audience for MRTV's local stations in Albanian-majority areas appears to be very small. People prefer to watch and listen to private Albanian-language stations. These stations' coverage of news and current affairs is quite unlike that of Macedonian-language media. The differences are most explicit over internal and external Albanian issues. The burning issues in Albanian-language media are the need to legalise the so-called "Tetovo University"; the need

for constitutional amendments to promote the Albanians to the status of a nation; the need for the Albanian language to have full administrative equality with Macedonian; and the under-representation of Macedonian Albanians in state structures. The Macedonian Albanians are depicted not as a minority but as a fully fledged nation with corresponding claims. Neighbouring Kosovo is portrayed an independent state in everything but the merest formal sense.

130. Naturally, private Albanian-language media want to differentiate their coverage of ethnic and national issues from that the 'official' minority programming on MRTV; this leads to radicalisation. With the election of a right-wing coalition in 1998, minority broadcasting on MTV too has become more politicised. Macedonian Albanians who criticise Albanian-language media or politicians in the Macedonian-language media are liable to be denounced as Uncle Toms. When the most popular Albanian-language television station interviewed an opposition candidate (an ethnic Macedonian) in the 1999 presidential elections, its power supply was cut and the staff received death threats from members of the Macedonian Albanian party in the governing coalition. Albanian-language stations often re-broadcast the news of Albanian state television: an illegal practise viewed with deep suspicion by the Macedonian majority. Political differences within the minority community tend to vanish under the (assumed) consensus on national issues. Likewise, Macedonian-language media coverage of Albanian issues tends to reflect a national consensus, dependent on stereotypes and generalisations.

131. It follows that a great deal of media content is, to all intents and purposes, ethnically conditioned or determined. While this applies most often to the news and current affairs output, critics say that no department is spared the 'apartheid'; for example, MTV Channel 1 does not play Albanian music, while Macedonian music is not to be heard on minority programmes. The pluralisation of the media, described above, has not broken this pattern but confirmed it. Analysing broadcast coverage of the 1998 parliamentary elections, the EIM noted that "the attitude of the electronic media during the election campaign has mainly been determined by … the ethnicity of the community served by the broadcaster and the political orientation of a station's management and its owner."

132. This situation is not, of course, limited to the media; quite the contrary. The ethnic Macedonian majority and Macedonian Albanian minority exist as parallel communities that intersect only at the political summit. This

is a social fact that finds sharp expression in the media. In effect, there is no integrated Macedonian audience for Macedonian media. “Democratisation happens within national communities, not across the division,” says one Macedonian Albanian observer. “It has not built bridges.” Open hate-speech against the other community is not common, but crude stereotyping is routine. There is no ethnically inclusive journalism: no mixed-language programmes or newspapers.

133. Very few people know what each language-community’s media say about the other. This is especially true of Macedonian-speakers. In the words of an ethnic Macedonian commentator: “We don’t have hate speech but we do have fear speech. We don’t know what the Albanians think because we don’t know their language. So we’re frightened of them. This is not a *problem* for the media in the sense that, say, airwave piracy is a problem. But it can have consequences for all of us. We live in parallel ghettos, and it would be very easy for the authorities, for instance, to call on us to boycott Albanian shops, and we would do it, no questions asked.” According to another commentator, a veteran of Macedonian journalism: “When the situation in the sphere of inter-ethnic relations is normal, the media act in a normal way… However, in the event of strained inter-ethnic relations, it is immediately apparent who is who and to which national camp they belong. Then, as a rule, they divisions are sharply manifested, though this does not always imply a flood of insults… *The division into ‘us’ and ‘them’ simply goes without saying*. There is rarely a case on either side when the nationalist extremists of one’s own nation are criticised.” (Lazarov. Emphasis added.)

134. With this in mind, we can make sense of the anomaly analysed by Dusan Reljic: “the [public or state] media in the Albanian language, which are also kept alive by financial support from the state, remain loyal to the Albanian nationalist movement … Local observers of the media scene report that [MTV] broadcasts two news programmes, one after the other, the first in Macedonian, the second in Albanian, each giving different, often contradictory reports of the same event. … The fact that the simultaneous presentation of two contrasting versions of reality in the quasi-state owned media is, if not encouraged, at least tolerated by the government, is clearly the result of the real existing division of power between the two ethnic political elites in the country.” (Reljic, p. 67.) It is only a short step from this reasonable conclusion to the hardly less reasonable suspicion that successive coalition governments

have deliberately *not* tried to overcome the ethnic division. They have learned that the best way to preserve their power-base while exploiting international concerns is to demonstrate that they are able to keep the tensions under control, but at a price of continued Western support, including tolerance of corrupt and heavy-handed government.

135. The media are reflecting a division, but perpetuating it too. In the words of a Bosnian journalist, who was the last editor-in-chief at TV Sarajevo before the war: "People who watch programmes produced by ethnic government-controlled TV stations exist only as members of that group." (Pejic.) Ethnic media help to construct ethnic audiences. This is why international approaches to media-development in Macedonia should be central to strategies of stabilisation and democratisation.

136. Looking at the record of international engagement to date, it might be argued that the non-governmental sector has acquitted itself admirably, by forcing the pluralisation of the media. Particular praise is due to the Open Society Institute, not only for distributing large sums of money but for brokering a set of voluntary election-coverage rules before the 1994 parliamentary elections. The performance of the inter-governmental sector, however, has latterly disappointed any reasonable expectation. Help was duly provided by the Council of Europe and OSCE-ODIHR to draft legislation. The logical next stage would have been close involvement in reforming the state media. This has not happened. The two IGOs with missions in Skopje, the OSCE and the European Commission, are well placed to influence media policy; yet they have not sought to exercise such influence. There has been no systematic monitoring of the state media; the practice of appointing political allies to senior positions is not vigorously protested; abuses of journalists' rights and media freedom do not elicit concern.

137. This behaviour may be traced back to the peculiar international perception of Macedonia. According to a European Commission official in Brussels: "FYROM plays an exemplary role in our strategy. Other countries can see the benefits of co-operating with the Commission. The cherry on the cake is the Stabilisation and Association Agreement now being negotiated." In Skopje, a Commission officer is even more enthusiastic: "As far as we're concerned, Macedonia is so far ahead of Serbia as to be incomparable." As an assessment, this is fair enough; yet the comparison seems to encourage complacency on the international side.

138. European Commission reports on Macedonia emphasise its "political maturity", "commitment to democratic principles", and the "smooth and peaceful political transition after free and fair elections" in 1998. Such upbeat language does not quite fit with the same reports' observations on the media. In 1997, the EC judged that "the situation of the media remains a serious concern as major state-subsidised newspapers generally reflect government views and the government still exerts control over the national radio and TV." In March 1998, "the situation of the media remains a concern", owing to government control over MRTV and police pressure on the independent press. In May 1999, "The recent arrival at the top of the public broadcasters of members of the governing coalition parties has raised concerns about the independence of the public electronic media. Recent developments, i.a. the firing of journalists who had expressed criticisms towards the government, are leading to allegations on [*sic*] a lack of independence as per the traditional submission of the public broadcaster *MTV* to the political line of the Government as well as other stations which are allegedly linked to political parties."

139. Macedonia's membership of the Council of Europe (CoE) has not been used to exert significant pressure for further reform of the media, in line with explicit commitments before accession in 1995. These commitments, including the protection of "independence in broadcasting and in printed media … and equal access … to distribution outlets", have not been sufficiently honoured. Parliamentary Assembly reports on Macedonia have been relatively bland — relative, say, to those on Croatia. After visiting the country in November 1997, Parliamentary Assembly rapporteurs did not mention media issues among their recommendations or the "points requiring further clarification". This was curious, given the rappporteurs' laudable emphasis on the necessity to integrate the ethnic Albanian minority.

140. The OSCE and the European Commission assessed that Macedonia had by 1998 achieved "a satisfactory degree of pluralism in broadcasting". True, but pluralism should not be the only yardstick of progress. The OSCE Spillover Monitor Mission to Skopje is mandated, inter alia, to "promote the maintenance of peace, stability and security" by means of discussions with governmental authorities, "contacts with representatives of political parties and other organisations, and with ordinary citizens", and "such other activities as are compatible with the goals as stated". There is scope here for the mission to involve itself in media reform. Yet its attitude to media issues

seems unduly timid. When these issues are raised with government officials, they are not publicised. According to a mission member, "we do press releases when there is something positive to report." Significantly, the diplomatic corps in Skopje does not co-ordinate efforts on media reform.

141. Local media activists accuse the international organisations of being passive, conservative and overly fearful of 'rocking the boat'. One activist complained to the author of this report: "I'm sure they [the IGOs] understand the situation, they know what's going on, but they keep silent. They will criticise current developments in a year or two, but it is very urgent to do something *now*. We are at a critical point." There is nothing new about this relaxed approach. On 28 April 1998, the NGO Human Rights Watch complained that "the international community has withheld criticism of human rights abuses committed by the Macedonian government in order not to weaken an ally in the region." HRW singled out the US, the United Nations and particularly the OSCE. "We fear that the failure of organisations like the OSCE publicly to condemn abusive government conduct serves to increase the government's sense of impunity, as well as the sense of abandonment by those whose rights have been violated." Indeed, the HRW went so far as to accuse the OSCE of "whitewashing" human rights abuses in Macedonia (press statement, 7 April 1998). The abuses in question were caused by police brutality. Two years on, the intergovernmental attitude toward abuses of media freedom, and also the results of that attitude, might be described in much the same terms. Concretely: since July 1999, the OSI has reported ten or a dozen incidents of illegal, politically-motivated pressure and violence against private media. Yet, according to the OSI, the intergovernmental organisations have not reacted.

KOSOVO

142. In 1989, the Serbian province of Kosovo with a 90 per cent ethnic Albanian population was shorn of its constitutional autonomy by the regime of Slobodan Milosevic. In summer 1990, the Albanian-language service on the provincial broadcaster, Radio-Television Pristina (RTP) was suppressed. A half-hour Albanian-language news programme broadcast from Belgrade had no credibility among Kosovar Albanians. The Serbian authorities took over the building that housed the 'Rilindija' newspaper company, which printed and distributed the Albanian-language press. Private newspapers started up and, although they were critical of Belgrade, were generally tolerated, though under constant threat of prosecution and closure. Journalists risked arbitrary sanction, beatings and even murder. There was no private sector in Albanian-language broadcasting until the late 1990s. Kosovo's Serbian-language media reflected the Belgrade regime's uncompromising stance, rejecting dialogue, often disseminating chauvinism and hatred. Kosovar Albanians depended increasingly for information on extraterritorial Albanian-language sources, most of all on Albanian state broadcasting, which was broadcast on satellite for two hours daily from autumn 1993.

143. The crisis turned into open conflict in March 1998. The first international mission in Kosovo was the Kosovo Verification Mission (KVM) deployed by the OSCE as a result of the October 1998 agreement between Yugoslav President Slobodan Milosevic and US envoy Richard Holbrooke. Understaffed and under constant pressure from both parties to the conflict, the KVM had a short and difficult existence. Tentative efforts to address the media situation as it affected Kosovo were resisted by the Belgrade authorities. Early in 1999, the international powers proposed a settlement called the "Interim Agreement for Peace and Self-Government in Kosovo". Anticipating a successful outcome of the negotiations, the OSCE planned to widen the mandate to comprise democratisation, including media development. The intensely politicised nature of Kosovar Albanian media, as well as their prominence in Kosovar society, was demonstrated by the inclusion of two journalist-editors, Veton Surroi and Blerim Shala, as independent members of the Albanian negotiating team.

144. Eventually accepted by the Albanian side, the "Interim Agreement" was rejected by Serbia. The talks collapsed and the mission withdrew to neighbouring Macedonia. This move aborted a plan to launch an OSCE radio

station. On 24 March, NATO launched an aerial bombing campaign that lasted 78 days, until Milosevic accepted peace terms in early June. The rump KVM tried to help Kosovar media to function in exile, so they could reach the hundreds of thousands of refugees who fled from Kosovo.

145. When NATO forces entered Kosovo on 14 June 1999, they took control of a province without functioning government, administration or legal system. All of these would have to be provided by an international mission. There were, however, a number of political groupings. The most powerful of these, and the best positioned to 'win the peace', was the Kosovo Liberation Army (KLA), which along with a smaller grouping formed a "provisional government" under Mr Hashim Thaci. A rival "government" that recognised Mr Ibrahim Rugova as Kosovo's leader, had been established since 1992.

146. UNMIK was established by UN Security Council resolution 1244 (10 June 1999). The mission holds ultimate legislative and executive authority in Kosovo; it is the effective government of the province, until elections have been held. This authority is vested in the Special Representative of the Secretary-General (SRSG). The mission comprises four sectors or 'pillars', each led by a different international organisation. The United Nations itself is responsible for Civil Administration. Humanitarian Assistance is led by the UN High Commissioner for Refugees (UNHCR). The Economic Development pillar is managed by the European Union, while the OSCE is charged with Democratisation and Institution Building. The Permanent Council of the OSCE established a Mission in Kosovo (OSCE-MIK) on 1 July 1999 as "a distinct component within the overall framework" of UNMIK, where it would "take the lead role in matters relating to institution- and democracy-building and human rights … including [inter alia] the development of a civil society, non-governmental organisations, political parties and local media". The fifth pillar, so to speak, was security, provided by the Kosovo Force (KFOR), comprising 45,000 NATO-led troops.

147. UNMIK was deployed into an informational and legal vacuum. Ownership and employment rights were unclear. Kosovar Albanians refused to respect Serbian or Yugoslav laws, and hope in many cases to wipe out the decade of Milosevic's full control by reverting to the *status quo ante* summer 1990. Kosovar Albanians and Serbs were, to say the least, deeply suspicious of each other; genuine co-operation seemed out of the question for the foreseeable future. By the autumn, the media scene was busy, even crowded. With five or

six daily newspapers, various magazines and some 40 radio stations, the obvious gap in Kosovo's media scene was television. But there were, by early 2000, some 24 television projects waiting for licences or equipment to start up. A small handful of these media attract the lion's share of international funding. Others are criticised by local and international figures alike for their crudity and chauvinism. Kosovar journalists admit that hate-speech still blights the media, that there is a lot of 'irresponsibility'; which is inevitable given recent history. The only survey of audience preferences and habits was a small poll (sample: 1,000) done in October, which indicated that newspapers were the main source of information, followed by radio, with television in third place.

148. The "Interim Agreement" for Kosovo had been as casual (or negligent, or libertarian, depending on one's point of view) about media as the Dayton Peace Agreement before it. It recognises international standards of freedom of expression without providing for media reform and development. It gave no guidance to OSCE, which therefore commissioned a report on UNMIK's objectives and priorities for the local media. The report was prepared by Mr Dan De Luce from the Office of the High Representative in Sarajevo, Dr Regan McCarthy of the OSCE Mission to Bosnia and Herzegovina, and the present author. The report argued that international community action had "created a clear opportunity to establish free and accountable media" in Kosovo. "International community experience in Bosnia and Croatia confirms that democratic media cannot be established on the basis of incomplete or weakly asserted authority to regulate, monitor and reform existing media." Concretely, UNMIK should contain a media affairs department within the OSCE 'pillar', with "responsibility, authority and resources to oversee regulatory matters, laws and standards, media development and media monitoring".

149. This report was broadly accepted by the heads of UNMIK and OSCE-MIK in Kosovo, and soon thereafter by the head offices of OSCE in Vienna and the UN in New York. On this basis, the UN and OSCE defined UNMIK's aim regarding local media: "to contribute to the creation of conditions that support freedom of the press and freedom of information in Kosovo." An "integrated media affairs department" in the OSCE pillar would "prepare media regulations, support for independent print and broadcast media in Kosovo, monitor the media and develop media laws and standards." The SRSG would "appoint a media regulatory commission to manage the frequency spectrum, establish broadcast and press codes of practise, issue licences and

monitor compliance". The UN Secretariat emphasised that the SRSG would actually issue the media regulations and appoint the members of advisory or consultative bodies. Thus, it was agreed at the outset that OSCE-MIK would — in the words of the UN's head of peacekeeping operations — perform "all substantive and preparatory work on media issues", while the United Nations — in the person of the SRSG — would take the key decisions.

150. Co-operation between UNMIK's UN leadership (henceforth UNMIK-UN) and OSCE-MIK has not run smoothly. While the division of labour over the media mandate made sense on paper, it required trust between organisations that had not collaborated on such a scale before. UNMIK was facing challenges as great as any UN mission before it: governing a province not yet at peace, with an immature and divided local leadership and a population recovering from years of oppression followed by months of atrocious violence. By the end of July the mission had a new SRSG, Bernard Kouchner, a new Principal Deputy SRSG and a new Director of Public Information. This team may not have been fully informed of the agreed terms of the media mandate. The first problems arose early in August, when UNMIK-UN sought to curb the OSCE's role, especially over media regulation, and built up a parallel media department. The Principal Deputy SRSG insisted that management of the frequency spectrum belonged under "Civil Administration", organised by UNMIK-UN, not with the OSCE at all.

151. The revisionists in UNMIK were encouraged by misleading criticism of OSCE-MIK's media development strategy in the US press, from mid August. *The New York Times* took the lead, apparently prompted by the World Press Freedom Committee (WPFC). The International Federation of Journalists (IFJ) also expressed concern. Adopting a quintessentially American stance of First-Amendment universalism, the WPFC deplored in a letter to UN Secretary-General Kofi Annan what it saw as "plans for a media control system in Kosovo" that was "in conflict with the principles of democracy and freedom that the United Nations is pledged to uphold". Premised on the bizarre conviction that Kosovo's news media had "once" been "free and independent", the WPFC's argument was hollow. This did not prevent it from worrying staff at the UN Secretariat in New York who were frightened of bad coverage in the US press. Although the concerns were echoed by some Kosovar journalists who wanted to deter UNMIK from constraining their newly won freedom, the brunt of criticism came from far outside the province.

152. At this time, OSCE-MIK was arguing in line with previous agreement that the head of its Media Department, Douglas Davidson, should be appointed as "interim media regulator", plugging the regulatory vacuum while a body with appropriate international and local members was constituted. The SRSG declined to make this appointment. Negotiations continued between the two organisations over each nuance of the proposed interim procedures. The head of OSCE-MIK, Daan Everts, accommodated the UN's objections; for example, the enforcement provision was weakened. Meanwhile, UNMIK's own Press and Public Information Department had ceased at the end of July to issue provisional broadcasting licences. The KLA "government" filled the void. KFOR also provided permission to broadcast in parts of the province. By early September, there were 39 radio stations with FM frequencies allocated by KFOR. This proliferation was haphazard in technical terms, but not politically: the emerging pattern of media power in the electronic and print sectors favoured, to nobody's surprise, the KLA. Some international donors exacerbated this process. They seemed less concerned about programme content than about 'getting something on the air'.

153. On 19 September, with the need for an overall regulatory authority ever more urgent, Kouchner and Everts finally agreed the remit of a "Temporary Media Commissioner" (TMC, dropping the contentious term 'regulator'). Now the OSCE-MIK spokesman objected to the provision that the press "may temporarily be subject to a Code of Practice … until such time as professional self-regulation by the print media can be instituted". Everts diluted the remit again. During October, concerned by ferocious press attacks on moderate Kosovar leader Veton Surroi, and reportedly also vexed by inflammatory attacks on UNMIK in the press, the SRSG began to make noises about imposing a press code of conduct. This provoked another revolt in the OSCE-MIK Media Department, appealing to the principle that only self-regulation of the press is admissible. Everts agreed that the Media Department should encourage the establishment of a journalists' association that could endorse a self-regulatory code of practice for the press.

154. Thus the appointment of a TMC was held up for a further month, until 18 October. The TMC has since issued one temporary licence, valid for six months, and approved a further 13 to KFOR, which still controls the spectrum and allocates frequencies. KFOR is currently deterred from allocating further frequencies by unresolved legal questions concerning Belgrade's authori-

ty over the spectrum. Codes of practice are being developed with expert assistance from the Independent Media Commission in Sarajevo, the Council of Europe, COLPI (the Constitutional and Legal Policy Institute of the Open Society Institute) and the IFJ. The Interim Media Commission (IMC) has not been formed, owing to internal disagreements over composition and the difficulty of recruiting qualified international personnel.

155. Ironically, the need for an effective press code of conduct was confirmed over the winter as various newspapers and magazines, as well as radio stations and public figures, continued to stoke the fires of political intolerance and inter-ethnic hatred. It should be kept in mind that in Kosovo, unlike anywhere else in the former Yugoslavia, the press is apparently the most influential source of news and information. This will change, but not until the broadcast sector and the electricity utilities have recovered from last year's destruction. In the absence of other instruments to address this deteriorating situation, the SRSG promulgated on 1 February 2000 a draconian and in parts vaguely worded "Regulation (no. 2000/4) on the Prohibition Against Inciting to National, Racial, Religious or Ethnic Hatred, Discord or Intolerance". This ukase carries a maximum penalty of 10 years in prison, far exceeding European norms.

156. Presumably the SRSG's intention was to deter hate-speech. Yet his measure is no substitute for effective regulation, as events confirmed when a simmering crisis in Mitrovica came to the boil only two days after the promulgation of the "Regulation" (see below). Local media coverage of the crisis confirmed the dangerously irresponsible and unprofessional standard of Kosovar journalism. Two dailies, *Bota sot* and *Rilindija*, incite hatred against all Serbs in Kosovo, and routinely portray UNMIK and KFOR as being in league with the Serbs against the Albanians. The neatest illustration of the problem occurred not in a newspaper but in a radio news bulletin, on 10 February, on Radio Rilindija, a private station with international funding. The bulletin led with an objective report on Kouchner's Regulation against hate-speech, only to end with an item that included the following language: "After the massacre that occurred in north Mitrovica, where the criminal bands of the terrorist Belgrade regime killed 9 and wounded a dozen others, Serb criminals celebrated in their chetnik style", etc. Doubtless the editor or journalist simply saw no contradiction between the first and last items in the bulletin.

157. The unhappy saga over regulation did not prevent the re-launch of broadcasting in Kosovo. Yet here, too, there has been a damaging degree of

confusion or misunderstanding inside UNMIK. The OSCE had argued in July that UNMIK should re-launch RTP "as a genuine public broadcaster". (It should be mentioned that in June, KFOR forces had prevented a group of former employees from occupying the RTP premises. The leadership of this group was reportedly close to the KLA. Prompt intervention by KFOR stopped the creation of a 'fact on the ground' that would have made it difficult if not impossible to reform RTP.) The original OSCE proposal had suggested that, while this launch was prepared, UNMIK might establish an emergency service to broadcast "vital public information … under a new, neutral name … [giving] priority to international news services in local languages and to messages essential to UNMIK". The OSCE report stressed that this "would be an interim measure … not to be confused in any way with plans to launch RTP anew". These suggestions were not incorporated into the mandate agreed with the UN. However, as early as 21 July the SRSG had publicly committed UNMIK, "led by OSCE", to "lay the foundation for RTP to become a genuine public broadcaster that serves all the people of Kosovo". RTP would resume "under international supervision", with the "final aim" of creating "a modern RTP that operates with professional Kosovar management and staff".

158. Following initial contacts in July between the UN and the European Broadcasting Union (EBU), the latter proposed an "Emergency Satellite TV Service", defined as a "new station" that "would serve both as a relay for UNMIK public information programmes and as the nucleus of a future regional public service respecting the programme needs and expectations of the entire population of Kosovo". The EBU and UNMIK-UN argued that satellite was the only way to reach the public before the coming winter, given that the terrestrial network, comprising two transmission towers and an estimated 40 relays, had been shattered during the recent conflict. (An early plan by OSCE to repair the network with European Commission support collapsed when the EC became aware of a similar project with US and UK funding. The Japanese government has since offered to restore RTP's terrestrial network by 2001.) Although nobody knows how many Kosovar households own satellite dishes — estimates run from 20 per cent to 80 per cent — satellite transmission at least has the advantage of covering the whole province as well as Kosovar refugees and economic migrants around Europe.

159. The SRSG accepted this proposal. Despite the fact that OSCE had responsibility, the contractual negotiations were conducted between the UN

and the EBU, a continuing expression of the unclear boundaries regarding remit. On 30 August, the EBU undertook to start broadcasting within three weeks. Radio Television Kosovo (RTK) started up on 19 September, under the interim direction of an experienced Swiss broadcaster. A team of young trainee journalists — soon to be replaced by former RTP employees — prepared an hourly programme, later increased to two hours of current affairs, sport, children's shows. The centrepiece is a half-hour news programme, including short films prepared by UNMIK-UN's TV unit.

160. In practice, the EBU soon exceeded the "emergency service" that it was contracted to provide. Foreseen as a self-contained, outside-broadcast unit supplemented with purchased equipment, RTK became instead a local television station with a sizeable number of Kosovar employees (over 100 by February 2000) working in reclaimed studios under international management, spending vast sums for leased equipment and the satellite connnection; the latter alone costs some 600,000 Deutschmarks per month.

161. What, then, *is* RTK? Far from presenting it as an interim solution, UNMIK publicly defined the station as "a first step towards a new public service broadcasting service". It also claims that the station is "publicly funded", which is true only in the sense that the bill is paid from taxes levied in OSCE member states, to date including Norway, Switzerland, France and the Netherlands. The US government is withholding funds until a business plan for the station has been adopted. The station also solicits and carries advertising.

162. Initially, the news-room was run by international journalists. As this assistance trailed off, more former RTP employees were recruited by EBU, partly to conciliate organised pressure (see below). By January 2000, there was no international supervision or vetting of content, even though the station was explicitly subsidised by international funds as the showcase of UNMIK's media programme. This has professional but also political consequences. The first week of February was marked by a sequence of murders in the northern town of Mitrovica, starting with an attack on a UNHCR coach carrying Serb civilians. RTK spoke loosely of "Serb criminals" and "Serb terror", and reported accusations against French KFOR troops without any reply by KFOR. The private Radio 21 provided more balanced coverage.

163. Although RTK's references to the Serb minority have usually been more neutral than those of private broadcasters monitored by OSCE-MIK, few if any Serb sources were cited during the first phase of the Mitrovica crisis. The

failure to investigate the less extreme views held by Serb leaders at Gracanica, on the outskirts of Pristina, helped to preserve a simplistic picture of Serb minority attitudes. RTK news sometimes gave higher priority and more space to local Kosovar groups or citizens, who blamed KFOR and UNMIK for Albanian deaths, than to international officials. On 13 February, RTK's lead news report started thus: "Today Mitrovica was again stained with blood", and went on: "In a continuation of Serb scenarios, bombs were tossed at Albanian houses and they were set on fire… Wild Serb bands are being led by well-known criminals." No sources were given. This wretched report goaded OSCE-MIK to intervene. Perhaps in consequence, the RTK crew tried two days later to enter the Serb quarter of Mitrovica to hear the other side of the story, only to be prevented and then violently repulsed. The reporter concluded: "Despite all our attempts to inform our viewers about the real situation in Mitrovica, we couldn't do it." With the exception of this courageous report, RTK's performance in the first half of February was hardly distinguishable from that of private Kosovar Albanian radio stations.

164. Following the first spate of murders, reprisals and counter-reprisals, the leader of the most powerful Kosovar faction, Hashim Thaci, accused RTK (not for the first time) of bias against himself and in favour of his main rival, Ibrahim Rugova. When OSCE-MIK asked RTK for recordings of the news programmes in question, the station claimed to have already erased the previous week's archive. If this was true, it was bizarre. Using what recordings they had, OSCE-MIK found "absolutely no evidence" to support Thaci's contention; on the contrary, Thaci and his constellation of supporting groups received in total "300 per cent more mentions than Rugova". Moreover, the analyst observed that "over the past few months, RTK has never produced a report critical of Thaci" or his supporters.

165. At RTK, a bold idea has certainly been realised with impressive speed and technical resourcefulness. Yet it is hard to agree with the head of OSCE-MIK's claim, on 16 February 2000, that "RTK is developing as an independent public broadcaster". Given the actual situation in Kosovo, it was always going to be extremely difficult to establish an indigenous public service broadcaster worthy of the title. Worse, UNMIK has not yet shown the will to commit itself to this objective. Corners have been cut and compromises made. Local political factions are, as noted above, jostling to dominate RTK. At present, the station seems unequipped to resist such attempts, which will cer-

tainly intensify as elections approach. In the words of an international official closely involved with RTK: "We are recreating the old structure, which is what they [Kosovar Albanian leaders] want, but should we be doing it?" A comprehensive "action plan for the creation of a free and independent news division at RTK", commissioned by OSCE from a private British consultant and delivered on 1 September 1999, has been disregarded.

166. There is a risk that the RTK project will discredit the idea of public service broadcasting among journalists and public alike. Journalists complain that the operation is neither transparent nor accountable; and they have a point. Local wits have dubbed the station as Radio-Television Kouchner. There is no charter and no statute. The interim director-general, Eric Lehmann, does not have a Kosovar deputy, as was promised. Editors and managers have been appointed by the EBU without consulting OSCE and, reportedly, without public advertising. To quote a local independent journalist: "RTK is becoming more and more private, though I don't know who the owner is." Complaints about the station's lack of professionalism are frequent, albeit — to this writer's mind — less worrisome. The EBU contract expires in May 2000. At least two business plans are in preparation, but nothing firm has been decided yet. Different options for levying a licence-fee are under discussion. Given Kosovo's desperate economic conditions, financial self-sufficiency for RTK will not be achieved soon.

167. The launch of RTK exacerbated OSCE-MIK's already awkward relations with the "Co-ordinating Council of the Former Employees of RTP", claiming to represent over 1,300 people. This organisation's stated ambition was reinstatement or compensation. The unspoken political agenda, according to international officials, was to align RTP with the faction led by Hashim Thaci. Hence the substitution by EBU of newly trained, politically unaffiliated journalists by former RTP employees must be viewed with concern. The same was true for *Rilindija*, formerly Kosovo's only Albanian-language daily newspaper, with considerable assets including a printworks and distribution network.

168. A further problem with RTK is that the radio component developed quite separately; it has nothing to do with the EBU, even though it falls within the director-general's remit. On 24 July 1999, the SRSG announced that a local-language radio service must commence broadcasting within four days. OSCE-MIK rose to the challenge; Radio Prishtina went on air on 28 July. By

mid August it was transmitting 14 hours daily of Albanian, Serbian and Turkish programmes. Salaries, training and some equipment were donated by foreign NGOs or governments. The station's future is insecure. In August, Daan Everts appointed Agim Fetahaj, a Kosovar Albanian journalist with US experience and citizenship, as director of the station. Fetahaj changed the name to Radio Kosova (using the Albanian spelling, although the K in UNMIK stands for Kosovo). He also reduced the Serbian-language team at the station to the point that the remaining journalists resigned. There is now no Serbian service at Radio Kosova: an odd situation, especially in light of the SRSG's elevation of "multi-ethnicity" to a supreme value and objective. The station is beset by technical problems arising from the lack of terrestrial transmitters and its forced reliance on antiquated equipment salvaged from RTP.

169. Political manoeuvering to influence the media takes place, of course, on both sides of the ethnic or national divide. Representatives of the Serb minority (including Radio Kontakt, perhaps the only Serb-run radio station with a demonstrably independent editorial line) allege that Milosevic allies in Kosovo control seven local radio stations in Kosovo and plan to launch a television station in Pristina. Radio Kontakt's director, Zvonko Tarle, warns that "the international community has done little to try to curb Milosevic's influence in Kosovo. But if he is allowed to continue to hold sway over the Serb enclaves, the minority's more moderate representatives, who are crucial to Serb integration, will find themselves increasingly marginalised and ineffectual." OSCE-MIK confirms that a relative of FRY President Milosevic's last 'viceroy', Zoran Andjelkovic, has applied for a licence to broadcast from the address of the Yugoslav government's office in Pristina.

170. There are two fully international radio stations, UNMIK's Radio Blue Sky and KFOR's Radio Galaxy. Blue Sky was allegedly created because local radio stations were reluctant to broadcast short programmes produced by UNMIK-UN's radio unit, on the ground that their credibility among Albanians would be destroyed if they transmitted Serbian-language programmes. It also appears that the SRSG wanted UNMIK to have its own radio station, regardless of international and local objections. Kosovar journalists were irritated that the station was launched on 2 October 1999, the day after the Media Advisory Board, comprising local members under OSCE-MIK chairmanship, had unanimously rejected the proposal for an UNMIK radio station.

171. The OSCE had originally advised against a mission radio station on the grounds that it would deplete the pool of experienced local journalists, provoke resentment and probably fail to gain a reputation for impartiality. Kouchner's predecessor had accepted these arguments. While UNMIK's frustration at the non-co-operation by local radio stations is understandable, it is regrettable that the resources behind Blue Sky were not used to improve Radio Kosova instead. Bafflingly, moves in this direction continue to be resisted by OSCE-MIK's own leadership. In February, RTK director-general Eric Lehmann argued that Radio Blue Sky should merge with Radio Kosova under interim international direction. Everts first supported this constructive proposal, then changed his mind and instead backed Agim Fetahu's idea that Blue Sky should be turned into a "minority" station, to balance mono-ethnic Radio Kosova.

172. KFOR's Radio Galaxy is said by some to have the best music programmes of any station, so Albanian listeners are ready to overlook its emphatically "multi-ethnic" concept. In the words of one international official: "The only place in Kosovo today where an Albanian and a Serb can be heard chatting and joking together, each in their own language, is on Radio Galaxy."

173. Finally, positive mention should be made of OSCE-MIK's effort, together with the Open Society Institute, to co-ordinate donor support for the media. These efforts are appreciated by donors; indeed there is a feeling that the co-ordination should be more frequent and assertive. At the first donor conference, it emerged that one independent newspaper was receiving funds from six separate international sources, none of which knew of the others' activity. Hats off to the newspaper, of course; but the fostering of a pluralist media environment may be more successful if such information is shared as a matter of routine.

Conclusions and Recommendations

174. The countries and region considered in this report are all transitional. Most of them are recovering from war. The peace settlement in one of them (Kosovo) is certainly not final; the settlement in another (Bosnia) is probably not so. The principle or doctrine of the separation of powers is still, except in Slovenia, exotic or at best untested.

175. "Without the elimination of incitements to hatred, a viable solution to the crisis in the former Yugoslavia will be impossible to achieve." This was the conclusion reached more than five years ago by Tadeusz Mazowiecki, Special Rapporteur to the UN Commission on Human Rights. It bears repeating today, when such incitements have not been eliminated from at least three parts of the former federation, Serbia, Bosnia and Kosovo, which have not yet solved their separate and interlocking crises. From an editorial in a widely read Kosovar newspaper, *Bota sot*, 7 February 2000: "All Serbs, with no exception, who are living today in enclaves (as Kouchner would like to call them – Serb cantons) have their hands stained with the blood of Albanian children."

176. Intergovernmental involvement with the local media has been a reluctant embrace in slow motion. The first phase in Croatia and Bosnia showed a complete confusion between public information, media relations and media development. The United Nations, which sometimes seems like a fortress of institutional unaccountability, was quite unprepared either for the sophistication of the Balkan media and public, or for the determination of the various authorities (regimes) to keep their grip on what in Tito's era was called "the public information system".

177. According to the Secretary-General's recent report on the massacre of Bosniaks by Serb forces at Srebrenica in Bosnia in 1995: "The [Security] Council obviously expected that the 'warring parties' on the ground would respect the authority of the United Nations and would not obstruct its humanitarian operations. It soon became apparent that, with the end of the Cold War and the ascendancy of irregular forces — controlled or uncontrolled — the old rules of the game no longer held." (Annan, Paragraph 493.) Disrespect for the authority of the UN was felt in the sphere of information no less than in other areas, and in Croatia as much as in Bosnia. The motivation of

the Croatian, separatist Serb and Yugoslav authorities in obstructing the work of the Division of Information was always clear at the time, and logical in its own terms. These authorities were extremely reluctant to share their unparalleled access to the public with an international body whose basic objective (a peaceful settlement achieved by negotiation, requiring compromise) they did not share, or shared only in part.

178. "The UN has failed to position public information as a 'strategic' component in UN peacekeeping operations, generally speaking." This was one of the conclusions of a UN Lessons Learned conference in 1997, reviewing the missions in the Balkan among others. The UN failed to apprehend that public information, traditionally understood, was on the way down, while media relations were on the way up. The UN institutional concept of public information was developed at a time and in cultural contexts that were remote from the Balkans in the 1990s. It was an approach that belonged to the era of 'classic' peacekeeping operations, when the genuineness of "the consent and co-operation of the parties" could be taken more or less for granted. With the end of the cold war, such consent became a dependent variable, altering according to the host government's momentary calculation.

179. Federal Yugoslavia had the most sophisticated media environment of any communist country. The audience was sophisticated, too; former Yugoslavs were skilled and sceptical dissectors of media messages. In this region, 'public information' is seen as a relic of the communist era with little if any bearing on democratic governance. Hence UNPROFOR's media production often seemed comically simplistic or fatally evasive. In blunt terms, UNPROFOR's lack of self-belief was matched by its lack of belief in the capacity of ordinary people in the mission area to respect the truth when they heard or saw it. Never again should a peacekeeping or peacemaking operation be able, or required, to ignore the politics of media control and freedom of expression in the country of its deployment.

180. For about two years (1992-94), the United Nations relied on ex officio prestige to impress the leaders and the public in Croatia and Bosnia. The UNPROFOR mission seemed unaware that openness and directness, or the plausible simulation of these qualities, was vital to its credibility. The next resort was to set up 'rival' media of its own that would bypass the locally controlled media. This met with no greater success. Other IGOs then tried to assist independent media that might, whether singly or in newly formed net-

works, neutralise the propaganda carried by the pro-regime media. Yet this approach also proved inadequate to the task of democratising the media sphere. Independent networks could not compete for reach and influence with the controlled media.

181. The 1990s saw the emergence of media from under the umbrellas of 'public information', 'human rights' or 'democratisation'. It is all of these, and none of them. Yet the current confusion in Kosovo suggests this lesson has not been drawn from Bosnia and Croatia. The media issue is often not given enough weight by mission leaderships even in Bosnia, where, if anywhere, a new model has evolved. In Bosnia, media reform and development have been herded together by the High Representative (ultimate authority), SFOR (enforcement), the IMC (regulatory and licensing competence), and the OSCE. It may not be a streamlined arrangement, and it is under-resourced, but it has lately shown that it can be effective — when diplomats and generals allow it to be.

182. The great powers gave much more thought and care to the role of media in Germany and Japan after 1945 than for post-war Bosnia and Kosovo in 1995 and 1999. What price the 'information revolution' at Dayton or Rambouillet? The Western powers wanted nothing to do with media reform until hard experience showed them that they could not achieve their primary objectives, including "exit conditions", without delving more deeply into the media. Hence, reform of state media was addressed last instead of first. This back-to-front approach has made for slow and halting progress.

183. An international strategy emerged piecemeal, without quite being articulated. It envisaged the creation of a mixed public-private media sphere with public service broadcasting (PSB) as the hub or axis, balanced by a strong private sector, and protected by liberal laws and regulations. This normative model is something new in the region; it represents a shift from the "Soviet Media" model to the "Social Responsibility" model (McQuail). The model was to be established through full-scale intervention in Kosovo, extensive intervention in Bosnia, and decisive guidance in Croatia and Macedonia. A learning-curve can be discerned. Where UNPROFOR created 'rival' media to counteract propaganda, the OHR and OSCE supported the Open Broadcast Network and FERN, both dependent on local journalists. These efforts were still centred on the short-term goal of improving news output during election campaigns. But abuses of media before elections were no different in kind

from the abuses being perpetrated the rest of the time. Belatedly, the IGOs closed in on the heart of the problem — the unreconstructed state or regime broadcasters.

184. Only the Slovenians democratised their media unaided. IGOs have done much to help the process along in Croatia, Bosnia and Macedonia. Kosovo is at the beginning. (Serbia has regressed almost to the media bronze-age.) Yet it would be mistaken to think that great progress has been made in reforming the views or presumptions of politicians. The principal newspaper controlled by the ruling Bosniak party in Bosnia recently attacked the IMC as the unaccountable organ of a protectorate and the very principle of regulation and public service licence-fees ("all that money is the domain of the state budget"). (*Dnevni avaz*, 5 January 2000.) The political elite of Bosnia's other "entity", Republika Srpska, is even less enlightened. As for Kosovo…

185. The accumulation of international bodies, mandates and officials dealing with media issues in Bosnia and Kosovo is unavoidable, the Balkans being what they are and the media involving as they do political, technical, legal, professional, financial, coercive (military), governmental, intergovernmental and non-governmental remits. This has two drawbacks. It makes political coherence and the appearance of coherence harder to attain. Secondly, the implementing states take different views of what constitutes media freedom and have different models in mind. Public service broadcasting (PSB) means something different on each side of the north Atlantic. In Europe, PSB is still a pillar of civil society. In the USA, it has become an adornment. A common position took time to achieve, and has sometimes been difficult to preserve.

186. Little attention has been paid to the paradox of trying to erect PSB in transitional and sometimes war-torn countries during the very decade when PSB faced unprecedented challenges in established democracies. Viewing the matter historically, it is easy to argue that the conditions to create genuine PSB do not exist in Bosnia, Kosovo or Macedonia, let alone in Serbia. This does not mean the attempt is vain or mistaken. On the contrary, it highlights the lack of an alternative. The state sector has to be reformed. Mere deregulation would solve nothing, and be a blessing to the entrenched regimes. At the same time, the nationalism, conservatism and, however strange this sounds, underlying egalitarian culture of these societies, not to mention their relative poverty, work in favour of public-service, including the

universal licence fee. What is more, the digital revolution is unlikely to produce a great expansion of local-language channels, for reasons of market-size. Terrestrial analogue broadcasting will dominate the scene for the foreseeable future. The erosion of the foundations of PSB will occur much more slowly in these countries than in Western Europe.

187. The IGOs in Bosnia and Kosovo are trying to liberalise the media, and in the former case succeeding to some extent, without benefit of the rule of law, functioning governments, administrations or economies, independent judiciaries, reliable electoral systems, professional police or depoliticised military. It is tempting to believe that liberalised media can bring unity where the dominant political class labours to separate, or bring harmony and legality where politics thrive on discord and corruption. Yet the media cannot compensate or redress on such a scale. A roof cannot stand without walls. The local authorities know this too, which helps explain why they do not give up their efforts at control. Media freedom cannot be ensured without the solid protection of other human rights. It is a hostage to international success in tackling political crime and malpractice by police and judiciary. In the mean time, it seems questionable to insist that journalists must advance the cause of media freedom by acting 'as if' they operated in a democratic society. Heroism is for the few, and must be voluntary.

188. During the 1990s, the IGOs were evolving to cope with the eruption of democracy in central and eastern Europe. Human rights generally, and media issues specifically, emerged as a key area for the new states to prove their good will. In turn, the IGOs have had to overhaul their institutional approaches to information. Under Kofi Annan, the UN Secretariat is taking a fresh look at its media strategy. In 1997, the member states of the OSCE established the Office of the Representative on Freedom of the Media. Also in 1997, the Parliamentary Assembly of the Council of Europe (CoE) set up a mechanism to monitor "the honouring of obligations and commitments" by eight transitional states, including Macedonia and Croatia, whose democratic commitments outstripped their performance. Although the CoE now possesses at least three levels of monitoring, from the Directorate of Human Rights up to the Committee of Ministers, there seems to be no fixed procedure for dealing with delinquent members. The level of interest in applying pressure varies according to the momentary priorities of more powerful states. Moreover, the CoE is highly reluctant to publicise the deficiencies of

member states. It also relies on them to conduct their own 'follow up' after CoE experts have issued specific comments or recommendations for reform. These gentlemanly customs do not encourage rapid progress, or sometimes any progress at all.

- Whether or not public information and media relations are combined in one office within an IGO mission, the approaches need to be distinct. Missions must be equipped to operate in ever more sophisticated environments where confidentiality is hard to preserve, media are a social force in their own right, they may be both politically directed but also partly independent and professional, and audiences are proficient consumers and interpreters of media. All UN and OSCE missions with a mandate that goes beyond observation should have dedicated media development staff, with budgets to run policy and implementation programmes.

- Almost everyone consulted for this report believed that the follow-up and evaluation of projects urgently need improving. The European Commission Court of Auditors' report on assistance to Bosnia in the post-Dayton period shows how much can go wrong when projects are not kept subject to review. The efficacy of all kinds of support should be examined without fear or favour, never forgetting that the purpose is not the survival of one station or newspaper rather than another but the general provision of information, above all by public service media, that allows people to understand the motives and intentions of the political class.

- The media relations strategy of an international mission *can* be more successful — more credible — than its political strategy. But only if the mission leadership is ready to 'unhitch' the media-relations department, letting it establish credibility according to the criteria that apply in the real world of media and public opinion. A mission's lack of political or operational credibility need not mean a lack of those qualities in its media strategy. But if the media relations strategy is weak and reactive, the mission's work will inevitably be damaged.

• Political coherence and operational co-ordination among international actors are indispensable. Missions must ensure that they stand shoulder to shoulder on media reform issues, or court failure.

• Sanctions for abuses against the media need to be principled but also *consistent*. Bosnian Serbs rightly interpreted SFOR's confiscation of transmitters in 1997 as politically driven (backing Plavsic against Krajisnik). The public recognises immediately when international action taken in the name of undying principle is really motivated by short-term political calculation. Contrary to widespread belief, principled action for the sake of human rights can win local respect even when conducted against 'our own side'. But not if the action is opportunistic.

SLOVENIA

189. Slovenia's progress in democratising the media shows that events in other former Yugoslav republics were not a legacy of the socialist system, but were the outcome of deliberate policies. The main point of likeness between Slovenia and the other republics is that none of them has tackled the over-manning in its state or public broadcast network. Yet the difference again is stark: RTVS shows that over-manning does not necessarily connote political manipulation.

190. Slovenia's experience also confirms that one degree of internal liberalisation, or professionalisation, in the media *before* the disintegration of the common state is worth ten degrees of international support for reform during or after disintegration. Slovenia capitalised on its initial lead, and is now years ahead of any other successor state.

191. The problems and controversies involving the media in Slovenia belong to the continental mainstream. They resemble the controversies and challenges in the countries to the north and west, rather than those to the south and east. The scale of the market, inherently limited by the size of Slovenian-language population, poses problems for public and private sector broadcasting and press alike. (The public and private television channels all recorded losses in 1998.) In other words, Slovenia is wrestling with contemporary European problems, while the other former Yugoslav republics are all dealing, or refusing to deal, with the elementary challenges of post-communist transition as well as, in some cases, normalisation after conflict.

- It is more important to enforce existing regulations and legal provisions on media ownership and advertising than to reform the broadcasting law.

- Further resources should be provided to the Broadcasting Council, so that it can fulfil its extensive remit.

CROATIA

192. After the end of war in Croatia and Bosnia, the Croatian authorities were still determined to keep control over the most influential media. In this, they behaved like the Serbian authorities. Unlike their Serbian counterparts, however, they insisted that Croatia's future lay in integration with European and Euro-Atlantic structures. This priority was shared by a great majority of the public. The international community encouraged these pro-Western ambitions and used them as leverage to accelerate democratic reforms. The authorities usually refused to make these reforms, and tried to appease the international side by making minor concessions that 'resembled' reform.

193. By the end of 1999, little headway had been made in media reform because the authorities refused to risk losing control over the most influential media. The price for lack of progress in this and other areas where reform was due was paid in terms of international disapproval and continued exclusion from Euro-Atlantic bodies. It was a price the authorities were ready to pay.

194. Between late 1996 and late 1999, the authorities often complained that they were subjected to 'disproportionate' international criticism over the situation of the media. This criticism was, however, a result of Croatia's own ambition of European integration. The club has rules. It is true that, after 1996, certain improvements at HTV and in the controlled press were not always recognised by the international side, which rightly insisted on the need for deeper measures of reform, in line with Croatia's 1996 commitments to the Council of Europe.

195. Support for private media by international donors, both IGOs and NGOs, was essential to preserving pluralism during the Tudjman decade. Inevitably, this support fed a "typical post-communist hysteria where everything is interpreted as a question of sovereignty" (to quote a Croatian analyst). The ruling party used its control over the media to stoke this hysteria.

196. The recent election results indicate that strong and consistent international criticism of political manipulation in certain media, plus support for other media, was not, after all, 'counterproductive'. This is an important lesson, in a context where the international community still does not understand how it can best achieve positive results.

• IGOs tended to neglect journalists in order to devote time to politicians, arguing the need for media reform. In hindsight, they should have tried harder to *educate* the journalists, who, like the politicians, had little or no experience of life in a liberal democracy. A prominent journalist at HTV, the state network, told the author of this report that the biggest problem for 'Forum 21', the group of pro-reform journalists, was "the lack of support [for our ideas] within our own ranks of Croatian journalists. Most have no experience of other systems. International assistance should try to build constituencies for reformist ideas. The best remedy is short scholarships or internships abroad. Two months is enough."

• The new government has committed itself to fulfilling Croatia's commitments to the Council of Europe during this calendar year. While all assistance should be extended, the government's performance should be monitored as closely as its predecessor's was, and criticised no less trenchantly if it defaults.

BOSNIA AND HERZEGOVINA

197. In spring and summer 1995, UNPROFOR for the first time expressed itself frankly about the real situation on the ground. This frankness won a measure of respect from journalists. The substantial criticisms of UNPROFOR did not melt away, but the mission did retrieve some credibility. This was not done earlier because the mission had relied on an institutional concept of public information, imported from New York. Thant Myint-U, one of UNPROFOR's deputy spokesmen, recalls that "all of the day to day information which came to headquarters ... was viewed through the lenses of a sort of pre-existing 'UN knowledge', which took on local characteristics, but was still a New York rather than a Yugoslav-derived set of understandings. Throughout the course of the mission, 'facts' from the ground were interpreted by officials via a vast existing corpus of peacekeeping theory, which was brought to the 'mission area' by experienced UN hands and by not so experienced UN officials who had, nonetheless, read a few books about the UN and about UN peacekeeping." (Myint-U and Sellwood, p.36.) In 1995, UNPROFOR was fortunate to get a commander in Bosnia who learned from experience.

198. The great powers disregarded the role of local media in their final rush to stop the war. This would not have mattered in 1878 or 1919. In 1995, it was a blindly optimistic or cynical omission. The Dayton Peace Agreement (DPA) should have contained strong provisions to democratise the media. Instead, the DPA created an architecture that frustrates this process. (By approving the supreme powers granted to the NATO-led Implementation Force (IFOR) and the High Representative, the signatories of the DPA accepted a classical term of surrender without actually surrendering. It is one of the essential confusions of Dayton.) International officials trying to reform the media are reduced, grotesquely, to searching for loopholes in the DPA in order to foist measures of reform on the ethnically-determined "entity" and "cantonal" authorities.

199. In order to wrest media from the "entity" authorities and create central bodies, the High Representative has revised the accepted interpretation of Bosnia's Constitution. (Yet why did it take until July 1999 to reach this re-interpretation?) The three nationalist regimes now seem to accept that they can delay but not prevent restructuring of the major broadcasting networks. But they remain determined to control public media and own private

media. The most compliant of the three regimes, run by the Bosniak party of Alija Izetbegovic, began the new century with strong attacks against the IMC in the party-controlled press.

200. The international role over media reform since Dayton has been as cautious, hesitant and collusive with former warlords as other spheres of implementation. In this respect, little was learned from mistakes during the early 1990s. The profound misunderstanding of local psychology and political culture has only recently been rectified.

201. There was a price to pay for the extremely protracted negotiations over vital steps of reform. The opponents of democratisation extended their grip on power by adapting to gradual changes and learning from empty threats. Worse yet, the adaptation was mutual. It sometimes seemed that the local authorities were more adroit in moulding their international interlocutors than vice-versa. Apart from the participants in this dialogue, there were the witnesses to be considered: the journalists and members of the public who were exhausted and disillusioned by the endlessly drawn out lack of progress in reforming the media. There must be no retreat from the tougher positions taken since 1999.

202. Like most things in and about Bosnia, the media mandate is complex. Complexity is an element, not attributed by perception. The obvious beneficiaries are those players in the game who want to frustrate the peace implementation process. On the international side, there is no alternative to close co-operation among IGOs and other implementing organisations and powers. However, effective co-ordination among the leading organisations (IMC, OHR, OSCE, SFOR, UNMIBH) is heavily dependent on personalities. While this may be inevitable to some extent, it means that large-scale projects are acutely vulnerable to the vagaries of mission recruitment.

203. The dedicated body established under the DPA was the Media Experts Commission (MEC), within the OSCE mission. At least in the first phase of implementation, the MEC was the wrong kind of body to tackle politically motivated abuses of the media. It sought consensus on an issue, and in an environment, where consensus could hardly be achieved on substantial matters.

204. Since mid 1998, the implementation has gained in speed and determination. The international and local sides are linked by a cat's cradle of organisations, obligations, responsibilities and commitments. The OHR and

IMC are like circus performers who spin plates on top of tall, flexible rods; the skill lies in keeping all the plates moving, so that none topples from its rod. If 1998 was the year when the greatest number of plates was set spinning, 2000 should be the year when the OHR and IMC start reducing the number of plates, but without any breakages.

• With OBN and FERN, the intergovernmental bodies and organisations in Bosnia showed that they had learned from international NGOs, which had helped private professional media to survive the war years. The IGOs were now, in effect, behaving like NGOs — supporting independent journalists, encouraging them materially and politically to collaborate on major projects. Sceptics would go farther, and argue that OBN and FERN represent a sort of 'poaching' by IGOs on NGO terrain, because they were instigated by international sponsors for political reasons, and would cease to exist tomorrow if support were withdrawn. Of course, it is a fine thing for IGOs to learn from NGOs, *provided* the IGOs do not cease meanwhile to do what they alone can do. In this case, what they can do and NGOs by definition cannot do is intervene decisively in the state or public sector, co-ordinate international strategy, or marshal resources.

• The IMC must be rigorous when awarding permanent licences to private broadcasters. Let Macedonia serve as a warning. Good quality media are less likely to emerge if the market is skewed by the presence of technically and professionally incompetent stations legalised for political reasons. A politicised media market is more vulnerable to 'special interests'.

• Dangerous compromises with local hard-liners continue to be made. The OHR cleaves to a model for Federation television that may easily lead to nationally segregated production, veiled by a quota of shared news programming. The only way to avoid this, with all its ugly consequences, will be by taking the utmost care over *recruitment* to Federation broadcasting, and vigilance towards informal channels of influence at the network.

• It remains to be seen if media democratisation can be achieved and consolidated without formal revision of the 1995 settlement. For example, the delay in restructuring RTVBiH is partly due to the Bosniak and Croat regimes pouring resources into cantonal media. If RTV FBiH is to succeed, cantonal authority over media matters has to be drastically reduced or even eliminated. The Federation is too small, too poor and too sodden with authoritarian structures to contain viable public broadcasting at both levels.

• The international strategy hangs in the balance. Nothing is yet settled. 'Politically correct' private ventures still cannot remotely neutralise the harm done by unreconstructed, politically manipulated public media. How PSB for the Federation is to rise from the ashes of RTVBiH is far from clear. OBN has improved vastly, yet anecdotal evidence suggests it is still seen as a rootless import. Measures to protect freedom of information will not be in place until the second half of 2000, and may meet considerable local resistance. Experts in Bosnia fear that the reduction of international staff and resources, partly by their diversion to Kosovo, is happening too fast for other sources to compensate. The temptation to cut costs should be resisted, if the arduous gains of the past year or so are not to be risked.

• Above all, the shape of the future Bosnian network (PBS BiH) is unknown. Will it be a residue, a feeble token, or will it be a centre of unified production that might regenerate Bosnian broadcasting and help nurture a civic identity? *Everything depends on international will.* The prospects of public and private broadcasting hang on the outcome.

MACEDONIA

205. The perception of Macedonia as the next flash-point in the Balkans has led IGOs that monitor developments to drop their standards in respect of media. It may also encourage the authorities in Skopje to drag their feet in certain areas of reform, and also to adopt 'showcase' legislation. The perception should be corrected; bad news from Macedonia should have equal rank with good news.

206. The ethnically-weighted brutality of sensationalism and polemics in the media give cause for concern. Such behaviour is hardly unique to Macedonia, yet should not be confused with the rudeness or cynical irreverence of tabloid journalism in Western Europe, which it sometimes resembles. In a post-communist transitional society, ethnically divided, within a difficult regional context, media etiquette may be important to stability.

207. The lack of an effective journalists' union is probably linked to the fact that journalists in Macedonia have not been oppressed like their opposite numbers in Croatia or Serbia. This advantage has its disadvantages: (a) In the words of a local commentator, journalists "have not separated themselves professionally from political parties or business interests". (b) There is no generally accepted press code of ethics, nor any effective self-regulation. (c) There are no ready data on, for example, the number of defamation cases involving journalists before the courts. (d) Lack of professionalism is a besetting problem, exacerbating others. A journalist involved in training programmes reckons there are "no more than five or 10 proper journalists in the country".

- On the ethnic or national question, initiatives to produce multilingual media deserve support. However, such projects will remain marginal. The priority is to build bridges within the state media and between other mainstream media on both sides of the divide. The place to start is with news production at MTV. Extra production (i.e. bigger quotas of minority programming) is no substitute for professional integration. It may even have the opposite effect.

- The IGOs deployed in Macedonia should be more ambitious in pursuing media reform and more vigorous in their media relations.

Restructuring the state media should be a high priority, within the framework of the European Union's regional approach and the 1995 commitments to the Council of Europe.

• Virtuous laws lose much of their merit if the implementation is systematically incorrect or incomplete. IGOs should monitor the implementation of media laws, in particular the political manipulation at MRTV and the licensing process. The Broadcasting Council's efforts to gain greater executive authority should be supported.

• The lack of consistent media-monitoring and audience research has hampered the argument for reform. The utility of the monitoring of state-wide electronic media by the Broadcasting Council, which started on 1 March, remains to be seen. A major project of audience research is now in hand by academics at Skopje university, supported by the Broadcasting Council and financed by the European Commission. IGOs should commission a local organisation to monitor MTV and the Nova Makedonija newspapers, and use the results to push for reform.

• The efforts of the Macedonian Press Centre to provide a venue for professional training and solidarity, and develop measures to promote the rights and responsibilities of journalists, should be supported.

• International funds should be found to help modernise the journalism school at Skopje university, and to help establish an independent press distribution business.

KOSOVO

208. When UNMIK was being established, the Deputy High Representative for Media Affairs in Bosnia offered timely advice: "Whoever administers the peace in Kosovo will need to hold sufficient authority to guarantee free and fair access to the airwaves and editorial independence for broadcasters and newspapers. Anything less will retard democratic development and hold back the peace process." (Haselock.) This view was fully shared by the OSCE team that drafted the elements of a media mandate for UNMIK in July 1999. As a result, UNMIK became the first international mission in the Balkans to start with an adequate mandate for media reform and development.

209. This advantage has not been exploited. Implementation of the mandate has been dogged by bureaucratic misunderstanding and rivalry within the mission itself. The two issues where slippage is probably most damaging are RTK and press regulation. On the former, regrettable compromises have been made. On the latter, precious time has been lost in adopting appropriate measures.

210. By early 2000, it was possible to hear Kosovar journalists who had recently deplored OSCE's "neo-colonial" attitude toward media, instead attack the mission for not having legalised and regulated the media sphere. What's more, these comments were made with no awareness of the contradiction. The upshot is that Kosovo needs media laws and regulations, which are the allies not the enemies of media freedom.

> • UNMIK's overriding obligation is to ensure that the public obtains accurate and impartial information from Kosovar media. This will become even more important as elections approach. These elections will be a unique event in the region's history, setting an irrevocable course for the future. People must be informed by the mainstream media of the real motives and intentions of candidates for office. The media must reflect the genuine concerns and priorities of people from Kosovo. This will not be possible in an atmosphere of intimidation and lawlessness, such as currently prevails.

• Coverage of the Mitrovica crisis during February should serve UNMIK as a warning: there will be worse to come during the election campaign without closer international control of broadcasting, enforcement of licence conditions for private broadcasters, and effective regulation or self-regulation of the press.

• OSCE-MIK should be more actively engaged at RTK. In particular, it should oversee the editorial and recruitment processes. A properly functioning RTK, broadcasting balanced information and comment, will have a positive impact on the election campaign as a whole, and reduce the dangers posed by one-sided and inflammatory printed media.

• Equally, OSCE-MIK must ensure that an effective broadcast licensing and regulation system is in place. This system, along with monitoring of all broadcasting in Kosovo, will permit appropriate warnings and sanctions against media that incite violence or engage in defamatory speech against candidates or parties in the elections, or other groups or individuals.

• It seems unlikely that, in Kosovo's present conditions, self-regulation of the press will be effective without UNMIK's support. As agreed with the media themselves, such support might include: assistance in monitoring the media; provision of administrative resources; adequate and appropriate physical protection for journalists who are prepared to stand up and condemn colleagues for inciting hatred. If sanctions are issued by the self-regulatory body, UNMIK should be ready to help as requested, for example by informing international donors of these decisions.

• If inflammatory journalism cannot be prevented by self-regulation of the press in the near future, UNMIK should impose press regulation for a period via the Interim Media Commission (IMC). Under international chairmanship, the IMC would have powers to promulgate and implement a temporary press code, including a series of sanctions including non-pecuniary remedies (such as

ordering corrections) and culminating in fines. Sanctions should be discussed in advance with the media in question, and might be linked to the provision of funding and other support. Given the international sensitivity to press regulation, it should be made clear that this was a temporary measure in response to exceptional circumstances.

• The SRSG's recent Regulation on hate-speech cannot substitute for such measures. Indeed, in the long run it may do more harm than good, by providing Kosovo's future leaders and judiciary with an instrument to harass and persecute media.

• In the context of upcoming election campaigns, consideration might be given to introducing a mechanism — like that in Bosnia — which links media violations of pre-electoral rules and regulations to sanctions against political parties (striking candidates from electoral lists, etc.), when the media concerned are deemed to be serving political parties.

• UNMIK radio was established against the advice of OSCE-MIK and against the wishes of Kosovar journalists, who reasonably object to UNMIK holding responsibility for media development while also operating its own media. Radio Blue Sky should be closed expeditiously, and resources transferred where possible to develop the radio component of RTK.

• A major audience-research project is badly needed, in order that international resources for media support and public information can be targeted most effectively. UNMIK should subcontract a local organisation to conduct such research on a continuing basis.

• There is a feeling in UNMIK that donors should know more about media that they support. If the problem of donor-supported media pursuing undemocratic and illiberal objectives is to be eliminated, donors will need to keep themselves better informed

about the content purveyed by their beneficiaries. OSCE-MIK should assert itself as the point of reference for such information.

• If the working remits of the UN and the OSCE cannot be clarified in Pristina, they should be urgently redefined between New York and Vienna, in order to minimise dissension, overlap and inefficiency.

The Author

Mark Thompson - a British writer who worked in former Yugoslavia for the last decade. At various times, Thompson was a analyst for the United Nations, a political officer and the OSCE Spokesman in Croatia. Thompson is the author of *A Paper House*; *The Ending of Yugoslavia and Forging War*; *The Media in Serbia, Croatia and Bosnia and Herzegovina*.