Decision on the appointment of the Board of Governors of Radio-Television of the RS

In the exercise of powers vested in me by Article 5 of Annex 10 to the *General Agreement for Peace in Bosnia and Herzegovina*, which states that the High Representative is the final authority in theatre regarding the interpretation of his mandate; and considering in particular Art. II. 1 (d) of the same GFAP, entrusting the High Representative with the power to facilitate, as he judges necessary, the resolution of any difficulties arising in connection with civilian implementation; recalling the interpretation of such a power given in paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn the 10 December 1997, the Council welcomed the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of difficulties by making binding decisions, as he judged necessary on issues including paragraph XI.2 b. "interim measures to take effect when parties are unable to reach agreement" and XI.2 c. "other measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities";

Taking into account the following further matters:
The Constitution of Bosnia-Herzegovina establishes Freedom of Expression as a fundamental human right. To ensure the fulfillment of this constitutional right, publicly-funded broadcasting must be free from direct political control and ethnic or religious prejudice.

The Peace Implementation Council has made clear in successive

declarations (Luxembourg, Madrid, Brussels) that the State and Entities must establish genuine public service broadcasting that serves all the citizens of Bosnia-Herzegovina. The elected representatives of Bosnia and Herzegovina have committed themselves to these PIC declarations.

Specifically, the Madrid PIC declaration of 1998 underlined the need for legislation on public broadcasting which: enshrines the principles of editorial independence, religious tolerance and financial transparency; prevents political party interference; ensures public broadcasters attempt to address the interests of all the constituent peoples in current affairs programming.

In the spirit of the above declarations, the Government of Republika Srpska signed on 13 February 1998 an agreement establishing interim arrangements for the restructuring of the Entity public broadcaster in accordance with international standards of public service broadcasting. This was supplemented by a Memorandum of Understanding of 17 August 1998 in which the Government committed itself to a mechanism for transparent and reliable funding of the Entity broadcaster. The High Representative's *Decision on Restructuring of the Public Broadcasting System in Bosnia and Herzegovina* of 30 July 1999 required that the Government of Republika Srpska forward, and the National Assembly adopt, the necessary legislation by 15 August 1999 at the latest.

Under a further decision of the High Representative of August 1999 (*Decision on Amending the Law on Radio-Television of Republika Srpska*), the existing law on Radio-Television Republika Srpska was amended primarily to eliminate discriminatory provisions that violated international standards and to ensure compatibility between the Entities in this field. This amended law required that the composition of the Board of Governors take into account the cultural and linguistic diversity of all the citizens of the Entity.

Even with these amendments, the law remains inadequate and falls short of minimum international standards. Under the same decision of the High Representative, the Government and National Assembly of Republika Srpska were required to adopt public broadcasting legislation by 29 February 2000. A new Board of Governors was to be chosen by the National Assembly under the terms of the new legislation. No public broadcasting legislation was adopted. Therefore the High Representative temporarily extended the mandate of the interim Board of Governors in an additional decision of 1 March 2000. The decision stated that the mandate of the interim Board would continue "until such time as the High Representative shall determine".

Despite the exhortations of the Peace Implementation Council and the High Representative, the Government and National Assembly of Republika Srpska have thus far failed to adopt adequate legislation that would bring the Entity into conformity with international standards and those of European Union member states.

Given the failure of elected representatives to agree on appropriate legislation, the lack of cultural diversity of the current interim Board of Governors of RTRS and the urgency of establishing a coherent legal framework for public broadcasting at the Entity and State level,

I hereby issue the following decision designed to bolster the Constitutional right of Freedom of Expression and promote the establishment of genuine public service broadcasting.

DECISION

on Appointment of Board of Governors of Radio-Television Republika Srpska

The mandate of the interim Board of Governors of RTRS expires with this decision.

Effective 27 July 2000, I hereby appoint the following citizens of Republika Srpska to the Board of Governors of RTRS:

1. Milos Babic (Legal community; Law Professor; Judge)
2. Goran Bubic (Legal community; Lawyer)
3. Sunjita Sukalo (Academic community; Director Media Plan, RS office)
4. Zeljko Kopanja (Commercial /Independent Media Community; Publisher of Nezavisne Novine)
5. Danko Ruzicic (Trade Union; Textile, Leather and Shoe Syndicate of RS)

The sixth member shall be appointed by the High Representative in BiH until such time as the Office of the High Representative shall cease to exist.

The Board members' mandate shall last four years.

Existing law on RTRS shall apply to the removal of Board members until new legislation comes into force. Upon the dissolution of the High Representative's office in BiH, criteria and selection of the sixth member of the Board shall be governed by future legislation.

This Board shall be charged with the task of drafting appropriate legislation for RTRS which shall conform to the highest international standards. Such legislation shall be prepared in consultation with the Founding Board of the Public Broadcasting Service of BiH, legal experts in both Entities, the Government of Republika Srpska and the Office of the High Representative. Such legislation must be put forward to the RS Government and National Assembly of Republika Srpska at the earliest opportunity and no later than 1 October 2000.

The Board shall name a Director-General no later than September 15 following a public recruitment procedure. Until a permanent director is selected, an interim director shall be appointed at the inaugural session of the Board. The temporary

authority of the interim director shall be defined by the Board.

In full cooperation with the management of RTRS and the International Supervisory team, the Board shall develop and oversee the implementation of a strategic development plan with the aim of putting the broadcaster on a financially self-sustaining basis. In full cooperation with the International Supervisory team, the Board shall develop and oversee the implementation of a personnel and recruitment policy to ensure that the composition of the staff of RTRS reflects the cultural diversity of the citizens of the Entity and the constituent peoples of BiH.

Sarajevo, 27 July 2000
Wolfgang Petritsch
High Representative

Office of the High Representative