

Independent Commission Will Soon be Established

On the authority of the Bonn declaration of the Peace Implementation Council and the Dayton peace agreement, an independent commission will soon be established which will provide a regulatory framework for the media in Bosnia and Herzegovina.

This body, known as the Intermediate Media Standards and Licensing Commission (IMSLC), will seek to bring Bosnia's media regulatory environment into line with European practice. The commission will work to promote pluralism in the media and to ensure broadcast licenses are issued and regulated without partisan political interference.

This commission will issue licenses for radio and television stations and regulate those licenses. It will seek to enable the print and broadcast media to work under clear and fair rules which will be embodied in codes of practice.

The countries sponsoring the Dayton agreement are determined to clarify the current legal confusion surrounding the media. This commission seeks to end that legal confusion and remove political control from the licensing process.

The licenses are being drafted by a team of international experts. Consultations have taken place with station directors, journalists and lawyers in Bosnia and Herzegovina. Broadcasters will be asked to apply for licenses and will be given a reasonable time to do so.

The commission will be composed of international experts as well as members of Bosnia's legal and media communities. A director general, appointed by the High Representative, will be responsible for overseeing the regulatory regime. The director general will report to a council which will include

representatives from the country's constituent peoples. Details of the commission's structure are still being drafted.

There have been some misleading reports about the commission's work which are without foundation. The commission will not seek to "license" journalists. As in other countries, it will be up to editors or trade unions in BiH to determine who is qualified to work as a journalist.

Censorship is not the aim or purpose of this commission. It will be building a regulatory foundation in which a variety of views may be vigorously expressed.

It is customary in European Union states to require broadcasters to abide by certain criteria. Newspapers or other periodicals also have to respect certain basic rules. For example, broadcast regulations prohibit any radio or television station from inciting violence. This commission will also strictly forbid the promotion of violence through the media.

The commission will seek to build a wide ring within which the media will enjoy the same privileges of free speech common in the West. If a station ventures beyond that outer ring and begins to threaten lives or property, that station risks losing these privileges. This is the principle applied elsewhere and there is no reason why Bosnia and Herzegovina should not be subject to the same rules.

(John Watkinson is chair of the expert team assisting with the formation of the commission. He is a qualified barrister and solicitor with extensive experience in media and telecommunications law; a former journalist with the BBC; Member of Parliament 1974 to 1979, former rapporteur, legal affairs committee, Council of Europe, rapporteur, defence and armaments committee, Council of Europe)