

OHR Response to Attacks against IMC

The Office of the High Representative would like to make it clear that the recent remarks on the Independent Media Commission, made by various Government officials are wholly unacceptable.

The IMC was the first Commission set up under Article II (8) of DPA Annex 10, with wide powers in the media field delegated to it. As it states in the High Representative's Decision of 11 June 1998, IMC will, among other things:

"... establish a regulatory regime for broadcasting and other media in Bosnia and Herzegovina and will create the appropriate structures to fulfill this obligation." (Article 2 of the Decision)

"...licence all broadcasters..." (Article 5, line I)

"...set license fees..." (Article 5, line V)

"...manage and assign spectrum for broadcasting purposes..." (Article 5, line III)

The High Representative's Decision to establish the IMC with its mandate to regulate broadcasting was fully endorsed by the Madrid PIC, which considered the work of the IMC crucial for building a legal foundation for the media in line with best international practice.

Therefore the IMC, in attempting to set price structures for frequency allocation, is acting fully within its mandate. This position was further reinforced by an OHR legal opinion, dated 01 November 1999, which made clear the competence of the state of BiH in regard to the media in general and in the regulation of the frequency spectrum and the allocation of broadcast

licenses in particular . The opinion made it clear that these were matters for the State and not for the Entities.

The Office of the High Representative fully expects those Government officials concerned to respect this legal opinion, as well as the High Representative's Decision of 11 June 1998. It looks forward to a more cooperative relationship with the Entity authorities on this issue in the future.