

EU and Western Balkans States (WB6) – Public and Media Language

April 21, 2021 - Siget 18 C, 10000 Zagreb, Croatia

10:30 **Welcome Address**

Holger Haibach

Konrad Adenauer Foundation, Zagreb

Gordan Akrap, PhD

Hybrid Warfare Research Institute

10:35 **Keynote Speaker**

Gordan Akrap, PhD

Hybrid Warfare Research Institute

10:30 **Discussion**

Prof. dr. Ilija Musa

Deputy Director of the Federal News Agency of BiH

Milan Jovanović

Digital forensic center, Montenegro (DFC)

dr. Damir Arnaut

Member of the Parliamentary Assembly of Bosnia
and Herzegovina

Hosts:

Holger Haibach

Konrad Adenauer Foundation, Zagreb

Gordan Akrap, PhD,

Hybrid Warfare Research Institute, Zagreb

Holger Haibach

Good morning everybody. I would like to welcome you to another talk in our series of the EU and the West Balkan 6 states. I will be conducting our conference together with the Warfare Research Institute and I am very happy to welcome Gordan Akrap. Last year we had two publications about the West Balkan 6 states - allow me to present that to you. I think they demonstrate very well what we are trying to accomplish, but now we are trying to look at various aspects of the relations between the above states and also what is happening there. Especially today we want to look at the issue of information, disinformation and misinformation. What kind of influence other actors have in these states and also the question of how content in the social media, misinformation and disinformation campaigns influence the conditions in those countries. We would like to have a special look today at Montenegro and Bosnia and Herzegovina. I would like to invite our friend Gordan Akrap to give us an introduction into the topic.

Gordan Akrap

To start with, I want to thank the Konrad Adenauer Foundation once again. It is my pleasure to work with you and with you Holger personally, because this entire effort, the questions we raise and the answers we get should be streamlined towards fruitful solutions. Especially, our focus is to effectively address the numerous security challenges we face. I wish also to thank our guests from Montenegro and Bosnia and Herzegovina who are with us today. We will introduce individually each of them later.

Allow me, as usual, to give an introduction to the overall picture of what our conferences are trying to achieve, so that our guests can refer to it.

For many years now, an old saying could be used to describe the situations, events and processes in the WB6 states: there is nothing new on the horizon, nothing that was not already seen and nothing that will not occur again in the future. This is a bit unfortunate, for the population of these states, as well as their neighbours, those near and further away. The WB6 area is already now a source of numerous crises, conflicts and wars. It is an area that abounds in security challenges of various kinds. In order to get answers that can effectively address these challenges, especially at the preventive level, it is necessary to correctly "diagnose" the situation, based on quality and well-defined research questions. In order to ask such questions, it is necessary to possess a significant amount of knowledge, experience and always bear in mind the narrower and the broader context which can help us to understand what is going on now, and predict what can happen in the future. However, in the situation in which we find ourselves now, when the results with which we are trying to stabilize the situation in the Western Balkans are often based on incorrect and inadequately defined research positions, the answers that proceed from them cannot bear the quality to which we aspire. Such answers cannot lead to stabilization and progress, they cannot build, they cannot bring the peoples together.

And this is basically what the area needs. Asking the right questions without the alleged political correctness. We need an objective, complete and unbiased view of the reality, the reasons that have led to the current situation, what are the real problems and the hurdles that hinder the normalization processes. Only then, by integrating the information from different domains of human activity and from different countries and societies, learning the lessons from the recent past, we can begin to create a minimum common level of values, beliefs and principles on which a workable community can be built. Namely,

the numerous unresolved national, social, ethnic and religious issues remain open to this day, continuing to burden the destiny of societies of the six countries of the Western Balkans and hindering positive developments. I hold the view that the questions we need to ask, as well as the answers that will hopefully lead us in the right direction, lie in an objective analysis of the recent past and the different processes of disintegration of multinational socialist / communist communities in Europe at the end of the Cold War, as well as in the transition which most of these countries have passed, going from one political system to another, with all the positive and negative facets of this process.

Montenegro, as has been apparent for many years, especially in the last 12 months, is unfortunately a deeply divided society. Such a society, in the state in which it is now, which has been led into this situation primarily by external actors, can hardly build a sustainable, high-quality and secure political and social community and state institutions, effective in meeting the fundamental interests of individuals and communities comprising this society.

There is no consensus in Montenegro on the majority of issues on which a sustainable future of the state can be based. Montenegro is, next to the Ukraine, the scene of one of the most intense and complex hybrid aggressions against its society and state that we have seen in Europe in this century. Participants in this aggression, by using and integrating various forms of activities from the spectrum of hybrid threats, are trying to destabilize the country, resulting in the fact that Montenegro is almost completely paralyzed and turned towards itself, preoccupied with its own internal issues and conflicts. When a country is focused inwardly in such an unhealthy way, it lacks the capacity to deal with the real tasks that every country

should take care of: how to make the lives of its inhabitants better, safer, more meaningful and healthier, and how to develop and maintain public confidence in the state institutions, how to integrate social competences that it possesses to serve the common good. This negative turn of events has plagued Montenegro for a long time. This country was a victim of radical negative influences on the electorate related to elections and referendums that took place, probably in a greater measure than any other country in this century. Democratic elections are a very sensitive process that can be influenced, either positively or negatively, at the political and organizational level. Therefore, their integrity needs to be protected. This is especially true concerning activities from the spectrum of hybrid threats. Montenegro has not fully succeeded to protect itself in a proper way. I hope, therefore, that my colleague from Montenegro will give us a more detailed insight and help us ask the right questions that will lead to applicable answers and the right and required decisions.

The electoral processes are one of the key topics that hinder the achievement of any agreement in Bosnia and Herzegovina. The electoral system envisioned by the Dayton Peace Agreement underwent subsequent changes that led to the delegitimization of certain parts of the electoral process. I believe you will agree with me that Bosnia and Herzegovina is a very complex organization. However, instead of trying to develop this system for the better, pursuing the principles of constitutional equality on which this whole series of agreements is built, the pendulum of change has swung in the direction of intensification of the crisis. Sustainable future cannot be built on policies on which history has pronounced a clear judgement. I have in mind the peaceful separation of the former Czechoslovakia and the Soviet Union and the bloody disintegration of the Yugoslavia. Even then, and especially now, when data and information move

faster in the public space than ever, in the forms and contents different than ever before, a policy which denies human and national rights cannot be maintained in the long run. The recognizability of the policy of national / ethnic / religious majoritarianism is obvious, both in Bosnia and Herzegovina, and in the recent legislative moves in Montenegro, which strive to change the national composition of the Montenegro population.

What role and importance the statements made by people who shape the public opinion and perceptions can have on these processes? How and why does a discourse appear which encourages intolerance and division, and emphasizes diversity as something negative, projecting its own vision into the public media space? Of course, social networks have long ago lost the role of merely connecting people. Instead, they have grown into easily and quickly accessible media that directly and indirectly exert an impact on the cognitive, emotional, spiritual and political processes of thinking and decision-making, often spreading messages of hatred, humiliation and intolerance, projecting a negative energy aimed at destruction of a society from within.

The protection of democracy is also the protection of the achieved level of rights and freedoms of individuals and communities, of fostering cooperation instead of conflict, construction instead of demolition, dialogue instead of monologue, both at the local, regional and national levels. In this context it is necessary, and this is not a matter of mere political correctness, to develop a culture of dialogue, communication, consideration, understanding and agreement, which will streamline the public expression to be an instrument of progress and not one which aims to ruin a country.

Do we all think the same? No, of course not. It is a bare fact that there are issues between us, gathered together at this conference, where our opinions differ. And this is natural. But it does not proceed that we shall immediately wage war upon each other. Also, it does not proceed that we have to use an inflammatory vocabulary which is not only inappropriate, but which will ultimately lead to violence, extremism and even terrorism as possible manifestations in real society. An old Roman saying goes *fama volat* (the rumour has wings). The wings on which the rumour is flying today have super-fast drives thanks to modern means of mobile communication. That is why we too bear responsibility, not only for the present day, but also for the near and distant future, in terms of encouraging media, digital, scientific and health literacy and consideration among all generations, especially those now coming of age. I hope that this meeting - as Holger announced - the first in a series of conferences on this topic this year, will help us in recognizing the right questions and finding relevant answers.

Dear Holger, this is what I wanted to share with the audience as an introduction. As an incentive for further conversation with our colleagues, I wanted to 'provoke' certain issues, to have a quality and productive exchange, devoid of any form of censorship, in line with the good tradition that we have established so far.

Holger Haibach

Thank you very much Gordan for the introduction of a very forward-looking approach of what is happening in the Western Balkan countries that we are dealing with today. On the one hand you were trying to look at the past and analyse where these problems come from. While I was preparing for this conference, I read a study published in 2011 about minorities.

The third largest minority are the Protestants, about 13,000 people. Myself being a Protestant, I am really glad that I can live my convictions freely. But that is not something that goes for granted.

You mentioned Montenegro at the very beginning. I think that this country, more than most others - with a possible exception of Bosnia and Herzegovina - had a really complex past. Staying together was for them maybe more complicated than it was for other countries. There was a lot of diversity, already in the very beginnings of their statehood. It is the only country outside the European Union to use the euro as its official currency. On the other hand, Montenegro has a very complicated way of functioning, as there are more than 600,000 people with ethnic, political and religious differences living in Montenegro. Then, there is no consensus on what the country should be like, because someone needs to lead that country, to manage it. It should also be determined what that political leadership should be like. We need to figure out how to put it all together.

I would like to hear the opinion of Mr. Milan Jovanović from the Digital Forensic Centre in Montenegro on this topic. Good afternoon Mr. Jovanović! Thank you for being with us today. I would like to hear your assessment of the recent political developments. As far as I understand, the country is in a kind of airless space, if I may say so. I very much want to hear how you assess the situation. Where is the country at the moment? Is there any progress? Is a united and harmonious Montenegro waiting for us in the future?

Milan Jovanović

It is a pleasure and obligation of all of us as responsible citizens of our respective states to speak, analyse, exchange opinions and positions on topics which are a common malady of all our

states. I will approach this topic through the vision of a man in charge of analysing social networks, disinformation and hate speech, and try to answer the question asked. Later we can discuss other topics as well.

I think that combatting offline and online disinformation and hate speech is a challenge in the whole of Europe, and is not a feature specifically related to Western Balkans, although I will admit, and this is my free assessment, that on this scale we are somewhere near the top. In Montenegro hate speech and disinformation go hand in hand with the newly created political environment and grows with the increased use of social networks. In the last couple of years, due to the absence of adequate market self-regulation we were confronted with this problem as an entire society – some 600,000 of us in Montenegro. We saw increased trends of offensive speech, which goes hand in hand with propaganda. And since the formation of the new government, i.e., since December 2020, hate speech is based mostly on religious and national foundations. Just like the spreading of disinformation, of course.

The main conclusions, not only on issues that we were dealing with here, but other think tanks in the region as well, are that hate speech and propaganda is not created only in the media in Montenegro, but come from another country in the region, concretely from Serbia. In addition, individuals who are recognized anti-NATO activists are connected with the former opposition, now the ruling side, are doing the same thing.

Last year, i.e. during 2020, certain political parties and groups on social networks profiled themselves as continuous broadcasters of offensive and hate speech in the public discourse in Montenegro, without our knowledge of who stands behind them and who finances them.

Speaking of the current situation and certain political developments and the involvement of foreign countries in these developments in Montenegro, I will mention only one detail. During the last elections in Nikšić, which took place on March 14,

although these were local elections, the context was regional. If you followed Serbian media, you would have gotten the impression that Nikšić is a Serbian municipality, not a municipality in Montenegro. Even some TV series were organized on some channels with a nation-wide frequency under the title “Battle for Nikšić”, where their activists, as well as other official spoke in an insulting way, giving information with a aim of historical revisionism and relativization.

Bearing in mind that regional platforms who broadcast disinformation and hate speech, as well as the right-wing Montenegrin media which are among the most visited ones in Montenegro, I think it is clear to what extent this unprofessional content shapes the public opinion.

When did it all start? It started with the protests at the beginning of 2020, with the adoption of the Freedom of Religion Act. This was not directed only at Montenegro, but towards other countries in the region as well. So, I think that all of you listening to me now are acquainted with the topic. Then came the fall from power of the Democratic Socialist Party after 30 years on elections held in August and the formation of the heterogeneous and unstable ruling coalition, composed partly of civil parties, but much more the Serbian nationalist parties.

This triumphalism which was seen on the streets at the time of elections on the part of Serbian nationalists who paraded around and organized jubilees, is the result of the so-called patriotic meetings for the defence of Montenegro. One consequence of these meetings is hate speech, accompanied by messages not only from Montenegro, but the entire region, advocating the unification of the “Serbian world”-

Here we saw this concept of “Serbian world”, which is parallel to the concept of the “Russian world” with a goal to unite the Serbian people in one state. In response to these pretensions which didn’t come from the media, but from high officials of the

Republic of Serbia, the territorial pretensions, many organizations with a Montenegrin prefix sprung up, like patriotic and revolutionary unions, which are active to this day in the political life in Montenegro.

Faced with the two options, I think that a large number of people decided not to vote for either one, but remain neutral. Such people are now branded as traitors, because they did not choose the position of one or the other side.

Last year we had hate speech only in right-wing media. Today, after the change of government in Montenegro, these media have become part of the mainstream pro-government media which broadcast offensive and unprofessional content on a daily basis. Also, social networks, especially Facebook and Telegram, on whom I will speak more later, have been recognized as channels for daily insults, relativization of crimes from the past, hate speech, spreading disinformation and propaganda. So that, all in all, we are having a “very lovely” time here in Montenegro. Many of these moves were coordinated with threats, abuses and the like, but I will elaborate these things later on. To sum up: the change of government in Montenegro, especially at the start of 2021, was marked by hate speech, relativization and disinformation. With this I wish to end for now. Later on, we can go into some more details and answer the questions. Thank you.

Holger Haibach

Thank you very much Mr. Jovanović for giving us an overview of what has been happening not only in the recent past, but also in the years before. While looking at this very complicated relationship, especially between Montenegro and Serbia, we also know that there is a little bit of a struggle between Croatia and Montenegro. It is a complicated past and I am not exactly sure how these things will look like in the future. And I think, as I

have said before, especially in a very small country with 600,000 people, it is not so easy to understand where all this comes from, but you have outlined for us a few ideas worth consideration.

Before we turn to Montenegro again, I would like to have a look at Bosnia and Herzegovina and perhaps you Gordan could introduce us into developments that have happened in the recent past. A few months ago the President of Slovenia Boris Pahor mentioned this talk about Slovenia proposing the splitting of Bosnia and Herzegovina and all of a sudden there was this non-paper that was supposedly published by the Prime Minister of Slovenia, Janez Janša. To me as a foreigner, this really doesn't make any sense, especially since Slovenia does not have any state interests here, other than taking over the presidency of the European Union in July this year. Perhaps you can at least give us an overview of your perception of the situation before we ask our friends from Bosnia and Herzegovina to join in.

Gordan Akrap

We have talked about this topic several times and also about the so-called Slovenian non-paper. I am glad that I can say a few sentences about it now, so that the colleagues from Bosnia and Herzegovina can get involved. Later we will comment together on what we have heard from our colleague from Montenegro.

I agree with you that at first glance there seems to be no reason for the Slovenian government to do something like that. Slovenia already has this process in Brdo pri Kranju which tries to stabilize the situation and bring the area of the Western Balkan 6 countries to a level of democracy, human rights and functionality of the society and the state as is usual and necessary for EU membership. This document, the so-called non-paper, is

attributed to the Slovenian government. However, this non-paper is full of logical and factual errors which, in my opinion, indicate that the author of this document is not the Slovenian government, but that it was probably planted in some way. This is what is known in the intelligence world as the “false play approach”. It is an effort to attract attention by attributing a document or information to a wrong source. In other words, you are pretending to be something that you are not. In brief, I do not believe that this document originated in Slovenia. Here we have at the very beginning several erroneous assumptions. One of these assumptions is that the situation in Montenegro has been settled and stabilized. But we heard from the colleague from Montenegro that the situation is a “very lovely” one in Montenegro right now. In other words, it is boiling in Montenegro. Let us look further: the document says that the Croatian national question is unresolved. That is not true. The Croatian national question has been resolved. Croatia has resolved its security issues. Croatia has open issues, but it resolves them through constructive dialogue and communication, and not with exclusivity or violence, either political or public. This is seen in almost all political parties and organizations and at the level of society and the state.

Further on, we have a claim that 95% of the population of Kosovo wants to join Albania, which is also incorrect. Kosovo intends and wants to remain an independent and sovereign state. On the other hand, Serbia is not the proper address to inquire about Kosovo’s intentions, whether it wants to join Albania or not. The de facto non-existence of borders between Kosovo and Albania is not anything new for Albania, just like in the European Union itself between several countries. Therefore, I think that the provisions of this document indicate that the document originated outside of Slovenia and that it benefits only two political groups - one in Bosnia and Herzegovina and the

other in Serbia, in both cases the ruling elites, in order to move the topic of the European Union away from much more important issues that we as a community need to address in an attempt to implement the stabilization in the Western Balkans. That is one of the reasons why we have been trying for a year or so to come up with information and answers that could more easily offer effective answers that can help all of us in stabilizing these challenges.

Therefore, in this context, I would like to assist the colleagues in Bosnia and Herzegovina whom we invited to join us today and whom I thank on this occasion for their participation. I would like to offer help in further clarification of all of these challenges that we are facing.

Holger Haibach

Thank you, Gordan. I would now like to invite another participant who is with us today, who also participated in the first panel on the topic of the European Union and the countries of the Western Balkans. This is Dr Damir Arnaut. Dr Arnaut, welcome to the today's conference. You are a researcher, but you are also a member of the House of Representatives of the Parliament of Bosnia and Herzegovina. We would like to hear what you think about this document, about the Slovenian non-paper, and how do you assess the situation in Bosnia and Herzegovina.

Damir Arnaut

Thank you all, thank you Mr. Akrap for the invitation and everyone who participated in the organization of this event. I am sorry that we do not have the opportunity to meet in person, as was the case the last time in Zagreb. That was in December

2019, and I think it was my last official visit to any foreign country. After that, we all got used to virtual calls. In any case, I am glad to see that this is being organized and to participate in the conference.

Regarding this specific issue, the Slovenian non-paper, I am somewhat cautious to give any final assessments. Although I am a member of the State Parliament, I have no information on this issue, except of what I saw in the media and what all of you could see also. I emphasize this because it illustrates a problem in Bosnia and Herzegovina that I will talk about in the course of this conference. The problem is in conducting a certain policy, as a matter of fact, all policies outside of the institutions - both on the state level, and in many cases in the entities. The day after the non-paper appeared in the media, I saw in merely by chance. I pointed out that it is really incomprehensible and unacceptable that no institution in Bosnia and Herzegovina has yet officially considered this issue. The Parliament of the Republic of Slovenia and their Commission or Committee on Foreign Affairs immediately held a meeting on this issue, although they are less concerned with this than Bosnia and Herzegovina. At that meeting, the Foreign Affairs Committee heard the Minister of Foreign Affairs, who provided official information on the case. On the other hand, the Foreign Affairs Committee of the Parliament of Bosnia and Herzegovina - we have two, since we have two houses of Parliament - has not convened a session since the last month. As a matter of fact, the House of Peoples has had a session, but has not considered the issue. The Council of Ministers of Bosnia and Herzegovina, which is the Government of the country, did not discuss it either, at a formal session, or within the collegium. The Presidency of Bosnia and Herzegovina also did not convene a session at which this issue could be discussed, and it did not even have a session after the issue became something of a hot topic.

At the same time, we have had an immense number of statements from more or less relevant political party officials on this issue. I really think it is a frivolous approach. It is unacceptable to go public with statements in the media without any state body discussing the issue. More and more, this is the way politics is being conducted in Bosnia and Herzegovina. And now I go back to what I intended to talk about primarily, and Mr. Akrap gave an introduction that fully agrees with what I am going to say. Which is, basically, that nothing is changing in Bosnia and Herzegovina. I think it is due to the political elites who share the power in Bosnia and Herzegovina. I can also call them national parties, because they are actually parties that use national issues to remain in power. It is them who use this way of conducting politics outside of the institutions and use the divisive rhetoric of ethnic issues in order to stay in power as long as possible.

One part of the problem that I absolutely cannot understand and which is, I think, only part of a bigger problem, is that the EU institutions are working together with these elites and insist on reaching some solutions through cooperation with these elites. And the most problematic, from the point of view of the European Union, is that the institutions of the European Union are continuously lowering their own criteria, which they first set for those political elites, and then lower them and give those elites some things in return. The citizens continue to vote for those forces that not only keep Bosnia and Herzegovina stuck in time and space, but are even pushing it backward compared to the countries of the region. We can compare Bosnia and Herzegovina with Montenegro, although the current political and security situation in Montenegro is politically quite sensitive, but Montenegro has carried out really extensive reforms over the years and has become a member of NATO. In addition,

Montenegro is one step closer to the membership in the European Union, while Bosnia and Herzegovina has not even received the candidate status as yet.

So these parties that are currently in power in Bosnia and Herzegovina and at the top of both entities - specifically here I am talking about the SDA, HDZ and SNSD - use ethnic rhetoric, and non-paper rhetoric. The story of the non-paper, instead of being processed within the institutions from the point of view of the security, has essentially been reduced to ethnic rhetoric. All what these parties are doing is to use this ethnic rhetoric, while doing absolutely nothing to protect the rights of their own ethnic communities, even in cases in which the protection of these ethnic minorities is really needed, e.g. where the members of these communities are a minority. For example, Bosnians in Srebrenica are not helped at all when Mr. Izetbegović actualizes this story and announces that another war is possible. The HDZ has done absolutely nothing during all these years regarding the rights of Croats to use their language outside of the area where Croats are the majority. Further on, the SNSD wants to convince the people to return the earlier names of the streets to Sarajevo, i.e., the names of medieval Serbian dukes and gang leaders, which has only slowed down the process of change that is necessary in Sarajevo. These are only some of the examples. I could give many, many more. However, these three parties are enforcing such topics because they serve as a distraction from the apparent fact of the incompetence of these parties to resolve any real and practical issue.

One such recent example is the inability of these parties to provide vaccines, for instance. The inefficient supply of vaccines in Bosnia and Herzegovina is the fault of all three parties. The story that the Federation of Bosnia and Herzegovina as an over-complex entity, that Republika Srpska is much easier to lead

because it is, so to speak, unitary entity, is irrelevant. Republika Srpska, as well as the Federation failed equally on this vaccine-supply exam. There is less talk about the complete inability of these parties to stop the brain drain among the young people from Bosnia and Herzegovina, to attract foreign investments or, let's say, to obtain a candidate status with the EU. Bosnia and Herzegovina, let me remind you, has been waiting over five years for the candidate status. The average in the region was two years. Croatia has been waiting a year and four months, Montenegro exactly two years and Serbia two years and three months. Bosnia and Herzegovina is in a stalemate for over five years now. In February this year, five years have passed and Bosnia and Herzegovina has not yet become a candidate. There is less talk of that when these three parties use their rhetoric of dividing the peoples. Also, there is less talk of their rejection of the European reforms. The European Union has set out 14 priorities for Bosnia and Herzegovina in order to obtain the candidate status. One of these priorities is the new Law on the Conflict of Interest. The proposal that the European Union is pushing is almost literally copied from the law of the Republic of Croatia. Why do Čović, Dodik and Izetbegović equally refuse to adopt the Law on the Conflict of Interest? Mr. Čović opposes the adoption of the Law on the Conflict of Interest, which is identical to the law in force in the Republic of Croatia and which really made the Commission for Assessing the Conflict of Interest almost an institution with the highest level of trust in that country. These political elites do not want something like that in Bosnia and Herzegovina because that would lead to the discovery of dishonourable acts that their members are engaged in. This law would make it impossible to channel money into their parties from the public funds and the like.

This concludes my introductory presentation. Before I come to the end, allow me to deepen what I just presented and possibly

tackle some other issues. In Bosnia and Herzegovina, there is a complete absence of institutional resolution of problems - especially at the state level where the three parties are in power, and this includes even negotiations on burning issues, such as changes of the Electoral Law which is discussed not even on the level of political parties, but on the level of political party presidents. In Mostar, for example, only Mr. Izetbegović and Mr. Čović are negotiating the Electoral Law, possibly with technical support from lawyers from their parties. Then they submit their decisions to the Parliament for ratification, but the decisions are really taken by the two of them. In addition to the displacement of dialogue about serious issues outside of the institutions, we also have political rhetoric which leads to the separation of citizens. At the same time, these parties, as I said, are doing nothing to protect the rights of their peoples in places where their peoples, especially the minorities live. This leads even more to the strengthening of the ethnic territorial division of Bosnia and Herzegovina.

A shining example of how things should be done is the Sarajevo Canton, which has made more reforms thanks to the coalition of parties which oppose the SDA, HDZ and SNSD leadership and which have done a lot to implement the reforms needed to join the European Union. Of course, this is absolutely not enough. It is not enough to do something only at the level of one canton or even two, for instance, the canton of Tuzla, too. This process coming from Sarajevo means nothing to the European Union, because the reforms are needed on the territory of the entire country, not only in several cantons. And reforms shouldn't be carried out only at the level of one entity, they must encompass the entire state. The aforementioned elites are keeping the process in check precisely because to carry out reforms needed for the EU membership would essentially lead them to lose

power and possibly the imprisonment of certain figures. Thank you.

Holger Haibach

Thank you Dr Arnaut for your words. I think you have bridged the subject very nicely, because we are talking today about two countries - Bosnia and Herzegovina and Montenegro. I don't think there are many other countries that are trying to fight for status and find a solution. You mentioned something else, which I think is very important, and that is the current coronavirus crisis. Fighting the epidemic is a big thing and how successful you are in it, has become an important factor in the influence of each particular state, both inside and outside the European Union. There are many and varied narratives circulating, and you have emphasized this, even outside of the European Union, because there is no consensus on how to interpret the events in question.

Now I would like to call Professor Musa. He is the Deputy Director of the Federal News Agency of Bosnia and Herzegovina. Professor Musa, please, could you give us an overview of the current situation in Bosnia and Herzegovina, and the environment in which the country currently finds itself? What could you compare the situation with and what differences can you point out? And as I said, is there and what is the nature of the influence of foreign stakeholders?

Ilija Musa

In the context of inappropriate speech, in the context of hate speech, I will only look at the situation in Bosnia and Herzegovina at the moment, and I hope that later in the discussion we will touch on the other neighbouring countries,

including those that are members of the European Union. They have certainly done more on their way to the European Union than Bosnia and Herzegovina. Namely, the countries of Southeast Europe - depending on the period - certainly worked a lot on arranging the system of monitoring and regulation of media content, while Bosnia and Herzegovina was late on that path, primarily due to the war. Until 2000-ies, we had situations where the regulation of printed media and electronic media was delayed compared to the neighbouring countries, and in early 2000-ies, with the establishment of the Communications Regulatory Agency, , we introduced a systematic framework at least in the field of electronic media, which set at least some limitations to the use of inappropriate and hate speech.

In one part of the presentation, I will primarily touch on the 2018 election campaign, the Central Electoral Commission and the Communications Regulatory Agency, which monitored radio and television stations, while the SIV was there to receive complaints. Here you will see that in fact hate speech - although it was common - was not often reported to the institutions which had to deal with the control of these phenomena, and I mean hate speech in the state itself and in the institutions dealing with the electoral process. The difference between inappropriate speech and hate speech is that inappropriate speech implies a system of expressions that violate the rights of persons, such as insults, defamation or violations of privacy, but actually is not limited to calling a person a member of a particular group, as is the case with hate speech. In this sense, regulations have been established in Bosnia and Herzegovina in this way and are defined by the Dayton Agreement and its Annex Four of the Constitution of Bosnia and Herzegovina.

This law truly transmits certain features that enabled the development of a legal system that will allow freedom of

expression by directly incorporating the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms into the Constitution of Bosnia and Herzegovina. On the basis of this Convention, freedom of expression is guaranteed, which carries certain responsibilities and duties of all persons operating in public space, as well as media houses. In this context, the complex structure of Bosnia and Herzegovina should be taken into account. Namely, when we talk about public speaking, about media appearances, we must know that the media legislation in the Republika Srpska is on the entity level, while in the Federation it should have been formed at the county level. And here we have the first problem. We have in force media legislation in seven of the ten counties, while, for example, in the Herzegovina-Neretva County, Herceg-Bosna and Sarajevo counties there are no media laws, although these counties have the majority of the media. The Sarajevo County is withdrawing the media law from 2005, because a set of laws was passed, actually two laws - one related to the rights of access to information, and the other related to protection against defamation. These laws do not regulate the work of the media at all.

Still, one bright spot in this process of regulating public speech or inappropriate hate speech is the Communications Regulatory Agency, which by its decrees in fact regulates how audio-visual media services work. Of particular importance here is the Code on Audio-Visual Media Services and Radio Media Services, which bans all intimidation, hatred or discrimination against persons or groups on grounds of gender, race, ethnicity, nationality, religion, convictions and so on. In this way, through this codex on audio-visual media services and radio media services in Bosnia and Herzegovina, the provisions of the Audio-Visual Directive of the European Union, which regulates the space of electronic media, are directly taken over. However, here we see

another problem, and this is the that in Bosnia and Herzegovina online media and printed media are almost not regulated at all by any media legislation. Namely, the Communications Regulatory Agency regulates radio and television only, while the online media – that is portals and social networks - remain beyond any kind of regulation. Only the Council for Printed and Online Media, as a non-governmental organization, with its codex, which is devoid of power to impose sanctions, tries to persuade media houses and media workers to accept professional standards of behaviour in the public space.

In Bosnia and Herzegovina, this deficient legal system in terms of media regulation certainly suggests that it is necessary to pass a framework law on the media that would, in addition to the provisions of Criminal law of both the Federation and Republika Srpska regulate this issue. The very culture of dialogue - as we heard from Mr. Arnaut and from yourself in the introduction – is at a very low level in Bosnia and Herzegovina, as we have seen from the reactions to the so-called Slovenian non-paper. However, we also had some reactions to Blinken's letter on the way of how Bosnia and Herzegovina should be organized, which should remain on the principles of the Dayton Peace Agreement. We also had reactions to the non-paper from the Ministry of Foreign Affairs of the Republic of Croatia, together with five other members of the European Union, to which a member of the Presidency of Bosnia and Herzegovina actually reacts on his own behalf. It is therefore not an official document and it is the position of only one member of the Presidency who repeatedly calls for the reconstitution, that is, the breaking up of the concept of constructiveness as the overriding principle of the constitution of Bosnia and Herzegovina, trying to suggest that the civic model of Bosnia and Herzegovina is the only functional one and acceptable to him and his political partners. In this context, it is social networks and online media that are becoming

the foci of the spreading of hate speech and inappropriate speech.

Namely, it is happening at this moment, although it is not an election period, when the processes we witnessed in 2018 during the election campaign are happening again, when many thousands of user posts used to appear on certain portals where hate speech and inappropriate were clear and obvious. There were even direct personal threats and calling for physical attacks on certain people. In this context, Bosnia and Herzegovina certainly needs to work on developing media literacy and regulating the development of the legal system. The recent events where certain people are even mentioning the army and possibility of war, provoke another avalanche of comments and statements. In addition, there is a repeated narrative advocating peaceful disassociation of the country, which further encourages such reactions, so I hope that we will touch on these topics in the discussion.

Allow me to mention at this point that the Central Election Commission in 2018 received some 20 official complaints. In those 20 reports of hate speech, it was confirmed that hate speech actually occurred in 11 cases, and they were primarily related to Facebook profiles and posts on the websites of political parties. Dževad Adžem for example, made accusations against Daliborka Mijatović on his Facebook profile on September 9, 2018. She was a candidate for the Assembly in Goražde, and her husband was threatened as well. The result of this was a sanction of 1,000 marks that was imposed on the political party and 3,000 marks on the author of the hate speech himself. Later, we had an article on the SDS website where Vukota Govedarica called Zeljka Cvijanovic the granddaughter of an Ustasha. The sanction for the political party was 5,000 marks, and for Vukota Govedarica 3,000 marks.

Another example: the article entitled "Dodik threatened Justice for David" was published on the BN Television Portal, where a part of Milorad Dodik's speech from the tribune in Bileća was broadcast and characterized as hate speech. In that case, his party, the SSD was fined with 7,000 marks, and Dodik was fined with 5,000 marks. Also, Vukanović, the candidate for a member of the National Assembly of the Republika Srpska, again utters hate speech against Željka Cvijanović and calls her the granddaughter of an Ustasha. The sanction in that case was 5,000 for the political party and 3,000 for the candidate who expressed such an attitude. In that context, it is interesting that at the SDA pre-election campaign in Trešnjevica, one of the candidates made sexist comments about a female candidate of the other party. There, again, the fine was 10,000 marks - 5,000 for the political party and 5,000 for the candidate.

Thus, such a framework, where the Central Election Commission issues very mild sanctions, whereas criminal proceedings are not implemented at all, shows that there is a high degree of tolerance for such phenomena. This is one of the reasons why this issue of media legislation in Bosnia and Herzegovina is still an open one. Thank you very much.

Holger Haibach

Thank you, Professor Musa. I think you have it formulated it well - that there must be a regulation on hate speech. From a German point of view, I can say that this is a really difficult topic, because there is a very fine line between censoring on the one hand and preventing hate speech on the other, as well as identifying the responsible person. It has been a long struggle in Germany, before we came to a good law and implemented it.

But I think there is another problem - I will only mention this before I give the word to Mr. Jovanovic, because we would also like to hear his view of anti-hate speech regulation. Let me mention that the state on the one hand is this censor which should regulate the hate speech act. On the other hand, the state is often not a participant, it is not as efficient as it should be.

Do you know who is the most famous, or the most successful on social networks? These are the football players. They appear among the top five influencers on Facebook, they have the largest number of followers. So the football players are the most popular persons and their popularity is growing constantly. So how do we find a way now to balance the situation and to prevent hate speech from occurring, while at the same time being a kind of censor that can prevent such situations? Gordan, the floor is yours.

Gordan Akrap

You are right, you added some thoughts to what my colleagues have previously laid out. The state is part of this system and in the context of defining rules and procedures, as well as, unfortunately, participant of certain activities that can provoke undesirable reactions. Namely, the way in which this was discussed in the German Parliament and in the Croatian Parliament as well, during the law-making process, where attempts were made to define activities on social networks and online media, is an example of how states should approach this issue. Through a broad public debate, clear and unambiguous definitions should be established of what hate speech is, what it is that incites violence, and what repercussions can be imposed upon for those who do it and for those who incite it. On the other hand, there must be clear rules, there must be clearly

defined and well-organized bodies independent of the governing policies. We should differentiate the state as such from the ruling administration. The state is a system of governance and the legal structure on which modern society is based on, why the ruling administration consists of members who also sometimes use expressions which incite hate speech.

In Bosnia and Herzegovina, for example, as my colleague Musa said, you have several cases - there is a former federal minister of Bosnia and Herzegovina, who is one of the sad examples of how hate speech and violence speech can spill over to social networks where ethnic hatred, conflict, and even war are further encouraged. This statement from Bakir Izetbegović, who, after the appearance of the Slovenian non-paper said that even another war is not ruled out, reminds terribly of Milošević and his speech on Gazimestan when he said that even armed conflicts were not ruled out.

It is a vocabulary that people acting in public must refrain from and instead pay attention to what they say. They must be aware of all the serious and at the same time negative consequences that this can cause. When we look, for example, at the statements we were faced with and that we were able to follow during the process of political changes and elections in Montenegro, we had a clear example of this. Colleague Jovanović will tell us more about it shortly. Let's just remember the election issue in Nikšić, where from the wording used, one got the impression that Nikšić was a municipality somewhere in Serbia. The denial of fundamental human rights and principles in every case leads to problems that the society must then face. The way we try to do this together is a good approach, because by demystifying the issues, publicly denouncing them and pointing out the good and bad practices, is one of the ways in which the public can build its attitude based on sound

information and not cheap emotions. Such an approach to problem solving is the approach that should be taken - a cool-headed approach, without emotions, rational and benefitting both the society and the state. As you have already announced Holger, I would now like to ask my colleague Jovanović if he can join us and continue with this topic that we have just opened.

Milan Jovanović

I believe that any legal solution aiming to regulate the freedom of speech would not be fully effective and could even be counterproductive in our social circumstances. As long as we carry it within us, feeding our own vision of divisions in the society we will always find a way to express it - either on social media or in some other public place. So first of all I think it is a matter of reconciling with the past, to say, okay, it was like that and we move forward like other countries did, or we will always remain two steps backward, in other words, the Western Balkans which today is synonymous for near disaster.

As for the situation in Montenegro, the law that was adopted in 2020 defines what an internet portal is, and it is obliged to be officially registered. This is surely an improvement compared to the previous one, because now the media and portals are obliged to publish their revenues, so this is made public. However, the law has major shortcomings, in that it does not provide for sanctions. So who bears the sanctions if the portal does not have its own publishing information? Today the most famous, given its number of visitors, is a right-wing portal, which is also a pro-government portal, which does not have any imprint. No one talks about that, no one bears the penalties, nor is there any kind of sanction related to this issue. Also, as far as I remember, portals are required to prescribe rules for posting readers' comments. On the other hand, the founder or journalist who is employed there is obliged to remove a disputed

comment without delay, whenever the content is obviously illegal, no later than 60 minutes from its publication.

We had a situation recently where there was turmoil at the local elections in Nikšić and also during the national level in August. What happened was that the comments were not only not deleted, but people organized themselves in large numbers on certain portals through organized coordinated actions. And you know exactly, considering the political affiliation of the portal, what kind of comments you can expect. This is an unwritten rule, and it cannot be changed. On that issue, I would say that the legislation will not accomplish much, the law will always be Bypassed, people will always find a way to by-pass it. As long as we carry hatred within us, being brainwashed by propaganda and divisions in the society, I do not think there will be much benefit from any legislation.

What more can I say - the new Parliament in Montenegro refused to put on the agenda the Law on the Prohibition of Fascist, Neo-Fascist and Military Nationalist Organizations and the use of their symbols. This reflects the new majority in the Parliament, because what we currently have in force is an ideologically incompatible coalition. On the one hand you have pro-EU and pro-NATO parties, and on the other hand ultra-Serbian parties. So the question is looming about the very survival of this government. At least that is my opinion. Because they are not preoccupied at all with defining a common foreign policy course. Maybe on the declarative level, this has been signed, but in fact this is not the case. The only thing that keeps them together at the moment is intolerance and hatred towards the previous government. How much and how long this will be a cohesion factor, the factor of homogenization of such a structure, and how they will fulfil their mandate of four years, remains to be seen.

During 2020, a propaganda film was released by authors of a neighbouring country called "Montenegro, a divided country". Initially, the film was the subject of ridicule. Today, however, there is no better way to describe the situation in the country. Montenegro is, in fact, a very divided country. This division was already seen in 2006 on the referendum that has barely been passed, over NATO membership. Divisions are also present over building relations with the East and the West, with the Russians or with the United States. All of that has come to fruition in the present moment, through two poles of the political spectrum and two political narratives. Let me expand the topic a little bit on that, too.

The narrative that emerged last year during the religious parades and protests against the Law on Freedom of Religion is a narrative about the alleged endangered status of Serbs in Montenegro. This may have been the case back then, but today the situation is completely different. Unlike the previous year, today 10 out of 12 ministers declare themselves as Serbs, but we continue to receive messages from Serbia that Serbs are endangered in Montenegro. Also, our Prime Minister was chosen by the Serbian Orthodox Church, this is no longer a secret, this has been said publicly, so I do not know if we live in the same Montenegro, me and the officials who claim the opposite. On the other hand, what is much more realistic is the narrative about the endangered status of Montenegro as a civil state, the threat for the state as such. I will mention that in Montenegro none of the minorities are represented in the new government, and this is the first time that it is so. It is a political disgrace. And everything that is being done, at least in the last few months, puts a big question mark over everything that has been achieved in Montenegro since our independence in 2006.

A few days ago, we had the first appointment of a member of a minority people to the position of the Chief of Police in Pljevlja – in the north of the country. A man named Haris was appointed - and that is where the problem began. The video footage that appeared after his appointment showed numerous citizens who gathered in front of the Security Centre to protest, due to his previous alleged aversion towards the Serbs. On that occasion shouts could be heard such as "The Serbian country has risen", "This will not be Turkey again" and the like, all of which betrays a lack of emancipation of the Montenegrin society. And it is even more devastating that until this moment, the new government has not distanced itself from such insinuations and slogans. It is undoubtedly a threat of grave concern for our society at all levels, especially for the newly ruling majority. It is they who must take action to mitigate, rather than support such an atmosphere. I am especially worried about the reaction of ordinary citizens to this first appointment of a member of a minority nation to a position of local authority, because this leads to the question as to what would happen if this had been a more important, more noticeable position.

This is what I wanted to share for now. Of course, I am at disposal to answer questions if anything comes up in the meantime. Thank you.

Holger Haibach

Thank you very much, Mr. Jovanović, for rounding up the topic so nicely. I would now like to ask a question to our participants from Bosnia and Herzegovina, namely Professor Musa and Dr. Arnaut. If these questions we are just talking about arise, and Gordan has already given an introduction to the subject, how do we react? We talked about the fact that we have regulated hate speech on social networks in Germany - let me clarify that the meaning of German law is definitely to prevent the occurrence

of hate speech on Facebook and other social networks. That is exactly what our law regulates. The owners of platforms, portals and social networks have a certain time-frame in which they must delete comments with hate speech content. Sorry, but I am still not sure there should be an institution that needs to look at this and regulate it. Institutions exist in order to regulate any development in our countries, in the WB6 countries as well - and any development in this direction is welcome. I would like to hear your opinion on this topic. Professor Musa, can you tell us more about that? What do you think could be done or should be done

Ilija Musa

When we talk about the regulation of hate speech, regardless of the criminal law framework, but in the context of media legislation, we have just heard what it is like in Montenegro. The Law on Electronic Media defines what are electronic publications, that is, portals, which should publish an imprint to make clear that they are registered in the official register of media houses. Would that help Bosnia and Herzegovina to know the difference between the B portala and the online media itself? This is especially important in the context of the judgment in Delphi v. Estonia, where it was stated that portals are in fact responsible for users' posts, that they are responsible for the comments that appear in their texts. Yes, there are no clearly defined criminal sanctions in Montenegro for not deleting comments. It not defined at all what electronic publications are and what the online portals are. The first step would be to define the portals, and the second step would be partly under the Law on Electronic Media, that is, through the Communications Regulatory Agencies, which would take over regulation of online portals this responsibility for comments that would not go in the direction of censorship. But on one hand,

doing so would allow the public to be spared that kind of speech. On the other hand, when we talk about social networks, I still think that more severe forms of hate speech could be sanctioned through the existing criminal legislation, while for the milder forms it could be left to companies like Facebook and others who should remove or block such profiles for a certain period.

Gordan Akrap

Colleague Arnaut, please.

Damir Arnaut

Mr. Musa has already said that this issue is insufficiently discussed and is incompletely regulated in Bosnia and Herzegovina at various levels. However, there are nevertheless some legal and institutional mechanisms in Bosnia and Herzegovina, so that such forms of hate speech or even threats can be criminally sanctioned.

For example, we have had situations where certain people have posted threatening content directed against officials and diplomats in Bosnia and Herzegovina. In one case, it was an ambassador of the European Union and some other ambassadors. The investigating police and intelligence authorities quickly located the authors and arrested them, and as far as I know, criminal proceedings have been initiated against them. Through the application of the existing criminal legislation in Bosnia and Herzegovina, there is a possibility of sanctioning such types of threats. I do not know if someone is being prosecuted according to the existing legislation, because it is necessary for a person to verbalized it publicly and that is already a general prohibition.

Therefore, it can be solved in this way as well. And we have seen that in the case when people who sent such statements to international officials were sanctioned, but that mechanism is insufficiently used. In Bosnia and Herzegovina, we have a criminal sanctioning of speech that leads to national intolerance. The existing legal framework is not sufficient, but there are mechanisms that are unfortunately not used. So I do not know now how much effect it would have if we would improve our legal framework, whether the authorities would use this authority.

This brings me back to what was the central part of my discussion, and that is the lesser and lesser use of official institutions in Bosnia and Herzegovina, the state mechanisms for any kind of state governance. This is reflected in these situations as well. Unfortunately, the police and law enforcement authorities react only in such situations, only when something provokes media attention, such as threats to an ambassador or similar. I would not say that they themselves are conducting investigations with the aim of combating such phenomena.

Holger Haibach

Dr Arnaut just said something very important when he spoke about legislation. When you have institutions that need to do their work and take action when such a situation happens, the thing gets stuck on the information itself.

May I now ask, Gordan, to give us a conclusion to this discussion. I think that it only works in a democracy where you have institutions that are independent enough and ready to implement democracy as the existing laws require. I think you

can have as many laws as you want, as many institutions as you want, but if you do not have the will to implement them and if you do not do it systematically then numerous problems will definitely arise. And we see that in this specific case, in the case of hate speech. Of course, we expect the state institutions to react. Maybe Gordan can give us a detailed overview of the situation.

Gordan Akrap

This crisis caused by the SARS-CoV-2 virus shows the problem we are talking about today and what we have talked about many times. The issue of managing this crisis, the way it is managed, goes beyond all previous needs and the ways in which previous crises have been resolved. Namely, all those managing the crisis this time are asking the population to get absolutely involved because without the full participation of the population it is difficult to fight this disease and it is difficult to manage the crisis effectively.

One of the key conditions that must be met in order for the population to accept the proposals of the profession, of science and knowledge which is available, the real truth, is the existence of a high level of trust of the population or society in the state institutions. This is exactly the topic we are talking about in this segment of hate speech and divisive speech. Because it is one of the main channels through which hybrid threats are realized. It is a way of introducing new divisions and expanding existing ones, and thus lead a society toward disintegration. Therefore, one of the key conditions is the development of various kinds of literacy of the whole society and the creation of trust of the population in the state institutions.

On the one hand, you emphasized very well that it is not enough just to have the institutions, you need to introduce a rule and apply it, and to do it in a way that the population affected or exposed to such action knows that are all equal before the law. On the other hand, people who work in public life - some more, some less - must be aware of the consequences of everything that is quickly transmitted as news, especially in today's context of information and communication possibilities, where you get to know sooner what happens in any other part of the world, than ever before. So everyone who acts in public life must take responsibility for everything they say or write. Because, if we follow, and there are people who systematically monitor and analyse such activities who will tell you that speech which sounds a bit more radical in political context and language, can precipitate strong divisions on social networks, and even lead to violent actions of individuals exceeding permissible limits. And that is exactly the direction I think we need to go. We need to develop clearly defined rules and systems that will be independent, which will be trusted by the people, and who will be able to say with finality what is - that this is something acceptable or not.

The online world is no longer what it once was. Social networks are not any longer the platform they were created for - to serve as a spot where people who have not seen each other for a while could connect again. Social networks have become an extremely important factor of political processes. Unfortunately, social networks can jeopardize many democratic systems and democratic institutions, as we have unfortunately seen countless times so far. As I said in the introduction, this was seen in the 2016 presidential election, as it was now during the last elections in Montenegro, during the referendums in France and in the elections in Germany and France how the opportunities of social networks are abused in political processes. Unfortunately,

social networks are run by capital. But what the Berlin Declaration did at the end of Germany's presidency last year is one example of how, in my view, this phenomenon should be dealt with, which is to define and recognize the problem we are facing. Hate speech cannot and must not be justified by anything and there are no arguments to justify it. It is a principle on which we all need to work on together.

Holger Haibach

Thank you Gordan for making a valuable contribution to this topic. As the English say, it takes a whole village to raise a child. In that sense, I find it well pointed out that the state must react responsibly, the institutions must react and apply the laws that exist. But at the same time, and especially in a situation where you have so much knowledge that is now available, which has never been the case before, we can really be very well educated and informed, starting from school, from the kindergarten all the way to the university, to make people understand what fake news is, and what the real or true news is, so that they may know the difference. I think that is very important. This is especially important in multi-ethnic societies. As we have very complicated systems and relations such as in Montenegro and Bosnia and Herzegovina, this is even more important in such cases.

Let me say thank you to everyone, to all the participants - thank you for being with us today. I would also like to thank Gordan and our partners from the Institute. I personally and all of us as the Konrad Adenauer Foundation are really pleased that this conference was held today and that we had a chance to meet again. I hope to see you soon. We promised to continue with our

WB 6 conferences and with these topics. Gordan, thank you very much.

Conference video is available here:

<https://www.facebook.com/kas.zagreb/videos/294093072284558/>

