SHRINKING SPACES

HEINRICH BÖLL STIFTUNG

SHRINKING SPACES

in the Western Balkans

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INTRODUCTION – AN APPEAL TO (RE)OPEN SPACE

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The masked thugs came at night, demolished and destroyed, in order to create space for stylish apartment buildings and expensive restaurants. This night-time attack in Belgrade brought back memories of dark times. Precisely there, where at the end of April 2016 the instruments of power of times past were once again brought back to life, should Belgrade's so-called project of the future emerge: The Waterfront Project, a costly gigantic architectural endeavor on the Sava, planned and developed from the very top, entirely without civic participation.

Critics complaining about the lack of transparency of this investment have been a thorn in the side to the investors and beneficiaries of this gargantuan project: those who openly demanded that the incident be investigated were threatened. The calls for help the police station received during the night of the attack went unanswered. As the Serbian Ombudsman later determined, the police had a deal with the attackers.

Welcome to Serbia, year 2016, a land which, according to the statements of its Prime Minister Aleksandar Vučić, is striving to make its way into the European Union as soon as possible. The attack surrounding the controversial Waterfront Project is admittedly merely one of many in the region of South-East Europe, which demonstrate clearly how drastically state officials misuse their positions to quash or curtail civic participation. They often concern ostensibly meaningful large-scale projects, whose backgrounds and finances are quite murky and their positive effects on the common good highly questionable.

Such scenarios were also present in other Western Balkan countries; in Macedonia, critics of the *Skopje 2014* project were discredited. This is another lavish construction project aiming at the complete transformation of the city center,

devised and implemented by the VMRO government, which has been in power for years. Thousands of citizens, who in the early summer of 2016, spent weeks in the streets under the motto *Protestiram* (I protest) to demonstrate against corruption and criminal machinations of the politicians in power, were branded enemies of the state.

In the youngest EU member state, Croatia, the November 2015 elections led to a shift to the right. Since then, old enemy images have been used to silence the opponents. Journalists who did not support the party line of the newly strengthened national-conservative HDZ, were pushed out of their positions in order to destroy, to quote the Croatian Journalist Association, "any trace of support by the government for a multicultural and cosmopolitan stance in the media sector". The new revisionist tones have had a detrimental effect on public discourse in the country: those who opposed the crude reinterpretations have been targeted by governmental agencies, marginalized, and intimidated. At the recent elections in September 2016, the new HDZ leader Andrej Plenković won the elections promoting "a new culture of dialogue". It remains to be seen whether this will also reflect on the relationship with civil society.

In Bosnia and Herzegovina, the ruling powers in the Republika Srpska (RS) have been trying to nip in the bud the ever-growing criticism of nepotism and mismanagement. Citizens who practice their right to freedom of expression, are penalized draconically. Those who think differently than the political power cliques, are delivered the proverbial bill.

All these scenarios follow a worldwide trend: be it Thailand, Turkey or Egypt – democracy has been on the decrease. A study published by the Bertelsmann Foundation, examining developments in 129 developing countries and countries in transition, has come to this conclusion. The study yielded a sobering result: in one fifth of the examined countries – out of which 74 are ruled democratically, and 55 by an authoritarian regime – there has been a significant drop in the quality of democracy and an increase in repression. Political participation, an important indicator of the state of any democracy, is either decreasing progressively, or is intentionally targeted. In 2015, CIVICUS, an organization which supports the rights of civil society worldwide, found restrictions of fundamental rights, such as the right to freedom of opinion and assembly, in 109 countries worldwide.

Europe and its periphery are also affected by these tendencies to a concerning degree. Whereas in the wake of the disintegration of the Soviet Union at the end of the 80s/beginning of the 90s, libertarian and democratic trends emerged and the principles of freedom and self-determination saw a historical triumph, a quarter of a century later, a return to anti-liberal and autocratic tendencies is taking place.

The Heinrich Boell Foundation, which operates in around 60 countries in the thematic fields of human rights and democracy, is alarmed in view of these developments and the resulting shrinking spaces for civil society actors. The degree of the repression, according to the Board of the Heinrich Boell Foundation, has never been so high in the past 25 years.

The mentioned tendencies often manifest themselves particularly on the periphery of Europe, in the fragile structures of the Western Balkans, where the instruments of state repression are utterly complex: journalists are threatened, and scholars who do not follow the party line are discredited and marginalized. For instance, activists struggling against the destruction of the few park areas in the Albanian capital Tirana were bullied and

beaten by the police. In other places, as the example of Macedonia demonstrates, engaged citizens are labeled as criminals by a power-hungry political clique, allegedly representing a national interest. This narrative keeps emerging in the propaganda those in power resort to: people demanding more democracy and participation, protesting against corruption and nepotism, are labeled enemies of the state, precisely by those who systematically trample upon the common good. Such measures are regularly followed by special NGO laws which aim at hindering the cash flow for NGOs. When it comes to repression, the governments have proved to be utterly resourceful. Social media plays a particularly important role here: civil society actors are often discredited online, their personal data and addresses are published – in the digital age these measures are used by state agencies and their backers as a tested tool to outlaw their critics. Others, as in the RS in Bosnia and Herzegovina, end up on a black list. Citizens are hindered from protesting publically, while public space is intentionally occupied. These are also the ways in which harmless civic activism is nipped in the bud.

The phenomenon of the captured state lies behind these tendencies: corrupt networks use their power in all areas of the state, not to do politics in the proper meaning of the word, or to devise solutions for social and economic problems, but to be able to utilize the state as an eco-system for enriching themselves. The issue at hand is about power, about access to state resources – Big Business at the expense of the common good.

In order to keep Big Business up and running, civic actors' field of operation is rigorously limited or – in the worst cases – entirely closed. Democratic achievements are thus perforated and transformation processes frozen.

The countries of the Western Balkans right now have the opportunity to join the rest of Europe: Bosnia and Herzegovina, which after ten years of political agony submitted an application for candidacy status in February 2016, Macedonia, which has been a candidate since 2014, Serbia, whose EU path the Prime Minister recently confirmed through the elections, and finally Albania, which for decades had been sealed off by a paranoid dictator, is now opening gradually. Narcissistic power cliques have been thwarting historical chances for successful sustainable transformations, or have thoughtlessly jeopardized – as has been the case in Croatia – democratic achievements.

As diverse as the approaches may be in individual countries, there is a common pattern: actors, who attempt to exercise their civic rights, are perceived by the political elites as obstacles to be overcome. This clearly contradicts internationally binding declarations of various organizations. At the beginning of July 2016, the UN Human Rights Council adopted a resolution addressing the value of a strong civil society and appealing for fundamental rights, such as the right to free speech and assembly, be respected.

In this context, another pertinent issue emerges: when the EU, despite statements to the contrary, is not perceived as a strategic partner by civil society in the Balkans, when representatives of the international community fail to answer requests for meetings by well-intentioned citizens, when the EU and other stakeholders do nothing to support these citizens in their struggle against power-hungry politicians, this leads to serious limitations of civil society's field of operation and to the entrenchment, precisely of the political caste, which has consistently been hindering successful democratization in the region.

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With this publication, the HBF Office in Sarajevo would like to contribute to shedding light on the complex mechanisms of *shrinking spaces*, provide analyses, and develop adequate countermeasures.

The goal of the Foundation is to expand the field of operation for civil society actors since, without civic engagement and participation, democratization cannot succeed.

Shrinking Space for Civil Society Actors Needs Serious Attention

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An empowered civil society is a crucial component of any democratic system and democratic process, as it fosters pluralism, and can contribute to more effective policies, equality, sustainable development, and inclusive growth. While states carry the primary responsibility for development and democratic governance, synergies between states and civil society organizations can help overcome challenges in many aspects of a democratic process.

Civil society's participation in policy processes is key to ensuring inclusive and effective policies because it contributes to building more accountable and legitimate states, leading to enhanced social cohesion, more open, and deeper democracies. By articulating citizens' concerns and being engaged in democratic initiatives, civil society organizations are active actors in the public space. They represent a growing demand for transparent and accountable governance.

The last decade has witnessed contrasting developments globally, but also in the Western Balkan region. Civil society organizations have increased in number and responded to new social-political challenges, however the relationship between the state and civil society organizations is often difficult. A limited tradition of dialogue still prevails in many countries of the Western Balkan region and far too often the space for civil society remains narrow, or is even shrinking, with severe restrictions applied.

In many contexts civil society organizations face limitations in their opportunities to work. On the other hand, civil society organizations often face challenges of internal governance and capacity, dependency on international donors, as well as competition over resources.

Space starts to shrink when governments see civil society and their activities as a threat. As a result, they use tactics

to discredit and weaken them, thereby shrinking the space in which they can work and act. Limiting space for civil society to act is at the same time questioning their legitimacy. Governments are erecting legal and administrative barriers, making it more difficult for civil society organizations to operate, in particular those who receive foreign funding. In many countries, many civil society organizations are restricted when they attempt to hold public gatherings, express their views, or set up new organizations.

As mentioned, this is becoming a significant and worrying trend, both in and outside of the European Union. There is a great need to address this issue very seriously. The borders of freedom are changing, also within so-called democratic societies. It is not limited to authoritarian or dictatorial regimes. The governments that limit the space for independent civil society are learning from and copying each other.

As civil society actors have found new spaces to organize and express themselves, in particular in the 21st century, by using new technologies, authorities have also found new ways to restrict public political space. There is a trend, also in the Western Balkan countries, that civil society actors funded by international organizations who criticise governmental actions, are labelled as "foreign agents", which harms the organizations' credibility.

Closing space often correlates with weak links between civil society and the citizens, and their heavy reliance on foreign funding. Having a limited number of donors and lacking a broad support base among local citizens, they risk losing touch with the very people their actions are meant to represent.

The Western Balkan countries face a range of challenges, especially in fields such as the rule of law, human rights, corruption, organized crime, the econ-

omy and social inclusion. Civil society is making a substantial contribution to addressing many of these through their lobbying, advocacy and oversight activities at national, regional and local levels.

When it comes to democratic governance, the rule of law, and human rights, including the freedom of expression and association, minority rights and human rights of LGBTI persons, they create demand for enhanced transparency, accountability and effectiveness from public institutions and a greater focus on the needs of citizens in policy-making. Civil society organizations in the region have also demonstrated their ability to initiate effective anti-corruption initiatives, contribute to regional integration and reconciliation processes, support independent media, campaign for gender equality, fight against discrimination, and promote social inclusion and environmentally sustainable policies and practices.

What Role can the European Union Integration Process Play?

In its 2012 Council conclusions[1], the European Union (EU) recognized the tendency of shrinking spaces for civil society organizations and committed itself to fostering a dynamic, independent environment in which civil society could grow. It also advocated engagement with civil society in a more meaningful and structured way.

The Council is committed to 'promote stronger partnerships between authorities and local civil society organizations and 'address threats to NGOs' space' in a 2015-

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1   European Commission, *The roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations,* (2012), <http://ec.europa.eu/transparency/regdoc/rep/1/2012/EN/1-2012-492-EN-F1-1.Pdf>

2019 Action Plan on Human Rights and Democracy[2].

In light of this context, the Commission proposes an enhanced and more strategic approach in its engagement with local civil society organizations covering all regions, including developing, neighbourhood and enlargement countries. Therefore, the emphasis of the EU policy will be on civil society organizations' engagement to build stronger democratic processes and accountability systems, and to achieve better development outcomes.

There are three priorities for EU support[3]:

- promoting a conducive environment for civil society organisations in partner countries so that they can fully play their role in the delivery of social services, transparency and good governance advocacy and contribute to policy making;
- promoting a meaningful and structured participation of civil society organisations in domestic policies of partner countries, in the EU programming cycle and in international processes;
- increasing the capacity of local civil society organisations to perform their roles as independent development actors more effectively.

A Chance that has to be Taken – by all Sides!

The contribution of local civil society organizations as partners in dialogue is foreseen in the EU enlargement process.

Support to civil society organizations is framed within collaborative multi-actor partnerships coordinated with national authorities, with the long-term objective of promoting more accountable, effective and sustainable systems at the service of citizens.

In addition, initiatives of civil society organizations can be supported when addressing issues that do not receive adequate consideration within national policies, but are the key to social progress and reflect human rights concerns, as well as sustainable development issues.

Having that in mind, civil society in the Western Balkans aspiring to join the EU can and should use this policy frame provided by the EU. Because a country that wishes to join the EU needs to have an appropriate legal, judicial and administrative environment for exercising the freedoms of expression, assembly and association.[4] This also includes rights for civil society organizations such as formalized, transparent and non-discriminatory registration procedures, free and independent operation and cooperation between citizens and the absence of unwarranted state interference.

The involvement of civil society in the pre-accession process can contribute to deepening citizens' understanding of the needed reforms a country must complete in order to qualify for EU membership. However, this involvement can also contribute to initiating and implementing true and sustainable reforms, in order to avoid the scenarios of some neighbouring countries which have shown that, once a country is in the EU, the reform process can be reversed.

2   EEAS, *EU Action Plan on Human Rights and Democracy 2015-2019*, (2015), <http://eeas.europa.eu/factsheets/docs/150720_eu_action_plan_on_human_rights_and_democracy_2015-2019_factsheet_en.pdf>

3   European Commission, *Civil society organisations - international cooperation and development*, (2013), <https://ec.europa.eu/europeaid/civil-society-organisations_en>

4   European Union, *Guidelines for EU support to civil society in enlargement countries 2014-2020*, (2014), <http://ec.europa.eu/enlargement/pdf/civil_society/doc_guidelines_cs_support.pdf>

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In the Aftermath of the Croatian "U-turn" – Damage Control for Civil Society

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Let us imagine a country that worked hard to fulfil a variety of political criteria to ensure standards of a highly democratic and plural society, in order to join the European family. As soon as the country became a member, tensions among the family members increased, and the newcomer country started to forget its own promises to behave well. Those who aim to safeguard the achievements at home are slowly becoming portrayed as trouble makers, if not public enemies, while the country is sliding down into a spiral of political violence and cultural wars with inclination to authoritarian rule, and even engaging with relativizing the antifascist foundations of the state.

Destructive "U-turn"

This nightmare has been the reality for Croatia since the beginning of 2016. State officials made a "U-turn"; turning their backs on the European future, the antifascist past, liberal democracy and all achievements made during the last decade of the EU accession. Right-wing radicalisation of conservative politics escalated to an extent that this government has produced a systemic attack on civil society organisations, which none of the previous right-wing governments dared to do. The "U-turn" is even more symbolic, as it resonates with "fascisation" (ustashisation), namely with politics of revisionism of the Second World War and the role of the Ustasha regime promoted by some protagonists, such as Zlatko Hasanbegović,

who was appointed Minister of Culture[5]. He himself has proven to be instrumental for the six-months attack on the institutional architecture of civil society - therefore, this "U – turn" indicated not only a denial of previous governments' achievements (including HDZ-led governments) and the achievements of EU accession in relation to political criteria, but also a declared clero-fascist position paired with high level corporatism.

Let us remind ourselves that not so long ago, Croatia was often – rightly or wrongly - portrayed as a good pupil among the Western Balkan countries who aimed for EU accession. However, concerns (voiced by civil society organisations) remained that reforms are the result of EU conditionality and that the country will experience a severe backlash, once it becomes a full member. After the completion of a long decade of the negotiation process and gaining full membership in the EU three years ago, these doubts have proven justified. In early 2016, a right-wing government was formed and almost declared an institutional war on organised civil society organisations using political, financial and legal means to eliminate sources of critical thinking in the country: in the media, culture, civil society and education. All these spheres were targeted with severe cuts of financial support, while decisions remained purely ideological and indicated a complete lack of understanding of the role of civil society. Most of these attacks did indeed have a point of departure in the Ministry of Culture, but happened to

be approved or tolerated at higher levels of governmental coordination.

Additionally, cuts induced by governmental decision to withdraw funding for many organisations in the cultural and civil society sphere, indicated that the right-wing state aims to deny the specific roles of some progressive institutions and re-gain political control over resources, directing them in accordance with their ideological preferences and assumedly clientelistic networks. Financial austerity measures accompanied by a distinctive and pejorative discourse (if not hate speech) on the liberal doctrine of civil society have been coordinated and well-orchestrated. Financial measures were used as a political means of eliminating the space for freedom of expression and (critical) thought, aiming to introduce panic and chaos into the system. Along the line of culture, media and civil society, they were paired with and accompanied by instances of attacks on well-known journalists, by pressures on the independent media sphere, resulting in the resignation of progressive editors and severe interventions in human resources policy at the public television.

It is important to remember that, since the early 2000s, the institutional architecture has been designed and built to support independent and pluralist funding of the civil society in Croatia. Originating from governmental support to civil society funding, which remained institutionalised in the Governmental Office for NGOs, the National Foundation for Civil Society Funding was established in 2003, with the aim to develop a successful model of independent funding for civil society in the country. In the last decade, the Foundation has become the major and most important source of funding for civil society organisations in the country, offering institutional and programmatic support, as well as support for networking, occa-

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5   Zlatko Hasanbegovic, a 42-year-old historian who became culture minister in late January 2016 after the country's latest election produced a new right-wing ruling coalition. Hasanbegovic had been a prominent figure in a small ultra-rightist party that openly extols the fascist World War II-era Ustashe movement. As a historian, his work focuses on downplaying the crimes of the Ustashe and cautiously rehabilitating their ideas. See more at http://foreignpolicy.com/2016/05/06/croatias-far-right-weaponizes-the-past-ustase-hasanbegovic/

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sionally being innovative and open for more participative forms of grant-making. Except for the National Foundation for Civil Society Development, the Council for Civil Society Development was formed as a volunteer-based advisory body composed of members of civil society, government, trade unions and employees that regularly meet for exchange and consultations. This triangle of institutionalised support to civil society has proven to be a vital component for the maintenance of civil society funding, including development of its legal and institutional equivalents. Even more importantly, it remained merely independent and resilient in relation to political changes, until the very moment the events in early 2016 occurred. Furthermore, this sort of coordination and cooperation developed at the institutional level has proven to be one of the rare success stories and role models, not only in the South East Europe region, but also across Europe.

Civil Society Eco-system Under Stress

With the right-wing coalition government under HDZ composed in early 2016, this developed and institutionalised ecosystem came under direct attack from the government, which apparently aimed to eliminate sources of political opposition and critical thinking. Although not in the sphere of parliamentary politics, many civil society organisations and movements in Croatia became relevant social forces that produced influence and were able to make an impact. It was not only the civil society that was under this pressure aiming to reduce room for public debate and decrease capacities for organisation. First measures were directed against independent media, at the same time followed by a lack of public condemnation

against physical attacks on journalists. At the major public broadcasting television (HRT), dozens of main editors and journalists lost their jobs or positions once the new director was installed, shutting down pluralism and turning public television into PR for the ruling government and fabric of ethnoreligious glorification of Croatian nationalism. In the sphere of culture, severe cuts and re-distribution of funds were made in order to undermine support for independent cultural scenes, while at the same time supporting other cultural projects that focus on the re-nationalisation of culture, and even propelling the revision of historic interpretations.

One of the most noticeable attacks that followed, was on the funds for the National Society for Civil Society Development, which lost more than half of its annual budget, as the State decided to reduce the amount of the lottery funds allocated to the Foundation. This resulted in the creation of the highest instability of civil society and with many jobs lost in this sphere. In less than six months of power, these attacks have produced severe damage.

Pluralism does not Include Discrimination and Exclusion

These events have mainly demonstrated that civil society in Croatia was put under a new form of stress through this merely ideological battle in which the state used and usurped power to eliminate political opponents and reduce the pluralism of actors. Even more importantly, let us notice that the political battle on this level was developed a few years earlier, with the so-called neo-conservative revolution that proceeded with the appointments of Hasanbegović and Prime Minister Tihomir Orešković, and with the establishment of their radical neo-conservative movement, "U ime obitelji" (In the name family),

which was the initiator of the referendum vote against gay and lesbian marriages. Unfortunately, the success of this referendum has given more power to these groups to replicate successful operational and campaigning models of progressive civil society organisations. Accordingly, attacks on sources of funding need to be read through this perspective, particularly noticing their constant claims for pluralisation of civil society funding. What oddly remains unclear to "U ime obitelji" is for sure that values which include discrimination, hate speech, any sort of exclusion, violation of human rights of any generation together with sympathies for fascism, cannot be ever recognised within any version of societal pluralism and therefore have to stay without any support of public funding.

With new elections in the HDZ party (Croatian Democratic Union) and in the country, there is hope that damage done to the civil society ecosystem will be repaired. Lessons learnt however are multiple – civil society in Croatia has learned that it is not enough to have developed institutional models, but that both a more massive scale of popular recognition and political support for this ecosystem is needed to prevent similar scenarios in the future. This alarming episode will surely make us more innovative and alert...

Populism and Crime as a Model of the Macedonian Political System

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"The people are always right", "The people are clever – only the people make decisions", "Our farmer is the wisest and the most hardworking", "You are either with us or against us – there is no third option"... How many times have we heard such sweet messages from our Balkan leaders and '*voivode*', addressing the masses during election campaigns?In our regional microcosm, whether we call it the Western Balkans or South-Eastern Europe, the Balkan *homo politicus* from Slovenia, Croatia and Hungary, Romania, Serbia and Bosnia and Herzegovina, to Macedonia, Kosovo, Albania, Greece and Montenegro, shows similar traits of political populism. The politicians are in politics because they long for power. Power is like drugs. Once a leader or demagogue tastes it, he becomes addicted. Should he be treated? Belgian psychologist Pascal de Sautter even set a diagnosis: excessive craving for power creates political lunatics and megalomaniacs (*Pascal de Sutter, 2007)*. Power may directly create a paranoid leader. There are many leaders in the Balkans today who see themselves as the personification of reformers, as individuals invited by history, shepherds, and the incarnation of ancient and medieval heroes chosen by fate to lead their people into a happy future. They are ready to build Pharaoh-scale projects, such as the *Skopje 2014* project, the world's highest - 35-meter high - statue of Alexander the Great, or the mammoth-size hydro-urban project *Belgrade on Water (Belgrade Waterfront)* in order to, allegedly, raise the ruined dignity of its people. Actually, what they are trying to do is make themselves eternal, through megalomaniac projects, just like many authoritarian despots did – Stalin, Hitler, Ceausescu, Kim il-sung, or builders such as Lui XIV, Haussmann, Napoleon, Pompidou, Mitterrand, Berdimuhamedov, etc.

Intoxication with power causes political blindness, authoritarianism, populism,

intolerance to those who have different opinions, omnipotent tyranny and megalomania. Such anomalies are accompanied by crime, which is not perceived as a criminal offence, but rather as a method of rational governing and functioning of the system. Throughout history, every Caesar used the state budget as his private treasure. Through the developed corrupted mechanism in which Gruevski's closest people are participating with direct or discreet support of numerous businessmen, and through the complete control of actions varying from the employment at the lowest level – e.g. street cleaning staff – to big business agreements, Gruevski has redirected enormous amounts of conditioned *'baksheesh'* [6] towards his secret bank accounts, accounts of his relatives, and party businessmen. Macedonian politicians and businessmen started transferring money to small cross-ocean exotic countries – the tax havens of the Virgin Islands, Belize, etc. Part of the stolen money was then invested into Macedonia by different offshore companies for the construction of many grand hotels, purchase of land, construction of industry complexes, private buildings, new TV studios and privately owned yachts kept in Greek harbours. This way, the state of Belize – one of the most indebted countries in the world that gained its independence in 1981 – became the biggest foreign investor in Macedonia in 2013. Known as a tax haven state, Belize is a member of the Commonwealth and Caricom – the Caribbean Community.

What is there to say about a leader such as Gruevski, who governed the country for more than ten years and whose mandate included all types of breaches of democratic values and principles, falsified elections, organised crime and complete lack

of a system of *checks and balances*? His conservative-right party – largely inspired by the greatest European populist Viktor Orban (honoured by President Ivanov with the greatest Macedonian award) – started its politics of *light authoritarianism* immediately after winning the elections in 2006. Spectacular arrests took place, directly broadcasted on TV, thus announcing a policy of the *fight against corruption*. The principle of presumption of innocence of the arrested was not respected at all.

In order to increase the effect before the international community, he even appointed a well-known Romanian anti-corruption prosecutor, Macovei, as special government adviser. However, the arrests and blackmail addressed to the business community, journalists, intellectuals and politicians was exclusively anti-oppositional, following the principle of the *Bolshevik anti-Bolshevism*. The state gradually introduced a full control of the media, censorship and self-censorship, with abundant financing of pro-government media and the party-influenced public broadcasting service. After Greece vetoed the accession of Macedonia into the Alliance, at the 2008 NATO Summit in Bucharest, Gruevski spun this failure by stressing at a large meeting in April 2008 in Skopje, that he had practically saved the name and identity of Macedonia in Bucharest. Later he organised early parliamentary elections.

The central theme of his electoral campaign focused on preserving the constitutional name and identity, since he reduced every suffix to the name to a loss of identity. He condemned the opposition for trying to *sell the name for a membership in NATO* although, according to the careless confession of his Minister for Defense, Lazar Elenovski, he himself was ready to accept the compromise name Republic of Macedonia (Skopje). To court the international community regarding a possible change of

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6   payment (as a tip or bribe) to expedite service
    (source: Merriam-Webster)

name, he stated that *the people will decide itself on a referendum, and if he were asked, he would vote against the change. To me the name is more important than a membership in Euro-Atlantic integrations,* stated the young national populist. His followers blindly accepted the message of the new Macedonian messiah. According to public opinion polls, around 70% of Macedonians believe that the name issue is more important than membership in the EU or NATO. Despite all the friendly advice of the American ambassador in NATO at the time, Victoria Nuland, Gruevski provoked the ire of the Greek political elite with his stubborn antiquisation[7] policy. Namely, in 2006 when the social-democrat Vlado Buckovski was the head of government, during the bilateral meeting in Brussels with the Greek Prime Minister Karamanlis, the Athenian warned the Macedonian Prime Minister laconically. *You are not hoping to be accepted into NATO under the name Macedonia, are you?*

No one can rationally interpret Gruevski's move when, a year after winning the elections in June 2006, he started the policy of renaming all the big buildings and corridors using antique names. Thanks to an intensive populist campaign stressing the antique origins of present-day Macedonians and the idolatry of Alexander the Macedonian as the greatest ancestor, the public reacted emotionally. The average Macedonian, by nature reticent and calm, accepted that numerous toponyms were renamed using Homeric terms. So Petrovec Airport was renamed to Alexander the Great Airport, Vardar City Stadium to Filip II Arena, corridor 10 of the highway into Aleksandar Makedonski (Alexander the Macedonian) Highway. This irritated Athens which used its veto in the Alliance when the USA and Canada recognised the constitutional name of Macedonia.

Winning the elections with absolute majority strengthened Gruevski's position, and spurred on his internal and foreign politics. At the same time, his candidate, George Ivanov, won the presidential elections and his VMRO-DPMNE party, the local elections. This is the era when the showdown with everyone whose opinion opposed his conservative-populist and nationalist doctrine began. The activities included blackmail and mobbing, destruction of small and medium companies owned by "disobedient" businessmen, organising paid "spontaneous" protests of the so-called *transition victims* in front of the seat of the opposition, intimidation, media censorship and self-censorship, arrests of political opponents, internal enemies and free-minded journalists, the arrest of the founder of the greatest opposition television A1 and its demise, the suspicious death of the founder of the greatest opposition weekly magazine Nikola Mladenov, the spectacular arrest of the opposition leader Ljube Boškovski, sentenced to five years in prison for the 100,000 Euros that were discovered for the election campaign that - as some witnesses say - were planted with the protected *pro-government witness*. Gruevski's clan was particularly cruel toward former party members and coalition partners. Due to the decision of his former coalition partner, Fiat Canoski, to join the opposition, the wiretaps reveal that Gruevski himself led the illegal withdrawal of the construction license and the tearing down of the complex "Kosmos". The judiciary epilogue of this 55 million Euro investment will certainly not be in favor of Gruevski's Government which will have to use the budget to make up for the damage incurred by the inexplicable vengeful whim of the Macedonian populist.

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7   Vangeli, Anastas (2011): *Nation-building ancient Macedonian style: the origins and the effects of the so-called antiquization in Macedonia.* In *Nationalities Papers* 39 (1), p. 13.

The next big affair which remains unseen in the short post-communist history of the entire Eastern and Central Europe, registered in EU Reports, was the violent expulsion of opposition MPs from the Sobranje (Parliament) by special anti-terrorist forces. Namely, on December 24 2012, opposition MPs had blocked the speaker podium while the budget was being discussed. The president of the parliament, instead of stopping the session, after consulting Gruevski, decided to use force, humiliate and harass representatives chosen by the people. Gruevski had grasped the mentality of the western diplomats very acutely. Stability and security are deemed most important for the Balkans, rather than some hypothetical Balkan democracy. Those were the years when the power of Gruevski and his clique had reached utter elation. This is precisely the period when the megalomaniacal kitsch project *Skopje 2014* was promoted, which foresaw the construction of hundreds of monuments from antique times to present times, along with baroque and no-classical facades. This architectural Disneyland was crowned with a gigantic, 35 meter high, monument to Alexander the Macedonian[8] on Skopje's main square. The total amount spent on this project is believed to have reached about a billion Euros, while Gruevski's infantile fantasies have offered the citizens stationary medieval ships in the shallow waters of the river Vardar, a Ferris wheel, Spanish steps, monuments to Prometheus in his underwear, Alexander's mother Olympias and father Phillip, the Aminta III street, named after Alexander's grandfather... just as he had ordered from Ukrainian masters huge murals in the style of socialist realism featuring his cousins, wife, mother etc. for his new party headquarters. The style of Kim il-sung, Ceausescu and Enver Hoxha had

moved into the new baroque party building which was built through "voluntary contributions" and is estimated to have cost about 40 million Euros.

Gruevski simply adores family, having also passed a law to stimulate procreation, offering financial compensation for families with three children, but also by banning abortion. As a model Christian-Democrat, he tried introducing religion as an obligatory school course, although Macedonia, according to its Constitution, is a secular country. Parallel to his affinity for the Christian Orthodox faith, he had hired a special fortune-teller into his cabinet to predict the future. However, despite his self-proclaimed position as the greatest believer and savior of Macedonia, who has built numerous Orthodox temples, he did not shy away from resorting to election fraud by printing over 100 000 false IDs, wiretapping over 26 000 "internal enemies", as well as his ministers and MPs, including automatically his own conversations with these ministers. Also, during a 2014 party celebrating VMRO-DPMNE's victory, Gruevski's bodyguard, a man with a suspicious criminal past, beat up a young party sympathizer, Martin Neškovski, who died afterwards. His ministers and associates tried to cover up the murder, however, the wiretaps had revealed all the machinations and attempts to hide the truth about Neškovski's unfortunate fate. This event had motivated Skopje youth to come out and protest in solidarity with the family of the murdered young man.

The Public Prosecution remained silent even when, according to assertions from our neighboring countries, the Macedonian Ministry of the Interior had tried to fabricate a crisis scenario in May 2015 in Kumanovo, regarding an alleged inter-ethnic conflict in which 15 people had died, in order to spin the opposition's revelations on the wiretaps and divert the public's attention to the crisis. It only focused on

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8 Alexander the Great

the arrested mercenaries who kept claiming that they were lured into this bloody drama by Macedonian order-givers. Immediately following these events, under the pressure of the international community, the Minister of the Interior and the Chief of State Security resigned.

Besides the abovementioned misuse of power and strong party-influenced rule, the crown of all events was the declaration of the pardoning of 57 politicians, including the Prime Minister Gruevski, his Minister of Internal Affairs, the Minister of Transport and his cousin, the chief of the secret police, who were supposed to appear before the court. When the opposition started broadcasting the seized wiretaps and the party-influenced judiciary remained indifferent – especially after the Kumanovo incident – the international community finally reacted. In June 2015 the Pržino agreement was signed by the four major (ruling and oppositional) parties, under the pressure of the international community. The Pržino Agreement was concluded, announcing early elections and appointing a technical government that would organise the elections. It also foresaw the resignation of the Prime Minister three months prior to the elections and forced resignations of the Minister of Foreign Affairs, the Chief of State Security and the most powerful person in the country, Mijalkov, and the Minister of Transport who had participated in much of Gruevski's dirty business.

At the same time, the Agreement provided for the establishment of a Special Public Prosecution – due to the party-influenced judiciary – that would take over the role of state prosecution; the cleansing of the voters register; the separation of party and state power; media reforms and the establishment of a co-chairing division of power between the government and the opposition; a reform of the State Electoral Committee, etc.

In turn, the opposition that had left the Parliament in the meantime, met the Agreement conditions: it decided to return to the *Sobranje* and to stop public broadcasting of the seized tap material. However, when it comes to meeting the obligations on part of the government leaders, only Gruevski stepped down 90 days prior to the early elections date, and they accepted the establishment of the Special Public Prosecution. When it comes to reforms under the responsibility of the executive power, not a single step was made. In such an atmosphere, the opposition refused to appear at the early elections that were first postponed in April and then, again, in June 2016. Thanks to the unconstitutional pardons by President Ivanov, the people came out into the streets to protest, which resulted in the Colourful Revolution. Unfortunately, Ivanov – the winner of the 2016 Isa-bey Ishaković award in Sarajevo for his contributions in the development of democracy in divided societies – has completely played out the expectations of the international community. In Macedonia, Ivanov is perceived as the greatest vassal of Gruevski and his authoritarian populism, and the biggest opponent of democracy, a man-plant according to the proponents of the Colourful Revolution. After he denied the Ohrid Agreement, even the Albanians, including the biggest Albanian party DUI, ceased to acknowledge him. At the same time, his pro-ancient fantasy and anti-democratic work are not appreciated by the Macedonians either. After pardoning the political criminals, he incurred the anger of the Macedonian democratic public that was everything but gentle when they called him a rubber ficus plant, Jorge the Mute... His popularity rating is at a 3% and he constitutes a sad tool in Gruevski's hands. Finally, under the pressures of the international community, he withdrew the pardons which, according to him, had played out their role and

saved Macedonia from destabilization. He admits to have even thought of asking the Army's help with the Colorful Revolution, but that he had given up on this idea, since it was more useful at the southern border, to protect Macedonia from immigrants. The citizens were utterly consternated. The President had even thought of a military putsch!

This was a fragment of an X-ray of the political events in the Republic of Macedonia related to the populist leadership model of Nikola Gruevski, who remains strong, regardless of the fact that he is no longer the Prime Minister. He is the president of the financially most powerful leading party VMRO-DPMNE, which has maintained control and clientelism in its relations to the administration and numerous freshly employed civil servants and police officers – those with a party card, of course.

How can the power of Gruevski's populism be explained? George Orwell wrote that *the people that elect corrupt politicians, imposters, thieves and traitors are not victims, but accomplices in crime.* However, we are wondering whether the people had been tricked, manipulated or blackmailed.

When it comes to the Balkan peoples, it is a well-known fact that nation-states in this region are a true rarity. Balkan societies are divided and this dichotomy helps populists manage their ethnic communities more easily. Several significant authors such as Le Bon, Tard, Freud and Moskovici have provided an answer to the psychological profile of a leader, and the crowd that blindly and humbly follows its own leaders. The populists have realised that the people and the crowds are bad at putting up with reality, poverty and misery, frustration and uncertainty. Once the crowd gathers spontaneously, or as a result of organisation, it loses its critical mass. It longs for authority and a leader. Once a

megalomaniac, a sick mind, a demagogue proclaiming himself a shepherd, imposes himself to the crowd, it is enough for it to start following him. Shakespeare was right when he said: *It's the tragedy of our times that lunatics must lead the blind.* Today, demagogy and populism have taken sway in the western Balkan countries, in the time of economic and social crisis, as well as identity crisis. One of the artists close to Gruevski considers him the greatest and most significant Macedonian since Alexander the Great and Tzar Samuel.

A capable populist submits a herd of obedient and uncritical supporters using two methods: **admiration and repression**. He courts the people, spreads a charismatic image of himself and enjoys the people's admiration. He issues passports to the neighbouring diaspora (Orban has issued 500,000 passports) and gives them the right to vote, employs party members only, changes the atmosphere in the environment using megalomaniac projects and emphasises the continuity with the past – as evidenced in the Skopje, Belgrade and Budapest projects. However, he also uses repression against the disobedient or those who use their brains to think, he submits the entire judiciary, including the Constitutional Court, to his executive power (Poland, Hungary, Macedonia, Montenegro, Kosovo), he fills the administration with party members, sets-up court cases, arrests journalists or penalizes them financially, spreads fear among the intelligentsia and imposes strict punishments over former associates.

Identifying a back-up enemy is very important for each populist. At the beginning, Gruevski's back-up enemies were the magnates of the previous regime that he managed to submit easily, and then they were replaced by the opposition. However, today this *position* is taken by the "colourful hooligans "who are protesting on the

SHRINKING SPACE IN THE WESTERN BALKANS
CASE EXAMPLES

streets of Skopje in cooperation with the *foreign power centres.*

Besides the abovementioned elements, populists have at least three other common characteristics. **First**, a populist tends to entirely homogenise the people through false promises, demagogy, propaganda, discipline, and iconography because this is what the crowd expects from them. Kant was right when he said that the crowd longs for a master and his false promises. **Second**, unity and social cohesion are the absolute imperative of each authoritarian populist. Such attitude presents intolerance toward others, in accordance with the principle: *you are either with us, or against us.* Using such logic, a former ambassador and director – a member of the VMRO-DPMNE – said: *being a part of our party means genetically being a Macedonian.* The third element of populism is the lack of will for negotiating and compromise, in accordance with the statement: *one does not negotiate with the enemy – the people do not give us the right to do this.*

Undoubtedly, the above described authoritarian national-populism is incompatible with democracy, because democracy implies pluralism in opinion and behaviour. Several types of populism are strongly present in Europe today, while the theoretic approaches, such as the one of Ernesto Laclau (popular in Greece and Spain), state that the populism phenomenon is a new quality of societal democratisation. In this context, it is necessary to differentiate between the authoritarian national-populism and political populism, i.e. populism as a type of protest against the governing elite.

Macedonia: A Captured Society

Xhabir Deralla,
CIVIL, Skopje

The country[9] has been in a deep political crisis for over eight years now, since the pre-term parliamentary elections in 2008 turned violent. The crisis escalated in February 2015, after the opposition revealed wiretaps that indicate serious crimes, abuses, corruption and electoral fraud committed by the country's government and political establishment. The political agreement brokered by the international community introduced a complicated and turbulent political process, filled with numerous drastic changes in the political situation, multiple postponements of the elections, obstructions of the political process, serious security challenges, and other political and societal distractions.

Abuse of power, structural violence and political corruption have continued unabated, despite all the efforts, time, and resources this country and the international community have invested in order to reach a solution to the political crisis.

Those suspected of serious abuses, stealing public money and electoral fraud, sit at the negotiations' table, and only deepen the crisis, pushing Macedonia into more misery and isolation, divisions, tensions and violence. On top of all of this, the leader of the ruling party continues to spread heavy manipulation, hate speech, and serious threats in his public appearances.

It is not only that political power is imposed over the core state institutions; it is also imposed on the country as a whole, which is maliciously controlled in every imaginable way. Health, education, culture, security, social services – all have

9   The largest ethnic Macedonian right-wing party VMRO-DPMNE, led by Nikola Gruevski, has been in power for ten years now. Gruevski resigned from his position of Prime Minister in January 2016, but only formally, since he still holds all the strings of power in the government. The ruling party has been in an eight-year-long coalition with the Democratic Union for Integration, a political party of the ethnic Albanians, led by Ali Ahmeti, former leader of the UÇK in Macedonia.

been placed under the strong control of party apparatchiks, who twist or abuse laws and regulations in favor of the party bosses.

The level of control is enormous. Social welfare assistance, which can range from as little as 20 euros to a maximum of 100 euros a month, has to be "earned and kept" by obedience. Even unemployment status, which brings some minimal free health care and possibilities for employment, can be lost if the ruling party's hounds at the local level decide so. The party leader and his loyal *consiglieres,* closely watch everything. It became known that as Prime Minister, the party leader was deciding on ridiculous details, whilst any employment, even the likes of part-time engagement of nurses in kindergartens, depended on the signature of the finance minister Zoran Stavreski, the party's bookie.

The ruling party has invested hundreds of millions to capture the society and public space in the process. Whether it is virtual or physical, public space is controlled by the ruling party, just as the ruling party controls the state.

The methods of the ruling party and Gruevski carry a striking resemblance to those of the fascists in Italy and Nazis in Germany in the 1920's and 30's. The difference is in the enormity of confusion, tastelessness and kitsch that has been produced in the past 10 years. The Nazification of the society became particularly obvious since the beginning of the *Skopje 2014* project. Parallel to this project, this process became visible in the areas of education and culture. This aspect may and should be subject to serious research and analysis.

Monuments, Crosses, Cults, Baroque... And, Nationalism.

History is fabricated, and a new context is given to the whole society, in order to serve as a propaganda tool for the ruling clique. Ethnic Macedonians are now defined as ancient Macedonians, descendants of Alexander the Great. Often, ethnic Macedonians are depicted as the purest nation, even race, on Earth, the real Arians, against whom the whole world is conspiring. This new perspective, imposed by the ruling party and the intellectual class around it, is reflected in textbooks for children, culture, and media, as well as in the public space.

The ruling party has elevated its political being to a cult level, placing Gruevski on top of this mythical construct. Though the leader of the ruling party has been clever enough not to order monuments and statues depicting him personally, the context of the occupation of public space in the country is leaning towards feeding his own cult. It has become a well-known fact that the ridiculous baroque facades, the arcs, galleons in the river of Vardar and hundreds of kitschy and worthless, yet extremely expensive, statues, monuments and fountains in Skopje and across the country – are his personal choice and command. Crosses have been elevated on almost every hill in the country, and churches have been built in countless neighborhoods.

Only the municipality of Aerodrom in Skopje has over a dozen of churches, over thirty miniature churches, a fifty-meter tall cross, and many smaller crosses, built in the last eight years. They are built in public spaces, mostly from public money, or by bogus initiatives. The cross on the top of Vodno, a hill that dominates Skopje, is 75-meters tall, whilst in the ethnically mixed municipality of Butel in the capital city, the rulers have set another 50-meters tall cross.

In return, Albanians build mosques, elevated poles with Albanian flags and set monuments of Albanian historical figures and two-headed eagles. All in the public space, again.

Marking "Territories"

Each and every public venue or building, square, street, road and highway, even every hill and park is occupied, marked and branded with symbols that interpret the ruling party's concept of omnipresence, domination, and control.

The ruling party has imposed its concept onto private investments in the construction business as well. New hotels and other private businesses have to be built in a baroque style, forced by various means of persuasion and shady administrative measures to mirror the senseless ideas of the leader, against whom the Special Public Prosecutor has raised numerous criminal charges, and who has been escaping justice due to the entirely captured judiciary in the country.

Divisions along ethnic and religious lines are strikingly visible in the public space. The coalition partner in the government, DUI, has copied the manners of the ruling party in the areas where ethnic Albanians live and has been promoting nationalism and ethno-centrism opposed to the dominant ethnic-Macedonian nationalist supremacy. It has captured public space in the same manner.

Still, whenever Gruevski wants to show off and cater to ethnic Macedonian nationalists, public space, marked by ethnic and party domination, often gets overrun by the ruling party in various ways. Just to show who is the master. DUI's strongmen publicly protest against this, as if though they were some local NGO or opposition, while carrying on with business as usual in government matters.

Public space thus remains captured by political, ethnic and religious contents imposed by ruling parties of ethnic Macedonians and Albanians, shrinking the space or making it inaccessible to other communities in the country, which are numerous (Turks, Roma, Serbs, Bosniaks, Vlachs, Egyptians, etc.).

All other categories of citizens and communities are left on the margins of society and the system and, moreover, oppressed in many ways and manners. In addition, individual rights and freedoms are practically invisible in comparison to the collective rights, i.e. whilst some collective rights are respected, at least formally, individual rights are not.

For years, the whole country has been marked by ruling party symbols. Even the numerous ethnic or state symbols are imposed in such manners that they obtain a party character and context. The ruling party has raised hundreds of poles with flags across the country (each pole has cost the tax payers at least seven thousand euros). The whole country has been VMRO-ized, as for the rest, it has been marked as an Albanian (read: DUI) "territory".

Capturing the Virtual Space and Creation of a Hostile Environment

Until recently, before the Colorful Revolution started (April 12, 2016), there were a handful of beacons of truth about Macedonia – some online media, a few print outlets, a very small number of artists and public figures, several CSOs conducting public events… That was about it.

The ruling party started the substitution of the civil society since the very beginning of its rule. This process became particularly forceful since 2009, when the new legal regulations for civil society

came into place. The ruling party gave way to the formation of pro-government and para-political structures registered as CSOs, movements and initiatives that are defending and promoting the ruling party only. Some of them have also been laundering money for the ruling party.

Whenever the party leader does not dare to formulate something in the most direct way, it is them, the surrogate CSOs, who do that. Moreover, their day-to-day task is to aggressively multiply the voice of the leader and build the myth of Gruevski as a messiah of the country and of the ancient Macedonians.

All in all, there is a hostile legal framework and even more hostile legal practice and non-implementation of existing legislative provisions that are still friendly on CSOs. Moreover, revenue services, inspections and financial police are turned into a tool for putting pressure on the whole society, including CSOs.

Party youth organizations have substituted youth organizations. They serve solely as the muscle of the ruling party, without a single activity that may reflect the interests and rights of the country's youth. Political party committees at local level became employment bureaus and checkpoints that collect "ideas, opinions, and requests" from citizens instead of citizen participation in decision making processes. As one may guess, citizens' ideas and opinions are in service of praising the messiah, and the requests are "compatible" with the party programs.

Capturing Media and Substitution of Civil Society

The media are under complete control of the ruling party, and yet another tool for the creation of a hostile environment for civil society actors. Furthermore, they are blind to most of what civil society is doing.

The ruling party occupies most of the airtime, whilst opposition and civil society are practically invisible or, if present, they are continuously targeted as treacherous and evil elements in the society. Spinning the facts, half-truths, dirty campaigning, and ad-hominem attacks are the favorite dishes of the editors of Macedonian media, serving obediently to the ruling party's propaganda masters.

The rest of civil society is targeted very hard. The government/ruling party's attitude towards CSOs is in line with the continuous demonization, public pressure and isolation of civil society organizations, through party-controlled media and party activities in the field. Dozens of violent attacks on CSOs and human rights activists took place in the past few years, without any legal or public disclosure.

There were several violent acts of vandalism in the Old Town of Skopje, in which masked attackers demolished a coffee bar where LGBTI activists were gathered. Employees in public administration attacked a human rights activist, who held a banner at the Skopje Marathon in May, 2016. An activist of the ruling party attacked a female activist at a protest against president Ivanov's pardon of politicians under investigation of the Special Public Prosecutor in April, 2016. These incidents were documented and publicized, but authorities did not take any action against them.

To be a human rights activist in Macedonia these years is to be a person that is constantly attacked, discredited, and demonized. *Traitors, foreign spies, dark forces, sorosoids, poofs, creeps, freaks* – are only a small fraction of the terms used for human rights activists in public speeches and social media, as well as in the traditional media. Hate speech and threats are often used by the leader of the ruling party, and multiplied by the media and party soldiers.

At each public speech he makes, he has someone to target, calling the opposition and civil society "dark forces", saying that "the people will kick their ass". His vocabulary is only a nuance milder than the notorious haters in the media, but the style is the same. Moreover, he is a personal friend of those haters, and very often appears on their TV shows.

The physical limitations of civil society actors and limiting public spaces for civic engagement are a daily reality in Macedonia. Absurd bureaucratic attitudes of the administration at local and central level, prevent citizens from using what they actually possess, according to the Constitution – public space. Banning events of CSOs is a regular practice. CIVIL – Center for Freedom was forbidden to hold events in public space four times in Bitola only. Sometimes, authorities act as if they are worried for the wellbeing of activists, so they send a dozen of police officers to "protect" a small info-stand. The aim of this is to scare people off, since, if the aim of the authorities was to protect human rights activists and independent journalists and intellectuals, they would have taken measures to investigate and raise charges against attackers in numerous incidents in the past few years. At least.

Sustainability of CSOs in a hostile environment created by the ruling party, politicized institutions and media, is practically impossible. No business entity would dare to sponsor some public event of the demonized civil society organizations. Inspections and financial police will knock at their doors right away.

Ruling party-directed bogus civil society organizations have misused EU and other international donors' funds, as well. There have been several scandals over EU funds in the past several years, when the public learned about the misuse and manipulations with EU funds for civil society. This only adds to the decade-long

practice of enormously well elaborated and practiced abuse of public funds to satisfy the immense appetites of the ruling clique. The preposterous *Skopje 2014* project is only the most visible and the most unsophisticated form of violations, corruption, and theft, as well as occupation of public space.

The Struggle Continues

The way out of this situation is certainly not going to be easy and short-term. The fear that has been implanted in the society is widespread and political corruption and clientelism have become an integral part of the lives of Macedonian citizens. That cannot be rooted out by online clicktivism, no matter how eager some are. Online activism is often traded for clicktivism and occasional critical statements and declarations by non-party actors.

A few civil society organizations have developed a dynamic and multifaceted online production that provides comprehensive content to serve as an independent informative resource, but also as a civic education and mobilization tool.

The ruling party has small armies of party soldiers who guard the online space, attacking every online outlet that is not in line with the ruling party. Hacker attacks, endless strings of comments full of extremely vulgar and threatening vocabulary, and dozens of articles are coordinated and produced in the ruling party-headquarters on an hourly basis. CIVIL's website had 7.9 million hacker attacks in February 2016 only, according to the report of the server admins based in Germany.

Still, citizen journalism, independent online news production, and regular online activism provides civil society with resources to mobilize and act in the public space, as has been the case in the last couple of years in the Republic of Macedo-

nia. Police arrests and persecution of civil society leaders did not stop the demands for freedom, democracy and justice in the country. This is not enough, though.

Public space is also occupied by shady businesses conducted by investors close to the ruling party, as we could hear from the wiretaps, revealed by the opposition in February 2015. The private security agency of the former chief of secret police, Sašo Mijalkov, a cousin of the ruling party leader, has been watching and guarding every square inch of public space, including public buildings and institutions. Police is in service of the private needs of Gruevski and his clique, as well.

A special police force, heavily shielded and armed is guarding the 500 meters perimeter of the ruling party headquarters, banning anyone from approaching it, not to speak of throwing color on it, which became the trademark of the Colorful Revolution in Macedonia.

This attitude of the ruling party is recognizable. For years, the ruling party has been using symbols of power and when those symbols are threatened, they are rigorously defended. Protesters may have succeeded to demolish the representative office of the President or the Ministry of Justice, color the buildings of the government, Parliament, State Election Commission, and other, but not a single drop was allowed on the party's stronghold in the very center of the Macedonian capital.

Gruevski's security guards, employed by the Ministry of the Interior, paid by citizens, broke into the private TV 21 station, running after a journalist who took pictures of Gruevski on a street in the center of the city, demanding to delete them. No law in the country allows such behavior. Yet, that happens on a daily basis.

Frequent public events, protests, guerilla actions and online activism are the main combat tools for civil society to tackle the crude occupation of public space in the country. Parallel to that, civil society needs to improve its constituency building and gain credibility. Elitism, conformism, and arrogance do not help.

When we speak of public events, we have to think of providing a safe space for socially responsible artists and intellectuals to express and share opinions and expertise. Education through creativity is an excellent tool for younger generations, as well. These actions need to be conducted in a manner of solidarity and understanding between civil society actors.

Civil society needs to get more active and organizations and civic initiatives need to overcome their mutual rivalries and unprincipled competitiveness.

We have a long and heavy struggle ahead, in order to re-claim public space, freedom, and democracy. Defiance is the first step only.

Macedonia: Occupation of Public Space

Ivana Dragšić,
Freedom Square, Skopje

This has been Macedonia's 10th year under the rule of VMRO-DPMNE. After getting elected in 2006, they have organized three early parliamentary elections in a row, two local elections, and two presidential elections (winning absolute majority in all of them). Under their rule, the first Macedonian private television broadcaster was shut down, two other major TV broadcasters occupied, one of which was the public broadcasting service MRTV, and the most resilient journalists banished from mainstream media into marginal web-portals, other smaller media outlets, or even out of the country, applying for other kinds of jobs.

Nearly 60% of the legislation brought to or ratified in the Macedonian Parliament in the period of 2011-2014 was through urgent or abridged procedures, that is to say without any discussion by the "people's representatives". One day in February 2014, the Assembly passed 112 laws in abridged procedures. Compared to the mandate period of 2011-2014, 2015 alone ended with 60% of the legislature passed or ratified through abridged or urgent procedures. In addition, in recent years until the culmination of the political crisis, the Macedonian Government was the biggest advertiser in electronic media, reaching ¾ of the broadcast time in pre-election periods.

The channels for scrutinizing, criticizing or even appealing to the state institutions and the government were all shut down. In addition to the occupation of the Macedonian legislation, the institutional order was disrupted with the massive employment of large numbers of people in public administration. As we heard in the published wiretapped materials, dubbed

"the bombs",[10], public institutions such as the courts were highly corrupt and useless for the regular citizen. One would expect a flourishing civil society in such conditions, but the space for civil society actors in Macedonia has been shrinking both literally and politically.

Urban and Spatial Planning Legislative Experiences

The deregulation in the 90s, during the transitional period of the country, took its toll on urban planning vividly, mostly in the residential areas. The public space did not lose much in terms of surface area, but certainly lost a lot in quality and maintenance. Compared to the experience with the most transparent process of urban and spatial planning in the decade after the earthquake of 1963, it seemed like the citizens had lost their standards and values about the space they live in, and most of the debate about public space, planning and urban environment was led in the realm of nostalgia.

The national and local legislation for urban planning and construction has been changed 20 times a year, by the majority of VMRO DPMNE in the Parliament or in the Municipal Councils, most of which are still under the same political party rule. The changes were always made just to fit the needs of the construction of Skopje

2014[11], but also the needs and interests of private contractors, tightly connected to people on higher political positions in Macedonia, thus, leaving the whole situation as legally sound and completely regulating the issues from one center of power (one political party holds power in all three pillars of democracy). This is only the macro level of the shrinking spaces for civil society actors in Macedonia. The citizens of Macedonia practically do not have political representatives in any of the public/state institutions and processes. Politics have been occupied by one political party only, while the society has been completely depoliticized, leaving the ones that act politically - stigmatized.

Furthermore, the actual spaces in the public realm were brought into question - all spaces in which civil society actors operate: physical public space, media, knowledge, education and politics. The physical public space has been occupied and renationalized with the vast surface area of the Skopje 2014 buildings, whereas the space that has been left empty is still heavily occupied by chauvinist symbols, private contractors as security providers and additionally regulated with legislature the redefines the *public* as such. Most of the mainstream electronic media are owned by businessmen connected to the political power center, thus maintaining financial and media power and creating such a strong propaganda machine that even the Macedonian public service (MRTV) participates in. Only several local media outlets have succeeded to exist and

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10 The "bombs" are wiretapped materials of over 20.000 Macedonian citizens, leaked from Macedonian intelligence services through the opposition party SDSM. The wiretapped materials reveal accusations of vote fixing, police cover-up of a murder, corruption on municipal and even judicial levels, physical threats over journalists as well as orders of physical violence and counterprotests. Some English translations can be found here http://interactive.aljazeera.com/ajb/2015/makedonija-bombe/eng/index.html

11 Skopje 2014 is the single greatest construction investment project in Macedonian history (so far 640mil EUR), represented through the construction of over 100 sculptures, 34 monuments, 27 buildings, 6 garages, 5 squares, 1 triumphal gate, numerous other urban interventions such as fountains, small squares, candelabra and re-facading of the modernist buildings in the central area of Skopje. For more information: https://ba.boell.org/bs/2016/01/08/novo-lice-skopja-megalomanski-projekat-koji-je-pojeo-grad

cover stories, politics and injustice professionally. VMRO-DPMNE held a political rule by press conferences and TV ads, but also through emulating civil society, institutions, protests - while everything that might have come out of our civil society - was repressed, neutralized or substituted.

Three Levels of Occupation:

To demonstrate how the main party is exercising control over Macedonian affairs, let us look at the way the party has occupied public space.

1. The narrative of anti-state elements:

Politics itself was occupied and stigmatized by those in power! Soon after any publicly articulated political attitude, individuals and groups were stigmatized as: relatives of opposition party members, foreign mercenaries, antichrists and people who "generally hate and don't wish well upon Macedonia". At one moment back in 2013, the now ex vice-President of the Macedonian Government called an activist choir an "anti-state element" and "a part of the Slovenian scenario to overthrow the Government of this country" (referring to a Slovenian PR company hired by SDSM) simply because it performed in public space. Literally anybody who publicly articulated a political attitude that diverged from the politics of VMRO-DPMNE, were put in a position to defend themselves: from individuals, to whole movements, such as the one against political brutality, which, for many days during the six months of protesting, was headed with a banner stating "We are not a political party".

2. The resources:

Resources are a major parameter in losing this battle, because the opponent to the civil society at the moment is the party-occupied state, having the state budget and institutional resources at its disposal. Such is the example of our limited outreach when communicating the wrongdoings of some local institutions, or even more serious acts. Moreover, even in better conditions, the civil society would not have access to mainstream education, culture and TV production, currently being flooded by skewed[12] historical and other scientific information, hetero-centric and ethno-centric "knowledge", as well as a representation of Skopje 2014 as cultural heritage. All of the civil society's brochures, studies, informal educational courses and multi-media projects, cannot compete with the almost industrial-like production of knowledge through all media possible, at the disposal of publicly subsidized, profit-oriented private contractors who suit the needs of the public bids, not public interest.

3. Micro-occupations:

Even the private space of the activists, civil society members and simply active citizens has been shrinking in the past decade. Ad hominem attacks in the media have stopped, or at least tamed, many outspoken individuals. It has prevented many others from even speaking out. Even citizens that would draw attention to certain topics in the public space were slandered, their faces circled in red color and some

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12 For example: several historical figures notorious for brutal murders of their political opponents are being rehabilitated through monuments and a new narrative in the "Museum of the Macedonian Struggle and the Victims of the Communist Regime". The museum itself, features a completely distorted version of Macedonian history during Yugoslavia.

part of their privacy exposed. Some lost their jobs, some did not get the promotion they were legally eligible for - mostly people that worked in public (state or local) institutions or international organizations in communication with the Macedonian public institutions. Others' cars were damaged or robbed, they were offended or yelled at in the street, even followed, or their houses were raided.

The general occupation of the state and the legal system, the media and the physical space, combined with the stated methods of personal pressures, sent a strong message that civil society actors and their opinions were not welcome, not only in the realm of the public, but in the country of Macedonia (due to the fact that all criticism is deemed "anti-Macedonian"). This is not a state of shrinking, but rather a complete loss of space for civil society.

The Way Out

The shrinking of the space is the result of a long-term strategy implemented by any political party in power in Macedonia in modern history, but more so in the past ten years under the rule of VMRO-DPMNE. Literally all communication channels with the citizens have been destroyed or occupied with false information and slander, leaving the civil society stigmatized and trapped, thus having to liberate or create new spaces.

One of the first things that the biggest opposition party SDSM has done in public interest was to release the mentioned wire-tapped materials. Macedonian citizens finally received evidence, confirmation to everything they had suspected or discovered, and tried to raise awareness for and prevent. Although the method of publication can be problematized, it was a situation which simultaneously confirmed how strongly the regime of VMRO-DPMNE had

installed itself into every pore of the society and mobilized citizens to reclaim what has been occupied and penetrate public space in all its forms, which has for such a long time been a place they have been evicted from.

Many of the actors in the fragmented civil society had to change their strategies or even reduce them to tactical work, since the general political environment does not allow for any long-term planning or institutional processes that might expand longer than a project cycle. Nevertheless, new partnerships and coalitions have been created, based on the common understanding that democracy needs to be re-thought.

Colorful revolution as of June 17, 2016

How to Reprogram a Country

There are several lines of development worth following, as they can potentially play a very constructive role in the essential political reprogramming of the country, thus leaving space and a possibility for the reprogramming, reclaiming or reconstruction of the space for civil society actors and citizens:

1. Various forms of commoning have appeared during the last years of protesting and demonstrating discontent with the current political situation in Macedonia - from a protest choir

whose existence was completely rooted in management according to the commons' principles[13], to university campus occupations maintained by participants and supporters, and the use/maintenance of public space for the need of the movement against police brutality, also showing strong affiliation to the commons' principles. Awareness about self-regulation (of space, time, other resources, methodology, decision making) has risen and is finally exiting the realm of having to be represented or mediated by an entity (public institution, legal regulative or private capital).

2. Culmination of the debate and restructuring of *the left*, represented through its civil society organizations, individuals, recently formed political parties (such as the one founded in November 2015, officially named Left[14]) and other formal and informal representatives of their personally interpreted *leftism* (none of those most notable political actors representing the left have been on policy or decision-making positions yet). The debate has contributed not only to a reorganization instead of fragmentation of the left, but also to its repositioning in relation to all political stakeholders in Macedonia, as well as the obviously flawed political system. The civil society organizations and other individuals and formations that were interested in doing so, are largely present in the public realm where the political crisis in Macedonia is commented, discussed, assessed and even negotiated.

Logo of the recently formed political party Left

3. Citizens have been encouraged and empowered by the number of people present on the streets for a while now, but also due to the various forms of empowerment civil society organizations have offered through their projects and programs. The citizens of Skopje are much more sensitized about urban planning and urban environment issues, but also very familiar with the institutional procedures and policy decisions that created the situation, thus much more prepared to organize, volunteer, publicly act and confront local governance. There has been a chain-reaction of local neighbourhoods in Skopje organizing themselves and articulating strong messages and activities showing discontent with local urban policies, but also an understanding of how those local policies are related to the power center currently holding Macedonia hostage.

Citizens at the most recent March for greener Karposh

4. Moving the debate about Skopje 2014 from the realm of assessment and criticism, to anticipating possible so-

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13 Fair access, fair use and sustainability.
14 For further information, follow the party's official website at: http://levica.mk/

lutions to the caused urban chaos, urban environment destruction and costly low-quality structures on seismically risky grounds was only possible through the catharsis of the *colorful revolution*. The imposed marble whiteness, as the representation of the strictness that came out as a meaning from the promotion of the project itself, was penetrated with paint, thus representing the referendum about Skopje 2014 the citizens were denied. Experts and citizens are more outspoken, creating conditions for a comprehensive dialogue and understanding the wrongdoing by further participation in the project. In that manner, the Macedonian Architects' Association has already successfully boycotted a public call for further reconstruction of the façade of a historical building in the center. The major discontent with the project is finally publicly articulated, bringing into focus that if the regime falls - its monumental representation Skopje 2014 must fall.

5. This is a test for all active political stakeholders which even consider a future in politics. Such is the case of the ongoing debate about the leader of the opposition Zoran Zaev and his role in the emancipation process. The dilemma is, of course, between his personal interest and ethical values as motives to do what he has been doing since the release of the first wire-tapped material *bomb*. His name is at stake the most, but the general positioning of SDSM in the "process of negotiation" and what they stand for - elections or real reform. This, certainly, is a very interesting aspect of all political actors claiming a potential part in the next political order of the Republic of Macedonia.

Serbia: Regaining Space

Dobrica Veselinović,
Ministry for Space, Belgrade

When the editors of this issue asked me (and I am thankful for this) to write a short text dealing with the issue of narrowing the space for civil engagement, I was very busy – and I still am, maybe even busier – with the "crisis" situation in Belgrade that is tightly connected with the issue of this text.

Namely, for the past two months[15], civil protests have been taking place in Belgrade, organized by the initiative Ne Da(vi)mo Beograd[16] regarding the arrogant demolition of several buildings in Hercegovačka Street on election night, by three dozen masked individuals using several unlabelled excavators and construction machines. On this occasion, the attackers tied up the night guards who were in the buildings; they kept people out and took their phones. A month after the incident, one of the abovementioned guards died. Even after many calls, the police did not react. This was ordered by the political leaders, as was subsequently determined in the report of the Protector of Citizens Saša Janković. For the sake of further explanation, it is important to mention that Hercegovačka Street is located in the area planned for the construction of the project "Belgrade on water[17]" which has been stirring up controversy since its beginning, being an obvious example of placing unclear private interest before the public one, but it still constitutes a flagship project for the government both in Belgrade and in Serbia, and is also a trump card of the Serbian Progressive Party.

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15 The text was written in June 2016
16 More about the initiative "Ne da(vi)mo Beograd" is available at: www.nedavimobeograd.wordpress.com, and www.facebook.com/nedavimobeograd
17 The official presentation can be found here: https://www.belgradewaterfront.com/en/

Foto: Marko Rupena, Kamerades

The city and state leaders made efforts to make this case even more serious by denying the mentioned events for days and being absolutely reluctant to understand the increasing number of citizens' requests for taking responsibility. During the first protest, the Initiative presented requests for clear answers instead of covering up and avoiding questions, taking responsibility and the resignation of the following individuals:

- Siniša Mali, Mayor of Belgrade;
- Nikola Nikodijević, the President of the City Assembly of Belgrade;
- Nebojša Stefanović, Minister of Internal Affairs of Serbia;
- Vladimir Rebić, Acting Serbian Police Director;
- Nikola Ristić, Belgrade Municipal Police Chief;

as well as the prosecution of all Hercegovačka Street events participants and all parties issuing instructions in the night between April 24 and 25, 2016.

Besides the protests of the initiative Ne Da(vi)mo Beograd, a lot of attention was given to the protests triggered by the dismissals of staff in Radio Television Vojvodina, organized by the dismissed journalists and citizens gathered under the initiative "Podrži RTV" ("Support RTV")[18].

In this moment it is difficult to make projections regarding the development of the protests and the initiatives, as well as of the manner of mobilization and dedication of the people, but optimism and hope that something might be achieved through civil actions are most certainly "the hits of the year" and maybe – even though this might be even more difficult to say – they are an excellent start of a wide civil mobilization and politicization of the civil society in Serbia into a new realistic political option.

On the other hand, the events around this case show us what is most important for this issue. They show a much more serious trend - a trend of reducing the space for democratic actions and organizing in the public sphere.

On this occasion I will try to sum up several regularities seen as an answer of the state apparatus and the governing parties, but I will also offer several directions, primarily tactical and strategic ones, as visions of possible further actions.

The One who Controls the Media, Also Controls Public Opinion

At the moment, a control of narrative is taking place in Serbia. It is placed in the public space primarily through contents set in the media sphere. In the previous period, Serbian authorities used different ways and means (pressure, privatisation, investments by individuals close to the leading party, etc.) to take control over a number of private and influential media on the one hand and, on the other, it undermined the role of publicly owned media companies. Namely, except for satirical shows, a lack of any kind of critical programme in the mainstream media is obvious – there are no polemic contents. Such conquered and cleansed communi-

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18 More information about the Initiative "Podrži RTV" is available on: https://www.facebook.com/PodrziRTV

cation channels are used for transmitting messages originating in one centre.

This manifests itself unambiguously in emergency press conferences organised by government representatives where only "friendly" media are allowed to ask questions and which then send messages to the public several times a day.

Another element supporting this setup is a wide range of tabloids and weekly magazines that frequently introduce future announcements by publishing information from well-informed sources for days or by stoking the hysteria related to events that upset the public. Some of the most extreme cases are the 2014 floods in Serbia, the crash of the military helicopter carrying a sick baby and the death of seven persons that occurred on this occasion.

Lately, especially during the election campaign, another frontline for shaping public opinion has appeared – a well-organised and one-centre-managed astroturfing campaign. Namely, the aim was to produce a big number of "independent" comments in social media and media portals in order to support the news that favours the government or, by using negative comments and introducing suspicion, to express detachment from the news that is opposite or contrary to what the governing structure wants to convey. A huge number of people are often engaged to try and reshape citizens' opinion t using sophisticated platforms, for which purpose significant assets are invested.

This trend is getting increasingly common on social networks as pages and profiles similar to the ones being fought are made. This way, confusion is used to discredit the opposing party.

The One who Controls the Public Space, Controls the City

An additional element in the methods of reducing space for civil activism and actions are the repercussions that may be seen in the public space, which is getting increasingly private and in which the citizens are actually losing certain rights. Observing the character of those local and, at the same time, globalised urban changes, on the one hand there is a very clear dominant development of a paradigm that wants to define a new identity of the city, including the processes of regional and global integrations. Actions aimed at establishing a new image that should fit global and market conditions result in redefining the urban physiognomy with the aim of increasing the attractiveness of the city and enabling the participation in global competitions to attract financial capital. In such circumstances, the needs of the local population are usually neglected. On the other hand, due to the collapse and/or the inapplicability of urban policies, which was first seen during the economic and political crash in the nineties, the citizens try to independently solve their own existential needs, to gain individual freedoms and to establish a specific type of a collective in their local community. Such specific manners of city development are labelled the informal development paradigm in urbanism. Even though such practices are often illegal, most of them are aimed at normalizing their own existence.

Responses for such a situation are numerous. In my opinion, they are based around the following three pillars:

Free public space – if we start from the idea that a city should be available for everyone and that its citizens should participate and decide on the directions of its

SHRINKING SPACE IN THE WESTERN BALKANS
CASE EXAMPLES

development, then public space is one of the most visible arenas for democratic battles.

Public space may indeed become the space for debate and gatherings only if we recapture its management and use. This entails an unambiguous and strong resistance to the commercialisation of the space with different private-public partnerships and violation of the natural environment, care for nurturing and the culture of public space. This request is strategic, it always has to be the top priority and we have to refer back to it again and again.

Conquering and claiming space for independent expression – a tactical move for bringing public space back to the public is conquering and establishing niches for testing new management and decision-making models. Space conquering may be in the form of advocating for independent space for culture, squatting or community gardens and cooperation for a different economy.

The importance of such a space is the incubation of ideas and conquering the power because each social group that wants power in a society must conquer its own spaces.

Local communities - "For the purpose of achieving general, common and everyday needs of a certain local population, the citizens may establish a local community or other forms of local self-government (borough, quarter) in conformity with the law and the statute." This is stated in the law that defines the status of the almost forgotten framework for democratic participation of citizens at the local level in Serbia. If, in the future, we manage to establish new methods and mechanisms for the operation of the existing format, maybe we will succeed in reversing the apathy and inciting more active civic participation in the processes that concern them the most.

In the end, here is a conclusion or food for thought concerning the way we can win.

Foto: Luka Knežević Strika - Inicijativa ne da(vi)mo Beograd

By creating a new ideological framework and connecting different struggles for the public good (education, public space, municipal companies) in one framework which allows establishing alliances within the existing civil society organisations and by uniting with the traditional actors in this field, such as trade unions and through cooperation with informal initiatives and grassroots movements established for the purpose of protecting certain good.

A possible tactic might be establishing a matrix and a platform for the cooperation between organisations in the field of media and investigative journalists – classical activists groups – and organisations that deal with legal protection which would result in a continued and comprehensive analysis of cases and reveal all the anomalies of our societies.

All this is possible only if we confront "business as usual" in all aspects of our life and if question the organisation models, human relations and power relations that surround us.

For the Locals Unwanted, for the International Community a "Necessary Evil"
On the Position of Civil Society Organisations in Bosnia and Herzegovina

Saša Gavrić, Sarajevo Open Centre, Sarajevo

The European Union Provides only Declarative Support

Compared to relations several years ago, one must admit that the behaviour of European Union (EU) representatives has changed. While several years ago it was unthinkable that an EU representative would even meet with representatives of civil society and listen to them, today things look a little bit different. Even high level protagonists like High Representative Federica Mogherini and Commissioner for Neighbourhood Policy and Enlargement Negotiations Johannes Hahn hold regular meetings with civil society organisations during their visits, having a dialogue even with those who should critically present the everyday life and thus the political reality of Bosnia and Herzegovina (BiH).

A different relation toward civil society was also seen during the structural dialogue for the justice sector, a special mechanism which was established to appease the President of the BiH entity Republika Srpska (RS), Mr. Milorad Dodik. In 2014 civil society members were invited to actively take part in one of the meetings of this forum.

However, these moments of opening and dialogue still remain an exception. The negotiations and the process of adoption of the so-called Reform Agenda have also shown this. During this process there were no representatives of civil society in the wider sense at all. No trade unions, human rights organizations and professional associations were included, although it was announced they would be. Not only civil society was excluded from this process, but also the state and entity parliaments as the final decision makers. The exclusion of civil society is also visible in the process of development and adoption of some key laws for the citizens of BiH.

This relation of EU stakeholders towards civil society arises from the specific relations which institutions and EU officials maintain with BiH political leaders. The EU and its member states play an active role in BiH; this is why they have often resorted to "Special Arrangements" to solve problems in BiH. The Structural Dialogue for the justice sector or the Butmir process are only some of them. All these special arrangements which we would never see in case of some other potential EU membership candidates, and which are focused on incapable, corrupt and manipulative political leaders in BiH, have two main characteristics: besides the fact that all these attempts to solve the "Bosnian problem" resulted in a collapse and total failure, they were all organized in almost complete secrecy and without the participation of civil society.

Civil society can impose itself as a stakeholder and partner, only by extraordinary and special effort and participation in the political arena, and not because its participation is of interest to Bosnian institutions or EU protagonists.

Considering the fact that the process of EU integration of BiH has been developing in an atypical way, the position of civil society itself within this process is unusual and different in comparison to other states. It will be interesting to see which position the civil society will take once BiH gains a candidate status and if the EU at least then would consider it a partner and not an "unconstructive" stakeholder, as an employee of the Delegation of the EU to BiH in Sarajevo once in a private conversation called human rights organisations.

Political Parties and Institutions do not Want a Strong and Developed Civil Society

For civil society to be able to act, at least *two basic assumptions* need to be fulfilled.

The first one regards the relation the domestic government has towards civil society organisations. Political parties, institutions and individuals within governing structures must start to look at civil society as a social capital and potential, as a partner and not as a foreign agent or "necessary evil" imposed by the European Union and other international protagonists, as it is still the case.

The second assumption is of systematic nature. Civil society organisations are not able to act if they lack a supportive environment for their activities. The state and its entities must a) define a mid-term and long-term vision of (e.g. by adopting and implementing a national civil society development strategy) what kind of civil society they want to have, b) appoint personnel (e.g. by establishing a Civil Society Office on state and entity level) whose responsibility would be to deal with these issues, and c) provide real and not only declarative support to civil society organisations' work (e.g. by establishing national foundations for the development of civil society).

(Political) Will for this kind of changes in BiH still does not exist. This has been confirmed by the fact that, in spring 2017, it will be ten years since Nikola Špirić, at the time Chairman of the Council of Ministers of BiH and a representative of a civil society organisations coalition, led by the Centre for Civil Society Promotion from Sarajevo, signed a Cooperation Agreement between the Council of Ministers of BiH and the NGO sector in BiH. Despite the persistence of civil society organizations

and their coalitions, this agreement hasn't been implemented to this day.

The authorities do not want an active, critical and independent civil society. With their passivity, administrative inactivity and silence, they contribute to the status quo. Furthermore, instead of developing a framework that would foster civil society to act, in the past few years, there have been activities aiming at hindering civil society's work. Whilst in the entity of the RS, organisations which were critical towards the corruptive and non-transparent government, were put on a "traitor list", in the entity Federation of BiH in 2013 and 2014, there were attempts to change the law which regulates the process of the establishment and work of associations and foundations, as two basic legal forms of registering a civil society organisation. Through these changes, executive powers would have the right to abolish an association or foundation without appeal.

The worst attempt of disciplining civil society organisations was the Draft Law developed by the RS government, which was in parliamentary procedure in 2015, with the aim to "enable the transparency of not-for-profit oriented organisations". Modelled on "foreign agent" laws from the Russian Federation, this law anticipated a rigid control and targeting of all those who receive donor funds outside the RS, whilst organisations which receive funds from RS would be spared. This law was withdrawn merely due to civil society organisations' efforts.

Examples from Everyday Work

Without wanting to shift responsibility for the current situation over to civil society organisations themselves arguing that they have to be more persistent and capable – an argument that we often hear as an excuse from the authorities – we want to emphasise some good examples from everyday work that show that changes and partnership with the authorities is possible:

Initiative for Monitoring the European Integration of BiH[19]

Understanding the importance and potential of the EU integration process for the development of human rights in BiH, a coalition of civil society organisations was established in 2012 with the aim to include civil society in the EU integration process and influence policy development. From that moment until today, a small coalition developed into a network of 30 organisations which actively monitor changes in terms of the so-called political criteria for integration. Since 2013, an alternative progress report is being published which represents the view and perception of the civil society on the rule of law and human and minority rights in BiH. We are convinced that many questions wouldn't have been even mentioned in official progress reports had they not been opened and argued in the alternative progress report of this Initiative. Initiative members have imposed themselves as a critical stakeholder during legislation development. The best example is the development of the new Law on Ombudsman for Human Rights in BiH and changes and amendments to the Law on Prohibition of Discrimination in BiH. Through the development and promotion of the amendments and the whole model of the Law on Ombudsman for Human Rights and regular communication with the Ministry of Human Rights and Refu-

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19 More information is available on the website www.eu-monitoring.ba

gees, representatives of the Initiative are involved in the development process and further consultations. Coalition activities accompanied by expertise can be the right way to approach self-contained institutions.

Involvement of LGBT Persons in Operational Plans of Entity Governments

Although the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons are institutionally ignored by authorities on state and entity level, some substantial changes occurred in 2015. The Sarajevo Open Centre (SOC), as an organisation with substantial coverage of LGBTI themes in its work, has succeeded to impose itself as partner to the Gender Centres on entity level and to the Agency of Gender Equality of BiH. Through a holistic approach, data gathering, and documenting cases of violation of human rights of LGBTI persons, research, report development and public policy, as well as legal recommendation development, the organisation has successfully made a mark as partner and is, as such, accepted by institutional mechanisms for gender equality. As a result of this cooperation, Annual Action Plans of the RS and Federation of BiH governments for gender equality improvement in 2016 contain measures proposed by SOC. These measures will be implemented in partnership between this organisation and government institutions for gender equality. We emphasise these measures because this happens for the first time in the history of BiH that the country has LGBTI-inclusive public policies. This is important particularly because LGBTI rights were completely excluded from BiH authorities' activities, due to social distance and institutional ignorance.

Civil Society Organisations in Ministries' Working Groups

With the appointment of Semiha Borovac for Minister of Human Rights and Refugees of BiH, we finally got a person who is interested in making changes. Due to good cooperation with civil society organisations during 2015, this Ministry decided to expand the cooperation. In addition to periodical invitations to intersectoral working group meetings and consultations, this time, the Ministry decided to involve civil society representatives into working groups for the development of the Human Rights Strategy and Anti-Discrimination Strategy. SOC has been invited to participate in three working groups due to its expertise in the area of public policy, discrimination and combating hate crimes. SOC will have a chance to directly affect strategies' and laws' contents, but also to have regular consultations with other civil society organisations. This example shows that cooperation with civil society organisations is possible and, in particular with specialised organisations, if the authorities see their interest in that cooperation.

Recommendations

If we want to create change, we have to act on two levels:

The first one is the institutional level which demands long-term action, but can also result in long-term changes. BiH and its different levels of government have to create a framework for civil society development. In addition to adopting a Strategy for Civil Society Development, which would define all measures which have to be taken, it is necessary to establish office(s) for civil society cooperation and allocate funds for their work. More precisely, one must admit that at this moment, there is

a significant imbalance in financing civil society organisations. Whilst religious communities, sports associations and war veteran organisations, as research indicates[20], get more than 100 million BAM per year, organisations dealing with democratisation, government transparency and human and minority rights barely exist for the state. This problem can be solved by e.g. establishing a National Foundation for Civil Society Development.

The second level of action is of short-term nature and is more in the hands of civil society organisations themselves. As long as there is no institutional framework, civil society organisations have to show more interest and commitment and they have to use the EU integration process to work on concrete issues that are of interest for the citizens of BiH. Civil society organisations have to focus their work primarily on the relevant governments and parliaments. With this approach, these bodies will become our natural allies and interlocutors. Despite rejection, we cannot give up. Change will not come by itself, but rather by active involvement and action.

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20 Inicijativa za bolju i humaniju inkluziju (IBHI), *Zašto je NVO potencijal neiskorišten?* (2012), <http://www.mreza-mira.net/wp-content/uploads/IBHI_Zasto-je-NVO-potencijal-neiskoristen.pdf>

Public Space Belongs to Us

Dražana Lepir,
Oštra Nula, Banja Luka

I recently read a tweet: "Civil rights are not inherited. Every generation has to start from the beginning". Honestly, as much as such a thought is based on the fight for our rights, personally, I cannot accept that restrictions imposed by institutions must be of this intensity.

Citizens Association "Oštra nula"[21] was established in December 2009. We started as an informal group, but due to bureaucratic obstacles, we decided to formally register an organisation in October 2010. A combination of youth enthusiasm and dissatisfaction was the trigger for us to gather and demonstrate through public actions that we do not accept the corruption, nepotism, arrogance and discrimination that those of us who are not in familial-political relations to the governing political establishment are exposed to.

At the beginning, our activities were mainly street performances and debates that we financed ourselves. We had support from our friends from other non-governmental organisations. The distinct nature of our activities attracted significant media attention.

I would like to mention that, although we didn't have experience and knowledge in terms of legal and bureaucratic issues, we always followed the rules and gave our best to coordinate our activities with legal regulations. But, as we became increasingly present in the media due to our activities, we started receiving misdemeanour tickets and the city authorities refused to issue a permission to use public areas. The propaganda of media influenced by the Republika Srpska (RS) regime was aimed at discrediting our work and similar activities.

Our biggest problems started in February 2011 when we organized protests in Banja Luka with an informal group, "Glas naroda"[22]. The reason for these protests

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21 *Oštra Nula literaly means Sharp Zero*
22 *Glas Naroda – People's Voice*

was the statement of Milorad Dodik, who was Prime Minister of the RS at the time, that "they will abolish veteran's subsidies if war veterans get on the street" but also the bad social and economic situation of our citizens. These were the first spontaneous protests in Banja Luka that gathered about 3000 citizens and were organized through social media. These protests were very important because they showed that people were unsatisfied in the RS. At that time, the policy led by Milorad Dodik focused on brainwashing, stating that the RS is more progressive than other parts of Bosnia and Herzegovina (BiH) and how everybody wants the RS to disappear. Soon, we organized second protests when we also experienced mighty authority propaganda which until today is governed by fear and terror when it comes to freedom of speech and expression. On the day of these second protests, SRNA (the RS News Agency) published an article in which they used parts of our statements from other articles and out of context with the aim of discrediting us as people who live in Banja Luka. They called us traitors, anti-Serbs, promoters of Sarajevo's war story and so on. They also used our cooperation with organisations from the Federation of BiH as a final proof that we are against the RS. Considering the fact that we don't have independent media, this kind of media spin and propaganda is still one of the most powerful weapons of the governing structures in the RS.

Restrictions of Public Space

I would also like to state something about the legal mechanisms available to us because it is important to say that city administration regulations are not the same in each municipality in the RS. I will now emphasize regulations which are valid for Banja Luka. As we started street actions and, in general, decided to organ-

ize most of our activities in public space, the first restriction we faced was that, as physical persons, we could not obtain a permission to use public space. Until we registered, other legal persons would apply for permission for our actions. On the other hand, the application does not provide an option to sign up for street actions or performances, i.e. our laws do not recognise this kind of activism. The result of this setup is that we never know for sure if we will get the permission or not. This mainly depends on internal decisions of city administration officers. The second thing important to emphasize is that protests can be announced by a physical person at the Centre for Public Security at least 24 hours in advance. If nobody from the Ministry of Interior calls you until the day of the protests, it is considered that you have a permission to hold protests.

Since 2008, protests in front of public institutions are forbidden in the RS, or rather, it is allowed, but in a distance of not less than 50 meters. If one decides to organize a protest which involves moving, one has to consider this decision during the planning of the route. In addition, the problem is whether one would even be able to protest on the move. We mostly witness prohibition of protests if their organizers do not find some other solutions, such as adjusting the protest route or accepting the authorities' proposal to move the protest outside of city centre and other similar workarounds. This worked for a while in the case of Picin Park, where there was no formal organizer of the protest, no leader to address and the protests were organized through Facebook, until the police just started blocking entire streets, or denying protests in a certain location.

In Banja Luka it is allowed to gather in public on two locations determined by the City administration: Krajina Square (Trg Krajine) and Dr. Mladen Stojanović Park. At the same time, if one wants to submit

an application to use public space, they are also limited to these two areas implying that the space for public activity is legally limited to these two locations.

As I mentioned before, our problems started a year and a half ago following our active involvement and action. Granted, our actions were different than those of other organizations. They were different in the sense that we pointed to the nonchalance and inactivity of responsible authorities and to social and economic problems within our society. Due to our creative actions we had much sympathy and, to put it this way, a silent support of the public. Besides our street actions, we have organized debates, public discussions and other activities through which we wanted to animate young people to be active. Our aim was to promote critical thinking and awareness of our citizens. We didn't limit our work to Banja Luka only but we have been trying to set other cities in the RS in motion.

Politics of Penalties

In October 2011 we organized an action called "I just don't want to leave". With this we wanted to say that our activism is the result of the fact that we do not want to go from here. In addition, we wanted to point to the fact that the state level government wasn't established even one year after the parliamentary elections and we also wanted to point out the debt made by RS by that date. In this regard, we placed a banner with this quote on a cinema fence on the Krajina Square. Very soon after that police showed up and removed the banner and gave us a misdemeanour ticket. As part of the same campaign, we placed stickers with the same message in public spaces in the city, for which we also received a fine. The overall fine was about 1.400 BAM (~715 Euro). The reason for this

fine was "impermissible promotion on the territory of Banja Luka City", i.e. our banner and stickers were processed as misdemeanours on that basis. We decided not to pay this fine and launched an appeal. A month later we received one more misdemeanour ticket for the same sticker, photographed on another location. The overall fine was 2.100 BAM (~1074 EUR).

We also went to court with this misdemeanour ticket whereas this time, we approached the Human Rights Ombudsman. They advised us to have a meeting with the Head of the Communal Police and explain in writing why we implemented that campaign, and to admit that we had made a mistake due to mitigating circumstances in the process. The meeting with the Head of the Communal Police, Mr. Dragan Lukač (he is now the Minister of Internal Affairs of the RS) was not the most pleasant one. We verbally agreed to remove our stickers and that they would not issue misdemeanour tickets until we removed them. We solved the issue with the tickets in 2013 at the Municipal Court when the fine was modified into suspension of sentence on probation for 6 months for each penalty. It's important to say that we had a total of 6 hearings because there were separate trials for the legal entity and for the responsible person (the president of our Association). During the whole process we had support[23] from the public but it was very difficult to get legal aid. Eventually, we engaged a lawyer who was in favour of our case and who charged a minimum for her services. We also immediately initiated a solidarity fund and succeeded in collecting money in case we would have to pay a penalty.

During this period, it was very hard to continue with our work because many people who were part of our organisation

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23 Uglješa Vuković, *Ja samo ne želim da odem odavde* (2011), <http://www.6yka.com/novost/14520/ja-samo-ne-zelim-da-odem-odavde>

slowly withdrew, and the pressure was big. Luckily, we managed to continue with our work, but the pressure still remains. As an organisation and as individuals we were actively involved in different local and state initiatives. We took part in protests for the preservation of a park in 2012 which lasted from May to October that year. We supported the JMBG protests (Baby Revolution) in 2013 in Sarajevo. At that time, together with several other activists, we were labelled traitors and destroyers of the RS. In 2014, we supported Tuzla workers, by organizing a solidarity walk together with the Helsinki Parliament of Banja Luka. After this unannounced event, organized spontaneously thanks to social networks, the so-called black list of non-governmental organisations (NGO) in the RS was published, led by the SNSD. Our organization was not on that list, but at the front page of the daily paper "Glas Srpske"[24], it was declared that we cooperated with activists of the Free Republic[25] (Slobodna republika) to burn down the War Veteran Organization of the RS, together with buildings of the Eastern Sarajevo Administration. Thanks to Transparency International BiH (TI-BIH) we filed an appeal for slander but, to date, this case has not been processed.

After being constantly called out by the media, having received misdemeanour tickets and acuity of our actions, and support that we gave to other initiatives, we found ourselves in a situation to be seen as a "risky" organization. During this whole period we continued with our activities involving young people from BiH and vis-

its to other cities as the organisers of different social and cultural activities.

Occupation of Public Space by Officials

Out of many bureaucratic difficulties we are facing, it is important to highlight the issue with obtaining permits to use public property. For each action we are organizing, we need to file a request to use public property and pay a 12 BAM fee. More than once, we were denied permission, without any written explanation. At the end of 2014, we did not get a permission to organize an event to mark November 9 (Day of Remembrance of Victims of Fascism) and December 10 (International Human Rights Day) and later also Day of the City celebrated on April 22. Even though we did not get permission to organize these events, we decided to still proceed with the organization. As we did not get any written rejection and had submitted the request on time, we assumed that we did not get any answer due to bureaucracy. On November 9, at the first of these events, the communal police appeared and gave us an 800 BAM (~400 Euros) misdemeanour ticket for disturbance of public order and use of public property without permission. We decided to pay this fine, as there was no legal basis for the court to decide in our interest and, if we accepted the guilt and paid the fine within 7 days, we needed to pay only half of the amount. For other actions, we were verbally informed that there was an internal decision not to issue any permission due to other events which were planned to be held on that property.

As of 2013, a commercial street festival is held in our city on Krajina Square, Zimzograd. Due to Krajina Square being occupied from December until mid–January, the City Administration brought an internal decision not to issue any permission

24 Goran Maunaga, *Planirali paljenje BORS-a i uprave Istočno Sarajevo*, Glas Srpske, (2014), http://www.glassrpske.com/novosti/vijesti_dana/Planirali-paljen-je-BORS-a-i-uprave-Istocno-Sarajevo/lat/148329.html

25 Nikola Dronjak, at that time President of Slobodna Republika is now Youth Coucil President of PDP (Party of Democratic Progress). Nikola Dronjak has organized protests on 12th of June 2013 <http://studomat.ba/uprkos-zabranama-studenti-danas-protestuju-banjaluckim-ulicama/12238/>

for the use of public property to anybody during this period. That was the reason why we could not hold an International Human Rights Day event in 2014. Due to these circumstances, we approached legal experts from TI-BiH who suggested submitting the request for permission to use public property several months earlier instead of 14 days before the event, because we could then refer to the silence of the administration in case we did not get an answer. When we did that, we received permission for some activities, but not to mark November 9 and December 10 2015. We were told that they could not know if the space would be free for our event (although for our activities we mostly need a small space of 2 m²). For these two cases we decided to use all available legal mechanisms to get an official answer from the administration about why our applications were rejected which eventually resulted with a change of decision and issuance of permission for our event.

Punish First, than Prove what Happened

What lies ahead is a legal recognition of activism, freedom of speech and other democratic, non-violent mechanisms. It's important to emphasize that we speak about political activism which is denied or impeded if we want to draw attention to indolence and political autocracy. The National Assembly of the RS has prepared several laws which will additionally limit the freedom of speech through legal regulations and definitions which will be used according to this principle: "Punish first, than prove what happened". The Law on Public Order has insufficiently defined what an insulting message is and has thus left space for loose interpretation and selective appliance of penalty regulations in this regard.

In the end, we have to ask ourselves what we leave to future generations if we are not allowed to be political stakeholders, if we have to expurgate each of our messages or activities to soften the reactions of the regime, as they will always be present, no matter how cautious we are. The energy that each of us has to invest in our activities is huge, but we have no mechanisms to protect ourselves from authorities' arbitrary decisions and media pressures, except the law which is written to serve only those in power, affluent people and their subjects. This energy disperses and forces us to quit the idea of leading a normal life in this region, surrender this fight or become followers of political parties who expect votes for a working place, in case we even get it.

Bosnia and Herzegovina has a chance to live a peaceful and democratic future ,but the initiative for this has to come from its citizens. The changes that our society needs cannot and will not come exclusively from the EU accession process. The permanent changes we need require political literacy of our citizens, a task for all civil society members to work on, since laws which are not being implemented properly are just dead letters on paper. It is this effort that should be supported and recognized by the EU and the rest of the international community, if we are to ever start moving forward.

Foto by: Oštra Nula

Albania: Shrinking Spaces, Battles and Striving to Foster Trust in Civic Activism

Alida Karakushi,
Qytetarët Për Parkun[26],
Tirana

Background

As the Eastern Bloc of Europe was finally leaning towards the West in the 1980's, Albania was among the last countries in Europe to abandon communism in the 1990's, partly due to its *Stalinist* loyalty. In fact, Albania was also the last in the region to seek independence from the Ottoman Empire. Hence, we may say that Albania has taken a pretty different path in its history of governance, compared to other Balkan states. Albania was hardly a state whose borders would remain secure, after flirting for a very short time with pluralism[27]; the state was governed by a self-proclaimed king in the 1920's, who was first under a direct influence, and later a subordinate of Mussolini.[28] After WWII, moving from a semi-feudal system, Albania adopted communism. Unlike all other communist countries (Russia and China included), Albania remained faithful to Stalinism, at times openly criticizing Russia for betraying it in the 1960's[29], as well as China for doing the same in the 1970's, in opening dialogue with Imperialist powers, meaning relations with the USA[30]. Consequently, it is obvious that, in the aftermath of its break-up with the communist dictatorship, Albania knew nothing about democracy, unlike the rest of the communist countries that had experienced some degree of freedom and democracy in their earlier times of governance. In fact, the communist regime was able to eliminate every movement or dissident who would challenge the party line, so as to impose its

27 Smith, Advocate of Peace through Justice, *World Affairs Institute*, ii, 87 (1925), 100–102
28 William Miller, Albania and her Protectress, *Foreign Affairs*, iii, 5 (1927), 438
29 Speech Delivered by Enver Hoxha as Head of the Delegation of the Party of Labor of Albania before the Meeting of 81 Communist and Workers Parties, Moscow, 16 November, 1960
30 Lalaj, Ostermann, and Gage, Albania is not Cuba, *Cold War International History Project Bulletin* 2004

dictatorship. Unconfirmed sources report that 18% of the population was persecuted for political reasons during the communist times. Additionally, because of security reasons, heavy investments in defense and intelligence were made throughout the 45 years of the communist regime. Furthermore, the isolationist path Albania followed in the 1980's, led to economic self-reliance and also a nation that was totally isolated from the rest of the world.[31] Due to this level of control, Albania's' dictatorship regime is considered to have been among the harshest ones in Europe. This political evolution is not a long forgotten history, but has affected the socio-political life of Albanians at all levels until present days.

Transition

Transition from a one-party system to a pluralist one became possible after massive student protests erupted, under the slogans "we want Albania like the rest of Europe". What made this transition peaceful had to do with Albania's economy, which proved to be unsustainable, due, in part to its total isolation in the 1980's, as well as the soft stance of the leader of the Labor Party, Ramiz Alia. As Albania adopted pluralism, several parties were established. Unfortunately, all the leaders of the new parties were communists that had held high positions in the bureaucracy, or literally former ministers of the regime.

Reforms and Pyramids

In the aftermath of the 1990's, Albania was the poorest nation on the European continent. Poverty, however, was not its

only concern - Albanians, as a nation, were neither ready, nor did they have the knowledge or skills to operate in an open economy. A number of murky activities, such as trafficking, money laundering and informal banking led to a rise in Albanian pyramid schemes, which were initially seen as benign by the IMF, since they replaced the missing banking system.[32]

As the pyramid companies were able to buy off the media and the politicians in power they praised their reforms as a 'success', whilst the opposition never explicitly said anything against this, for fear of losing electoral support.[33] The situation resulted in a quasi civil war and an economic damage which is still not measurable. Some reports estimate that 50% of Albania's total GDP (about 1.2 billion USD) was invested into pyramid schemes. Albanians took the streets accusing the government for mishandling their money. The situation deteriorated to a state of lawlessness, where criminal gangs were controlling the majority of the territory. In the aftermath of the fall of the pyramid schemes, which led to the loss of more than 2000 lives, order in Albania was restored through Italy's effort, which drew in the support of a multinational force. These transformations were going on while Albania was missing some of its most important institutions such as: legislative, financial and administrative institutions, as well as a civil society.[34]

31 B. Backer, *Self-reliance under socialism - the case of Albania, Journal of Peace Research*, iv, 19 (1982), 355–367.

32 Jarvis, Christopher, *The Rise and Fall of the Pyramid Schemes in Albania*, IMF Staff Papers Vol. 47, No. 1. 2000. International Monetary Fund

33 Fred C. Abrahams, *Modern Albania: From dictatorship to democracy in Europe* (United States: New York University Press, 2015)

34 Blendi Kajsiu, *A discourse analysis of corruption: Instituting Neoliberalism against corruption in Albania, 1998-2005* (London, United Kingdom: Ashgate Publishing, 2015)

Nations in Transit; Albania (2015). Stagnation of the CS indicator

Nations in Transit Ratings and Averaged Scores										
NIT Edition	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Electoral Process	3.50	4.00	4.00	3.75	3.75	4.00	4.25	4.25	4.00	4.00
Civil Society	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Independent Media	3.75	3.75	3.75	3.75	4.00	4.00	4.00	4.00	4.00	4.00
National Democratic Governance	4.00	4.25	4.25	4.25	4.50	4.75	4.75	5.00	4.75	4.50
Local Democratic Governance	2.75	2.75	2.75	2.75	3.00	3.25	3.25	3.50	3.50	3.50
Judicial Framework and Independence	4.25	4.00	4.00	4.25	4.25	4.25	4.75	4.75	4.75	4.75
Corruption	5.25	5.00	5.00	5.00	5.00	5.00	5.00	5.25	5.25	5.25
Democracy Score	**3.79**	**3.82**	**3.82**	**3.82**	**3.93**	**4.04**	**4.14**	**4.18**	**4.18**	**4.14**

During communist times, civil society in Albania was literally nonexistent. Nowadays, even the term civil society, which usually refers to the NGO sector, has come to be associated with the financial benefits individuals involved in it enjoy, rather than civic engagement, or impact on policy making. When it comes to transparency, NGOs in Albania are not keen on sharing information. A CIVICUS report from 2010 found an unexpectedly high refusal rate to answer the survey questions in relation to financial issues, human resource management, and internal governance (over 40%), among the limitations they faced in implementing research on the Civil Society Index (CSI) model. When it comes to proactive transparency (providing financial reports online), almost none of the NGOs in Albania met the criteria. While skepticism is seen to be very high among Albanians[35], confirming disbelief towards institutions and each other, the lack of transparency within the NGO sphere, intertwined with several corruption scandals, very often makes engaged citizens distance themselves from the term civil society.

Political Pressure, Hijacking Protests and Confirmation of the Nonexistence of Civil Society

A recent wave of protests, which served to discuss the problems persisting in Albanian civil society, emerged a few months ago for the protection of the Tirana Lake Park.[36] The main arguments against construction within the sole green area of Tirana, had to do with the fact that there was no transparency regarding the project, no public hearings (despite the fact that Albania had signed the Aarhus convention in 2003), no environmental study leading to an environmental permit, as well as no transparent competition. Furthermore, the activists considered that the implementation of this project would minimize the green space of Tirana (which already

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35 European Social Survey, *Data and Documentation*, 2014, <www.europeansocialsurvey.org/data>

36 Alida Karakushi, *Albanian activists rally against a 'concrete' end for Tirana's last public park* (Global Voices, 2016), https://globalvoices.org/2016/03/24/albanian-activists-rally-against-a-concrete-end-for-tiranas-last-public-park/

provides less green space per citizen[37] than the vast majority of European cities).

Activists, mostly independent engaged citizens, encountered a variety of pressure from the state institutions on one hand, and apathy, fear to join, and disbelief from the rest of the society. They faced political pressures from the main state institutions, violence from the police and, on other occasions, total indifference from state agencies that should have supported them such as the Ministry of Environment. One such instance when the police failed to provide protection occurred when one of the CEOs involved in the implementation of the project threatened and beat up some of the protesters. In order to neutralize the protests, the police would capture and accompany some activists to the police station, keeping them there for hours. The police also used verbal violence, threatening the activists with the use of force and denying them the right to put up tents during their permanent sit-in protest. The protesters tried to get support from the international community in Tirana, and approached several embassies, only to encounter silence, mainly because they focus on the judicial reform.

When it comes to the discourse around the protests, the ruling Socialist Party (SP) in power labeled the protesters supporters of the oppositional Democratic Party (DP), so as to neutralize their arguments. The DP's discourse, on the other hand, was ambiguous, leading to confusion among the public, but they were ultimately able to to 'confirm' support for the protesters. The leader of the Democratic Party (DP), Lulzim Basha, confirmed his support in a public debate. This declaration was then trumpeted by the mainstream media, declaring that DP was behind the protest.

When asked insistently by a TV moderator about the protestors, the current Prime Minister, Edi Rama, claimed there was no civil society in Albania, thus phrasing it: 'Where is the grave of the CS so I can send them some flowers? (minute 54 of the video).[38]

On another occasion, the PM prompted foreign direct investors to invest into Albania citing lack of trade unions[39] as a stimulus. Considering the PM's statement, it is important to point out that the political class has constantly made civil society actors part of the government, thus hemorrhaging it. Such an example is the current mayor of Tirana, Erion Veliaj, who was the leader of the "Mjaft" civic movement prior to joining the Socialist Party.

Media and Propaganda

When the protest for the Tirana Lake Park became a permanent sit-in near the designated area, the media provided almost no coverage. The media in Albania is partially free, but it is seen mostly as an extension of party and corporate interests. According to Freedom House[40] the independent media indicator worsened since 2009. The alternative media, on the other hand, with the help of social networks, became an important tool against the state propaganda and gave some level of freedom to civil society activists. The activists of the *Citizens for the Park* then founded their own TV channel, known as Televizioni 2.0. They were able

37 Gazeta Tema, *Veliaj prezanton programin për mjedisin: 'Më shumë hapësira të gjelbra dhe parqe për qytetarët'* (2015), <http://www.gazetatema.net/web/2015/05/25/veliaj-prezanton-programin-per-mjedisin-me-shume-hapesira-te-gjelbra-dhe-parqe-per-qytetaret/>

38 RTV KLAN, *Opinion - Edi Rama! (10 mars 2016)* ([n.p.]: YouTube, 2016)

39 *Intervista integrale a Edi Rama, Primo Ministro albanese* (La7.it, 2015), http://www.la7.it/le-invasioni-barbariche/video/intervista-integrale-a-edi-rama-primo-ministro-albanese-19-02-2015-147801

40 Freedom House, *Albania: Nations in transit* (2015), <https://freedomhouse.org/report/nations-transit/2015/albania>.

to do so using streaming applications on social networks.

Official CSOs vs. Unofficial Ones

A study conducted by the UNDP on civil society of Albania, argues that NGOs in Albania are unable to catalyze civic engagement because of the low social trust among citizens.[41] Such low social trust results in meagre participation in important protests, even when they are organized by independent civil society activists, and thus, seen as trustworthy, non-elitist and with no hidden agendas. In many cases of protests organized by independent engaged citizens, CSO actors tried to make them appear as if they were the ones organizing them. When these embryonic acts of independent civic activism are hijacked by NGOs, the level of trust among citizens lowers even more, creating a vicious cycle that hinders the creation of a healthy and sustainable civil society.

When it comes to the involvement of environmental NGOs for the protection of the Tirana Lake Park, they refused to be the flag bearers of the protests. Their reaction was mainly symbolic, as the only tool they used to express their concern was an online joint declaration. When called by the activists to officially join them in the legal battle, the representatives of some environmental NGOs refused to be a part of it, because of fear of intimidation and a loss of funds from the government. In fact, according to Freedom House[42], the need for financial stability for CSOs has made them follow international organizations'

agenda and procedures, particularly as the number of international donors has decreased. As many international donors condition their funding to the support of local and state institutions, CSOs are less likely to keep the government in checks and balances[43].

Citizens' Apathy and the Need to be Totally Independent

During the two months of the permanent sit-in protest, many of the engaged citizens got modest support from the rest of the society, some of which was only virtual. But they did also directly face the disbelief of many citizens who approached them on site and accused them of being paid to protest.[44] For the moment, the only way to combat the apathy in Albania is to be totally independent and unofficial. The international community's procedures (particularly when it comes to EU funds) should be adapted to the local situation, taking into consideration the level of corruption and distrust in the country. Moreover, they should also offer proactive help, considering the lack of expertise in human resources. International organizations (IOs) should not make the inclusion of state and local actors mandatory in their funding criteria and promote more transparency and accountability by requiring that CSOs become transparent in their financial reports, not only towards the donors, but also the general public. When it comes to grassroots movements, IOs could officially extend their help to independent citizens, without condition-

41 CIVICUS, *Albania CSI Report,* (2010): <http://www.civicus.org/index.php/en/media-centre-129/reports-and-publications/csi-reports/europe-country-reports-242/392-albania>

42 Freedom House, *Albania: Nations in transit* (2015), <https://freedomhouse.org/report/nations-transit/2015/albania>.

43 Ibid Freedom House

44 Ora News Emisione, 'Të Paekspozuarit - 'Shpresa që ka filluar të vdesë', Blushi përballë analistëve. - Ora News', 9 June 2016. <https://www.youtube.com/watch?v=qa6eOuynG6o>

ing them to formalize, while also providing the urgently needed judicial expertise.

In regards to civil society in Albania, it is clear that a new form of civic activism is about to emerge. Recent citizen movements resulted from the political pressure, the mistrust in CSOs, the media censorship, and its propaganda. Considering the very high level of disbelief that reigns in the Albanian society, one of the reasons many of these engaged groups of citizens make a clear distinction between them and the official civil society, and even do not like to be identified as civil society, is the need to empower the concept of the engaged citizen in the political life. Disbelief however, is still pertinent even towards these groups of citizens. Nevertheless, helped by the new era of information, many of these groups' use of social networks to inform and engage is already bringing a slow, but steady increase in civic engagement.

Republika Srpska: A Chronology of Restrictions for Civil Society Organisations

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The right to public assembly and free expression of opinion are basic indicators of how politically democratic a society is. When all other methods (meetings and negotiations with officials, writing complaints, judicial processes) are exhausted, citizens only have the choice to get out on the street and thereby express their positions, dissatisfaction, requests and/or expectations. For the past several years in Bosnia and Herzegovina (BiH), trends disputing and limiting citizens' right to public assembly and freedom of speech have been present.

In this text, we will present **three events**, that might not seem connected at first glance, but which we believe can be observed as the beginning of something we today label *shrinking space for the work of civil society organizations in Republika Srpska (RS)*.

The first event began in May 2012. That spring, in Banja Luka, several hundreds of citizens rose against the destruction of a park in the city centre, known as "Picin park". Citizens requested City and Entity Governments to suspend the destruction of the park and construction of a business facility on this green surface until all documents concerning the regulation plan, sales contract and issuing construction permit to the company *Grand Trade* were publicly presented. Up to this moment, complete documentation concerning the sale of this green area in the city centre where a multi-storey business facility was built has not been published. In the meantime, Mile Radišić, owner of the company *Grand Trade*, being connected with Milorad Dodik, President of the RS, through godfather relations, was sentenced to three years in prison due to embezzlement of bonds of the Banja Luka "Medical electronics". Radišić was a fugitive in Serbia and then, in November 2015, he walked into KPZ (prison for adult perpetrators) Tunjice to serve his sentence.

Gatherings and protest walks of citizens lasted for months. Walks were chosen to express political resistance and fight the autocracy of politicians, nepotism, crime, sale of public goods and arrogant relation of the government towards citizens' economic, social and ecological needs and rights. The walks were also a symbol of the civil struggle for free expression of opinion at any location and time, without fear and in a public manner[45].

However, what was new for the government and what gave the protest walks a new dimension was the fact that the protests did not have a leader, they were not organized by any centre, and did not have any relation to any political party. Social networks, primarily Facebook, had the leading role in its organization!

These facts led to the introduction of legal interventions by the authorities, whose goals were to prevent mass gatherings and public eruptions of citizen dissatisfaction.

The park does not exist anymore and the m:tel company has recently moved into the newly-constructed business facility.

The initiative "The park is ours" declared this decision of m:tel, the Telecom of Serbia, as "shameful support to criminal destruction of the society of the RS and BiH" and the National Assembly of Serbia and the Chairman of the Serbian Government were informed of all the aforementioned in February this year[46].

Black IList of Non-Governmental Organisations

The second event important for the chronology of shrinking space for activities of the civil society in the RS happened in February 2014, when the official web site of Alliance of Independent Social-Democrats (SNSD), the governing party in RS, published "Destruction of the RS - Theory and Technology of Revolution" including the so-called **"black list"**[47] of non-governmental organisations (NGOs) and individuals, alleged destroyers of the constitutional order in the RS. This was published not long after a peaceful protest walk organised in February 2014 by the *Helsinki Citizens' Assembly* from Banja Luka and the NGO *Oštra nula* as a sign of solidarity with workers and citizens of the Federation of BiH who stood up to defend their rights to work, salary and decent living.

Again, a peaceful protest walk was spontaneously organised through Facebook.

Now we come to the **third event** manifested in the adoption of the **Law on Public Order** in the RS (2015). This event broadened the definition of "public space" to **social networks**, thus opening a space for prosecuting or punishing a particular activity or expressing positions ("disturbing contents") online! The law was adopted in spite of opposition of the local and international public and indication that the proposed law was not in compliance with the Constitution of BiH and international standards, primarily, Article 10 of EU

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45 Park je Naš, *Deklaracija inicijative "Park je naš!"* (2012), http://www.6yka.com/novost/28065/deklaracija-inicijative-park-je-nas

46 More on the visit of the initiative "Park is ours" in Belgrade: http://www.rtvbn.com/374821/Inicijativa-Park-je-nas-i-u-Beogradu

47 The "black list" was a dangerous labelling and invitation for lynching of those who are non like-minded with the RS government. In addition to some media and independent political and economic analysts, the black list also included civil society organisations: Transparency International, Helsinki Citizens' Assembly from Banjaluka, citizens, Slobodna Republika (Free Republic), Centre for Information Decontamination of Youth BUKA, GEA Centre for Research and Studies, Youth Initiative for Human Rights and the Association of Veterans of the RS.

Convention on Human Rights and Fundamental Freedoms, Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, and that this law dangerously questions the right to freedom of speech and expression.

It is not by accident that the creators of this law also broadened the definition of public space to social networks, since it has been evident that today, social networks are the channel used for articulating and spreading information that can be difficult for the government to control and monitor.

Afterwards, there was another attack on civil society in the form of Draft Law on Public Gatherings of the RS and Draft Law on Transparency of NGOs in the RS.

Namely, the Draft Law on Public Gatherings stipulated that protests be held "in shifts" (from 8 AM to 2 PM and from 6 PM to 11 PM), as well as that public gathering cannot last longer than three hours, in comparison to "public gatherings for sport events" that can be held without time limitation! Moreover, some other provisions of the Draft Law were arbitrary and unclear. All the aforementioned could be interpreted together as an attempt to further disable civil activism and activities of citizens' associations, individuals and informal groups who, by means of public gatherings or protests, publicly criticize the government and point out existing society problems.

On the other hand, the Draft Law on Transparency of NGOs also stipulated labelling organisations receiving foreign donations as "foreign agents" and placing their work under complete control of the RS Government. It would also prohibit them from performing political activities, whereby "political activity" according to Article 2, paragraph 7 of the proposed draft, was defined as "any activity towards bodies, institutions or elected RS representatives in terms of formulating the adoption or changes to regulations and policy of RS, or in terms of political and public interest"?!

Although these Draft Laws have never been adopted, it is clear that their goal, along with the Law on Public Order of the RS, was to limit the space of action for civil society organisations.

Moreover, this also included disabling other civil initiatives that appeared in the past two years in the RS, such as Recreation Zone Banja Luka and the Civil Initiative for Borik. The last initiative gathered more than 5000 signatures in a couple of days from citizens opposing the decision of the civil authorities to build a religious facility, a church, at a playground in Borik. However, the Assembly of the City of Banja Luka rejected the proposal of the Civil Initiative for Borik requesting the preservation of the public green land and playground from destruction. This Decision of the Assembly was annulled by the Supreme Court of the RS! However, until today, the proposal of the Civil Initiative was not returned on agenda of the local Assembly.

The Recreation Zone is fighting for an outdoor site in Šehitluci (Banj brdo) without cars, for which they have organised numerous campaigns but, despite all the aforementioned, the local government is not giving up on opening traffic on this location that is being visited by several dozens of citizens each day. The fact that the local authorities have refused to give up on this issue could be connected with the opening of a restaurant «Novak» on Banj brdo and some personal, party interests. Anyway, in this manner, somebody tried to take away citizens' place to meet, hang out, spend their free time and talk to each other.

In addition, the recent adoption of the Law on Police and Internal Affairs of the RS in April 2016 has, according to statements of opposition parties, created a

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legal framework for the increase of repression, interception, detaining and limiting freedoms and rights of citizens guaranteed under the Constitution. Opposition parties claim that the law is not completely harmonized with the EU legal acquis[48], and that it violates other laws on state and entity level, including the Criminal Code of the RS and that it also derogates cooperation with governmental security agencies and judicial institutions in BiH. One of the main objections is related to the increase of authorities, such as the control of the President of RS over the police and broadening the authorities of the police.

In the end, we need to mention two protest rallies held on May 14 2016 in Banja Luka at almost the same time. One was organized by the governing coalition at the Trg Krajina under the title "With Heart for Srpska - Stop the Betrayal" and another by opposition parties, one kilometre away, in the park Mladen Stojanović under the title "Free Srpska". Several tensions marked the days before the gatherings took place, such as conflict announcements, statements on "foreign elements" trying to destabilise the RS and conspiracy concerning the issuance of permits for holding protest rallies. It turned out that the space on Trg Krajina was reserved by the SNSD, the ruling party in the RS, from May 14 to June 5 2016 and that the opposition had to be contented with a park (one of the rare remaining parks in the city), which is another confirmation that criteria for issuing public gathering permits are not the same for everyone.

The protests in Banja Luka held on May 14 2016 will not be remembered for anything spectacular, apart from incredibly high security measures, the "appear-

ance" of Sonja Karadžić at the opposition gathering and Darko Mladić at the rally of the governing coalition and an almost complete blockade of the city centre where everything was closed.

Cafés were closed, shops were not able to sell alcoholic drinks, local and suburban transportation was hindered and police officers were present everywhere. One of their tasks was to prevent protesters from both sides to meet. However, the opposition rally and the counter-rally, as it was called by the media, opened at least two questions - one concerning the role of the police and second, concerning the criteria for giving permits for public gatherings. As for the former, the police should maintain order and peace and secure gatherings but one could not help but wonder, why the Ministry of the Interior of the RS- if they already estimated those were high-risk gatherings-did not prohibit both of them?! Or, perhaps, it was necessary to demonstrate readiness of police forces to decisively respond to all potential threats directed at the constitutional order and stability of the RS?!

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48 Dragan Čavić, president of the NDP, claims that the not harmonised parts refer to rights guaranteed in Europe that no citizen should be subject of surveillance and be recorded. <http://www.rtvbn.com/369892/Sta-donosi-novi-Zakon-o-policiji>

Bosnian Blues: Culture, Pressure, Suffocation

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In his book *The Structural Transformation of the Public Sphere*, Jürgen Habermas[49] describes, in an exciting and convincing manner, the establishment, development and role of the press (the media), in the political fight for the organization of public space. Habermas does not doubt at all that democracy – as a tool of the bourgeoisie – depends less on the literacy of the ones that vote than on the strength of the voice of the ones being voted for. This is the reason why, I must add, in countries with a young democracy such as Bosnia and Herzegovina, public education sets very low aims when it comes to literacy; schools do not make an effort to install skills for analytical, critical and independent opinion into the future voters, which is why their expectations from the government cannot be high.

Conflicts at the Boundaries

A fight for shaping public opinion in Bosnia and Herzegovina is fought parallel to the fight for the cultural / collective identity. Culture is not understood as the so-called high culture or, even as a synonym for civilization, but as a means of national homogenization (which is the issue Gellner, Smith, Anderson and others wrote about[50]); culture is primarily *national* cul-

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49 (Habermas, Jurgen) Habernmas Jirgen, *Javno mnenje*, (Beograd, Kultura, 1969), Translator: Gligorije Ernjaković

50 (Anderson Benedict) Anderson, Benedikt, *Nacija, izmišljena zajednica*, Školska knjiga, (Zagreb: Bilig, 1990); (Billing, Michael) Bilig, Majkl, *Banalni Nacionalizam*, (Beograd: XX vek, 2009) Translator: Veselin Kostić; (Smith, Anthony D) Smit, Antony D., *Nacionalni identitet*, (Beograd: XX vek, 2010), Translator: Slobodan Đorđević; (Gellner, Ernest) Gelner Ernest, *Nacije i nacionalizam*, (Zagreb: Politička kultura, 1998) Translator: Tomislav Gamulin; see also: (Assmann, Jan) Asman Jan, *Kulturno pamćenje, Pismo, sjećanje i politički identitet u ranim visokim kulturama*, (Zenica: Vrijeme, 2005) Translator: Vahidin Preljević

ture and working for and within culture, merely the mimicry of nationalism.

At the first and the most visible level, the fight we are talking about, in the public space, in the culture, is fought between three nationalisms. Each of them controls one part of the territory of Bosnia and Herzegovina, and in their respective territories, they have at their disposal the entire *state* apparatus (media, police, judiciary, education, etc[51]). The probability that one of the nationalisms would hit the *other* across the boundaries of its territory is not very high, except in the returnees' settlements, where the power is fairly balanced. An example for this is the conflict related to the national group of school subjects in some returnees' settlements in the Republika Srpska, or in the areas with established *two schools under one roof*, where Bosniak and Croat children are separated according to their ethnic affiliation, even though they live and grow up in the same municipalities.

In other words, the three nationalisms in a divided country are not each other's genuine enemies. What seems as a mutual fight in the public space is primarily a smokescreen used to divert the public's attention from the country's real problems.

Pressures within the Boundaries

The real, far less visible struggle is taking place between the nationalisms and the so-called civic option, which is ethnically unaffiliated or international (pro-European, maybe?), and whose standards are different. This option, which is marginalized within the parliaments, partially because social democracy has taken a right turn in its activities aimed at collecting

votes, can be found within what is called the civil (civic?) society: among independent intellectuals and non-governmental organisations.

By focusing on the rights of individuals, in the sense that human (individual) rights are more comprehensive than collective rights and that, as such, they are supposed to be more visible, if not superior to the collective rights (cultural, national), this political option is disturbing (but not quite endangering) the domination of the nationalisms.

However, even though it is not directly threatened, the force of the state apparatus used by the government (of national parties) will act every time the criticism of nationalisms becomes loud, and therefore, visible.

These actions will be presented in the form of pressure through the media that will bring individuals or organisations (e.g. *Open Society Foundations*) into disrepute; or through cultural politics that will refuse financing critics and alternative views (e.g. Hasanbegović's policies in Croatia); or even through judicial or economic measures (e.g. *Feral Tribune*).

The result of such pressures is the reduction of space for criticising the existing social patterns. Public opinion control is achieved through marginalizing the critics, exhausting them financially or, if this is impossible or insufficient, by disqualifying them as traitors, foreign mercenaries or as being insufficiently patriotic.

One of the reasons why the government needs to defend its positions in this way, is that it has not set the rules of the game in the media space at any level. The truth belongs to the louder and the stronger, and not to the ones equipped with facts, knowledge and evidence. For this reason, the potential of social networks cannot ameliorate the consequences of the above described reduction of space for criticising the existing practices. Twenty years of the

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51 Concept taken from: (Althusser, Louis) Altiser, Luj, *Ideologija i državni ideološki aparati*, (Loznica, 2009), Translator: Andrija Filipović

international community's investing in the society of Bosnia and Herzegovina have not paid off significantly. There are plenty of reasons for this, but I find that the key one is losing sight of the role of education in shaping public opinion.

Education for Stagnation

Through socialization processes, nationalism in schools imposes collective cultural values to every child, using indoctrination as the dominant method. The choice of music, favourite athletes, required readings, actors and the values promoted in cultural activities, is related to the governing ideology, and its basic values, which significantly determines the identity of a young person.

In schools, the concept of culture as civilization has been reduced to the ethnic component. Three parallel education systems – Serb, Croat and Bosniak ones – with different syllabuses, dominated by one-sided narratives, represent and interpret reality by favouring their own group in an uncritical manner and by presenting the other two groups as enemies. Literature, music, theatre, art, tradition, folklore and heritage are primarily ethnic and separate, and only infrequently general and common.

The outdated concept of student assessment, poorly designed external graduation exam, and other forms of irrelevant evaluation, the power-based authority of teachers and boring syllabus unadjusted to the needs of the children, constitute forms of pressure that suffocate the freedom of opinion and expression, and limit the potential of civil society to reform itself by leaving behind the existing, obviously bad practices.

A good text by a journalist in a magazine or a good show cannot achieve much without the good lessons of a teacher in a textbook on media literacy and culture.

Academics under Threat – A Personal Experience

Professor Slavo Kukić PhD, ANUBIH[52] and Faculty of Economics of the University of Mostar

Instead of an Introduction

In democratic societies, civil society has always had the role of a partner, even a watchdog, as an institution in charge both of civic oversight and pressure on governmental institutions, with the aim of making them work for the citizens and their interests instead for political elites, or the often alienated power centers and their interests and goals.[53]

When it comes to Bosnia and Herzegovina (BiH) and its civil society, it is obvious that, it the past two or three decades, this area has undergone significant changes. Namely, in pre-war BiH, civil society was mostly reduced to public organizations in the area of sports and culture. However, after the war, it is possible to speak about a sort of civil sector explosion. For example, available data indicate there are 12,000 non-government organizations (NGOs) in BiH.[54]

It is true, however, that their operation should be approached in a critical manner. Namely, it is believed today that only a small part of the NGO sector – between 500 and 1500[55] – is active in the sense of their primary mission. Why is this so? And why is it necessary to approach them in a critical manner?

There are many reasons for this. Primarily, most of the NGO sector was not formed with the aim of becoming a part of what the existence of civil society should be about. On the contrary, they were formed in order to serve as an agent for providing the sustenance of several persons – often only one – and their family

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52 Corresponding member of The Academy of Sciences and Arts of Bosnia and Herzegovina (ANUBIH)

53 Civic society is often used as a synonym for civil society. Here it is important to mention that the term civil society does not only include non-governmental organisations – this type of understanding is quite frequent – but also many other organisations – trade unions, social movements, self-aid groups, charities, etc.

54 Information available of the EU delegation in BiH website,

55 Ibid <http://europa.ba/?page_id=446>

members. Thus, the moment the funding sources dry up, it is disputable whether those NGOs would still operate. On the other hand, this fact makes NGOs – at least those that can be related with the abovementioned thesis – prone to external influences, including influences of foreign political and state power centers. Besides this, the abovementioned centers often establish their own NGOs in order to create an illusion about the actual situation and present it in a completely different, positive light.

Exposure of civil society to the pressures of political power centers – a personal testimony

Civil society is a target in almost all countries of the formal joint Yugoslav state. For example, the forum of the Croatian Centre for Democracy and Law Miko Tripalo, has recently published utterly concerning information about the government's pressure on civil society institutions in Croatia that, as they claim, uncannily resemble pressures that occurred in the nineties of the past century, which were used to neutralize civil society as a partner in power.

A similar situation is present elsewhere too, however, according to certain parameters, this type of pressure is significantly more aggressive in Bosnia and Herzegovina, especially when it comes to nongovernmental organizations that monitor government operations, the situation in the area of human rights and freedoms, and crime and corruption, particularly crime and corruption within the system.

However, political power centers do not target civil society institutions only. They often pressure individuals, persons known in the public as social reality crit-

ics.[56] Here they use a wide range of attacks against such persons – public discrediting, presenting them as "national traitors" and foreign mercenaries, threatening their right to work, and exposing them to physical attacks and intimidation.

My personal experience in the past fifteen years confirms the abovementioned observations. This is the first time that I publicly speak about it – not for myself, but in order to warn the world about the situation and society in Bosnia and Herzegovina.

Being labeled a "national traitor" is a platitude that has been used for more than twenty years. Thus, my "hostile" activities seem to have caused all the mishaps that the Croats have been going through – from their persecution during and after the war, to present-day decisions to leave their homeland together with their families and set off to some other world meridians, without any intentions of returning to their homeland ever again. My "hostile" activities are also evidenced in labeling some privatization activities as plundering. They have asserted such instances were not plundering, but rather actions aimed at "keeping" the most profitable companies in the hands of "Croats" – that privatization is what prevented these companies from moving to the hands of others, primarily Bosniaks and Serbs.

However, should denunciation yield no results, they will not abstain from more radical forms of "cultivation", as I experienced prior to the 2014 elections – "a cultivation specialist" was sent to my office, instructed to break my ribs – because I had not understood their previous mes-

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56 They should not be ignored as a part of civil society. Just on the contrary, "Civil society is not only made of organisations and institutions but also individuals with their initiatives, activities and opinions – those who have developed civic-mindedness (see: Tijana Dimitrović, Izazovi civilnoga društva u BiH, Fondacija za socijalno uključivanje u BiH, p. 8, <http://www.sif.ba/dok/1386600343.pdf>

sages. This was supposed to send me and the rest of the world a clear message that, if this was how a member of the Academy of Sciences and Arts of Bosnia and Herzegovina (ANUBIH) could end up, others who stick to their opinions should not expect anything less, especially if they decide to publicly express their thoughts.

The physical attack I was exposed to in 2014 was condemned by all significant instances in BiH – embassies and international organizations, local institutions, associations and prominent intellectuals. However, it is interesting that, in his interview to *Oslobođenje*, the then chief of the cantonal Ministry of Foreign Affairs of the Hercegovina-Neretva Canton had tried to defend this and some understanding toward it could be found in the statements of the leader of the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH). It is also interesting that the University of Mostar stood quiet about the attack against its professor and that the faculty where I am employed – and whose management I used to be a part of for fifteen years – failed to utter a single word to the public on how the life of one of their professors was jeopardized.

However, this fact was a signal that physical "disciplining" would not be the end and that they would turn to other mechanisms for the same aim, which had been used before. Namely, the focus of the pressure moved to the sphere of work – I was shifted to teach at units of the University of Mostar in which one could not get permanent employment, but only contract work. However, this type of pressure lasted until 2010. After the 2010 elections, I was "thanked" almost overnight by the Faculty of Philosophy where I was teaching five courses and mentoring two PhD theses. Due to me criticizing the political philosophy and practice of the HDZ, especially its leader, my contract was cancelled mid-semester, with the explanation that

this had to be done due to political pressures. I was also called off from the position of mentor of two PhD theses that were in their final stages.

After the physical attack in 2014, the same approach was applied at the Faculty of Medicine – with the Medical Sociology course – and then at the Faculty of Medical Studies in 2015 – with the course Communication Skills - with the explanation that I had been teaching both subjects for ten years. It is interesting that, on both occasions, the same elimination method was used – no one informed me about the change or thanked me – not even insincerely – for the extensive cooperation, nor did they tell me why this had been done, even if this meant expressing the greatest possible platitudes, etc. I was simply out of the agenda and others – my teaching assistants and the like – took my position.

However, this kind of elimination was not possible at the Faculty of Economics because I had a work contract signed with this institution. At the same time, a sudden termination of employment would have caused a fierce reaction of the public, both in Bosnia and Herzegovina and internationally, because this would mean the elimination of the only ANUBiH member in the history of this institution, but also one of the three members that the University of Mostar can boast with. This would have sent a direct message that the reason could not lie in my competency, but a whole different sphere related to the political disloyalty to the Leader and the Party.

Thus, another approach was applied – elimination from the teaching process with different explanations. First, my promotion to the position of a professor for the *Consumer Behavior* course was prevented, even though I met all the requirements, with the explanation that I lacked a degree in economics, and that the said course was a fundamental economic discipline. However, I was promoted to the

position of Associate Professor for this course back in 1996. It is true that promotion to the position of Full Professor was not significant for me before, as I had already been appointed to this position in the year 2000 for another course.

However, I requested to be promoted because, from the very beginning, I had known what I might undergo. Of course, I met all requirements for the promotion – I was, among other things, the co-author of the only two textbooks in BiH titled *Consumer Behavior*. All the persuasive arguments I used could not help – that Consumer Behavior is a discipline that contains specialist knowledge of psychology, social psychology and sociology applied in economics, that the authors of 70% textbooks dealing with consumer behavior, including the ones at the most prestigious universities, are not economists, but rather psychologists, social psychologists, sociologists, etc. What they had set out to achieve was not prompted by their concern over the Consumer Behavior course, but was meant to harass a professor for reasons beyond the academic sphere – his disloyalty, for which he had to pay the price.

The final operation was conducted in 2016. Namely, it meant eliminating the courses *Economic Psychology* and *Methodology of Scientific Research* from the syllabus. The matrix used with *Consumer Behavior* could not be applied in this case. This is why they turned to an alleged syllabus revision, its "modernization", the only result of which was the elimination of courses taught by a professor disloyal to the Party and the Leader. The comparative analysis of the syllabi of the Faculty of Economics of the University of Mostar and all others in the country that include – with a significant number of classes – both courses, in some cases taught by the very same professor that was being eliminated from his own house, made no difference.

I had requested help from the Rector of the University of Mostar and then from the Senate of this University association. However, neither of the institutions has sent any response since 2010. Utter silence. Utter silence, despite of what I reminded the University Senate in a letter sent in March this year that, for the past quarter of a century, "I have been writing from the position of a critical intellectual about the deviations in all the spheres of BiH society". I pointed out that I had never "been ready to write about deviations at the University, even though they were numerous", which is why I expected the highest university body to use its authority in order to "protect me from mobbing and from being harassed as a professional and a person to which I was exposed in our university home".

Utter silence, a silence which shall remain going forward. Today, one can hear stories among professors and teaching assistants at the Faculty of Economics and the University in Mostar in general, about what lies in store for professor Kukić next year. Since in July I will have been teaching for forty years, I will be retired at the age of 63, the youngest retired professor in the history of the University of Mostar – the same University that employs my colleagues that are 80 years old, or even more. The twenty-eight books that I have published cannot help me – more books than the entire Senate of this University Association has – or the 150 scientific works published in a number of world languages. The fact that I am the only academician in the history of the Faculty of Economics will not help either.

I will have to leave because my retirement is the revenge of the structures I have been critically questioning for years.

Media and Public Space in Democracy

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Media and Democratic Mediation

Media have always been an important part of every democratic society. When discussing the role of media in contemporary society, the starting point is that the media are institutions which help every individual, every member of the society to orientate between his/her private and public life. In private life every one of us depends on media-produced information about the world outside of our private sphere (local news on current events, for example) and, as participants in the public sphere and public life, we try to approach media in order to spread our message. That is why we say that the role of media in society is mediation between the private and public sphere.

There are several roles that media play in this mediation between the private and public sphere, which makes them so important and influential. The first role, or the first function of the media, is to *inform* and, based on that main function, two other media roles become important for every individual and society in general: *education* and *political debate*[57]. When it comes to political debate, media play a triple role. The three tasks media play in a democratic political environment are:

- To provide *space* for public debate; to open space for all relevant actors who have a will and competence to participate in discussions on some specific, important issues in the community (this is why media are usually called the "virtual agora"[58])
- To provide *information* for public debate; to make sure that those who participate in political debate and especially in decision-making have a sufficient amount of good quality in-

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57 More on media functions in Šiber I., *Politički marketing* (Zagreb: Ljevak, 2003)

58 More on this in Nuhanović.A, *Demokratija, mediji, javnost,* (Sarajevo: Promocult, 2005)

formation in order to make proper decisions (this is why we usually say that, during elections, for example, media need to provide citizens with programs and content which will help them make so-called "informed choices").

- To legitimize *actors* of public debate; to make sure that the public understands what kind of role in political life and what kind of political standpoints certain actors have in public debate (this is why we say that media make people understand who is who on the political scene).

However, one of the most important political roles of media is their watchdog role, that is, to make political actors accountable for their acts and decisions. This is why media is seen as "the fourth estate".

"Yet at its core, at the news-center of the media business, remnants of an ideal remain. This ideal is grounded in the notion that among the checks and balances that ensure that powerful are held accountable, the media has an essential and highly political role to play. The process of finding, distilling and analyzing information, that is the media commodity, also ensures its political role, the core of its self-definition as the Fourth Estate" (Schultz, 1998:2).

Politics – Media – Public: Triangle of Power in Democracy

In every democratic society the triangle politics-media-public constitutes the essence of the public sphere and public life. In that triangle, the "natural alliance" is between media and public, which should work together to hold political institutions, as well as political elites, accountable and responsible. This is why we say that media belong to the field of civil society, although they are strong political institutions as well. But, their main activities, aimed at providing the public with information and influence (which is the ideal case and should be demanded from media, especially public broadcasters), make them important players on the public scene, in public space. The key word in this context is *public interest*.

"The public interest can be visualized as a continuum that represents the values, aspirations, and objectives of the community or polity. There are values that are clearly central, such as health; and there are objectives that are controversial, such as fluoridation of water or discouragement of cigarette smoking. There are aspirations that are nearly universal, such as world peace; but there are numerous policy objectives to this end, which are subjects for debate. It is impossible to state with precision where any given item belongs on the continuum, yet there is general acceptance that a range of activities and goals exists above irrational or selfish individual interests."[59]

The main role of media in public space is, in short, to inform citizens on the decision-making of political actors, to hold decision-makers accountable (in a way that they compare to what extent their decision-making is in line with pub-

59 '*Public Interest',* International Encyclopedia of the Social Sciences, 1968, <http://www.encyclopedia.com/topic/Public_interest.aspx>

lic interest) and to make sure that the public has a channel, a tool for feedback and expression of their political views and ideas. That is why we say that in this triangle: politics-media-public media play such an important role.

Shrinking Media Space in Bosnia-Herzegovina

The number of media in B&H at first sight would seem like good enough for democratic media environment and open public space for public discussion. According to the Communications Regulatory Agency[60] and Press Council[61] there are 189 broadcast media (145 radio stations and 44 TV stations), 9 daily newspapers, 116 magazines (weekly, monthly, periodic) and 8 news agencies, as well as many online media (web portals – the exact number is not available, since online media are not registered anywhere). Internet penetration amounts to 72,41% of the population. The number of users has increased rapidly since 2002

(when the first data was available) when it was only 4%. Smartphones are becoming one of the most important tools for internet access. Mobile phones are used by 91,12 % of the population, a significant increase from 48.7% in 2006. These are extremely huge numbers in comparison to the population size, but most analysis show that media space is limited and only partly open to public participation and debate. Media freedom is limited, pressures on media quite high, which influences the public in a way that it limits opportunities for gaining a sufficient amount of good quality information for informed participation in public and political life and limits opportunities for participating in public debate.

In terms of media freedoms in B&H, according to the 2016 World Press Freedom Index, B&H was ranked 66 out of 180 countries, which is a decline of two points since the previous year.[62] Freedom House similarly views the media situation in Bosnia and Herzegovina as "partly free".[63]

Chart: WPF Ranking for B&H[64]

World press freedom ranks: Bosnia-Herzegovina (2006-2015)

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Reporters Without Borders	19	34	36	39	47	58	58	68	66	66
Freedom house	99	98	97	98	97	96	95	96	103	107

Good rank ●   Average rank ●   Poor rank ●

━━━ Freedom house   ━━━ Reporters Without Borders

Source: Reporters Without Borders, Freedom house   © Konrad-Adenauer-Stiftung

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60 See Communications Regulatory Agency website: http://www.rak.ba

61 More information on the Press Council can be found here: http://www.vzs.ba

62 Reporters Without Boders, *2016 World Press Freedom Index 2016*, <https://rsf.org/en/ranking#>

63 Freedom House, "FREEDOM OF THE PRESS 2015" (2015) <https://freedomhouse.org/sites/default/files/FreedomofthePress_2015_FINAL.pdf > [accessed June 17 2016]

64 Konrad Adenauer Stiftung, *Media freedom in Bosnia and Herzegovina* (2015), <http://www.kas.de/wf/en/71.13562/> [accessed 18 June 2016]

When it comes to indicators of media freedom and sustainability (which can also be seen as indicators of openness of media and public space), there is a constant decrease in the level of free speech, professional journalism, plurality of news sources, but also a decrease of quality of the media environment, including weakening of supporting institutions (regula tors, self-regulators, journalist associations and unions etc.), as well as a weakening of the media market, which means that, in the present difficult economic situation, media are becoming more dependent on political and other sources of financing (international donors, rich individuals etc.).

Table: IREX Media Sustainability Index – B&H[65]

Indicator	Year						
	2010	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**
Free Speech	2.96	2.54	2.45	2.38	2.36	2.56	2.46
Professional Journalism	2.12	1.87	1.68	1.60	1.83	1.77	1.67
Plurality of news sources	2.77	2.59	2.16	2.20	2.26	2.23	2.20
Business Management	2.43	1.84	1.61	1.60	1.64	1.58	1.39
Supporting institutions	2.71	2.27	1.95	2.35	2.12	2.02	2.15
Overall score	**2.60**	**2.22**	**1.97**	**2.03**	**2.04**	**2.03**	**1.97**

Most research on Bosnian media[66] shows that most media are controlled by politically or economically powerful individuals or groups, which directly influence their reporting. This trend is seen most clearly during election campaigns, when "most outlets are divided along political, ethnic and territorial lines and remain under the strong influence of their owners and political patrons".[67] Political and economic influences on media are very strong and media owners are very often in close relations with political and economic elites. This is, of course, difficult to prove, since it is difficult to find exact information on media owners (i.e. the real names of the owners of certain media). However, it is known that many media owners own other profitable businesses (such as Mujo Selimović, the owner of the newspaper Oslobođenje, for example), or they hold elected office after formally transferring ownership to family members (such as the owner of Dnevni Avaz, Fahrudin Radončić, for example). Some other media are funded through politically-controlled money by certain political parties or interest lobbies (such as newspapers Glas Srpske and Nezavisne novine in Banja Luka, owned by Željko Kopanja or NAŠA TV from Mostar, which is owned by 55 private businessmen, in close connection with the political party HDZ). In all these cases media are used as tools for promoting business and/or political goals. Advertising money is also distributed according to the political affiliation of certain media, since public companies (such as Telecom operators etc.) are the biggest advertisers. Some sources say that even the distribution of print media is influenced by political affiliation of media (so that certain public offices, ministries etc. are subscribed to a certain number of copies of daily newspapers if the owners are in close relations to ruling parties).

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65 IREX Media Sustainabilty Index
66 Some of them listed in the book Turčilo L. (2011). *Zaradi pa vladaj: politika-mediji-biznis u globalnom društvu i u BiH*. Sarajevo: Vlastita naklada
67 Media Plan, *Assesment of Political Diversity in Media Reporting on General Elections 2014 in B&H*, <http://www.mediaplan.ba/docs/FinalReportEN.pdf> [accessed June 17 2016]

All these circumstances diminish the watchdog function of B&H media and make citizens believe that media represent less their and public interest, but rather interest of elites. Lack of public trust in media makes media in Bosnia-Herzegovina less a platform for citizens to widely participate in democracy and more a tool for political manipulation. This puts democracy in B&H at risk.

Shrinking of Public/Media Space and What We Can Do About It

As soon as the influence of media and its power have been recognized, elites have started looking for ways in which they can influence the media and make them serve politics rather than the public. All forms of influence on media, direct or indirect, can be seen as shrinking of public space and media space for public debate and the watchdog function of media. That is why it is important to recognize and resist these influences. They usually come from political elites, but also from economical elites, since nowadays political and economic spheres are closely related. The most extreme form is, of course, censorship, which prevents media from being an accountable source of information for citizens and prevents journalists from doing their job professionally. Censorship is immanent to non-democratic and less democratic countries, but it can manifest itself in developed countries as well, mainly in the form of self-censorship of journalists. Self-censorship occurs when media are exposed to pressures or when political and economic elites are in close relations with media owners and, through their influence, they make sure that media will not report critically or do investigative stories on them. This is when shrinking space for journalists occurs within their own media.

It is, therefore, obvious that pressures on media can be direct and indirect. Direct pressures, apart from censorship, include threats to media and/or journalists, as well as economic pressures (withdrawal of advertisements, for example, from media which report critically). Indirect pressures include manipulation (for example giving exclusive information to media which report in favor of certain political actors, or not inviting investigative journalists and reporters who write critically to press conferences and other events), bribing journalists (giving them presents and expecting them not to write critically or write only positive stories in return) etc. The general aim of such pressures and manipulation is to "buy silence", that is, to make sure that media do not report based on public interest, but in the interest of political (and other) elites. The consequence of such non-democratic behavior of political elites is shrinking space for media to fulfill their role and shrinking space for the public to participate in democratic processes and public life. Public debate is impossible without free media and free public and, without public debate and fair decision-making processes, there is no democracy in general.

Shrinking media space, thus, is a direct danger for the democratic potentials of every society. It has to be prevented by every means, which include, first of all, enhancing relations between media and public in order for media to have stronger support against political and economic pressures they are exposed to. Secondly, building democratic potentials of every society (such as introducing laws that support media freedom, preventing pressures on media and publically speaking about those that occur, etc.) is an important aspect of protection of media freedom and media watchdog role in political life.

Development of political culture (which includes political literacy and media literacy of the public, in order to make it more aware of the role that media (needs to) play in democracy, but also making political elites aware that their misuse of media and misbehavior towards journalists is unacceptable) is the only way we can protect media and, consequently, make sure that as citizens we have a tool and a space to participate in democracy. That is always a long-term process, but it is also the only way. Otherwise, if the most powerful actor in the triangle politics-media-public is politics, then democracy is – none.

Investigative Reporting in the Era of Shrinking Spaces

Leila Bičakčić,
Center for Investigative
Reporting, Sarajevo

The life of an ordinary Bosnian and Herzegovinian has been marked by transition for over 20 years: everything we knew existed is today no longer acceptable. A violent end of the century in the Balkans introduced new values: the transition from socialism to capitalism and the introduction of democracy; in a society recovering from a violent and blood-shedding war, this change was not easy nor smooth. The international assistance that came at the end of the war was unprepared for the traditional and moderate society here, which was unaccustomed to democratic principles and civic responsibilities. In such an environment, media have probably suffered the most. The old and clumsy socialist conglomerate of media was not in line with contemporary media structures foreseen for the European context of BiH. During the late '90s and early 2000s, a significant amount of money was spent on the "democratization" of independent media and capacity building for outlets that were promoting democratic values as well as a better future for Bosnia and Herzegovina. When the overall reform process in the country was recognized as prosperous, media outlets suffered yet another setback: international assistance was abruptly cut and the generous financial support was withdrawn. Readjustment to these new conditions characterized by a lack of financial resources and flood of political influence, involved businesses and advertising. This is heavily reflected in the public discourse of BH media within the last decade.

The global economic crisis had a devastating effect on media globally – the lack of advertising money caused significant re-shifting within newsrooms: who was important and what could media live without was the most important question. Investigative reporting departments were first to suffer – expensive to support with no guarantee of success, investigative reporting was considered the easiest

to discard. That was around the time when the first non-profit investigative centres appeared in the US – a trend that became very popular worldwide after 2010. Traditional newsrooms have not fully recovered yet, and the question remains whether they will ever recover – the internet is taking over the role of traditional media and filling the void caused by the crisis. Internet reporting is free and fast – information is available instantly worldwide. New generations expect to know everything about anything in the world, with no consideration of the time, language or any other obstacle – thanks to internet, everything is one click away.

Attacks Against Journalists

While the Internet is increasing opportunities in communication with readers, it is a double-edged sword for good journalism. On one hand, it creates a space for direct communication and sharing stories with a wider audience by avoiding the middle man in distribution. Internet publishing is the future of publishing, as it allows for direct communication with readers: what has been done well? What could be improved in a story? Is the journalist missing an issue? It also provides a unique opportunity for independent and objective investigative reporting in a challenging environment, where media are under the influence of corporate and political elites. On the other hand, the internet is open to everyone's opinion, where standards of good reporting, ethical norms and principles of balanced truth, are worth nothing. A recent case of intimidation and profanation of a (female) journalist of the Center for Investigative Reporting who exposed a corrupt scheme in the health sector in the Sarajevo Canton, and who was called a prostitute by the subject of her investigation, is a perfect example of

how the internet could be used in negative context. This is merely one of many examples of pressures on independent media in BiH.[68] The OSCE has strongly condemned "any humiliation and threat to the journalistic profession and journalists who do their job with a high degree of respect for the principle of objective reporting".[69]

When we look at the BiH media environment, manifestations of global problems are very present here: decreasing advertising money, now shared within a larger media community; "infotainment" as a new trend dominant in public discourse; political influence, disguised in media owners, controlling editors. Space for journalists to work freely is shrinking...

Globally, the media are under attack and the space for, what we know as free press, is closing – governments are aware of the power invested in the free press and they are afraid of the consequences of such an "uncontrolled" force. On the other hand, we are faced with a global trend of terrorism, that is threatening the free world, whose governments are rightfully trying to minimize the damage and to (over)protect their territories. In BiH, governments are not so concerned about wellbeing of the citizens as much as they are concerned about their own. In a country struggling with a lost identity, lack of perspective, and poor economy, free media are just a myth! Unlike the explicit political pressure and censorship of the past, the current political and economic pressures are much more subtle and covert, which does not necessarily diminish their efficiency, but makes their identification and the fight against them much harder. In a deeply divided society, media is divided as well. They stay stacked in between politi-

68 As of September 15, The Free Media Helpline had registered 41 cases of media freedoms and journalists' rights violations
69 OSCE Mission Condemns Humiliation and Threats to Journalists, Bosnia Daily, August 4, 2016, p.4

SHRINKING SPACE IN THE WESTERN BALKANS
SHRINKING SPACE AND THE ROLE OF MEDIA

cal/ethnic messaging, and owners' private interests, almost completely incapable to act professionally. Media can be furious and destructive, as well as sophisticated and helpful. Our outlets (surely, not all of them) choose a third option: "whatever you do, don't make the decision maker(s) angry". Divided media (media lacking professional standards) is useless to society, but very useful to corrupt individuals.

As a country coming out of a socialism regime, BiH still has a long way to go in terms of transparency. The fact that information is still not valued as a public good, but is being guarded by public officials, is a direct indication of the controlled and hostile environment for independent media. The legal framework for guaranteeing free access to information is in place since 2001, but the situation has not improved: access to information is denied based on protection of personal data, protection of national security and, most often, by protection of rights of private companies doing business with the government. In such an environment, it is hard to do honest journalism without compromising "power centres" protected by the system.

The BH media landscape is characterized by a large number of outlets[70], but a lack of pluralism - the average consumer is forced to look at at least 10 different sources of news at any given point, in order to get basic information. Media outlets are politically affiliated to the point where they are not even hiding this devastating fact: the media is being used to promote political goals, aims and agendas, without even offering a basic analysis of why citizens would even care. There is a simple reason for this – money is being controlled by politics, particularly advertising money, and obedience equals survival. Pluralism in BiH is being used against the free press.

Another form of media control is media ownership. Who are owners of major media outlets in BiH? It is no secret that big businesspeople are investing money in the media – it is just another way to invest your cash. But, the problem is when media is being used as an extended arm of a business, used as a supporting device for a business, particularly when a business collaborates closely with politics, as it is the case in BiH. Then, journalists are being used for PR services, rather than journalism – truth doesn't matter, readers are "served" with a tainted truth that serves a purpose, a business purpose. The controlling device is, again, money – professional standards are disregarded for the purpose of surviving on a job. While this is a recognized global trend, the situation in this country has aggravated to the point that media outlets are not trusted sources of information anymore. Citizens, aware that political rhetoric dominates in BH media, are distrustful of those few honest media outlets trying to remain ethical. As a result, young journalists are raised believing that respecting journalistic standards is a waste of time – they are choosing the fast lane of politically approved and affiliated journalism.

Both of these two forms of control boil down to censorship – when journalists are pressured to report on issues that are imposed by a higher authority (being politics, owners, or editors), they are not free. Their freedoms are limited and the space for independent work is shrinking, which consequently leads to the destruction of free speech and freedom of expression, as absolute freedoms guaranteed by the Constitution. However, the most devastating effect of shrinking space is manifested through self – censorship. Journalists, aware of strings attached and potential conflicts that their reporting might lead them to, are choosing not to report on certain topics. Or, they choose to only report on topics

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70 5 daily newspapers; 184 magazines; 148 radio stations; 47 TV stations; 6 news agencies; 80 web portals

and issues that will not offend anyone. In such circumstances, investigative journalism is facing its greatest problem: lack of good investigative journalists - people who have passion, interest, and strong will to talk about the forbidden. It is as simple as that: journalists are used to work under Big Brother expecting His approval for every single word. Such non-existing professional self-awareness represents a huge weakness of democracies in transition. Journalists will therefore stay out of problematic areas, such as corruption, abuse of public funds and/or abuse of office. A friend of mine once said that "you are not reporting, if you not making someone uncomfortable" - journalism should be all about crossing boundaries, testing the unknown, provoking the public to action. However, this can only be achieved if journalists are free to do their job, if they have access to documents and information of public interest, and if they are not controlled by their superiors.

The problem with good investigative reporters is partially caused by a lack of professional training and/or journalism schools with investigative reporting curricula. This is a common problem in the whole region, where traditional journalism schools have yet to adopt contemporary journalistic forms and apply modern reporting techniques practiced in Western countries. In the absence of formal education, reporters are offered a range of trainings, providing an insight into the practical experience of distinguished investigative reporters in the region and wider. However, while opportunities are being presented, it is up to a journalist to decide which way to go – continuing education, as in any other profession, is a must!

Investigative reporting is in a particularly weak spot: the new trend of moving investigative reporting into a non-profit sector has left journalists with an "identity crisis". This limits their performance field – are they journalists or civil society rep-

resentatives? - while in non-profit sector: journalists or civil society representatives? While in profit sector: journalists or advertisers/PRs? Very often, investigative centres are disregarded by fellow journalists – if they are not part of the mainstream, they do not exist; if they are not sharing same (financial) problems, they are not part of a "gang". On the other hand, by being an NGO, investigative reporting is heavily dependent on publishing through other (mainstream) media outlets, which puts them in a position to condition stories – topics of interest are selected by editors of "competitive" outlets, those same outlets that are politically affiliated. This double jeopardy is an effective way to limit areas of focus for investigative reporting – no matter how good the story is, if it is not published and reaches no public, the impact is minimal. Further, investigative reporting is an expensive business that guarantees no success and/or outcome, making it unreliable for support, and often risky. This is a limiting factor for support providers, unable to adjust their expectations to the reality of investigative reporting. On the other hand, such uncertainty is comforting for those in focus of investigative reporters – by limiting opportunities, fewer damaging effects are to be foreseen.

In a reality of decreasing opportunities for free and unbiased journalism, investigative reporting is surviving. Compared to 2004, when BiH's Centre for Investigative Reporting was opened as one of 10 other similar centres in the world, now there are more than 100 known, functional independent centres. The fast increase in number of centres is a guarantee that, despite efforts to silence good journalism, demand for in-depth reporting is alive and striving. While traditional approaches to journalism might be dying, new channels of communication are being created, which in turn provide new opportunities for those willing to take the risk.

Media in Serbia – The Fight Continues

Jelena Vasić,
KRIK, Belgrade.

The Serbian public is increasingly deprived of access to trustworthy information. It has, instead, been served with campaigns, scandals and media combats. Most commercial media are under obvious political and economic pressures, while only a handful of independent media have the capacity to produce powerful, objective stories that relate to matters of public interest.

In December 2015 the Serbian Anti-Corruption Council published its report on the situation of the Serbian media. The Council has identified and singled out five systemic problems that had been paralyzing the public information system in the Republic of Serbia, namely: lack of transparency of media ownership; economic impact through the state budget and other indirect forms of financing with public money; problems of privatization of the media and the uncertain status of public services; censorship and self-censorship and last, but not least – the obvious tabloidization.

The Council warned that there was an open state control over media. One example they used to prove it was the fact that state-owned companies had entrusted the largest number of their advertisements to private companies and media close to political parties. Also, the privatization process is very problematic, because a large number of local media have been purchased by individuals, which are considered to be associated with the ruling parties.

With every passing day, the media are getting under even stronger pressure from political leaders. Since 2014, a couple of very important, popular and critically oriented media production shows have stopped their broadcasting. The pressure is also becoming much more sophisticated - this has been labelled "pressure without fingerprints". In fact, one cannot say that any media is banned, but media productions on TV, radio and in newspapers critical of the authorities are disappearing.

As a result, Serbian citizens are losing trust and interest in traditional media. In an atmosphere of complete media tabloidization in Serbia, readers can only rely on investigative journalism, which in its original form exists only on internet portals such as KRIK, Insider, CINS or BIRN.

But these independent media are struggling with a different kind of pressure. Being myself a part of KRIK's team I could present the situation from our point of view.

KRIK - Crime and Corruption Reporting Network[71] is a non-profit organization established to improve investigative journalism in Serbia. The organization was founded by a team of journalists who, for years, have been engaged in exposing crime and corruption at the highest levels of power. KRIK is funded by donations from private and institutional donors and commercial revenues. This method of funding prevents any one source of money from influencing the media content of KRIK.

Nowadays, the origin of funds raised by civil society organisations and media are also the target of government institutions and tabloids striving to present such civil society organisations and media as 'foreign agents'. KRIK has also had such an experience. Almost since its founding, KRIK has been the target of many attacks by the pro-government tabloid "Informer" and other media close to the government and criminal circles. "Informer" has, on several occasions, made false accusations about KRIK's editor-in-chief Stevan Dojčinović, representing him as a partner to foreign secret services.

The strongest media attack on KRIK started this year on March 18 when «Informer» published a photo of Dojčinović (we believe this photo was taken by police or intelligence agencies) on its front page and it was insinuated in the headline that

KRIK is "cooperating with criminals" and planning to publish "a fabricated scandal» against the Prime Minister of Serbia.

Besides the fact that KRIK›s editor was followed and photographed on the street, we were most concerned about the details presented in the article - «Informer», along with many lies and fabrications, was writing about the specifics of our unpublished journalistic research on the assets of politicians. This raised a serious question on who is monitoring KRIK and how they knew the details of our unpublished stories. "Informer›s" owner and editor-in-chief did not want to answer where he obtained the information, but it is quite clear that this type of recording and tracking cannot be done by one tabloid and indicates the involvement of state institutions.

The smear campaign continued for days and our editor was marked as a «media terrorist», «spy» and even «sadomasochist».

During the writing of this article, media attacks continued, again though the pro-regime tabloid "Informer". This time, Stevan Dojčinović was accused of being an "educator" of the Macedonian opposition on fighting the regime[72.]

KRIK's case characterizes the threat independent press faces in Serbia. Relevant state institutions dealing with the media and human rights, failed to be responsive and did not support KRIK in this situation. The Serbian Ministry of Culture even announced that it believed that the tabloid "Informer" did not break the law during its smear campaign against KRIK[73], although the Independent Association of Journalists

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71 More about Krik available at: https://www.krik.rs/en

72 Informer, *DOJČINOVIĆ BI DA RUŠI VLAST I U MAKEDONIJI: Evo šta se krije iza takozvanog nezavisnog novinarstva!*, (2016), <http://www.informer.rs/print/74974/vesti/politika/74974/DOJCINOVIC-RUSI-VLAST-MAKEDONIJI-krije-takozvanog-nezavisnog-novinarstva>

73 Pavle Petrović, *Ministarstvo kulture: "Informer" nije prekršio zakon'* (2016), https://www.krik.rs/ministarstvo-kulture-informer-nije-prekrsio-zakon/0

of Serbia has pointed out that the law was violated.[74]

However, KRIK received strong support from well-known international organizations: GIJN – the largest global network of investigative journalists, Civil Rights Defenders and the Heinrich Böll Foundation. It was also very important that a number of non-governmental organisations and Journalistic Associations expressed and provided their support to KRIK. We were thus able to show that KRIK is supported by the society, by professional international and local communities.[75]

During our work we have also faced many different limitations and problems. When our journalists were doing a story about the private business of Mayor of Belgrade Siniša Mali, they were constantly trying to get his reaction and answers. So one day our team had approached Mayor Mali at a construction site in Belgrade, but their mobile phone and camera were confiscated by the plain-clothed officers guarding him. The officers, who refused to identify themselves, deleted footage from the reporters' iPhone and camera. Among the men who confiscated equipment belonging to KRIK reporters was the Chief of the Municipal Police Nikola Ristić.[76] After this, Mayor Mali refused to comply with a request by Serbia's Ombudsman to fire Ristić for obstructing journalists trying to investigate corruption. This is an example of how the disruption of journalists and jeopardizing their rights went unpunished in Serbia.

Another case which now clearly draws public attention, is the case of Radio-Television Vojvodina (RTV), a part of the Serbian public broadcasting service. This year in mid-May the entire editorial staff of RTV was dismissed overnight – the board of directors of RTV had replaced 14 editors and staff who were responsible for the news program. This decision was communicated to them by telephone or passing by in the hallway. The new editors were recruited immediately without open competition. Since then, citizens and journalists have protested because of this several times. It is obvious that these dismissals were influenced by politics.

The described phenomena are occurring at the time when the government insists on Serbia's EU perspective and when, on the other hand, the climate is deteriorating for the operation of civil society actors, and generally for those who think differently. In such a situation one can only rely on solidarity and the spirit of the profession, because we must continue to fight for the freedom of journalistic pens.

74 KRIK, *NUNS: Ministarstvo treba da podnese prijavu protiv 'Informera'* (2016), https://www.krik.rs/nuns-ministarstvo-treba-da-podnese-prijavu-protiv-informera/

75 KRIK, *Smear campaign against KRIK* (2016), https://www.krik.rs/en/smear-campaign-against-krik/

76 KRIK, '*KRIK's cameras seized as Belgrade mayor ducks questions* '(2015), <https://www.krik.rs/en/kriks-cameras-seized-as-belgrade-mayor-ducks-questions/>

Ways to Open Space

Dragana Dardić,
Helsinki Citizens' Assembly,
Banja Luka

While reading texts in the brochure Shrinking Spaces, one observation imposed itself spontaneously – that there are at least four mutual elements that permeate the context in which civil society organisations in Macedonia, Bosnia and Herzegovina, Serbia, Croatia and Albania work and operate today. Those elements, which are reflected in or have direct influence on the exercise of the right to freedom of assembly, association and expression, which constitutes the backbone of the work of civil society organisations, are the following:

> Unfree media

Media exposed to political pressures and pressures of financial centres of power. Media that openly side with one political option, ruling party, or leader. Media who have long stopped exercising their function – reporting in the interest of the public.

The media situation in all five countries is very similar. It is characterised by a fragmentation of the media market, increase of violence against freedom of expression, tabloidization and decline in the quality of journalism, as well as changes that the so-called old or classical media are going through.

On the other hand, the work of modern civil society organisations can hardly be imagined without support of the media. Media are simply (or should be) the natural allies of civil society activists in their fight for justice and truth.

The space that opened after the development of new information and communication technologies and new information channels (websites, online portals, and social networks) is space that has to be captured by civil society organisations, as their almost only alternative in the current constellation of relations. New information channels are the alternative

media of civil society that, in comparison to traditional media, provide numerous possibilities that are reflected in their global availability, interactivity, cheapness, simplicity and the possibilities of connecting and mutual operation with other activist groups on a local, national, regional and global level.

Failing to use and develop new operation strategies through the new media means remaining "glued to the sidewalk", as Nicholas Negroponte explained it in a picturesque manner saying:

"Once you get run over by new technology, if you are not part of the steam roller, you are a part of the road."[77]

> Strengthening of right-wing ideologies and parties accompanied by extreme nationalistic rhetoric and continuous discrediting of civil society organisations as "state enemies", "constitutional order destructors", "foreign mercenaries", etc.

Discrediting human rights organisations in all countries that are in focus of this brochure has been going on for an

77 Nicholas Negroponte is one of the founders of the Media Lab at the Massachusetts Institute of Technology. As a theoretician of new technologies, in his book Being Digital, he presents a thesis that the state-nation will give way to small and big electronic communities; that the fight for atoms and firm and specific things has been completed and that what we are facing today is the fight for bits. In his book that was published in 1996, Negroponte predicted many things in a visionary manner, and some of his ideas are still present.

unbelievably long period, with a tendency of continuing in the future. One of the issues that civil society organizations (CSOs) should deal with is finding a way of putting an end to this continued "state" harangue. How to strengthen the connections between CSOs and people in the field, how to connect the activities and interests of different groups with the purpose of mutual operation for the common good?

It is necessary to use the momentum we have been facing recently, reflected in the growing support of the "common" people for initiatives and actions directly related to the protection of natural resources and public goods.

For example, 6,000 citizens of the Republika Srpska signed the Petition for Saving Sutjeska in only a couple of days (2015). A group of citizens, journalists, cultural and public figures organised on their own initiative and managed to convince the City Council of Bihać to withdraw their decision on the construction of a mini hydroelectric power plant on the Una River. Twenty-three associations from the Republika Srpska and the Federation B&H have been fighting for seven years now against the construction of a mini hydroelectric power plant at the source of the Sana River that might destroy the natural biodiversity of this area. At the same time, an ad hoc organised signing of a petition for saving a children's playground in the Borik community in Banja Luka has resulted in withdrawing the decision to build a church in this location. In Belgrade and Skopje, the citizens are providing their support and participating in activities whose aim is to save urban areas from suspicious investors and unplanned construction (this relates to the "Belgrade Waterfront" and "Skopje 2014" projects). Citizens of Tirana have organised on their own initiative to save the Tirana Lake Park from being cemented.

Therefore, a critical mass and the will to do something indeed exist, but they should be additionally articulated and directed towards decision makers, without hesitating to request that they take responsibility for negligence, wastefulness, criminal activities, corruption and lack of strategic planning of urban development. Citizens must have access to environmental and political processes of decision making and development of common goods.

> Lack (nonexistence) of a regulated and transparent institutional framework for CSO operation

In most of the countries there is no clear and transparent institutional framework that regulates and provides conditions for undisturbed operation of civil society organizations and their financing by the state. The only exception is Croatia which in 2006 established a National Foundation for Civil Society Development that manages the process of allocating financial assets to non-government organisations. However, in 2016, when right-wing parties came to power, Croatia faced numerous significant cuts and reduction of assets for the work of the National Foundation that lost more than half of its annual budget. This resulted in the destabilization of the civil scene in Croatia and the loss of numerous jobs in this sector.

Even though the Agreement on Cooperation between the Council of Ministers and the non-governmental sector in Bosnia and Herzegovina was signed in 2007, in practice, it has not come to life yet. The uncontrolled and non-transparent allocation of assets without clear criteria, favouring one type of non-governmental organisations, must come to an end. However, CSOs must first insist on the estab-

lishment of a convenient environment for its operations, including the right to freedom of opinion and expression, right to assembly and association, freedom of movement, private life, etc. Conducive and safe environment for operation includes efficient protection of dignity, physical and psychological integrity, freedom and safety of civil society activists that are frequently exposed to different pressures and threats. This is a precondition for exercising the right to defend human rights.

> (Non) use of international standards in the area of protection of the right to public assembly, association and free expression of opinion.

One of the segments that has been neglected and poorly used is related to urging and insisting on the application of numerous international instruments that regulate the right to freedom of assembly and expression.

Domestic laws, regulations, measures and practices must also be in line with international standards of human rights. They have to be precise enough to provide legal security.

The fact is that documents/instruments are not lacking!

Articles 19 and 20 of the **Universal Declaration of Human Rights** (1948) regulate the right to freedom of opinion and expression, as well as the right to freedom of peaceful assembly and association. The **International Covenant on Civil and Political Rights** (entered into force in 1976)[78] and the **International Covenant**

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78 '*MEĐUNARODNI PAKT O GRAĐANSKIM I POLITIČKIM PRAVIMA*' <http://www.ombudsmen.gov.ba/documents/obmudsmen_doc-2013031901595385cro.pdf>

on Economic, Social and Cultural Rights (entered into force in January 1976)[79] constitute a referral framework for the work of civil society actors and organisations, and legally bind signatory states to respect the rights to freedom of assembly and association, freedom of opinion and expression, as well as the right to participation in the cultural life.

Besides this, it is important to mention the following: **Resolution A/RES/53/144** adopted by the UN General Assembly on December 9, 1988, titled "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms"[80]; **Resolution A/HRC/RES/24/21** that the UN Human Rights Council uses to urge the states, among other things, "to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity" and **Resolution A/HRC/32/L.29** (adopted by the UN Human Rights Council in June 2016), titled "Civil Society Space".[81]

The key document at the level of the European Union is the European Convention of Human Rights that includes both the right to the freedom of expression (Article 10) and the right to the freedom of assembly and association (Article 11).

Besides this, the Council of the European Union adopted in June 2015 a new **Action Plan on Human Rights and Democracy for the period 2015-2019**, which emphasises the key contribution that civil society actors and human rights defenders make to peace and security, stability and prosperity. The Action Plan also stresses that the "EU will step up its efforts to promote a safe and enabling environment in which civil society and independent media can flourish".[82]

One of the significant institutions for the exercise of the right to freedom of assembly and association and freedom of expression in the European continent is the OSCE - Office for Democratic Institutions and Human Rights (ODIHR).

Civil society organizations in West Balkan countries can and should use the OSCE **Guidelines on Freedom of Peaceful Assembly**[83] which provide four principles that the Council of Europe member states should take into consideration when adopting laws on public assembly. The Guidelines urge the governments of Council of Europe member states to look to the following principles when creating or amending the law on public assembly: **non-discrimination** (freedom of peaceful assembly is to be enjoyed equally by everyone), **legality** (any restrictions imposed must have a formal legal basis and be in conformity with the European Convention on Human Rights and other international human rights instruments), **proportionality** (without routinely imposing restrictions that would fundamentally alter the character of an event and the purpose of

79 *Međunarodni pakt o ekonomskim, socijalnim i kulturnim pravima* <http://www.unmikonline.org/regulations/unmikgazette/05bosniak/BIntCovEcSocCulRights.pdf>

80 *Deklaracija o pravu i odgovornosti pojedinaca grupa i društvenih organa da unapređuju i štite univerzalno priznata ljudska prava i osnovne slobode* <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2013/02/Deklaracija-o-pravu-i-odgovornosti-pojedinaca-grupa-i-dru%C5%A1tvenih-organa-da-unapre%C4%91uju-i-%C5%A1tite-univerzalno-priznata-ljudska-prava-i-osnovne-slobode.pdf>

81 United Nations General Assembly, *Thirty-second session, Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development* (2016), http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/32/L.29

82 European Council and Council of the European Union, *Vijeće donijelo novi akcijski plan EU-a za ljudska prava i demokraciju pod nazivom: Ljudska prava kao trajni prioritet programa EU-a* (2015), <http://www.consilium.europa.eu/hr/press/press-releases/2015/07/20-fac-human-rights/>
See also a text in this brochure by Mirela Grünther-Đečević, titled Shrinking Space for Civil Society Actors Needs Serious Attention, p. 7

83 See: http://www.osce.org/odihr/73405

a public assembly) and the principle of **good administration** (the public should be informed which body is responsible for making decisions about the regulation of freedom of assembly and, should any restrictions be placed on an assembly, this should be communicated promptly and in writing to the event organizer, with an explanation of the reason for each restriction).

Any limitations to peaceful public assembly must be based on real and justified reasons. Invoking the protection of national or state security may not be used as an excuse for imposing vague or arbitrary limitations to public assemblies, except if this indeed relates to a threat to territorial integrity or existence of a nation of one state.

Besides these, the OSCE has issued **Guidelines on the Protection of Human Rights Defenders**[84] that are grounded on key international instruments that relate to the protection of human rights defenders and that may also be used by activists of civil society organisations which are exposed to threats and attempts to reduce space for work and operation with the aim of provide adequate answers to the challenges they are facing.

Civil society organizations in Western Balkan countries must use the opportunities and possibilities given to them within the process of joining the European Union and insist on/request the launch and implementation of legal and other reforms in accordance with the EU *acquis* communautaire, thus avoiding, or learning from the "mistakes" of some neighbouring countries that have already joined the EU. The fact is that there are instruments and space for operation! They only have to be used wisely.

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84 OSCE/ODIHR, '*Smernice o zaštiti branitelja ljudskih prava*' (2015) <http://www.osce.org/sr/odihr/195336?download=true>

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