"Countering Disinformation and Strengthening Media Independence"

Prepared for Working Group D by

Nikola Burazer, Centre for Contemporary Politics

Aspen Institute Germany

SÜDOSTEUROPA GESELLSCHAFT

Civil Society & Think Tank Forum I
Road to Berlin

June 01-02, 2021

Western Balkans Summit Berlin 2021

Supported by:

Federal Foreign Office

Media freedom represents a major problem across the Western Balkans. From attacks on journalists and economic pressures to media capture, media independence is increasingly under attack across the region. Disinformation, augmented by the COVID-19 pandemic and under the influence of external actors, along with media capture by local political and economic elites prove major threats to media freedom and democracy in the region.

Media freedom is of major importance for the EU accession perspective of the Western Balkan countries. A free media is often referred to as a "pillar of democracy,"[1] and the establishment of a functional democracy is one of the key political criteria for EU membership.[2] It is therefore not surprising that media freedom (under the term "freedom of expression") finds itself in an important place within the EU accession process, the negotiating Chapter 23: Judiciary and Fundamental Rights, or that the EU is giving increasing attention to the problems of media freedom in the region.

Western Balkan countries have seen minimal improvements to media freedom in recent years, despite making progress in EU accession. The European Commission assesses that there is "some level of preparation" when it comes to increasing the freedom of expression in all Western Balkans countries, but only North Macedonia, Albania, and Kosovo have made any progress in recent years. According to the 2020 country reports, only North Macedonia and Kosovo have made "limited progress." However, by far the most disturbing fact is that the two "frontrunners" in the accession process and the only two countries currently negotiating for EU membership, Montenegro and Serbia, have seen no progress in freedom of expression

since 2015, according to European Commission reports.

Montenegro and Serbia rank the lowest among Western Balkans countries according to the Reporters without Borders 2021 World Press Freedom Index, with Serbia in the 93rd place and Montenegro in the 104th. Having in mind that Bosnia and Herzegovina and Kosovo are the best-placed Western Balkan countries on this list, it could be said that progress in EU accession negotiations is negatively correlated with the state of media freedom.[3] Similar conclusions could be made from the 2019 Media Sustainability Index by IREX, where Kosovo is ranked the highest and Serbia by far the lowest in the region.[4]

Despite the poor state of media freedom in those countries negotiating membership, the EU does indeed recognize the severity of the state of media freedom in the region. In its 2018 Western Balkans Strategy, the European Commission assessed that there is an "extensive political interference in, and control of, the media" in Western Balkan countries, and that a "particular focus is needed to safeguard the freedom of expression and independence of media as a pillar of democracy."[5] It organizes annual EU-WB Media Days conferences dedicated to tackling issues with media freedom and provides funding to numerous independent media outlets in the region.

The Commission has also recognized in its Western Balkans Strategy that the countries of the region "show clear elements of state capture, including links with organized crime and corruption at all levels of government and administration, as well as a strong entanglement of public and private interests."[6] However, what

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[1] A credible enlargement perspective for and enhanced EU engagement with the Western Balkans, February 2018, available at https://ec.europa.eu/info/sites/default/files/communication-credible-enlargement-perspective-western-balkans_en.pdf

[2] „Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities", Conclusions of the European

Council in Copenhagen, June 1993, available at https://www.consilium.europa.eu/media/21225/72921.pdf

[3] World Press Freedom Index, Reporters without Borders, available at https://rsf.org/en/ranking

[4] Media Sustainability Index, available at https://www.mediasustainabilityindex.org/,

[5] A credible enlargement perspective for and enhanced EU engagement with the Western Balkans

[6] Ibid.

the European Commission does not claim, but what can be implied both from the Commission reports and analyses by media experts, is that the Western Balkan countries are plagued by media capture as well.

Media capture is understood as the instrumentalization of the media by different political or business actors. According to one well-known definition, media capture represents a situation where "media has not succeeded in becoming autonomous to manifest a will of its own and to exercise its main function, notably of informing people, but has persisted in an intermediate state, whereas various groups, not just the government, use it for other purposes."[7] Others define it as a "form of governance failure that occurs when the news media advance the commercial or political concerns of state and/or non-state special interest groups controlling the media industry instead of holding those groups accountable and reporting in the public interest."[8]

Due to financial difficulties, the state has played an important role in the media sphere through direct and indirect investments. The state regulation of media and close connections between political elites and media owners plague media in the Western Balkans with media capture to varying degrees and manifestations in different countries of the region. Problems with the rule of law, corruption, and the influence of external actors often exacerbate this problem further, with important effects on media independence, disinformation, and the state of democracy across the Western Balkans.

Even though the problem of disinformation in the Western Balkans has been increasingly important in recent years, the COVID-19 pandemic placed a spotlight on this problem for the international community. The region was recognized as an area of influence by external actors and an information battlefield during the pandemic. According to one research study, 75% of Western Balkan citizens believe in one of the six common conspiracy theories about COVID-19[9], and citizens' opinions about the pandemic and vaccination campaigns to combat the virus might have serious geopolitical and health implications.

However, disinformation in the Western Balkans goes far beyond the COVID-19 pandemic. A study commissioned by the European Parliament in 2020 assesses that disinformation is an "endemic and ubiquitous part of politics throughout the Western Balkans, without exception." According to this research, there is evidence that "most major media outlets in the Western Balkans are at least complicit in one form of disinformation or another, ranging from click-bait sensationalism to the work-for-hire fabrication of fully false narratives." [10]

The presence of external actors, often aiming to discredit the European Union and NATO while promoting anti-Western and illiberal narratives, further complicates the issue. Together with media capture, the influence of external actors brings the question of disinformation to the forefront of the struggle for media freedom and democracy in the Western Balkans.

The problems posed by disinformation and media independence are, therefore, both severe and interconnected. Improving media freedom in the Western Balkans requires addressing several issues that are common for the region, and which have been well documented by local and international organizations. Here, we will first present some of the key problems that need to be addressed, followed by general recommendations for the European Union as it

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[7] Alina Mungiu-Pippidi: How media and politics shape each other in the New Europe, Romanian Journal of Political Science, available at https://www.researchgate.net/publication/298647526_How_media_and_politics_shape_each_other_in_the_New_Europe
[8] Center for International Media Assistance, available at https://www.cima.ned.org/resources/media-capture/
[9] The Suspicious Virus: Conspiracies and COVID19 in the Balkans, Balkans in Europe Policy Advisory Group,

December 2020, available at https://biepag.eu/wp-content/uploads/2020/12/Conspiracies-and-COVID19-in-the-Balkan-English-2.pdf
[10] Mapping Fake News and Disinformation in the Western Balkans and Identifying Ways to Effectively Counter Them, European Parliament's Committee on Foreign Affairs, December 2020, available at https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO_STU(2020)653621_EN.pdf

approaches the question of media freedom in the Western Balkans.

The main issues

A comprehensive list of concerns regarding media freedom in the Western Balkans would likely be very long and require touching upon several areas not directly related to the media. Therefore, we have singled out several key issues that deserve special scrutiny and whose resolution is paramount for increasing media independence and fighting disinformation in the region.

1) Transparency and regulation of ownership and financing

2) Ensuring the independence of the public broadcasters

3) Strengthening the independence of media regulatory bodies

4) Fighting against pressure on journalists and media

5) Countering disinformation and fake news in the region

Transparency and regulation of ownership and financing

Lack of transparency in ownership and financing of Western Balkan media represents a major problem for media freedom in the region. Opaque ownership and financing enable the circumvention of different laws regulating monopolies in the media sphere, strengthen the role of the state and external actors in this space, and facilitate a system of media capture. The EU recognized issues with non-transparent ownership in Serbia, Albania, and Kosovo in its 2019 country reports, but the problem persists across the region.

The role of the state is especially important. While state aid is often necessary for the survival of the media and their reporting for the public interest, the role of the state can also be detrimental to media freedom. Besides direct

support to media, the state has considerable leverage over the media through the advertisements of public enterprises, tax breaks, and other mechanisms of influence at its disposal. Due to opaque media ownership and financing across the Western Balkans, states may even own and financially support different media outlets loyal to the incumbent government, which represents a genuine threat for increasing media capture.

The following recommendations aim to address the problem of ownership transparency and financing of Western Balkan media:

- Improve the legal framework to increase the transparency of media ownership and financing

- Improve the legal framework to better address concentrations of ownership and monopolization

- Establish clear rules for the role of the state in the media sphere, focusing on supporting media's independent reporting of the public interest

- Improve the implementation of laws and legal provisions regulating this area, as the lack of proper implementation is seen as one of the most serious problems across the region

Ensuring the independence of public broadcasters

Public broadcasters play an important role in democratic societies, as they are obliged to report objectively and in the public interest. In the Western Balkans, however, public broadcasters are often politicized, under more or less direct control by the ruling elites and often accused of a pro-government bias. Problems with public broadcasters are regularly recognized in European Commission reports on the Western Balkan countries. For example, in the 2019 report on Montenegro, the Commission assessed that political interference in the Council of the Public Broadcaster is a matter of "serious concern."

The first major issue with public broadcasters is precisely the problem of political interference. Instead of reporting in the interest of the public, the public broadcasters are often mouthpieces of the government and mechanisms are put in place to prevent their independence. This problem has been a hotly debated political issue in some Western Balkans countries. This was the case in Montenegro, where reforms were implemented in 2017, and in Serbia, where the work of the public broadcaster will most likely be one of the major topics within the EP-mediated inter-party dialogue in 2021. According to research from 2019, 64.2% of Western Balkan citizens do not believe that the public broadcasters in their countries are free from political interference, and only 20.8% believe that they are independent.[11]

The second major problem with public broadcasters is their funding. In none of the countries in the Western Balkans are public broadcasters funded independently from the state budget, with some hybrid mechanisms employing both budget and licence fee funding. This makes public broadcasters more vulnerable to political pressures. Some of the public broadcasters lack funds to fully function and are heavily indebted as funds allocated to public broadcasters are decreasing in some countries.

In order to strengthen the independence of the public broadcasters in the Western Balkans, some of the following recommendations should be implemented:

- Increase the funding of the public broadcasters to allow them to report in the public interest

- Reform the system of financing public broadcasters in order to give them more independence from the state and governments

- Strengthen mechanisms to enable editorial independence of the public broadcasters and prevent political influence

Strengthening the independence of media regulatory bodies

Independent media regulatory bodies play a key role in safeguarding media freedom and implementing media legislation. Especially important are bodies regulating electronic media, which play a key role in each of the Western Balkan countries: in Serbia the Regulatory body on Electronic Media (REM), in Albania the Audiovisual Media Authority (AMA), in Montenegro the Agency for Electronic Media of Montenegro (AEM), in Macedonia the Agency for Audio and Audiovisual Media Services (AVMU), in Kosovo the Independent Media Commission (KPM), and in Bosnia and Herzegovina the Communications Regulatory Agency (RAK).

These regulatory bodies are usually granted wide competences in the media sphere and play an important role in defending media freedom. They are usually also responsible for protecting the independence of public broadcasters and ensuring free and fair electoral campaigns, which makes their role crucial not only for media freedom, but also for democracy. For this reason, independent media regulatory bodies have often found themselves at the center of political crises.

In Serbia, the composition and functioning of REM was the focus of the inter-party dialogue in 2019 and will likely be so again in 2021. In Albania, opposition-appointed members of the governing board boycotted AMA due to its political control by the government, rendering it unable to fulfil its duties.[12] Continued political interference in Montenegro's Agency for Electronic Media (AEM) was reported by the

[11] A Pillar of Democracy on Shaky Ground: Public Service Media in South East Europe, *Konrad-Adenauer-Stiftung e.V*, 2019

[12] Democracy in Progress: Shadow Report on Political Copenhagen Criteria in Western Balkans EU Candidate States, Centre for Contemporary Politics, Belgrade, 2018.

European Commission 2019 report as a matter of "serious concern."[13]

The two main problems with independent media regulatory bodies are their lack of capacity and lack of independence. Despite an important role within the media sphere, these institutions often lack the financial and operational capacities to fulfil their duties, especially in electoral campaigns. On the other hand, they are also often politicized and lack the independence required to fulfil their role as gatekeepers of media freedom and democracy. The consequences of these problems with regulatory bodies in the media sphere are potentially severe, as different political crises in the Western Balkans clearly demonstrate.

In order to ensure the independence of media regulatory bodies, the following recommendations should be considered:

- Improve the legal framework to increase the independence of media regulatory bodies and insulate them from political pressure

- Increase financial and operational capacities of media regulatory bodies in order to allow them to fulfil their designated roles

- Grant the media regulatory bodies the abilities required to implement media laws and monitor the work of the media, especially during electoral campaigns

Fighting against pressure on journalists and media

One of the more serious problems with media freedom in the Western Balkans is undoubtedly the pressure and attacks on journalists and independent media outlets. Even though the number of violent attacks on journalists is diminishing in recent years in most Western Balkan countries, the overall trends are not very positive. In Serbia, for example, the number of attacks on journalists has been on the rise in recent years, and across the region there are

unresolved, high-profile cases of violent attacks on journalists, including murders. The COVID-19 pandemic has exacerbated this problem, with journalists increasingly being threatened by governments for reporting on pandemic-related topics. The arrest of journalists Ana Lalić in Serbia in spring 2020 represents one example of this type of government behavior during the COVID-19 crisis.

Independent journalist and media outlets, especially investigative media focusing on crime and corruption, find themselves as targets of violent attacks and smear and intimidation campaigns by governments and media loyal to them. This represents a serious threat to these journalists, independent media, and media freedom in general, as the work of investigative media is of paramount importance for government accountability and the survival of democracy in the region.

The full investigation and prosecution of attacks on journalists and media is of great importance to ensure media freedom and independence in the Western Balkans. A lack of resolution in these cases demonstrates the vulnerability of journalists and media, empowering further violent actions by both state and non-state actors. Even though there has been progress in resolving some high-profile attacks on journalists, the overall results are far from satisfactory.

In order to fight against the pressures placed on journalists and independent media, the following recommendations should be considered:

- Governments and political parties should refrain from attacking journalists and labeling them as political opponents.

- Attacks on journalists and media outlets should be dealt with by appropriate institutions as a matter of priority.

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[13] European Commission Report on Montenegro 2019, available at https://ec.europa.eu/neighbourhood-

enlargement/sites/near/files/20190529-montenegro-report.pdf

- The cases of violent attacks on journalists, especially cases of assassinations, should be resolved as soon as possible.

Countering disinformation and fake news in the region

The COVID-19 pandemic and disinformation campaigns related to it have brought global attention to the problem of disinformation in the Western Balkans. However, the region has been plagued by disinformation for years. Fake news, disinformation, and propaganda have become normalized in the media spheres of the Western Balkan countries. The aforementioned study commissioned by the European Parliament indeed assessed that disinformation is an "endemic and ubiquitous part of politics throughout the Western Balkans, without exception" and that "most major media outlets in the Western Balkans are at least complicit in one form of disinformation or another, ranging from click-bait sensationalism to the work-for-hire fabrication of fully false narratives."[14]

The diminishing quality of reporting in the Western Balkan media, including click-bait sensationalism, tabloidization, and political propaganda, has been observed for years. The international community, however, has focused in recent years on the problem of external influences, especially disinformation campaigns originating from Russia and China, as well as other external actors with influence in the Western Balkans.

Of all external actors, Russia is seen as the main source of disinformation campaigns. According to the previously mentioned EP study, Russia seeks to "[amplify] any available social, political, economic, or ideological divisions that would undermine the adversary's political, economic, and military cohesion" and that by "manipulating political discourses, Russia's disinformation operations stir regional tensions to undermine further integration and discredit the EU." The report also assesses that in cases where sovereignty is challenged or disputed, politics are "especially vulnerable to geopolitically motivated interference."[15]

However, disinformation in the Western Balkans appears to be more "home grown" than externally driven. As the report itself states, "foreign actors are not the most prominent culprits" and "most of the people and organisations producing and disseminating disinformation are internal." Moreover, it claims that disinformation is "most commonly a symptom – rather than the cause – of a deeper breakdown of social cohesion and democratic governance."[16]

For this reason, tackling the problem of disinformation requires going much deeper than examining and assessing foreign media influences. It requires acknowledging the media situation in the region and the problems of media capture, low media literacy, and a socio-political environment that favours sensationalism and propaganda. These factors not only represent problems in themselves but create space for externally promoted disinformation campaigns.

In order to combat disinformation and fake news in the Western Balkans, the following recommendations should be taken into account:

- Reducing media capture and strengthening media independence.

- Increasing media literacy, especially among young people in the region.

- Engaging both the governments and businesses to cut off funding from media proven to spread fake news and disinformation.

- Increasing ownership and funding transparency in order to track foreign-based disinformation campaigns.

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[14] Mapping Fake News and Disinformation in the Western Balkans and Identifying Ways to Effectively Counter Them

[15] Ibid.
[16] Ibid.

Recommendations for the European Union

The described problems with the Western Balkans media will not be easy to resolve. Governments, political actors, and businesses in these countries are often the cause of such problems and will not welcome reforms that increase media independence, combat disinformation, and reduce media capture across the region.

The process of EU accession, however, with its strong focus on democratization and media freedom, might be a decisive factor in improving the media freedom in the region and tackling the aforementioned problems. Be that as it may, the mere fact that EU accession requires improving media independence will not bring substantial changes. Recent history has shown that countries which have advanced the most in EU accession, Montenegro and Serbia, are those where improvements in media freedom have been the slowest, with media freedom in Serbia deteriorating according to all relevant international indexes. Due to its largely ignoring such developments, the EU stands accused of employing the policy of "stabilitocracy" in the Western Balkans.

For this reason, the EU must employ new approaches and mechanisms to bring about improvements to media freedom in the region. Here, several recommendations are offered for how the EU might improve its leverage in the region when it comes to this fundamental issue.

- EU officials must be more vocal about the importance of media freedom in the Western Balkans. They should not refrain from naming and shaming governments who fail to improve media freedom, especially if backsliding in this area is apparent. The EU's criticism needs to be heard clearly among the citizens of the countries of the region.

- The EU should consider designing new instruments to monitor and assess media freedom. Apart from annual reports by the European Commission, the EU should publish special reports on media freedom in

each of the Western Balkan countries, similar to what it does not now with Chapters 23 and 24.

- In cases of serious problems with media freedom in certain Western Balkan countries, the EU should consider commissioning senior expert groups on media freedom in a similar fashion as was done in North Macedonia with the so-called "Priebe Report".

- Media freedom should be given more importance within the revised enlargement methodology and the EU should insist on improvements in media freedom as a precondition for making progress in other chapters/clusters, similar as with Chapters 23 and 24.

- The EU should continue funding independent media and media literacy programmes around the region, as this support is of paramount importance for sustainability of independent media and efforts to combat disinformation.