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Economic, social and cultural rights and the internet

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BOSNIA AND HERZEGOVINA

RESCUING CULTURAL HERITAGE, CHALLENGING STATE INACTION

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Introduction

Bosnia and Herzegovina is often described as a fragile democracy. The truth, after more than 20 years since the end of the war, is that it is a "non-country" constantly on the verge of a new secession. It is a country trapped in a pervasive ethnic discourse that fosters and nurtures the three nationalistic oligarchies of the country's constituent peoples – Bosniaks, Croats and Serbs – while the population experiences rampant poverty and a high unemployment rate. In a society in perennial conflict over the recent past, and feverishly busy rewriting history to better serve ethnic divisions, the internet helps to spread the fire.

A census held in 2013, but published almost three years later on 30 June 2016 – the last valid day for publishing the results – showed the extent to which nearly all of the country's territories are divided along ethnic-religious lines, how low the education rate is, and an astonishing level of computer illiteracy.[1]

Despite the findings of the census, Internet World Statistics (IWS) states that internet users in the country stand at 2,628,846, which means a 68.1% penetration rate. Facebook is the leading media platform with 1.5 million users, equal to a 38.8% penetration rate.[2]

This level of access means that the internet has also enabled people to do what institutions do not want to do. In particular, when it comes to access to culture, the internet has proved itself a free space that has enabled the rights of individuals and communities that states have often been reluctant to enact.

This report considers how the internet was used in Bosnia and Herzegovina to reopen the National Museum, and how a feminist archive of women's resistance against fascism was made accessible online. Both these initiatives challenged state inaction when it comes to enacting the right to culture in the country.

Political, economic and policy context

Yugoslavia signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 8 August 1967 and ratified it on 2 June 1971.[3] At its collapse, the new states inherited the covenant through a succession process.[4] Bosnia and Herzegovina acceded to it on 1 September 1993, during the war.[5] This resulted in a constitutional provision reflecting the covenant in the Bosnia and Herzegovina Constitution.

The main document that provides the framework for legislation and decision making in Bosnia and Herzegovina is the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement)[6] signed in December 1995. The relevant sections, in our case, are Annex 6 (Agreement on Human Rights)[7] and Annex 8 (Agreement on a Commission to Preserve National Monuments).[8] This background is essential to understand the way in which cultural institutions and culture in general are framed in the post-war society. Annex 6 sets a framework for the respect of internationally recognised human rights and fundamental freedoms, and establishes the Office of the Ombudsperson and its powers. Annex 8 establishes and regulates the creation of an independent commission to preserve national monuments, its power and processes.

In 2008, the Council of Ministers adopted a strategy on culture in Bosnia and Herzegovina, and developed a plan of action, but this was never implemented. Two entities, the Republic of Serbia and the Federation of Bosnia and Herzegovina, have both adopted cultural strategies (for 2010-2015 and 2010-2020 respectively). However, in general, cultural rights are ignored and diminished in favour of ethnically divisive rhetoric. This was made

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1   According to census results on education, 1,152,353 people are computer illiterate. popis2013.ba

2   www.internetworldstats.com/europa2.htm#ba

3   In January 2012, Bosnia and Herzegovina was among the first 10 countries to sign and ratify the Optional Protocol to the ICESCR.

4   https://en.wikipedia.org/wiki/International_Covenant_on_Economic,_Social_and_Cultural_Rights

5   Official Gazette of the Republic of Bosnia and Herzegovina, 25/93.

6   peacemaker.un.org/bosniadaytonagreement95

7   Annex 6 - www.ohr.int/?page_id=63259

8   Annex 8 - www.ohr.int/?page_id=63265

clear by the Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, written after her mission to Bosnia and Herzegovina in 2013.[9] It captures the essential fragmentation and hyper-politicisation of culture in the country. The financing of culture is low given that it is not a political priority – except when it comes to the celebration of martyrs, entertainment, or a few mainstream cultural events which are the exceptions confirming the rule.

"I Am the Museum"

When we talk of culture in Bosnia and Herzegovina we enter a tunnel of exclusive and hierarchical identity politics where there are the "constituent peoples" and the "others" – the 17 minorities groups in the country.[10] The category of "other" identifies and excludes anyone who does not self-identify with one particular major ethnic group. (This is reminiscent of the public discussion on gender and non-binary self-identifying individuals).

This was identified as a major challenge by Shaheed:

> Such divisions constitute a serious obstacle to social cohesion, and are conducive to violations of cultural rights, in particular, the right of each person to manifest her/his own identity, to participate (or not) in particular aspects of cultural life, and to have access to one's own cultural heritage, as well as that of others. Artificial boundaries have been created between peoples, and are being entrenched.[11]

Because of this divisive framing of what "national" means, and reflecting the tensions between the dominant ethnic groups, in 2013 the citizens of Bosnia and Herzegovina witnessed the closure of the National Museum.[12]

The National Museum of Bosnia and Herzegovina was one of the seven cultural institutions defined as of "national importance" in the Dayton Peace Agreement. However, in 2010 the Ministry of Civil Affairs in Bosnia and Herzegovina had stopped funding the seven institutions. Project funding from international donors sustained the institutions until 2012 before they collapsed.

Unfortunately the Peace Agreement did not define who would have control over the museum – whether at the state, entity, canton or municipal level – so the museum spent 20 years in a legal vacuum waiting for the responsible state institutions to reach a solution. Following pressure, the Federation of Bosnia and Herzegovina decided at the end of 2013 to finance five of the seven institutions, except the Museum and the Kinoteka. In the end, because no one took responsibility for the museum, no one felt obliged to finance its operations. In 2013 it looked as if it were about to be closed down completely.

Ja Sam Muzej ("I Am the Museum")[13] was an initiative that combined online and offline actions to advocate for the revitalisation of the museum. The initiative started formally in September 2015. After just over a month of advocacy, the museum reopened and the initiative was awarded the prestigious European Prize for Cultural Heritage Europa Nostra.

On 15 September 2015 the museum reopened its doors for 40 days, offering a rich programme to the public. People were signing up to be curators and cultural workers, volunteering their presence to keep the doors of the museum open to the public. There was an incredible, exciting flow of visitors and citizens, all managed publicly and online. The core people involved were from an association called Akcija Sarajevo:[14] Aida Kalender, Ines Tanovic Sijerčić, Zijah Gafić, Jasna Kovo and Azra Rizvo. The following people supported the initiative: Eldin Herenda, Srdjan Čalija, Ines Bulajic, Ezana Zekiri, Alexander Brezar, Slaven Ištuk and Dženan Medanović. The campaign received much public attention, and, as a result, the museum was granted public funding until 2018.

How the internet created awareness of cultural heritage

What the *Ja Sam Muzej* site did was tell people the story of the country's cultural heritage beyond the usual rhetoric. It introduced the museum workers, their lives and visions. It talked about heritage in

9   Shaheed, F. (2014). Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed. Addendum: Mission to Bosnia and Herzegovina (13-24 May 2013). www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A_HRC_25_49_Add.1_ENG.DOC documents-dds-ny.un.org/doc/UNDOC/GEN/G14/117/22/PDF/G1411722.pdf?OpenElement

10 The 17 minorities as recorded by the 1991 census prior to the 1992-1995 war: Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks and Ukrainians. www.osce.org/bih/110231?download=true

11 Shaheed, F. (2014). Op. cit.

12 In her report, Shaheed refers to "the current uncertainty surrounding the fate of seven major cultural institutions of Bosnia and Herzegovina: the National Museum, which had to close in 2012, as well as the National and University Library, the National Gallery, the Museum of History, the Film Archives Kinoteka, the Library for the Blind and Visually Impaired Persons, and the Museum of Theatre and Literature. These institutions were created by the pre-war Socialist Republic of Bosnia and Herzegovina, but were never accepted by all as the official State institutions after the conflict." Ibid.

13 jasam.zemaljskimuzej.ba

14 akcija.org.ba/about-us

an inclusive and non-discriminatory way and leveraged the testimonials of well-known people, which helped the campaign remain on the news agenda, both online and offline. It was a powerful, well-thought-out and technically sophisticated campaign which used its funding as a tool to achieve its ends, not as a means to pay personal or institutional bills. The participants' reputations were at stake, and the criticism of the initiative that occurred – with some accusing it of being a self-serving project – was dismantled by the participation of a large number of people as volunteers.

In terms of the definition of the state as "duty bearer", we can say that the revitalisation of the museum exposed the state for its incapacity and unwillingness to mobilise resources to protect the cultural rights of people in Bosnia and Herzegovina. The people working on the project experienced what it meant to be "rights holders" and were empowered to engage as individuals with rights in order to protect and promote their access to culture. The internet enabled their empowerment, and helped to expose the state's lack of political will. This included a Facebook page,[15] with a thriving community of 5,088 members, and the strategic use of other social platforms such as Instagram,[16] Twitter[17] and YouTube.[18] As many as 95 videos were posted online, generating viral media attention that helped to crowdfund participation beyond the immediate circles of activists and artists: 185 people and collectives volunteered for shifts at the museum and their names were published on the project's website.[19] It was a joyful experience to participate in; for many a political obligation, for others a public relations exercise. Regardless of the motivation, the campaign changed the usual walled garden that separated activists and their concerns in Bosnia and Herzegovina.

Feminist culture archive of resistance

A different, but equally successful initiative was launched by a feminist cultural collective called CRVENA that developed an archive of women resistance against fascism: *Arhiv Antifašističke Borbe žena Bosne i Hercegovine i Jugoslavije*. As stated by the project's home page: "Our task is to preserve and publicise the historical evidence of the work and activities of the Antifascist Front of Women of Bosnia and Herzegovina and Yugoslavia, as well as women's participation in the People's Liberation Struggle and in the building of Socialist Yugoslavia. The Archive aims to motivate our new struggles – on fronts that we need to identify, in numerous battles that we need to win. The revolution has taken place. Let's start another one!"[20]

The role of the internet here was to make a part of a forgotten collective culture accessible, and to provide access to valuable documents that were otherwise inaccessible. The four-year project, led by the feminist artists and activists Andreja Dugandžić and Adela Jušić, involved researching and curating materials from six different institutions in a unique virtual space. The archive was launched on 8 March 2015, and is available for anyone, including feminists, activists, students and researchers, to browse and learn about a historical period often mystified by the current political elites. The archive is a testimony once more of the strength of civil society collaborating with institutions as equal partners.[21]

Once more the rights holders – a specific group of citizens – took it upon themselves to fulfil the responsibility of the state as duty bearer. Perhaps because the initiative reached a smaller public than the *Ja Sam Muzej* initiative – its deeply political content could not count on widespread public interest – it did not receive state support, but instead turned to the public for support through crowdfunding.[22] The web was used as a strategic tool to open up an archive which was otherwise inaccessible for the general public.

Conclusion

Bosnia and Herzegovina has submitted two reports to the Committee on Economic, Social and Cultural Rights (CESCR): in 2005 and 2012, while a third is expected in November 2018. In its reporting requirements for the first report, the Committee made a specific link between Article 15 on cultural rights and the impact of war on this right in the country: "Please provide information on measures taken by

15 https://www.facebook.com/pages/
    JasamMuzej/952858684780362

16 https://www.instagram.com/jasammuzej

17 https://twitter.com/jasammuzej

18 https://www.youtube.com/
    watch?v=4l6rUKWfO-E&list=UUe_oQsUCvU5zdWz_Yqwoztw

19 jasam.zemaljskimuzej.ba/dezuram-za-muzej

20 afzarhiv.org/da-zivi-afz

21 The online archive mentions the public institutions where the documents were sourced, such as *Historijski muzej Bosne i Hercegovine; Nacionalni arhiv Bosne i Hercegovine; Muzej II zasjedanja AVNOJ-a, Jaice; UABNOR, Centar Sarajevo; and Muzej istorije Jugoslavije*, but their banners are not included, suggestive of the democratic structure of the initiative.

22 afzarhiv.org/podrska

the State party to restore the cultural heritage damaged during the war."[23]

This requirement was refined in the subsequent reporting cycles as follows:

Please provide information on legislative and other measures, as well as on the effectiveness of those measures, to ensure equal enjoyment of cultural rights by all groups, while preserving their own cultural identities and promoting intercultural understanding and appreciation of cultural heritage of other communities, in the entire territory of the State party.[24]

Culture is not regarded as relevant by the Bosnia and Herzegovina government, a position that has meant that this has been the responsibility of entities, districts and cantons in the country. In total, 14 different and independent government levels are in charge of cultural policy and legislation (two entities, one district and 10 cantons).

This complex administrative structure has been recognised by the CESCR as more of an impediment than an enabler of rights. Culture is trapped in the different visions offered by the state and the two entities. The Republic of Serbia mirrors the position of the state, while also pushing for stronger decentralisation. The Federation promotes a centralised state-level vision.

The internet has in the cases described broken the siege on culture, and shown a different way of promoting culture and a different way of achieving rights – but in each case it has been a civic initiative, bound by commitment, knowledge and a broader political agenda. Institutions reacted with disbelief, or did not react at all.

Despite these initiatives, which offered a wind of hope for the country, the mainstream cultural agenda has remained intrinsically unchanged – and some of this is to do with a lack of better use of the internet to further ESCRs in the country. Rather than furthering commercial purposes, internet infrastructure should be devoted to research and to science, with academic networks forming the backbone of our national knowledge.[25] People do not see the precariousness of our internet infrastructure and lack a vision for its development. Intermediaries do not provide access and space for strengthening ECSRs, but for boosting their business models. Bosnia and Herzegovina has on several occasions shown an interest in recognising information and communications technologies (ICTs) as a critical component for economic development, and the development of society in general. But in reality the lack of ICT support and the fragmentation of a people-orientated network continue to postpone these benefits.

Action steps

The internet cannot be an enabler of all ESCRs – and its potential to realise rights is diminished if there is no political will. Yet as this report has shown, it has the power to connect, to bypass restrictions and the limitations of authorities, to generate knowledge and to make content visible that is otherwise invisible. It has the potential to generate a critical mass of public support necessary for getting attention from the government as the principal duty bearer.

One thing that needs to be strengthened relates to seeing the internet as a "public interest" infrastructure. Bosnia and Herzegovina needs an open internet to host initiatives that challenge the fragmentation mastered by the political parties in power.

Politicians have learned that the internet is powerful, and after the massive protests in the country in 2013[26] and 2014,[27] they have tried to control it, using terrorism and the safety of children as excuses. Bosnia and Herzegovina citizens cannot risk losing the internet they know if they want to continue their fight for human rights.

23 Committee on Economic, Social and Cultural Rights. (2004). List of issues to be taken up in connection with the consideration of the initial report of Bosnia and Herzegovina concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.65) (E/C.12/Q/BIH/114). tbinternet. ohchr.org/_layouts/treatybodyexternal/Download. aspx?symbolno=E%2fC.12%2fQ%2fBIH%2f1&Lang=en

24 List of issues: Committee on Economic, Social and Cultural Rights Pre-sessional working group. (2013). List of issues in relation to the second periodic report of Bosnia and Herzegovina (E/C.12/BIH/2), adopted by the pre-sessional working group at its fifty-first session (21-24 May 2013) (E/C.12/WG/BIH/Q/2). tbinternet.ohchr.org/_layouts/treatybodyexternal/Download. aspx?symbolno=E%2fC.12%2fWG%2fFBIH%2fQ%2F2&Lang=en

25 Pellizzer, V., & Akagic, A. (2009). Bosnia and Herzegovina. In Finlay, A. (Ed.), *Global Information Society Watch 2009*. APC and Hivos. https://www.giswatch.org/country-report/20/bosnia

26 Mujanović, J. (2013, 11 June). "Bebolucija!": The #JMBG Movement in Bosnia-Herzegovina. *Politics, Re-Spun*. politicsrespun.org/2013/06/bebolucija-the-jmbg-movement-in-bosnia-herzegovina/

27 Kern, M. (2014, 3 March). The politics of division and sabotage. *Bosnia-Herzegovina Protest Files*. https://bhprotestfiles. wordpress.com/2014/03/03/the-politics-of-division-and-sabotage

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an "inventory of things" that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers' rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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