

## **Interview with Ambassador Brian Aggeler Head of the OSCE Mission to Bosnia and Herzegovina**

**Večernji list**

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**The process establishing authorities in BiH slowed down after gaining initial momentum. How do you view the current events on the political scene in Bosnia and Herzegovina?**

Since my arrival in the country last October, I have had a chance to engage with many political figures at different levels in Bosnia and Herzegovina, from ruling parties and opposition parties and many expressed optimism about putting the country on a positive track to greater security and prosperity. Following the general elections, authority formation was initially promising. Now, the pace of authority formation has slowed.

The political situation in BiH is unfortunately not improving. Many leaders appear to be more proactive in exploiting divisive agendas than in finding solutions for all citizens. The initiative to re-criminalize defamation in RS is one of the most troubling issues in BiH, especially with journalists facing frequent intimidation and pressure. Education is misused to create further divisions, instead of serving as a platform for common ground and intellectual advancement. Corruption and nepotism impede economic development. All of these elements together generate a negative atmosphere without major consequences for those behind these negative developments, who frankly at times benefit politically from such harmful attitudes.

Notably, challenges to state competences are also increasing, with worrying rhetoric and political moves coming out of RS. We urge all of BiH's elected leaders to refrain from divisive politics which challenge the State and which only create anxiety in the population.

Citizens themselves have often shown that they prefer to work together and do not seek this type of ethnic or administrative division.

I have seen this firsthand in my visits across the country, to the OSCE Mission's eight field offices, where local leaders and citizens are working across ethnic and entity lines for their communities. There are many encouraging practices in places like Bosanski Petrovac and the Majevisa region, indicating local communities' commitment to moving forward in the interests of all.

**The parties that make up the parliamentary majority announced work on electoral reform shortly after the establishment of the government. What do you expect from that process and in what direction should it go?**

The OSCE Mission supports a comprehensive review of electoral legislation, drawing on ODIHR recommendations based on four rounds of election monitoring, and conducted in an inclusive and transparent political process, as a key priority for BiH.

The local actors have to demonstrate a sufficient degree of leadership and responsibility to reach agreement on electoral reform. There have been many missed opportunities.

Following the 2022 elections, we truly hope that political leaders will summon the courage to resume negotiations and find solutions for comprehensive electoral reform.

Elected officials in this country have a responsibility to deliver results to those who gave them their mandates in the interest of all citizens.

**How do you assess the security situation in Bosnia and Herzegovina and the surrounding area regarding the constant tensions surrounding Kosovo, political turmoil in Bosnia and Herzegovina, and Montenegro?**

Challenges facing the region are multifaceted, but can be overcome through constructive dialogue and cooperation.

Such constructive co-operation has included for example BiH supporting regional stability, exporting its expertise in ammunition management and testing, and doing its part in upholding regional arms control regimes and military transparency.

There is such potential for progress and development across the board, but it requires political maturity and the inclination for reaching win-win arrangements. I am confident that many political leaders, including those from younger generations, recognize the importance of this cooperation and are dedicated to regional stability and security.

Again, the OSCE Mission to BiH urges BiH's political leaders to end fear-mongering, divisive rhetoric and moves which challenge Dayton and the competences of the State.

**You have repeatedly warned about the problem of corruption in Bosnia and Herzegovina. What specific moves and measures do you expect from the new authorities in order to suppress this phenomenon as much as possible?**

Unfortunately, corruption remains one of the most significant obstacles to progress in BiH. Eradicating corruption demands sustained commitment from all stakeholders, and its effectiveness will ultimately hinge on the tenacity, integrity and dedication of those entrusted with combating corruption for the benefit of all.

Specifically, new authorities have to work on advancing the institutional and normative framework to prevent corruption. This work has to include developing conflict of interest legislation that is aligned with international standards and ensuring its subsequent adoption and proper implementation. Moreover, authorities should adopt the BiH Anti-corruption Strategy (2022-2024) that has been missing for several years now.

In addition, BiH authorities should ensure that existing anti-corruption laws and regulations are enforced effectively, and that perpetrators are brought to justice regardless of their position or influence. In recent years, the Mission has played a pivotal role in the participatory development of key anti-corruption regulations and it will continue to dedicate significant efforts to this work in the future.

The OSCE Mission is active in assisting BiH authorities to strengthen institutional capacity and anti-corruption efforts. We have supported the establishment of Anti-corruption Offices across the country, which operate as impartial and unbiased entities in the prevention of corruption. With the support of the U.S. government, we have donated ICT equipment to anti-corruption bodies to ensure that they have modern infrastructure and tools for day-to-day work in corruption prevention and co-ordination of anti-corruption activities with all public institutions.

We are supporting and promoting efforts of our BiH partners to enhance integrity and transparency of defense and security sector institutions, including through parliamentary oversight, prevention of money laundering and terrorist financing, and modernizing policing and investigative capacities.

Without a doubt, it is imperative that the new authorities prioritize the fight against corruption. This is not only a moral obligation, but also an economic and social necessity for BiH's progress.

### **You are in favor of a systematic reform of the judiciary. What should it include?**

Accountability, integrity and transparency must serve as the foundation of the judiciary in BiH.

Judicial office holders serve an essential function in upholding the rule of law and protecting the rights of all those in BiH. The High Judicial and Prosecutorial Council of BiH is mandated to preserve and strengthen the independence of the judiciary while ensuring full accountability of judicial office holders, including through the process of appointing judges and prosecutors based on merit and professionalism.

To restore public trust in the judiciary, BiH authorities at all levels must take a systematic and inclusive approach to reform, including amending and adopting relevant policies and improving legal and institutional frameworks. This includes the adoption of the existing integrity amendments to the Law on the HJPC BiH and a new Law on the HJPC BiH as well as the Justice Sector Reform Strategy. The HJPC BiH must continue its efforts to improve judicial appointment practices and ensure the accountability and integrity of judicial office holders.

Judicial office holders must also have the capacity to respond to complex crimes, including war crimes, organized crime and corruption, efficiently and effectively, thereby closing the impunity gap.

**What is the responsibility of the international community for the state of the judiciary in BiH, bearing in mind that it was foreigners who created and implemented the reforms in that area in BiH?**

The OSCE Mission's unique and essential monitoring mandate, which covers both the criminal justice system through trial monitoring and the work of the HJPC BiH itself, provides an objective and evidence-based foundation for wider engagement. The wider international community will continue facilitating dialogue in support of domestically driven, logical and progressive judicial reform. BiH authorities, including legislative and executive bodies as well as judicial office holders, must own these reforms and co-operate in finding and implementing practical solutions through commitment and consensus.

**You condemned the frequent attacks on journalists, but also expressed your concern about the new legal solutions in the RS, which once again criminalize defamation. Why do you think this is dangerous?**

The reinstatement of defamation and insult as a criminal offense in the RS Criminal Code is definitely regressive, particularly given the current state of media freedom in the RS, where there are few independent outlets and they generally operate in a harsh environment.

It is clear that these amendments go against BiH's OSCE commitments and the recommendations of the OSCE Representative on Freedom of the Media, who has called for full decriminalization of defamation in all OSCE participating States.

The OSCE's Office for Democratic Institutions and Human Rights will prepare a full legal review of the amendments, which will be widely shared with all relevant stakeholders during the public discussion phase.

We are very much concerned with the fact that BiH has slipped in the rankings in terms of media freedom. This situation is partially due to the fact that journalists regularly face serious intimidation and pressures, thus restricting their ability to contribute to open and pluralistic debates necessary in any democratic society.

It is essential to ensure the safety of journalists and protect them from harassment, threats, and violence. The BiH legal framework is adequate in the sense that journalists can be protected by the application of several different laws, including relevant criminal codes and minor offence laws. The biggest challenge lies in the timely and adequate application of these laws by relevant authorities, as well as in their regular and constructive co-operation and coordination, e.g. through the establishment of a system of focal points for security of journalists within prosecutors' offices.

**What is currently the focus of attention of the OSCE Mission in BiH, what do you emphasize?**

We continue monitoring strategic reforms and provide assistance in line with our mandate, OSCE commitments and BiH priorities regarding education, human rights, rule of law, security governance and co-operation, gender equality, as well as democratic governance and environmental protection.

The Mission will launch a Report this week on learning and teaching about the period of 1992-1995 in primary schools throughout Bosnia and Herzegovina. The full report will be available on the Mission's website following the launch. We hope that this will catalyse further discussions and collaboration among education authorities and stakeholders in BiH as it advocates a more inclusive approach to history teaching and learning.

We will also publish a uniquely comprehensive Analysis of Anti-discrimination Case Law. The document contains key findings of the Mission's analysis of 433 domestic court decisions rendered in anti-discrimination cases from mid-2018 to mid-2021.

On 3 May, Media Freedom Day will be marked in Banja Luka with our partners from the Association of BH Journalists. We want to reiterate the importance of media freedom and support all journalists in reporting freely and independently. Recent developments in RS go against international standards and best practices and will further erode the overall media freedom situation in the RS if followed through. Authorities have a responsibility to ensure an inclusive, constructive and transparent public debate on any amendments that may impact media freedom.

Preventing corruption is also high on the Mission's agenda. The Mission is committed to collaborating with relevant anti-corruption stakeholders and the international community to enhance the effectiveness of the anti-corruption system.

We will also maintain focus on building trust between communities in order to overcome the legacy of war. Through our field offices we have been able to identify, support and promote many positive examples across the country of leaders working together in order to build a brighter future for their communities. Examples such as Majeвица, Zepce and Bosanski Petrovac stand out in this regard, and we will continue to seek out additional locations where forward momentum is being generated.

Together with our law enforcement partners, we are in the early stage of realizing a comprehensive effort to develop further an intelligence-led approach to policing. Similarly, as part of a large project for advancing control of small arms and light weapons (SALW) in BiH, on 27 April we will be donating 11 new specialized vehicles for transportation of canine police dogs that help detect weapons, ammunition and explosives.

The focus will be also on sustainable economic growth and environmental co-operation, which are essential for human security and vital in the pursuit of peace and prosperity for people in BiH. It will uphold human rights and promote tolerance and non-discrimination as prerequisites for comprehensive security.

**What reform steps do you expect in the field of education? Recently in Mostar, you spoke about the need to develop subject curricula.**

Education has been severely politicized in Bosnia and Herzegovina for decades. Ethnic divisions in the school system are caused by fragmented administrations, segregated institutions, and curricula based on fundamentally ethnocentric principles. To counter this, teaching should aim to

develop critical knowledge and understanding of complex political, social, cultural and economic systems.

Education authorities must ensure that all children have good quality of education. While quality education is about strengthening learning outcomes, the quality of content and teachers, and ensuring a constructive school environment, it also means ensuring an academic environment free of all forms of discrimination and segregation. This is crucial for the long-term stability and prosperity of this country and the region.

The Mission is here to support and work with responsible authorities to achieve these aims. In line with these commitments, we commend the authorities in Sarajevo, Zenica Dobož, Una Sana, West Herzegovina and Herzegovina Neretva cantons for their dedication to implementing curriculum reform.

The interest of children is the highest priority. This means quality education free from political abuse. Indeed, educational institutions must be inclusive and responsive to the needs of all students, not just those belonging to the majority group. The Mission will continue to advocate with all respective authorities to respect human rights, including the right to education without any form of discrimination, in line with international commitments.