

# The Fundamental Rights of BiH Citizens

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***Remarks by High Representative Valentin Inzko,  
at a Conference on National Minorities  
organised by Europe for Citizens  
under the patronage of the European Parliament***

***Trieste, 26 April 2014***

## **The Fundamental Rights of BiH Citizens**

Ladies and Gentlemen,

Let me first express my thanks to the organisers and supporters of this conference, including the European Parliament, the Josip Pangerc Institute in Trieste and the Europe for Citizens project.

I would like to focus on the question of national minorities in the broader context of citizenship – what citizenship means in the twenty-first century; and how a reaffirmed sense of citizenship can be an element in resolving major foreign-policy and social issues that we are facing in Europe today.

I will try to bring to the discussion the particular perspective of my experience as High Representative for Bosnia and Herzegovina.

This perspective encompasses the dynamics of a complex and sustained international effort to help Bosnia and Herzegovina complete its post-war recovery.

It also encompasses the very distinctive civic virtues that are woven into the fabric of the Bosnian society – and in this respect I think it's useful to remember that European values

don't simply radiate out from the EU – member countries and aspiring member countries enrich the EU with the values that they bring to the table.

In this regard, Bosnia and Herzegovina brings important values – including traditions of hospitality and neighbourhood solidarity. This may sound strange in the light of recent history – but the country that gave rise to the odious term “ethnic cleansing” also has a centuries-old and remarkably resilient culture of ethnic and cultural inclusiveness – and this can be a constructive and dynamic element in the two-way process of European integration.

Over a period of centuries, when other parts of the continent were mired in religious or ideological intolerance, Bosnia and Herzegovina was a place where diversity was valued – this is the historical context in which, for example, the Jews who were expelled from Spain at the end of the fifteenth century found refuge in Sarajevo.

And we are not speaking about a sort of condescending or “magnanimous” tolerance. We are speaking about a clear and broadly accepted understanding that diversity is an asset that societies succeed because of – not despite – internal differences, that “the other” isn't synonymous with “the enemy”.

What happened in the early 1990s wasn't a mass rejection of tolerance by the people of Bosnia and Herzegovina. Rather, it was an attempt by a small minority to bring centuries of communal coexistence to an end.

That attempt failed but it caused enormous damage.

The damage cannot be completely undone, but a substantial recovery is nonetheless being made.

One element of this recovery has been to build guarantees in Bosnia and Herzegovina into the political and administrative

system that protect the interests of the Constituent Peoples.

This approach has kept the peace for nearly two decades and created a space in which it has been possible to achieve a significant degree of material recovery.

But it entails a basic contradiction because not only does Bosnia and Herzegovina have three Constituent Peoples: it also has 17 national minorities which do not enjoy the same rights as the three established Constituent peoples. The Sejdic-Finci ruling, which has been on the political agenda for many years, has made that clear, – that is protecting the interests of one group can undermine the interests of other groups, in this case national minorities.

How do we square this circle?

One approach is to make adjustments in order to bring minorities onto a level political and administrative playing field with the Constituent Peoples, but it might also be argued that this will simply expand a flawed strategy of favouring the interests of *groups of citizens* over the interests of *individual citizens* – in other words, extending guarantees to more and more groups will necessarily result in continuing discrimination against some individuals.

Here I think it's important to remember that national minorities are not the only kind of minority. There are citizens whose religious or political affiliation puts them in a minority; there are also citizens whose sexual orientation puts them in a minority and other similar cases.

Just as, in the Bosnian scenario, protecting the interests of Constituent Peoples may mean downgrading the interests of national minorities, protecting the interests of one minority may work against the interests of another minority.

An alternative approach, while keeping in mind the specific communal sensitivities that may exist in particular societies,

is to develop and promote a modern European concept of citizenship.

I often say that if you speak about EU foreign policy you have to speak about building consensus among 28 different foreign policies.

But if you speak about European values – then you really can begin to speak about agreement on fundamental principles.

At the core of these values is the idea of citizenship as being indivisible and absolute. One citizen is entitled to the same rights as another; all citizens enjoy the same protection under the law, protection from other citizens and protection from those who are in authority; citizens have the clear and unimpeachable right to speak and act freely, to operate a business, own property, travel and worship as they see fit – the only proviso being that their words or actions must not limit the freedom of other citizens.

If we advance and promote the concept of citizenship – and the interests of citizens – we are less likely to encounter mutually exclusive situations where the advantage of one group, one community, one Constituent People, one minority – national or otherwise – works to the disadvantage of another group, community, Constituent People or minority.

And this is one reason Bosnia and Herzegovina's long tradition of tolerance and inclusiveness is so important – because it is absolutely consistent with the modern European concept of citizenship.

In recent months Bosnian citizens have shown that they are far ahead of their political representatives when it comes to understanding this. The upsurge of popular protest has brought together diverse groups – with no reference to communal or national identity but with an understanding that present conditions are an affront to the fundamental right of citizenship – the right to live and work in security and

dignity.

Part of the EU's extraordinary success has been to recognise the benefits of diversity. It's not simply a question of *accommodating* those who are different; it's a question of *celebrating* the difference and harnessing it for the good of all.

Managing this is challenging, but not impossible and the rewards are enormous. It took more than 60 years and 28 architects to build the European house, but it's an impressive house, and it will become even more impressive as new architects are invited to build extensions. The result will be a complex and infinitely varied structure – and that is a structure in which the people of Bosnia and Herzegovina with their unparalleled tradition of diversity and tolerance will feel completely at home.

Thank you