

Speech by the High Representative, Wolfgang Petritsch, at the Ceremony to Award Master Diplomas in Democracy and Human Rights in Southeast Europe, University of Sarajevo

Rectors Tihi and Grandi,

Minister Hadziahmetovic,

Distinguished professors and guests,

Dear Students,

It is an honour and, of course, a pleasure to address this gathering this morning. Just as the social, political, and economic life of Bosnia and Herzegovina is recovering from the war — slowly and often painfully — the academic life of the country is recovering too, and this morning's ceremony, to award diplomas and inaugurate the new Academic Year, testifies to the resilience of university education here in Bosnia and Herzegovina.

The diplomas which will be awarded recognise the successful completion of studies in Human Rights and Democracy in Southeast Europe. The twinning of democracy with human rights in a degree course is appropriate, since exactly this combination is imperative in practical politics. You can't have human rights without democracy and you can't have democracy without human rights.

This is, I know, a familiar tenet, yet it is worth repeating. Too often, human rights are viewed as a desirable luxury, as an aspiration which can be fulfilled when other more pressing practical issues have been attended to. This is absolutely not the case. The protection of human rights is not the icing on the cake of a successful democracy, it is an indispensable ingredient of the very cake itself. The strengthening of democratic institutions — a central pillar of Bosnia and Herzegovina's post-war recovery and a prerequisite of enduring peace — this strengthening of democratic institutions is simply not possible without the comprehensive and effective protection of human rights.

There has been a good deal of progress in this regard since the end of the war, but not enough. For instance, of the nine human-rights related laws whose passage was required before Bosnia and Herzegovina could become a member of the Council of Europe, only three were adopted by the domestic legislative bodies. The other six had to be imposed by me. Of the six laws which I imposed, so far only one — namely the State Law on Citizenship — has subsequently been passed by the BiH Parliamentary Assembly.

The significance of this, Ladies and Gentleman, is clear and unfortunately disturbing — the political establishment of Bosnia and Herzegovina hasn't yet grasped the centrality of human rights in the process of post-war recovery. This must be addressed urgently. Politicians must see the light, and academics can provide the necessary illumination. It will fall to many of you in this room, including many of those receiving diplomas today, to supply the tough, vigorous and applicable arguments that can change opinions and promote legislation and bureaucratic and police practice that protects rather than impairs human rights.

There has been noticeable progress, Ladies and Gentleman, recently in the co-operation between the authorities in BiH and the ICTY in The Hague. Human rights violations perpetrated during the war are a stain on the recent history of Bosnia and Herzegovina. They cannot and must not be allowed to cast a pall of bitterness and insecurity across the country indefinitely. The arrest and transfer of ICTY indictees to The Hague is a standing obligation which the authorities must fulfil. Time is running out for those, including Radovan Karadzic and Ratko Mladic, who are still on the run.

Following a BiH Human Rights Chamber ruling earlier this year, my office has been pressing the Republika Srpska authorities to launch a new investigation into the 1995 disappearance of Bosnian Army Colonel Avdo Palic, and to arrange for compensation to be paid to Colonel Palic's wife. Colonel Palic disappeared in 1995 after he was taken prisoner by Serb troops while negotiating — under UN protection — the evacuation of civilians from a conflict zone. He is still missing.

No democratic society can properly function as long as cases such as this are swept under the carpet, and as long as those responsible are allowed to go unpunished.

Politicians must be made to see that Human Rights violations undermine the foundations of decent society.

In the same way, political or administrative obstruction to the process of refugee return is simply not acceptable — the right of people to live without fear is indeed fundamental. The latest figures confirm an unstoppable momentum in the pace of refugee return in Bosnia and Herzegovina and this is very encouraging. In the first eight months of this year, UNHCR registered more than 50,000 minority returns countrywide — an increase of around 70 percent over the same period last year. Nonetheless, return-related incidents continue and, again, this is absolutely unacceptable.

We must pick away with tenacity at the skein of prejudice, bitterness and ignorance which sustains the widespread violation of human rights, and we must set in place the legislative framework within which violations can be addressed. By the end of July, both Entities' Constitutional Commissions — which I established in January to implement last year's Constitutional Court ruling on the constituency of peoples — had adopted provisional reports on draft amendments to their respective Entity constitutions which will ensure that no citizen of Bosnia and Herzegovina living in either Entity can be subjected to statutory human-rights violations as a result of ethnicity or religion. I urge Entity Parliaments to adopt amendments that will contribute to this.

Following the events of September 11, questions have been raised about the primacy of human rights in the face of a threat to collective security. The response to these questions is straightforward — if human rights are curtailed in the defence of democracy, then the terrorists who attack democracy have been handed a victory. Terrorism must — and can — be tackled robustly and effectively without any erosion of citizens' rights. Under the current law, the criminal code in both Entities sets out offences that can be used against terrorists, and the police forces have powers to arrest and hold suspects in the criminal process.

All of the tools available must be kept under review — particularly when there is an increased threat.

The relevant ministries at State and Entity level are now looking at possible new laws involving new terrorist offences, laws to oblige disclosure of suspect funds, tightening up of laws on citizenship and immigration, and possible emergency laws in the event of a heightened international security threat.

The task before us, Ladies and Gentleman, is to apply the appropriate laws efficiently and effectively.

Allow me to finish by congratulating those who will receive their diplomas this morning and to commend the work of all those involved in the university life of Bosnia and Herzegovina. You are doing valuable work, which will produce practical as well as theoretical results.

Thank you so much.