

S P E E C H

Konrad-Adenauer-Stiftung e.V.

RULE OF LAW PROGRAM
SOUTH EAST EUROPE
THORSTEN GEISSLER

July 2011

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“Transitional Justice and Democracy Transition: Looking Back at the Past for Gaining a Perspective on the Future”

SPEECH HELD AT THE OPENING OF THE 1ST ALUMNI CONFERENCE OF THE INTERNATIONAL SUMMER SCHOOL SARAJEVO (5TH EDITION), JULY 29TH, 2011

It is a great pleasure for me to welcome you to the first Alumni Conference of the International Summer School in Sarajevo on behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation. After five Summer Schools in this city we decided to invite all the former participants to this conference to keep the network alive and make the work that has been done in the past sustainable. The fact that you have accepted this invitation shows that the Summer School that you attended has made an impact on you and I am very grateful for your participation in this event.

I wish to thank our partner organisation PRAVNIK for the excellent cooperation in preparing and organizing both this years summer school and our first Alumni Conference and I look forward to our cooperation in the future.

I am very grateful that the Deputy Mayor of Sarajevo, Mr Miroslav Zivanovic, is with us tonight and would like to take the opportunity of expressing my profound thanks for the great support and commitment that this city dedicates to our conferences again and again.

Please allow me to welcome three very special guests to this conference.

Having chosen the alphabetical order I start with Prof. Ulrich Karpen from the University of Hamburg who is a good friend of our International Summer School and whose lectures have contributed to its success in the past. We have known each other for many years and we had an excellent cooperation in judicial policy when Prof. Karpen was a state legislator in Hamburg and I was a state legislator in Schleswig-Holstein.

I am also very glad that Prof. Eibe Riedel from the University of Mannheim is with us, knowing that many of you have been looking forward to seeing him again having in good memory his lectures at previous summer universities. We haven't met for many years but when I studied law at Kiel University he was an assistant to Professor Kewenig and I remember very well a conversation that we had in his office.

And I am very happy that my predecessor Dr. Stefanie Roos has come to Sarajevo. She has served as Director of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation, she has built up this program and this International Summer School would not have been set up without her initiative and commitment.

“Transitional Justice and Democracy Transition : Looking back at the Past for gaining a Perspective on the Future” is the motto of this conference. We share the hope that

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analyzing the past will help us to develop the right strategies for the future and to avoid mistakes. I know that some historians claim that it is not possible to learn from history because history does not repeat itself. Maybe it's true that history repeats itself exactly – there are always enough differences in the details that people who are determined not to learn anything from the past can find an excuse. I think that those who fail to learn from the mistakes that were made in the past are destined to repeat them. Or as the Spanish philosopher George Santanya put it: "Progress far from consisting in change, depends on retentiveness. When change is absolute there remains no being to improve and no direction is set for possible improvement: and when experience is not retained,....,infancy is perpetual. Those who cannot remember the past are condemned to repeat it."

All too often decision makers ignore the past and repeat mistakes that were made in the past. When Mahatma Gandhi once said: "The History teaches the people that the history teaches to people nothing" he was probably right.

Two world wars with the loss of millions of lives, one of them tragically linked to this city, have not created an international common sense that conflicts, whether they are ideological, ethnic, religious or economic, must be settled by peaceful means and who knows this better than the inhabitants of this city. The Siege of Sarajevo, lasting from the 5th April 1992 to 29th February 1996 is the longest siege of a capital city in the history of modern warfare. The siege forces that had encircled Sarajevo were stationed in the surrounding hills, from which they assaulted the city with weapons that included artillery, mortars, tanks, anti-aircraft guns, heavy machine guns, multiple rocket launchers, rocketlaunched aircraft bombs, and sniper rifles. It is estimated that more than 10,000 people were killed, including over 1,500 children. An additional 56,000 people were wounded, including nearly 15,000 children.

The prosecution at the International Criminal Tribunal for the former Yugoslavia

summed up what had been done to this city in their opening statement in the trial of Stanislav Galic: "The siege of Sarajevo, as it came to be popularly known, was an episode of such notoriety in the conflict of the former Yugoslavia that one must go back to World War II to find a parallel in European history. Not since then had a professional army conducted a campaign of unrelenting violence against the inhabitants of a European city so as to reduce them to a state of medieval deprivation in which they were in constant fear of death. In the period covered in this indictment there was nowhere safe for a Sarajevan, not at home, at school, in a hospital, from deliberate attack."

Without a strong will to survive the Sarajevans would probably not have survived that they showed this will. I am almost sure that you had the same emotions that I had when I visited the Sarajevo Tunnel, which allowed food and humanitarian aid to come into the city, and people to get out and which was also one of the major ways to provide the city defenders with weaponry.

This is why we attach such a great importance to the issue of Human Rights and this is why we chose Sarajevo as location for summer schools and conferences in which lectures and discussions on Human Rights play such a big role.

Today we have a long list of international human rights instruments, international declarations and conventions, monitoring organizations and international courts. But the list of violations of human rights perpetrated in many countries of the world in the 21st century is unfortunately much longer.

The best safeguard for the protection of human rights are not the aforementioned instruments but a working democracy and a working independent and impartial judiciary.

More than twenty years after the revolutionary changes in Europe we do certainly not exaggerate if we summarize: In South East Europe a lot has been achieved and we

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should all appreciate this and be grateful to those who worked hard for improvements. However, a lot still needs to be done and this is what we are here for, gaining a perspective of the future of the rule of law, of working democratic institutions including a fair and efficient judiciary. And we are determined to learn our lessons and not repeat the mistakes that were made in the past.

Konrad Adenauer Foundation is a political foundation affiliated to the Christian democratic movement; we stand for values, and the protection of human and civil rights, democracy and the rule of law and the protection of ethnic and social minorities from discrimination are core values for which we stand. This is why we support young leaders and future leaders who do not want to be or are mere good technocrats, but leaders with a clear ethical concept and of uncompromising and unquestionably integrity. Because we are convinced that you meet up to these standards we invited you to Sarajevo. I know that we work together in the same direction and I look forward to talking to you in the forthcoming three days.