

Improving International peacebuilding Efforts: The Example of Human Rights Culture in Kosovo



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Stainable Peace

Seating and W. Andy Knight

Its attention to the reconstruction of Iraq following recent conflicts in these countries, conflict peacebuilding takes centre stage. The in peacebuilding, as envisioned by Boutros-Ghali, warning parties, restoring order, decommissioning weapons, repatriating refugees, providing support for security personnel, monitoring and other forms of demilitarization, providing ce, advancing efforts to protect human rights, angthening institutions of governance—including itoring and supervising electoral processes—nal and informal participation in the political

Sustainable Peace presents a timely and of the field of peace studies and offers fresh at promote a critical reconceptualization of peace also making specific reference to peacebuilding ad in recent international conflicts.

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Kosovo today is a house of cards. One false move and the house will fall down. Should the international troops—in particular the U.S. and British troops—pull out of Kosovo, it will collapse into communal violence.¹ The international security presence in Kosovo has generally succeeded in preventing the outbreak of another violent armed conflict but has accomplished little else beyond that. This is not surprising. Militaries can help prevent war, but they alone cannot build a sustainable peace.² The cessation of hostilities through the use of military force does not, in and of itself, resolve the strategic dilemmas, structural imbalances, and open wounds of unaddressed abuses and interpersonal hostilities. As David Lake and Donald Rothschild stress in their exhaustive study of ethnic conflict, a “stable peace can arise only as effective institutions of government are reestablished, the state begins again to mediate between distrustful ethnic groups, and the parties slowly gain confidence in the safeguards contained in the new ethnic contracts.”³ Peacebuilding requires the efforts of a host of civilian actors focused on institution building, interpersonal reconciliation, and social transformation over the long term.

More than 250 well-intentioned nongovernmental and governmental organizations have flooded into Kosovo offering a range of resources and promises.⁴ Elections have been held,⁵ homes have been rebuilt, schools have reopened, and roads have been repaved. Police and judges have been trained, and the Ad Hoc Tribunal for the Former Yugoslavia is well under way in its investigations into war crimes committed in Kosovo. Nonetheless, not one of the larger international goals that brought the international community to Kosovo in the first place has been reached. Kosovo is decidedly *not* a multiethnic and secure society, and equal access to basic human rights protections remains illusory.⁶ Local police and administrative and judicial systems are still unable to operate independent of international oversight and, instead of joining

government, many of the “best and brightest” in Kosovo have withdrawn from participation altogether. That the citizenry of Kosovo—Serb and Albanian alike—perceive no legitimate governance structure and process only magnifies pervasive feelings of insecurity and unfairness.

As the international community looks toward new nation-building challenges in Afghanistan and elsewhere, the struggle for “lessons learned” from Kosovo is acute. The experience of Kosovo suggests that there must be more and better attempts to incorporate local actors and experiences and to draw on them in building human rights cultures. I divide my argument into four parts: (1) an explanation of the use of the term *human rights culture* and the introduction of a framework for understanding and analyzing the local impact of human rights norms in post-conflict societies; (2) a discussion of the nature of the human rights culture in Kosovar society prior to the North Atlantic Treaty Organization’s (NATO) bombing in 1999; (3) an exploration of the impact of postagreement civil intervention on human rights culture; and (4) suggestions for improvement, with specific attention to human rights education.

Toward a Framework for Analyzing “Human Rights Culture”

The notion of human rights refers to two fundamental precepts. The first of these precepts is the “dignity principle,” or the notion that each human being should be treated with dignity solely because he or she is human and not because he or she belongs to a certain group or has achieved a certain stature.⁷ Full acceptance of the “dignity principle” compels the embrace of the “equality principle.” This is the idea that *all* people have dignity. One cannot claim to believe in the idea of human rights and also believe that these rights apply to only *some* individuals, or that only *some* states have a responsibility to respect human rights.⁸

The disempowered turn to human rights discourse because it so “successfully manages to articulate (evolving) political claims.”⁹ In Jack Donnelly’s words, “Human rights is the language of the victims and the dispossessed.”¹⁰ As the disempowered *shape* human rights ideology and use it for their own goals, they exercise their moral agency. Over time, the individuals and groups that adopt human rights language and thinking *become* a human rights people. The human rights framework becomes a taken-for-granted lens through which they can view and understand the world and their role in it.¹¹

Human rights cultures exist when human rights are one of “the forms through which people make sense of their lives.”¹² In other words,

a human rights culture is a way of seeing the world through the lens of human rights and consequent with the principles of human dignity and equality. It is through human rights culture that human rights norms take root in and influence a population.¹³ However, the adoption of human rights culture is not one of simply embracing purely universal interpretations of human rights, but rather consists of the reconceptualization of culture itself through a struggle to interpret human rights norms in a cultural context.¹⁴

Adopting human rights language is an essential step in building a human rights culture,¹⁵ but language alone is insufficient. Human rights concepts enter culture slowly as a population develops its own shared (yet contested) understanding of the prominence and importance of the norms. Incrementally, they become part of the “frame in which people derive a sense of who they are and where they are going.”¹⁶

Central to this process is a population’s own experiences of rights deprivation and rights affirmation, which often occur through storytelling.¹⁷ Human rights storytelling serves several functions. Storytelling provides both a “sentimental education”¹⁸ that generates the kind of sympathy necessary for the acceptance of human rights norms and for the validation of the experience of abuse and thus “represents the first step toward restoration of the person and the relationship.”¹⁹ Human rights activists in Belgrade, for example, exposed stories about abuses against Albanians in order to garner the Serbs’ sympathy for Albanians and to garner the support of the international community against Slobodan Milosevic.²⁰ Kosovar Albanians and anti-Milosevic Serbs strongly believe that if not for the human rights storytelling, the NATO intervention never would have occurred.²¹

Human rights storytelling also facilitates a common understanding of experience²² and in so doing promotes group cohesion. In Kosovo, the informal telling of stories in Kosovar family living rooms and the more formalized collection of stories by human rights groups served to strengthen Albanian solidarity as a united, oppressed people.²³ Similarly, Serbian stories about Albanians solidified their identity as victims at the hands of Albanians.²⁴ In this way, within one society, human rights storytelling was both unifying and fragmenting.

A useful framework for analyzing the impact of human rights institution building on violently divided postagreement societies is suggested by the work of Christine Bell, who examines the role of human rights in peace agreements,²⁵ and of John Paul Lederach, who emphasizes the importance of transforming social relationships and structures that institutionalize violence. From these works, we can identify three

roles for human rights culture building: an instrumental role, a constitutive role, and a transformative role.

Human rights norms, once institutionalized and internalized, play an instrumental role in that they are crucial for advancing some other good. The spread of a human rights culture can lead to increased participation of citizens in governance, promote greater respect for the rule of law, and enhance the perceived legitimacy of limitations on abuses of power. Properly functioning human rights institutions play, in Bell's terms, an "integrative" role. They emerge from an "ethnically-based bargain" and are "designed and agreed to, with the idea that such institutions can provide a common framework of justice through which ongoing ethnic divisions can be mediated."²⁶ Where human rights norms are accepted as legitimate and agreed to by all sides, they serve to draw together people with opposing views and contesting pasts and provide a "set of governing values"²⁷ for moving together into a stable and just future.

Beyond their instrumental role, human rights norms serve a constitutive function. On a personal and group level, referencing human rights norms helps answer the following questions: Who am I and who are we? To assert that we are a human rights-abiding people is to lay claims to being on the right side of morality, which for some means being a good liberal, a good democrat, or a civilized man or woman. On a structural level, one's relationship to human rights norms helps answer the following questions: How do others perceive us, and what are the rules of the game in which we assert our claims to a good life? To the extent that human rights institutions do function in Kosovo, they serve to inform the identity of Kosovars, shape the perceptions of others, and inform the rules of the game in which Serbs and Albanians assert competing demands. For those in control of international institutions and donor dollars, human rights institutions "constitute a flagship of democratic credentials"²⁸ and thus play a legitimizing role.

Finally, instead of merely helping to *manage* conflict, human rights norms and institutions may actually perform a transformative role. Thus they have the potential to prompt shifts in the malfunctioning relationships and structural problems that lie at the root of conflict.²⁹ While human rights institution building may happen in a manner that legitimizes and solidifies regressive structures, it can also support new structures and offer nonviolent modes of understanding and reacting to conflict. In a violently divided society like Kosovo, human rights thus may play a role in reconciliation by providing the means for transforming relationships through acknowledgement of the past and by providing a shared vision for the future.³⁰

Human Rights Culture in Kosovar Society Before 1999

As a form of resistance to Serbian rule and a method of survival in a time of oppression, Kosovar Albanians created their own parallel society in the early 1990s, complete with their own (illegal) government, schools, medical centers, and welfare system. To a great extent, the Kosovar parallel society stands as a paradigmatic example of the internalization of human rights norms by a people. The idea of human rights played both an instrumental role in drawing Kosovar Albanians together in a common struggle and a constitutive role in informing Kosovar Albanian identity. However, as explained below, although the human rights culture in Kosovar society pre-1999 was significant, it was configured in oppositional terms that stunted its transformative potential.

There is little question that the idea of human rights has long had deep resonance for Kosovar Albanians. It was through human rights claims that Kosovar Albanians first expressed their demands for political rights—autonomy within Yugoslavia and/or independence—and articulated their political aspirations for a more egalitarian society in which ethnic Serbs could not abuse and discriminate against ethnic Albanians. In making their arguments, Kosovars sought to take their claims about rights into the political arena. The primary goal of Kosovar human rights activists was to influence, using some measure of justice, how the international community understood their behavior and the behavior of the Serbs. A secondary goal was to create a local sensibility to human rights norms that would shape Kosovar collective life.³¹ Just as the environmental movement in the West sought to encourage people to "think green," human rights activists in Kosovo sought to have their people "think human rights."

The degree to which local human rights groups influenced the cultural perceptions can be seen in the media, press statements of Kosovar politicians, nongovernmental organization (NGO) publications, the school curriculum, and the practice of family traditions. Attitudinal surveys and interviews on these same subjects over a period of time also provide evidence of changes in cultural perception.³² According to these measures, human rights activists in Kosovo achieved some degree of success. Nearly every Kosovar had either personally, or through a close relative, experienced some form of state-sanctioned abuse that could be framed in human rights terms.

Throughout the 1990s, this frame was adapted by the independent Kosovar media, by Democratic League of Kosova (LDK) press statements, and by NGO press publications, which continually characterized the Kosovars' struggle in human rights terms. The international

community in turn served to reinforce the human rights claims of Kosovars.³³ Moreover, human rights terminology was popularized through the Kosovar “parallel” school curriculum and through everyday family life, which emphasized the human rights deprivations that victims suffered. Kosovars decried the legitimacy of Serbia’s constitution and instead looked to the Universal Declaration of Human Rights (UDHR) as a source of guiding principles for their lives. Over time, “being a human rights people”³⁴ became integral to Kosovar Albanian identity.

The Kosovar human rights “sensibility”³⁵ was tied to the Albanian political strategy of nonviolence.³⁶ In the early 1990s, the practice of nonviolence and the emergence of a culture of human rights in Kosovo served several useful purposes. By casting their struggle in terms of nonviolence and human rights, Kosovars gained legitimacy before many governments and NGOs showed concern about human rights. Their strategy of using the language of human rights helped them gain entry into important international political forums. In addition, the language of human rights “served to validate the self-worth of Kosovars at a time when they were being vilified.”³⁷ In this way, the language of human rights strengthened the nonviolent strategy by popularizing “patience in the face of aggression”³⁸ and claiming the moral high ground.

However, the development of a human rights culture in Kosovo was far from complete. Concepts fundamental to human rights, such as the “equality principle,” were not part and parcel of Kosovar human rights culture. *All* individuals were not regarded as possessing human rights simply by virtue of their humanity. Rather, Kosovars perceived their own human rights in opposition to the human rights of other groups—that is, Albanians versus Serbs.³⁹ The notion of respect for the rights and positions of the “other” did not have currency in the Kosovar culture. Lederach reminds us that international mechanisms such as human rights are most useful for peacebuilding if they “cut across lines of identity that mark the central divisions in society.”⁴⁰ Instead of serving to integrate Serbs and Albanians into a common society framed by common values, this practice of oppositional human rights served to push Serbs and Albanians farther apart and to solidify oppositional identities and regressive patterns of interaction.

The challenge for the international community in responding to human rights violations in Kosovo after the NATO bombing was to support the positive aspects of the Kosovar human rights culture while addressing and transforming the negative dimensions. More specifically, the assignment with respect to Kosovar Albanians was as follows: Kosovars were to abandon their adversarial identity and to incorporate into their self-understanding respect for Serbs.

Impact of Civil Intervention on Human Rights Culture

Following the Serbian acceptance of the Kosovo peace agreement,⁴¹ the UN Security Council, acting under the authority of its Chapter VII powers, adopted a resolution setting forth the mandate of the international mission to rebuild peace in Kosovo.⁴² Human rights institution building formed part of the reconstruction mandate from its inception. The rush of activities focusing on human rights seemed destined to support a culture of human rights. However, not only has a principled human rights culture failed to emerge, but many of the positive aspects of the previously existing human rights culture have disappeared.

The failure of internationals to understand and to appreciate the human rights culture that existed in Kosovo prior to their extensive involvement has led to the following negative results: (1) the disregard of existing participatory structures; (2) the transplanting of inappropriate NGO frameworks; (3) the creation of new sites of conflict; and (4) the solidification of an adversarial and violations-oriented understanding of human rights. At the same time, each of these four results has created an environment in which the building of a human rights culture is exceedingly difficult.

Disregard of Existing Participatory Structures

The power imbalance in favor of internationals has permitted internationals to dominate the decisionmaking process during the transition period. UN administrators heralded the benefits of “localism”—that is, involvement of local experts and even utilization of direct grants to local NGOs,⁴³ but locals were often granted only token involvement in reconstruction. Vjosa Dobruna, a longtime human rights activist in Kosovo and former member of the joint interim administration in Kosovo, resigned from her post in the internationally sanctioned Kosovo government because internationals repeatedly disregarded the locals’ concerns. The last straw for Dobruna was when UN administrators in Kosovo failed to hear and account for local experts’ concerns over the new Kosovo constitution. The UN administration wanted to work with locals, but only insofar as they did not disturb preordained UN plans.⁴⁴ This problem exists in all aspects of the peacebuilding endeavor, and the area of human rights promotion is no exception.

In general, failure to listen to local leaders and to learn about the Kosovar parallel society hindered internationals to overlook their potential as an efficient network for coordination of volunteer efforts, distribution of public goods, and development of human rights values.⁴⁵ With