



**O C C A S I O N A L P A P E R S E R I E S**

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WOLFGANG BENEDEK/GUDRUN RABUSSAY

**SYMPOSIUM ON ROLE OF HUMAN  
RIGHTS IN Post-Conflict Situation  
in SEE**

**SUMMARY REPORT**

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## **Symposium on Role of Human Rights in Post-Conflict Situation in SEE**

**ETC, Graz, 14 June 2002**

### **Summary report**

#### **I. Introductory Presentations: A Framework of Analysis**

##### **Prof. Dr. Karl Kaser – Recent Post-Conflict History of SEE of Relevance for Human Rights**

1. Mr. KASER focuses on the Western Balkans, which consist of Southern Croatia, BiH, Albania, Kosovo, Macedonia and Western Bulgaria. He structures his presentation in three parts: customary law and human rights, constitutional stability and human rights and “the winner takes it all – strategy”.
2. In regard to the first point he explains that in the Western Balkans customary law was replaced by state law only in the second half of the 20<sup>th</sup> century. Therefore customary law with its patrilinear structures (kinship system) still plays a major role in the social order as well as in the political life of these countries.
3. When it comes to institutional stability, an obvious lack of trust in bureaucracy can be noticed. A network of clientism and nepotism serves as an alternative for state regulations.
4. Finally, “the winner takes it all” is a common principle, which gives little room for constructive cooperation between conflicting interest-groups. An exit strategy could be a “win-win” approach, which enables all parties to keep their positions.
5. These three principles were acknowledged in all layers in society, including in the political sphere. Therefore socio-economic structures have to be brought in line with human rights, which could not be realized in a short period of time.

See also his **outline** in Annex I.

##### **Ms. Christine von Kohl - Cultural Aspects of Human Rights in the Balkans**

1. Human Rights are accepted as an objective everywhere, but they should not be used as a political instrument, which in practice they often are

2. There is the problem that people lack the proper framework of mind: European history provided a framework of understanding of human rights which in Balkan societies is not yet present. Teaching of human rights in the Balkans has to put the emphasis on citizen rights and the relationship between the citizen and the state.
3. There is a lack of trust and confidence in human rights, which stems from a different perception of the state and from the experience of always being treated as subjects, not as objects of government.
4. The question has to be asked whether the West is giving a good example of behaviour when it comes to human rights in the Balkans. People in the Balkans first admired Western lifestyle and culture, but today the feeling of disappointment is prevailing. There is a drastic change of emotions towards the West, which can have tragic consequences. The original confidence into the Western culture has largely been lost.
5. There is no real dialogue among the elites in the West and the Balkans. The elites have learned the words and the rhetoric but they cannot fully understand them and therefore did not get the right message. The result is a superficial agreement only, which does not reach to the deep structure, but leads to growing opposition.
6. The Western, European Union approach towards the Balkan is too technocratic and inhuman, it lacks respect for human dignity. One example is the so called "regatta", the EU system of conditionality by points or the suggestions of Western experts to raise taxes and levies in a situation where people do not know how to feed themselves. Foreign banks were first welcomed for providing security, but now suspicions are raising on how they use the funds entrusted in them.
7. Western companies active in the Balkans should show a greater sense of social responsibility in order to build confidence and create win-win situations. The role of economic cooperation is crucial, also for the success of human rights. Education should be closer linked with the needs of the economy.

## **II. Human Rights in SEE from different perspectives**

### **Prof. Dr. Zarko Puhovski – Zagreb, Croatia**

1. There is often a feeling of "triumph" and "defeat" as a result of the war, similar to what Karl Kaser has demonstrated. Ethnical cleansing has been largely completed with the exception of the Vojvodina. There is a substantial number of victims of the war (in Croatia around one million people) and social problems like unemployment are still growing. The Serb population in Croatia has been reduced from 12.3 % in 1991 to 4,05 % today.
2. There is the problem of political culture, i. e. the lack of trust and acceptance of institutions.
3. Another problem is the parallelism between international administration and the national legal system. For example, Petritsch behaved in the eyes of the people liked Tito in former times. The implementation of democratic values through non-democratic means as practiced by the High Representative Wolfgang Petritsch with the imposition of laws and the dismissals of elected officials were not in favor of the development of a political culture
4. There is the problem of post-war morality, which is characterized by a certain adoration for war criminals and the avoidance of the historical truth, which is replaced by a sort of "ethno-ethics".

5. A further problem is the lack of individualisation of human rights, which are often accessible only through a collective ethnic approach.

### **Prof. Dr. Manfred Nowak – Role of Human Rights in Post-Conflict Peace Building in Bosnia and Hercegovina**

1. B-H is the largest case of post-conflict peace building. The Dayton Agreement has institutionalised the most elaborate and comprehensive human rights regime in the region. There is a multiple number of institutions for the implementation of human rights.
2. International justice in form of the International Criminal Tribunal for the former Yugoslavia (ICTY) can be considered as a success story. In the ongoing process of property return 116.000 people have been reinstated.
3. However, there is a need for a Truth and Reconciliation Commission in order to elaborate a common truth.
4. Crucial issues are the (minority) returns, which have taken place in more significant numbers recently. This was a result of the improvement of preconditions, like the issue of security, the improvement in the performance of the police and the judiciary. The main impediment for a return was not anymore the insecurity and repression towards the returning minority, but the lack of social security and unemployment.
5. A major problem still remaining is the problem of democratisation.
6. The Human Rights Chamber as a sort of court of last instance has been a success. Presently 11.000 cases are still pending, 1.500 have been decided and in most cases violations have been found. Among them there were many cases of ethnic discrimination. The future of the Human Rights Chamber is presently at risk. As both the constitutional court and the European Court of Justice is not in a position to take over the big case load, the Human Rights Chamber should be allowed to continue.
7. There are certain structural deficiencies which hamper the full enjoyment of human rights in B-H: one is the parallelism of government and the fact that B-H is neither a real protectorate nor a state who can decide its own affairs. The recent constitutional reforms have introduced numerous cases of “vital interest”, which create a potential for blockage in the future. It would have been better to break the taboo of the Dayton Agreement and to change the Dayton Agreement which has created the Republica Srpska practically as a state within the state of Bosnia and Hercegovina. This is a structural deficiency which prevents the state of B-H to function properly.

To make further progress towards state building in BiH, civil society has to be fostered, people have to take “ownership” over their country and the Dayton Agreement has to be changed in regard of the institutionalized ethnic segregation and the weak responsibilities on state level.

### **Prof. Dr. Josef Marko – The perspective from the Constitutional Court of B-H**

1. Mr. MARKO explains briefly the case of the “Constituent Peoples” and criticizes the great number of human rights institution in BiH. Since each institution has its own mechanism and structure, people concerned do not know, which of these institutions to contact in order to seek help.

2. He agrees that the Dayton Agreement should be revised in order to overcome the ethnic homogeneity, but there has to be a certain balance between the individual rights and collective rights. An “ethnically blind system” in the Balkans would not seem to be realistic.
3. He refers to his experience as a judge at the Constitutional Court and states that one way to overcome fundamental difficulties is to integrate the State through constitutional jurisprudence. In regard to stability and human rights the breakdown of the state along ethnic lines has tremendous consequences.

### **Prof. Blerim Reka – Some paradoxes of international rule in Kosovo**

1. REKA criticizes the limitation of democracy in Kosovo through the governance of the International Community. The constitutional framework of Kosovo is dominated by internationally recognized human rights, but only a limited catalogue of these human rights applied in Kosovo. He thinks that the lack of the incorporation of social and economic rights (European Social Charter, ECESCR) is due to the fact the right of the people of self-determination over their own natural resources was denied.
2. Challenges Kosovo has to face are the heritage dimension of the past and the implementation of human rights. The legal framework in this regard should be altered towards an approach, which includes also social and economic rights.

See the text of his **outline** in Annex II

### **Report on Discussion:**

Mr. BENEDEK thanks the speakers for their presentations, summarized the main arguments and stresses the dilemma of the International Community, how to build democracy and stability within in parallel structures of democratically elected officials of the country concerned. He opens the floor for the general discussion.

During the discussion especially the role of the International Community and their possibilities to remove obstructionist forces and to impose laws in order to implement the Dayton Agreement are part of the considerations. Practices of the former High Rep. Wolfgang Petritsch are discussed. Mr. MARKO explains that the constitutional court has reviewed some of Petritsch’ “laws” and found them not unconstitutional, whereas Mr. NOWAK stated that in rare cases the Human Rights Chamber found single “laws” of Petritsch not in accordance with the ECHR. The implementation of the judgments of the constitutional court and the human rights chamber do not seem to be problematic, since both Mr. Marko and Mr. NOWAK reported that the implementation rate was rather high.

Moreover the accountability of employees of the International Community is criticized, which creates a kind of double standard in the region. Also the question is mentioned, whether the NATO attacks on Serbia could be seen as a criminal or even terrorist act. It is analyzed what major mistakes the International Community has made in the mission to BiH (free and fair elections right after the war and not establishing a protectorate) and whether lessons have been learned in regard to Kosovo.

Finally the rights of the Albanian minority in Croatia and the situation in Kosovo is discussed. Mr. REKA compares the constitutional protection of minority rights in Mazedonia and in Kosovo. Mrs. von KOHL explains that in talking about Kosovo, one has to take into consideration, that the problems have started already in the 80ies and 90ies. At that point the majority of Albanians has been deprived of their basic rights.

## **Working Groups:**

After the break two working groups are formed in order to discuss the topics Human Rights and Democracy, Rule of Law, Governance Building, Civil Society and International Community and the Role of Human Rights in Conflict Prevention.

After one hour of internal discussion the results of the working groups are presented in the plenum.

### **Report of Working Group I**

Working Group I discussed primarily the role of the International Community in post-conflict situations using the examples on the cases of BiH and Kosovo. The legal character of the international intervention was discussed, with the result that human rights have been misused as a political instrument. The attacks on civilian targets in Serbia could not be justified. Moreover the question whether the emphasis should be put on individual or collective rights, was resolved towards a more individual approach. The working group refers to an individual focus within collective rights, meaning that subject for the enjoyment of so called collective rights could only be the individual.

### **Report of Working Group II**

As Working Group II had a number of experts on the Kosovo, the discussion focused on this topic. Similar to Working Group I, no special strategies have been developed, but a broad spectrum of aspects have been taken into consideration. It was stated, that the multi- ethnic approach of the UNMIK failed since exterritorial ethnic systems and tendencies for segregation between Serbs and Albanians have become obvious. As possible strategies the focus on individual rights has been suggested, instead of overemphasizing collective rights. Regarding the relation between the democratically elected government and the UNMIK representatives, the working group agreed on the need to create better responsibilities for nationals. There was a consensus in the working group that a post-conflict society has to deal with the past, in order to regain mutual understanding. As best practices in this regard truth commissions and a reconciliation process on all levels of society have been mentioned. The open question about the status of Kosovo was seen as a prominent obstacle for further developments. Also economic progress, which the working groups acknowledged as one of the possible solutions to overcome ethnic discrepancies, can only be achieved once this question is solved, since foreign investors hesitate to invest in a country, whose future status is unclear. In the opinion of the working group, the independence of Kosovo would not result in similar tendencies in other regions of the Balkans, due to the fact that the situation in Kosovo differs widely from for instance the RS or Macedonia. Also some questions concerning different international institutions in BiH could be clarified.

## **Discussion of Reports of Working Groups**

Mr. Benedek opened the floor for the final discussion in plenary:

First the discussion refers to Mr. KASER's presentation in the morning as he stated that the socio-economic structures in the Western Balkans were still dominated to a large extent by masculine power structures and customary law, which was a major impediment for the modernization of the country and the implementation of human rights. Some participants disagree with this theory and emphasize the aspect of conflict prevention of the Kanun Lekı Dukagjini. Dignity and honor were the main themes in

this code of conduct, which was written down in the 15<sup>th</sup> century, long before a catalogue of human rights has been established.

Mr. NOWAK stresses that human rights have not been misused as a political instrument, but finally used, which can be seen as a further development of international law.

Mr. PUHOVSKI argues that *attacking the attacker* might be justified in regard of severe human rights violations, but civilian targets, like the bridges over the Danube in Serbia, would be nothing less than a terrorist attack and should be brought to the Hague. Some participants point out that the precondition - the subjective element (intention) – was missing; consequently the NATO attacks could not be judged as war crimes. Moreover the effectivity of the intervention was discussed.

Mr. PUHOVSKI expresses his opinion that Kosovo could only become independent if the RS ceased to exist, which caused an emotional reaction from some participants due to the comparison between the RS, a result of ethnic cleansing and war crimes and the Kosovo.

In regard of individual rights vs. group rights it was considered that these two categories do not have to be necessarily exclusive as long as the emphasis is put upon the individual member of the group. Through this approach the individual would be entitled to choose among its rights.

Finally the topic civil society and popular participation was discussed. Partly the opinion was expressed that education and economic development should be a precondition before implementing democracy and human rights. The International Community also hampers the process of civil society building as final decisions are not drawn from the national grass-root level but from an international decision making body. The influential component of external donors might also give directions, which do not always reflect the real needs of society. Mr. PUHVOSKI mentions the difference between the so called horizontal (qualitative) pluralism in civil society and vertical (quantitative) pluralism in politics.

Mr. Benedek thanked the participants for their contributions and closed the session at 06:00 pm.

See also the “Kurzzusammenfassung” in Annex III

## **Annex I: Karl Kaser – Recent Post-Conflict History of SEE of Relevance to Human Rights**

The basic question is, what can a historian contribute to this topic? He or she can describe abuses of human rights after recent military conflicts – in Croatia, Bosnia-Herzegovina, Kosovo, Macedonia and Albania: actions of armed military and police forces or irregular forces contra civilians, civilians against ethnic other civilians; threats of the lives of neighbours, forced emigrations, dubious arrests...

But the historian can also analyse and explain the general framework of post-conflict abuses of human rights with regard to the long shadows of history on the present human being. This demands a historical-anthropological approach.

In applying this method the paper will focus on the Western Balkans, since in this region recent conflicts were concentrated. It will address 3 relevant topics:

### **1) Customary law and human rights**

As a result of the long lasting Ottoman domination on the Balkans a relatively late process of modernisation (in the sense of westernization) and industrialisation can be stated. This implicates a late replacement of customary laws by state laws during the 19<sup>th</sup> and 20<sup>th</sup> centuries. This was a difficult process, since there were considerable contradictions between the orally transmitted customary laws and the written state laws. This concerns especially the human rights, since the customary laws focussed on the collective (family, kinship, tribe etc.) and not on the individual.

Especially in rural areas the second half of the 20<sup>th</sup> century was a period, when customary and state laws were overlapping – and this in many relations: gender, family, generations, political culture and in the conception of friendship and enmity and how to act after an acute conflict.

The traditional social order in the mountainous Western Balkans was dominated by the patrilineally oriented kinship group, which replaced weak state institutions. The legacies of this social order were:

- ➔ A fragmentation of society and political life. The nucleus of political parties were (and still are) very often identical with a patrilineal decent group.
- ➔ An absolute solidarity among kin; non-kin were considered as potential enemies. This includes that during and after conflict you can humiliate and maltreat the enemy, which could sometimes end up in long lasting blood revenge.
- ➔ A vacuum in conflict resolution. Methods of traditional conflict resolution were not any longer applicable to modern warfare.

### **2) Institutional instability and human rights**

The Balkans historically are lacking an institutionalised society and trust in bureaucracy, the legal apparatus and the state. This led to a high degree of instability, since the chances to institutionalise conflicts were low. Therefore conflicts have to carry out directly, personally. This concerns all levels of society: politics, economy and every day conflicts.

What therefore counts are persons one trusts: the kin, the friend, the friend of the kin and of the friend. Networks of clientelism, nepotism, invisible social security systems are the consequences.

This infiltrates every attempt to establish stable structures of a civil society – and therefore infiltrates attempts to pay attention to human rights.

### **3) The principle of “The winner takes it all” and human rights**

The refrain of Abba’s song “The winner takes it all” constitutes a very important principle of the public life: “The winner takes it all, the loser has to fall”.

Also this principle touches all spheres of the society and is widely acknowledged. In political life, e.g., it assumes the form of “kleptocracy”: Election campaigns are very often conflictous, because the losing party loses everything, and the winner achieves full access to the state resources.

This principle can be a very important aspect also in post conflict situations. This became very obvious in Kosova after the withdrawal of the Serbian forces from the region in 1999, when the Albanian population attempted to expel Serb and Rom civilians, independently from their involvement during the conflict.

This constitutes clearly another element that potentially undermines the respect for human rights.

In summing up the traditional patterns of social behaviour are hardly to bring in line with human rights. The problem is accompanied by weak institutions, in which people do not trust, and other elements that undermine the respect for human rights. This unfavourable situation in respect to human rights is therefore not a problem that can be solved in a short period of time by NGOs and legal advisors. It is the societies themselves that have to change significantly by overcoming their historical legacy. This is the big challenge and an indispensable contribution of the Balkan countries to their future access to EU.

Literature:

Karl Kaser: Freundschaft und Feindschaft auf dem Balkan. Euro-balkanische Herausforderungen, Klagenfurt 2001.

## **Annex II: Blerim Reka – The Problems of Implementation of Human Rights in Post-War Kosova**

### **“The Role of Human Rights in Post-Conflict Situations in SEE”, (Graz, 14 June 2002)**

#### **I.**

When we speak of South Eastern Europe, then we can speak of it as a post-conflict region of the Old Continent. From Slovenia to Croatia; from Bosnia and Herzegovina to Kosova and from the Presheva Valley to Macedonia, all of these parts of Europe have gone through the cycle of armed conflicts.

Today, the war has ended, however fragile peace is still not consolidated in these areas. The conflict baggage of the past is burdening the creation of a quiet post-conflict environment of the present. Human rights and the process of reconciliation, are still having difficulties with gaining space, in the region with a tradition of conflicts. Furthermore, a part of this area is still not being democratically governed. This is partly due to an undemocratic heritage, thus due to a traditional deficiency in respecting human rights, and partly due to the fact that some entities of this area are under international protectorates. In particular, this applies to Kosova (but partly to Bosnia and Herzegovina also), whereas the UN and NATO, being the most supreme decision-taking authorities, have inaugurated a special kind of democracy: they have inaugurated an internationally limited democracy and the system of dosed human rights.

#### **II.**

In such post-conflict circumstances and under an international military and civil administration, one of the crucial issues related to the key topic of this symposium, is whether it is possible to implement international standards of human rights, under such protectorates? And then, do these standards oblige only the citizens of the territories under international administrations, or also the international administrators? And finally: can it be spoken of practices of violations of human rights of the local population, by the international administrators?

In Kosova, the international administration, through the OSCE, its pillar for democratization and human rights, has done enough for inaugurating human rights, so they can be accepted as a an all-society philosophy. Now lately, the OSCE has started with another new project: “Truth and Reconciliation Commission”, according to models of: South Africa, Sierra Leone, Guatemala and East Timor. Nevertheless, it seems that its realization in a divided society, such as Kosova today, at least judging by the scientific references<sup>1</sup>, is far too early for a post-conflict society, which has come out of great human and national tragedies, only three years ago.

Acting under the mandate of Chapter VII of the UN Charter, UNMIK as well as KFOR, are governing in Kosova, according to a model that to an extent gets out of the classical system of democracy and out of the international standards for human rights. Other norms, including those on human rights, have even been subjected to such a peacekeeping mandate, as an imperative norm in Kosova. Therefore, the role of human rights in this post-conflict society, has still not achieved the desired proportions. Which are the problems of a (non)implementation of a greater role of human rights in the post-conflict society of Kosova?

Firstly, although the international administrators in Kosova proclaim the principle according to which “no one is above the law”, in practice, they are the ones that are above the law. Not rarely, the highest UNMIK and KFOR officials themselves, violate international standards of human rights. The SRSB, with his practice of issuing the so-called “executive orders”, by which he continued the pre-detention period to those who were arrested in Kosova; whereas KFOR, with its practice of extra-judicial arrests of Kosovar citizens for criminal acts that fall under the jurisdiction of regular courts. By these actions, the internationals were themselves violating the ECHR<sup>2</sup>, as a basic European instrument for protecting

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<sup>1</sup> John Paul Lederach: “Building Peace: Sustainable Reconciliation in Divided Societies”, Washington D.C. 1997.

<sup>2</sup> Articles: 5- 6 of ECHR.

human rights, but also as one of the basic international principles of governance: independence of the judiciary.

Secondly, although the internationals themselves define the list of basic international documents on human rights- directly applicable, in the case of Kosova, this list is stumped and selective. UNMIK had erased two essential international documents on human rights of this list: “International Covenant on Economic, Social and Cultural Rights” and the “European Social Charter”, by which the Kosovar citizens have been deprived of their economic, social and cultural rights.

Thirdly, by some UNMIK regulations, that have the power of law in post-war Kosova, (such as those on: prohibiting the movement of the people, on some aspects of the judiciary, on the immunity of UNMIK and KFOR officials, on working relations)<sup>3</sup>, the international administration itself had inaugurated the violation of human rights in some fields.

Fourthly, all the SRSG’s in Kosova have shown a disregarding behaviour toward the Ombudsperson’s reactions concerning these deviations and violations of human rights. Since 2001, with the letters he has sent to the international administrators, he has requested the undertaking of measures for eliminating this UNMIK and KFOR behaviour, by which international standards of human rights were violated. However, nothing has been undertaken in that direction.<sup>4</sup>

### III.

Based on what has been said above, we can conclude that in post-conflict societies which are internationally administered, such as Kosova, it still can’t be spoken of a role of human rights, because of the unlimited authority of the internationals. As it was already said above, this international absolute authority is built above the law and above human rights, which are otherwise internationally guaranteed. In such situations, there are at least three problems appearing from the field of human rights:

- Selected norms on human rights
- The dosing of these rights by the internationals, and in the end
- Their violation by those who otherwise have been mandated to protect and respect these rights<sup>5</sup>.

Therefore, the post-conflict society of South Eastern Europe and in particular those that are being internationally administered, as it was seen in the case of Kosova, in relation to human rights, is faced with double challenges today:

1. With the deficiency of human rights, as a result of their historical and conflict background, during which these societies under a totalitarian regime and during wars have been faced with the mass and systematic violation of human rights, up to genocide proportions, (the dimension of the past, or the period of the conflict); and
2. With the selective respect, a partial protection, non-implementation of human rights, by those mandated to protect these rights, (dimension of the present, or the period of post-conflict)<sup>6</sup>.

We have to look for the reason behind such a behaviour of the international administration towards a role that has been verbally proclaimed, however not implemented in reality, of human rights in the post-conflict society of Kosova, in the imperative mandate of the peacekeeping mission in Kosova, which gives UNMIK an absolute and an unaccountable power.

Therefore, the lesson that could be learned out of this UN mission in Kosova, is that in the future, in other UN peacekeeping missions in post-conflict societies, human rights should also have the real dimension and not only the verbal and the formal dimension. These should not be sacrificed in the name of a global “high policy”, because at the end, human rights today are also a global issue.

<sup>3</sup> UNMIK Regulations: 1999/2; 2000/47; 2000/64; 2001/1; 2001/2; 2001/18; 2001/27.

<sup>4</sup> The Reports of Ombudsperson of Kosova, Anthony Marek Novicki: 2001-2002, and his letters to SRSG: 2001-2002.

<sup>5</sup> UNSC Resolution 1244/99; 11, para. j; UNSG Report to the UNSC on UNMIK, 12 July 1999, para. 87.

<sup>6</sup> OSCE: “Report on Criminal Justice of Kosova: September 2001- February 2002, pg. 14.

## Annex III: Kurzzusammenfassung in deutscher Sprache

### Kurzzusammenfassung von Mag. Gudrun Rabussay

Ziel dieses Seminars war es die Themen Menschenrechte und Demokratie, Good Governance, Rule of Law, die Rolle der Zivilgesellschaft, die Rolle der internationalen Gemeinschaft und Strategien zur Konfliktverhütung im Zusammenhang mit den Gegebenheiten in Südosteuropa zu thematisieren. Aufgrund der eingeladenen ReferentInnen (Univ.-Prof. Dr. Karl KASER; Christine von KOHL; Prof. Zarko PUHOVSKI; Univ.-Prof. Dr. Joseph MARKO; Univ.-Prof. Dr. Manfred NOWAK und Prof. Blerim REKA) wurde unter der Leitung von Univ.-Prof. Dr. Wolfgang BENEDEK besonders die Situation in BiH, Kroatien und Kosovo analysiert.

In kurzen Impulsreferaten vermittelten die Vortragenden einen Überblick über Entwicklungen und Schwierigkeiten in der Region und gaben einen Einstieg zur allgemeinen Diskussion und den am Nachmittag stattfindenden Arbeitsgruppen. Bereits zu diesem Zeitpunkt wurde die Rolle der Internationalen Gemeinschaft im Zuge des Demokratisierungsprozesses in BiH und Kosovo hervorgehoben. Insbesondere kritisiert wurde das Grundkonzept der Implementierung von Demokratie durch undemokratische Mittel wie der Entfernung von gewählten RegierungsvertreterInnen, so wie die Auferlegung von Gesetzen, die im Parlament keine Mehrheit gefunden haben. Dieses System von parallelen Strukturen trage nicht zur Bildung einer demokratischen Kultur und der Übernahme von Eigenverantwortung (*ownership*) der BürgerInnen bei, sei aber auf der anderen Seite notwendig um nationalistischen Tendenzen Einhalt zu gewähren.

Problematisiert wurde außerdem das mangelnde Vertrauen der Bevölkerung in ihre Staaten - sei es aufgrund der vorherrschenden sozio-ökonomischen Strukturen oder aufgrund des ehemals sozialistischen Einflusses - und in die heimische Wirtschaft. Dies trage weiters dazu bei, dass Reformen nur sehr langsam verwirklicht werden könnten.

An Hand der Erfahrungen aus einzelnen internationalen Institutionen in BiH wurden positive Entwicklungen innerhalb der letzten Jahre, sowie mögliches Verbesserungspotential aufgezeigt. Die Frage wurde aufgeworfen, ob die internationale Gemeinschaft aus den Erfahrungen in BiH gelernt habe.

In den Arbeitsgruppen wurde in kleinerem Rahmen als in den Plenumsdiskussionen versucht, bestehende Problemfelder zu analysieren, bzw. Lösungsansätze zu finden. Im Ergebnis konnten Best-Practice Modelle herausgearbeitet werden, die in unterschiedlichen Bereichen zur Problemlösung herangezogen werden sollten. Als besonders wichtig wurde auch der individualistische Ansatz der Konzeption der Grundrechte hervorgehoben.

Schließlich konnte ein Konsens erzielt werden in dem Punkt, dass vertrauensbildende Maßnahmen auf allen Ebenen des Staates statt finden müssten, um sowohl die Übernahme von Eigenverantwortung seitens der Bevölkerung zu forcieren, als auch um die Loyalität gegenüber dem Staat anstelle der Loyalität gegenüber der ethnischen Gruppe zu stärken. Der Zivilgesellschaft komme in diesem Zusammenhang eine tragende Rolle zu, da ein wesentlicher Fortschritt nur vom sog. *grass-root level* initiiert werden könne. Durch wirtschaftliche Stabilität und eine Einbindung der Region in die gesamteuropäischen Strukturen sollte die Eskalation von Konflikten in Zukunft vermieden werden können.