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# Reading Humanitarian Intervention

Human Rights and the Use of Force in  
International Law



ANNE ORFORD

CAMBRIDGE

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to explore the ways in which lawyers participate in the deeply political process of making particular narrow ways of being appear normal and natural, thus delegitimising other ways of imagining what it is to be in the world.<sup>178</sup> The assumption that all power rests with sovereign states or international organisations allows for little reflection upon the power relations that international lawyers reproduce and make possible through our intellectual and legal practice. For example, international lawyers are offered the roles of experts on 'development' in Africa, Asia or Eastern Europe; producers of knowledge about populations or post-conflict institution-building in states that have been involved in civil wars; or agents of human rights, democracy and the rule of law in far-away places. International legal texts produce knowledge about 'other' people and tell stories about the horrors and atrocities that occur in distant lands. All of these roles involve the reproduction of power relations. The imperial desire to know and to access 'other' peoples and territories is transformed through the practice of international law into a sense of expertise and authorisation to speak about those who can be constructed as in need of 'our' help.

Taking a broader approach to power also raises questions that are important for the kinds of feminist and anti-colonial political projects in which I am interested. When I first started writing about international law as a feminist woman in the academy, the temptation was to present my position as largely powerless, as a marginal or oppositional critic, voicing my protests about the actions of all-powerful institutions and processes, such as patriarchy, capitalism, globalisation and militarism. Gradually, I have come to realise that there are a number of problems that arise if such a position is assumed. The first is that, by understanding and presenting myself as powerless and those I am criticising as omnipotent, I run the risk of creating in myself and my audience a sense of hopelessness. If the patriarchy, the UN, the World Bank, the USA or the faceless process of globalisation are indeed all-powerful and extremely destructive, it is hard to see exactly what use seeking to resist, or writing about, their actions will be.<sup>179</sup> What can a reader who has learnt about the destructive consequences of military or monetary intervention conceptualise as a useful form of response or resistance if the image of those carrying out such interventions is one of totalising

<sup>178</sup> Andrea Rhodes-Little, 'Review Essay: Who Do We Think "We" Are' (1997) 8 *Australian Feminist Law Journal* 149.

<sup>179</sup> See the discussion in J. K. Gibson-Graham, *The End of Capitalism (As We Knew It): a Feminist Critique of Political Economy* (Cambridge, 1996), p. 263.

power? My fear is that, if I am complicit in producing this stereotype of an all-powerful enemy, my writing will close off possibilities for resistance.

The second problem that arises if I imagine myself as lacking in power is that I risk failing to take responsibility for the power that I do in fact exercise, and falling into the trap of a paranoid mode of understanding politics which assumes that there are all-powerful enemies who do exercise power over me and who must, if possible, be destroyed. The more I read and studied about the way in which people identify with leaders who act in brutal and evil ways, the more I realised that such people understand themselves first as victims and, thus, are able to feel a legitimate desire to destroy their enemies.<sup>180</sup> That raises difficult questions for me as a feminist: if to understand oneself as a victim is the prerequisite for being an oppressor, how could I be certain that such results were not the effects of my work?

Adopting a broader model of power allows me to think about how law disciplines its students and its officials, and to reflect upon the role that I play as an academic in that disciplining process.<sup>181</sup> It allows me to interrogate the desire that I share to be part of an international legal tradition that is built on imperialism, paternalism, elitism and the construction of others as exotic victims or enemies. It enables me to question what happens to people, including feminists, when they identify with a particular discipline or perform the narratives upon which it is founded. Is it possible to adopt the position, often adopted by feminist lawyers, of being somehow at once inside and outside of the discipline of law, critiquing it while making use of its assumptions, tools and power? Such questions are especially important for feminists engaging with an international legal tradition that has been resistant to self-reflection and analysis of the power relations involved in constructing and protecting legal authority.

<sup>180</sup> Jacqueline Rose, *The Haunting of Sylvia Plath* (London, 1992), p. 210: 'Perpetrators experience themselves as victims in order both to deny and to legitimate their role (to be a perpetrator you *have* first to "be" a victim)' (emphasis in original); Anita Eckstaedt, 'Two Complementary Cases of Identification Involving "Third Reich" Fathers' (1986) 67 *International Journal of Psycho-Analysis* 317 at 326: 'It is only a matter of time before the defence of experiencing oneself as a victim meets up with the repressed experience of harbouring the intentions of the perpetrator'; Anthony Elliott, 'Symptoms of Globalization: or, Mapping Reflexivity in the Postmodern Age' in Joseph Camilleri, Anthony Jarvis and Albert Paolini (eds.), *The State in Transition: Reimagining Political Space* (Boulder, 1995), pp. 157–72 at p. 167.

<sup>181</sup> See further Judith Grbich, 'The Body'.

This book explores international law as a discourse that involves the constitution of subjects whose authority and identity is made possible by their relation to those in turn constituted as 'other'. The positivist account of the relations between law and power does not allow us to think about how that process of exclusion of others might be resisted. Such issues can only be addressed by complicating the manner in which power is understood to be operating in and through international law. While doctrinal approaches to international law remain concerned primarily with attempts to develop constraints on the exercise of centralised power as it operates at the level of states or international organisations, they ignore forms of power that operate in more personal ways. Those who participate in shaping perceptions of the legality of the actions of states and international organisations need to develop further an intellectual practice which recognises that law's stories are both an exercise, and an effect of, power relations.

### 3 Localizing the other: the imaginative geography of humanitarian intervention

This chapter explores one of the ways in which international legal texts shape the meanings that are made of humanitarian intervention. My focus is on the ways in which such texts understand the causes of security and humanitarian crises in the post-Cold War period. In particular, I am interested in two key assumptions that underpin the arguments in favour of humanitarian intervention. First, state or local leaders or governments are presented as posing the major challenges to human rights and democracy, and humanitarian crises are seen as largely caused by actions and developments initiated and carried out by local or governmental actors or institutions. These actors are usually represented as being driven by forms of premodern tribalism, ethnic tensions and religious factionalism, which are channeled by ruthless political elites into genocidal violence.<sup>1</sup> This provides a motivating factor for intervention – in order to restore order or to guarantee human rights and democracy,

<sup>1</sup> See Fernando R. Tesón, 'Collective Humanitarian Intervention' (1996) 17 *Michigan Journal of International Law* 323 at 342 (treating state or local leaders or governments as the actors likely to threaten democracy or human rights); Leon Gordenker and Thomas G. Weiss, 'The Collective Security Idea and Changing World Politics' in Thomas G. Weiss (ed.), *Collective Security in a Changing World* (Boulder and London, 1993), pp. 3–18 at p. 14 (treating 'ethnic particularism' as a threat to peace and security); W. Michael Reisman, 'Some Lessons from Iraq: International Law and Democratic Politics' (1991) 16 *Yale Journal of International Law* 213 (arguing that 'tinhorn dictators' and 'contemporary tyrants' threaten post-Cold War peace and security); Michael Stopford, 'Locating the Balance: the United Nations and the New World Disorder' (1994) 34 *Virginia Journal of International Law* 685 at 686, 698 (suggesting that the breakdown of internal state structures and ancient ethnic and religious tensions are the major challenges to peace and security); Ambassador Madeleine K. Albright, 'International Law Approaches the Twenty-First Century: a US Perspective on Enforcement' (1995) 18 *Fordham Journal of International Law* 1595 at 1597 (suggesting that we 'live in an unsettled age, beset by squabbles, wars, unsatisfied ambitions').

military intervention is necessary.<sup>2</sup> International law and the international community are portrayed as the bearers of peace, democracy and human rights to local communities in need of saving. It is this vision, for instance, which underpins the portrayal of the role of the UN in then Secretary-General Boutros Boutros-Ghali's report, *An Agenda for Peace*:<sup>3</sup>

In these past few months a conviction has grown, among nations large and small, that an opportunity has been regained to achieve the great objectives of the Charter – a United Nations capable of maintaining international peace and security, of securing justice and human rights and of promoting, in the words of the Charter, 'social progress and better standards of life in larger freedom'. This opportunity must not be squandered.<sup>4</sup>

Collective humanitarian intervention in this view is necessary to address the problems of local dictators, tribalism, ethnic tension and religious fundamentalism thrown up in the post-Cold War era. For Boutros Boutros-Ghali, post-Cold War conflicts are 'often of a religious or ethnic character, and often involving unusual violence or cruelty'.<sup>5</sup> This 'new breed of intra-state conflicts' is marked by targeting of civilians and 'general banditry and chaos'.<sup>6</sup> Those who favour humanitarian intervention argue that, accordingly, international lawyers should abandon outmoded notions of sovereignty and non-intervention in order to enable states acting collectively to reach those who need their help.<sup>7</sup>

Second, the argument in support of the legality or legitimacy of collective humanitarian intervention treats the choice for the international community in the face of genocide or massive human rights violations

<sup>2</sup> For the argument that humanitarian crises require collective humanitarian intervention and a reconceptualisation of the principle of non-interference in the internal affairs of sovereign states, see Tesón, 'Collective Humanitarian Intervention' (arguing that the domain reserved to the exclusive jurisdiction of the state is quite small, and that matters such as democratic legitimacy are now subject to international scrutiny).

<sup>3</sup> *An Agenda for Peace: Report of the Secretary-General*, UN Doc A/47/277-S/24111(1992), reprinted in (1992) 31 *International Legal Materials* 956.

<sup>4</sup> *Ibid.*

<sup>5</sup> *An Agenda for Peace, Supplement*, UN Doc A50/60-S1995/1, 3 January 1995, paragraph 12.

<sup>6</sup> *Ibid.*, paragraph 13.

<sup>7</sup> See, for example, Tom J. Farer, 'Intervention in Unnatural Humanitarian Emergencies: Lessons of the First Phase' (1996) 18 *Human Rights Quarterly* 1, 15; Tesón, 'Collective Humanitarian Intervention', 371.

as one between action and inaction, or presence and absence. Post-Cold War security or humanitarian crises are represented as in part attributable to an absence of law, including international law, and a lack of sustained engagement by international organisations. Accordingly, a commitment to humanitarian ideals demands action from the international community, in the form of military intervention. Thomas Weiss, for example, argues that ruling out the option of using force will render the United Nations powerless to act, destroy its credibility and condemn it to irrelevancy.<sup>8</sup> Weiss characterises the choice as one between active interventionism or fatalistic noninterventionism:

Too many pleas for consistency or against inevitable selectivity amount to arguing that the United Nations should not intervene anywhere unless it can intervene everywhere ... But in light of genocide, misery, and massive human rights abuses in war zones around the world, should Pontius Pilate be the model for both the American and the international response? The fatalism and isolationism that flow from most objections to humanitarian intervention are as distressing as the situation in the countries suffering from ethnic conflict where such an action is required ... A purely noninterventionist position amounts to abstention from the foreign policy debate.<sup>9</sup>

Similarly, Fernando Tesón argues that it is better for states to take collective action to intervene in favour of the rights and interests of human beings, even if such action may do some harm, rather than to remain inactive and, as a result, incapable of providing either relief from brutality or assistance in the achievement of democratic government.<sup>10</sup>

It is ... surprising to be told that the very crimes that prompted the massive, cruel and costly struggle from which the United Nations was born, are now immune from action by the organ entrusted to preserving the fruits of the hard-won peace. The formalism of anti-interventionists thus not only rewards tyrants, but it betrays the purposes of the very international order that they claim to protect.<sup>11</sup>

In this debate, Rwanda stands as a spectacular example of what happens if the international community does *not* intervene to prevent crimes against humanity, human rights abuses and acts of genocide. This is well illustrated by the United Nations Secretary-General's 1999 Annual Report to the General Assembly, addressing the prospects for human security

<sup>8</sup> Thomas G. Weiss, 'On the Brink of a New Era? Humanitarian Interventions, 1991-94' in Donald C. F. Daniel and Bradd C. Hayes (eds.) *Beyond Traditional Peacekeeping* (New York, 1995), pp. 3-19 at p. 8.

<sup>9</sup> *Ibid.*, pp. 8, 15. <sup>10</sup> Tesón, 'Collective Humanitarian Intervention', 342.

<sup>11</sup> *Ibid.*

and intervention in the next century.<sup>12</sup> Kofi Annan there reflected the view of many when he commented that ‘the genocide in Rwanda will define for our generation the consequences of inaction in the face of mass murder’.<sup>13</sup>

The characterisation of intervention as active and productive, and non-intervention as inactive and negative, also appears to inform the popular response that we should do something to address the suffering and despair in Bosnia, Rwanda or East Timor, rather than do nothing. As Shashi Tharoor notes: ‘In a world of satellite communications, with television images of suffering broadcast as they occur, few democratic governments are immune to the public clamour to “do something”’.<sup>14</sup>

This chapter is an attempt to unsettle the ‘imaginative geography’ of intervention, according to which the international community is absent from the scene of violence and suffering until it intervenes as a heroic saviour.<sup>15</sup> In order to reinscribe that which is erased by this cartography – the presence of the international community and its representatives at the scene of violence – this chapter foregrounds the post-Cold War economic project of the international community. In particular, I explore the practices of international economic organisations and development agencies that must be ignored in order to code as humanitarian the post-Cold War internationalism performed in the former Yugoslavia and Rwanda. Surprisingly little attention has been paid to the presence and activity of international institutions and agencies in countries prior to the outbreak of violence, ethnic cleansing or genocide. Yet the activity of these organisations unsettles both sets of assumptions – that humanitarian crises are caused by the absence of the international community, and that the international community prioritises human rights over other values. The aim of this chapter is to trace the effects, both doctrinal and cultural, of this failure to inscribe the presence of international actors in countries such as the former Yugoslavia or Rwanda prior to crises erupting.

The first part of the chapter questions the idea that the choice for the international community is between action (presence) or inaction (absence). I focus on two post-Cold War humanitarian crises, the genocidal

<sup>12</sup> UN, *Secretary-General Presents His Annual Report to General Assembly*, UN Press Release SG/SM/7136 GA/9596, 20 September 1999.

<sup>13</sup> *Ibid.*

<sup>14</sup> Shashi Tharoor, ‘The Changing Face of Peace-Keeping and Peace-Enforcement’ (1995) 19 *Fordham International Law Journal* 408 at 413.

<sup>15</sup> On the ‘imaginative geography’ of Orientalism and its representations, see Edward W. Said, *Orientalism* (London, 1978), pp. 49–73.



conflicts in the former Yugoslavia and in Rwanda. An examination of the role played by international economic institutions and actors in contributing to the conditions leading to the outbreak of violence complicates the dominant representation of an absence of international law and a lack of international engagement as contributing causes of those crises. I suggest that international, as well as local, passions and interests were a threat to peace and security in those instances.

The second part focuses more broadly on the project of economic liberalisation as carried out under the auspices of international economic organisations such as the IMF, the World Bank and the WTO. This project complicates both the idea that domestic politics are separable from internationalist actions, and that local institutions, actors or cultures pose the major threats to peace, democracy and human rights while international institutions and laws act primarily in the interests of human rights, democracy and stability. While these axioms justify greater scope for intervention by international institutions, actors and cultures at the state or local level, I suggest in contrast that it is necessary to rethink the understanding of international laws, international institutions and international culture as necessarily emancipatory.<sup>16</sup>

The third part explores the doctrinal effects of the failure to acknowledge the presence and activity of international actors and international law at the site of internal conflicts or genocide. I suggest that this failure limits the capacity of international law to develop adequate responses to post-Cold War security and humanitarian crises. The images of internationalism that appear in intervention texts are opposed to forms of nationalism variously represented as premodern, ethnic, tribal, chaotic, disordered and xenophobic. Such an opposition is made possible only by a selective focus on some areas of international activity as representative of the humane intentions and effects of international intervention, while other areas of activity are ignored. The failure to consider the involvement of international organisations or the role of international law in contributing to such crises has meant that, rather than examining the role played by the agenda of the international community in contributing to such conflicts, legal texts continue to understand the causes of such conflicts as ethnic or nationalist in origin.

<sup>16</sup> On rethinking the nature of 'the international', see David W. Kennedy, 'A New World Order: Yesterday, Today and Tomorrow' (1994) 4 *Transnational Law and Contemporary Problems* 329; and on rethinking the meaning of 'the global', see Vandana Shiva, 'The Greening of the Global Reach' in Wolfgang Sachs (ed.), *Global Ecology: a New Arena of Political Conflict* (London, 1993), pp. 149–56.

The final part concludes that this way of representing the causes of conflict serves to create a sense that the international community and those facing humanitarian or security crises are physically separate. This aspect of intervention narratives can be read as an attempt to create a distance between the space of the international community and the space of violence or terror.

## Representations of the international

I want to start by questioning the assumption that the choice facing the international community is one between action and inaction. In order to do so, this part examines the presence of international law and international institutions in the former Yugoslavia and Rwanda prior to the humanitarian crises there.

### *The restructuring of Yugoslavia*

The response by the Security Council and NATO to the conflict in the former Yugoslavia, and more specifically the 'ethnic cleansing' in Bosnia-Herzegovina, is treated by some commentators as an early example of the trend towards collective humanitarian intervention.<sup>17</sup> There, the Security Council appeared to treat violations of international human rights law as a threat to international peace and security. In a series of resolutions between 1991 and 1993, the Council showed itself increasingly willing to authorise arms embargoes and the use of force to facilitate the delivery of humanitarian assistance and protect safe havens in Bosnia and Herzegovina.<sup>18</sup> According to then Secretary-General Boutros Boutros-Ghali, this represented 'a new kind of UN operation', with the UN having

<sup>17</sup> See, for example, Sean D. Murphy, 'The Security Council, Legitimacy, and the Concept of Collective Security after the Cold War (1994) 32 *Columbia Journal of Transnational Law* 201 at 232; Tesón, 'Collective Humanitarian Intervention, 366.

<sup>18</sup> The Council 'deeply concerned by fighting in Yugoslavia which is causing a heavy loss of human life and material damage' and by regional consequences, and 'concerned that the continuation of this situation constitutes a threat to international peace and security', decides under Chapter VII that all States shall implement a general and complete arms embargo: UN Doc S/RES/713 (1991); the Council recognising that 'the situation in Bosnia and Herzegovina constitutes a threat to international peace and security and that the provision of humanitarian assistance in Bosnia and Herzegovina is an important element in efforts to restore international peace and security', and 'deeply concerned by reports of abuses against civilians', acting under Chapter VII 'calls upon states to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery . . . of humanitarian assistance' in Bosnia and Herzegovina: UN Doc S/RES/770

'a humanitarian mandate under which the use of force is authorized'.<sup>19</sup> For Fernando Tesón, the NATO bombings undertaken pursuant to Security Council resolutions can be 'explained as a humanitarian effort, that is, an action undertaken by the military alliance authorized by the United Nations with the purpose of putting an end to the intolerable human rights violations taking place in the war'.<sup>20</sup> Similarly, Sean Murphy treats these resolutions as examples of 'a greater sensitivity to the importance of human rights abuses' on the part of the Security Council during the early 1990s.<sup>21</sup>

The literature on the former Yugoslavia shares the assumptions described in the introduction to this chapter. Whether the cause of the disintegration of Yugoslavia is understood to be ancient hatreds or Serbian aggression, those arguing that the Yugoslav conflict illustrates the necessity for collective humanitarian intervention treat international institutions essentially as agents of security, democracy and human rights.<sup>22</sup> The failure to use force, or the imposition of limits upon the use of force, on the part of the international community is seen as rendering it a largely passive observer to this conflict. Thomas Weiss, for example, describes the United Nations Protection Force for the former Yugoslavia (UNPROFOR) as 'eunuchs at the orgy', due to the constraints imposed on the capacity of UNPROFOR to use force in that conflict.<sup>23</sup>

An evaluation of the relationship between the actions of international institutions and the situation in the former Yugoslavia, however, suggests that this opposition between action and inaction misrepresents

(1992); the Council establishes a no-fly zone over Bosnia and Herzegovina to ensure the safety of humanitarian flights, implemented initially through a monitoring system associated with the UN peace-keeping operation, UNPROFOR: UN Doc S/RES/781 (1992); the Council acting under Chapter VII, authorises member states acting nationally or through regional organisations to take all necessary measures to ensure compliance with the no-fly zone over Bosnia and Herzegovina established to prevent Serbian assaults from obstructing the transfer of humanitarian aid supplies: UN Doc S/RES/816 (1993); the Council acting under Chapter VII authorises member states to take all measures necessary, through the use of air power, to protect safe areas in Bosnia and Herzegovina: UN Doc S/RES/836 (1993).

<sup>19</sup> An Agenda for Peace, Supplement, paragraph 19.

<sup>20</sup> Tesón, 'Collective Humanitarian Intervention', 368.

<sup>21</sup> Murphy, 'The Security Council', 230.

<sup>22</sup> See Noel Malcolm, *Bosnia: a Short History* (London, 1996), pp. xx–xxii, for an analysis of the way in which leaders such as John Major represented ancient hatreds as the cause of the Yugoslav conflict.

<sup>23</sup> Weiss, 'On the Brink', p. 8. For an analysis of violence as an expression of one form of masculine subjectivity as suggested by that metaphor, see Diana Taylor, 'Spectacular Bodies: Gender, Terror and Argentina's "Dirty War"' in Miriam Cooke and Angela Woollacott (eds.), *Gendering War Talk* (Princeton, 1993), pp. 20–40.

the engagement of the international community in the political and social life of Yugoslavia prior to the conflict. The programme of economic liberalisation and restructuring of the state implemented by the international financial institutions of the World Bank and the IMF during the 1970s, 1980s and indeed the 1990s contributed to the conditions in which such hatreds (whether ancient or otherwise) were inflamed.<sup>24</sup> Economic policies designed to refinance and repay Yugoslavia's foreign debt were a driving force behind major constitutional reforms and redefinitions of citizenship and workers' rights during the 1980s.<sup>25</sup> Such policies appear to have played a role in the rise of republican nationalism and the sense that the federal government lacked legitimacy. I want to outline briefly the nature of restructuring in the former Yugoslavia, and then to suggest how that project posed a threat to the peace.

The people of the former Yugoslavia were subjected to a stringent austerity programme during the 1970s and 1980s, partly as a result of decisions made by IMF officials and by economic liberals in the Yugoslav government.<sup>26</sup> The process of restructuring began in earnest in 1982, when the Yugoslav government sought a three-year standby loan from the IMF.<sup>27</sup> The loan was intended to be used to repay its foreign debt denominated in US dollars, the interest on which had ballooned during the oil crises of the late 1970s.<sup>28</sup> The conditions attached to that loan by the IMF were aimed at the introduction of domestic policy reforms which economists believed would better enable servicing of foreign debt.<sup>29</sup>

<sup>24</sup> See particularly Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, 1995); J. Petras and S. Vieux, 'Bosnia and the Revival of US Hegemony' (1996) 218 *New Left Review* 3, 9–11; Michel Chossudovsky, 'Dismantling Former Yugoslavia; Recolonising Bosnia', *Economic and Political Weekly*, 2 March 1996, 521.

<sup>25</sup> Woodward, *Balkan Tragedy*, p. 106; Petras and Vieux, 'Bosnia', 9–11.

<sup>26</sup> For the contrary argument that the austerity programme was *not* the result of IMF involvement but rather the 'result of domestic policy choices taken in response to external capital market constraints', see Laura Tyson, Sherman Robinson and Leyla Woods, 'Conditionality and Adjustment in Hungary and Yugoslavia' in Josef C. Brada, Ed A. Hewett and Thomas A. Wolf (eds.), *Economic Adjustment and Reform in Eastern Europe and the Soviet Union* (Durham, 1988), pp. 72–105 at p. 105.

<sup>27</sup> *Keesing's Contemporary Archives: Record of World Events*, Vol. 30, June 1984, 32932.

<sup>28</sup> *Ibid.* See also William R. Cline, *International Debt: Systemic Risk and Policy Response* (Washington, 1984), pp. 282, 287.

<sup>29</sup> *Keesing's Contemporary Archives: Record of World Events*, Vol. 30, June 1984, 32932. It is difficult to obtain precise information about the nature of the conditions attached to any IMF credits during that period, including those extended to Yugoslavia. IMF conditions were not published at that time, although they did tend to become public knowledge indirectly through governments, commercial banks and the media.

The original 'austerity' programme involved cuts in government expenditure, trade and price liberalisation, cutting of imports, and the promotion of exports.<sup>30</sup> Later programmes required capping wages, re-orienting production towards exports which could compete in OECD markets, recentralising political and economic decision-making, privatisation and currency deregulation.<sup>31</sup> While the reasons for such reforms were always presented as purely economic and technical, the changes required by the IMF were 'fraught with political implications'.<sup>32</sup> Both directly and indirectly, the IMF reshaped Yugoslav politics throughout the 1980s and early 1990s.

The direct restructuring of Yugoslav politics occurred through the imposition of conditions requiring constitutional and institutional reforms. During the 1980s, the IMF began to make access to new credits for Yugoslavia conditional on such reform. The first change required by the IMF related to recentralisation, or the shifting of political and economic authority from republican governments and banks to the federal government and the National Bank.<sup>33</sup> Economists considered that the decentralisation of policy-making amongst Yugoslav republics that had occurred during the early 1980s was 'responsible for Yugoslavia's weak macroeconomic control'.<sup>34</sup> Accordingly, IMF conditions attached to the use of credits after 1982 included requirements for federal re-assertion of economic authority over republican governments.<sup>35</sup> Further political changes resulted from the conditions attached to the 1987 and

Raymond Mikesell notes that while IMF agreements were secret and statements regarding their content limited to generalities, it is possible to judge IMF conditionality packages without seeing them, by evaluating the policies of countries that have been receiving IMF assistance. Raymond F. Mikesell, 'Appraising IMF Conditionality: Too Loose, Too Tight, Or Just Right?' in John Williamson (ed.), *IMF Conditionality* (Washington, 1983), pp. 47–62 at p. 53.

<sup>30</sup> Woodward, *Balkan Tragedy* p. 51; *Keesing's Contemporary Archives: Record of World Events*, Vol. 31, August 1985, 33808.

<sup>31</sup> See generally Cline, *International Debt*, pp. 281–90; Tyson, Robinson and Woods, 'Conditionality', pp. 91–6; Woodward, *Balkan Tragedy*; Marko Milivojevic, *The Debt Rescheduling Process* (London, 1985), pp. 204–7.

<sup>32</sup> Woodward, *Balkan Tragedy*, p. 50; Petras and Vieux, 'Bosnia', 11.

<sup>33</sup> *Keesing's Contemporary Archive: Record of World Events*, Vol. 30, June 1984, 32932-3; Petras and Vieux, 'Bosnia', 11.

<sup>34</sup> Tyson, Robinson and Woods, 'Conditionality', p. 81. See also Milivojevic, *Debt Rescheduling*, p. 205.

<sup>35</sup> In 1982, the IMF required that control over foreign exchange allocation and operations be returned to the National Bank in Belgrade, after such functions had been decentralised and distributed amongst republican governments and banks five years earlier. In 1986/1987, when the IMF 'began to tie conditions for new credits to political reform', it focused on 'restrengthening the governing capacity of the federal

1988 IMF packages. In particular, the 'May Measures' of 1988 required the destruction of the socialist system of worker participation in firm decision-making, the removal of procedural protections against large-scale unemployment, and the cutting of public expenditure.<sup>36</sup>

Economic and political restructuring continued to be proposed by the IMF, economic advisers and the federal government during the period 1988–89, when the nationalist climate had become apparent and republican resistance to the proposed changes was clear. The federal government continued to be committed to drawing up and implementing new IMF-conditioned stabilisation restrictions as part of a process of debt rescheduling with private banks during that period, despite an escalation in nationalist rhetoric, nationalist revisions of republican constitutions, mass demonstrations against austerity measures, protests by newly defined minorities, strikes, police harassment of minorities, challenges to the Yugoslav army and racist attacks.<sup>37</sup>

At the end of 1989, after a decade of economic crisis, constitutional conflict and political disintegration,<sup>38</sup> the existing political system was failing,<sup>39</sup> and legitimacy of the federal government was being challenged by radical Slovene, Serb and Croatian nationalism.<sup>40</sup> Nevertheless, economic advisers to the Yugoslav government determined that 'the effectiveness of the program for global integration depended on speed', and the government announced a 'shock therapy' stabilisation programme, to begin in mid-December.<sup>41</sup> The programme aimed at completely

administration'. Economic planners wanted a more competent and effective federal government that could 'make and implement tough decisions'. In particular, having been critical of the consensual decision-making process that operated at the federal level and within the central bank as a means of ensuring equality between the republics, the IMF required a change in the voting rules of the National Bank from consensus to majority decision-making. Those changes were proposed by the IMF and supported by the federal cabinet. The significance of those changes can be seen in the packages for constitutional reform presented to the Yugoslav parliament as a result. In February 1987, the League of Communists recommended 130 amendments to the 406 articles of the federal constitution. See Woodward, *Balkan Tragedy*, pp. 57–74, 82.

<sup>36</sup> *Ibid.*, p. 96.      <sup>37</sup> *Ibid.*, p. 93–6.      <sup>38</sup> *Ibid.*, p. 148.

<sup>39</sup> *Ibid.*, p. 116.      <sup>40</sup> *Ibid.*, p. 117.

<sup>41</sup> *Ibid.*, p. 114. The principal adviser to the government was economist Jeffrey Sachs, who developed the 'shock therapy' model for dealing with states in transition from communism to capitalism. Sachs publicly espoused that model in a famous 1990 article: Jeffrey Sachs, 'What Is to Be Done?' *The Economist*, 13 January 1990, 19. He advised other Eastern European governments, the G7 and the IMF on the shock therapy model. For a critique of that model and its consequences, see Peter Gowan, 'Neo-Liberal Theory and Practice for Eastern Europe' (1995) 213 *New Left Review* 3.

removing 'political barriers to a market economy'.<sup>42</sup> During 1990, the year in which clear signs of civil war were emerging, the federal government continued to attempt to enact political reforms required by the shock therapy conditions. It did so under intense pressure from the IMF, which was concerned that the commitment to reform was flagging.<sup>43</sup>

IMF programmes had further indirect effects on political institutions and norms within Yugoslavia. The implementation of supposedly apolitical IMF conditions in fact required significant changes in Yugoslav politics. The goals of economic policy, for example, required 'fundamental changes in the locus of economic decision-making' and thus required constitutional reform.<sup>44</sup> Changes necessary to enable these reforms included altering the practice of distributing cabinet appointments on a nationality basis,<sup>45</sup> changing the composition of the governing board of the fund for development credits,<sup>46</sup> and shifting the balance of economic policy in favour of particular firms, sectors and republics.<sup>47</sup> Successive reformist Prime Ministers and their cabinets took steps to subvert established political processes in order to enable the adoption of unpopular measures supported by the IMF. The social impact of IMF economic liberalisation and shock therapy stabilisation programmes also had unacknowledged political effects. Those programmes arguably fuelled the nationalist dynamic by rapidly restructuring republican and federal levels of government, by implementing policies with divisive social consequences, and by advocating the removal of mechanisms that provided some state support to individuals who would suffer under unrestrained economic liberalism.<sup>48</sup>

Commentators on the former Yugoslavia point to a number of conditions that fuelled the republican nationalist dynamic that led to genocide. Those conditions include the destruction of existing federal

<sup>42</sup> Woodward, *Balkan Tragedy*, pp. 115, 129–30.

<sup>43</sup> Chossudovsky, 'Dismantling Former Yugoslavia', 521–2. 1990 saw the federal party collapse in January, competitive multiparty elections characterised by extreme racism and nationalism held from April to December, declarations of sovereignty and the right to secede by the republics of Slovenia and Croatia in July, and signs of civil war emerging. By June 1991, Slovenia and Croatia had announced their independence from the former Yugoslavia, and war had broken out.

<sup>44</sup> Woodward, *Balkan Tragedy*, p. 58. <sup>45</sup> *Ibid.*, p. 73. <sup>46</sup> *Ibid.*, p. 74.

<sup>47</sup> *Ibid.*, p. 101. In particular, producers in the southern republics tended to have fewer ties to Western European markets.

<sup>48</sup> Robin Blackburn, 'The Break-up of Yugoslavia' (1993) 45 *Labour Focus on Eastern Europe* 3; Petras and Vieux, 'Bosnia', 11; Chossudovsky, 'Dismantling Former Yugoslavia', 521–2.

constitutional arrangements during the 1980s,<sup>49</sup> the destruction of minority rights guarantees,<sup>50</sup> serious unemployment,<sup>51</sup> falling Yugoslav per capita income,<sup>52</sup> the growing role of nationalism in Yugoslav politics,<sup>53</sup> the role of the military as a political force,<sup>54</sup> and the growing gulf between rich and poor republics.<sup>55</sup> There are at least four ways in which IMF structural adjustment, stabilisation and later shock therapy programmes can be argued to have contributed to those conditions and thus to the political destabilisation of Yugoslavia.<sup>56</sup>

First, the programmes contributed both to a sense of insecurity for the people of Yugoslavia and to resulting social instability.<sup>57</sup> The destabilising consequences of the early IMF austerity programme introduced in 1982, for example, included inflation, falling real incomes, consumer goods shortages, unemployment and the threat of unemployment, the abandonment of food subsidies, and rising prices for commodities affected by import restrictions and the push for exports, such as gasoline, heating fuel, food and transportation.<sup>58</sup>

<sup>49</sup> Woodward, *Balkan Tragedy*, pp. 57–74, 82; Petras and Vieux, 'Bosnia', 11; Chossudovsky, 'Dismantling Former Yugoslavia', 521.

<sup>50</sup> Woodward, *Balkan Tragedy*, p. 381.

<sup>51</sup> Blackburn, 'The Break-up', 3; Petras and Vieux, 'Bosnia', 10; Chossudovsky, 'Dismantling Former Yugoslavia', 522.

<sup>52</sup> Valerie Bunce, 'The Elusive Peace in the Former Yugoslavia' (1995) 28 *Cornell International Law Journal* 709 at 712.

<sup>53</sup> *Ibid.*, 715. <sup>54</sup> *Ibid.*, 710.

<sup>55</sup> *Ibid.*, 712; Catherine Samary, 'Behind the Breakup of Yugoslavia' (1993) 45 *Labour Focus on Eastern Europe* 27; Petras and Vieux, 'Bosnia', 10.

<sup>56</sup> Susan Woodward suggests a fifth way in which IMF conditions contributed to the crisis. Woodward suggests that the demands for political change made by the IMF also eroded the state's 'political capacity for managing the transition', and that the absence of a legitimate centralised authority meant that such claims could not be successfully mediated: Woodward, *Balkan Tragedy*, p. 379. She defines democracy as a system that enables peaceful resolution of conflict and entails a willingness to lose. I have less faith in benign central authority, given the absence of a willingness to lose, particularly on economically rational policy issues, amongst elites in existing democracies. Indeed, I do not see how any authority, whether or not it is benign, can mediate a system capable of reproducing and generating such extraordinary inequality and extremes of wealth and poverty, without resorting to violence.

<sup>57</sup> Andrew Williams, 'Economic Intervention by International Economic Organizations in Central and Eastern Europe: Will It Lead to More or Less "Security" for the Region?' in Pal Dunay, Gabor Kardos and Andrew J. Williams (eds.), *New Forms of Security, Views from Central, Eastern and Western Europe* (Aldershot, 1995), pp. 103–16 at p. 109; Woodward, *Balkan Tragedy*, p. 52; Petras and Vieux, 'Bosnia', 10; Chossudovsky, 'Dismantling Former Yugoslavia', 521–2.

<sup>58</sup> Woodward, *Balkan Tragedy*, p. 51; Petras and Vieux, 'Bosnia', 10.