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Reading Humanitarian Intervention

Human Rights and the Use of Force in
International Law



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The symbolic order tries to abject the feminine object by exiling her. But by being located at least partly in the real, the feminine opens up the possibility of escape from the symbolic order (i.e., freedom). It is true that the feminine, as the acceptance of castration, can be the position of inertia – depression. But as Freud taught, it is the acceptance of loss which enables us to mourn. And it is only mourning which allows us to bury the dead, and move on.¹²²

I want to suggest that human rights discourse offers resources for attempting to create a universalist ethic that is not premised upon a denial of difference or a nostalgia for a lost, imagined wholeness.¹²³ Human rights has the potential to found an international law that is not limited to supporting the fantasy life of nations and the international community through recreating the violent exclusion of the alien or the foreign. Instead, as William MacNeil argues, ‘rights actually give us something (the symptomatic identic support of a ‘lack’) rather than nothing (psychosis’ lack of a lack) with which to image and reimagine the body’, and thus the body politic.¹²⁴ In this sense, rights discourse can offer us a way to start the work of mourning, of moving on. However, this requires us to be able to accept the ‘lack, gap and non-identity’ which human rights memorialises.¹²⁵ In thinking about how we might do so, and thus respond differently to the claims of law’s others, Costas Douzinas takes as a starting point Freud’s dictum, ‘if we detect foreignness in ourselves, we will not hound it outside of us’.¹²⁶ Rather than act out our desire to exclude that which threatens our perceived political unity, we can recognise the ‘foreignness in ourselves’.

The refugee is within me, we are all refugees from another place, the unconscious for psychoanalysis . . . , which is not a *patria*, the place of the father, but a *matria*.¹²⁷

Can we recognise this without feeling compelled to expel that other who reminds us of the violence of our exile from the motherland? For Michael Dillon, this is the key question for ‘an international relations

¹²² *Ibid.*, 1020.

¹²³ My development of a response to loss based on this ‘feminine’ position is a departure from Schroeder, who argues that neither the masculine nor the feminine response is to be valorised over the other – masculinity and femininity are simply two modes of failure: *ibid.* 1015. See also Salecl, *The Spoils of Freedom*, p. 116 (“‘Masculine’ and ‘feminine’ are not the two species of the genus Man but rather two modes of the subject’s failure to achieve the full identity of Man. “Man” and “woman” together do not form a whole, since each of them is already in itself a failed whole’).

¹²⁴ MacNeil, ‘Laws *Corpus Delicti*’, 56. ¹²⁵ *Ibid.*

¹²⁶ Douzinas, *The End of Human Rights*, p. 365. ¹²⁷ *Ibid.*

that takes the “inter” or betweenness seriously’ – how to develop communities that can respond to the ‘call for the inherent Otherness of human being to be made welcome politically’.¹²⁸ For Dillon, this ‘duty of hospitality’ requires us to say ‘not only how the stranger is to be received but also how the strangeness that haunts us as human beings is itself to be welcomed, or not’.¹²⁹ To suggest what this might mean for the dream of human rights, I want to finish with three images of mothers and children that appear in texts about war. In these texts we can trace a movement from action to stillness, from the wild violent refusal to face the fear of (and desire for) separation to the ‘feminine’ position of living with loss. We might also read this movement as one from the position of the male child to the position of mother; from the distance of vision to the intimacy of touch.

The first such image, one with which I opened this book, was broadcast in Australia in the terrible days following the announcement on 4 September 1999 that an overwhelming majority of East Timorese people had voted for independence from Indonesia in the UN-sponsored referendum. Australians watched images of Dili burning on their television screens, and read of women and children trying to seek refuge with the UN. One image shown repeatedly was particularly horrific. The scene was filmed at night, along the line of a barbed wire fence enclosing the UN compound in Dili. The image was one of desperate parents throwing their children over the barbed wire into the compound, trying to make sure that their children reached sanctuary. The bodies of some of the children caught on the barbed wire and hung there, while workers in the compound tried to help them down. This violent separation of children and parents was one of the images that provided the energy for hundreds of thousands of Australians to take to the streets, marching under banners proclaiming ‘Indonesia out, peacekeepers in’.

The second image is from an article by *Guardian* newspaper war correspondent Maggie O’Kane.¹³⁰ The article explores the changes that came over O’Kane’s perception and experience of war reporting after she had her first child. The story she relates, told by Vjolica Berisha, is of the aftermath of a massacre of women and children by two armed men that took place in the small town of Suva Reka, Kosovo, the day that NATO started its bombing campaign. Vjolica and her sister survived the

¹²⁸ Michael Dillon, ‘The Sovereign and the Stranger’ in Jenny Edkins, Nalini Persram and Véronique Pin-Fat, *Sovereignty and Subjectivity* (Boulder, 1999), pp. 117–40 at p. 135.

¹²⁹ *Ibid.*, pp. 134–5.

¹³⁰ Maggie O’Kane, ‘I Feel the Madness More’, *The Guardian Weekly*, 2–8 March 2000, p. 21.

massacre, although between them they lost seven children, all murdered before their eyes. The two bereaved sisters were thrown onto a truck full of corpses, the murderers thinking them dead. Vjolica tells of her sister's grief at the death of her baby, and of the physical nature of her sister's response to that loss:

As the truck took off she looked across at her sister, Shyreta, who still had her dead two-year-old baby cradled in her arms. 'It was like she couldn't bear to put him down. She was holding on to him until the very last minute. Shyreta saw I was alive as well and said, "I am going to jump. If I die jumping it doesn't matter because I am dead already inside"'.¹³¹

None of her four children had survived. Vjolica remembers watching her sister gently lay down the body of her baby – a small corpse in a pile of grown-up blood. Then they jumped.¹³¹

For Maggie O'Kane this is the image that haunts her the most after ten years as a war correspondent – 'a mother clinging for those last seconds to the body of her two-year-old. The agony of watching your child die and not being able to protect it.'¹³² O'Kane, writing from the position of mother, does not make of this a reason for military intervention, although she recounts the welcome she as a foreign European received that day, as if she had personally liberated Kosovo. Instead, she weaves it into a story about treasuring the small moments of joy with her own son – 'The joy of being alive on an icy Belfast day by the River Lagan, and still having a child to hold.'¹³³

This second image of mothers and children in war does not stage the separation of mother and child as something that is linked to the need for violent intervention. Rather, it stages that separation from the position of the mother, and thus I think does something slightly different with it. The meanings made of the images of the children in East Timor involved dealing with the haunting nature of separation by calling for action. Here, O'Kane sits with a mother, calls up her grief, and does not allow us to escape through action. Her story reminds us of the joys of living, of the ways in which we are forever linked to the bodies of our children. There is no final separation here in the way feared and desired in the texts of the law.

The third image is a passage from the novel *Anil's Ghost*.¹³⁴ Michael Ondaatje here eloquently speaks the desire for a reconciliation with our lost mother. It is written in the voice of Gamini, a surgeon caught up

¹³¹ *Ibid.* ¹³² *Ibid.* ¹³³ *Ibid.*

¹³⁴ Michael Ondaatje, *Anil's Ghost* (London, 2001).

in the civil war in Sri Lanka, who spends his days and nights repairing the bodies that the war has torn apart.

When Gamini finished surgery in the middle of the night, he walked through the compound into the east buildings, where the sick children were. The mothers were always there. Sitting on stools, they rested their upper torso and head on their child's bed and slept holding the small hands. There were not too many fathers around then. He watched the children, who were unaware of their parents' arms. Fifty yards away in Emergency he had heard grown men scream for their mothers as they were dying. 'Wait for me!' 'I know you are here!' This was when he stopped believing in man's rule on earth. He turned away from every person who stood up for a war. Or the principle of one's land, or pride of ownership, or even personal rights. All of those motives ended up somehow in the arms of careless power. One was no worse and no better than the enemy. He believed only in the mothers sleeping against their children, the great sexuality of spirit in them, the sexuality of care, so the children would be confident and safe during the night.¹³⁵

Ondaatje's poetic vision suggests a different way to approach the task of grieving or mourning the (necessary?) separation between the bodies of mothers and children. He contrasts the sexuality of care represented by the arc of the bodies of mothers sleeping against their sick children and holding their small hands, to 'man's rule on earth' and 'every person who stood up for a war...or even personal rights'. It seems to me that Ondaatje is showing us that there is a kind of quiet 'action' that exists outside the violent world of muscular humanitarian heroes. In intervention narratives, the suffering of children is mobilised as yet another prop for 'careless power', and to do something as a Western television spectator or aerial bombardier means to watch bombs falling from the position of a God-like observer. In contrast, both O'Kane and Ondaatje show us that doing something can also mean holding, soothing, touching, immediately creating a political response to suffering that is outside the relentless privileging of vision in postmodern war. The presence of mothers trying to endure their children's illness, holding their small hands, in order to help those children feel that the strange night of an emergency ward is a safe place seems to me to offer a rebuke to the adolescent fantasies of masculinity represented by those tales of heroism. This feminine imaginary is not a call to arms. It suggests a different mode of responding to the loss of our mother's bodies in a way that avoids re-enacting the violence of our exile from the motherland.

¹³⁵ *Ibid.*, p. 119.

Let me then end with this suggestion. I have attempted to explore the post-Cold War narrative of humanitarian intervention, in order to ‘investigate where possibilities exist for reading it differently’.¹³⁶ The story of humanitarian intervention is one in which the bodies of massacred women, children and men are made to function as a call to arms. These texts ask us to create a certain kind of community in the name of humanity, and particularly in the name of those who have been slaughtered in places such as Rwanda and the former Yugoslavia. As Nathaniel Berman reminds us, international law’s ‘foundational celebrations always seem to take place in the shadow of some slaughterhouse’.¹³⁷ Yet the meanings of bodies are not fixed – the ways in which people mourn and remember their dead or honour their survivors exceed the capacity of international organisations and states to contain them. Here I have tried to make those bodies tell a different story, make a different set of demands of the international community in the name of justice.¹³⁸

I opened this book with the terrible vision of small children being thrown by their parents over the barbed wire fences separating the sanctuary of the UN compound in Dili from the murderous militias terrorising the East Timorese. That image and other such images of suffering children and the parents determined and desperate to protect them haunt me when I think and write about humanitarian intervention. My being is so bound up with that of my young children, one of whom lies beside me purring in his sleep while I write, that I imagine the threat of their death like the fear of a wound to my own body. The resulting compassion I feel for these children and their parents seems to require of me my support for the use of violence in their name. Yet in Ondaatje’s beautiful meditation on the responses of a doctor dealing with the casualties of civil war in Sri Lanka, there is an alternative reaction to the images of children suffering. I take from his poetic writing a point from which to start to think about another ethics of intervention, one not grounded quite so brutally in a politics of violence and exclusion.

¹³⁶ Judith Grbich, ‘The Scent of Colonialism: *Mabo*, *Eucalyptus* and Excursions within Legal Racism’ (2001) 15 *Australian Feminist Law Journal* 121 at 135.

¹³⁷ Nathaniel Berman, ‘In the Wake of Empire’ (1999) 14 *American University International Law Review* 1521 at 1524.

¹³⁸ For an exploration of the ways in which dead bodies are made to speak in the texts of law and literature, see Nina Puren and Peter Rush, ‘Fatal (F)laws’, *Law & Critique* (forthcoming).

If we attempt to build a body politic based on the recognition of difference and the desire to grant rights to the other, then a different set of demands is made of us in the name of humanitarian intervention. Our world order is currently built on a movement towards severe restrictions on asylum, strict controls over immigration, ruthless economic exploitation and an unjust international division of labour. It is these policies that should be put under challenge by an internationalism that is not founded upon fear of the other, but rather on an attempt to imagine new forms of universalism. Human rights may provide one basis for articulating the terms on which this new internationalism might be imagined. Yet this must be a version of human rights that is able to welcome rather than fear those 'curious guardians' at the margins who 'haunt what we start and get done' – the refugee, the mother cradling her child, the woman labouring in a reconstructed East Timor or Rwanda or Bosnia to produce the wealth of the industrialised world.¹³⁹ It is those figures who face us as a reminder of the demands of justice in an age dominated by internationalist narratives, whether of globalisation and harmonisation, or of high-tech wars on terror and for humanity. Perhaps then, while international lawyers should remain committed to the ideal that lies behind the notion of humanitarian intervention, what is required today is to put 'into question again... the very concept of the said ideal'.¹⁴⁰ To do so will reveal that measures other than increased military intervention are demanded of the international community in the name of humanitarian action in the post-Cold War era.

¹³⁹ On the curious guardians at the margins, see Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Cambridge, 1999), p. 175.

¹⁴⁰ Derrida, *Specters*, p. 87.

Bibliography

- Abbott, Frederick, 'Remarks' (2000) 94 *American Society of International Law Proceedings* 219–20
- Aditjondro, George, 'From Colony to Global Prize' (2000) 47 *Arena Magazine* 22–32
- 'Mapping the Political Terrain' (2000) 46 *Arena Magazine* 27–36
- Agamben, Giorgio, *Means without End: Notes on Politics* (trans. Vincenzo Binetti and Cesare Casarino, Minneapolis, 2000)
- Ahmad, Aijaz, 'The Politics of Literary Postcoloniality' (1995) 36 *Race and Class* 1–21
- In Theory: Classes, Nations, Literatures* (Oxford, 1992)
- Aidwatch Briefing Note: the World Bank in East Timor*, June 2001,
<http://www.aidwatch.org.au/timor/wb.et.html> (accessed 20 February 2002)
- Albright, Ambassador Madeleine K., 'International Law Approaches the Twenty-First Century: a US Perspective on Enforcement' (1995) 18 *Fordham Journal of International Law* 1595–1606
- Alston, Philip, 'Reform of Treaty-Making Processes: Form over Substance?' in Philip Alston and Madelaine Chiam (eds.), *Treaty-Making and Australia: Globalisation versus Sovereignty?* (Canberra, 1995), pp. 1–26
- 'The Myopia of the Handmaidens: International Lawyers and Globalization' (1997) 8 *European Journal of International Law* 435–48
- 'The Security Council and Human Rights: Lessons to Be Learned from the Iraq–Kuwait Crisis and its Aftermath' (1992) 13 *Australian Year Book of International Law* 107–4
- Althusser, Louis, *Lenin and Philosophy and Other Essays* (trans. Ben Brewster, 1971)
- Alvarez, José E., 'Crimes of States/Crimes of Hate: Lessons from Rwanda' (1999) 24 *Yale Journal of International Law* 365–483
- 'Judging the Security Council' (1996) 90 *American Journal of International Law* 1–39
- Amnesty International, 'Collateral Damage' or Unlawful Killings? *Violations of the Laws of War by NATO during Operation Allied Force* (2000)

- Anderson, Benedict, *Imagined Communities* (London, 1991)
- The Spectre of Comparisons: Nationalism, Southeast Asia and the World* (London, 1998)
- Anghie, Antony, 'Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law' (1999) 40 *Harvard International Law Journal* 1-80
- 'Francisco de Vitoria and the Colonial Origins of International Law' (1996) 5 *Social and Legal Studies* 321-36
- 'Time Present and Time Past: Globalization, International Financial Institutions, and the Third World' (2000) 32 *New York University Journal of International Law and Politics* 243-90
- Annan, Kofi, 'Two Concepts of Sovereignty', *The Economist*, 18 September 1999, p. 49
- Ashdown, Paddy, 'Collateral Costs in Fighting a New Court', *The New York Times on the Web*, 2 July 2002, <http://www.nytimes.com/2002/07/02/opinion/02ASHD.html?todayshdlines=&page=want> (accessed 3 July 2002)
- Austin, John, *The Province of Jurisprudence Determined and the Uses of the Study of Jurisprudence* (London, 1954)
- Beard, Jennifer, 'The Art of Development: Law and Ordering in the First World' (2002, unpublished doctoral thesis, copy on file with author)
- Bellamy, Christopher, *Knights in White Armour: the New Art of War and Peace* (London, 1997)
- Bello, Walden, 'Global Conspiracy or Capitalist Circus?', 'An All-American Show?', *Focus on Trade*, February 2000
- Berger, John, *About Looking* (London, 1980)
- Berman, Nathaniel, 'In the Wake of Empire' (1999) 14 *American University International Law Review* 1521-54
- Bhabha, Homi K., *The Location of Culture* (London, 1994)
- Blackburn, Robin, 'The Break-up of Yugoslavia' (1993) 45 *Labour Focus on Eastern Europe* 3-14
- Blair, Tony, 'Doctrine of the International Community', Speech given to the Economic Club of Chicago, Chicago, 22 April 1999, <http://www.fco.gov.uk/news/speechtext.asp?2316> (accessed 2 May 2001)
- 'Statement on the Suspension of NATO Air Strikes against Yugoslavia', London, 10 June 1999, <http://www.fco.gov.uk/news/newstext.asp?2536> (accessed 2 May 2001)
- Bloomfield, Lincoln P., 'Collective Security and US Interests' in Thomas G. Weiss (ed.), *Collective Security in a Changing World* (Boulder and London, 1993), pp. 3-18
- Boose, Lynda, 'Techno-Muscularity and the "Boy Eternal": from the Quagmire to the Gulf' in Amy Kaplan and Donald E. Pease (eds.), *Cultures of United States Imperialism* (Durham and London, 1993), pp. 581-616
- Boutros-Ghali, Boutros, *An Agenda for Peace* (New York, 1992)

- Brada, Josef C., Hewett, Ed A. and Wolf, Thomas A. (eds), *Economic Adjustment and Reform in Eastern Europe and the Soviet Union* (Durham, 1988)
- Brontë, Charlotte, *Jane Eyre* (New York, 1960)
- Budhoo, D. L., *Enough Is Enough: Dear Mr Camdessus... Open Letter of Resignation to the Managing Director of the International Monetary Fund* (New York, 1990)
- Bunce, Valerie, 'The Elusive Peace in the Former Yugoslavia' (1995) 28 *Cornell International Law Journal* 709–18
- Bush, Laura, First Lady, Radio Address to the Nation, *The Taliban's War against Women*, 17 November 2001, <http://www.state.gov/g/drl/rls/rm/2001/6206.htm> (accessed 27 February 2002)
- Butler, Judith, *Bodies that Matter* (New York, 1993)
Gender Trouble: Feminism and the Subversion of Identity (New York, 1990)
- Byers, Michael, *Custom, Power and the Power of Rules: International Relations and Customary International Law* (Cambridge, 1999)
- Cady, Jean-Christian, 'Building the New State of East Timor', lecture given at the Centre for International and Public Law, Australian National University, 18 May 2000
- Campbell, David, 'Violence, Justice and Identity in the Bosnia Conflict' in Jenny Edkins, Nalim Persram and Véronique Pin-Fat (eds.), *Sovereignty and Subjectivity* (Boulder, 1999), pp. 21–37
Writing Security: United States Foreign Policy and the Politics of Identity (Durham, 1992)
- Caron, David D., 'Iraq and the Force of Law: Why Give a Shield of Immunity?' (1991) 85 *American Journal of International Law* 89–92
- Cassese, Antonio, 'Ex Iniuria Ius Oritur: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?' (1999) 10 *European Journal of International Law* 23–30
- Catholic Institute for International Relations/International Platform of Jurists for East Timor, *International Law and the Question of East Timor* (London, 1995)
- Chamberlain, Greg, 'Up by the Roots: Haitian History through 1987' in North American Congress on Latin America, *Haiti: Dangerous Crossroads* (Boston, 1995), pp. 13–28
- Chandler, David, 'Bosnia: Prototype of a NATO Protectorate' in Tariq Ali (ed.), *Masters of the Universe? NATO's Balkan Crusade* (London, 2000), pp. 271–84
Bosnia: Faking Democracy after Dayton (2nd edn, London, 2000)
'The Road to Military Humanitarianism: How the Human Rights NGOs Shaped the New Humanitarian Agenda' (2001) 23 *Human Rights Quarterly* 678–700
- Charlesworth, Hilary, 'Cries and Whispers: Responses to Feminist Scholarship in International Law' (1996) 65 *Nordic Journal of International Law* 557
'Feminist Methods in International Law' (1999) 93 *American Journal of International Law* 379–94

- Charlesworth, Hilary and Chinkin, Christine, *The Boundaries of International Law: a Feminist Analysis* (Manchester, 2000)
- Charlesworth, Hilary and Wood, Mary, ‘“Mainstreaming Gender” in International Peace and Security: the Case of East Timor’ (2001) 26 *Yale Journal of International Law* 313–17
- Charney, Jonathon I., ‘Anticipatory Humanitarian Intervention in Kosovo’ (1999) 93 *American Journal of International Law* 834–41
- Chayes, Abram, ‘The Use of Force in the Persian Gulf in Lori F. Damrosch and David J. Scheffer (eds.), *Law and Force in the New International Order* (Boulder, 1991), p. 4
- Chesterman, Simon, ‘Law, Subject and Subjectivity in International Relations: International Law and the Postcolony’ (1996) 20 *Melbourne University Law Review* 979–1022
- ‘Never Again . . . and Again: Law, Order, and the Gender of War Crimes in Bosnia and beyond’ (1997) 22 *Yale Journal of International Law* 299
- Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford, 2001)
- Chinkin, Christine M., ‘Kosovo: a “Good” or “Bad” War?’ (1999) 93 *American Journal of International Law* 841–7
- Chinkin, Christine and Wright, Shelley, ‘The Hunger Trap: Women, Food and Self-Determination’ (1993) 14 *Michigan Journal of International Law* 262
- Chomsky, Noam, *World Orders, Old and New* (London, 1994)
- Chossudovsky, Michel, ‘Dismantling Former Yugoslavia; Recolonising Bosnia’, *Economic and Political Weekly*, 2 March 1996, 521
- The Globalisation of Poverty: Impacts of IMF and World Bank Reforms* (Penang, 1997)
- Chow, Rey, ‘Violence in the Other Country: China as Crisis, Spectacle and Woman’ in Chandra Talpade Mohanty, Ann Russo and Lourdes Torres (eds.), *Third World Women and the Politics of Feminism* (Bloomington, 1991), pp. 81–100
- Clark, Michael P., ‘The Work of War after the Age of Mechanical Reproduction’ in Michael Bibby, *The Vietnam War and Postmodernity* (Amherst, 1999), pp. 17–47
- Cline, William R., *International Debt: Systemic Risk and Policy Response* (Washington, 1984)
- Cohn, Carol, ‘Sex and Death in the Rational World of Defense Intellectuals’ (1987) 12 *Signs* 687–718
- Cover, Robert M., ‘Foreword: Nomos and Narrative’ (1983) 97 *Harvard Law Review* 4–68
- ‘Violence and the Word’ in Martha Minow, Michael Ryan and Austin Sarat (eds.), *Narrative, Violence, and the Law: the Essays of Robert Cover* (Ann Arbor, 1992), pp. 203–38

- Crawford, James, 'The Right of Self-Determination in International Law: its Development and Future' in Philip Alston (ed.), *Peoples' Rights* (Oxford, 2001), pp. 7-67
- D'Amato, Anthony, 'Book Review: Rebecca Cook (ed.), *Human Rights of Women: National and International Perspectives*' (1995) 89 *American Journal of International Law* 840-4
- 'Is International Law Really "Law"?' (1985) 79 *Northwestern University Law Review* 1293-1314
- Davies, Margaret, 'The Heterosexual Economy' (1995) 5 *Australian Feminist Law Journal* 27-46
- Deleuze, Gilles and Guattari, Félix, *Anti-Oedipus: Capitalism and Schizophrenia*, (trans. Robert Hurley, Mark Seem and Helen R. Lane, Minneapolis, 1983)
- Denton, Jenny, 'Whose Agendas? East Timor Suffers under Weight of World Plans', *Canberra Times*, 14 April 2001
- Derrida, Jacques, 'Force of Law: the "Mystical Foundation of Authority"' in Drucilla Cornell, Michel Rosenfeld and David Gray Carlson (eds.), *Deconstruction and the Possibility of Justice* (London, 1992), pp. 3-67
- Specters of Marx: the State of the Debt, the Work of Mourning, and the New International* (New York, 1992)
- Dillon, Michael, 'The Sovereign and the Stranger' in Jenny Edkins, Nalini Persram and Véronique Pin-Fat, *Sovereignty and Subjectivity* (Boulder, 1999), pp. 117-40.
- Dirlik, Arif, 'The Postcolonial Aura: Third World Criticism in the Age of Global Capitalism' (1994) 20 *Critical Inquiry* 328
- Douzinas, Costas, *The End of Human Rights* (Oxford, 2000)
- Drahos, Peter, 'Global Property Rights in Information: the story of TRIPS at the GATT' (1995) *Prometheus* 6-19
- Drakulic, Slavenka, 'Bosnia, or What Europe Means to Us' in Marjorie Agosin, *A Map of Hope: Women's Writing on Human Rights* (London, 1999), pp. 223-9
- Drew, Catriona, 'The East Timor Story: International Law on Trial' (2001) 12 *European Journal of International Law* 651-84
- Duncanson, Ian, 'Scripting Empire: the "Englishman" and Playing for Safety in Law and History' (2000) 24 *Melbourne University Law Review* 952-64
- Dupuy, Alex, *Haiti in the New World Order* (Colorado, 1997)
- Eagleton, Terry, 'Ideology and its Vicissitudes in Western Marxism' in Slavoj Žizek (ed.), *Mapping Ideology* (London, 1994), pp. 179-226
- Eckstaedt, Anita, 'Two Complementary Cases of Identification Involving "Third Reich" Fathers' (1986) 67 *International Journal of Psycho-Analysis* 317-27
- Elliott, Anthony, '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

- Enloe, Cynthia, *The Morning after: Sexual Politics at the End of the Cold War* (Berkeley, 1993)
- Escobar, Arturo, *Encountering Development: the Making and Unmaking of the Third World* (Princeton, 1995)
- Falk, Richard, 'The Haiti Intervention: a Dangerous World Order Precedent for the United Nations' (1995) 36 *Harvard International Law Journal* 341–58
- Fanon, Frantz, *Black Skin, White Masks* (New York, 1967)
- Farer, Tom J., 'Intervention in Unnatural Humanitarian Emergencies: Lessons of the First Phase' (1996) 18 *Human Rights Quarterly* 1–22
 'A Paradigm of Legitimate Intervention' in Lori Fisler Damrosch, *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York, 1993), p. 316
- Fenrick, W. J., 'Targeting and Proportionality during the NATO Bombing Campaign against Yugoslavia' (2001) 12 *European Journal of International Law* 489–502
- Fitzpatrick, Daniel, 'Land Claims in East Timor: a Preliminary Assessment' (2001) 3 *Australian Journal of Asian Law* 135–66
- Foucault, Michel, 'Two Lectures' in Colin Gordon (ed.), *Power-Knowledge: Selected Interviews and Other Writings 1972–1977* (trans. Colin Gordon, Leo Marshall, John Mepham and Kate Soper, New York, 1980), pp. 78–108
The History of Sexuality: an Introduction (trans. Robert Hurley, 3 vols., London, 1980), vol. I
- Franck, Thomas M., 'Terrorism and the Right of Self-Defense' (2001) 95 *American Journal of International Law* 839–43
 'The Emerging Right to Democratic Governance' (1992) 86 *American Journal of International Law* 46–91
- Freud, Sigmund, '"A Child Is Being Beaten": a Contribution to the Study of the Origin of Sexual Perversions' in *The Standard Edition of the Complete Psychological Works of Sigmund Freud* (trans. James Strachey, Anna Freud, Alix Strachey and Alan Tyson, 24 vols., London, 1955), vol. XVII, pp. 179–204
 'Civilization and its Discontents' in James Strachey (ed.), *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Volume XXI (London, 1961), pp. 64–145
 'Fetishism' in James Strachey (ed.), *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Volume XXI (London, 1961), pp. 152–7
- Frow, John, 'Information as Gift and Commodity' (1996) Sept/Oct *New Left Review* 89–108
- Fuss, Diana, *Identification Papers* (New York, 1995)
- Gandhi, Leela, *Postcolonial Theory: a Critical Introduction* (St Leonards, 1998)
 'The Dialectics of Globalisation' in Christopher Palmer and Iain Topliss (eds.), *Globalising Australia* (Melbourne, 2000), pp. 133–9

- Gardam, Judith Gail, 'Proportionality and Force in International Law' (1993) 87 *American Journal of International Law* 391-413
- Gatens, Moira, *Imaginary Bodies: Ethics, Power and Corporeality* (London, 1996)
- Gathii, James Thuo, 'Neoliberalism, Colonialism and International Governance: Decentering the International Law of Governmental Legitimacy' (2000) 98 *Michigan Law Review* 1996-2055
- Gavlak, Dale, 'Still Suffering Nonsuffrage in "Liberated" Kuwait' 3 Ms. 14
- George, Jim, 'Quo Vadis Australia? Framing the Defence and Security Debate beyond the Cold War' in Graeme Cheeseman and Robert Bruce (eds.), *Discourses of Danger & Dread Frontiers: Australian Defence and Security Thinking after the Cold War* (St Leonards, 1996), pp. 10-48
- Gerson, Allan, 'Peace Building: the Private Sector's Role' (2001) 95 *American Journal of International Law* 102-19
- Gibson-Graham, J. K., *The End of Capitalism (As We Knew It): a Feminist Critique of Political Economy* (Cambridge, 1996)
- Giddens, Anthony, *Runaway World: How Globalisation Is Reshaping our Lives* (London, 1999)
- Glennon, Michael J., 'The New Interventionism: the Search for a Just International Law' (1999) 78 *Foreign Affairs* 2-7
- Gordenker, Leon and Weiss, Thomas G., 'The Collective Security Idea and Changing World Politics' in Thomas G. Weiss (ed.), *Collective Security in a Changing World* (Boulder and London, 1993)
- Gourevitch, Philip, *We Wish to Inform You that Tomorrow We Will Be Killed with our Families* (London, 1999)
- Gowan, Peter, 'Neo-Liberal Theory and Practice for Eastern Europe' (1995) 213 *New Left Review* 3-60
- 'The NATO Powers and the Balkan Tragedy' (1999) 234 *New Left Review* 83-105
- Grbich, Judith, 'Taxation Narratives of Economic Gain: Reading Bodies Transgressively' (1997) 5 *Feminist Legal Studies* 131-7
- 'The Body in Legal Theory' in Martha Fineman and Nancy Thomadsen (eds.), *At the Boundaries of Law: Feminism and Legal Theory* (New York, 1991), pp. 61-76
- 'The Scent of Colonialism: *Mabo*, *Eucalyptus* and Excursions within Legal Racism' (2001) 15 *Australian Feminist Law Journal* 121-48
- Griffin, Susan, *A Chorus of Stones: the Private Life of War* (New York, 1992)
- Grosz, Elizabeth, *Jacques Lacan: a Feminist Introduction* (Sydney, 1990)
- Guest, Krysti Justine, 'Exploitation under Erasure: Economic, Social and Cultural Rights Engage Economic Globalisation' (1997) 19 *Adelaide Law Review* 73-93
- Halperin, Morton H. and Scheffer, David J. with Small, Patricia L., *Self-Determination in the New World Order* (Washington, 1992)
- Haraway, Donna J., *Modest_Witness@Second_Millennium* (New York, 1997)

- Primate Visions: Gender, Race, and Nature in the World of Modern Science* (New York, 1989)
- Hathaway, James C., 'The Single Superpower and the Future of International Law' (2000) 94 *American Society of International Law Proceedings* 67–9
- Henkin, Louis, 'Kosovo and the Law of "Humanitarian Intervention"' (1999) 93 *American Journal of International Law* 824–8
- Hippler, Jochen, 'Democratisation of the Third World after the End of the Cold War' in Jochen Hippler (ed.), *The Democratisation of Disempowerment: the Problem of Democracy in the Third World* (London, 1995), pp. 1–31
- Howland, Todd, 'Mirage, Magic, or Mixed Bag? The United Nations High Commissioner for Human Rights' Field Operation in Rwanda' (1999) 21 *Human Rights Quarterly* 1–55
- Howse, Robert, 'From Politics to Technocracy – and Back Again: the Fate of the Multilateral Trading Regime' (2002) 96 *American Journal of International Law* 94–117
- Human Rights Watch, *Civilian Deaths in the NATO Air Campaign* (2000) *World Report 2000*
- Hyland, Tom and Murdoch, Lindsay, 'The Future Begins Here', *The Age*, 18 May 2002, Insight, p. 3
- Ignatieff, Michael, 'Is the Human Rights Era Ending?', *The New York Times*, 5 February 2002
- Virtual War: Kosovo and beyond* (London, 2001)
- IMF, Donors' Meeting on East Timor, Staff Statement by Stephen Schwartz, Deputy Division Chief, IMF Asia and Pacific Department, Dili, 14–15 May 2002, <http://www.imf.org/external/np/dm/2002/051402.htm> (accessed 28 June 2002)
- Donors' Meeting on East Timor, Statement by Stephen Schwartz, Deputy Division Chief, IMF Asia and Pacific Department, Oslo, 11–12 December 2001
- Irigaray, Luce, *This Sex Which Is Not One* (trans. Catherine Porter, Ithaca, 1985)
- Jeffords, Susan, *Hard Bodies: Hollywood Masculinity in the Reagan Era* (New Brunswick, 1994)
- Jopson, Debra, Mann, Simon and Seccombe, Mike, 'Ministers Tell UN Lobbyists: Stop Meddling', *Sydney Morning Herald*, 21 July 2000
- Kampelman, Max M., 'Foreword' in Lori Fisler Damrosch, *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York, 1993), p. vii
- Kaplan, E. Ann, *Looking for the Other: Feminism, Film and the Imperial Gaze* (New York, 1997)
- Kennedy, David, 'A New World Order: Yesterday, Today and Tomorrow' (1994) 4 *Transnational Law and Contemporary Problems* 329–75
- 'Images of Religion in International Legal Theory' in Mark Janis (ed.), *The Influence of Religion on the Development of International Law* (Dordrecht, 1991), p. 137

- 'Receiving the International: What's the Public/Private Distinction Got to Do with It?', paper presented at the New York University Institute for Law and Society, 3 March 1995
- 'Spring Break' (1985) 63 *Texas Law Review* 1377-1423
- 'The Disciplines of International Law and Policy' (1999) 12 *Leiden Journal of International Law* 9
- 'The International Style in Postwar Law and Policy' (1994) 1 *Utah Law Review* 7-103
- 'When Renewal Repeats: Thinking against the Box' (2000) 32 *New York University Journal of International Law and Policy* 335-500
- Kennedy, Roseanne, 'Global Mourning, Local Politics' in Re:Public (ed.), *Planet Diana: Cultural Studies and Global Mourning* (Nepean, 1997), pp. 49-53
- Knightley, Philip, 'Fighting Dirty', *Guardian Weekly*, March 30-April 5, 2000, p. 23
- Korhonen, Outi, *International Law Situated: an Analysis of the Lawyer's Stance towards Culture, History and Community* (The Hague, 2000)
- Koskenniemi, Martti, 'National Self-Determination Today: Problems of Legal Theory and Practice' (1994) 43 *International and Comparative Law Quarterly* 241-69
- 'The Police in the Temple. Order, Justice and the United Nations: a Dialectical View' (1995) 6 *European Journal of International Law* 325-48
- From Apology to Utopia: the Structure of International Legal Argument* (Helsinki, 1989)
- La'o Hamutuk, 'LH Editorial: Charity or Justice?', 1(2) *The La'o Hamutuk Bulletin*, July 2000, <http://www.etan.org/lh/bulletin02.html> (accessed 20 February 2002)
- 'The International Monetary Fund in East Timor', 2(3) *The La'o Hamutuk Bulletin*, June 2001, <http://www.etan.org/lh/bulletinv2n3.html> (accessed 20 February 2002)
- 'The World Bank in East Timor', 1(4) *The La'o Hamutuk Bulletin*, December 2000, <http://www.etan.org/lh/bulletin04.html> (accessed 20 February 2002)
- Lacan, Jacques, *Ecrits: a Selection* (trans. Alan Sheridan, London, 1977)
- Laursen, Andreas, 'NATO, the War over Kosovo, and the ICTY Investigation' (2002) 17 *American University International Law Review* 765-814
- Lawrence, Thomas, *The Principles of International Law* (London, 1895)
- Lindqvist, Sven, *A History of Bombing* (London, 2001)
- Lobel, Jules, 'The Benefits of Legal Restraint' (2000) 94 *American Society of International Law Proceedings* 304-6
- Locke, John, *Second Treatise of Government* (Cambridge, 1970)
- Macaulay, Thomas Babington, 'Speeches in the House of Commons, dated 2 February, 1835' in G. W. Young (ed.), *Speeches* (Oxford, 1935), pp. 153-4
- MacNeil, William, 'Law's *Corpus Delicti*: the Fantasmatic Body of Rights Discourse' (1998) 9 *Law and Critique* 37-57
- Malcolm, Noel, *Bosnia: a Short History* (London, 1996)

- Mandel, Michael, 'Politics and Human Rights in International Criminal Law: Our Case against NATO and the Lessons to Be Learned from it' (2001) 25 *Fordham International Law Journal* 95-128
- Marx, Karl, 'On the Jewish Question' in Jeremy Waldron (ed.), *Nonsense upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London, 1987)
- Matheson, Michael J., 'Justification for the NATO Air Campaign in Kosovo' (2000) 94 *American Society of International Law Proceedings* 301
- McClintock, Anne, *Imperial Leather: Race, Gender and Sexuality in the Colonial Conquest* (New York, 1995)
- Melvorn, L. R., *A People Betrayed: the Role of the West in Rwanda's Genocide* (London, 2000)
- Metzl, Jamie Frederic, 'Rwandan Genocide and the International Law of Radio Jamming' (1997) 91 *American Journal of International Law* 628-51
- Middle East Watch, *Needless Deaths in the Gulf War: Civilian Casualties during the Air Campaign and Violations of the Laws of War* (New York, 1991)
- Mikesell, Raymond F., 'Appraising IMF Conditionality: Too Loose, Too Tight, Or Just Right?' in John Williamson (ed.), *IMF Conditionality* (Washington, 1983), pp. 47-62
- Milivojevic, Marko, *The Debt Rescheduling Process* (London, 1985)
- Minear, Larry and Guillot, Philippe, *Soldiers to the Rescue: Humanitarian Lessons from Rwanda* (Paris, 1996)
- Minh-ha, Trinh T., *When the Moon Waxes Red: Representation, Gender and Cultural Politics* (New York, 1991)
- Moore, Mike, Statement to the 11th International Military Chiefs of Chaplains Conference, 9 February 2000, reprinted at <http://www.wto.org/wto/speeches/mm22.htm>, accessed 1 April 2000
- Morrison, Toni, *Playing in the Dark: Whiteness and the Literary Imagination* (London, 1992)
- Mulvey, Laura, *Fetishism and Curiosity* (London, 1996)
Visual and Other Pleasures (Bloomington, 1989)
- Murphy, Sean D., 'The Security Council, Legitimacy, and the Concept of Collective Security after the Cold War (1994) 32 *Columbia Journal of Transnational Law* 201-88
- Nanda, Ved P., Muther, Jr, Thomas F., and Eckert, Amy E., 'Tragedies in Somalia, Yugoslavia, Haiti, Rwanda and Liberia - Revisiting the Validity of Humanitarian Intervention under International Law - Part II' (1998) 26 *Denver Journal of International Law and Policy* 827-70
- Norris, Margot, 'Military Censorship and the Body Count in the Persian Gulf War' (1991) *Cultural Critique* 223-45
- Nowrot, Karsten and Schabacker, Emily W., 'The Use of Force to Restore Democracy: International Legal Implications of the ECOWAS Intervention in Sierra Leone' (1998) 14 *American University International Law Review* 321-412

- O'Kane, Maggie, 'I Feel the Madness More', *The Guardian Weekly*, 2-8 March 2000, p. 21
- Oloka-Onyango, J., 'Heretical Reflections on the Right to Self-Determination: Prospects and Problems for a Democratic Global Future in the New Millennium' (1999) 15 *American University International Law Review* 151-208
- Ondaatje, Michael, *Anil's Ghost* (London, 2001)
- Orford, Anne, 'Contesting Globalization: a Feminist Perspective on the Future of Human Rights' (1998) 8 *Transnational Law and Contemporary Problems* 171-98
- 'Globalisation and the Right to Development' in Philip Alston (ed.), *Peoples' Rights* (Oxford, 2001), pp. 127-84
- 'Locating the International: Military and Monetary Interventions after the Cold War' (1997) 38 *Harvard International Law Journal* 443-85
- 'Muscular Humanitarianism: Reading the Narratives of the New Interventionism' (1999) 10 *European Journal of International Law* 679-711
- 'The Politics of Collective Security' (1996) 17 *Michigan Journal of International Law* 373-411
- 'The Subject of Globalization: Economics, Identity and Human Rights' (2000) 94 *American Society of International Law Proceedings* 146-8
- 'The Uses of Sovereignty in the New Imperial Order' (1996) 6 *Australian Feminist Law Journal* 63-86
- Orford, Anne and Beard, Jennifer, 'Making the State Safe for the Market: the World Bank's *World Development Report 1997*' (1998) 22 *Melbourne University Law Review* 196-216
- Otto, Dianne, 'Everything Is Dangerous: Some Post-Structural Tools for Rethinking the Universal Knowledge Claims of Human Rights Law' (1999) 5 *Australian Journal of Human Rights* 17-47
- Peacock, Dorinda Lea, '“It Happened and It Can Happen Again”: the International Response to Genocide in Rwanda' (1997) 22 *North Carolina Journal of International Law and Commercial Regulation* 899-941
- Persram, Nalini, 'Coda: Sovereignty, Subjectivity, Strategy' in Jenny Edkins, Nalim Persram and Véronique Pin-Fat (eds.), *Sovereignty and Subjectivity* (Boulder, 1999), pp. 163-75
- Petersmann, Ernst-Ulrich, 'The WTO Constitution and Human Rights' (2000) 3 *Journal of International Economic Law* 19-25
- Peterson, V. Spike, 'The Politics of Identity and Gendered Nationalism' in Laura Neack, Patrick J. Haney and Jeanne A. K. Hey (eds.), *Foreign Policy Analysis in Its Second Generation: Continuity and Change* (New Jersey, 1995), pp. 167-86
- Petras, J. and Vieux, S., 'Bosnia and the Revival of US Hegemony' (1996) 218 *New Left Review* 3-25
- Pile, Steve, 'Freud, Dreams and Imaginative Geographies' in Anthony Elliott (ed.), *Freud 2000* (Victoria, 1998), pp. 204-34

- Powell, Secretary Colin L., *Afghan Women*, Remarks at the Eisenhower Executive Office Building, Washington, 19 November 2001, <http://www.state.gov/secretary/rm/2001/6229.htm> (accessed 27 February 2002)
- Power, Samantha, 'Bystanders to Genocide: Why the United States Let the Rwandan Tragedy Happen', *The Atlantic Online*, September 2001, <http://www.theatlantic.com/issues/2001/09/power.htm>, accessed 4 April 2002
- Provost, René, 'Starvation as a Weapon: Legal Implications of the United Nations Food Blockade against Iraq and Kuwait' (1992) 30 *Columbia Journal of Transnational Law* 577-639
- Prunier, Gérard, *The Rwanda Crisis: History of a Genocide* (New York, 1995)
- Puren, Nina and Rush, Peter, 'Fatal (F)laws', *Law & Critique* (forthcoming)
- Puren, Nina and Young, Alison, 'Signifying Justice: Law, Culture and the Questions of Feminism' (1999) 13 *Australian Feminist Law Journal* 3-12
- Race, Kane, 'The Beast with Two Backs: Bodies/Selves/Integrity' (1997) 9 *Australian Feminist Law Journal* 24-44
- Reisman, W. Michael, 'In Defense of World Public Order' (2001) 95 *American Journal of International Law* 833-35
- 'Some Lessons from Iraq: International Law and Democratic Politics' (1991) 16 *Yale Journal of International Law* 203-15
- 'The Constitutional Crisis in the United Nations' (1993) 87 *American Journal of International Law* 83-100
- Rhodes-Little, Andrea, 'Review Essay: Who Do We Think "We" Are' (1997) 8 *Australian Feminist Law Journal* 149-61
- Rhys, Jean, *Wide Sargasso Sea* (London, 1968)
- Richardson III, Henry J., 'The Gulf Crisis and African-American Interests under International Law' (1993) 87 *American Journal of International Law* 42-82
- Riles, Annelise, 'Global Designs: the Aesthetics of International Legal Practice' (1993) 93 *American Society of International Law Proceedings* 28-34
- Robertson, Geoffrey, *Crimes against Humanity: The Struggle for Global Justice* (Ringwood, 1999)
- Rogin, Michael, '“Make My Day!”: Spectacle as Amnesia in Imperial Politics [and] the Sequel' in Amy Kaplan and Donald E. Pease (eds.), *Cultures of United States Imperialism* (1993), p. 499
- Rose, Jacqueline, *States of Fantasy* (Oxford, 1996)
- The Haunting of Sylvia Plath* (London, 1992)
- Ross, Kristin, *Fast Cars, Clean Bodies: Decolonization and the Reordering of French Culture* (Cambridge, 1996)
- Roth, Brad R., 'Governmental Illegitimacy and Neocolonialism: Response to Review by James Thuo Gathii' (2000) 98 *Michigan Law Review* 2056-71
- Ruffert, Matthias, 'The Administration of Kosovo and East Timor by the International Community' (2001) 50 *International and Comparative Law Quarterly* 613-31
- Sachs, Jeffrey, 'What Is to Be done?' *The Economist*, 13 January 1990, p. 19

- Said, Edward W., *Culture and Imperialism* (London, 1993)
Orientalism (London, 1978)
 'Protecting the Kosovars?' (1999) 234 *New Left Review* 73–5
- Salecl, Renata, *The Spoils of Freedom: Psychoanalysis and Feminism after the Fall of Socialism* (London, 1994)
- Samary, Catherine, 'Behind the Breakup of Yugoslavia' (1993) 45 *Labour Focus on Eastern Europe* 27–30
- Santner, Eric L., *My Own Private Germany: Daniel Paul Schreber's Secret History of Modernity* (Princeton, 1996)
- Sartre, Jean-Paul, *Existentialism and Humanism* (trans. Philip Mairet, New York, 1948)
- Scarry, Elaine, *The Body in Pain: the Making and Unmaking of the World* (New York, 1985)
- Schachter, Oscar, 'United Nations Law in the Gulf Conflict' (1991) 85 *American Journal of International Law* 452–73
International Law in Theory and Practice (Dordrecht, 1991)
- Schroeder, Jeanne Lorraine, 'Juno Moneta: on the Erotics of the Marketplace' (1997) 54 *Washington and Lee Law Review* 995
- Sedgwick, Eve, *Tendencies* (Durham, 1993)
- Sforza, Julie M., 'The Timor Gap Dispute: the Validity of the Timor Gap Treaty, Self-Determination, and Decolonization' (1999) 22 *Suffolk Transnational Law Review* 481–528
- Shiva, Vandana, 'The Greening of the Global Reach' in Wolfgang Sachs (ed.), *Global Ecology: a New Arena of Political Conflict* (London, 1993), pp. 149–56
- Silverman, Kaja, *The Subject of Semiotics* (New York, 1983)
- Simma, Bruno, 'NATO, the UN and the Use of Force: Legal Aspects' (1999) 10 *European Journal of International Law* 1–22
- Simma, Bruno and Paulus, Andreas L., 'The Responsibility of Individuals for Human Rights Abuses in Internal Conflicts: a Positivist View' (1999) 93 *American Journal of International Law* 302–16
- Simpson, Gerry, 'The Diffusion of Sovereignty: Self-Determination in the Post-Colonial Age' (1996) 32 *Stanford Journal of International Law* 255–86
 'Out of Law' in *International Legal Challenges for the Twenty-First Century: Proceedings of a Joint Meeting of the Australian and New Zealand Society of International Law and the American Society of International Law* (Canberra, 2000)
 'The Situation on the International Legal Theory Front: the Power of Rules and the Rule of Power' (2000) 11 *European Journal of International Law* 439–64
- Sinclair, Scott and Grieshaber-Otto, Jim, *Facing the Facts: a Guide to the GATS Debate* (Canada, 2002)
- Spivak, Gayatri Chakravorty, *A Critique of Postcolonial Reason: toward a History of the Vanishing Present* (Cambridge, 1999)
In Other Worlds (New York, 1988)

- The Postcolonial Critic: Interviews, Strategies, Dialogues* (ed. Sarah Harasym, New York, 1990)
- Stanič, Ana, 'Financial Aspects of State Succession: the Case of Yugoslavia' (2001) 12 *European Journal of International Law* 751-79
- Steele, Jonathon, 'Aid Workers Protest at Nato's Role', *Guardian Weekly*, 6 June 1999, p. 23
- Steinberg, James B., 'International Involvement in the Yugoslavia Conflict' in Lori Fisler Damrosch, *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York, 1993), p. 27
- Stopford, Michael, 'Locating the Balance: the United Nations and the New World Disorder' (1994) 34 *Virginia Journal of International Law* 685-99
- Talpade Mohanty, Chandra, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' in Chandra Talpade Mohanty, Ann Russo and Lourdes Torres (eds.), *Third World Women and the Politics of Feminism* (Bloomington, 1991), pp. 51-80
- Taylor, Diana, 'Spectacular Bodies: Gender, Terror and Argentina's "Dirty War"' in Miriam Cooke and Angela Woollacott (eds.), *Gendering War Talk* (Princeton, 1993), pp. 20-40
- Tesón, Fernando R., 'Collective Humanitarian Intervention' (1996) 17 *Michigan Journal of International Law* 323-71
- Tharoor, Shashi, 'The Changing Face of Peace-Keeping and Peace-Enforcement' (1995) 19 *Fordham International Law Journal* 408-26
- Threadgold, Terry, 'Book Review: *Law and Literature: Revised and Enlarged Edition* by Richard Posner' (1999) 23 *Melbourne University Law Review* 830-43
- 'Introduction' in Terry Threadgold and Anne Cranny-Francis (eds.), *Feminine, Masculine and Representation* (Sydney, 1990), pp. 1-35
- Tickner, J. Ann, 'Inadequate Providers? A Gendered Analysis of States and Security' in Joseph A. Camilleri, Anthony P. Jarvis and Albert J. Paolini (eds.), *The State in Transition: Reimagining Political Space* (Boulder, 1995), pp. 125-37
- Trindade Neves de Camoes, Jorge, 'East Timor Today: Perspectives from the Grassroots', paper presented at a seminar on UNAMET, INTERFET, UNTAET, International NGOs, World Bank, and 'Paraquedistas': *Are They Helping or Obstructing the Nation-Building Process in East Timor?*, The Australian National University, 2 March 2000
- Urquhart, Brian, 'Learning from the Gulf' in Mara R. Bustelo and Philip Alston (eds.), *Whose New World Order? What Role for the United Nations?* (Leichhardt, 1991), p. 11
- US Department of State, *Report on the Taliban's War against Women*, 17 November 2001, <http://www.state.gov/g/drl/rls/c4804.htm> (accessed 27 February 2002)
- Uvin, Peter, *Aiding Violence: the Development Enterprise in Rwanda* (Connecticut, 1998)

- Weedon, Chris, *Feminist Practice and Poststructuralist Theory* (Cambridge, 1987)
- Weiler, J. H. H., 'The Rule of Lawyers and the Ethos of Diplomats' (2001) 35 *Journal of World Trade* 191–207
- 'Balancing National Regulatory Sovereignty with the Discipline of Free Trade', The Sir Kenneth Bailey Memorial Lecture, University of Melbourne, 15 August 2001
- Weiss, Thomas G., '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
- Wensley, Penny, Ambassador and Permanent Representative of Australia to the United Nations, *Statement at the Open Meeting on Women and Peace and Security of the United Nations Security Council*, 24 October 2000, www.un.int/australia/Statements/PS_Statements.htm (accessed 23 August 2001)
- Westlake, John, *Chapters on the Principles of International Law* (Cambridge, 1894)
- Wilde, Ralph, 'From Bosnia to Kosovo and East Timor: the Changing Role of the United Nations in the Administration of Territory' (2000) 6 *ILSA Journal of International and Comparative Law* 467–71
- Williams, Andrew, '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
- Williams, Patricia J., 'Law and Everyday Life' in Austin Sarat and Thomas R. Kearns (eds.), *Law in Everyday Life* (Ann Arbor, 1993), pp. 171–90
- The Rooster's Egg: on the Persistence of Prejudice* (Cambridge, 1995)
- Woodward, Susan L., *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, 1995)
- World Bank East Asia and Pacific Region, *Background Paper Prepared for the Information Meeting on East Timor*, 29 September 1999
- World Bank Group, 'World Bank Freezes All New Loans to Indonesia', *Development News*, 23 September 1999.
- World Bank, East Timor: Donors Applaud East Timor's National Development Plan, Dili, 15 May 2002, <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/O,contentMDK:20045490~menuPK:34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html> (accessed 28 June 2002)
- World Bank, Donors' Meeting on East Timor, Staff Statement by Stephen Schwartz, Deputy Division Chief, IMF Asia and Pacific Department, Dili, 14–15 May 2002, <http://www.imf.org/external/np/dm/2002/051402.htm> (accessed 28 June 2002)
- Indonesia: Country Assistance Strategy – Progress Report*, 16 February 1999
- Report of the Joint Assessment Mission to East Timor*, 8 December 1999

- Wright, Shelley, 'The Horizon of Becoming: Culture, Gender and History after September 11' (2002) *Nordic Journal of International Law* (forthcoming)
- International Human Rights, Decolonisation and Globalisation: Becoming Human* (London, 2001)
- Young, Alison, *Femininity in Dissent* (London, 1990)
- Žižek, Slavoj, *Tarrying with the Negative: Kant, Hegel and the Critique of Ideology* (Durham, 1993)

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