

LIBERAL INDIVIDUALISM MEETS CONSERVATIVE PASSION:
INTERNATIONAL LEGAL RESPONSES TO ETHNICITY
IN ETHNIC CONFLICTS, AND BEYOND

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While the end of the Cold War engendered the hope of liberal-democratic “progress” and peace, simultaneous eruption of violent ethnic conflicts brought the issue of “ethnicity”—a primitive notion in the liberal understanding—to the forefront to coexist with normative individualism. In this paper, I argue that international lawyers’ treatment of ethnicity along the lines of liberal and conservative traditions informs their response to ethnic conflicts. Further, this paper explains how the engagements of the post-Cold War international lawyers with “ethnicity” reveal the inherent limitations of the liberal international law itself in relation to ethnic conflicts. The paper also demonstrates how international lawyers attempt to reconcile these traditions in order to work out pragmatic solutions for ethnic conflicts, and what normative issues this reconciliatory approach engenders.

On April 6, 1992, a crowd of demonstrators estimated at over 50,000 gathered in front of the Bosnian parliament building in Sarajevo to demonstrate for peace in Bosnia and Herzegovina. The demonstrators were members of all three of Bosnia’s largest nationalities: Serbs, Croats, and Bosnian Muslims. Directly across the street, from the upper floors of the ultra-modern Holiday Inn built for the 1984 Winter Olympics, heavily-armed Serbian militiamen fired randomly into the crowd, killing and wounding dozens of the peace demonstrators. This cavalier