INTRODUCTION: YUGOSLAVIA DISMANTLED AND INTERNATIONAL LAW

ABSTRACT. Yugoslavia existed as a country for several decades. Competing explanatory narratives as to why and how this state ceased to exist—labeled “the self-destruction of Yugoslavia” and “the Hegemon did it”—are contrasted, and connected to two related viewpoints on the question “What role did international law play in the process of dismantling Yugoslavia?”: “reformist optimism” and “traditionalist realism”. It is argued that the former position leads not only to the marginalization of state sovereignty, but also impunitism, genocidalism, human-rightism, and most alarmingly to the decriminalization of aggression. A brief review of essay contributions to this special issue on “Yugoslavia Dismantled and International Law” offers a further argument in favor of traditionalist realism as the preferred position to take regarding the current state of international relations and international law. In this regard, the case of Yugoslavia is extremely instructive.

The state of Yugoslavia (so named in 1929) had been in existence from the end of World War I (initially named Kingdom of Serbs, Croats and Slovenes) until the 1990s when it was dismantled. In 1992 the name stood for only two (Serbia and Montenegro) out of six socialist republics that made up the post World War II Democratic Federal Yugoslavia (in 1963 renamed Socialist Federal Republic of Yugoslavia). Since 2003, Yugoslavia is literally no longer, as no country bears that name. So, what happened to this state — Yugoslavia — that was in existence for roughly eight decades? What role did international law play in achieving the final outcome? And what is the semiotic significance of the international legal narrative regarding Yugoslavia’s dismantlement?

These are broad questions, and represent only the outer limits of the general theme the articles (and book review) assembled in this special issue try to address. Still, on the question of “What happened to Yugoslavia?” we can discern two broad categories of answers. In the ever growing, generally unanimous, and quite repetitive literature (including endlessly recurring pronouncements by politicians or activists) on this question, the dominant view in the West, without a doubt, is that Yugoslavia fell apart once various internal contradictions could no longer be kept under control. Call this “the self-destruction of Yugoslavia” account of how it all played out. The competing account which offers to explain how the state of Yugoslavia ceased to exist focuses on the emergence, in the
post Cold War period, of the agency of a single, unchallenged superpower: the United States of America. Call this “the Hegemon did it” account of how Yugoslavia was dismantled.

A similar polarization can be identified between two camps offering answers to the second question: “What role did international law play in the Yugoslavia’s end game?” While on the one side there are those who offer encouraging accounts of the reform of international law as a result of attempts to be creative in its applications to the events in Yugoslavia during 1990s, there are, on the other side, those who hold the contrary view, that it was precisely the instrumentalization of international law (and the UN) by the superpower that doomed Yugoslavia. Already, very early in the 1990s, and throughout that decade, Yugoslavia became a veritable playground for testing various policies of the phantom “international community” (often used euphemistically to refer to the lone superpower) inevitably justified in terms of applying (often novel forms of) international law (typically through various resolutions of the UN). These policies, in reality social experiments on a grand scale, ranged from an early imposition of economic sanctions against Yugoslavia in the name of “human rights” to the 78-day humanitarian bombing of the country by NATO in 1999 (the operation was called “Merciful Angel”).

Regarding all these initiatives a vast literature was developed in their support by scholars, activists, and activist scholars, who see as the end result positive reform of international law. Call this position: “the reformist optimism”. A much smaller number of scholars, whose voice it is not easy to hear through the thunders of the former group, has struck cautionary notes that these “reforms” — rather than moving things in positive direction — in fact debase any decent conception of law. Call this position: “the traditionalist realism”.

The contrast between reformist optimism and traditionalist realism cannot be overstated. For example, while proponents of the former position view the state sovereignty as a relic of bygone era and praise globalization (no surprise then that on the question of “What happened to Yugoslavia?” they all adhere to the “self-destruction” theory), advocates of the latter perspective insist on the values of sovereignty and caution against predatory globalization (no surprise there either if we learn that they find as more plausible “the Hegemon did it” theory on the dismantling of Yugoslavia). But the greatest disparity between the two views lies in the