Two Faces of Multiculturalism in
Present International Law

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I. Introduction

With Edward McWhinney I became friends on his initiative. The Basel Session of our Institute of International Law took place between 26 August and 3 September 1991, in a dramatic period for Croatia. After the brutal and unconstitutional suppression of the autonomy of Kosovo and Voyvodina that had happened already in the beginning of 1989, and after the short conflict in Slovenia between 26 June and 7 July 1991, Croatia was then the main target of the brutal attacks by the Yugoslav Federal Army and Serb insurgents. That culminated later on the same year in the siege of Dubrovnik and the fall of Vukovar with the ensuing massacre of the wounded from the City hospital.

My Confrère Edward McWhinney was at that time well aware of all these events and he expressed his sympathies to me. For him that was not just a Balkanic war in which the aggressor and his victims could not be distinguished. In addition, he proved knowledgeable of various groups of Yugoslav immigrants in his native Canada. He thus detected among Croats a nostalgic group remaining of the Fascist regime from World War II, and the other one democratic. He told me that among the Serbs there were as many as three groups: one monarchist, another titoist, and the third one moderate democrats.

Hence our friendship deepened in light of McWhinney’s special knowledge and interest of what happened in the former Yugoslavia later on. The

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conflict continued in Bosnia-Herzegovina in 1992, and it ended in 1999 in Kosovo. He is not a person for quick impression and stereotypes, which he also proved in organizing the excellent Session of our Institute in Vancouver in 2001.

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At the time I got the invitation to prepare an article for the Essays in honour of my friend Edward McWhinney, I did not feel that I was an expert on Multiculturalism in present International Law. So, I began with research among the contributions on this subject-matter in a broad sense, in the collected papers dedicated to my confrères and other colleagues, to which I also contributed albeit on different topics. To this I must add a precious book by our confrère François Rigaux: Guerres et interventions dans le Sud-est européen, published by Pedone in Paris in 2004. Of course, in this the writings by Samuel Huntington cannot be neglected.

In these materials collected *ad hoc*, I found some precious writings on Multiculturalism from which I myself have learned a lot, along with some simplified allegations which seek to be clarified.

II. The Notion of Culture (Civilization) and Its Different Types

For the purposes of the present analysis “multiculturalism” means various civilizations in the present international community of sovereign States.\(^1\) When we take into account various legal traditions, we connect “cultures” more often than not with different religious teachings and the philosophies based on in particular societies.

Judge C.G. Weeramantry from Sri Lanka made particular efforts in search of the concepts of traditional law in major global traditions, in order to

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\(^1\) Hence, Le Petit Robert defines “culture”, *inter alia*, as “Ensemble des aspects intellectuels d’une civilisation: La culture gréco-latine, Culture occidentale, orientale. La culture française”. “Civilization” is: “ensemble de phénomènes sociaux (religieux, moraux, esthétiques, scientifiques, techniques) communs à une grande société ou à un groupe de sociétés. Civilisation chinoise, égyptienne, grecque. Les civilisations pré-colombiennes d’Amérique. Civilisation occidentale…. ”