

**Nonviolent Resistance and
International Governmental
Organisations**

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**Unarmed Resistance:
the transnational factor**

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Nonviolent Resistance and International Governmental Organisations

This paper explores an issue not widely covered in the literature on nonviolent resistance: the possible role of international governmental organisations (IGOs) in assisting popular campaigns against political oppression, social injustice, environmental damage or war.

It begins by putting forward a 'liberal internationalist' model of the world in which those engaging in nonviolent resistance can increasingly appeal both to international law and to IGOs to constrain national governments

This idealised model is then contrasted with ideological approaches which are cynical about international law and see IGOs merely as instruments of great power or economic interests, or at best as arenas of conflicting interests, and therefore very suspect allies.

Then I argue for a highly qualified version of 'liberal internationalism', which accepts the influence of national and economic interests, but argues for the value of human rights international law and distinguishes between the role of different IGOs. I also note how various campaigns of nonviolent resistance have looked to international law and some IGOs for legitimacy and support.

Finally this paper raises questions about the role of the Organisation for Security and Cooperation in Europe (OSCE), which has a growing importance in the campaigns of people power against rigged elections in Eastern Europe and former Soviet states.

'Liberal Internationalism' and Setting International Norms

Liberal internationalism stresses certain aspects of globalisation: growing awareness of common interests and shared dangers, e.g. in health and the environment, and the increasing importance of international organisations in promoting cooperation and agreed policies. It also focuses on the strengthening of international law (often arising out of negotiations within IGOs or specific decisions, e.g. UN resolutions), the role of international courts and tribunals, and the willingness of some governments to incorporate international law into national legal systems. This approach suggests that complying with international norms has become more salient in national and international politics, with the creation of the international tribunals to try war crimes in ex-Yugoslavia and genocide in Rwanda, and the creation of the International Criminal Court in 1998.

So specific resistance campaigns can appeal to governments to honour agreements they have signed. The use made by Central and East European human rights activists, for example Charter 77, of the 'Basket Three' on human rights in the 1975 Helsinki Accords is an obvious example. Even if governments have not acceded to charters or agreements, protesters can appeal to the legitimacy of international law and try to mobilise international action.

Internationalism is also potentially strengthened by new forums for co-operation, policy making and charters at a regional level. In Africa the evolution of the Organisation for African Unity into the African Union, the African Charter of Human

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and Peoples' Rights of 1981 and the growth of African peace keeping activities illustrates regional potential. But Europe provides the main example of powerful regional law and institutions. The Council of Europe took steps to enforce the human rights enshrined in the European Convention by setting up a European Court and Commissioner, and from the outset stressed its democratic goals. The European Union (EU) has, throughout its evolving institutional history, linked expansion to political as well as economic criteria. Thus the EU can from a Kantian perspective be seen as extending and strengthening democratic principles among its members. The enthusiasm of Spain after Franco for entering the EC, compared with the bitter divisions over entry into NATO, illustrated that there is some popular acceptance of this view.

This liberal interpretation of globalisation gives weight to the role of international public opinion, and in particular to the evolution of transnational civil society. Indeed, international law and IGOs provide a framework within which transnational civil society bodies can operate, lobbying for new institutions, laws or policies, attending international conferences, for example on arms control, economic development or the environment, trying to influence the implementation of policies, and often cooperating in this implementation. So nonviolent resistance campaigns, which frequently appeal to public opinion beyond national borders, can reasonably see transnational civil society bodies as natural allies, which can in turn get support from IGOs.

A liberal internationalist interpretation of current trends draws on a body of thought derived from the Enlightenment and reflected in peace and human rights campaigns in the 19th and 20th centuries. A key strand in this approach has been belief in free trade and a market economy. Historically socialists and anarchists rejected this kind of liberal economic globalism, and today the triumph of a neoliberal version of capitalism means that many liberals also oppose IGOs like the IMF and WTO and the policies they promote. But a radical socialist or anarchist ideological stance implies total rejection of a model of liberal internationalism.

International Law and Organisations as a Facade

Within international relations theory a 'realist' view of international politics proposes that nation states with competing interests are inevitably in actual or potential conflict, and that only great powers can impose a degree of order. International law and IGOs then become the expression and instruments of the aims and ideology of the most dominant states. Thus, in a realist perspective, the Nuremberg and Tokyo trials at the end of World War Two were simply expressions of 'victors' justice'.

Where powerful interests collide IGOs become terrains of conflict, as the UN was divided into opposed ideological, military and economic blocs throughout the cold war. Any policy decision was dependent on a degree of compromise between the USA and USSR, although in the General Assembly the growing number of Third World countries could wield some influence - at least at a rhetorical level. In the 1990s there seemed a greater possibility of effective UN action in conflict areas, but in fact it was spectacularly ineffective, e.g. in Rwanda and Bosnia, partly due to the cynical process of policy-making in New York. International organisations that

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attempt to moderate conflicts or promote human rights, where their members are divided, are from a 'realist' standpoint necessarily ineffective. At best, they can only achieve marginal successes where powerful states are indifferent.

But since proponents of nonviolent resistance tend to lean towards the left, it is a radical socialist or anarchist perspective debunking liberal internationalism that is more relevant here. There is a 'critical' school within international relations theory that IGOs serve as instruments of US hegemony, promulgating rules that underpin US dominance and legitimating norms endorsed by the USA - although there is a degree of negotiation and adjustment to accommodate the interests of allies. A major source for a Marxist/socialist view is *New Left Review*, which has carried articles interpreting the International Tribunal on ex-Yugoslavia as a judicial arm of NATO, and on the UN in the 1990s as an instrument of the USA.

Socialist and other radical interpretations also tend to stress the power of multinationals in shaping the agenda of the IMF, World Bank and WTO. This is of course a theme taken up by theorists of the Global Justice Movement such as Naomi Klein, George Monbiot and Susan George. Whether the global capitalist system is an expression of US imperialist power or whether the US itself is (at least to some extent) subordinate to forces of global capitalism is open to debate on the left, but not theoretically critical here. What is relevant is whether the dominance of US/western economic and strategic interests in shaping the policy of IGOs such as the UN means that resisters should be as cautious about seeking assistance from IGOs as from the US government itself.

Arguing for a Qualified Liberal Internationalism

Whilst a liberal internationalist view that ignores the machinations of power politics or multinational corporate influence is clearly unsatisfactory, a reductive view that suggests international law and all IGOs are simply instruments of dominant strategic or economic interests is also misleading. Resistance movements have often found allies in IGOs and support from international law.

Although the Nuremberg and Tokyo trials were biased - only punishing the war crimes of the Germans and Japanese - they did establish the concepts of war crimes and crimes against humanity and the crucial principle that international law can require disobedience to the state, which have frequently been cited since in a variety of causes. The obligation to oppose genocide and war crimes has also since been elaborated in international law. Indeed, some national courts are beginning to accept an appeal to international law, as in the case of the British Ploughshares 1996 protest, which damaged a Hawk aircraft destined for potentially genocidal use in East Timor.

International institutions can also to some extent transcend the questionable activities of many of their members, and the values they represent do impose some constraints, partly because of public opinion, which in many places still tends to respect some IGOs, in particular the UN. Moreover, by virtue of belonging to IGOs governments are subject to some pressure to observe their rules and seek agreement. Governments that wish to flout these rules are partially constrained if earlier governments have signed up to them. Even the Bush Administration, which oscillates between

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rubbishing the UN and trying to bribe and browbeat members of the Security Council to accept US policy, does not feel free to ignore the international role of the UN altogether. The opposition to the 2003 Iraq War has stressed the status of UN resolutions (and the absence of specific UN authorisation for the invasion).

IGOs do of course depend on member states, but can be used as instruments by smaller states with an internationalist agenda to promote issues such as arms control, economic development, environmental protection, extension of human rights, etc. The role of the Scandinavian countries, Canada, or Australia under the 1990s Labor Government, in working through IGOs is significant. Of course, these countries sometimes flout international norms where their interests are at stake - viz Norway and whaling - and see their international diplomacy as a means of increasing their standing. But they do tend to be allies of democratic resistance movements, e.g. in South Africa and Burma.

It is important to distinguish between different IGOs when considering their potential to assist nonviolent resistance movements. NATO is obviously ruled out, even when it claims a peacekeeping role, both because of its military nature and of the unquestioned dominance of US strategic interests within it. The IMF and World Bank have been designed to give most weight to the US and western interests, and are primary institutional enforcers of neoliberal economics. The WTO might change somewhat if non-western countries continue the recent trend of organising to promote their own interests within it, but has so far been a key body for imposing the ideology and international rules of neoliberalism, and a natural target for the Global Justice Movement since Seattle.

Other IGOs such, as the EU, do offer support to resistance movements, though many of their policies may be questionable. The EU has adopted the European Convention of Human Rights, and the attractions of potential membership can encourage greater respect for citizens' rights and the democratic process within states seeking entry (e.g. in Turkey). The EU comments on human rights violations and sometimes takes part in election monitoring.

But the EU's endorsement of WTO rules means that neoliberal market requirements are part of the membership package, and its wider democracy promotion activities. At a global level the EU promotes neoliberalism aggressively (except where special national interests are at stake, as in agricultural subsidies), and is moving towards more neoliberal economic policies internally, so it is becoming a target for the Global Justice Movement. The increasing emphasis on a military role and military integration in the EU also raises problems. The Amsterdam Treaty of May 1999 envisaged a European Security and Defence dimension, and the EU agreed to create a rapid reaction force of up to 60,000. An Interim Military Committee was created in March 2000 and the Nice Conference of December 2000 officially adopted military tasks. US concern that the EU should not rival NATO has acted as a curb on EU military ambitions, but an EU military force is still being planned.

But the record and agenda of some IGOs as potential allies of autonomous nonviolent movements is more promising. The Council of Europe, for example, has a strong

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human rights emphasis - it expelled the Greek Junta from its ranks when NATO refused to do so - and has condemned repression of opposition in a range of regimes.

There are certainly examples of resistance campaigns gaining some legitimacy and support from IGOs, though such support has not been decisive in itself. The UN has been an important arena in the campaigns for decolonisation in Africa and Asia, and UN support (buttressed by the growing number of newly independent states) continued to be one element in the long struggle against apartheid. The UN Security Council responded to Sharpeville in 1961, the UN General Assembly voted for sanctions in October 1962, and the UN imposed a mandatory embargo on sale of weapons to South Africa in November 1971. The UN Security Council also called an emergency meeting after the June 1976 shooting of school children in Soweto.

The Ogoni people too sought international support and legitimacy for their struggle against Shell and the Nigerian military federal government from the UN. They launched an Ogoni Bill of Rights as part of their strategy to achieve autonomy within the Nigerian state, appealing to the African Charter of Human and Peoples' Rights and the UN Declaration to highlight government abuses. Kenule Saro-Wiwa also gained support from the Unrepresented Nations and Peoples Organisation (UNPO) to put the Ogoni case to the UN Working Group on Indigenous Populations, and used the UN Year of Indigenous People as a context for launching the Ogoni civil disobedience movement in January 1993.

As well as providing an international platform, solidarity and legitimacy to resisters, IGOs can help promote resolution of the conflict. UN observers, along with observers from the OAU, EC and the Commonwealth, provided support for a negotiated settlement in South Africa in the protracted talks between the government, ANC and other parties. The UN Observer Mission to South Africa provided election adjudicators and observers for the critical 1994 election, as well as playing a role in trying to promote reconciliation between Inkatha and the ANC.

International organisations can, however, be immobilised from effective intervention by the conflicting national/ideological interests of their members. For example, although the Burmese nonviolent opposition called for boycotts and sanctions, there were continuing governmental disagreements over whether isolation or engagement was the most effective strategy for promoting human rights and greater democracy. The UN did appoint a rapporteur to document human rights abuses in Burma and passed condemnatory resolutions, but China's active support for the Burmese (Myanmar) junta, and conflicting views on strategy among other key players, prevented further action. The Association of South-East Asian Nations (ASEAN), despite pleas from Aung San Suu Kyu, decided to admit Burma as a full member in 1997 - a policy promoted by the Suharto regime in Indonesia. The EU, whilst opposed to such formal recognition of the military regime, was divided over economic sanctions with the French and German governments opposing them. So transnational civil society groups reacted more positively to calls for a boycott, as the campaigns for disinvestment from Burma demonstrate.

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There are legitimate questions about the effects of sanctions - the UN sanctions imposed on Serbia in 1992 not only penalised ordinary Serbs and created opportunities for criminals to exploit shortages, but tended to strengthen Milosevic and the extreme nationalists. But if a major opposition movement calls for them, then IGOs should normally be prepared to respond.

People Power in Eastern Europe and the OSCE

Criticism of US (and West European) intervention to support popular movements in Eastern Europe and the former Soviet bloc has become standard on the left. It is therefore of particular interest to ask whether in the recent wave of people power protests against rigged elections IGOs have acted independently, or as agents for US and western strategic and economic interests as many leftist critiques would suggest. It is also of course relevant to ask about the role played by the Russian government - still a significant power in this region, generally supportive of regimes the west (and most exponents of nonviolent resistance) deem authoritarian, and a member of some of the relevant IGOs, notably the UN and OSCE.

A number of IGOs have been involved in condemning rigged elections in this region, including the Council of Europe and the EU. In the case of Serbia the EU also invoked the sanction of delaying moves towards future membership to underline its disapproval. But the most interesting organisation here is the OSCE, which, given its remit, seems more likely than many to offer independent support to resistance movements, and which even left wing analysts sometimes view kindly. So its role in relation to people power protests in Eastern Europe is the subject of this final discussion.

Originally set up in 1973 as the Council for Security and Cooperation in Europe, which drew up the 1975 Helsinki Accords and promoted detente, the OSCE gained a new political and security role at the end of the cold war, and its membership - now 55 states - grew rapidly with the creation of new states within the former Soviet bloc. It comprises all the countries of Europe, plus Russia, the USA and Canada. The security dimension of the OSCE remit tends to focus on promoting trust and peaceful change, and on 'human' issues such as poverty and refugees. It has also provided observers in conflict zones such as Kosovo. The USA and UK in particular always saw NATO as the primary security (and military) body in Europe, with the OSCE playing a subsidiary (and less well funded) part. The OSCE focuses in particular on human rights and democracy issues, sending monitors to some trials and now regularly monitoring elections in member states, including (nominally) the USA in 2004. OSCE's role in monitoring and judging the fairness of elections means that it is especially relevant where movements protest against government action in and after elections.

In this paper I look in particular at the OSCE role in Serbia in the local elections of 1996/97 (it was not directly involved in Serbia in 2000), in the Orange Revolution in Ukraine and in Azerbaijan. In the first case the west (which until after the Dayton Accords of 1995 had tended to see Milosevic as an ally) was beginning to support the opposition, though not as vigorously as it did in the 2000 presidential elections. The west also gave significant support to the opposition to Yanukovich in the December

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2004 elections in the Ukraine. In Azerbaijan, on the other hand, western concern for oil supplies, and strategic considerations, have meant that the US and major European countries have been forgiving towards human rights and democratic violations by the regime and unwilling to extend support to the opposition in 2003 and 2005.

In Serbia widespread opposition to Milosevic became apparent in 1996. The opposition parties united to form the Zajedno (Together) bloc, which contested the local elections held in November 1996, and had considerable success in Belgrade and many provincial towns. Milosevic responded by annulling the Zajedno victories and denouncing it as a terrorist organisation. In response Zajedno launched mass demonstrations, which continued daily for 12 weeks and generally observed nonviolent discipline. The OSCE indicated its 'exceptional concern' on 29 November, and offered to verify new elections, although Russian pressure modified the content and tone of the OSCE statement in early December.

Milosevic surprisingly solicited an OSCE delegation to visit Serbia (perhaps encouraged by the Italian Foreign Minister's statement that the opposition was unrealistic to demand recognition of their electoral victories) to talk to the government. The delegation, headed by ex-prime minister of Spain Felipe Gonzalez, stipulated that they should be free to meet with whoever they wished, and duly met with Zajedno, looked at their evidence and declared Zajedno had won a majority in Belgrade and 15 other towns. The OSCE delegation also criticised the arguments for annulling these elections. The Serbian government rejected the OSCE findings in January 1997, but began to compromise by recognising Zajedno victories in 3 towns, but not Belgrade. France and Britain invited Zajedno leaders for talks early in February, and next day Milosevic formally asked the Serbian Prime Minister to draw up a law to recognise Zajedno victories - the law was passed a week later.

The more decisive people power demonstrations occurred when elections were held in September 2000 to re-elect the president of the (remaining) Yugoslav Federation - the post that Milosevic had acquired in 1997 - and for the Serbian parliament. The Milosevic regime had become rather more authoritarian since 1997 in reaction against the extent of popular pressure. So widespread fraud by the regime was expected. Monitoring was undertaken internally by the opposition. The OSCE asked for entry visas to assess the conditions prior to the 24 September elections, but were refused entry. On 25 September the OSCE issued a condemnation of the election process and outcome based on 'all available reports'.

In the Ukraine presidential elections in 2004, by contrast, there was a major IGO presence, with the NATO Parliamentary Assembly sending an observer, and the EU playing a role in negotiations with the out-going President Kuchma. The opposition contested the fairness of both the first round on October 31 and the run-off elections on November between former Prime Minister Yanukovych (backed by the regime) and the opposition candidate Yushchenko, and called thousands onto the streets throughout November. President Putin of Russia, who openly backed the regime candidate, was also involved in negotiations about the conduct of the re-run of the ballot (demanded by the opposition) and averting conflict between opposing groups

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within the country - a significant proportion of the voters leaned towards Moscow and did back Yanukovych.

But the OSCE played the major role in monitoring the elections, fielding 600 observers initially and later almost doubling that number, and pronouncing authoritatively on the electoral process. The OSCE statement on the October 31 election declared that it fell short of international standards, noted overt bias in the state-run media in favour of Yanukovych, and criticised interference by the state administration and disruption of opposition campaigning by the state authorities. The OSCE also condemned widespread violations in the November 21 run-off.

The Russian government accused the OSCE of double standards at the OSCE meeting in Sofia in December 2004, arguing that it applied much more stringent criteria to former Soviet states than other members, and cited flaws in Florida in the US 2000 Presidential Election. The clash between the USA and Russia prevented the meeting issuing the standard communiqué. Was there substance to the charge that the OSCE was falling-in with an EU and NATO agenda in the Ukraine?

Andrew Wilson in his detailed analysis of the 'Orange Revolution' of 2004-2005 does note some linkage between the OSCE mission and one branch of the student opposition group Pora. But he concludes that: 'with one or two minor exceptions, the OSCE maintained the very independence that Russia and the Yanukovych camp so disliked.'

The OSCE's willingness to accept election results favourable to Moscow, rather than the west, was demonstrated when it endorsed the Ukrainian parliamentary elections in March 2006, that gave a majority to pro-Moscow and anti-Yushchenko forces, as 'free and fair'. The Russian news agency Novosti noted that the OSCE had agreed in the Ukraine with observers from the Inter-parliamentary Assembly of the Commonwealth of Independent States, although the two organisations had diverged over their assessment of the poll in Belarus the same month, which the OSCE criticised.

An interesting test of the OSCE's independence is its evaluation of the elections in Azerbaijan, where a small movement has attempted to mobilise people power since 2003. After the break-up of the Soviet Union and initial instability, Azerbaijan was controlled from 1993 by Heydar Aliyev, formerly First Secretary of the Azerbaijan Communist Party. His son Ilham was made acting-President in 2003, and elections were held that year to confirm Ilham as President. Despite widespread reports of fraud and security force brutality against opponents, and OSCE criticism of the elections, western countries were happy to work with the new President, who was willing to ensure the flow of oil and cooperate in the fight against terrorism.

When Azerbaijan held its third set of parliamentary elections since independence in November 2005, the opposition combined to fight the elections and the Azadlig bloc (which put up 115 candidates) also mobilised to try to launch their own 'orange' revolution. These elections were the focus of international media interest and a large foreign observer presence, though the electorate (disillusioned by the 2003 elections) were apathetic and under 50 per cent voted. The regime began the election process

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with considerable advantages, such as state control of the economy (so no independent businessmen to help finance the opposition, as in the Ukraine), state control of the broadcasting media, and no significant opposition presence in parliament, which was reflected in the composition of the electoral commission. The regime also promoted supposedly 'independent' candidates, allied to the President's New Azerbaijan Party, to confuse the voters. In addition it engaged in harassment before the elections, breaking up a peaceful meeting, arresting several activists, and (probably) sanctioning the murder of an independent editor. Some high level political figures in the government, who were seen as possible future allies of the opposition, were deposed and detained.

There were however some signs that President Aliyev wanted to conciliate international opinion, and he acceded to demands made by the OSCE and Council of Europe for an amnesty releasing opposition leaders arrested before October 2003, and free access for opposition figures to broadcast on the state media. He also issued a decree to prevent multiple voting by staining voters' fingers with indelible ink, though this was not fully implemented.

The OSCE mission made an early announcement that in 87 per cent of districts the process of voting had been acceptable - a statement much quoted by the regime - but its final assessment on 7 November was that the election failed to meet a number of international standards. The major fraud, such as ballot stuffing and miscounting the votes (according to the OSCE in over 40 per cent of counts), occurred in the later stages of the election process, when security personnel often prevented access by monitors. Both the Azerbaijani Central Electoral Commission and the Constitutional Court approved the results, between them rejecting the outcome in ten constituencies, many where the opposition had won. Local observers thought elections should be held again in half the districts. Azadlig won only five seats to the 125-seat parliament.

The opposition welcomed the OSCE findings (which were challenged by Russian, Turkish and Iranian observers). But they looked in vain for a western response comparable to that in the Ukraine. Western diplomats did try to persuade the regime to avoid the use of force, but urged the opposition to concentrate on protest through the courts and only to hold authorised rallies. The OSCE and the Council of Europe were the main international voices to condemn abuses of human rights and government manipulation of elections. (Azerbaijan had been admitted to membership of the Council of Europe in November 2000, although the Council and the EU criticised campaigns against opposition journalists in 2001- 2002, and human rights bodies expressed concern about the judicial process and treatment of prisoners.)

Conclusion

The OSCE provides detailed documentation about election abuses and clearly has legitimacy and moral authority in this area. It is also interesting how many countries with questionable democratic and human rights records are prepared to allow the OSCE entry. The independence of OSCE missions might sometimes be perceived to depend upon the records and nationality of diplomats or politicians leading them - especially if important policy decisions turn on OSCE findings. But in the case of

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election monitoring judgements depend on accumulated evidence from a range of monitors.

Moreover, its record does not suggest that its electoral monitoring is influenced by the policies of western governments or other IGOs, although Russia continued to complain (for example at an annual OSCE parliamentary assembly in July 2005) about 'double standards' in OSCE monitoring of elections in Georgia, Ukraine and Kyrgyzstan, and suggested that this could trigger unrest. Deliberate bias is extremely unlikely - quite a few election monitors come from former Soviet states - and the OSCE has a well-developed process of monitoring. But a few OSCE officials privately expressed concern to a Times journalist about the OSCE role in Kyrgyzstan and about possibly being used as a pawn in American-Russian disputes, or suggested OSCE should be cautious about how it expressed criticism.

However, in a broader sense, despite Russia's role in it, the OSCE can be seen as closely linked to the policies of explicitly western bodies like the Council of Europe and the European Union, being assigned functions (for example in conflict zones) which complement other IGO action. In Azerbaijan, for example, the OSCE was assigned the job of trying to resolve the problems arising out of the Nagorno Karabakh conflict with Armenia, whilst the EU pursued its political and economic agenda through a Cooperative Agreement reached in 1996.

No IGO is politically 'pure' from a strict nonviolent standpoint, or free of significant great power and other pressures. But in its election monitoring role and in its commitment to minority rights the OSCE can potentially give useful support to resistance movements, although issues of effectiveness, numbers of personnel and funding arise, especially in conflict zones.

OSCE (and Council of Europe) moral authority might be seen as in inverse proportion to effective power - although both organisations may trigger action by bodies like the EU and UN that have more clout. But nonviolent resistance movements appealing to international legitimacy seek to exercise their own brand of power.