

Internal conflicts:

A horrendous toll

International Alert

■ The post-Cold War world order is one in which internal conflict far exceeds inter-state war as the leading violent cause of human suffering. Already, unprecedented worldwide flows of refugees and displaced persons are rapidly increasing. Dozens of slumbering internal disputes – rooted in ethnicity, identity, religion, conflicts over governance, drives for democratization, relative economic deprivation, competition for territory, or diminishing resources – are being reawakened.

Enormous progress has been made in recent decades in human rights standard setting as well as implementation and monitoring at the international, regional and local levels. However, gross human rights abuses and breaches of humanitarian law continue to plague our world and are vastly multiplied during violent internal conflicts.

Gross violations of human rights and humanitarian standards are endemic in such conflicts, in which mass killings of civilians (predominantly women, children and the elderly) are common currency. Also endemic in internal conflicts are disrespect by all sides of the international laws of war, economic and social devastation, the creation of millions of refugees and displaced persons and the rape of women and children. However, there is a growing awareness that internal violence – with its horrendous toll on human, economic and social life, and its propensity to threaten international peace and security – must be brought within the purview of effective global action.

Of particular concern are:

- The underdevelopment and lack of co-ordination of early warning and conflict prevention capabilities within the UN;
- The human costs of violent conflicts, in which internationally recognized norms of human rights and humanitarian law are wilfully ignored or suspended, resulting in gross violations of fundamental human rights, including the right to life. A comprehensive approach is urgently needed to encompass human rights law, humanitarian law and refugee law, whereby effective monitoring and enforcement can be developed to meet crises;
- The lack of effective international legal instruments and operative mechanisms to peacefully address the issue of claims to self-determination of peoples. Increasingly, such

claims are a cause of internal violence and potential threats to international peace and security;

- The need for concerted action on the part of the non-governmental community to develop an effective global strategy for 'preventive peacebuilding', complementary to UN efforts to strengthen its capacities for preventive diplomacy, peacemaking and peacekeeping.

Early warning and conflict prevention

There are more than 30 major violent conflicts in the world today and conditions exist for a dramatic increase in the number of such conflicts and their toll on human life, in violation of individual and collective rights, and the displacement of people. The vast majority of these existing and potential conflicts are internal in nature and international human rights norms and mechanisms are often disregarded.

At the same time, it is evident that early warning of such potential conflicts and the effective and creative mobilization of governmental and non-governmental resources to mitigate or resolve them with justice could help avert widespread human tragedy.

However, current resources devoted to early warning and prevention within the intergovernmental and non-governmental sectors are minute, in comparison with those allocated to reactive measures such as peacekeeping and peacemaking.

Another area which calls for development is the use of international legal institutions, such as the International Court of Justice, in the peaceful mediation, conciliation, arbitration or adjudication of potentially violent conflicts.

It is recommended that:

- All member states of the UN accept the mandatory jurisdiction of the International Court of Justice;
- The Secretary-General be authorized by the UN to request advisory opinions from the International Court of Justice;
- The UN promote the establishment of an International Criminal Court to try individuals accused of the commission of international crimes, such as, but not limited to, genocide, war crimes and breaches of the laws and customs of war, crimes against humanity and certain acts of terrorism.

Duplication of early warning work by separate UN agencies and the lack of coordination of efforts in the humanitarian, human rights, development and conflict prevention fields are severe drawbacks in the UN's current operational approach to conflict prevention.

Considering that NGOs are often best placed to alert the international community to potential conflicts, operational mechanisms to enable NGOs and the UN to exchange early

Human rights have assumed a special role in our changing world. We have recognized that these rights give humanity its very value and that therefore they must be guaranteed by all the states of this world. But we can only guarantee what we have learned to respect and, thus, human rights must become an integral part of our education, our culture and our development. Together we share in honouring the work of the UNHCR throughout the world in healing the wounds and consequences of human rights violations, but this is not enough. We must also share in the responsibility of challenging the problem at its source, by actively instilling a respect for human rights, a respect for humanity, in our populations.

Mart Laar
Prime Minister
Estonia

The UN's role in peace-keeping operations has grown dramatically in recent years, testing its capacity to the full: Prozor, Croatia.



warning information would vastly improve the international community's ability to act rapidly to avert potentially violent conflicts.

One particular area of common interest is in fact-finding in areas of incipient conflict. Closer cooperation between relevant NGOs and the UN would greatly enhance the international community's conflict prevention capacities.

It is recommended that the UN should:

- Integrate all its early warning activities;
- Establish effective channels for the timely communication of information on extensive human rights and humanitarian abuses from agencies and departments of the UN to those responsible for political affairs, security and conflict prevention;
- Develop early warning consultative and operational mechanisms in concert with relevant NGOs, including fact-finding mechanisms, as well as actively support the development of NGO early warning initiatives, particularly the establishment of an NGO Early Warning Service.

Abuses of humanitarian law

In situations of internal conflict there are currently no effective means of enforcing internationally accepted humanitarian principles and practices. States of emergency continue to provide a 'legal' cloak for widespread human rights abuses, including torture, disappearances and genocide. Even in instances where extraordinary legal measures are not invoked by the state concerned, pro-state and anti-state combatants find they can often ignore internationally accepted rules of war.

Innocent civilians are the principal victims of civil conflict and terrorism. Meanwhile, the activities of human rights organizations are often severely curtailed by state violence, the activities of state-sanctioned or condoned forces, including paramilitaries, and/or the activities of insurgents.

It is recommended that the international community:

- Urgently develop more effective ways and means to monitor violations of internationally accepted human rights and humanitarian standards;
- Promote within countries in conflict the development and implementation of internationally acceptable codes of conduct for all combatants which reflect human rights law, the Geneva Conventions and the Protocols to those Conventions;
- Provide all possible assistance to non-violent movements and organizations active in the prevention of human rights abuses, the protection of victims of abuses, and in holding violent parties to account;
- Promote the acceptance of the concept of

'grave breaches', command responsibility and personal criminal responsibility in all armed conflicts.

Self-determination

The principle of self-determination of peoples is recognized in the Charter of the UN and both of the International Covenants on Human Rights. While the principle and right of self-determination was applied throughout the era of post-war decolonization, there exists no definition beyond the context of decolonization as to who constitutes a 'people' and what the right to self-determination means.

Because these issues are the subject of great controversy with serious consequences for international conflict, there is an urgent need to adopt appropriate substantive standards by which to determine when a given group is a 'people' and to determine the content of the right to self-determination in various circumstances.

Secondly, there is a need for international machinery to apply those standards in order to avoid devastating conflicts arising from more or less well-founded claims of self-determination.

In this context, international NGOs should take a lead in the search for peaceful and constructive mechanisms and procedures by which to settle group claims, including claims by minorities and indigenous peoples.

It is recommended that:

- The UN establish a High Commissioner, Working Group or Special Rapporteur to monitor implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
- Similar action be taken on adoption of the Declaration on the Rights of Indigenous Peoples;
- The UN explore the establishment of a Commission on Self-Determination equivalent to the Commission on Human Rights, or expanding the mandate of the Trusteeship Council, the Decolonization Committee, or the Security Council to address the issue of self-determination. In some cases, the Security Council should consider referring specific situations to the International Court of Justice for an advisory opinion or, where the parties agree, a judgment;
- The NGO community explores the establishment of an Independent Commission on Self-Determination.

Preventive peacemaking

In the past three years the UN has rapidly emerged as a focus of hope for a new international order based on universally accepted principles of justice, equality, peace, human rights and humanitarian law.

In the foreseeable future, it is probable that

The outcome of the UN World Conference on Human Rights, the Vienna Declaration and Programme of Action, is a clear manifestation of the universality and indivisibility of human rights. Strengthening and consolidating human rights standards and mechanisms has become an increasingly important issue in international politics. Regrettably, violations of human rights persist around the world and take new and repugnant forms. Europe, like other regions of the world, is witnessing an alarming resurgence of ethnocentricity, xenophobia, intolerance and racism. Undoubtedly, respect of human rights is best guaranteed by full and prompt implementation of the decisions and recommendations of the Vienna Conference.

M.E. Esko Aho
Prime Minister
Republic of Finland

The World Conference on Human Rights has raised the hopes of many who have known untold hardships. For too long, our brothers and sisters have borne their suffering in grim silence. Soon the whole world will issue a resounding 'No', not only to tyranny and oppression, but also to hunger, disease and war. We look to the World Conference on Human Rights as a turning point which will hasten their day of deliverance.

**H.E. Sir Dawda Kairaba
Jawara G.M.R.G.,
G.C.M.G.**
President
Republic of the Gambia



Countless women, men and children have been forced to flee their homelands because of savage internal conflicts

the UN will have to concentrate on marshalling its peacemaking and peacekeeping efforts in reaction to dozens of actual violent situations. Meanwhile, international NGOs from all regions of the world – working in concert with people, local organizations, governments and intergovernmental organizations – should consider how best to develop an effective global strategy for ‘preventive peacebuilding’ aimed at fostering individual and collective security and the development of civil institutions and mechanisms, as well as political and personal attitudes which discourage violence and make dialogue and accommodation the only acceptable means of settling disputes.

This strategy could address such issues as how to increase grassroots capacities for

conflict mediation and resolution, how to improve internal conflict monitoring, the establishment of an NGO Early Warning Information Service, the strengthening of human rights compliance mechanisms and how to bridge the existing gaps between human rights law and humanitarian law.

Therefore, it is recommended that:

- International NGOs urgently begin exploring how best to develop an effective global peacebuilding strategy and capacity which best serves the world’s peoples and complements the goals and activities of the UN.

EXTRACT FROM: Position Paper by International Alert presented to UN World Conference on Human Rights.