INTRODUCTION

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Efforts to control internal conflicts in the common interest of stability and peace do not suffer from the absence of a juridical basis for internationalization. The United Nations system provides a basis under the "threat to the peace" formulation; moreover, the recent extension of humanitarian law to internal conflicts by the 1974-1977 Diplomatic Conference on International Humanitarian Law Applicable in Armed Conflicts is a specific step in the direction of internationalization. Control efforts, however, generate a host of dilemmas because of the international system's central emphasis on sovereignty and non-intervention.

The special deference to the territorial sovereign under traditional international law tends to inhibit the development of a regime which contemplates external control of internal conflicts. States simply do not wish or have the will to develop a meaningful regime at the expense of sovereign perogatives. Nevertheless, the centrality of sovereignty and non-intervention under traditional international law has not inhibited revolutionary approaches which either condone involvement in, or recognize the right to foment, internal conflicts under such covers as national liberation and anti-colonialism. The need of the international system to cope with this ambivalence in the *status quo* presents a fundamental dilemma.

The Soviet approach to contemporary international law, the Law of Peaceful Coexistence, is a prime example of the claimed legal right to intervene on behalf of progressive (i.e., socialist-oriented) forces in an internal conflict. This approach is possible because of the special (i.e., subjectively socialist) Soviet interpretation of such traditional international legal principles as sovereignty and non-intervention, and the Soviet attitude towards responsibilities to international and regional organizations. As a complement to the Law of Peaceful Coexistence, the Brezhnev Doctrine assures that pro-socialist forces remain in power by recognizing the right and

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duty of socialist states to intervene in internal conflicts to protect socialist interests. The existence of a socialist-oriented system to support revolutionary struggles and favorable regimes contributes to the destabilizing nature of internal conflicts because more of them tend to engage the interests of the superpowers and, therefore, become objects of East-West rivalry.

Although the Soviet approach to the internationalization of internal conflicts is based on the recognition that internal conflicts must be controlled in the interest of international order, albeit socialist order, it is not a positive development. Actually, it complicates the process of gaining acceptance of a universal order system because it constitutes the principal political hurdle to its acceptance. The Soviet "lead" in this area has tended to place a heavy political burden on the internationalization issue because it is already a part of the competitive East-West relationship. It is difficult to imagine that the socialist states and their neutralist supporters would embrace a less biased approach to the control of internal conflicts.

There are other discouraging aspects of regime building in this area. The question of standards for the control action contemplated, whether organizational or by individual states, is a difficult one. Although differences may be papered over in reaching formal agreement on the text of an international legal standard, experience shows that interpretation and state action based thereon tend to be very political matters. It is difficult to structure any legal regime based on the *ad hoc* consent of states that would not become politicized because of their tendency to react to international standards by making legal characterizations in conformity with the perceived national political interest or need.

As to the actor in the control process, the choice is not an easy one. The United Nations system has not been particularly successful in its efforts to control international conflicts in the common interest. The Falkland Islands episode is the most recent example of the United Nations inability to control a situation, even where the interests of the superpowers were not directly engaged. Nor have regional organizations enjoyed notably greater success. The basic positivistic orientation of the international system, which makes ultimate organizational action dependent upon the consent of member states on an *ad hoc* basis, has inhibited meaningful action and does not portend well for a possible international organizational role in the control of internal conflicts. The alternative of

action by individual states is subject to too many possibilities of abuse to be considered feasible.

In summary, the international community is faced with the problem of coping with the current unsatisfactory situation with respect to internal conflicts. Coping requires states' acceptance of a new approach to international order which departs from traditional and "revolutionary" positions. At the very least, states must be prepared to qualify current concepts of sovereignty and non-intervention in the community interest; and the Soviet Union (as well as other states) must be prepared to discard that part of its approach to contemporary international law which supports internal conflicts which it chooses to characterize as revolutionary. The problem is that states can be expected to follow the usual pattern of resisting constraints on their freedom of action on political grounds. Although the experience of the United Nations and regional organizations in attempting to control international conflicts has not been very encouraging, it can be hoped that the time will come when the common interest in controlling destabilizing internal conflicts will be strong enough to permit the development of regimes involving a meaningful role for international and regional organizations.

The Workshop, "Internal Conflicts: Dilemmas in International Law," held at the University of Georgia, May 7-8, 1982, looked at the problem of controlling destabilizing internal conflicts in the light of all the dilemmas generated thereby. The thrust was to look at extant law and the desired direction of future legal development. While the extension of international control over the humanitarian aspects of internal conflicts was considered an important symbolic recognition of the need for "community action," it was generally felt that it does not portend a readiness to extend that action to neutralization or attenuation of the threat potential of internal conflicts. Nevertheless, it was agreed that an effort at international control is indicated as recent history confirms that, in the present increasingly competitive and uncertain international environment, internal conflicts can be as destabilizing as international conflicts.

PANEL I

OBLIGATIONS OF OTHER STATES