

NON-MILITARY INTERVENTION BY INTERNATIONAL AND REGIONAL ORGANIZATIONS IN INTERNAL CONFLICTS

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This morning I would like to try to define the role of international and regional organizations in internal conflicts. We saw earlier in our discussion of the obligations of other states in internal conflicts, and even more so in our discussion of the applicability of humanitarian law to internal conflicts, that the primary purpose of intervention is to protect the people whose human rights are being violated. Just as the International Committee of the Red Cross and concerned states have focused their activities on helping these people, a clear reading of the whole United Nations Charter shows that with respect to internal conflicts, it too has as its primary focus, though not its only one, the protection of human rights.

Yesterday we concerned ourselves mostly with the military aspects of intervention. However, Covey Oliver did remind us how critical non-military forms of intervention, such as economic intervention and even non-intervention, can be. Today I want to focus on non-military forms of intervention used by the United Nations. We must keep in mind, though, that the United Nations has been involved militarily in many internal conflicts. We have mentioned many of those conflicts, but there have been many others, including the Congo, the Middle East, Lebanon, and Cyprus.

One question that we have not discussed is whether the United Nations should intervene non-militarily in some of these situations, for example, in Namibia or Northern Ireland. It seems rather strange that the situation in Northern Ireland is so rarely discussed. Colonel Draper said earlier that Britain had decided that the conflict in Northern Ireland was not an armed conflict. He also pointed out, however, that when we discuss these ideas—conflict, internal conflict, and internal armed conflict—we have to define them. Interestingly, “internal armed conflict” is not the phrase

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used at this conference. The phrase at this conference is "internal conflict."

Clearly the situation in Northern Ireland is an internal conflict. The trouble in Northern Ireland is that the Catholics and the Protestants hate each other terribly, but they both hate the British soldiers even more. As a consequence, really shameful numbers of British soldiers, Southern Irish, and Northern Irish have been killed and something ought to be done. I think we ought to ship all the British soldiers back home and bring in a set of troops similar to the ones we brought into Cyprus. About three thousand United Nations troops were in Cyprus for ten years, and they did a remarkable job while they were there. We could put the same kind of troops in Belfast and surrounding communities. They should be very carefully picked so that they don't look British. The uniforms should be very flashy rather than the dull United Nations uniforms. We often talk about article 2(4) and chapter 7 of the Charter when we talk about the use of military force by the United Nations. However, we very rarely talk about these words from the preamble: "We the peoples of the United Nations determined . . . to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used save in the common interest" That is a tremendous phrase, "save in the common interest." There should be more exploration of whether in the common interest of all of us, the use of United Nations troops might be appropriate even in Northern Ireland.

What other kinds of intervention are there? Earlier there was quite a bit of discussion about actions taken by United Nations agencies that help to meet the role of the United Nations with respect to internal conflict. The law of the United Nations gives us some substantive norms that are better for people whose human rights are being violated than even the humanitarian law norms. There has also been quite a bit of discussion about how unfortunate it is that, except for some experiments in the Committee on Human Rights, the Human Rights Covenants have not yet been implemented. My own view is that tremendous steps forward have been taken since these covenants were signed in 1967, and especially since 1972, when one of the new human rights resolutions, concerning the Commission on Human Rights and its Subcommittee on the Prevention of Discrimination and the Protection of Minorities, became effective.

There are a number of situations in which the United Nations has effectively intervened in a form different from the military, ec-

onomic, and other forms which have been discussed so far. This form of intervention can be characterized by one phrase, the "mobilization of shame." The United Nations and its agencies have used this weapon effectively to help people whose human rights have been violated. The International Committee of the Red Cross uses a comparable phrase which I learned not long ago at a conference at American University—"discreet indignation." For many reasons, the United Nations can go a bit farther than "discreet indignation," and is able to mobilize shame in such a way that it gets people out of jail.

Earlier someone said that the problem with United Nations resolutions is that they have little meaning to the poor prisoner in the dungeon. However, in Indonesia, where for years there had been more than fifty thousand prisoners, a case filed by Amnesty International with the United Nations resulted in many of those prisoners' being released. Of course, there were other forms of pressure on the Indonesian government, but undoubtedly the intervention by United Nations agencies, both discreet and open, helped to bring about their release. Similarly, the incredible reduction in the number of political prisoners in Chile was due in large part to international pressures such as those exerted by the United Nations. And again in Greece, even though the Council of Europe was involved in that situation, the deposition of the military leaders was more directly a product of United Nations activity than anything else.

In addition to these well-documented situations, there are others in which the actions of the United Nations have not been credited. For example, the story of United Nations actions in Iran before the revolution has never been written up. Another example is Argentina, which was the focus of quite a bit of United Nations activity in February and March of 1982. In both of these cases, Iran and Argentina, we need to speculate more about what would have been the result if there had been more support for the kind of United Nations action that had begun. Would we have had the confrontation between the United States and Iran that we came to? Would we have had the confrontation between Britain and Argentina that we came to? I do not have the answers. My only suggestion to you is that we must learn a lot more about what is being done in the United Nations, and we must plan more about what can be done to use the institutions that are available now. We need lawyers to work on these problems, we need non-governmental organizations to supply resources, and we need other things. We need the aware-

ness that we are not talking diplomacy in the old sense in the United Nations, in the Organization of American States, in the Organization of African Unity, and in many other organizations. We are talking about parliamentary governing of a strange kind. The work that is needed is what in this country is called legislative lobbying. We need a lot more of it, but there are enough successes so far to demonstrate that it is worthwhile trying.