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INTRODUCTION TO PANEL I

*Gabriel M. Wilner**

The question of whether standards of international law should determine or, at least, have some effect on the reaction of governments to internal conflicts occurring elsewhere is the subject of much debate. Closely connected to conclusions reached in concrete situations is the content of international law standards on intervention by states in internal conflicts.

It would seem that the principle of sovereignty would encourage theories of non-intervention in the internal affairs of states; it is in the mutual interest of governments that they not interfere with each other's political affairs since most states are vulnerable to possible outside pressures. Intervention can promote the destabilization of national governmental structures, particularly if the government in power is not the only political grouping in the country on whom the particular version of the theory of intervention bestows the right to benefit from intervention. Non-intervention will discourage instability.

However, another argument favoring non-intervention takes a different direction. Friedmann, in his book *The Changing Structure of International Law*, suggested the following:

What on balance favors the view that in a civil war the two sides are to be treated on a par, is the consideration that international law should not be used to prevent social change. The organization of international society is still based on national states, and in our time conflicts of ideologies as well as the emancipation of many colonized countries cause political and social upheavals on a very large scale. Outside intervention would tend to aggravate the conflict and provoke counter-intervention. Politically, such interventions are sometimes unavoidable, as recent history shows. But the cause of international law is not served by invoking it in support of intervention in political strife.¹

The approach which amounts to a standard of "just" intervention has been invoked for any number of reasons. Perceived

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¹ W. FRIEDMANN, *THE CHANGING STRUCTURE OF INTERNATIONAL LAW* 267 (1964).

threats to the political or ideological security of the intervening state account for many of the actual cases of intervention. However, "just" intervention is often based on goals that have received general international approval, such as anti-colonialism, self-determination, and the implementation of human rights. Further, the intervention has been considered "just" when an internal situation such as that in South Africa leads to actions so contrary to values in the region that it is considered to be a threat to peace.

The justification, or even the obligation, of a state to intervene because another state has or may intervene in an internal conflict is a variation on the "just" intervention concept since it is often couched in ideological terms.

The work of this panel is to sort out the theories and arguments on the obligations of individual states, as distinguished from the international or regional community of states acting under the rules of an international organization, in dealing with internal conflicts in other states. Are states assisted in determining their obligations by existing standards of international law? The panel will wish to address itself to the central question of the content of international law standards on intervention. In doing so it may also wish to offer some definition of "internal conflict" and discuss the ramifications of the passage from internal to international conflicts.