

terms “minimum humanitarian standards” and “fundamental standards of humanity”. The report states that the term “standards of humanity is preferable”. The second looks at problems related to the terms used to describe fighting and violence inside countries — i.e., “armed conflicts”, “internal armed conflict”, “internal conflict” or “internal violence” — for the purposes of applying international humanitarian law. To avoid misunderstandings, the term “internal violence” is generally used in the report to describe situations where fighting and conflict, of whatever intensity, is taking place inside countries. Finally, the third issue concerns how to describe groups who have taken up arms against the government — which have been variously called terrorist groups, guerrillas, resistance movements, freedom fighters and so on, with each term carrying different connotations — as against the more neutral terms, “armed group” or “non-state armed group”. The report uses the term “armed group” without implying any legitimacy for the group or its cause and while recognizing that such groups can, and frequently do, engage in acts of terrorism.

With respect to the common characteristics of situations of internal violence in the post-cold war period, the report notes, *inter alia*, that: the decrease in the number of international armed conflicts has been offset by an increase in the number of civil wars and other situations of violence inside countries; these situations are characterized by an armed challenge to the government arising from any one or a combination of political objectives; in situations where an existing government collapses or is unable or unwilling to intervene, armed groups fight among themselves over, for example, the right to establish a new government or ensure the supremacy or continuation of their own particular political programme. The report also notes that the degree of organization of these armed groups vary from one situation to the next: some groups have effective control of territory, resemble de facto governments and provide public services; others operate only sporadically, or in an entirely clandestine manner, and exercise no direct control over territory; some operate under clear lines of command and control; others are loosely organized with various units not under effective central command.

Additional common characteristics are noted, namely that: in many situations of internal violence there will be a breakdown in the operation of public institutions; functions of government often become increasingly militarized; depending on the degree and scope of the violence, there is likely to be an impact on the livelihood of the civilian population, particularly in rural areas where the fighting usually takes place and where farmers and others dependent on the land are particularly vulnerable; the ready availability of weapons is a predominant characteristic of these situations; a majority of civilian casualties result from the use of weapons other than land mines; the indiscriminate use of weapons other than land mines attracts little international condemnation; there is a link between criminal and “political” violence; some armed groups limit themselves to military activities but others are more akin to criminal gangs; government

forces also engage in criminal activities; the collapse in civil institutions creates a climate of general lawlessness in which preying on the civilian population is common and corruption rampant; and banditry and extortion are used to fund and supply the continuation of the fighting.

The narrative on patterns of abuse notes that children, women, minority ethnic populations, refugees, displaced persons, and those detained in connection with the violence, are at greatest risk of experiencing “unregulated terror and violence”. The most serious abuses are noted as involving or including attacks by armed forces and armed groups, massacres, summary executions, death by starvation or disease, torture and/or ill treatment. There are also violations of freedom of movement — related not only to displacement as people flee affected areas but also forced displacement. There are also: violations of children’s rights to education, health, and general well-being and development; recruitment of children into the armed forces and ordering them into combat; use of children as a ready supply of forced labour for armed forces; sexual abuse; and violence against women and girls, including rape, abduction and forced prostitution. There are also the arbitrary deprivation of liberty, violations of due process, failures to protect civilians, denial of access to relief supplies or interference in the distribution of such supplies, disregard for the protections owed to medical and religious personnel, and interference in the operations of recognized humanitarian agencies.

The report states that, in the overwhelming majority of cases, the victims, or their families, find no justice. Those who kill, torture, rape, or attack do so with virtual impunity, apparently confident that they will never be called to account for their misdeeds. Also common to all these abuses is the difficulty, in some situations, of attributing responsibility for the violence. On this point, the report notes that the existence of a situation of internal violence usually means that at least two — and often more — opposing forces or groups have resorted to the use of force; the hostility and distrust between them gives ample scope for the dissemination of misinformation and propaganda. The report further notes that: allegations that one side might commit abuses in such a manner as to make the other side appear responsible cannot always be dismissed; when abuses take place in remote areas, identifying the perpetrators can be very difficult; these difficulties are further increased when the authorities place restrictions on the free flow of information and the operation of news media; and UN investigators and human rights monitors are denied access to places where abuses are alleged to have taken place.

Following this consideration of the context in which the issue of fundamental standards of humanity must be considered, the report addresses notes that it has been argued that existing standards, of both human rights and humanitarian law, do not adequately address situations of internal violence. Five questions are posed:

- ♦ To what extent do existing standards fail to address adequately situations of internal violence?