

tend to be strongly opposed to any reference to offers of relief, even from neutral third parties, which might constitute interference in their internal affairs.¹²

Enforcement

A much larger problem, relating to international humanitarian and human rights law as a whole, is that there is no manifest way to enforce the statutes. While Chapters VI and VII of the UN Charter provide enforcement mechanisms and procedures for the settlement of disputes, they have not, in practice, worked very well.¹³ In addition, Article 2(7) of the Charter forbids members of the UN to intervene in matters that are within the domestic jurisdiction of any state. Civil wars or guerrilla wars are usually categorized as such by the states involved. Regarding the various declarations and conventions that have been discussed, there are no enforcement provisions, formal or informal.

What leverage, then, is provided by international humanitarian and human rights law if those laws are not enforceable? One reply to that question is that enforcement provisions, particularly those that might involve military action, would, in fact, contradict the spirit of humanitarian law, undermining the very rights they are designed to protect. Why wield these statutes in negotiations for humanitarian ceasefires? Because human rights and humanitarian issues are the basic issues over which conflict usually takes place.

John Burton argues that, whereas classical thinking about conflict identifies the clash of *interests* (ideological, political) as the reason for conflict, more recent theory and application have determined that protracted conflicts are fought primarily over non-

¹² Macalister-Smith, *supra* note 5, p. 31.

¹³ One reason is that, for the enforcement provisions of the Charter to work, they require the full cooperation of the members of the Security Council. Barton says that this is not usually forthcoming, since the great powers, and particularly the United States and the Soviet Union, see the UN as simply one of a number of mechanisms available to them in pursuit of their national goals. See: William Barton, "The Role of the Security Council in Conflict Resolution," *Briefing Paper*, No. 23, October, 1986.