My research project fits in well with the topic of this workshop as it deals with the causes of gross human rights violations and the correlation between the different types of human rights violations. At present I have not yet examined the availability of quantitative data but I have some idea which aspects I want to include in the research and how to put into operation these aspects. I may have more questions than answers as I am at the start of this research project in the PIOOM (Interdisciplinary Research Program on Root Causes of Human Rights Violations) framework. In any case, I am interested in the theoretical foundations and in particular in the tools of this scientific research rather than in examining a specific region in the world. Examples are taken from different parts of the world.

In this paper I shall put forward my main research questions and formulate some tentative answers to these questions. I will discuss in particular the manner in which to set up this project.

**Main Questions**

In this research I am interested in the role of third parties at the international and national level with regard to gross human rights violations after the end of the Cold War. The actors, the so-called bystanders, are the third parties who do not take part directly, either as a victim or as a perpetrator in these gross human rights violations. The actors I will study are the state actors at the international level: the states and the international governmental organisations.

- Who may be these third parties and can they indeed be viewed as bystanders in the threefold distinction between perpetrator, victim and bystander? Or are all bystanders to some extent perpetrators, so that there is only a twofold distinction of perpetrators and victims? (A)

My preliminary questions on the root causes of gross human rights violations are the following:

- What are the first indicators for gross civil and political human rights violations? (B1)
- What are the first indicators for gross economic, social and cultural human rights violations? (B2)

My preliminary questions on the causes of war and military conflict are:

- What are the first indicators for gross violent conflict? (C)
My two next questions deal with the possible correlation between both the indicators of the two categories of human rights and these combined indicators with the first indicators of violent conflicts:

- Is it possible to discern between first indicators for gross civil and political human rights violations and first indicators for gross economic, social and cultural human rights violations? (D1)
- What is the relationship between these first indicators for gross human rights violations and the first indicators for gross violent conflict? (D2)

In this way I want to analyse the relationship between the two main types - although aware of the somewhat artificial division in which the non-discrimination is to be seen as an overlapping standard - of human rights and to get more insight in the sequence of these violations. With this focus on the first signs I would like to contribute to the studies on early warning. Indeed the focus would be specifically on early warning in the realm of human rights. The linkage between both human rights categories and the conflict escalation is the following step in the research that I plan to address with the other two questions (D1 and D2). The objective is to combine the answers in order to get some insight in these interrelationships.

Because of my emphasis on early warning I focus no longer on the causes of Gross Human Rights Violations (GHRVS) but on the first indicators of GHRVS which is really different. How much important research on root causes of GHRVS is, the root causes are not easy to remove in a concrete policy apart from general notions which have to do with poverty, insecurity, family life, education, conformity, obedience etc.¹ Not the causes but the indicators may give us some insight in the possibility of early warnings but early warning is not enough to prevent the continuation and deterioration of human rights violations and violent conflicts. Early warning should be followed by early action to be able to stop the continuation and aggravation. At this stage I return to my actors at the international and national level and will ask the follow-up questions:

- What was the reaction of the international community to these events (see the first indicators from above) and what are the inhibiting factors that precluded the international community in general and the United Nations in particular from taking action? (E1)
- What triggered groups or states to become involved and to interfere? At what level were these initiatives brought down? In what way were the members of parliament in the democracies involved in this endeavour? (E2)

Finally we will address the question if we have to do with a twofold or threefold distinction because of the attributed role of the bystander.

A. THIRD PARTIES, THE BYSTANDERS

In any military conflict and in any situation of Gross Human Rights Violations (GHVS) we can make the distinction between the attacker and the attacked or the perpetrator and the victim. In all these situations we may also discern a third party, the party that, at first sight, is not direct aligned with the one or the other. Afterwards, however, we often are aware that this

¹ See the paper of Alette Smeulers in this workshop: What transforms ordinary people into Gross Human Rights Violators.
third party was not as neutral as we believed. To give some examples: what was the role of the so-called neutral states such as Sweden, Turkey, Spain and Switzerland in the Second World War? Moreover, what will be our perspective in examining such examples? For instance in the case of Sweden: Do we look at the Swedish diplomat Wallenberg helping to rescue the Jewish population of Budapest with the knowledge and help of the Swedish Ministry of Foreign affairs? Or are we looking at the other part of the Wallenberg banking family financing and supporting the arms trade from Sweden to nazi-Germany. At the time of the war the military struggle received almost all attention, at least in the decision-making at the highest echelons, thus you should conclude that the Swedish were collaborating with the Germans. Nowadays, almost sixty years later, the Shoa/Holocaust is the most remarkable characteristic of the Second World War and the activities by Wallenberg and his Swedish colleagues are welcomed as a sign of solidarity with the victims. The reverse process took place in the way we look at Switzerland. During the last decade the Swiss role is more and more criticised.

In military conflicts, even when you try not to view the world in the simplistic terms of some world leaders after the 11th of September, most countries take side with one of the parties. During the Cold War we called this proxy wars, the wars in which both superpowers were not directly involved but were supporting the warring parties. In principle, in terms of international public law, there is no room for these third parties/bystanders because every state should support the attacked state and be against the aggressor-state that will be forced to withdraw from the conquered territory. That is the principle of the United Nations (UN) collective security system of Chapter VII of the UN Charter.

A similar reasoning applies to Human Rights law, where there is no room for a third party either. The protection of victims of GHRVS is almost as much codified in international (human rights) law as is the prohibition of the use of force. From all these perspectives the logic is that there is no room for third states because they will have to act in solidarity with the victims. More complicated is the situation when they will not act at all. Because of indifference, self interest or whatever other reasons they do not oppose the continuing and endangering GHRVS and violent conflicts. By not opposing this, the third parties always serve the perpetrators in allowing the perpetrators to continue. In another study I concluded:

"The easiest way to become or to pretend to be a bystander has always been the lack of knowledge of what is going on or has passed. This ignorance, which is coupled with indifference towards the fate of the victims, is an important explanation for the behaviour of various inactive third parties. This ignorance, which can be seen as a necessary condition to become a bystander, is deliberately promoted by the perpetrators in order to minimise the risk of getting some solidarity of third parties with the victims. The perpetrator aims to prevent that the bystander shall act on behalf of the victims. All massacres, tortures and genocide have been done in the dark, cut off from the outside world, for example the Jews in Sobibor, the Bosnian Muslims in Srebrenica, the political opponents in Siberia, the Muslim brotherhood in the Syrian town of Hama. These atrocities have in common the firm determination of the perpetrators that their actions have to be kept secret and that all traces have to be erased… Any third party that was not directly involved in the actions of gross violations and pretends to be a neutral bystander should be distrusted because in the end the collaboration with the perpetrators may become clear. It takes a lot of courage to declare one's solidarity with the victims in all stages."2

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This distinction between the ignorant outsider and the indifferent bystander is not very fruitful because the ignorance and amnesia is mostly a deliberate attitude afterwards on which Stanley Cohen masterly wrote his book on "states of denial". This paper does not deal with the distinction between the ignorant outsider and the indifferent bystander as I study whether the third party will or will not take early action once early warning has already taken place and ignorance cannot be claimed anymore.

**B. INDICATORS FOR ROOT CAUSES OF GROSS HUMAN RIGHTS VIOLATIONS**

At the beginning of the Second World War in the Netherlands the German occupiers made the rule that the Jewish violists of the famous orchestras of Amsterdam and The Hague should be moved from the front to the back of their orchestra. It was not seen as an important decision because they were not dismissed and could continue playing and it is the music that matters and not the faces. No one, including the persons involved, uttered a word of protest. Afterwards you can see this as a first sign of discrimination, which resulted in the deportation and genocide. In order to understand the causes of gross human rights violations, Hoefnagels has elaborated on the relationship between declining authority and the emergence of human rights violations. She explains how the first signs, at a very early stage, of intimidation may in the end result in coercion and repression. When persuasion no longer works and dissent grows, a government can start a process of intimidation. This negative influence induces anxiety and distress. It prevents the influenced from thinking or acting as they might have, for fear of punishment. The next step is manipulation in which the government controls the availability and distribution of information and often wants to keep the population ignorant of what is really happening. Again in the words of Hoefnagels: `with manipulation, however, the public's ignorance is not only speculated upon, it is exploited.'

I would like to underline that the bystander is created at a very early stage. Since the bystander is not supposed to be aware of what is happening, he can be kept silent in this way. Also in situations of an obvious change, people are inclined to continue just as before. For instance, after the German occupation of the Netherlands most professors of the Amsterdam University repeated their lectures of the previous years; even the professor in constitutional law did not change anything in his lecture. At a later stage, manipulation is combined with physical violence and is then called coercion and repression. Ahrendt wrote `where authority fails, repression begins', whereas Hoefnagels has shown the continuum of political violence in a process of escalation. She concluded that it begins at a stage where most people do not suspect violence, or do not recognise the process as violence but: `when certain government actions are recognised as violence, it is often too late. By then the process has advanced to a degree where it cannot be halted.'

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4 Ibidem, p. 34.
5 Ibidem, p. 34.
6 Peter Jan Knegtmans, Een kwetsbaar centrum van de geest; De Universiteit van Amsterdam tussen 1935 en 1950 (Amsterdam University Press, Amsterdam, 1998). The author gave this example during his oral introduction at a symposium, on the occasion of presenting his book, at the Amsterdam University on 6 November 1998.
8 Hannah Ahrendt, 'What is authority', in: Between Past and Future, (Viking Press, New York, 1961), Quoted in Hoefnagels, see note 4, p. 32.
9 Hoefnagels, see note 4, p. 38.
We have just observed that, before physical violence is exercised, already other human rights have been violated, such as the freedom of the press and the freedom to speak. I am interested in human rights violations at a very early stage. I select some indicators for the human rights violations. Maybe, we can envisage as the indicators at a very early stage, for the civil and political human rights violations: the restrictions on the freedom of the press and the freedom to speak, freedom of assembly as well as the first signs of discrimination. Perhaps we may add as well the first signs of forms of the use of torture. These first signs, the indicators at a very early stage are called the first indicators in this paper. At that moment torture will not take place at a large scale. It may start for instance as the so-called robust interrogation method. More and more individual complaints are transmitted to regional and international bodies and to the UN Special Rapporteur on torture to act directly on behalf of the victims. In this situation torture and beatings are still exceptional. It concerns, in the term of the PIOOM World Conflict and Human Rights Map, the green colour of scale level 2. In the research I will not deal with level 1 (dark green colour in 67 countries in 2000), in which there is no political repression, the rule of law is respected and people are not imprisoned for their political views. Scale level 2 (colour light green in 61 countries in 2000) is the most interesting for us because these situations are characterised by a limited number of imprisonments for non-violent political activity. Torture and beatings are still rather exceptional whereas political murder is rare. In level 3 (yellow 39 countries) we are confronted with detentions without trial, executions and political murder; in level 4 (orange 15 countries) all political opponents face murder, torture and disappearances; in level 5 (red 11 countries) not only political opponents but the whole population is under the most severe repression.

Often-neglected situations in political life as well as in human rights research are the violations of the economic, social and cultural rights. Since the end of the Cold War the world community has recognised that states are as responsible for violations of economic, social and cultural rights as for violations of civil and political rights. The governments are accountable when they fail to meet their obligations in this area. These obligations were sometimes seen as vague and difficult to invoke. A group of experts tried to determine these violations.\(^\text{10}\) For instance the right to housing is violated by the state if the state is engaged in arbitrary forced evictions or demolition of houses as a measure to punish. This is easier to discern as a violation than cases where the state does not fulfil its obligation to provide adequate housing for its population. Even in these cases it is possible to establish the accountability of the government when you make the distinction between the obligations of conduct and result. Although the desired result will not be reached, the conduct should not be contradictory to the objectives. The so-called “progressive realisation” cannot be taken as a pretext for non-compliance. It is stated that the obligations arising from the economic, social and cultural human rights require from states to take certain steps immediately and others as soon as possible because the burden is on the state to demonstrate that it is making measurable progress toward the full realisation of the rights.\(^\text{11}\)

Clear is the violation when we see for instance that during the cultural revolution in China their stocks were full of food and the prestige of China was enhanced by exporting food, although at the same time the population was starving and as a result of this policy millions of Chinese have been deliberately murdered. In looking for early indicators, I prefer the more limited right to food over the broader right to an adequate standard of living. Other rights like the right to safe working conditions in the field of labour rights and the right to higher education without discrimination as well as the realisation of primary education for all are

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\(^{11}\) Ibidem p. 24
also basic rights which are not vague and the violations of these rights can be measured. A combination of violations of the right to housing, safe working conditions, higher education, elementary primary education and food as well as the prohibition of forced labour and child labour may be used for the purpose to find the first indicators for gross economic, social and cultural human rights violations.

C. INDICATORS FOR THE CAUSES OF WAR AND MILITARY CONFLICT

The study on the causes of war has a long tradition in international relations. The Correlates of War is a well known project and I will not deal with the different findings, for instance in the relation between arms race and escalation into war. I have three reasons for not following this tradition for this research paper. The first is my doubt about referring to the conditions of the past because these will not remain unaffected in the future period. In particular, after the Cold War the structure of the system has changed to such an extent that we cannot relate, for instance, to a bipolar world with stability.\textsuperscript{12} We cannot just link a transformation in the system resulting in a higher degree of tightness of the blocks in the system to instability and a higher chance of war. Although a remarkably strong state-centred approach was the answer on terrorism after the 11th September, the non-state approach and the intrastate conflicts were highlighted as well. It is the intrastate conflict we need to address. My third reason for not following the tradition is that I need information on preventing escalation at the very early stage. In the above mentioned situations of higher tightness of the blocks or an increasing arms race, the situation is already dangerous and the maximum to be reached is to prevent that a limited military conflict will lead to a full scale war. You may say this early warning comes too late to be useful.\textsuperscript{13} Moreover, perhaps, we do not need to know these causes of war to relate human rights violations to violent conflict. In particular when these causes refer to broad categories as democracy, poverty and system transformation we have no tools at hands in the short run that would be useful for early action. The best method is, like in the previous section on human rights violations, to look for the more simple indicators. These are not the root causes of conflict, but the first indicators of a possible escalation of a conflict, at a very early stage. In cases of interstate conflicts mainly at the bilateral level we can refer to the lower steps of the escalation ladder developed by Holsti.\textsuperscript{14} At this moment I do not need to elaborate on this aspect or to try to find the indicators for military conflicts. The yardstick for the indicators for GHRVS is not similar to the one for military conflicts. I shall make clear in the next section what the relationship is between GHRVS and military conflicts.

D. INDICATORS TO LINKAGE OF HUMAN RIGHTS VIOLATIONS AND VIOLENT CONFLICT

All military conflicts result in gross human rights violations. Apart from violations to the right to life these include also violations of most economic and social rights because of the destruction of the infrastructure in the target country. Almost all civil and political human rights will be violated as well, including the so-called non-derogable rights. The stream of refugees which is created with any military conflict, is an evident example of the non-combatant victims.

\textsuperscript{12} B. Russett, H. Starr, D. Kinsella, World Politics, 2000, pp. 192-197.
\textsuperscript{14} K.J. Holsti, International politics, 1995, p. 337.
In short we may state any military conflict (MC) will lead to GHRVS.  \[ \text{MC} \rightarrow \text{GHRVS} \]

One of the main causes of GHRVS is war. Military conflicts can be divided as to the number of persons killed in a year and PIOOM, for instance, makes a threefold distinction\(^{15}\):

1. Violent political conflict with less than 100 deaths (175 in 2002, 178 in 2000),
2. Low intensity conflict with 100 - 1000 deaths (79 in 2002, 78 in 2000) and
3. High intensity conflict with more than 1000 deaths (23 in 2002, 26 in 2000) in a year time period.

We are able to combine these figures and facts with the numbers of refugees and internally displaced persons. PIOOM distinguishes four groups of refugees:

1. Less than 10000 (9 in 2000)
2. Between 1000.000 and 500.000 (14 in 2000)
3. Between 500.000 and 1.000.000 (13 in 2000)
4. More than 1.000.000 in total (5 in 2000).

Although we are aware that GHRVS are a consequence of armed conflict the reverse is also true. In the words of the UN High Commissioner for Human Rights: “Today’s human rights violations are the causes of tomorrow’s conflicts.” This means that human rights violations are the precursor events to violent conflicts and military conflicts. The GHRVS are therefore one of the important causes of military conflicts. What is examined in this project is the relation between GHRVS and MC.

\[ \text{Any MC} \rightarrow \text{GHRVS and GHRVS} \rightarrow \text{MC} \]

Moreover when we know that in time GHRVS will precede military conflicts we may state GHRVS1 (as indicated in B) \(\rightarrow\) MC and this MC will lead to war and refugees related GHRVS. The latter we call GHRVS2.

The sequence will be: \(\text{GHRVS1} \rightarrow \text{MC} \rightarrow \text{GHRVS2}\)

This means when we are able to discern the first indicators of GHRVS1, the early warning may prevent the escalation of GHRVS (numbered line 1 and 2) and the prevention of military conflict (numbered line 3 and 4) and thus prevent GHRVS2 (numbered line 5 and 6). This may sound optimistic and it is possible that other related and intermediate factors should also be taken into account. The point I want to make here is that this focus and limitation on first indicators of GHRVS of both civil and political and economic-social-cultural rights does make sense for a fruitful early warning at an early stage. See the scheme at the next page.

Scheme on Origins and Continuation of Gross Human Rights Violations:

**GROSS VIOLATIONS OF CIVIL AND POLITICAL RIGHTS AT SCALE 3, 4 AND 5**

<table>
<thead>
<tr>
<th>TYPE</th>
<th>INDICATOR</th>
<th>VIOLENT CONFLICT</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>GHRVS 1</td>
<td>CIVIL and POLITICAL RIGHTS</td>
<td>Limitations on freedom of expression (press and speech), and freedom to assembly; Discrimination, Torture at very limited scale.</td>
<td>GHRVS 2 including war related violations of civil and political rights</td>
</tr>
<tr>
<td>Scale level 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GHRVS 1</td>
<td>ECONOMIC SOCIAL and CULTURAL RIGHTS</td>
<td>Violations of right to housing and right to food; Safe working-conditions; Forced (Child) Labour; and right to higher education and the realisation of primary education</td>
<td>GHRVS 2 including war related violations of economic, social and cultural rights</td>
</tr>
<tr>
<td>Scale level 2</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GROSS VIOLATIONS ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT SCALE 3, 4 AND 5.**

Scale Level 1: Countries live under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional. Political murders are extremely rare.

Scale Level 2: There is a limited amount of imprisonment for non-violent political activity. However, few persons are affected, torture and beatings are exceptional. Political murder is rare.

Scale Level 3: There is extensive political imprisonment, or a recent history of such imprisonment. Executions or political murders and brutality may be common. Unlimited detention, with or without trial, for political views is accepted.

Scale Level 4: The practices of level 3 are expanded to larger numbers. Murders, disappearances, and torture are a common part of life. In spite of its generality, on this level violence affects primarily those who interest themselves in politics or ideas.

Scale Level 5: The violence of level 4 has been extended to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals.
I am aware that situations may differ from the scheme above. For instance when we look at the situation in Greece in 1967-1974 or in Argentina from 1976-1982. In both situations we are dealing with a military coup d'état which resulted in gross human rights violations with torture on a mass scale and disappearances of political opponents. This is the situation at level 4 of the GHRVS. In both countries a military conflict followed: in 1974 in Cyprus with Turkey and in 1982 on the Falklands/Malvinas with Great Britain. These wars did not lead to more repression but on the contrary these wars promoted the downfall of these military regimes and brought the situation with the GHRVS to an end.

The situation in the eighties in Central America, however, is in accordance with this scheme. Human rights violations were the causes of the military conflicts in this region, these military conflicts worsened the human rights situation and the peace agreements in this region made possible a process of democratisation and the promotion of both types of human rights (including development co-operation).

The Israeli-Palestinian conflict also follows more or less the sequence of our scheme. Human rights violations are the root causes of this conflict; for instance article 1 in both Human Rights Covenants is the right to self-determination. Many other human rights violations can also be invoked as causes. It is the stagnation of any progress that led to the Intifada twice. The consequences, however, were different. The first Intifada can be seen as one of the factors that promoted the Oslo peace process and resulted in several agreements between Israel and the Palestinian authorities. A stable situation was reached in which both human rights categories were more or less promoted in the period 1993-2000. However the failure to reach a new agreement in the summer of 2000 at Camp David has led to the second Intifada which resulted directly in mass and grave human rights violations at both sides. This military conflict indeed worsened severely the human rights situation and that caused again the increase of the terror and increase in fighting with higher numbers of killed persons than before. Now in March 2002 already 1350 persons, among whom more than 1000 Palestinians, have been killed. In this conflict the first indicators are very clear and the more intense the conflict developed the more severe the human rights violations have been. The obligation to ensure adequate housing was not met in the first place because of a very uneven distribution but later there was even the express demolition of houses. Severe interrogation methods developed into torture and finally arbitrarily executions. The respect for the rule of law with fair trial, also for those in the occupied territories, was no longer made possible. Freedom of expression was very limited on the Palestinian side and more and more restricted at the Israeli side etc. In this particular example early warning has taken place but early action is difficult although not excluded. The problem here is not so much that third countries are not willing to intervene but the parties themselves do not accept this interference.

In other cases the early warning was also rather clear but the international community did not react or, on the contrary, escaped by withdrawing its troops when the situation deteriorated. The clearest examples of these situations are those in Rwanda and Srebrenica in Bosnia-Herzegovina. We will now address this topic on the relation between early warning and early action.

E. FROM EARLY WARNING TO EARLY ACTION

Early warning is possible by searching the different sources of information. We will look at the reports from the general human rights NGOs as Amnesty International, Human Rights Watch, International Commission of Jurists etc. We will investigate the different UN sources, in particular the reports of the Special Rapporteurs (for instance in relation to our indicators we will focus on the Special Rapporteur on the freedom of opinion and expression, on torture, on food, on education, on housing and others, also taking into account the ILO with its
monitoring on labour rights) and try to discern the first signals of human rights violations measured by our indicators. Another important source are the reports from the embassies to their governments. In these country reports the more specific aspects are addressed as well because they will be used in the decision-making to expel or to grant political asylum. The judges are using these reports too. I know some country reports from the Netherlands but I do not know whether these are co-ordinated with the other EU member-states. This should be studied because the basis for any action in the framework of the common foreign and security policy (CFSP) of the EU is also made by these reports. In this way we will study the reports from NGOs, International Governmental Organisations (IGO) as the UN, the Inter-American Commission and the EU, and the diplomatic country reports. The differences in assessing the situation will be observed and may be linked to the willingness of states and international organisations to undertake actions in that specific case. The hypothesis is that governments are inclined to present a more rosy picture of the human rights situation in a country with which they have strong economic relations. In a study this was one of the main causes for the very different reaction from the government of the Netherlands in their bilateral relations to the human rights violations in Chile and Argentina after the coup d'état in 1973 and 1976. All economic relations were disrupted with Chile, but with Argentina the trade increased more than four times in the period 1976-1982 (from 89 to 390 millions of guilders) and Holland exported arms, planes and other military equipment to Argentina during the period of the Dirty War. In the period of the junta the Netherlands was a very important trading partner for Argentina. With regard to the exports the Netherlands was ranking in the second place after the Soviet Union. In another study the reports from Amnesty International were compared with country reports with the same correlation between importance as a trading partner and the rosier description of the human rights situation in the country concerned. This signifies that the early warning anticipates in this way already on any early action. The report of the early warning may be formulated in accordance with the preferred policy on early action or inaction. That is why we want to take a broader range of reports in our study than only diplomatic country reports to investigate the early warning in terms of our indicators.

The action of third parties in cases of GHRVS is related to the topic of the so-called humanitarian intervention with or without an authorisation from the Security Council. It is the primary aim of the UN to maintain international peace and security and the early action is explicitly meant to prevent the outbreak of a military conflict (see the numbered line 3 and 4). For any mandatory action of the Security Council the situation should be qualified according to article 39 of Chapter VII of the UN Charter which means the existence of any threat to the peace, breach of the peace or act of aggression. Although this concept has been broadened the last decade to GHRVS one should be aware that it is only possible to act in this way in very serious situations. The possibility of economic and diplomatic sanctions in this framework (article 41 of Chapter VII) may be seen as a last resort to prevent war. It is not quite clear how serious the situation should be in order to act with these mandatory measures. In this regard I can refer to the resolutions on Rwanda and on the situation in the Great Lakes region where the Security Council determined that the magnitude of the human tragedy constitutes a threat to international peace and security.  

On the one hand you may state that at this stage we only discern the first signals of human rights violations which can not yet be qualified as the gross and systematic pattern of violations on a mass scale. This makes it difficult to decide already on enforcement measures under Chapter VII. On the other hand the "threat to peace" implies that these GHRVS should be contained with enforcement measures in order to prevent a military conflict, following the numbered lines 3 and 4. The other purpose of the early action is to prevent the aggravation of the human rights situation. The first violations should not be extended and intensified, from scale 2 to scale 3,4 and 5. That is why the early action should be seen as a blockade on the road following the numbered lines 1 and 2. In other words, the early action should limit the existing violations which led to the early warning. The following early action is to prevent the continuation. This action must be taken in order that the violations do not spread to the lines 1,2,3 and 4 in the chart.

In her book "Responding to Human Rights Violations, 1946-1999" Katerina Tomaševski studied the reactions of states and international organisations to human rights violations with economic and political measures. There was hardly any relation between political condemnation and economic negative sanctions in the behaviour of states. Vice versa a relationship between increasing or decreasing development aid in relation to the human rights violations was not found either. Other often domestic factors, which vary from case to case, were more important to explain the behaviour of the third states in reaction to human rights violations.

This is also confirmed in research in the Netherlands in comparing the Dutch reactions on different cases of gross human rights violations. The role of parliament to support the demands of domestic NGOs was important and often made a difference in the Dutch governmental behaviour. Other legal and alliance related aspects played a role as well and the governmental bureaucracy could often decide whether a case was dealt with as a human rights case or as export, trade or security issues etc. The human rights situation in the country concerned was not the primary motive to act or not to act. The disappointing record of the United Nations with situations such as in Rwanda and Bosnia-Herzegovina has been investigated and the Secretary-General of the UN did draw some lessons from this. However, the translation at the multilateral level from early warning mainly in the UN Centre in Geneva to early action as decided in the UN Centre in New York has not yet taken place. That is why we will in addition study the role of the state at the national level. National initiatives may also be seen as necessary incentives to act at the multilateral level. For Europe this is in particular relevant because in the long run the Common Foreign and Security Policy of the European Union can no longer be separated from the foreign policies of the member states. The incentives to take action found their origins in national societies like for instance in the British and Dutch with regard to the European reaction on the situation in Zimbabwe in February 2002.

In short, early warning based on the selected indicators is a necessary but not a sufficient condition for early action. The motives for early action can be found in the decision-making states and international organisations. These are often based on other concerns than the human rights situation in the target state. On the other hand the prevention of any deterioration of the

human rights situation and the prevention of military conflict is also in the national interest of the states and international organisation that should decide on early action.

This project hopes to elaborate on the first indicators of GHRVS, which is linked to the question of indicators to violent conflict. This will further explain how early warning can take place. As early warning in itself does not prevent GHRVS, this project will examine in which cases such warning was followed by early action. What triggers and what inhibits individual states, the European Union and the United Nations to take early action? Finally, from the normative perspective we will examine whether - and if yes when - inaction, late action, inappropriate action or adverse action makes the so-called bystanders into perpetrators. After all, what does this say about their accountability?

Maastricht, 5 March 2002.