

Re-thinking on Public International Law

Mohamed Elamin Elbushra Mahgoub,
African Centre for Justice and Peace Studies, Sudan

The Asian Conference on Business & Public Policy 2014
Official Conference Proceedings

iafor

The International Academic Forum
www.iafor.org

Introduction

The Research Topic

Today, human beings, global environment and natural resources are suffering from the extended and endless national, regional and global conflicts, wars, political violence, terror attacks and natural disasters. Unreasonable political violence, regional wars, ethnic conflicts and other causes of social unrest were behind the deteriorated international economy and the underdevelopment of more than one hundred and sixty (160) countries. Political leaders, States, organizations, local communities and individuals are fairly behind such deteriorating conditions of the welfare of human beings, in spite of international laws adopted by the international community.

This paper attempts to highlight the man-made hazardous threats facing mankind, while the existence of international legal system and the efforts made to develop rules of public international law accepted and ratified by almost all members of the United Nations. This paper suggests re-thinking on public international law, looking to more effective implementation.

The Issues Addressed by the Research

During the last three or four decades public international law was given due care and attention. Vital contributions were made by scholars, enhancing the improvement of the public international law and its role in realization of global peace and security. Such contributions were behind the improvement of human rights laws and the international humanitarian laws. However, in practice no positive results were visible, due to poor implementation of such laws. Today, in many parts of the world, human rights and humanitarian laws are not observed. Human beings, including children and women are suffering obviously. The existence and validity of international law is under critical challenge. The collective security measures have lost credibility and respect. Such issues are the focus of this research.

Purposes of the Research

The main purposes of this research may be summarized as follows:

- It highlights the contemporary sufferings of mankind, due to civil conflicts violence and wars.
- It focuses on human losses and economic damages caused by natural disasters and the need for turning efforts towards facing such disasters rather than adding more suffering by man-made disasters.
- It emphasise giving public international law more attention and new image as means of fair governance
- It calls for the adoption of practical and effective means for implementation of the public international rules, namely in the area of human rights and humanitarian laws.
- It stresses the need for more involvement by international community (i.e. collective security mechanisms) in the governance of the state under bad governments.

Research Methodology

Historical analyses and descriptive methodology will be utilized to achieve the objectives of this research. Innumerable books, researches, and controversial writings will be introduced and critically examined. International treaties and conventions, agreements and joint declarations among the states will be examined and documented. In deed the current situation of human suffering and the global hot spots will first be defined and highlighted. Thorough analyses and evidence-based conclusions will lead to qualified results and recommendations.

The research consists of this introduction and two chapters:

Chapter One will highlight the hot spots on the world map, drawing attention to the continuing losses and suffering of mankind.

Chapter Two will discuss the issues related to public international law in theory and practice, to examine possible means of effective implementation of international Law. The research may be concluded by practical suggestions for the future of the public international law, in the context of re-thinking on the public international law.

Review of Literature

Initial literature search has disclosed (788) books and articles. More than (700) references were selected and examined for the purposes of this research. The examined readings emphasized importance of the public international law as a basic tool in maintaining human rights, combating violence, realizing justice and protecting victims. Joel Trachtman suggested concept of global government through effective international law to maintain peace and welfare of the human beings. Christine Evans has considered reparation of the victims of conflicts as a basic principle of human rights that should be adopted by the public international law. Lukas Meyer was of opinion that protection of legitimacy and justice through effective international law with powerful enforcement authority should be the right path to global peace and stability.

Innumerable references have discussed the threats of violence and political conflicts as new challenges of world order, bringing leading scholars together to explore issues related to validity and efficiency of public international law.

Chapter One

Global Hot Spots and Human Suffering

Global hot spot and human suffering may be divided into two types:

Hot spots and suffering caused by the natural disasters and,

Hot spots and suffering caused by Man.

The abovementioned two types of threats may be discussed in two sub-chapters as follows:

1.1. Natural disasters-related hot spot and human suffering

It may be very difficult to draw a worldwide map for the continuous occurrences of unpredictable natural disasters. It is not easy to assess the impact of disasters on each

nation, due to the tolerance and capability of each country in facing disasters. However, it is essential for the objectives of this research, to outline a reasonable world map for the contemporary situation of natural disasters, based on the available open sources, with the intention of drawing attention to the real sufferings of mankind.

The annual statistical review, issued by Centre for Research on Epidemiology of Disasters for 2012 has revealed that three hundred and fifty-seven (357) natural disasters were registered worldwide. Although it was less than the average observed disasters of three hundred ninety four (394) during 2002- 2011, however, natural disasters have killed a total of nine thousand, six hundred and fifty five (9655) persons and left one hundred twenty four and a half million (124.5) victims. In the same year, economic damages caused by natural disasters were estimated to be \$157 billion US. The abovementioned report showed that the average economic damages of disasters during 2002-2011 were \$143 billion US.

On the other hand, the United Nations Food and Agriculture Organization estimated that 870 million people of the 7.1 billion in the world (12.5%) are suffering undernourishment during 2002-2012. In the developing countries, (15%) of the population are suffering from undernourishment. Children are the most visible victims of undernourishment and poor nutrition causing the deaths of 5 million every year. According to the abovementioned FAO report, 552 million in Asia, 223 million in Sub-Sahara Africa and 47 million in Latin America do not have enough to eat, in addition to 1.7 million lacking access to clean water and 22,000 children die each day due to conditions of poverty.

A detailed report issued by the United Nations Office for Disaster Risk Reduction has revealed that during 2000-2012, 1.2 million persons were killed, 2.9 billion affected ,in addition to other damages costing 1.7 trillion USD.

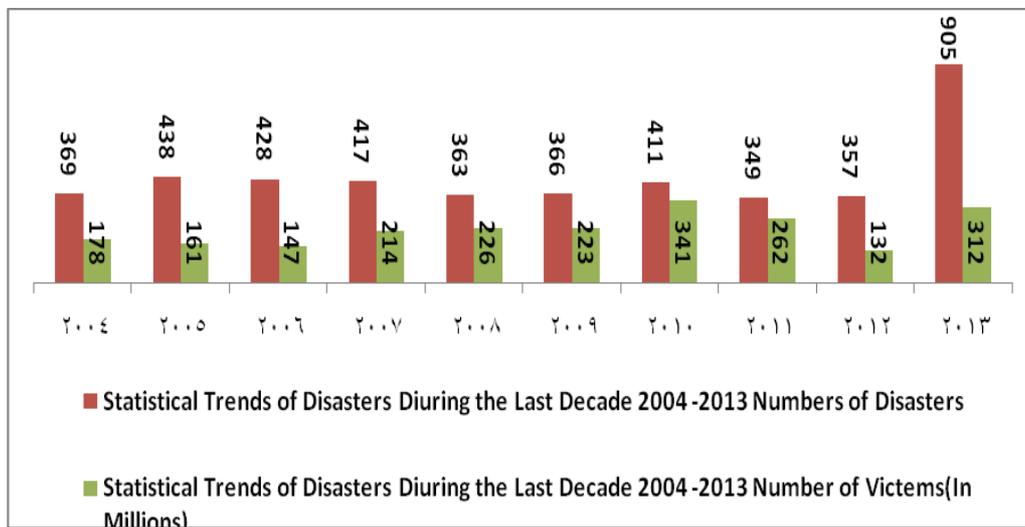
According to Asian Disaster Preparedness Centre, December 2004 earthquake and tsunami has caused death of 230,000 persons in 14 Asian countries

In March 2011, Tohoku earth quake and tsunami, as one of the major natural disasters, has left 28,000 persons dead or missing, a financial loss of approximately 39 billion USD, 1.) million buildings damaged as well as worsening environmental situation in that part of the world.

UNDP report published in 2014 has revealed that there are 2.2 billion person living in poverty, including 1.2 billion living in extreme poverty. According to UNDP, in the developing countries one in five persons live on less than (1.25) USD per day, accelerating crime rates, violence, drug addiction and suicide incidents.

Statistical Trends of Disasters During the Last Decade 2004 -2013		
Years	Numbers of Disasters	Number of Victims(In Millions)
2004	369	178
2005	438	161
2006	428	147
2007	417	214
2008	363	226
2009	366	223
2010	411	341
2011	349	262
2012	357	132
2013	905	312

*Source: Center for Research on Epidemiology of Disasters

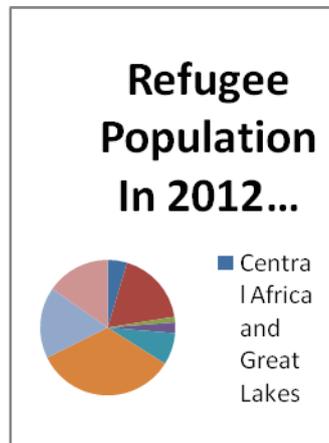


1.2 Human-Made Hot Spots and Suffering

Hot spots and human sufferings caused by human beings are generated by governments, individuals, minority groups, religious groups or other political activists, forcing citizens to flee their homes. Since the Second World War; there have been hundreds of intra-state conflicts. From 1950-2007, there was an average of 148,000 global battlefield deaths per year, and from 2008-2012 the average was 280,000. The total terror attacks and internal conflicts in 2013 have caused death of more than two million, in addition to those who were killed due to crime, natural disasters, hunger and draught.

According to the figures released by the Geneva-based Internal Displacement Monitoring Centre in 2014, there were 28.8 million persons internally displaced. These 28.8 million internally displaced individuals were forcibly displaced by conflicts, generalized violence and human rights violations. The region with the largest number of displaced people was Sub-Saharan Africa, with 10.4 million. Such types of internal conflicts have also forced more than 10 million to take refuge in other countries. The following table shows refugee population:

Refugee Population In 2012	
Regions	Total of refugees in refugee - like situations
Central Africa and Great Lakes	479300
East & Horn of Africa	1866700
Southern Africa	143700
West Africa	267800
Americas	806500
Asia and Pacific	3525500
Europe	1797600
Meddle East & North Africa	1593800
Total	10480900



According to USA Council on Foreign Relations report issued in 2012, there were 30 plausible conflicts and security hot spots throughout the world. Such hot spots were classified into three tiers according to their priorities. Guided by the abovementioned report, I would like to highlight the hot spots, emphasizing spots where more deaths and human suffering is wide spreading classified as follows:

1. Hot spots
 - North Korean nuclear crisis
 - Iranian nuclear crisis
 - Indo-Pakistan crisis
 - North South Korean conflicts
 - Conflicts between Russia and Ukraine
 - China Japan conflicts
 - Japanese Russia conflicts

2. Critical spots
 - Political instability and armed violence in Arab countries
 - Civil and armed violence in Syria
 - Civil and armed violence in Yemen
 - Civil and armed violence in Sudan
 - Extended civil wars in Somalia
 - Sectarian killings in Iraq
 - Sectarian violence in Nigeria
 - Territorial conflicts in many parts of the world
 - The eternal Palestine-Israel conflict

Political instability in several African countries, causing deaths among civilians and starvation of children.

Disasters and conflicts in Africa

In fact, drawing attention to the situation of disasters and conflicts in Africa may be the main purpose of this study. African countries are particularly vulnerable, because of the frequent occurrence of disasters with great intensity and because the majority of Africans live in a delicate balance between survival and poverty as well as bad governance and failed states. Draught, desertification, cyclones, fires, floods and epidemics are among common African natural disasters. In 1998, draught, as a one of the major African natural disasters, had affected 3 million people in Nigeria and 8 million in Sudan. Thereafter, draught and desertification continued to affect millions of people, animals and environment Zimbabwe, Zambia, Ethiopia, Chad and Somalia, causing loss of crops, hunger, deaths and forced migration and displacement.

A disaster profile published by the United Nations Office for Disaster Risk Reduction in Africa reveals has the following data:

Number of events	1699
Number of people killed	708712
Average killed per year	24438
Number of people affected	319,465,876
Economic damage-USD	24,141,032,000)

Armed conflicts are major threats of peace, security and social development deeply rooted in African history. Ethnic completion for control of the states, border disputes, warfare arising from state degeneration or state collapse and fundamentalist religious opposition to secular authorities and natural resources remain as causes of conflicts in Africa since 1950s. African countries involved in long-term armed conflicts include; Algeria, Sudan, Central African Republic, Democratic Republic of Congo, Niger, Nigeria, Sierra Leon, Somalia, Ethiopia, Uganda, Rwanda, Eritrea, Egypt, South Sudan and Libya. During the last decade not less than \$300 billion were spent in African armed conflicts (Libyan conflict expenses are not included). Such is the price that Africa is paying; it might have covered the costs of food, health facilities, education, epidemic causes.

Today, the major inter-state armed African conflicts are continuing in Somalia, Sudan, South Sudan, Uganda, Nigeria, Egypt and Libya. What is shameful is that international community is not giving the least attention to the African natural disasters and conflicts. Millions of deaths, millions of women and children who are fleeing their homes or are internally displaced and the deteriorating environment of that part of the world has never been considered by the international community as a serious humanitarian issue.

The most recent armed conflict is the notorious and inhumane fighting and killings in Syria and Iraq by Islamic groups sponsored by unknown world powers, giving the birth of so-called Islamic State A report on Syria published by UN Human Rights Office in August 2014, has disclosed that, data specialists have identified 191,369 people out of 318,910 who were killed between March 2011 and end of April 2014.

MS. Navi Pillay, the UN High Commissioner for Human Rights, warning of conflict prevention and condemning the role of the international community, has written in her report:

“The killers, destroyers and tortures in Syria have empowered and emboldened by the international paralysis”







Chapter Two

Re-Thinking Public International Law

This research focuses on all types of natural disasters and human-made disasters; including earthquakes, floods, storms, famines and droughts as well as situations causing mass displacement of people such as civil strife and inter-state armed conflicts. Considering such situations as a major threat for the human welfare, this research attempts to utilize the principles of public international law in facing natural disasters and other causes of human suffering, through re-thinking and developing new principles for public international law. What are the basic principles of the international law and how far they are effective in facing contemporary global problems? How can we utilize international law in stopping the human-made disasters; such as terror attacks, political conflicts and armed fighting within states, within same ethnics and within the same religious groups? What are the possible means for turning the efforts and financial costs of human-made disasters to minimize sufferings of the natural disasters; including earthquakes, tsunami, flooding, draught, hunger, diseases and other causes of deteriorating global environment?

2.1 Definition of International Law

There are many definitions for international law formulated in the context of different philosophical perspective; e.g. positivist, naturalist, feminist, sociological and ethical

theories. The Permanent Court of International justice has provided the following definition:

“International law governs relations between independent states. The rule of law binding upon states therefore emanate from their own will as expressed in conventions or by usage generally accepted as expressing principles of law established in order to regulate the relations between these co-existing independent communities or with a view to the achievement of common aims”

Another definition formulated by Professor Shearer states that:

“International law is a body of law which is composed for its greater part of the principles and rules of conduct which states feel themselves bound to observe, and therefore, do commonly observe in their relations with each other, and which includes:

The rule of law relating to the functioning of international institutions or organizations, their relations with each other, and their relations with states and individuals; and

Certain rules of law relating to individuals and non-state entities are the concern of the international community.”

The Restatement (Third) of Foreign Relations Law of the United States of America provides the following definition:

“International law consists of rules and principles of general application dealing with the conduct of states and of international organizations and with their relations inter se, as well as with some of their relations with persons, whether natural or juridical.”

The above definitions describe the actual practices and contemporary applications of international law. However, it is obvious that the general aspects of the international law are not addressing the major peace and security problems of today, which are generated by individuals and insurgent groups, whether intra-state or transnational. With the current principles and enforcement mechanisms, International law is not deeply concerned with the contemporary problems of humanity and we may say it is no longer capable in facing the threats of international terrorism, political violence, armed conflicts, human rights violations and other patterns of crimes against humanity. Although most of such threats are intra-state events, however, they are of great impact on global peace and security. So called the Islamic State of Iraq and Sham (DAISH) is an example of challenges facing international law. In July 2014, Islamic State of Iraq and Sham (DAISH) founded in 2010 by Abu Baker Albaghdadi has re-named itself as the Islamic State, declaring its proposed territories extended from Asia through the Middle East to Spain and West Africa. The Islamic State (former Islamic State of Iraq and Sham) is fairly progressing within the territories of failed states to realize its objectives under a silent international law.

2.2 The History of International Law

It is not easy to mention a definite date or era in history which marks the birth of international law. International law presumably began in an early history, when the organized communities came into contact with each other to regulate their relations. The first recorded treaties in history were adopted around 2100 BCE between rulers

of ancient Eastern Mediterranean States , based on the principle of *pacta sunt servanda* (agreement must be kept) and the principle of good faith.

Ancient Greece (1100-146 BCE) has contributed in developing of the international law, facilitating their common cultural principles including:

- war should be avoided;
- war if necessary should commence only by a declaration;
- Heralds should not be harmed
- war prisoners not be killed

Ancient Rome provided international law with the doctrine of the universal law of nature known as natural law, which was regarded as the foundation of human rights.

The period from 1648, (Peace Treaty of Westphalia) to 1815 (Congress of Vienna) is considered as the birth period of the classical international law. From 1815 to the outbreak of the First World War, international law was based on the principles of sovereignty, balance of power, legitimacy, and equality. The League of Nations established in 1919 was the first global intergovernmental organization vested with maintaining universal peace and security utilizing international law principles, however, it failed to achieve its main objectives. In 1945, following the Second World War and creation of the United Nations new approach of international law was adopted. The purposes of the United Nations are:

to maintain international peace and security;

- to achieve international cooperation in solving economical, social, cultural and humanitarian problems as well as encouraging respect of human rights and fundamental freedoms for all without distinction as to to develop friendly relations among nations;
- race, sex, language or religion(see chapter 11 of the UN Charter); and
- to harmonize the activities of the member states in attaining the above common aims.

In 1991, by the end of the Cold War and the collapse of the Soviet Union, a new era has commenced for international law, under the leadership of the United States of America (we may call it American Era).

Thoroughly examining and with due understanding of the above brief history of international law, its principles and enforcement mechanisms , and in the light of the contemporary situation of the universal peace and security , we may conclude to the following observations:

International law governs the relations between independent states and regulates the relations between these co-existing independent communities, with a view to the achievement of their common aims. In other words, International law is a body of law which is composed of principles and rules of conduct which states feel themselves bound to observe, including the rule of law relating to the functioning of international institutions or organizations, their relations with each other, and their relations with states and individuals. However, according to this definition, individuals and organized groups of terrorism or so called freedom fighters, revolutionary groups and insurgent minorities are not the concern of the international law. Today we are in front of new forms of unrecognized states established by groups of people from

different nationalities, such as state of Somalia, Islamic State of Iraq and Sham and other Islamic Emirates in other parts of the world.

International law consists of rules and principles of general application, dealing with the conduct of states and of international organizations and with their relations, such as sovereignty, balance of power, co-operation, co-existence and minimizing conflicts, however, non-state entities and armed groups of fighters do not believe or respect such rules and principles adopted by the international law. It may not be wise enough to depend on principles, rules and ethics of 19th. Century to govern the new world of 21st. Century with its rapidly changing environment.

In the light of the brief history of international law, there is enough evidence to say that the original principles of the international law are not observed and international law ethics are not respected. Wars are not avoided; undeclared wars are breaking out in many parts of the world, Heralds are harmed, war prisoners as well as civilians and children are killed and slaughtered in wars of today.

The brief history of the international law reveals that the ancient cultures as Ancient Greece, Ancient Rome, the Middle Ages, before the 1st. World War Era, Nations League Era, United Nations Era) have fairly contributed in the development of the international law according to the urgent needs of each era. Now, we are in a new era with unique characteristics and new global needs to maintain peace, security and welfare of the human being. It is urgent that the new world leaders, including politicians, scholars, philosophers and jurists should re-think on the traditional rules and enforcement mechanisms of the international law. They are asked to develop innovative theories, rules, ethics and valid mechanisms for enforcement of international law principles that serves the need of human being of today.

Second World War was evidence for the failure of international law rules and enforcement mechanisms of that era, and probably failure of contemporary international law rules and mechanisms may lead to an outbreak of Third World War, or any other types of undeclared extended wars killing civilians and committing crimes against humanity.

The developed international law principles should focus combating civil wars, intra-state conflicts, causes of political violence, activities of insurgent groups, failed states and terrorism with its all forms.

How can we stop the fighting within states and within same ethnics and same religions should be the concern of international law. Compelling countries to preventing armed conflicts, alleviating the risks and effects of disasters and building resilience to conflicts, and disasters should be at the heart of international law objectives.

Solving economical, social, cultural and humanitarian problems as well as encouraging respect of human rights and fundamental freedoms and humanitarian causes for all without distinction as to race, sex, language or religion should be formulated and enforced by the international law.

The argument against existence of international law as a law, and that it does not have any legislature, judiciary or enforcement body, should be solved.

Realization and Re-Thinking International Law

Looking to the wide range of hot spots and the continuously increasing human losses and suffering, it is essential to examine the efficiency of the related rules of public international law and its capability in minimizing human-made causes of all types of civilians' deaths. Contemporary public international law has organized several key issues, such as:

- recognition of States;
- State responsibility;
- protection of human rights;
- self-determination of people;
- peaceful settlement of disputes between States;
- use of force;
- collective security;
- principles of international humanitarian law;
- combating international terrorism; and
- women and child protection.

However, in practice we cannot see any effective role for the public international law, and that may be due to its poor means of implementation, lack of credible willingness among the major powers and the commercial interests of illegal arms dealers.

By re-thinking on public international law, we mean looking for innovative means and mechanisms of public international law implementation.

Failure of public international law, in this context may suggest failure of the contemporary generation and its global leadership. Today, human being is in need of creative and influential global leaders, scholars, jurists and decision makers who understand the sufferings of the mankind and losses caused by deteriorating global environment and threats of natural disasters that are beyond their powers. Small groups of out-laws and several individuals who by absconding justice in their homelands are threatening and global super powers by their inhumane killings and other disgusting and provocative activities. It is urgent for super powers to take their historical responsibilities for the sake of mankind. There is need to do more in minimizing other causes of human-made deaths.

The world is moving from its traditional structure of isolated states into a uniform, integrated and cooperative structure. In all aspects of life, innumerable rapid changes have taken place and more changes are expected. New and advanced high technology of information and communication has created new ways of thinking for contemporary generations. The need for freedom, rights, equality, justice, welfare, self governance and participation in decision making are among priorities of the contemporary generations. Therefore, radical changes in the theory and principles of public international law may be urgent.

The implementation of new machineries are urgent for public international law to make it more effective in governing states and political factions, ideological fighters and ethnic groups as well as administration of justice and fairness. The collective security system should be re-designed to produce effective measures to control arms dealers, suppress bad governments, combat military terrorism and insurgencies as well as putting troubled countries and failed states under trusteeship.

Machineries for Legislation and Enforcement of Public International Law

International law may be divided into public international law and private international law. Public international law, focus of this research covers the multilateral treaties, rules, laws and customs that govern and monitor the conducts and dealings between nations and other entities having international personality. Public international law encompasses treaties, international customs, general principles of international law, judicial decisions, writings of publicists, equity, legal precedents of International Court of Justice, secondary law of international governmental organizations, declarations and resolutions of the General Assembly of the United Nations and more. Such vague and innumerable sources of public international law may be among the causes behind the inefficiency and poor performance of public international law and its mechanisms. Another obstacle that might minimize the efficiency of public international law is that it has no unique governing or enforcing body. Its enforcement is largely voluntary endeavour, because, the power of enforcement exists only when the parties consent to abide by an agreement.

Treaty-making process

Treaties are the most important source and basic element of public international law. There are several stages known in the process of conclusion of a treaty. The treaty-making process is very long. It starts with complicated negotiations between authorized representatives of states and followed by; adoption of the text of treaty, authentication of treaty, consent of the states to be bound which may be through signing, exchange of instruments, ratifying, accepting, approving, or acceding to it. Thereafter, entry of a treaty into force requires depositing, registration and publication. After such long process of treaty-making, which may take several years, conclusion of the treaty may come out with reservations which may produce a very soft law and mild rules which are not capable to solve hard problems of universal peace and security.

Enforcement of public international law

Following its long process of making, the rules of public international law may face complicated difficulties in enforcement, due to the politically oriented machineries of the international governmental organizations vested with the enforcement of international law. According to Articles 10, 11, 14, and 24 of the UN Charter, fundamentally, the United Nations Security Council and the United Nations General Assembly are vested with maintenance of international peace and security. The UN Charter confers the main responsibility for the maintenance of international peace and security on UNSC.

The United Nations General Assembly may discuss any dispute or crises related to international peace and security and may make recommendations related to them to the state or states or to the Security Council or both. Although such recommendations are not obligatory to the concerned parties, the United Nations General Assembly is precluded from making any recommendation in disputes or situations in respect of which the Security Council is exercising its functions assigned by the UN Charter, In addition to the United Nations General Assembly and the Security Council, Articles 52 and 53 of the UN Charter has provided a limited role for regional arrangements and agencies in the maintenance of international peace and security.

In order to discharge its responsibilities, UNSC enjoys broad powers under Chapter 6 and 7 of UN Charter. Such may be summarized as follows:

- Under Article 40 UNSC may order provisional measures to ensure that a conflict does not escalate;
- Under Article 39 UNSC determines whether the situation under consideration constitute a threat to the peace or act of aggression.

If the UNSC determines that the situation in issue constitutes a threat for peace or aggression, it decides measures should be used to restore peace. According to Article 41, UNSC may decide diplomatic, economic or other sanctions, and if measures taken under Article 41 fail, it may impose military sanctions by virtue of Article 42 of the UN Charter.

Observations on the legislative and enforcement machineries

The UN Charter, Article 1(3) states that one of the purposes of the UN is to provide comprehensive human rights protection to all individuals. Article (55) states that the UN shall promote human rights without distinction as to race, sex, language or religion. Comprehensive human rights are formulated with many international treaties, conventions and protocols, covering almost all needs of human needs of today. However, the enforcement machineries adopted by the UN are not effective. In 2006, the UN Commission on Human Rights was abolished as a result of growing dissatisfaction with the commissions' effectiveness and its politically motivated choices when dealing with the violations of human rights. It was replaced by the UN Council of Human Rights (UNCHR), made up of 42 members elected by UNGA.

The UN system for the enforcement of human rights is very weak for the following reasons:

- it is not mandatory , because states may not submit themselves to any external scrutiny;
- there is no credible and fair body to monitor and report human right violations worldwide;
- there is no judiciary mechanism to deal with the violations;
- there are no effective sanctions for violators;
- the principle of non-interference in domestic matters; and
- prevalence of political interests of the super powers

Misunderstandings of the broad concepts of human rights.

A wide gap between the requirements of the human rights in the developing countries and those in the developed countries. Human rights needed in developed countries is humanitarian (need to survive and not to be killed or die with hunger), while human rights needed for the developed nations is comparatively a matter of luxury.

On the other hand, international community has formulated principles for the international humanitarian law, known as Hague and Geneva law, which were adopted by protocol 1 and protocol 2 in 1977.

Conclusions

Contemporary human peace and security is rapidly deteriorating, due to natural disasters and human-made disasters. Mankind is facing many challenges to survive. United Nations Office for Disaster Risk Reduction showing that 1.2 million persons were killed by natural disasters, 2.9 billion affected, in addition to other damages costing 1.7 trillion USD, during 2000-2012, is a real cause of fear. Nuclear crisis in Iran, North Korea as well as armed conflicts in Asia, Europe, Middle East and Africa are causes of global unrest.

In Africa, as the focus of this research, there is enough evidence that millions of people are internally displaced; citizens were forcibly displaced by armed conflicts, generalized violence and human rights violations. In addition to natural disasters, armed conflicts are major threats of peace, security and social development. African countries involved in long-term armed conflicts include; Algeria, Sudan, Central African Republic, Democratic Republic of Congo, Niger, Nigeria, Sierra Leon, Somalia, Ethiopia, Uganda, Rwanda, Eritrea, Egypt, South Sudan and Libya. During the last decade not less than UAD (300) billion were spent in African armed conflicts (Libyan conflict expenses are not included), while millions of Africans are suffering from hunger and malnutrition. Still, in addition to such worsening situation, newly borne armed conflicts are on the way. So called the Islamic State of Iraq and Sham (DAISH), Islamic Khilafa and Boko-haram in Nigeria, Alnusra in Syria and Libya, progressing within the territories of failed states to realize its objectives under a silent international law, are examples of challenges facing international community.

Now, we are in a new era with unique characteristics and new global needs to maintain peace, security and welfare of the human being. International law rules and enforcement mechanisms of the 19th century may not be able to treat contemporary peace and security problems. Solving economical, social, cultural and humanitarian problems as well as encouraging respect of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as stated in chapter 11 of the UN Charter, may never be achieved through the machineries adopted by the UN of today. It is urgent that the new world leaders, including politicians, scholars, philosophers and jurists should re-think on the traditional rules and enforcement mechanisms of the international law. They are asked to develop innovative theories, rules, ethics and valid mechanisms for enforcement of international law principles that serves the need of human being of today. How can we stop the fighting within states and within same ethnics and same religions should be the concern of international law. Compelling countries to preventing armed conflicts, alleviating the risks and

effects of disasters, building resilience to conflicts and disasters should be at the heart of international law objectives.

International law principles should focus on combating civil wars, intra-state conflicts, causes of political violence, activities of insurgent groups, all forms of terrorism as well as reforming failed states. It is worthy to mention here, that the publicity given to the meaningless term terrorism and the worst use of this term by the politicians was behind the gnawing threats and activities of terroristic groups. It is shameful to say the international community; including super powers are terrified by such small groups of homeless fighters.

Recommendations:

- The UN Charter Of 1948, should be amended to meet the contemporary global needs of peace and security.
- The Security Council should be more democratic, if we want to spread democratic culture in the world.
- New, fair and neutral mechanisms should be adopted to maintain global peace and security.
- Indignant advisory committee of learned people, thinkers, philosophers, scientists, religious leaders, former pelicans and peace prize holders, to decide on the global peace and security issues.
- Failed countries and bad governments should be under UN Trusteeship.
- Minimizing unreasonable armed conflicts and human-made disasters is urgent, to focus all efforts on facing natural disasters.

References

Alice Edwards, *Violence against Women under International Human Rights Law*. London, Cambridge University press, 2013.

Joel, P. Trachtman. *The Future of International Law: Global Government*, London, Cambridge University press, 2012.

Christine Evans, *The Right to Reparation in International law for Victims of Armed Conflicts*. London, Cambridge University press, 2009.

Lukas, H. Meyer. *Legitimacy Justice and Public International Law*. London, Cambridge University press, 2013.

UAE National Newspaper, NO. 14294/ 2014Appendixes

The following photographs may draw attention and remind us with the previous natural disasters and ongoing human-made disasters:













