The practice reviewed supports the emergence of two related norms. The first is a broad rejection of extreme political violence in the form of civil conflict and coup d’état. The second is the specific rejection of civil conflict and coup d’état aimed at the overthrow of a democratic government. This chapter considers the nature and impact of these two emerging norms and the direction of evolution of this field.

A. THE DOMESTIC NATURE OF CIVIL CONFLICTS?

The view that civil conflicts and coups d’état are domestic matters has been central to the position that these forms of political violence are not subject to international regulation or appropriate for Security Council intervention.1 However, according to the Legalist perspective, at least, the question of domestic nature is a relative matter that depends on the development of international law.2 Although most aspects of an internal conflict will remain subject to national jurisdiction, this jurisdiction may be controlled and limited by international duties through treaty or custom or, according to Brownlie, whenever a matter requires enforcing in relation to another state.3 This view of domestic jurisdiction

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finds support in the *Nationality Decrees Case*⁴ and is consistent with the exemption for Chapter VII enforcement measures. As Goodrich et al. point out, any situation that amounts to a threat to international peace and security is “patently a matter of international concern.”⁵ White agrees: “any finding under Article 39, whether or not combined with enforcement measures, is sufficient to internationalise the situation and to escape the grasp of Article 2(7).”⁶

The practice reviewed in the preceding chapters shows extensive involvement in civil conflicts and coups d’état by the international community, and there is an increasing assumption that such extreme political violence can amount to a threat to international peace and security and is no longer considered a domestic matter. This seems to be the case despite the numerous statements of the Council upholding state sovereignty. The formulation by the Council in such statements varies very little and is generally of the form recognizing or affirming “the sovereignty, independence, territorial integrity and national unity” of the state.⁷ However, these affirmations are frequently contradicted either by direct actions of the Council or by other statements within the resolution and therefore cannot be taken to imply that the political violence is a matter exclusively for the state in question.⁸ In Afghanistan, for instance, the

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⁴ Nationality Decrees Issued in Tunis and Morocco (French Zone) on November 8th, 1921, Advisory Opinion, 1923 P.C.I.J. (ser. B) No. 4, at 24 (Feb. 7). The notion that domestic jurisdiction is relative is also expounded there.


⁶ WHITE, supra note 3, at 56.


⁸ Resolutions of the Security Council that target the conduct of governments contradict repeated statements upholding state sovereignty. Consider, for instance, the