

VIOLATIONS OF HUMAN RIGHTS IN SITUATIONS OF CONFLICT AND INSECURITY

The maintenance of international peace and security is one of the purposes of the United Nations Charter. Violence and conflict undermine sustainable development. Human rights violations are at the root causes of conflict and insecurity which, in turn, invariably result in further violations of human rights. As such, action to protect and promote human rights has inherent preventive power while rights-based approaches to peace and security bring this power to efforts for sustainable peace.

The human rights normative framework also provides a sound basis for addressing issues of serious concern within or between countries that, if left unaddressed, may lead to conflict. Human rights information and analysis is a tool for early warning and early targeted action that has not yet been used to its full potential.

Failure to adhere to international human rights standards and protect human rights weakens peace-making, peacekeeping and peacebuilding efforts. Global efforts to counter terrorism and prevent the spread of violent extremism suffer from this failure.

The UN's renewed focus on prevention and sustaining peace is key to both this and the previous pillar on advancing sustainable development. It can help to sustain both peace and development by showing how applying human rights norms can address grievances, reduce inequality and build resilience. This pillar also addresses potential threats posed by new technologies in a security context [1].

An understanding of the links between human rights, war, and conflict can begin with conflict analysis, as human rights violations can be both cause and consequence of conflict. In the most general sense, grievances over the denial or perceived denial of rights can generate social conflict.

This may be the case where there is systematic discrimination based upon race, ethnicity, caste, religion, language, gender, or other characteristics. Alternatively, human rights abuses can emerge as a result of violent conflict.

A conflict may have been undertaken by the parties primarily out of concern to promote a political or ideological agenda, or to promote the welfare of one or more identity group(s), or over access to resources.

Human rights are also potentially transformative of conflicts and may make their resolution a greater challenge. Thus, conflicts that begin as conflicts over resources, religion, or ethnic or territorial claims, may, as they progress, create new grievances through the real and perceived violation of human rights by one or more parties to the conflict.

Local context is key. None of them by themselves is likely to have a decisive impact on conflict. They need to be part of a broader strategy involving action by other national, regional and international partners, and reinforced by action at the international and multilateral level. The entry points identified in this paper are not

an exhaustive description of human rights activity that could be undertaken in conflict environments [2].

There are lots of other possible human rights activities that can be undertaken for good human rights or other policy reasons, but which may not have a significant effect on conflict. And lots of other non-human rights activities that could reduce the likelihood of conflict, reduce conflict, consolidate peace or reduce the human impact of conflict and strengthen the protection of civilians.

References:

1. Preventing violations and strengthening protection of human rights, including in situations of conflict and insecurity. URL: <https://www.ohchr.org/en/about-us/what-we-do/our-roadmap/preventing-violations-and-strengthening-protection-human-rights-including-situations-conflict-and>.
2. Chandra Lekha Sriram, Olga Martin-Ortega and Johanna Herman. War, Conflict, and Human Rights. URL: <https://doi.org/10.1093/acrefore/9780190846626.013.494>.

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LASY PO POLSKU – SŁÓW KILKA NA TLE WYROKÓW TRYBUNAŁU SPRAWIEDLIWOŚCI UNII EUROPEJSKIEJ PRZECIWKO RZECZYPOSPOLITEJ POLSKIEJ

W opracowaniu tym Autorka chciałaby przedstawić szerszemu gronu zagadnienia związane z dwoma wyrokami Trybunału Sprawiedliwości Unii Europejskiej (dalej: Trybunał): z dnia 17 kwietnia 2018 r. w sprawie C-441/17 [1] i z dnia 2 marca 2023 r. w sprawie C-432/21 [2] z jednoczesną próbą syntetycznego wskazania konsekwencji prawnych ich zapadnięcia.

Znaczenie lasów, szczególnie w kontekście podkreślanych zmian klimatycznych i to w ujęciu globalnym, jest niezaprzeczalne. Wszak lasy mogą odegrać znaczną rolę zarówno w mitygacji zmian klimatycznych czy też dostosowaniu się do negatywnych konsekwencji tego procesu. Zagadnienie to jest tym bardziej istotne z perspektywy badawczej, że według założeń Europejskiego Zielonego Ładu gospodarka unijna ma osiągnąć zerowy poziom emisji gazów cieplarnianych netto [3, s. 2] już w 2050 r. W krótszej perspektywie – do 2030 r. – będzie się to wiązało z jeszcze ambitniejszymi celami zmierzającymi do redukcji emisji gazów cieplarnianych o co najmniej 55% w stosunku do poziomu z 1990 r. Te zaś cele wymagają intensywniejszego wykorzystania potencjału ekosystemów leśnych jako pochłaniaczy. Nie bez znaczenia pozostają tu również strategie na rzecz bioróżnorodności [4] i nowa strategia leśna [5], które zakładają poprawę jakości obszarów leśnych Unii Europejskiej (poprzez ich ochronę i rekultywację)