

'solutions'. It is suggested that the rather ambivalent attitude towards human rights by many UN political negotiators and UN decision makers, often member states themselves, has been the result of an unawareness of how human rights underpin everything the UN stands for and is trying to achieve.

Somalia was a case in point. It appears as if most of the senior UN officials in the operation and at UN headquarters in New York, saw human rights issues as an impediment to political negotiations. This attitude was not particularly different from attitudes in other peace-keeping operations, and most certainly reflected and was driven by the attitude of most member states. As in other UN operations, this was not necessarily indicative that UN officials were opposed to human rights per se, or took human rights violations lightly. Rather, they just felt that there was little linkage between politics and human rights, and that human rights did not play a major role in achieving peace. Morality and ethics were seen as precious in their own right, but not terribly important when dealing with the 'real' issues.

### Legal

The UN Charter contains both the legal basis for human rights activity by the UN, and the political contradictions such as the '*essentially domestic jurisdiction*' clawback of Art. 2(7). Like any set of principles, the Charter is subject to interpretation both through subsequent written agreements and through customary practice. As will be seen in Chapter 3 on the legal imperative, there has been a proliferation of legal agreements since 1945 that spell out with increasing clarity the human rights and duties of individuals, governments, and the UN.

Most of the legal duties are found in the International Bill of Rights and other human rights treaties, others are found or repeated in the Law of Armed Conflict. Some norms have become universally binding regardless of whether a particular treaty has been ratified or not. Rape, extra-judicial executions, disappearances, and torture are just some of the human rights violations that have gained such universal legal condemnation.

At a minimum, these universally binding human rights norms bind the UN, all its member states, and all parties to an armed conflict. Is the world prepared to silently witness acts of ethnic cleansing in Bosnia, ethnic massacres in Rwanda, or death squads in El Salvador? Especially when a UN operation is present in the country the answer of course is, a tentative "not really". Moral imperatives may encourage us to include international human rights in UN field operations, and legal imperatives may legally bind us to do so. However the bottom line in UN practice is that even the combination of moral and legal imperatives have hardly ever proven sufficient to result in rapid and effective response by the world community.

Fortunately, there are emerging operational imperatives that make it worth the while of UN member states to monitor violations and protect human rights. Particularly where there are UN field operations, member states and senior UN personnel are becoming increasingly cognizant of the operational pay-offs to taking human rights action.