

Most certainly, all UN sponsored international human rights law is perforce binding upon that same body. For example, all UN treaties having been adopted by the General Assembly must be binding on the UN. Any other conclusion has to raise serious doubts as to the role and character of the world's ultimate body. Inter alia, it must be "axiomatic that UN personnel should comply with the United Nations' own basic standards."⁵⁶

Much of the law of armed conflict either predates the UN or was negotiated outside of UN auspices. However again, the unique universal character of the UN must mean that the UN is the recipient of international commitments by legitimate universal bodies such as the League of Nations and the variety of international congresses and conferences that evolved the law of armed conflict of Geneva and the Hague. The law of New York is of recent vintage and conducted under the auspices of the UN and thus more obviously binding. As a corollary, the UN is bound indirectly where troops and other national contingents or individuals such as CIVPOL, are provided by states who have ratified the relevant treaties.

For all of the above and even without Art. 89⁵⁷ of Protocol I of the Geneva Conventions, the UN would have a duty to promote the law of armed conflict. Particularly in peace-keeping operations, the UN should "play a preventive role, particularly by monitoring the activities of military or paramilitary forces operating in sectors in which UN forces are deployed."⁵⁸ Surely the "primary responsibility at the operational level for ensuring implementation of and respect for IHL [international humanitarian law] by PKF [peace-keeping forces] devolves upon the UN."⁵⁹

At a minimum, "it is now imperative that the UN explicitly state in some appropriate form that it considers itself bound by the Geneva Conventions and their Protocols."⁶⁰ Furthermore, Amnesty International and many other commentators feel strongly that "the UN should state in an equally explicit manner that the UN itself, and all forces and other personnel acting under a UN mandate, are bound by UN standards in human rights, the administration of justice, and law enforcement and human rights."⁶¹

It is important to remember that components of UN field operations, particularly military and CIVPOL, are placed in difficult situations which increase the possibility of human rights violations by UN personnel themselves. Somalia more so than many other UN field operations, proved to be particularly complex and combative. UN troops were sorely pushed, and some responded inappropriately and at times illegally. Unfortunately the UN has no machinery to officially investigate alleged wrongdoings by its agents in the field, and Canada has been one

⁵⁶ p.140, Clapham & Henry, in Aspen/Henkin ed., op.cit.

⁵⁷ Art. 89 Protocol I specifically calls for unilateral and multilateral action by states in co-operation with the UN.

⁵⁸ Umesh Palwankar, *Applicability of international humanitarian law to United Nations peace-keeping forces*, International Review of the Red Cross, May-June 1993, No. 294, p.234

⁵⁹ Palwankar, op cit., p.238

⁶⁰ p.32, *Peace-keeping and Human Rights*, Amnesty International, IOR/40/01/94, January 1994.

⁶¹ p.33, ibid.