

political or diplomatic."<sup>170</sup> One way of avoiding political grid-lock and stiffening UN resolve, is to set out various thresholds or triggers that call for a range of mandatory as well as optional responses.

This of course involves a devolution of decision making and power to UN officials, particularly field staff. As many national politicians know, advance delegation of such power to their officials in anticipation of tough situations, often protects politicians from having to take those hard decisions during times when it is politically hard, if not impossible, to do the right thing. In national jurisdictions, strong functioning justice systems find it essential to set out, in advance, clear human rights norms and a range of sanctions for their abrogation. Usually only then can decision makers remain relatively true to their principles despite the winds of political pressure, compromise, and rationalization.

Such automatic and obligatory actions also would allow UN member states and UN staff, to partially placate those they may be negotiating or dealing with. They are in the position to say that they had no option but to take certain action, eg. it is fixed UN policy to carry out an investigation; or appoint a special rapporteur; or detain the perpetrator; or use force; and so on.

Those thresholds need to be carefully thought out, and explicit trigger terminology like *large scale massacres* is probably better than terms like *genocide*. It is best to avoid terms which are either hard to define or quantify, or have been tied up in narrow legal definitions with criteria that are almost impossible to meet. Thresholds will also vary depending on whether there is a UN operation in a country. The onus on the UN to take action is greater if a UN peace-keeping force is the de facto national civil authority as it was for a period of time in Somalia, Haiti, and Cambodia.

The formal setting out of concrete thresholds for action at the strategic level within the Security Council or General Assembly, particularly where such action would be automatic and obligatory, is particularly problematic. There will be strong opposition by many member states. It more likely that progress in this regard will occur through case by case evolution, slowly building up customary UN practice.

More probable in the short to medium term, is the setting out of automatic and obligatory trigger mechanisms at the tactical level. This will slowly occur as the political and operational benefits of setting out automatic human rights thresholds to precipitate mandatory UN action become more obvious. This will be hastened by increasing pressure from within UN operations by various national 'teams', peace-keepers and others, who refuse to remain inactive in the face of egregious human rights violations regardless of a specific operation's mandates.

*Recommendation #50*

**It is recommended that the UN evolve a number of automatic responses by UN field operations to particularly egregious human rights violations.**

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<sup>170</sup> p.15, Golub, op.cit.