

community has been largely paying lip service to human rights in the region in an attempt to broker real-politick and military solutions. Ancillary activities such as the International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, were innovative but were kept on the margins by UN member states and local parties to the conflict. Faced with a failure to achieve durable peace in this way, the human rights operational imperative was renewed. The burgeoning human rights activity in the region by the international community is not only long overdue, but will contain important lessons on how human rights can play out in future international operations elsewhere<sup>6</sup>.

Since this change of attitude by states is both recent and tentative, those in UN headquarters and those in UN field operations demand clarity of instruction if they are to move against their 'learned' predisposition to downplay human rights. Traditional UN instructions or guidelines have invariably given passing mention of human rights in such a way that the specific language and tenor of those instructions made it obvious that human rights were not to be allowed to get in the way of the real issues, eg. negotiated settlements.

What is needed is a standard practice of automatically placing human rights into the goals, mandate, structure, and rules of engagement of UN field operations. "It may strengthen the negotiating position of the United Nations to define standard elements necessary for the human rights fieldwork, although additional aspects of the terms of reference may be specific to each country situation."<sup>7</sup> Moving one step further, it would strengthen the negotiating position of the UN even more if it established a doctrine that every UN field operation, because of the very nature of the UN, would automatically included a distinct human rights operation. The function and size of the HRO would reflect the nature of the particular conflict or complex emergency.

The counter argument is that quite often a lot of fancy diplomatic footwork, tantamount to both blackmail and downright deception, is necessary to get various member states to go along with the idea of some UN human rights field activity. It is argued that attempts to make HROs automatic would be counter productive. Similarly it is argued that UN and its negotiators should not press, and perhaps not even, ask for clear human rights guarantees and a definable human rights component of any proposed UN field operation. Human rights should be camouflaged and brought in the 'back door'.

This type of UN self censorship and diplomatic obfuscation can only bolster the perception that human rights is not a legitimate role for UN field operations. Even more importantly as the history of UN field operations shows, there usually little gain in getting approval for human rights in field operations by convincing some states that a UN human rights presence will be cosmetic. Invariably and logically, those same states then make it difficult for human rights activity to be other than cosmetic. Their favoured tactic to minimize human rights in UN

---

<sup>6</sup> See the Report on the *International Round Table on Human Rights in Bosnia and Herzegovina, Vienna 4-5 March 1996*, Austrian Federal Ministry for Foreign Affairs, pp.167, this provides an excellent overview of human rights activity in BH.

<sup>7</sup> p. 19, *Honoring Human Rights and Keeping the Peace: lessons from El Salvador, Cambodia, and Haiti*, Alice Henkin ed., The Aspen Institute, 1995.