

## Operational

In the new world of 1990's peace-keeping, most emergencies were recognized to be complex, and directly or indirectly affected us all. Loosened from cold war constraints and facilitated by the increasing spread of military weapons, the days of relatively quiet 'Cyprus-style' operations are long gone. In this new world of increased ethnic conflict and civil wars, human rights violations have a much greater operational impact.

Human rights violations are increasingly understood to be a major cause of those complex emergencies. Equally, the promotion and protection of human rights is a critical factor in the prevention or resolution of those emergencies. Ignoring human rights violations usually worsens a conflict, causing a downwards spiral of violations and counter-violations that threaten, and at times block, success in achieving any kind of peace-keeping or peace-making objective. **This need to take human rights seriously to achieve lasting peace and security is the operational human rights imperative.**

For the majority who still subscribe to power politics, it is this operational imperative that will convince them to operationalize the ethical and legal imperatives, and is of such importance as to merit extended discussion in Chapter 2 following. The study in Chapter 3 will return to look at the legal norms that guide the UN in meeting those far more persuasive operational imperatives.

### 1.3 Renewed UN Mandate for Human Rights Operations

Formal mandate remains a critical issue in the evolution of human rights action within a UN operation. Mandate will be assessed in Chapter 4 on human rights operations, and in Chapter 5 on the human rights partners. Suffice at this point to say that until recently, the role of human rights in UN field operations was minimal. Invariably the UN's inherent human rights mandate has been beaten back by Art. 2(7), ie. non-interference in matters which are *essentially* within the domestic jurisdiction of any state. Cold war power politics abetted an expansive determination of Art. 2(7) and a legion of similar treaty claw-back sections and phrases. Only recently have some states begun to recognize that human rights protections are an integral part of international peace and security, and that phrases such as 'essentially within the domestic jurisdiction' should be interpreted restrictively. It is promising that the recent Vienna Declaration of the World Conference on Human Rights recognized that the "protection of all human rights is a legitimate concern of the international community."<sup>5</sup>

A very recent and forceful example of a renewed mandate for human rights operations is contained in the Dayton Accords and other international negotiations concerning both Bosnia and Herzegovina, and the rest of the former Yugoslavia. For years the international

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<sup>5</sup> Part 1, para 4, *Vienna Declaration and Programme of Action*, adopted 25 June 1993, UN-Doc. A/CONF.157/23 of 12 July 1993.