

# PEACEKEEPING AND HUMAN RIGHTS: A CRUCIAL BUT UNEASY RELATIONSHIP

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## 1. Introduction

With the end of the Cold War, the United Nations has found itself increasingly involved in conflict resolution of protracted civil wars. Accordingly, peace operations were mandated to deal with national reconciliation and democracy-building, but also with other non-military mission objectives, such as the protection of humanitarian relief. The monitoring of compliance with human rights has become an integrate part of this new type of peacekeeping. But, the complex relationship between peacekeeping and human rights has not been sufficiently addressed yet, neither by scholars nor by practitioners.

This study proposes to use the numerous peace operations in the greater Mediterranean area to look at the role of the human dimension in peacekeeping today. It will examine to what extent questions of human rights or humanitarian relief protection have entered primary or secondary mission objectives and how multi-component operations affect the overall performance of peace missions.

International attempts of conflict management in the greater Mediterranean area have led to the development of numerous peacekeeping operations in the region for the last 40 years. These operations differ in kind from each other as much as they do on a global level. They include unarmed observer missions (UNTSO in the Near East), classic UN interposition and observer missions (UNFICYP in Cyprus, UNIFIL in Lebanon), UN support mission for a comprehensive settlement (MINURSO in the Western Sahara), UN missions for humanitarian purposes (UNPROFOR in Former Yugoslavia), non-UN implementation missions operating under UN Chapter VII authority (NATO-led IFOR in Bosnia) and peacekeeping missions outside UN authority (Multinational Force and Observers in the Sinai).

Both in the Mediterranean region and globally, the question of

humanitarian relief and human rights took on an ever-increasing space in the mandates of peace operations. This was due to several reasons.

(1) First, the nature of peacekeeping has changed from primarily military to multifunctional missions with complex agendas and strong civilian, political and humanitarian components. This change was due to the direct involvement of the UN in the political settlements of civil wars. The multifunctional operations - often also referred to as "second-generation" peacekeeping - support the peace-building efforts of the parties. This support often consists of diverse tasks such as carrying out elections, registering and educating voters, supervising the demobilisation and disarming of armies in civil war, monitoring elections, the building of national institutions, the creation of a civilian police force and the investigation into human rights violation. Beginning with the peace process in Namibia, the UN or UN-mandated peace forces were asked to support the implementation of civil war settlements in Nicaragua, the Western Sahara, Angola, Cambodia, El Salvador, Mozambique and Bosnia.<sup>1</sup>

(2) Second, the tragic situation in the Kurdish populated areas in northern Iraq after the Gulf War has led the UN Security Council to argue in its Resolution 688 (1991) that the internal repression of the civilian population can constitute a threat to "international peace and security in the region". This resolution established a clear precedent whereby the UN elevated the concern of human suffering - if combined with the danger of massive cross-border refugee flows - over the heretofore sacrosanct principle of non-interference in domestic affairs of member states.<sup>2</sup> Peacekeeping operations, both under and outside UN Command have been developed for humanitarian (Somalia, Rwanda, Yugoslavia) and human rights purposes (Haiti). They were established under Chapter VII authority, providing them with the option to use force, if necessary, to achieve fundamental mission objectives.

(3) Third, the relationship between peacekeeping and human issues was brought to the forefront by the wars in the Balkan region. The

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<sup>1</sup> For a good discussion of UN contributions to Civil War Settlements, see Stephen John Stedman, "UN Intervention in Civil Wars: Imperatives of Choice and Strategy," in Donald C. F. Daniel and Bradd C. Hayes, *Beyond Traditional Peacekeeping*, (eds.), St. Martin's Press, New York, 1995, pp. 40 - 63.

<sup>2</sup> For an examination of the case of Iraq, see Jane E. Stromseth, "Iraq's Repression of its Civilian Population: Collective Responses and Continuing Challenges," in Lori Fishler Damrosch, *Enforcing Restraint*, Council on Foreign Relations Press, New York, 1993, pp. 77-109. For a legal analysis about UN humanitarian intervention, see Ruth Gordon, "United Nations Intervention in Internal Conflicts: Iraq, Somalia, and Beyond," *Michigan Journal of International Law*, Vol. 15: 419, Winter 1994, pp. 519-589.

relationship between peacekeeping and humanitarianism is profoundly affected by the experience of the various peace support operations in former Yugoslavia. UNPROFOR was the first mission in the history of the UN where a peacekeeping force had to pursue a primarily humanitarian mandate in a hostile environment. At a later stage, the OSCE, NATO's implementation force (IFOR) and other agencies were involved in the implementation of the human rights component of the Dayton settlement. Finally, IFOR found itself caught up in the dilemma of judicial intervention in Bosnia that was actively pursued by the The Hague War Crime Tribunal on former Yugoslavia.

This study will examine the relationship between peacekeeping and human rights as well as humanitarianism by using the various types of peace missions in the Mediterranean as a reference. It will examine to what extent the classic peacekeeping missions, such as UNFICYP in Cyprus, are human-right sensitive. It will then use the case of the Western Sahara to assess the human rights role of peace missions in political settlements. The Balkan legacy, finally, provides ample lessons to the complexity of peace missions with humanitarian and human rights or even judicial mandates.

## **2. Classic peacekeeping operations: The humanitarian aspects of UNFICYP**

Traditionally, peacekeeping operations did not explicitly deal with human rights issues. Mission objectives were geared towards maintaining the military status quo after conflict termination. For example, most classic peacekeeping operations were deployed in the aftermath of Arab-Israeli wars (UNEF I, UNEF II, and UNDOF) with the mandates to monitor the compliance with ceasefire arrangements, assist troop withdrawals, and provide buffers between the opposing forces.<sup>3</sup>

In some cases, however the classic peace missions addressed human rights and humanitarian questions through secondary mission objectives, such as law and order missions. In the Cyprus operation (UNFICYP), for instance, the "restoration of normal conditions and humanitarian functions" mandate comprised a number of humanitarian efforts to be carried out by UNFICYP. They included "facilitating visits south of the buffer zone for Greek Cypriots living in the northern part of the island; support for the refugee assistance efforts of the UN High Commissioner

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<sup>3</sup> For an extensive analysis of these missions, see, for instance, Alan James, *Peacekeeping in International Politics*, Macmillan, 1990.

for Refugees, including delivery of foodstuff, and cooperation with the UN Development Program, World Health Organisation and other agencies working on Cyprus” [Brigisson, 1993, p. 218].

Recently, the humanitarian component of the UNFICYP mission took on more importance with the conduct of the “Humanitarian Review” in both parts of the islands. The Review looked at the living conditions of Turkish Cypriots located in the South and of Greek Cypriots and Maronites living in the northern part of the island. The findings and recommendations were shared with the respective authorities.<sup>4</sup> The main observations of any continued violations are the continued legal, bureaucratic and practical restrictions of freedom of movement of the minority groups, the capricious discrimination and the police harassment.

At present, the UN peacekeeping forces are not likely to assume a more prominent role in humanitarian questions, because of the restrictions that are imposed on their freedom of movement. UNFICYP’s access to minority villages is either denied, restricted or at best, escorted by local forces.<sup>5</sup>

### **3. Peacekeeping and Human Rights Issues in Political Settlements: The Western Sahara**

The UN mission to the Western Sahara reflects a “second-generation” peacekeeping operation, where the political settlement of the conflict was negotiated before the deployment of the UN contingent. The main mandate of the UN forces deployed to the Western Sahara (MINURSO) was, thus, not to freeze the military conflict between Morocco and POLISARIO, but to assist the two parties to implement their peace plan. As was the case with other peace support missions involved in comprehensive settlements, the peacekeeping force in the Western Sahara was given important tasks regarding human and political rights and the right of refugees to return home.

Peacemaking efforts on the armed conflict over the Western Sahara have led in 1988 to a “settlement proposal” that was accepted by the two opposing parties. This proposal was refined and operationalised in 1990 and 1991. The peace plan pursues a solution to the dispute *by means of a referendum*. MINURSO was to assure that the conditions were established for a free, fair and impartial referendum for the self-determination of

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<sup>4</sup> Report of the Secretary-General on the United Nations Operation in Cyprus, 10 December 1995, S/1995/1020, pp. 8-14.

<sup>5</sup> Ibid. p. 14.

the people of Western Sahara. According to the settlement plan, the UN peacekeeping forces should make sure that the "people of Western Sahara will choose, freely and democratically, between independence and integration with Morocco".<sup>6</sup> Corollary rights deriving from the peace plan were the right to vote, the right of self-determination and the rights of refugees to return home.<sup>7</sup> Furthermore, the parties committed themselves to "release before the beginning of the referendum campaign, all Western Sahara political prisoners or detainees".<sup>8</sup>

The implementation of the peace plan has been stalled and MINURSO may have to be withdrawn, should there be no substantial progress in the coming months.<sup>9</sup> It is true that the military part of the peace agreement has been implemented and a ceasefire is monitored by MINURSO since 1991. But, the implementation of the peace plan is held hostage to the continued disagreement about the question of who would be eligible to vote in the referendum.<sup>10</sup>

The question of voter eligibility might very well have a decisive impact on the outcome of the referendum. The harsh result of "winner takes all" - a characteristic of all referenda - has made this peace plan a very high stakes issue for the rivals. Should the POLISARIO prevail in the referendum, the residual Moroccan forces would have to withdraw from the Western Sahara. Should Morocco win, MINURSO would have to disarm the POLISARIO in the territory. But the disarmed and demilitarised ex-combatants would not receive any protection from the UN. The settlement does not foresee any post-referendum security guarantees for the loser, nor does it oblige the winner to engage in any type of democratic institution-building.

According to some officials, the day-to-day work of MINURSO has been made difficult by Moroccan delaying tactics, arbitrariness and deliberate non-cooperation (Ruddy, 1995). A major mistake of the UN has been to allow the parties to carry out their own registration process, instead of leaving this essential task with MINURSO. This has generated a complete

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<sup>6</sup> The Situation Concerning Western Sahara, Report of the Secretary-General, S/21360, 18 June 1990, p. 10. The draft peace plan of 1990 has been slightly modified in April 1991, particularly as to the military part of the agreement, see UN Document A/22464, 19 April 1991.

<sup>7</sup> Ibid., see also William Durch, "Building on Sand, UN Peacekeeping in Western Sahara," *International Security*, Spring 1993, Vol. 17, No. 4, pp. 151-171.

<sup>8</sup> The Situation Concerning Western Sahara (1990), *op. cit.* p. 21.

<sup>9</sup> This threat has been clearly articulated by the Security Council Resolution 1033 (1995).

<sup>10</sup> *Financial Times*, 6 November 1991, p. 4.

lack of transparency of the identification process and has led to the dispute over voter eligibility.

In its five years of operation, MINURSO has been unable to bring the parties into compliance with their commitment as far as prisoners of war and political prisoners are concerned. According to the Reports of the UN Secretary General, Saharan political prisoners were still retained in Morocco, whereas, according to the ICRC, the POLISARIO was still holding about 1900 Moroccan prisoners in the Tindouf region.<sup>11</sup>

The enduring political stalemate finally obliged the UN to react in the spring of 1996: The UN Security Council decided in its Resolution 1056 of 29 May 1996, "that the identification process be suspended until such time as both parties provide concrete and convincing evidence that they are committed to resuming and completing it without further obstacles, in accordance with the settlement plan".

The suspension of the identification process and the reduction of the military component by 20 percent indicated that the UN is, at least for the time being, abandoning the work that has been associated with multifunctional peacekeeping and MINURSO is likely to be relegated to a classic ceasefire monitoring mission without any pertinence as to political and human rights within its area of operation.

#### **4. Protection of humanitarian operations: The UNPROFOR mission**

The mandate of UNPROFOR has evolved over time, first concentrating on conflict termination in Croatia on the basis of the Vance Plan, then branching out to humanitarian relief support in Bosnia. UN Resolution 770 (1992) recognised that "the situation in Bosnia Herzegovina constitutes a threat to international peace and security" and it argued that the provision of humanitarian assistance "is an integral element in the Council's efforts to restore peace and security in the area." Subsequently, the Council required UNPROFOR under Resolution 776 (1992) to support the efforts of the High Commissariat for Refugees (UNHCR) and to "provide protection, at UNHCR's request, where and when UNHCR considered such protection necessary."

Even though the resolutions for Bosnia have been adopted under Chapter VII authority, UNPROFOR was lacking the necessary military capabilities, the political endorsement of the troop-contributing states,

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<sup>11</sup> The Situation Concerning Western Sahara, Report of the Secretary-General, 8 May 1996 (S/1996/343); ICRC News, 96/18, 8 May 1996.

and the operational authority (rules of engagement) to enforce its mandate. The enforcement actions in Bosnia were carried out by NATO airpower both in the air (no-fly zones) and on the ground (protection of safe areas).

The paralysis of UNPROFOR to take action has grown from their mission objective to protect humanitarian operations. Humanitarian operations *require the continuous consent of the parties*, a requirement that has been extensively exploited by the Bosnian Serbs, who always made their approval for transit of humanitarian convoys contingent upon accommodating conduct of the peacekeeping forces. The acceptance of such linkage policies by the peacekeeping forces can, according to an UNHCR Handbook, “cause paralysis in missions, where extraneous issues are allowed to cloud the primary principle of *humanity*” [UNHCR, 1995, p. 30].

Even though UNPROFOR did not have the authority to monitor or react to human rights violations in Bosnia, the question inevitably emerged how the peacekeepers could be “impartial between ‘aggressors’ and their victims, between ‘ethnic cleansers’ and terrorised civilians, between a recognised government and its reviled besiegers” [Tharoor, 1995, p. 126]. The tragedy of Srebrenica was probably the most telling episode of UNPROFOR’s impotency, as a handful of blue helmets had to witness how the Bosnian Serb forces overran a UN-declared safe area that was crowded with tens of thousands of refugees.

The flagrant violations of human rights and humanitarian law has led to increased pressure to proceed with fact-finding missions. This pressure came primarily from the United States that called for the convening of a war crimes tribunal. Furthermore, Tadeusz Mazowiecki was appointed special rapporteur of the Geneva-based UN Commission on Human Rights where he was mandated to report his findings to the UN General Assembly and to the UN Security Council. His reports indicated an alarming rate of systematic violations of the most basic rights. The Security Council responded to these findings in its Resolution 771 and condemned “the violations of the Geneva Conventions of 1949 and other international humanitarian law.”<sup>12</sup>

In multifunctional UN operations, the human rights or humanitarian functions are usually not carried out by peacekeeping forces, but by relief organisations and civilian human rights monitors. The increased presence of non-military actors in peacekeeping operations necessitates a great

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<sup>12</sup> The resolution cites specifically “mass forcible expulsion and deportation of civilians, imprisonment and the abuse of civilians in detention centres, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property.”

deal of coordination. In the case of former Yugoslavia the problems of providing humanitarian relief in a semi-permissive environment has been exacerbated by continuous difficulties of communication between UNPROFOR and UNHCR, the UN lead agency in former Yugoslavia until the Dayton Peace Settlement. According to Age Eknes, it was symptomatic for the poor UN operation that there was an “incompatibility of radio communication between humanitarian relief convoys and escorts-even though this problem was addressed at an early stage of the Bosnia operation. [Eknes, 1995, p. 122] As a result of the experiences of UNPROFOR, the “In-depth evaluation” report about peacekeeping of the Office of Internal Oversight Services of the UN recommends the Centre for Human Rights to be designated as a responsibility centre for human rights components of peacekeeping operations.<sup>13</sup>

Despite the poor record of UNPROFOR, it may not be fair to describe the mission as a failure: UNPROFOR has neither been mandated nor given the political backing and the military means to go beyond efforts to reduce the human suffering during the war. According to some analysts, the humanitarian intervention of the UN in the former Yugoslavia came as a second best solution.<sup>14</sup> The inability of European states to stop the escalation of the armed conflict and its atrocities along with the lack of consensus among the member states of the Security Council on how to address the violent disintegration of the Yugoslav Federation has led to the deployment of a humanitarian mission into a belligerent environment. In this context, the peacekeeping missions in Croatia and Bosnia have been subjected to unfair expectations given UNPROFOR’s limited military capability and the hostile environment of operation. According to Sergio Vieira de Mello, the humanitarian role of UNPROFOR was “a mere and frustrating palliative in the absence of a political settlement” (De Mello, p. 142.).

## **5. Non-UN missions: IFOR, OSCE and other organisations in Bosnia**

The Dayton Peace Agreement is a comprehensive political settlement that englobes important provisos pertaining to human rights and

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<sup>13</sup> Office of Internal Oversight Services, In-depth evaluation of peacekeeping operations: start-up phase, 17 March 1995, E/AC.51/1995/1.

<sup>14</sup> See, for instance, Mats Berdal, “United Nations Peacekeeping in Former Yugoslavia”, in Donald C.F. Daniel and Bradd C. Hayes, *Beyond Traditional Peacekeeping*, *op. cit.*, pp. 228-247; Rosalyn Higgins, “The United Nations and the Former Yugoslavia,” *International Affairs*, 69, no. 3, 1993.

democracy-building. They include the holding of free and fair elections, freedom of movement across the entire territory of Bosnia and Herzegovina, the right of refugees and displaced persons to return to their homes, and the guarantee of human and political rights to all citizens of Bosnia and Herzegovina.<sup>15</sup>

UN Security Council Resolution 1031 (1995) attempted to orchestrate the involvement of the various implementing agencies. NATO's IFOR is to implement the military component to the agreement, whereas the OSCE is the lead agency as to the implementation of the electoral process. The UN Commission on Human Rights, the OSCE, the UNHCR, and "other intergovernmental or regional human rights missions or organisations" are to monitor "closely the human rights situation in Bosnia and Herzegovina (...)".<sup>16</sup> The UNHCR is the lead agency with respect to the return of refugees and displaced persons, while the UN International Police Task Force (IPTF) assists the parties in carrying out their law enforcement responsibilities as stipulated in Annex 11 to the Peace Agreement. The coordination is understandably complex, as it has to be done among the parties and among the various agencies.

With regards to human rights, the presence of a multitude of organisations has made the Bosnia peace mission a trying exercise of coordination.<sup>17</sup> The High Representative, whose primary role is the coordination of the various internal and external actors involved in the peace process, has to assure coordination among more than 10 actors of inter-governmental nature.<sup>18</sup>

With the evolution of the mission, the OSCE has increasingly taken charge of human rights monitoring: According to the Chairman-in-Office of the OSCE, the successful carrying out of the elections depends on the

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<sup>15</sup> For a human rights-specific analysis of the Dayton Peace Agreement, see, Paul C. Szasz, "The Protection of Human Rights Through the Dayton/Paris Peace Agreement on Bosnia," *The American Journal of International Law*, Vol. 90, 1996, pp. 301-316.

<sup>16</sup> "Organisations concerned with Human Rights", Article XIII, Chapt. Three of Annex 6 (Agreement on Human Rights) of the Dayton Peace Agreement.

<sup>17</sup> Competition exists between various agencies, such as the ECMM (European Community Monitoring Mission) and the OSCE. Such competition is fueled by US-European rivalry over the question of who should take the lead role in the reconstruction of Bosnia. See Arie Bloed, "The OSCE and the Bosnian peace arrangement," *Helsinki Monitor*, Nr. 1, 1996, pp. 74-75.

<sup>18</sup> The International Tribunal for the Former Yugoslavia, the Centre for Human Rights, the UNHCR, the UN Mission in Bosnia and Herzegovina, UN High Commissioner for Human Rights, the OSCE, the Council of Europe, the European Community Monitoring Mission, the International Committee of the Red Cross and the Special Rapporteur of the UN Commission on Human Rights on the former Yugoslavia.

protection of fundamental and human rights. He supports an activist human rights monitoring approach to “promote the respect of these rights by monitoring, reporting, and especially even intervening with an appropriate response when incidents occur”.<sup>19</sup> The OSCE reasserted its role in human rights questions by appointing a Human Rights Ombudsperson, who is supported by the OSCE mission in Bosnia. The Ombudsperson, in turn, has established (together with the Human Rights Chamber) the Human Rights Commission of Bosnia.

The UN International Police Task Force (IPTF) was set up by the Security Council Resolution 1035 (1995) with the purpose of assuming tasks such as the monitoring and supporting of law enforcement activities and facilities, including associated judicial organisations, structure, and proceedings. One of the IPTF’s secondary mission objectives is, however, to observe and inform about human rights violations.<sup>20</sup> The training of the IPTF personnel in Zagreb, therefore, also includes sessions on human rights and humanitarian law.

IFOR, the actual peacekeeping agent in Bosnia, has been authorised by UN Security Council Resolution 1031, that was adopted under Chapter VII authority. IFOR is operating under NATO command and control and under NATO rules of engagement which provide for the clear and robust use of force if necessary. IFOR successfully implemented the military aspects of the Dayton Peace Agreement. The mission objectives of IFOR do not include any human rights specific tasks. Its foremost contribution to the non-military part of the peace process is the consistent implementation of the freedom of movement for all involved agencies, including human rights monitors. Even though IFOR is - according to the words of US Secretary of Defense - “an impressive force that will intimidate anybody in the area”, it is very careful not be lured into “mission creep” reminiscent of the UN forces in Somalia.<sup>21</sup>

The record of the first six months of the peace process has clearly shown that while it may be possible to pressure the parties into compliance in the military domain, it is infinitely more difficult to create the condition for free and fair elections. Such conditions include the freedom of movements, freedom of expression, free access to the media, and freedom of assembly. The record has also indicated that the fate of the political,

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<sup>19</sup> Quoted in OSCE Newsletter, Vol. 3, No. 3, March 1996, p. 2.

<sup>20</sup> Article VI of Annex 11 requires the IPTF personnel to provide information about human rights violations to the Human Rights Commission, the International Tribunal for the Former Yugoslavia, “or any other appropriate organisations.”

<sup>21</sup> Transcript of Address of Secretary Perry to the Officers and NCOs of the 1st Armored Division in Bad Keuznach, Germany, 24 November 1995.

military, humanitarian and even judicial elements of the peace process cannot be dissociated from each other. The success of IFOR is a necessary but not sufficient condition for the peace process in Bosnia. The same is true for the political and human rights parts of the agreement.

## **6. Peacekeeping and judicial intervention: The ambiguous role of IFOR**

Most demands for IFOR actions outside the military dimension have been coming from the judicial side. The International Criminal Tribunal for the former Yugoslavia (ICTY), that is firmly embedded in the Dayton Peace Agreement, has asked IFOR to apprehend, detain and transfer to The Hague persons indicted for war crimes.

NATO decided at the beginning of 'Operation Joint Endeavour' that IFOR should support these requests, and apprehend war crime suspects "when coming into contact with them in carrying out its duties as defined by the military annex of the Peace Agreement". The relationship between IFOR and ICTY has been operationalised by a Memorandum of Understanding of 9 May 1996.

In practice, IFOR has been careful not to appear as an ICTY agent that is enforcing arrest warrants in Bosnia. IFOR refused, for instance, to fan out and to actively search for wanted war criminals. Lessons may have been learnt from the Aided manhunt in Somalia, that eventually derailed the UN peace mission.

The judicial issue came to the forefront with the ICTY's formal and mandatory arrest warrants of Radovan Karadzic and Gen. Ratko Mladic on 11 July 1996 on charges of war crimes, genocide and crimes against humanity (International Herald Tribune, 12 July 1996, p. 1). IFOR was not expected to arrest these two former Bosnian Serb leaders by force, because of Russian sensitivities (Russia is part of IFOR) and the threat of retaliation by Bosnian Serbs against unarmed UN police or other civilian agencies operating in Bosnia under the Dayton Peace Agreement.

At the same time, the IFOR Commander has the authority to determine, for instance, that Belgrade or the Bosnian Serbs "are failing significantly to meet their obligation" as to the War Crime Tribunal. In such a case, the Security Council would have to reimpose automatically economic sanctions against Serbia and Montenegro.

As in any peace mission that supports a peaceful national reconciliation process, IFOR needs the cooperation of all the parties to irreversibly implement the peace arrangements. This does not mean that IFOR ignored the judicial claims from The Hague. IFOR provided airlifts to The Hague of persons indicted for war crimes. Furthermore, IFOR contributed

indirectly to the judicial proceedings: IFOR has secured important evidence for investigators in a war-torn and potentially hostile environment, and it has assured the personal safety of the prosecutors, witnesses as well as of experts working on mass grave sites. IFOR as a non-UN agent may be tempted to keep the UN judicial intervention at arms-length. But, in final account, the dissociation of the various implementing actors from each other seems neither feasible nor desirable.

## 7. Conclusions

This study has shown that all types of peace missions in the Mediterranean are directly or indirectly involved in questions of human rights, democracy-building and humanitarian aid. Even classic peacekeeping operations such as UNFICYP, where the maintenance of the military stalemate represents the primary mission objective, the human dimension has become increasingly important over the last years. In most cases, the multi-task nature of today's peace operations has led to the deployment of multi-component contingents.

This development has led to new challenges for peacekeeping operations. First, the parties may be tempted to use the different mission components for bargaining or linkage policies; conditioning, for instance, the permission of humanitarian actions to progress of political or military questions. The effects of spiraling linkages has eroded the credibility of UNPROFOR's primary objective of humanitarian operations (UNHCR Handbook, p. 30, n.5). Second, the consent of the parties, an essential requirement for most peacekeeping operations, is likely to be selective or temporary when it comes to tasks such as human rights monitoring. Third, the impartiality of the peace forces and therefore the mission as a whole may be jeopardised when confronted with the request of supporting judicial intervention.

The case of Cyprus showed that in light of the military deadlock, the peacekeepers are trying to carefully address the conflict's underlying political causes: the inter-communal conflict based on different cultural and religious identities. But, UNFICYP's programme to build confidence among the two parts of the island and their acceptance of certain humanitarian standards has remained ineffective.

Similarly, the Western Sahara operation has come to a halt in its political and humanitarian aspects of the peace process. Disputes over voter eligibility and non-compliance with the obligations to release prisoners of wars and political prisoners as well as the manifest lack of cooperation with the peacekeepers in other non-military questions has jeopardised the UN mission as a whole.

The UN has reacted to both cases, Cyprus and the Western Sahara, with the reduction of UN personnel and the threat of complete withdrawal. The UN finds itself increasingly under pressure from member states, and in particular from the US, to scale down on non-essential activities. This had led the UN to face the vocation vs. cost dilemma. In the case of the Western Sahara, for instance, politically and financially, the UN cannot afford to be caught up for years in a dispute about voter eligibility while MINURSO costs about \$ 100,000 a day (Ruddy, 1995). On the other hand, a reduction or complete withdrawal of the UN from Cyprus or the Western Sahara is likely to increase human rights abuses and a return to open hostilities with the potential of international escalation.

The peace operations for the protection of humanitarian aid have proved to be the most difficult missions in the history of the UN. Somalia and Bosnia have been cases where peace support forces had to operate in semi-permissive environments. This has led to the militarisation of international relief, a paradox epitomised in the case of Somalia with aberrations into open warfighting. UNPROFOR, in turn, was a humanitarian protection mission without enforcement capabilities. It was caught up, nevertheless, in questions of impartiality due to the enforcement of safe areas by NATO airpower.

The Dayton settlement in Bosnia has generated the most complex peace mission ever, matched in size and scope only by the Cambodia operation. It has brought together a multitude of organisations covering different aspects of the peace process, including military security, democracy building, human rights and economic reconstruction. The implementation of the peace plan turned out to be a difficult exercise of coordination among the various organisations.

The implementation of free and fair elections or referenda have become part of the fundamental objectives of the peace missions in the Western Sahara and in Bosnia. The failure of achieving this objective equals the failure of the UN mission as a whole, even though the presence of the peacekeepers may have stabilised the military situation. The development in the Western Sahara or Bosnia clearly showed that the political, military and humanitarian components of peace missions are today not dissociable anymore. A failure in one area would inevitably lead to a failure of the entire mission.

The question of interdependence of the different aspects of peace missions also applies to judicial interventions in peace processes. The judicial interventions in Bosnia, for instance, that are orchestrated from a UN established body, may taint the UN's impartiality among the belligerents. As William Durch has observed so eloquently, the UN's "credibility as a global midwife of democratic transitions depends above

all on its image as an unbiased agent of popular choice" (Durch. 1993, p. 171).

The growing importance of non-military aspects of peacekeeping reflects the acceptance by the international community that human suffering and violations of human rights are among the most notorious obstacles to conflict resolution and durable peace. This acceptance had and still has to overcome opposition in the Security Council and in the conflict area of those UN members that prefer to uphold the principles of non-intervention in "matters which are essentially within the domestic jurisdiction of any state" (Article 2(7) of UN Charter). The performance of peace operations such as those of the Western Sahara or Bosnia will, in final account, be responsible for the role that humanitarianism and human rights will be able to play in future peace operations.

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