

HUMAN RIGHTS AND PEACEKEEPING OPERATIONS: ISSUES AND CHALLENGES

The world as we know today is facing a number of challenges mostly in the form of conflicts. These conflicts can be violent or non-violent, inter-state or intra-state. In such a scenario protection of human rights both at the national and international level becomes important. Human rights are the basic, inalienable and fundamental rights which every human being is entitled to by the virtue of being born as one. However, in times of conflicts these basic rights are the first one to be violated. During conflicts people are deprived of shelter, food, clothing, employment, education, voting rights etc. Since it is not possible to envisage a conflict free society, various national and international bodies work towards the protection of human rights. One such organization is the Department of Peacekeeping Operations (DPKO) of the United Nations (UN).

The Department of Peacekeeping Operations sends missions to conflict ridden situations to provide help and assistance to the people affected by it. These missions are commonly known as Peacekeeping Operations of the United Nations. Peacekeeping is defined as, an extraordinary military art because it calls for the use of soldiers not to fight war and win, but to prevent fighting, to maintain ceasefires, and to ensure order while negotiations are being conducted.¹ However, peacekeeping alone does not ensure the protection of human rights. Peace enforcement and Peacebuilding are equally important in ensuring that a permanent solution is found for conflict settlement.

Peace enforcement involves coercive measures including the use of military force. It is different from peacekeeping since there is no peace process in place or consent from the conflicting parties. The UN does not generally engage in peace enforcement itself. When it is appropriate, the Security Council may use regional organizations for peace enforcement action.² On the other hand Peacebuilding is a complex and long term process. In this the activities undertaken in peacekeeping and peace enforcement

¹ Cox, Arthur M., quoted in Kaur, Swapan Deep, *International Organisations: Theory and Practice*, (2010) p.226.

² Castellan, Patrick Marega, *Human Rights and Peacekeeping*, Peace Operations Training Institute, U.S.A., (2012), p.29.

are continued but other activities are also included in order to ensure that the efforts so far put in do not go to waste.³

Need for the Peacekeeping Operations to protect Human Rights

Peacekeeping Operations are needed because it allows the victims of conflict to have some sense of normalcy and prevents the situation from worsening further. This becomes even more important when the country in question is a developing or under developed Nation. Following are the reasons why peacekeeping operations are needed to protect human rights:

1. It enjoys international support from the United Nations and various governments of the world.
2. It offers a diplomatic route through the channel of United Nations to diffuse peace and bring in harmony.
3. UN peacekeeping is cost effective in comparison to the amount of expenditure that each country would have to incur if it were to manage its conflicts on its own.⁴

Because of all these reasons human rights are better addressed by the peacekeeping forces, since they are trained to deal with human rights violations.

Role of Department of Peacekeeping Operations in Human Rights Protection

United Nations Peacekeeping began in 1948 when the Security Council authorized the deployment of UN military observers to the Middle East. The mission's role was to monitor the Armistice Agreement between Israel and its Arab neighbours- an operation which became known as the United Nations Truce Supervision Organization (UNTSO).⁵ Later on in 1992, the then Secretary General Boutros Boutros Ghali established the Department for Peacekeeping Operations (DPKO) and appointed Kofi Annan as its head.⁶ He then followed this up in June 1992 with the release of his important report, *An Agenda for Peace*.⁷ *An Agenda for Peace*, is a report written by the then Secretary-General Boutros Boutros Ghali in 1992. In it he discussed preventive diplomacy, peacemaking and peace-keeping. In the report he

³ Supra note 2, p.30.

⁴ <http://en.wikipedia.org/wiki/Peacekeeping> last visited on 9.2.2013.

⁵ <http://www.un.org/en/peacekeeping/operations/history.shtml> last visited on 9.2.2013.

⁶ Bellamy, Alex J., Williams and Griffin, Stuart, *Understanding Peacekeeping*, (2010) p. 101.

⁷ A/47/277-S/24111.

also justified military involvement by United Nations without the consent of both parties.

However, the deployment of a new peacekeeping operation is a decision taken by the Security Council. A peacekeeping operation is led by the Department of Peacekeeping Operations (DPKO), and works to create the conditions for lasting peace in a nation torn by war and conflict.⁸ The UN Security Council is the main organization of the United Nations dedicated to the resolution of conflicts and peacekeeping. Till date the Security Council has deployed 66 peacekeeping operations. There are currently 16 peacekeeping operations directed and supported by the Department of Peacekeeping Operations.⁹ Peacekeeping missions allow the Security Council to watch over the cease-fire and participate in the creation of conditions for peace and ensure protection for the human rights.

Peacekeeping operations in current times not only maintain peace and security, but also facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support the organization of elections, protect and promote human rights and assist in restoring the rule of law.¹⁰

As a result peacekeeping has proven to be one of the most effective tools available to the UN to assist host countries travel the difficult path from conflict to peace. Peacekeeping has unique strengths, including legitimacy, burden sharing, and an ability to deploy and sustain troops and police from around the globe, integrating them with civilian peacekeepers to advance multidimensional mandates.

For this purpose the UN Peacekeeping is guided by three basic principles:

- Consent of the parties;
- Impartiality;
- Non-use of force except in self-defence and defence of the mandate.

United Nations Peacekeepers have been called on to intervene in some of the most intractable and unrelenting conflicts in the world. With over 100,000 troops, they are the second largest deployed military force in the world.¹¹ In order to make the peacekeeping forces gender sensitive, more and more women peacekeepers have been

⁸ <http://www.un.org/en/peacekeeping/operations/> last visited on 9.2.2013.

⁹ <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml> last visited on 9.2.2013.

¹⁰ Browne, Marjorie Ann, Serafino, Nina M. and Grimmett, Richard F., *United Nations Peacekeeping*, (2003) p.2.

¹¹ Martone, Gerald, *Now, more than ever, we need the United Nations*, <http://www.rescue.org/blog/now-more-ever-we-need-united-nations> last visited on 9.2.2013.

entrusted with the responsibility of protection of human rights. As per the ‘UN Peacekeeping Background Note’¹², the first all-women contingent to serve in a peacekeeping mission was a formed Police Unit from India which was deployed in 2007 to the UN operation in Liberia. Since then, three more all female UN police units have been deployed. The first one being the Bangladeshi female UN police unit in Haiti, the second one Samoan female UN police unit in Timor and lastly Rwandan UN police unit in Sudan.

The primary objective of any peacekeeping mission is protection of human rights and subsequently restoring of normalcy. However, not every mission scripts a success story. The UN Missions in Sierra Leone (United Nations Observer Mission in Sierra Leone UNOMSIL), 1999 and the Congo (UN Mission in the Democratic Republic of the Congo MONUC), 1999 are among the missions considered successes by experts.¹³ On the other hand the UN mission to Bosnia and Herzegovina has not been that successful in protection of human rights and restoring of normalcy.¹⁴

For the protection of human rights the UN expects that all peacekeeping personnel adhere to the highest standards of behaviour and conduct themselves in a professional and disciplined manner at all times. Unfortunately, there are allegations of misconduct involving peacekeeping personnel. In response, the UN and Member States ensure that all credible allegations are investigated and that appropriate action is taken when allegations are substantiated.

Mr. Ban Ki-Moon the current Secretary General of United Nations has said, “The United Nations and I personally, are profoundly committed to a zero- tolerance policy against sexual exploitation or abuse by our own personnel. This means zero complacency. When we receive credible allegations, we ensure that they are looked into fully. It means zero impunity”¹⁵.

Mr. Kofi Annan in his bulletin¹⁶ as a Secretary General mentioned that United Nations rules forbid sexual relations with prostitutes and with any persons under 18, and strongly discourage relations with beneficiaries of assistance (those that are

¹² <http://www.un.org/en/peacekeeping/documents/backgroundnote.pdf> last visited on 9.2.2013.

¹³ http://www.nytimes.com/cfr/international/slot3_120705.html last visited on 9.2.2013.

¹⁴ Ghoniem, Amira A., *United Nations Peacekeeping Operations: Improvements for Mission Success*, <http://www.stanford.edu/class/e297a/United%20Nations%20Peacekeeping%20Operations.pdf> last visited on 9.2.2013.

¹⁵ <http://www.un.org/en/peacekeeping/issues/cdu.shtml> last visited on 9.2.2013.

¹⁶ Secretary-General’s Bulletin on Special measures for protection from sexual exploitation and sexual abuse, United Nations Secretariat, ST/SGB/2003/13, http://www.un.org/ga/search/view_doc.asp?symbol=ST/SGB/2003/13 last visited on 9.2.2013.

receiving assistance food, housing, aid, etc... as a result of a conflict, natural disaster or other humanitarian crisis, or in a development setting).

The United Nations now keeps record and track data of allegations of misconduct and subsequent actions. This exercise started in 2006. In July 2008, the Department of Field Support (DFS) launched the Misconduct Tracking System (MTS), a global database and confidential tracking system for all allegations of misconduct.¹⁷

Apart from this peacekeeping mission routinely operate with a shortage of troops, civilian staff and equipment in some of the most insecure and logistically challenging environments in the world. It is essential that the United Nations Department of Peacekeeping Operations and United Nations Secretariat identify the resources that are required to fulfill protection activities effectively.

Conclusion and Suggestions

Peacekeeping operations have come a long way since when they were envisaged for the first time. Though some valid allegations have been levied against the peacekeeping forces with regard to violation of human rights, there still exists hope that such incidents will not occur in future and if they do, then the guilty will be punished accordingly. Peacekeeping is not for the faint hearted. It is for one who has the mental and physical endurance to go through life threatening situations in order to ensure that people continue to enjoy their human rights.

Hence for human rights functions to be protected in peacekeeping operations the authority for the operation should clearly have a legal backing and the peacekeeping functions should not only include investigation and monitoring of human rights violations but also provide for institution building.¹⁸

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¹⁷ <http://cdu.unlb.org/Statistics/OverviewofStatistics.aspx> last visited on 9.2.2013.

¹⁸ Katayanagi, Mari, *Human Rights Functions of United Nations Peacekeeping Operations*, Martinus Nijhoff Publishers, (2002), p. 1.

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