

Chapter 3

Working in The Field for the UN and Other IGOs: Human Rights Operations

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1. Introduction

This chapter starts with an overview of working within intergovernmental organisations (IGOs). It is an introduction to some of the advantages and barriers to advancing human rights from within or in collaboration with the UN or other IGOs.

While all IGOs are not the same, they do have common traits. Therefore most of the comments about the UN also apply to other IGOs such as the Organisation for Security and Cooperation in Europe (OSCE), the African Union (AU), the European Union (EU), the Organisation of American States (OAS), the Association of South-East Asian Nations (ASEAN), the Commonwealth, and the Francophonie.

You of course may have to alter some of my 'UN' comments to fit the particular dynamics of those other intergovernmental organisations since IGOs vary dramatically in size, capacity, mandate, and internal culture. And don't forget that in large IGOs like the UN, the sub-units or agencies vary substantially between themselves, so for example UNHCR is quite different from UNHCHR. (See Chapter 2 for a description of different IGOs.) However for simplicity every reference in this chapter to the UN implicitly refers to the full range of other IGOs.

The second and larger part of this chapter looks at the UN's and other IGOs' human rights operations (HROs) in the field: their roles/functions, mandates, composition, and their many other human rights field 'partners'.

The term 'human rights operations' is used in its broadest sense as the number of human rights activity centres in field operations have proliferated over the past ten years. This in part reflects the success of the UN Office of the High Commissioner for Human Rights (OHCHR) in mainstreaming human rights throughout the UN and other intergovernmental organisations. It also reflects the appreciation by every single international organisation that human rights underpin some or all of their field operations.

Therefore, as will be discussed, the term HRO (Human Rights Operation) can refer to:

- Stand-alone field operations that are separately mandated and funded, as occurred frequently in the 1990s but is increasingly less likely with the growth of concepts like UN Integrated Missions;
- Sub-components of larger missions, e.g. human rights divisions, units, or offices that are part of a UN Integrated Mission or other multifunctional or multidisciplinary missions;
or
- Individuals seconded into missions, on loan from human rights agencies like OHCHR.

2. The dynamics of intergovernmental organisations

It is essential that the UN and other intergovernmental organisations more actively promote and protect human rights. It is equally essential that human rights activists work within and in collaboration with such organisations. For certain human rights objectives, IGOs such as the United Nations can be the optimum vehicle and perhaps at times the only way in which we can have an immediate impact on a particular human rights issue.

The UN in particular has a universal stature that can be invaluable in providing a perception of legitimacy for human rights promotion and protection. Member states will be much more comfortable with human rights operations or field activities that are being implemented by an IGO that they, the member states, ostensibly control.

Particularly in the area of human rights and democracy, one must understand the limits of working within the UN so as to avoid false expectations. First of all, this will inoculate you against becoming disenchanted with the UN. Secondly, by having a better understanding of the inherent limits of the UN and what is possible, you can enhance your organisational 'survival tactics'. This will assist you to design better strategies for how you are going to maximise your impact. The two key limits are:

- Politics reign supreme in the UN; and
- The UN is functionally inefficient.

This is not so much bad news as it is simply the reality of having a world organisation for a multitude of different nations and cultures, staffed with that most complex of all factors – individuals. The solution is not to struggle too much against the natural limits of the UN and human nature, but to understand them and create strategies for how to work within, with, or around the UN to most efficiently advance human rights. Let me expand on these twin challenges of UN politics and UN functionality.

Politics reign supreme

The UN is extremely political and ambivalent about human rights. The UN members are states – all UN voting is restricted to member states – UN budgets are set by member states – and UN staff must follow political directives from governments. The majority of member states are reluctant to address human rights and democracy, and some member states actively oppose substantive human rights action.

The UN 'Administration' is extremely political. In reality, the Secretary-General (SG) and other top UN staff at headquarters and in the field are not just international civil servants; they are international politicians 'elected' by member states. The UN will tend to make more sense if you expect the Secretary-General and most Assistant-Secretaries-General and Under-Secretaries-General as well as Special Representatives of the Secretary-General (SRSR) to operate in part as politicians.

Senior UN staff will tend to placate the power-majority of member states so as to remain 'elected'; to get 'elected' to even higher office; and to be given the necessary resources to function. Member states keep the SG and the rest of the UN under very tight financial control. Heads of specialised UN agencies such as UNHCR or UNICEF are effectively independent of the Secretary-General and so are also 'elected' directly by member states.

The politicisation of senior UN staff is not in itself bad, it is merely reality. In fact, it is important that you have effective 'politicians' at the top end of your particular UN chain of command. They will be able to provide the political cover and political assistance needed to enable you to advance human rights at the operational level. Failure to have senior UN civil servants with political strengths may well mean that the human rights initiatives of their subordinates are gutted in whole or in part by the sizable minority of member states who are looking to limit efforts to advance human rights.

Almost all staff play bureaucratic politics. As is natural with any large organisation, there is the usual bureaucratic competition and jockeying for power and resources. Interpersonal battles for control and influence are eminently natural, and occur in each and every organisation, not least of all in NGOs. So, we must not be overly critical of human nature playing out within the UN.

A further complication to UN bureaucratic politics is the reality that various staff at all UN levels have strong national and regional perspectives and ties. Some of them, directly or indirectly, have been placed in the UN (both at headquarters and in the field) by their governments. In other words, normal organisational allegiance by individuals to the UN is not always paramount and while many individual agendas are roughly complementary to advancing human rights, others are at best unsupportive, and at times, in real opposition to advancing human rights.

Functionally inefficient

The UN is functionally inefficient. First of all, staff often receive unclear and conflicting directives from member states and UN senior staff. This is particularly so in human rights where almost every UN ‘politician’ (diplomats and senior UN staff) understands the political benefits of talking about the need for human rights while in effect moving slowly on true human rights implementation.

Secondly, there is a lot of confusing management partly as a result of the mix of varied and often conflicting management styles from different countries and cultures. The UN also has some staff who are simply incompetent and who provide a real operational barrier for the many competent UN staff. And finally, there is a large amount of internal dissonance among UN staff, where tensions or misunderstandings result merely because of the language, social, and cultural differences among individuals.

Again, is this dysfunctional situation disappointing? Yes, but it is largely natural and to be expected. The solution is not to be dismayed or dismissive of the huge value of the UN, rather you should look to develop ways to operate within this reality.

Some individuals and UN agencies are doing just that, they are consistently working out better ways to counterbalance the natural realities of internal politics, external politics, and bureaucratic competition. Over the past decade UN efforts to foster and facilitate cooperation and coordination both within and outside the UN has resulted in concepts and procedures such as UN Integrated Missions or humanitarian assistance ‘cluster leads’. Those important innovations will be discussed later in this chapter. However also remember this note about the constant reality of bureaucratic politics and competition in order to understand the limits of such mitigating efforts like ‘integrated missions’ or ‘cluster leads’.

Work with and through the UN, but with some healthy scepticism

Know that despite the politics and inefficiency of the UN, it provides human rights activists with a useful vehicle and at times the best vehicle to advance a particular human rights agenda. Just look at the past 50 years of the UN and the burgeoning international human rights regime to understand the dramatic human rights advances that have been made through the UN. For example, the Universal Bill of Human Rights (Universal Declara-

tion of Human Rights and the two key subordinate treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights) and the International Criminal Court are historically dramatic realignments between state sovereignty and human rights.

So, get upset with the UN, push the UN, and don't give up on your ability and the UN's to make a difference in human rights.

A skeptic's caveat: Once you start feeling comfortable within the UN structure, and certainly if you feel that the UN is doing everything possible to advance human rights, then you should seriously consider quitting and regaining your human rights activist's perspective. Those advancing human rights from within the UN must work hard to retain their links to their human rights colleagues outside the UN, particularly activists within civil society. This helps them to properly draw the lines between what they can compromise on, and what cannot be traded off. We need human rights activists within the UN. The fast changing make-up of UN human rights operations reflects the efforts of activists operating within UN missions, working in tandem with their human rights colleagues in key supportive governments, NGOs, and civil society.

3. UN human rights operations

Introduction

The term 'human rights operation' (HRO) attempts to gather in one broad category all those internationally mandated field units or activity centres that have human rights as their primary focus. In the past, a few HROs have been relatively large (200–300 personnel), but the operational context for HROs is changing rapidly. Increasingly we are witnessing the 'mainstreaming' of human rights so that almost every international field operation as well as sub-components of very large missions have a clearly defined human rights 'unit'. Quite apart from defined human rights 'units' within international missions, there are even more human rights 'advisors' or specialists sprinkled across all sectors and at all levels: strategic, operational, and tactical. All of these are referred to here as HROs.

A major player in mainstreaming human rights has been the UN Office of the High Commissioner for Human Rights. OHCHR has had field presences for over a decade, and in 2005 further refined its strategy to mainstream human rights throughout UN field operations. OHCHR uses combinations of two types of field presences:

1. OHCHR's own regional offices/centres, and/or their country offices/advisors – these OHCHR field presences provide advice and expertise to organisations and missions that are co-located with them in a particular country or region; and/or
2. Support in the form of seconded experts or teams loaned to peace missions or to UN Country Teams – in this situation the individuals or teams report directly to the head of mission (e.g. SRSG) but also have a secondary reporting link back to OHCHR.

In early 2007 OHCHR had seven Regional Offices (and was expanding to ten) and one Regional Human Rights Centre (expanding to three). OHCHR also had eleven Country Offices and four country-based Human Rights Advisors and had plans to expand those country-specific presences to sixteen. (For updated detail on OHCHR field presences, see the OHCHR's website at www.ohchr.org.)

While OHCHR has the primary responsibility within the UN to advance human rights, there are of course a number of sectoral human rights organisations such as UNICEF and UNHCR that have the primary responsibility for their particular human rights sector, e.g. children and refugees. Equally, there are a number of UN agencies such as UNDP that have mainstreamed human rights across their multi-faceted activities.

The most substantive factor that has changed how OHCHR advances human rights in field situations has been the advent of UN Country Teams and UN Integrated Missions. The UN Country Team concept looks to create collaborative relations among all UN agencies in a particular country, and as a rule the UNDP Resident Representative will be doublehatted as the UN Country Team Resident Coordinator, i.e. coordination powers, not command and control powers. Where there is a UN mandated peace operation, the expectation is that it will be an Integrated Mission which consolidates some parts of the pre-existing Country Team along with additional UN entities such as CIVPOL and UN military, all under the authority of an SRSG (Special Representative of the Secretary-General).

In the past there had been a number of large free-standing HROs including:

- Rwanda: Human Rights Field Operation in Rwanda (HRFOR) operating alongside the UN Peacekeeping Mission (UNAMIR);
- Haiti: MICIVIH (*Mission Civile Internationale en Haiti*) operating alongside the UN Peacekeeping Mission (UNMIH);
- Guatemala: MINUGUA which was a component of the larger UN peace accords verification operation.

However, the logic of having such free-standing HROs started to disappear in the mid-1990s concurrent with the evolution of multi-dimensional mandated peace operations and the approach of having ‘integrated missions’ (see 1997 SG Report, *Renewing the UN – A programme for reform*, A/51/950). During this period OHCHR started to reduce its push to deploy stand-alone HROs in further recognition that human rights needed to be prioritised and mainstreamed across any and all field operations. Some of the early human rights sub-components of peace operations included:

- El Salvador: ONUSAL Human Rights Division (ONUSAL, July 1991 to April 1995);
- Cambodia: UNTAC Human Rights Component (UNTAC, Feb. 1992 to Sept. 1993);
- Bosnia and Herzegovina: post Dayton Accord there was a proliferation of human rights activities and units such as the Office of the High Representative (OHR) Human Rights /Rule of Law Department including its Human Rights Coordination Centre; the OSCE Human Rights Department; and the OHCHR human rights team;
- East Timor: both UNAMET and UNTAET (October 1999 to May 2002, succeeded by UNMISSET) each had distinct human rights units;
- Kosovo: both the Kosovo Verification Mission’s OSCE Human Rights Division (KVM October 1998 – March 1999) and UNMIK’s OSCE Department of Human Rights and Rule of Law (from July 1999).

Such sub-component HROs have proliferated from 2000 onwards so that now all players, including most importantly the Security Council, realise that human rights are fundamental to successful and sustainable peace operations. OHCHR has played a strong supporting role in this realisation and in the implementation of this mainstreaming. At

present, OHCHR itself provides the human rights component of eleven peace operations (Burundi, Côte d'Ivoire, Democratic Republic of Congo, Ethiopia/Eritrea, Liberia, Sierra Leone, Sudan, Iraq, Afghanistan, Timor-Leste, and Haiti). In addition, both OHCHR HQ staff and any OHCHR field presences that are not part of integrated peace missions will look to assist agencies that are deployed to the same countries or regions. This type of OHCHR contribution to peace operations will only expand.

In the future a few HROs might have large numbers of international staff, but most will consist of small sub-components. The number of human rights experts should remain as high or higher, but rather than being in large concentrations, they will be spread across the multiple components of Integrated Missions and as sub-components of other international agencies in the mission area. These sub-component HROs will have a variety of titles: divisions, units, centres, field presences, offices, and advisors. This welcome proliferation of human rights sub-component units at various levels of operations will range from units/individuals who merely advise heads of missions, to line units which undertake concrete human rights capacity building. Wherever located, the common job of these sub-component HROs is to advise their immediate parent body about their human rights obligations and options.

This integration of sub-component HROs into larger UN field operations provides advantages such as an enhanced ability to influence and involve the other UN operation components, e.g. military peacekeepers or civilian police (CIVPOL). Being integrated is a major help in mainstreaming human rights and helps to overcome efforts to marginalise an HRO if human rights are seen as a complication in achieving various political or even humanitarian goals. Integrated HRO sub-components will more easily be seen as part of the 'team', more legitimate, and will be more frequently consulted.

The down side to integration into a larger UN operation is a loss of operational and perceived independence particularly for those carrying out human rights advocacy. There is also the risk that integrated HROs such as a human rights advisor to the SRSG or even a larger human rights division will unnecessarily censor themselves in order to fit in or achieve other concessions from within the larger UN operation. Of course human rights are political both in the larger sense and the narrower operational sense, and compromises are always necessary. It is just that being within and accountable to a larger UN operation increases the pressures to compromise and the danger of making the wrong concessions.

Hopefully each sectoral component of a UN field operation would have its own human rights responsibility centre or focal point. That human rights unit/individual would either undertake substantive human rights activity or ensure that the rest of the parent component is carrying out its human rights role. For example, a UN mandated military peacekeeping force may task their CIMIC (civil-military) component or their LEGADs (legal advisors) to ensure that UN mandated military are identifying and undertaking relevant human rights tasks. In addition and because human rights are so important, a UN Force Commander might need his or her own senior human rights advisor. Following that same logic, SRSGs will benefit from having their own human rights unit (either an individual or a small cell) at Mission HQ in addition to any human rights unit lower down in the Mission structure. Such an SRSG advisor/unit would help them oversee the human rights activities of the many relevant mission sub-units such as CIVPOL, the military, a democra-

tisation department and a reconstruction department. This oversight at the highest level of the Mission is critical in order to coordinate and ensure that nothing is missed.

It should be noted that specialised agencies such as UNHCR mount large operations that are truly ‘human rights’ in character but have special sectoral focuses such as refugees, and merit separate classification and treatment beyond the scope of this chapter. (See Chapter 2 for more on the UN specialised agencies.)

HRO roles/functions: Advisory, coordination, and operational

It is essential to remember that UN HROs are merely one component of a broad set of international and local human rights players. There will be human rights action by a number of internationals such as non-governmental organisations (NGOs), donor states, other components of the UN operation such as the military or CIVPOL, specialised agencies of the UN (e.g. UNHCR, UNDP, UNICEF, WHO), or the OSCE (ODIHR, HRNM) and other regional intergovernmental organisations.

Local or host society government, NGOs, and civil society are the most important players and partners for HROs. This holds true even if they are small, powerless, and perhaps even initially non-existent. For obvious reasons their importance is a fundamental truism for international human rights work. At the operational level for HROs this plays out in various ways, not least because HROs invariably have extremely short lifespans as determined by factors such as finances, UN politics, and local or host society operation fatigue as they want to run their own lives. At this point in time the average HRO lifespan is 3–5 years, and so host society and host government capacity building is essential for sustainable human rights protection.

Therefore when discussing the role of HROs you must remain constantly aware of this larger constellation of human rights partners, particularly within the local or host society. Any HRO should define and carry out its role premised upon both its own and others’ comparative advantages, and avoid those functions that are better carried out by others, e.g. it is often more appropriate and effective for local NGOs to undertake public education. Bearing this in mind, an HRO will have one or more of three primary human rights functions: *advisory*, *coordination*, and *operational*.

The *advisory* role is listed first as it paradoxically holds the largest potential for impact. It includes such activities as advising others on their human rights obligations and options (advice on how to implement their obligations). Obviously this is the primary activity in mainstreaming human rights in the narrow UN sense and in the larger host society context. The importance of this function is premised upon the obvious reality that a handful of HRO individuals can only undertake limited action, while the multiplier effect of getting the other mission area partners to implement human rights has immense potential. Equally magnified results occur by advising and ensuring future action by key partners that will be there long after the HRO is gone: international partners like UNDP; and local host society governments and NGOs.

The second primary function that may be carried out by a specific HRO is a *coordination* function. The importance of *coordination* is based upon the same realities that validate the advisory function. While the HRO is uniquely focused on human rights and should have

the best overview, the practical implementation of human rights is best carried out by the largest possible number of individuals and agencies, albeit in a coordinated fashion. Coordination to limit duplication, reduce gaps, facilitate cooperation when possible, and even foster occasional joint action is hugely valuable. Coordination is particularly important in the context of field operations where confusion is inevitable. HROs are best placed to play that human rights coordinating role as they invariably have the human rights overview and usually the perceived legitimacy of having a formal human rights mandate. It should be noted that there will be various UN HROs (e.g. SRSG's human rights advisor, Force Commander's human rights advisor, a human rights division) and they need to coordinate among themselves first before looking to play a coordinating role for other human rights players in the mission area. Like the UN Office for the Coordination of Humanitarian Affairs (OCHA), UN HROs invariably have no controlling or command powers and must rely on similar coordination tactics: diplomacy, force of arguments, logic, as well as other tools of 'voluntary' coordination.

The third primary function which we can loosely term the *operational* function, consists of HRO staff themselves carrying out human rights promotion and protection tasks. For example a key human rights activity includes investigations, possibly ranging from interviewing alleged victims or witnesses, to forensic investigations of massacres. Such activities are essential to the protection of human rights and might be carried out by the HRO itself. But again, invariably others are better placed to carry out such operational functions. For example:

- CIVPOL have hard investigative skills;
- military peacekeepers are vastly more numerous and have larger missions, and are therefore better placed to monitor abuses by local security forces;
- the International Committee of the Red Cross (ICRC) has an advantage in monitoring prisons;
- and most importantly, for reasons of sustainability and long-term effectiveness, the local host government must become responsible for effectively investigating alleged human rights violations.

Therefore the *operational* functions of an HRO will vary greatly and in certain situations be extremely limited. HROs are invariably most effective when they focus on *advisory* and *coordination* functions which allow them to maximise their impact by harnessing the ability and efforts of others.

HRO formal mandates

Always hope for clear and broad human rights mandates. From 1995 onwards UN human rights mandates, particularly from the Security Council, have been getting stronger and more comprehensive. But this strengthening is definitely relative and far from optimum inasmuch as loosely defined human rights mandates are a lot easier to get passed in UN political forums like the Security Council or the General Assembly. However, a human rights mandate that leaves an HRO unclear as to its full authority to act remains better than no mandate or HRO at all.

Of course, detailed mandates facilitate HRO dealings with the rest of the UN field operation, with UN headquarters, and with the parties to the conflict.

A detailed mandate legitimises actions by other potential UN human rights field partners, and reassures those partners, particularly UN military or CIVPOL. They usually lack sufficient human rights expertise, both general and country-specific, and this will make them doubly reticent to fill in the human rights ‘gaps’ of their mandates and take human rights action. Similarly, the political component of UN field operations may be tempted to ignore human rights violations in an attempt to broker short-term gains such as cease-fires or elections. In such situations HROs will be better able to stiffen the human rights resolve of their military or civilian colleagues if the HRO itself has a clear and detailed human rights mandate. In keeping with the concept of integrated missions, and the fact that most HROs will be embedded in larger mission constructs, those mandates will be contained within the larger mission mandate. However it will be a primary task of the sub-component HROs to ensure that those larger mission mandates as they concern human rights are properly interpreted and optimally applied. The multidimensional complexities and objectives of integrated missions result in contending demands between the political, developmental, humanitarian, and human rights mandates. Mission sub-component HROs will need to be the primary champion of the human rights mandates.

In the broader mission area context, an HRO is often dealing with parties to the conflict, some of whom may actively subvert any human rights agreement. Human rights mandates should set out the operational obligations of the parties, particularly the government, with regard to the HRO. This will help limit the potential for them to adhere merely to the letter, and not the spirit, of the agreement. For example, the mandates of both ONUSAL (El Salvador) and MICIVIH (Haiti) were substantially the same, but their practical applications were dramatically different as the Haitian military consistently worked to defeat the spirit of the mandated powers. This ranged from arresting or harassing those meeting with MICIVIH, to delaying the hook-up of telephone lines.

It is essential even with a strong human rights mandate that HROs be continually buttressed by member states’ political pressure. Parties to a conflict will at one time or another be reluctant to comply with their human rights obligations. The UN and member states must think ahead about possible non-compliance, and have contingency plans for quick and effective international pressure. Even quietly informing the parties far in advance that there are such contingency plans could help preclude non-compliance.

A final note on mandates concerns the tension between ‘universal’/‘original’ mandates and mission-specific mandates (e.g. a Security Council resolution setting up and mandating a peace operation). ‘Universal’ or ‘original’ mandates flow from international human rights law and may also reflect the mandates of human rights agencies such as OHCHR. There are constant debates about the hierarchy of mandates, but arguably international human rights law is superior, particularly the law that binds the UN itself (all international human rights law), or binds relevant member states such as the troop contributing nations, or binds the host country. It is the task of the various HROs to know and advance those universal or original human rights mandates, although this will require substantive skills in balancing or sequencing various human rights objectives and actions.

UN office with primary oversight for HROs

In the early 1990s the UN Department of Political Affairs (DPA) together with the Department of Peacekeeping Operations (DPKO) mounted HROs in El Salvador, Haiti, Cambo-

dia, and Guatemala. Some concluded that DPA or a DPA/DPKO amalgam should have primary responsibility for mounting UN HROs yet in 1995 the Office of the High Commissioner for Human Rights (OHCHR) mounted the Rwanda HRFOR. The UN Secretary-General subsequently designated the new High Commissioner for Human Rights and OHCHR as having responsibility for UN HROs. OHCHR relatively quickly established a large number of field presences and continues to expand their numbers. However this did not preclude other parts of the UN from continuing to have their own HROs, often set up as sub-components of larger missions. This was particularly true for UN specialised agencies which do not report to the UN Secretary-General but rather directly to UN member states. Also, the push by OHCHR to mainstream human rights at all levels including in field operations served to further encourage other UN agencies to create sub-component HROs as part of missions those agencies were deploying. Furthermore DPKO reverted fully to its approach of the 1990s of deploying HROs, not as stand-alone HROs but as sub-components of larger peace support operations. This integration of HROs into larger peace support operations was of course part of the move towards having a standard practice of UN Integrated Missions.

This mainstreaming of human rights with a multitude of different UN agencies incorporating HROs into their missions has been hugely successful. At the same time, the diffusion of command and control for HROs has highlighted the fact that there needs to be some way to facilitate common standards/guidelines and shared lessons learned across those many different UN HROs. In other words, there is a need for a clearly identified actor to have primary oversight for HROs and arguably that should be OHCHR.

This primary oversight would include a variety of advisory and coordination functions including:

- encouraging the creation of HROs (from advisor positions to departments);
- advising and facilitating the functioning of such HROs;
- short-term technical assistance particularly when an HRO is being set up;
- assessing the effectiveness of HROs, followed by recognition of successes and best practices, and constructive criticism as required; and
- coordination functions such as leading integrated human rights mission design and planning, convening human rights stakeholders, facilitating human rights information sharing, chairing human rights taskforces, etc.

This primary oversight would not include any command and control functions; no single entity would be allowed to assume such operational powers which are jealously guarded by the agencies deploying missions. In many ways this requisite division of tasks parallels the discussion about the appropriate role for OCHA (UN Office for the Coordination of Humanitarian Affairs). If OCHA became operational, i.e. delivered humanitarian assistance, it would no longer be accepted as a neutral adviser and impartial coordinator by the huge community of UN and other humanitarian assistance players. OCHA would no longer be trusted to have primary oversight for all humanitarian assistance, but would be just another competing aid delivery agency.

Following that same logic, the High Commissioner for Human Rights is the senior UN human rights advocate and thus OHCHR can and should play the primary oversight role with reference to the human rights aspect of UN field operations generally and HROs

specifically. This is a direct extension of the core function of the High Commissioner and her office as the UN's and the world community's conscience and primary advocate for human rights. OHCHR is increasingly assuming that role, although it still faces financial and staffing limitations that make it hard to properly carry out such an overarching role. OHCHR also needs to further clarify what it sees as its role. Does it want to be operational, or does it accept that others will play the operational roles, and that OHCHR will limit itself to effecting oversight through impartial advisory and coordination functions?

Some still argue that OHCHR should look to mount and manage its own operational HROs such as HRFOR in Rwanda, or at least have large OHCHR country offices with major operational mandates rather than just advisory and coordination roles.

However, attempting to play every possible human rights role by inference discourages others from mainstreaming human rights into field operations. For one thing, others assume that OHCHR has every human rights task in hand, and that others like themselves do not need to take human rights action. OHCHR should be encouraging almost every organisation or field operation component to have HRO sub-components.

More importantly, OHCHR having HROs with operational mandates will put them in competition for resources and roles with other organisations that feel they are competent to have HROs within their particular areas of responsibility. These will become less open to advice and constructive criticism from OHCHR and less inclined to allow OHCHR to play a senior coordination role.

OHCHR is the optimum organisation to play the critically important primary oversight function for HROs of all kinds. Without command and control powers but armed with the legal force of international human rights law and the moral force of the UN's High Commissioner for Human Rights, OHCHR is best placed to encourage, cajole, criticise, coordinate, and congratulate on human rights jobs well done.

HRO composition

Broadly speaking, HRO staff can be roughly divided between:

- *core international human rights staff* – those that need international human rights expertise;
- *supplementary human rights specialists* – those with human rights expertise gained from their work in their home countries; and
- *ancillary staff* – those with no human rights expertise but who are nevertheless professionals and important to the functioning of any HRO.

It is essential that the *core international human rights staff* are well versed in international human rights protection and promotion. They must understand the multitude of legal, political, cultural, and operational hurdles both in the host country and within the larger UN operation. They must have a broad understanding of how human rights underpin those sectors, and be able to develop viable strategies to overcome those hurdles. This challenge has already been commented on above in the discussion on the tension between universal/original mandates and mission-specific mandates. Arguably, international human rights law is superior to all other mandates and it is the task of the various HROs to know and advance those universal or original human rights mandates. As a

result, the *core international human rights staff* must have substantive strategic skills to correctly balance or sequence various human rights objectives. Particularly in integrated missions they will need strong negotiation and advisory skills to ensure that their mission colleagues undertake the requisite human rights actions.

While the tasks facing *core international human rights staff* are huge, there are two reasons why most HROs will find it necessary and feasible to operate with a small core of these highly skilled international human rights field experts.

Firstly, there are a number of specialists in related human rights fields who themselves do not need to have **international** human rights expertise per se, but who are important *supplementary human rights specialists* (e.g. CIVPOL investigators, legal prosecutors, victim therapists). Many of these supplementary human rights specialists have acquired their human rights expertise in their home countries, e.g. as police officers or lawyers. Similarly, HROs require skilled *ancillary* staff who do not require any human rights expertise much less international human rights expertise. They will have skills in areas such as administration, logistics, and security, which are critical to the effective functioning of any HRO. When HROs are sub-components of larger missions, e.g. integrated missions, many of these ancillary functions will be provided by the larger mission.

Secondly, it is difficult to find the right international human rights experts on short notice. It makes much more sense to build HROs around a small core of highly talented and knowledgeable *core international human rights staff* who can effectively draw together and direct the full HRO. They should also have the ability to play a broadly similar role in relation to the much larger circle of human rights field partners in the mission area.

The division between *core international human rights staff*, *supplementary human rights specialists in related fields*, and *ancillary support staff*, is not a hard and fast one. However, it is illustrative to quickly list some of the skills or tasks of each. This will help to clarify the premise that an HRO can function well with that small core group of experienced international human rights field experts.

Supplementary human rights specialists in related fields are professionals with skills of immediate application in achieving human rights goals and objectives, but who do not need **international** human rights expertise per se. Often they will be highly conversant in the practical application of domestic human rights (i.e. in their home country) in various sectors. These supplementary specialties include:

1. fact finding, information corroboration, analysis (statistical reporting);
2. criminal investigation, forensic, and prosecution;
3. treatment/counseling of victims, e.g. torture, rape, children;
4. specialists on political and legal systems;
5. mediation, negotiation, conflict resolution;
6. media, public relations, public education;
7. trainers.

Ancillary support staff are important to the day-to-day 'non-human rights' operational functions of an HRO. This includes such skills or specialties as:

1. logistics and administration (finances, offices, accommodation, transportation)

2. communications (radios, computers, communications links)
3. local interpreters and specialists on identifying, recruiting, training, and assessing local interpreters
4. security: security for operation team (international staff, locally hired staff, office premises, documents both printed and stored on computer); evacuation plans; long-term security for locally hired staff.

It is worth noting that management skills are often forgotten in the rush to find senior HRO staff with strong international human rights credentials. Human rights experts are not necessarily good managers. However, senior HRO staff will face the normal demands of managing any group of individuals and this will be compounded by the challenges of being in the field as well as having to deal with the ever complex UN bureaucratic environment. Senior HRO staff must have leadership and management skills in order to maximise the collective capacity of their immediate team and the larger circle of HRO partners ranging from mission colleagues, through other internationals, to local host governments and society.

Quickly finding sufficient numbers of field staff of any kind is a recurring problem for all field operations including HROs. Similar to the concept of military peacekeepers on standby for UN operations, there have been a number of national initiatives to enhance the ability of the UN and other IGOs to react more rapidly with regard to civilian force-generation.

For example, in 1993 Norway took the lead by founding NORDEM (Norwegian Resource Bank for Democracy and Human Rights) jointly administered by the Norwegian Centre for Human Rights (NCHR) and the Norwegian Refugee Council (NRC). NORDEM is a roster of human rights, elections and democratisation experts which can rapidly provide individuals or teams for the UN and other IGOs, and it operates alongside NORSTAFF run by the NRC, whose primary mandate is humanitarian operations. In 1997 Canada followed Norway's lead by creating CANADEM, Canada's civilian reserve, which has expanded to include over 8,000 field experts for any and all staffing requirements of field operations.

These rostering initiatives and other initiatives, both outside and inside the UN, reflect the determination of individuals and organisations to professionalise HROs (see the 2006 DPKO study by C. Gourlay on *Rosters for the Deployment of Civilian Experts in Peace Operations*). This professionalisation is part of the larger rationalisation and professionalisation of international civilian operations ranging from humanitarian operations, through peace operations dealing with transitions (e.g. post-conflict reconstruction and state-building), to long-term development operations.

4. HRO field partners

An HRO must understand both the role and the potential of UN and other field partners such as the military, CIVPOL, or local government and NGOs. HRO staff must liaise with, motivate, work through, and facilitate the work of all of their partners. In doing so, the HRO must prove that it understands and respects the operational objectives of those partners and that it will not unnecessarily complicate the attainment of those objectives. The sections below on human rights field partners will examine these partnerships and the challenges of coordination and cooperation.

Central to any discussion of human rights field partners is the clarification of ‘appropriate’ human rights roles for those partners. What constitutes ‘appropriate’ and even mandatory depends in large part upon the mandate and composition of an operation and is thus very operation-specific. The more serious the extent and degree of human rights violations, the greater the appropriate roles, e.g. in the face of widespread ethnic cleansing and disappearances, it is not appropriate for a military peacekeeping force to argue that they don’t do human rights.

Mainstreaming human rights across a broad variety of HRO partners is relatively new and thus many of these partners may not have developed their own concept of what their human rights roles can or should be. In such a situation HROs need to assist those partners as they define their human rights roles and obligations. However, it remains incumbent upon field partners such as CIVPOL and military peacekeepers to understand the principles underlying their human rights roles and evolve appropriate human rights approaches and courses of action. They better than anyone can translate theory and good intentions into human rights operating procedures that ‘fit’ with their skills, capacity, and other operation tasks.

It is also incumbent upon member states, the Secretary-General, and senior UN staff, to clarify the human rights obligations and mandates of those partners. Often the mere mention of human rights conjures up visions of very vocal and tenacious human rights advocates like Amnesty International or Médecins sans Frontières, or international human rights tribunals and massive armed interventions to protect victims and incarcerate violators. Unaware of the multitude of other practical applications and incremental gradations of human rights promotion and protection, many in UN headquarters and in UN field operations are not immediately aware of what their role is, and often see human rights as unnecessarily complicating their job.

In fact they will find that they have a multitude of courses of action that can be both critical to advancing human rights, and be a comfortable fit with what they already perceive as their main objectives. Many UN field components are already carrying out human rights related work but have not recognised it as such. Certainly most military peacekeepers or CIVPOL, once the practical human rights options are laid out for them, recognise that much of what they do already is part of human rights protection and promotion. The following sections look in greater detail at some of the partners you will likely be involved with in the field, and their human rights role.

UN operation head and senior political staff

The head of a multifaceted UN field operation is usually a Special Representative of the Secretary-General (SRSG). They and their senior political staff and other UN political negotiators play a critical human rights role. They are the individuals who can most effectively put human rights on the operational and negotiating agendas. Or, they can keep it off.

The SRSG’s senior political staff may well include a force commander and a police commissioner who necessarily must be politically astute. Both will normally report to the SRSG although the commander of a military force set up outside of the UN (e.g. in Afghanistan, ISAF is mandated by the UN but is not part of UNAMA) may have only a superficial reporting link to the SRSG. Added to this mix are the many other UN components of what will increasingly be Integrated Missions. That UN grouping may well contain components

of the pre-existing UN Country Team, but even when UN agencies remain outside of the integrated mission command structure, the SRSG and their senior staff will have huge influence over the respective 'heads' of the larger UN in-country community.

The SRSG has a major say over the resources allocated to any sub-component HRO(s) that make up the larger UN integrated mission. Even with unambiguous human rights mandates the operational freedom and authority of sub-component HROs will be determined largely by the status and authority delegated from the SRSG. Therefore, it is important that the SRSG be fully aware of the political importance of human rights and the operational needs of the HRO(s). If the SRSG feels that the HRO is peripheral to the mission's main objectives, then there are many ways in which the HRO can be starved of staff and resources. In addition, the rest of the UN operation will quickly pick up those signals, and their cooperation and assistance will diminish.

The early years of UNTAC in Cambodia was a case in point, with the Human Rights Component being expected by senior UNTAC staff to play a passive and less operational role. The Human Rights Component attempted to work closely with UNTAC's military, civilian police, and civil administration. Particularly the Military and Civil Administration Components had little interest in human rights and the UNTAC's SRSG did not correct their misconception. Similarly, in Haiti MICIVIH felt that the UN/OAS Special Envoy was too readily disposed to concede on human rights issues in order to gain political concessions from the military. Again in Rwanda, HRFOR was an add-on to the UN operation and even a year into its mandate it had not become closely connected with the activities of the SRSG and UNAMIR. There are clear signs that this attitude is changing and present-day field missions are increasingly allowing human rights to impact on political decisions and overall mission priorities.

Civilian police (CIVPOL)

CIVPOL have the potential to be a particularly valuable partner for HROs. For example, they are almost always the largest and best trained pool of case investigators. Many CIVPOL officers have extensive investigative and forensic skills. Usually they are geographically dispersed in small detachments in local communities. Working closely with the local authorities, they are often the first to become aware of many human rights problems. Increasingly HROs include a couple of CIVPOL as part of their own staff, in addition to drawing upon the skills of any CIVPOL in the larger UN operation.

However, CIVPOL contingents and individual CIVPOL have widely varying backgrounds and capacity. Some CIVPOL have little or no forensic skills and their approach to policing is almost opposed to protecting human rights. At times CIVPOL contingents have actually come from countries where the police aid or abet human rights violations. Great attention must be paid to training or re-training these CIVPOL so that they can carry out their immediate CIVPOL tasks and with time play a constructive role in the area of human rights.

It is important that HRO personnel understand the potential of CIVPOL. El Salvador was an interesting case as initially the Human Rights Division was suspicious about individual CIVPOL being opposed to human rights. This mistrust probably worked both ways, and was worsened by unclear operating procedures and lines of authority within

ONUSAL. However, two years later both components had recognised their colleagues' value and the Human Rights Division made extensive use of CIVPOL as observers albeit coordinated by juridical or human rights observers.

Investigative capacity is critically important for many HROs, and invariably it will continue to make more sense to 'modify' CIVPOL criminal investigative experts rather than train human rights experts into becoming fully fledged investigators. The international human rights 'modification' of CIVPOL experts would include training them on investigating in a different set of cultural and political conditions, sensitivity training, 'cultural interpretation' applied to interviewing, and sufficient knowledge of relevant international human rights standards and mechanisms such as tribunals.

UN military peacekeepers

UN presence in most complex emergencies, and most certainly in every peacekeeping operation, has a major military component. The overwhelming operation-wide presence of UN military and their desire to defend, are the strongest arguments in favour of them having a human rights role. This has been borne out in a number of different situations where military, particularly those contingents from countries with strong internal human rights protection and traditions, were not prepared to stand by and silently witness human rights violations.

In Haiti in 1994, for example, the US military initially had a hands-off policy in regard to the conduct of the Haitian public around them. But fairly early on US troops signaled to their commanders that they were not prepared to watch beatings and killings, and subsequently the US force commander promulgated new rules of engagement which allowed them to arrest violators. This *ad hoc* evolution lacked coherency as UN and US commanders were not systematic in arresting violators, nor were they clear on what to do with those arrested. The Rockwood courtmartial¹ and other events served to raise but did not resolve some key human rights issues for US military including whether obligations by individual military to protect human rights can, or should, override superior orders. This lack of clarity has increased in the context of US operations in Afghanistan and Iraq, further complicated by the putative 'war on terror'. Other militaries are facing similar operational and tactical uncertainties, e.g. as late as mid-2007, Canadian ISAF troops were still not fully clear on where to transfer captured Afghan militants: to US forces? to local Afghan authorities? to which local authorities?

In Srebrenica, in July 1995, Bosnian Serb troops under Ratko Mladić captured the UN 'safe area' manned by lightly armed Dutch peacekeepers. While the full detail of events remain unclear, there is no doubt that the Serbs were allowed by the UN to take away large numbers of Muslim men of military age. An estimated 8,000 have not been heard from since, and mass graves have provided evidence of torture and killing by the Serbs of over two thousand. Various verdicts of the International Criminal Tribunal for the former Yugoslavia (ICTY) have increasingly shed light on events and established the truth of alleged human rights violations. There is no evidence that the Dutch peacekeepers fully anticipated what happened but many argue that they should have foreseen such human rights violations and attempted other defensive actions such as trying to accompany the men taken away. The Dutch troops were traumatised by this event and like many other military peacekeepers feel that they should have been better prepared for their human rights duties.

The impetus to have UN military more involved in advancing human rights has benefited from the pressure of human rights activists, but more importantly, various militaries have actively embraced this enlargement of their real and implied tasks and obligations.

Certainly in peacekeeping operations the military, and invariably they alone, have the armed capacity to step in to halt or to minimise human rights violations. In worst case human rights scenarios and where there is sufficient political will among UN member states (particularly among troop contributing nations), UN military have the ultimate role in human rights protection, i.e. armed intervention. This is part of the broader 'Responsibility to Protect' doctrine that is gaining credence and applicability internationally. This evolving attitude by the world community is being particularly tested in the Darfur context.

Far less dramatic, but much more common, is the observing and reporting of human rights violations by military with a view to others taking appropriate action. Usually there is a relatively large number of military peacekeepers who are spread throughout the mission area making them well positioned to play a key role in observing and reporting on human rights violations.

In addition, UN military have a number of unique skills in assessing human rights violations. This ranges all the way from a greater understanding of where command responsibility might lie for violations carried out by troops or rebels; to concluding with greater certainty what is being fired, from where, by whom, and with what intent. These are important skills for investigating and assessing the targeting of civilians and other violations of either human rights law or the law of armed conflict.

Clearly military peacekeepers have expanding human rights roles. Just as clearly they need to be trained over and above general-purpose combat training so as to properly recognise their human rights roles and potential courses of action, as well as how to best implement those courses of action.

HROs, particularly those in UN integrated missions, are well placed to influence and advise UN mandated military peacekeepers. In addition, an increasing number of military contingents are creating their own sub-component HROs or human rights activity centres so as to handle human rights issues, e.g. tasking military legal advisors (LEGADs) or the military CIMIC (civil military coordination) components. Some militaries are looking at hiring in civilian advisors (CIVADs) to advise military force commanders and their subordinate commanders. CIVADs would be civilians with civilian field experience, e.g. former UN or NGO staff. Rather than having to rely on military officers to inform commanders about their civilian counterparts including HROs, such CIVADs would better inform the military on how to more effectively coordinate and cooperate with civilian agencies such as those dealing with human rights issues.

The High Commissioner for Human Rights, UN treaty bodies, Special Rapporteurs, Working Groups, or ad hoc bodies

As discussed above, the Office of the High Commissioner for Human Rights (OHCHR) is the logical UN agency to have the primary oversight responsibility for the human rights progress and conduct of both UN field operations and HROs. This is a direct extension

of the core role of the High Commissioner for Human Rights as the UN's and the world community's conscience and primary advocate for human rights.

Evolving practice is that OHCHR is consulted in both the staffing and operations of HROs of all kinds, but particularly the human rights sub-components of Integrated Peace Operations. This is a recognition of the potential value of advice and guidance from OHCHR, particularly with respect to international human rights law. As a key hub for information sharing about human rights activity worldwide, OHCHR can be invaluable in matching up HRO needs with external knowledge and capacity both within the UN and within the larger international human rights community (e.g. NGOs).

UN human rights treaty bodies (see Chapter 2) have an ongoing independent role to play in any situation, whether or not there is a HRO. Along with the treaty bodies, the Human Rights Council (formerly the Commission on Human Rights) as well as other UN bodies (ECOSOC, 3rd Committee, the General Assembly) have over time created a number of permanent and quasi-permanent special procedures and reporting mechanisms that are both country-specific and thematic. This is dealt with in Chapter 2. Some of the thematic mechanisms are particularly relevant to UN field operations, and they will often deploy short field missions of their own. Country rapporteurs, as with the Special Rapporteur for the Former Yugoslavia, may evolve a quasi-permanent field presence.

There are real advantages to having such independent UN mandated individuals or teams, even if their field presence is periodic. As with OHCHR and its oversight role, those individuals or teams in many ways can go beyond the mandate of an HRO, and in particular they can and should be much more forceful in their public statements about violations or insufficient action to promote or protect human rights. This creates a symbiotic relationship between them and the various HROs, each playing the roles they are particularly suited for.

Increasingly, international tribunals are having a major impact on international operations and HROs as witnessed by their impact in the Balkans. In 1993 the Security Council (SC) created the International Criminal Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 (ICTY). In 1994 the SC also created a tribunal for Rwanda (ICTR). In July 1998 the Treaty of Rome set out the Statute for a permanent International Criminal Court (ICC) which came into force 1 July 2002 and is rapidly expanding the application of international human rights law and limiting the impunity of major violators including heads of state.

The histories of the ICTY, ICTR, and now the ICC reflect a dramatically new and still evolving criminal-law regime. Various agencies or governments, particular those who would logically be tasked with arresting alleged criminals, are subject to increasingly clear obligations and pressures to understand their roles and carry out their new human rights obligations. This is particularly applicable to UN mandated military missions, civilian police missions (CIVPOL), and member states having indicted war criminals on their territory. The ICC and other tribunals are having increased impact on the functioning of both HROs and all international operations. Quite apart from the resulting arrests and trials, the recognition of the clear criminal nature of human rights violations has increased

the perceived legitimacy of much of what HROs are doing. (See Chapter 10 for more on internationalised criminal courts and tribunals.)

International NGOs

International human rights NGOs are dealt with in Chapter 4. They vary widely in size, capacity, mandates, and activities. But they all have human rights underpinning them. As such it is essential that HROs be fully aware of the mission area activities of relevant human rights NGOs including the International Committee of the Red Cross (ICRC) and host society NGOs.

Just as diverse as the NGOs themselves are the ways in which an HRO can work with, through, or alongside particular NGOs. Realising the huge potential of NGOs as partners for HROs is often facilitated by the fact that ex-NGO staff can be found within many HROs.

Humanitarian assistance agencies

Humanitarian assistance agencies are natural HRO human rights partners. They include UN agencies such as OCHA, UNHCR, WFP, FAO, WHO, UNDP, and UNICEF (see Chapter 2 for more on UN organs and specialised agencies), as well as International Organisation for Migration (IOM) and International Federation of Red Cross and Red Crescent Societies (IFRC), and NGOs such as Norwegian Refugee Council, Oxfam, Care, International Rescue Committee (IRC) and Save the Children. The very nature of their tasks deals with quite distinct and crucial human rights issues such as the right to food, shelter, refugees, and security of the person. There are a number of relevant umbrella or consultative agencies/mechanisms including the Inter-Agency Standing Committee (IASC), InterAction, ICVA (International Council of Voluntary Agencies), and SCHR (Steering Committee for Humanitarian Response). Not least of all there is the fast evolving approach of having humanitarian ‘cluster leads’ as first agreed to by the IASC ‘principles’ in 2005.

The economic and social rights that these humanitarian agencies and coalitions are attempting to protect, highlight the fact that most HROs have tended to focus on civil and political rights. Sustainable peace and security demands that both sets of rights be protected, and their symbiotic relationship makes progress on one dependent on progress on the other. Quite apart from a rough division of labour between HROs and humanitarian agencies, there are benefits from coordination and cooperation.

The wide dispersal of humanitarian agencies throughout the operation area and the fact that they are usually very close to the people they are helping, make them a primary source of human rights information. However, this relationship has to be dealt with carefully so that the main role of any particular humanitarian agency is not unnecessarily compromised. The reporting of human rights violations is an uneasy and at times unwelcome corollary to humanitarian relief activity.

It is important that HROs be aware of the capacity and location of humanitarian agencies, so that related humanitarian problems that HRO staff come across can be forwarded to and be dealt with by the appropriate humanitarian agencies. This might range from warning agencies of evolving refugee flows, to seeking humanitarian assistance for individuals in hiding due to human rights threats.

The ability to connect with humanitarian agencies in the field has been facilitated in recent years by the strengthened role of OCHA and Humanitarian Coordinators in field situations, and the 2005 initiative by the UN Inter-Agency Standing Committee to have Cluster Leads for nine humanitarian responses/capacities:

1. Nutrition UNICEF
2. Health WHO
3. Water/Sanitation UNICEF
4. Emergency Shelter UNHCR (IDPs from conflict) or IFRC (disasters)
5. Camp Coordination/Management UNHCR (IDPs from conflict), IOM (disasters)
6. Protection UNHCR (IDPs from conflict), UNHCR/OHCHR/UNICEF (disasters)
7. Early Recovery UNDP
8. Logistics WFP
9. Emergency Telecommunications OCHA/UNICEF/WFP

The cluster lead approach is an important coordination initiative that will hopefully evolve to handle some of the early humanitarian assistance implementation challenges such as reducing conflicts of interests between interested parties, and promoting inclusiveness of all key actors, both international and host country. As with the concept of Integrated Peace Missions, this enhanced ability of key players to interact and achieve synergies and economies of effort will serve to further strengthen and professionalise the broader range of interventions by the international community.

Regional organisations

The very size and ‘distance’ of the UN militates in favour of an increased role for regional intergovernmental organisations (see Chapter 2) in conflict resolution and field operations. Culturally and geographically, fellow regional states are initially better placed to understand the issues and help identify the solutions for local crises. The flip side is that such proximity often results in real or perceived partiality, although it would be hoped that cultural affinity, greater awareness, and unbiased concern can with time outweigh such conflicts of interest.

A particular challenge for certain regional organisations is a reluctance by states to intervene in the internal affairs of fellow regional states, or set a precedent that might rebound on themselves. This reluctance is particularly acute with regards to allegations of human rights abuses. In addition, even where there is political will to intervene, regional organisations often lack sufficient operation capacity to intervene on the ground.

Nevertheless, certain regional organisations are increasingly recognising that they have a role to play in UN HROs both as potential key advisers, and at times as operational partners. Haiti was an early example to date of a regional organisation, i.e. the Organisation of American States (OAS), working in conjunction with the UN to mount MICIVIH, a joint HRO. The African Union is also evolving with regard to having its own field operations. It has been slower to incorporate HRO sub-components but situations like Darfur are making it more imperative that HROs are part of any AU response.

It is the Organisation for Security and Cooperation in Europe (OSCE) that has advanced the most both in deploying field operations and in incorporating HRO sub-components.

It established many of its approaches to human rights operations in the context of the Balkans where it had substantial presence and worked in close collaboration with the UN and other European IGOs. The OSCE has also established a number of HROs in many of the states which were part of the former Soviet Union and the Warsaw Block. Those states are members of the OSCE which has made it easier for the various OSCE bodies (e.g. the Secretariat, ODIHR, HCNM) to mount substantive field operations. In an operational sense, the OSCE has proven effective in evolving some 'best practices' in mounting field operations generally and HROs specifically, with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) playing a major role with regard to HROs.

There has been a dramatic growth in field operations undertaken by the European Union under the umbrella of its Common Foreign and Security Policy. While the EU is a regional organisation, its field operations are out of region, e.g. in the Balkans and Africa. EU missions almost always have a strong HRO sub-component(s). Sometimes stand-alone, but more frequently in tandem with UN or regional organisations such as the AU, EU missions are growing rapidly in size, mandate and function.

NATO is another regional organisation under transformation. While still predominantly a military alliance, it is mounting various out of area (i.e. to non-NATO countries) missions including humanitarian support missions (e.g. Aceh post-tsunami 2004/5 and Pakistan earthquake relief 2005/6) and military missions such as the ongoing 2001 ISAF Afghanistan which includes the controversial PRTs (provincial reconstruction teams) with reconstruction mandates. All NATO missions have human rights obligations and roles, and there is increasing *ad hoc* use of human rights experts and linkages to civilian agencies (e.g. UNAMA) which have HRO sub-components. As of early 2007 it is far too early to determine how NATO missions will evolve and expand, but NATO is a major player and will benefit from close relations with and pressure from OHCHR and other human rights activity centres including HROs.

Media

Publicity, and this often means media coverage, has a bearing on human rights issues. This ranges from stiffening the resolve of the UN and member states to take action, to deterring potential violators, to public education and reconciliation.

Public awareness includes not only knowledge of one's rights and how to protect them, but also the critically important awareness of what is really happening. Local host society needs access to reliable and objective sources of information so as to prevent or correct rumours and misinformation which can quickly foster ethnic or inter-community misunderstandings and fuel desires for revenge. In addition, public awareness of HRO activities can strengthen an HRO's credibility. It is essential that UN human rights activities in the mission area be broadly known both within the host society and internationally. Therefore, publicity in various forms is a key tool for any HRO.

Of course, the UN does not always have either the resources or the capacity to do a lot of publicity on its own. The media provide a partial solution. Also there are times when it must be the media rather than the UN itself which send out a particular message, as when media criticism of government failures creates operational space for HROs to act.

Therefore the media have immense potential as partners for HROs. They can also work against HROs, especially if they sense that the HROs are failing or are hiding something. To ensure that the media are partners and not in opposition, and to ensure that their potential is realised, HROs must have a conscious media strategy and have staff skilled in working with the media.

Bilateral and multilateral human rights assistance donors

Human rights development and reconstruction assistance is an essential element in creating a sustainable human rights environment. Bilateral human rights aid donors and multilateral donors such as the European Union play an inordinately important role because invariably they have far more development resources than the UN development agencies.

Large bilateral or non-UN multilateral human rights development programmes operating in isolation can inadvertently skew a nation's human rights development. At times they can negatively impact on other areas of human rights reconstruction by funding some sectors and under-funding others, e.g. drawing most of the qualified local people away from low paying state attorney positions to highly paid magistrate jobs, or out of NGOs into government, etc. At other times, an imbalance can even limit the success of the very area being targeted by the donor, since the funded sector cannot rely on other parts of the 'human rights' system, e.g. well trained police losing respect for an under-funded and undeveloped judicial system, so that they, the police, revert to vigilante justice rather than trust to the vagaries of their judicial system.

Donors understand the importance of coordination between bilateral donors, UN human rights aid programmes (e.g. UNDP, OHCHR, UNICEF, UN Crime Prevention Branch, etc.), other multilateral programmes, and local government and NGOs. However, various forces hamper this coordination including the desire of some donors to fund the most 'photogenic' assistance projects and avoid potentially embarrassing or uninteresting projects. However, the biggest challenge is developing collaborative mechanisms to effectively coordinate and prioritise. There is a promising growth of mechanisms such as consolidated humanitarian appeals; donor conferences for other sectors or for individual countries; humanitarian cluster leads; or lead countries or agencies in other contexts (e.g. German lead for Afghan police reform, Italian lead for the Afghan justice sector). It remains common practice to rely on some agency voluntarily taking the lead in convening donor meetings, or playing that 'diplomatic' function of encouraging openness and compromise from various stakeholders.

Often it will be appropriate and necessary for HROs to step forward and attempt to play that lead coordination or facilitation role. At a minimum, an HRO must be aware of bilateral and multilateral human rights aid programmes so that the HRO itself does not duplicate what is being done by others.

It should also be noted that HROs often need some short-term development funds. Because HROs are most aware of immediate micro-needs of the host society in the area of human rights (both for NGOs and government), they are best placed to administer short-term micro-funds for human rights development. In the past HROs have consistently been critical of their lack of such micro-funds, and a practice is building up where international development assistance donors provide 'windows' to such resources.

5. Host country human rights partners

There is always the very real danger of focusing on the international response to emergencies and ignoring the fundamental role of the local populace: their institutions, governments, NGOs and other social mechanisms. This goes far beyond the tailoring of international action to the factors on the ground, be they political, economic, cultural, or social. At issue is truly sustainable human rights protection, where the drive for protection and human rights improvement comes from the people themselves and their representative governments. Local or host country human rights partners are critical in the short term, and absolutely essential in the long term.

In the short term, the local partners provide that indispensable admixture of local knowledge and direction that can allow HROs to more easily evolve effective strategies. In particular, local involvement in programme design and delivery can be of critical importance in activities such as public education on human rights.

Most importantly, local involvement is the key component of human rights capacity building. In the long term, the UN will and should leave. In the long term, creating or strengthening local capacity to defend human rights is the only way to create sustainable human rights protection, and by extension, sustainable peace.

National human rights institutions

Among various initiatives to strengthen local capacity to protect human rights are the host societies' institutions of the *ombuds* and national *human rights commissions*, commonly and collectively referred to as national human rights institutions. They are particularly important, and merit separate mention.

The role of the ombuds office is the pursuit of administrative justice in a manner which is confidential, informal and flexible. As permanent, independent, and statutory institutions, ombuds offices are potentially extremely effective investigative bodies operating within, but not as part of, government.

Human rights commissions normally operate in both the public and private sectors and in general administer anti-discrimination and other human rights legislation. National human rights commissions deal with the protection of citizens against discrimination as well as with the protection of other human rights. They are generally designed to hear and investigate individual charges of human rights violations or discriminatory acts committed in violation of existing law.

6. Human rights field coordination

This overview of the broad range of human rights partners in the operational area of an HRO must close by returning to this chapter's recurring theme of the need for coordination. Failure of the various human rights partners to coordinate themselves will at best result in duplication and loss of opportunity, at worst in serious mistakes and failures.

HROs must remain aware of their inherent obligation to play human rights coordination roles. The scope or range of their coordination will depend on various factors including

what kind of human rights activity is happening or should be happening in their mission area and which other human rights actors are present, e.g. other HROs.

Of course coordination is far more easily said than done. In any mission area, but even more so in crisis-driven complex emergencies, many agencies operate in isolation largely because they are not aware of what others are doing or planning to do. Agencies are being pressured to take fast action and invariably are only aware of a small number of other agencies or activity centres in the mission area. Overcoming this lack of awareness and fostering a greater awareness of the capacities and resources of others is essential to advancing coordination.

When there is a UN peace operation, the senior Mission sub-component HRO, quite possibly the head of the human rights division and/or the SRSG's human rights advisor, will be the primary human rights responsibility centre for the Mission. That senior HRO must involve and coordinate all of the UN Mission components with regard to human rights issues, e.g. CIVPOL and military peacekeepers.

There will also be a number of UN agencies etc. that are active in the operation area, but are not part of the UN Mission. These agencies will usually be those that previously made up the UN Country Team, e.g. UNHCR, UNICEF, WFP, and OHCHR, and continue to be free-standing. Others such as UNDP may well have been incorporated into the Mission particularly when it is a UN Integrated Mission. The UN Country Team members that remain outside of the UN Mission and not reporting to the SRSG, will similarly not see themselves as subordinate to the UN Mission HROs, particularly when a certain human rights issue falls under one of the humanitarian cluster leads. Nevertheless, the Mission HROs must actively seek to facilitate and perhaps fill such a role unless some other UN entity is better placed and prepared to do so, e.g. UNHCR as the cluster lead with regards to refugees.

Broader mission area coordination of non-UN human rights partners is often just as important as internal UN coordination, but of course even more complicated. Firstly, there is a lengthy list of international human rights activities and players, and an even longer list of local partners such as civil society, local NGOs, and local government. Secondly, they all have different status, goals, capacity, and procedures. Thirdly, there is no 'international' mandate that gives any agency the lead in coordinating the human rights activity of all the operation area actors: UN and non-UN, international and local. Nevertheless and in the absence of any other obvious candidate, there is a certain logic to the UN HRO(s) playing a lead coordination role.

HRO staff need to be aware of how they can effectively carry out coordination functions, both within the UN operation and with non-UN partners. This requires specific training and strategy-setting on how to approach and carry out such a sensitive and 'diplomatic' role. There are subtleties to encouraging others to acquiesce to even minimal information sharing, and substantial skills are required to engender effective coordination.

7. Conclusion

Working on human rights from within the UN and other intergovernmental organisations can be an exercise in futility, or it can provide human rights gains that might otherwise be unattainable. You can increase your chances of being successful by mastering the political and bureaucratic intricacies of the UN at headquarters and in the field.

Link up with those UN sectors and UN individuals who have proved to be effective and who are prepared to work with you in advancing human rights. Identify those human rights allies outside the UN who understand how to work with or alongside you, so as to facilitate and not hamper your efforts within the UN system. Be prepared to compromise on peripheral matters, yet retain your commitment to core human rights values and essential objectives.

Good luck.

Note

¹ Capt. Rockwood was a US Army intelligence officer deployed to Haiti in 1994 in the operation to overthrow the military regime, restore the deposed president, and stop human rights abuses. Rockwood gathered intelligence on inhumane conditions and human rights violations occurring in Haitian prisons. He repeatedly pushed for US military intervention into the prisons but was ordered to cease his investigation. Believing the order to cease was an unlawful one, Rockwood attempted to inspect the National Penitentiary in Port-au-Prince. He was court martialed, and despite his defence that the law of armed conflict imposed an overriding duty to intervene, he was found guilty and dismissed from the US Army. Subsequently his claims about prison conditions were proved to be true.

The Norwegian Centre for Human Rights aims to contribute to the realisation of internationally recognised human rights, through research and reporting, teaching, advisory services, information and documentation. The Centre was founded in 1987 and is organised as an interdisciplinary centre under the Faculty of Law at the University of Oslo. Since 2001 the Centre has been designated as the National Institution for Human Rights in Norway.

The Norwegian Resource Bank for Democracy and Human Rights – NORDEM – was established at the Norwegian Centre for Human Rights in 1993 with the support of the Norwegian Ministry of Foreign Affairs. NORDEM aims to accommodate international requests for personnel assistance in subject areas relevant to the promotion of human rights. Requests for personnel to human rights field operations are serviced through the NORDEM Stand-by Force, which is operated jointly with the Norwegian Refugee Council.

The first edition of the Manual on Human Rights Monitoring was developed at the request of the United Nations High Commissioner for Human Rights and published in 1997. The Manual is integral to the generic training provided to members of the NORDEM Stand-by Force in order to prepare them for human rights field operations. This is the third, revised edition (2008). The new edition includes one new chapter (Chapter 10) and three rewritten chapters (Chapters 2, 5 and 11). The remaining chapters are updated according to events and new developments in the field of human rights since the second edition in 2001.

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This booklet is one of eleven chapters of the Manual on Human Rights Monitoring.
ISBN 978-82-8158-059-6