

The logo for the International Human Rights Network features a stylized human figure in yellow and orange, set against a dark, textured background. The text "international human rights network" is written in a bold, sans-serif font, with "international" and "human rights" in a darker color and "network" in a lighter color.

**international
human rights
network**

**Towards Partnership
for
Effective Human Rights Fieldwork**

A discussion paper of

The International Human Rights Network

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This paper is based on the work of the International Human Rights Network and its predecessor *The International Human Rights Trust* established in Ireland in 1996. IHRN is a non-governmental organisation supporting actors in applying [Human Rights Based Solutions](http://www.ihrnetwork.org) in their work and details may be found at <http://www.ihrnetwork.org>. The process of development of this report was kindly supported by the Commission of the European Union and the Irish Department of Foreign Affairs. Originally published by Genprint Ltd. Dublin. Ireland, 1996.

Key principles and approaches

The IHRN advocates, among other approaches, the Sustainability Principle which requires:

“That Human Rights Operations must be based on the assessed needs of a host society, and co-ordinated with other complementary initiatives, so as to best contribute to a sustainable improvement of the human rights situation as part of an overall human rights strategy. This requires the active participation of the host society.”

The sustainable approach to human rights operations has received the support of the Development Committee of the European Parliament and the former United Nations High Commissioner for Human Rights, Mrs Mary Robinson.

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Summary¹

This paper is part of the on-going reflections of the International Human Rights Network and is circulated to stimulate debate and generate feedback from readers. A draft was presented at the International Symposium “Strengthening Human Rights Operations” convened by the German Government and co-sponsored by the Republics of Poland and South Africa, at Koningswinter (Bonn) on 26-27 May 1998. The issues it raises remain highly relevant in the on-going debate.

The paper outlines a conceptual framework based on the mandate of the High Commissioner for Human Rights as the internationally designated leader charged with ensuring that the imperatives of law, principle, and the lessons of past experience are translated into human rights best practices - and applied for the future.²

Part I Human rights operations at a watershed

The starting premise is that past human rights operations should not automatically be a model for future field activities of the Office of the High Commissioner. Rather, it contends that a watershed has been reached and the opportunity for fresh approaches should be seized (part I). This view is premised on two sets of factors.

Firstly, the far-reaching changes in the operating environment of human rights operations.

Creation of the Office of High Commissioner: Almost all of the human rights operations have occurred prior to, or without meaningful input from, the Office of the High Commissioner for Human Rights. The advent of that Office itself presents opportunities for creative leadership based on law and principle.

The legal imperative of mainstreaming: Field human rights tasks are not only carried out by “human rights operations” and accordingly the High Commissioner’s future field work should not be considered in isolation from other partners. In what can be seen as a breakthrough, the Secretary-General’s reform package aims to mainstream human rights across all the UN’s activities as a shared responsibility.³ Human rights operations in the past have not had the benefit of working with UN agencies whose human rights responsibilities were so expressly and clearly acknowledged. Vital questions arise:

- a) *how will field partners such as UN Development Programme, UN High Commissioner for Refugees, Unicef, the Department of Peacekeeping Operations (military and police personnel) and others adapt to meet their field human rights responsibilities? And*

¹ This paper was written by Karen Kenny. It should be cited as *Towards a Human Rights Partnership for Effective Field Work, a Policy Discussion Paper of the International Human Rights Trust, 1996.*

² As such, the paper does not consider the question of which UN agency should take the lead operational role in fielding any future human rights operations.

³ *Report of the Secretary-General on Renewing the United Nations: a Programme for Reform, A/51/950, 14 July 1997.*

b) how will they relate to the work of the High Commissioner for Human Rights in the field (and vice versa) ?

Secondly, there are strong reasons of principle why the High Commissioner's future work should be distinguished from the operations of the past.

Ad hoc: Since 1991, human rights operations have taken place in an ad hoc, piecemeal fashion without a unifying concept regarding what they were to achieve or the techniques to be applied towards that end.

Reactive: Previous human rights operations have only been established during or after a large-scale human rights crisis, involving armed conflict. The future requires more emphasis on a concept of early warning and preventive field human rights work.

Accountability: Discussion of operations has been characterised by an almost complete absence of three vital elements:

- a) meaningful input from the *host society*⁴ in planning, designing, setting priorities for, and evaluating the impact of human rights operations;
- b) **systematic lessons learning** through feedback from personnel serving with these operations; and
- c) **independent evaluation** of their strengths and weaknesses.

Absence of clear rationale: The paper considers the three rationales most often presented for fielding human rights operations: presence as deterrence; monitoring and reporting to headquarters; technical assistance/institution building. None of these of themselves are found to present a compelling case. The real question is whether large-scale human rights operations are the most appropriate tool to achieve a specified goal in a particular situation. Their use should be weighed against other, perhaps more direct, means of channeling resources towards that identified goal in the host society.

Narrow field tasks: Before the Rwanda operation, human rights operations had generally been established to verify compliance of parties with peace agreements⁵. The main emphasis has been on fact-finding concerning some civil and political rights and reporting externally. Such human rights development work as has been carried out has been ad hoc, dependent on individual personalities and met internal opposition from those who argue that such was not "in the mandate". Over time, our understanding of field human rights tasks has become rather narrow and rigid. This has reinforced a tendency to look to the deploying body for solutions, rather than to the host society. Recruits, and particularly senior managers, have been drawn from a narrow range of skills relative to the range required. Artificial, unhelpful distinctions between "monitoring" and "technical

⁴ *Host society* is defined to include not only host authorities at all levels, but also the range of civil society actors such as non-governmental groups of all kinds (farmers' co-operatives, church and women's groups, trades unionists and so forth as well as human rights organisations as such).

⁵ Those agreements have reflected to varying degree the requirements of international human rights and humanitarian law.

assistance” have become common, while these terms are not clearly defined nor founded on principle.

Selective application of legal principle: Previous operations have not coherently applied the legal principles of the universality, inter-dependence and indivisibility of the full spectrum of human rights - whether in identifying and interpreting their mandates or in their daily tasks.

For all these reasons, and whatever their merits in their state-specific contexts, the human rights operations of the past should not automatically be considered as offering appropriate models for the future.

Part II

A new conceptual framework: Human Rights Support Programmes

The paper presents in outline IHRN’s alternative vision. It requires a fundamental re-think of the aim, attitude and methods of these human rights field activities.

Measuring success by sustainability: It requires that success be measured by the degree to which field presence contributes to a sustainable improvement in the human rights situation. That end is not achieved by seeking external solutions - but rather by engaging with, and facilitating, the host society’s efforts.

A new approach, a new name: The terminology proposed to encapsulate such future field work is *Human Rights Support Programmes*. This is because “support” conveys the fundamental shift in attitude towards a *constructive partnership based on the primacy of the host society*. It conveys *assisting and reinforcing* rather than replacing local efforts. Programme emphasises *process, long-term vision with sustainability at the core*. Similarly, those who work in these Programmes should be termed Human Rights Support *Partners*.

Authority: The High Commissioner has, *ex officio*, the authority to direct her activities to meeting host society needs. It is inherent in her mandate flowing from the UN Charter and international human rights law.

Host society dialogue: Each host society has a right and duty to determine its own human rights priorities - as reflected in the Vienna Declaration and Programme of Action. In this way, the priorities of the Support Programme would be the result of meaningful dialogue with host society - including, but not limited to, public authorities at all levels.

Prevention: The Support Programme should facilitate the early involvement of the High Commissioner for Human Rights in situations not yet at emergency-level. Based on long-term relationships, the approach should have enhanced local legitimacy. In view of the widespread need for Support Programmes, they should be the norm, rather than exceptional for states.

Two bundles of tasks: diagnosis and development: All Human Rights Support Programmes should conduct two types of on-going activities:

- a) *diagnostic monitoring*, to analyse, on an on-going basis, the precise source of weaknesses in the protection of human rights. Reflecting the principles of international human rights law, additional methods and indicators should be developed and applied for diagnosis in terms of economic, social and cultural rights, respecting their indivisibility and inter-dependence in practice. Based on that essential analysis, the Programme would follow-up its own recommendations concerning action by local authorities, other UN agencies, local non-governmental organisations and so forth and facilitate their fulfillment; and
- b) activities which the Programme would carry out building on its diagnosis would be termed its *human rights development tasks*. Varying according to the human rights development needs of the host society, these would range from providing training to local actors, through ensuring that its analysis guides other donor support to the host society.

Techniques: to be applied in Support Programmes should be built upon systematic debriefing of all staff and upon the independent evaluation of past human rights operations with meaningful input from the host societies concerned. In addition, the techniques should be premised on *two-way mainstreaming of human rights and development thinking*.

Capacity-building: As part of its consistent capacity-building approach, a Support Programme should apply a presumption in favour of employing elements of the host society.

Holistic: Human Rights Support Programmes would unite all of the High Commissioner's field-based work. It avoids unhelpful distinctions between human rights "operations" and "presences" and avoids the artificial dichotomy of field tasks as either "monitoring" or "technical assistance/institution-building".
