



TOWARDS EFFECTIVE TRAINING FOR FIELD HUMAN RIGHTS TASKS:

Recommending an on-going international process
to codify best human rights field practice

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This paper by Karen Kenny is based on her work with 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](#) in their work and details may be found at <http://www.ihrnetwork.org>. As of 2004, the issues raised in this paper remain highly relevant to the actors mandating, fielding or funding international human rights fieldwork.

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SUMMARY

Since the early 1990s, the deployment of Human Rights Operations is increasingly seen as part of the international response to complex emergencies. However, it has become more and more apparent that shortcomings in the present situation regarding selection and training of staff have negative consequences for the impact of their work. This paper considers weaknesses which have been identified, ranging from inappropriate use of the term “training” to poorly targeted and/or late instruction, particularly in the context of urgent deployment. In addition, there is no central, responsible body at the UN which can, or does, provide all the requisite functions for recruiting, training, deploying or de-briefing human rights officers in a timely manner. This lack of centralised responsibility for human rights operations has negative consequences for institutional memory and learning from experience.

One approach, currently under discussion in a number of states, is to speed up emergency deployment of human rights officers through the creation of standby rosters. The paper considers some strengths and limitations of these proposals and notes that unless present shortcomings in content and delivery of training are addressed, such rosters cannot achieve their full potential.

Addressing these questions, the present paper advocates an on-going process to codify best field practices based on an understanding of the primary aim of human rights field operations: *to facilitate sustainable improvement in the human rights situation of the host country*. Such codified best practices would facilitate trainers by providing the content of appropriate training, to be carried out in advance (generic mission-preparedness), on arrival in the mission area as well as on-going during the life of the mission. In this context, the H RTP

... uses the term “training” to mean the on-going process which adapts the previously acquired skills and experience of appropriately recruited personnel to an identified Human Rights Operation’s task, and which effectively communicates to them instructions and material facts needed to successfully fulfill that task in the country-specific context.

The paper concludes that in the immediate term, the priority is not the *delivery* of training but rather the identification of best field practices through learning lessons from the experience of human rights operations to date. This would provide the essential tool of clear selection criteria and procedure - as well as training content and methodology. While the paper concentrates on the needs of specialist staff of human rights operations, the codification process proposed, as well as its results, would also apply to other personnel with human rights field tasks - thus facilitating the mainstreaming of human rights training among the range of international field personnel.

It is recommended that the codification process be initiated in a forum of specialists. The forum would be independent and include the input of the widest possible range of relevant actors and disciplines.

PART I. SCOPE OF THE PRESENT PAPER

1. General Introduction

1.1 Background

In early 1995 the Minister of Foreign Affairs of Ireland conducted a series of public meetings to discuss Irish foreign policy in a range of areas. One meeting concerned human rights, while another concerned United Nations (UN) Peace-keeping. This was the first time that such a thorough, public review of foreign policy had been undertaken and the process culminated in the publication of “Challenges and Opportunities Abroad: White Paper on Foreign Policy” by the Department of Foreign Affairs in Dublin at the end of March 1996¹:

“Human rights have traditionally been a central concern of Irish foreign policy. A variety of factors has underpinned this emphasis, including our own historical experience, Irish involvement with developing countries, and the human rights dimension of the problem of Northern Ireland. The emphasis on human rights issues is rightly seen as an essential part of the approach to foreign policy adopted by Ireland, particularly in the United Nations.

As a reflection of its concern, the Government have decided to take a number of measures, including the allocation of additional resources, to ensure a continuing strong profile for human rights issues in Irish foreign policy.”²

During the consultation process, the need for professional preparation for human rights officers and those in related field activities was emphasised by, among others, the Minister for Foreign Affairs and non-governmental organisations (NGOs) such as Amnesty International. In this context, the present study developed in discussion with the Department of Foreign Affairs from January 1995. As will be seen, this paper shares the White Paper’s recognition of the interdependence of human rights, development, peace and security. It is funded by the Development Co-operation Division of the Department of Foreign Affairs.

1.2 The preparatory process for the present paper

This paper concludes that it is both desirable and feasible to develop prototypes for the selection, training and methodology of field personnel with human rights tasks.

The recommendations flowing from this conclusion are based on consultations which took place from January through June 1996 with representatives of a range of inter-governmental organisations (IGOs), NGOs as well as individuals specialised in this area. To facilitate this, a draft of this paper was circulated to interested persons seeking critical comment and feedback. The list of persons who were part of this process, contained in Annex I, illustrates the broad range of relevant actors. Numerous contributions helped to clarify the issues and crystallise recommendations for inclusion here.

Apart from this process, the present paper is also the result of a review of the growing literature in the area. Annex II contains a list of such written material as informs this report.

This opportunity is taken to thank, once again, all those who generously gave their time in contributing views. It is hoped that, based on the recommendations which are the outcome, this constructive process will continue.

2. Whose training needs are considered?

2.1 Specialists: Human Rights Operations

Over the period since World War II it has been established that the protection of human rights in any one State is the “legitimate concern” of the entire international community. This was re-affirmed by consensus at the World Conference on Human Rights held in Vienna in 1993. Now that international minimum standards to protect human dignity (such as those contained in the Universal Declaration on Human Rights) have been identified and agreed, attention has turned to how those standards may be implemented.

One of the ways in which implementation is being pursued is through the provision of an objective international presence: a rising number and variety of international actors, including both IGOs and NGOs, are becoming involved in on-the-spot human rights monitoring under a broad range of mandates. This expansion (which mirrors the post Cold War expansion of UN peacekeeping operations in complex intra-state emergencies) is rooted in an increased understanding that human rights violations are a cause, and not merely a consequence, of insecurity and instability, and that addressing them is a pre-condition for peace³.

Thus, strictly speaking, field-based international human rights personnel are a 1990s phenomenon. It is important to bear this in mind when considering the present absence of identified best field practice or/and operational procedures discussed in Parts II and II.

Human Rights Operations (HROs)⁴ have been deployed in contexts ranging from civil wars, including pre-ceasefire (as in the case of El Salvador), to transitions towards democracy. Not only is their use increasing, but the range of IGOs involved is expanding from the UN to the OSCE, the EU (which contributed a team of officers to the UN's Human Rights Field Operation in Rwanda and which is responsible for the civil administration of Mostar) and the OAS as well as NGOs⁵. Sometimes HROs are part of peacekeeping operations, and in other cases independent of them. Because of their variety, exemplified by these examples, HROs defy easy definition.

As an illustration, one author has regarded HROs as characterised by the following features:

- “- organised by an intergovernmental body such as the UN;
- based in a country for at least several months, as opposed to visiting it for shorter periods;
- its central functions at the very least include observing, and more typically include investigating, documenting and/or reporting on, human rights violations and situations likely to give rise to such violations⁶; and
- staffed by at least a dozen monitors, and typically several dozen or more.”⁷

By this kind of approach, it is commonly agreed that the following were, or are on-going, HROs:

- the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL);
- the International Civilian Mission in Haiti (MICIVIH), a joint operation of the UN and the Organisation of American States (OAS);
- the Human Rights component of the United Nations Transitional Authority in Cambodia (UNTAC);
- the United Nations Human Rights Field Operation in Rwanda (HRFOR) carried out by the UN Centre for Human Rights (CHR) under the authority of the UN High Commissioner for Human Rights (HCHR);
- the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA); and
- the OSCE Mission in Bosnia and Herzegovina, following the Dayton Agreement (see annex III).

2.2 Any personnel with field human rights tasks

Throughout this paper, the emphasis is on training for human rights officers deployed in HROs. The starting point for rationalising training should lie with the needs of such specialised field operations.

However, HRO-type tasks are in fact also carried out by a range of other personnel. While recognition of the links between peacekeeping and human rights appears to be increasing, it is not yet accompanied by a concomitant emphasis on mainstreaming human rights training. In 1992, in *An Agenda for Peace: Preventive Diplomacy, Peace-making and Peace-Keeping*⁸, Secretary-General Boutros-Ghali noted that:

“Increasingly, peacekeeping requires that civilian political officers, human rights monitors, electoral officials, refugee and humanitarian aid specialists and police play as central a role as the military....Peace-making and peace-keeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people...”⁹

It will be immediately clear that tasks such as human rights fact-finding (mentioned in Golub's HRO definition above) are *also* routinely carried out by others who are not otherwise within his definition¹⁰. To this extent, the present paper also concerns their training needs. Examples include:

- the field offices of the UN Centre for Human Rights in the former Yugoslavia, in that human rights officers gather information to service the mandates of the Special Rapporteur on the human rights situation in the former Yugoslavia

and of the Expert in charge of the Special Process dealing with missing persons in the former Yugoslavia, both of whom are appointed through the UN Commission on Human Rights;

- the Cambodia Field Office of the Centre for Human Rights, to the extent that it has functioned in support of the Special Representative for Cambodia;
- the United Nations Relief and Works Agency (UNRWA), in that it recruited “refugee affairs officers” to monitor and report on clashes between Palestinians and Israeli security forces during the *intifada* in the West Bank and Gaza;
- the United Nations Observer Mission in South Africa (UNOMSA) in that one of its functions is related to observing the conduct of security forces (deployed under the authorisation of the Secretary-General in September 1992)¹¹;
- the United Nations High Commissioner for Refugees (UNHCR), through, for example, its assignment of field officers to monitor and intervene on behalf of returnees to Tajikistan. Currently, in Bosnia and Herzegovina UNHCR conducts what it terms “repatriation monitoring” which overlaps with the work of HROs by “monitoring and reporting on conditions of return and reintegration, and the standards of treatment accorded to returnees; promoting the equal treatment of returnees; and, intervening with national or local authorities to ensure that return takes place in accordance with international standards, and that returnees are accorded all possible protection by existing national structures and procedures”¹²;
- CIVPOL, almost by definition carry out tasks for which HRO training may be adapted. Their usual tasks include monitoring and training local police forces in accordance with international human rights standards concerning the behaviour of law enforcement officials¹³. For example, the United Nations Transition Assistance Group (UNTAG) in Namibia, in that the CIVPOL component observed the work of the South West African Police; or the International Police Task Force (IPTF) now deployed in Bosnia and Herzegovina (see Annex III); and
- international military personnel may also be carrying out law enforcement functions (e.g UNOSOM in Somalia, or the Implementation Force, I-For, in Bosnia and Herzegovina) and will themselves be subject to compliance with international human rights standards as well as the international norms specifically governing their conduct¹⁴.

Furthermore, the mere fact that a field operation may be mandated to concentrate on certain human rights over others (e.g election-observation missions) does not take it outside the realm of the present discussion. Effective observation is not restricted to the technical side of electoral arrangements, but requires an assessment of the situation regarding the bundle of human rights essential to a “free and fair” election e.g association, expression, assembly etc.¹⁵

The features of a HRO mentioned by Golub are often used to distinguish HROs from, for example, the field work of NGOs, or from short fact-finding missions (by NGOs or IGOs). For present purposes, distinctions such as the number of officers involved in a HRO, are irrelevant. The mere fact that a HRO is small, or understaffed, does not alter the nature of the tasks they are to perform, nor their training needs¹⁶. The question whether the sending organisation is an IGO or NGO is equally irrelevant, as is the label attached to the person or body carrying out such tasks e.g UN military observer, international civilian police officer (CIVPOL), protection officer or human rights officer. Only this element is relevant here: are the tasks to be carried out “HRO-type” tasks and/or do they require the application of techniques particularly developed in relation to human rights e.g fact-finding, reporting, observing. Training needs must be defined by reference primarily to the *tasks* to be carried out, not the label attached to the actor.

2.2.1 What are these “HRO-type” tasks?

HROs have operated under various mandates and carrying out a range of tasks. This has been partly due to the need to tailor the HRO’s activities to the specific situation¹⁷. However, functions which mandating IGOs have so far considered to be usefully carried out by HROs can be identified.

HRO-type tasks to be performed by field personnel, even where they are not formally known as human rights officers, may include some or all of the following:

- monitoring the current human rights situation and publishing reports;
- monitoring national and local election campaigns or processes;
- monitoring re-insertion of ex-combatants into civil society;
- investigating past violations to help combat impunity;
- developing human rights promotion, education and public information campaigns;

- deterrence of violations by an active presence;
- facilitating reconciliation and confidence-building;
- confidence-building and local-level conflict-resolution e.g for the safe and voluntary return of refugees and those internally displaced; or
- contributing to institution and capacity-building through technical assistance programmes, such as reform of police or judiciary¹⁸.

Throughout this paper, these are referred to as human rights tasks. These observations lead to the following:

- firstly, the recommendations in this paper are intended to apply to any actor who carries out a field human rights task or applies human rights methodology. Once human rights best practice is codified for HROs, it should be adapted to meet the needs of other personnel with field human rights tasks;
- secondly, the process of codifying best practices should be inclusive, on-going and multi-disciplinary (see Part III), thus benefitting from the experience of the entire range of relevant actors; and
- thirdly, a related point is that HROs should benefit from a multi-disciplinary staff (see section 9).

The present paper's findings and recommendations to improve training are intended to have relevance for all personnel with any human rights protecting, observing, fact-finding, cross-checking or reporting functions whether they be UN international civilian police, international military personnel, humanitarian assistance personnel, those conducting short-term fact-finding missions (NGO or IGO alike) as well as the human rights officers who are the primary concern of this paper.

Thus, it is emphasised that the range of personnel to whom the present paper is relevant is very broad. This is a consequence of the fact that human rights tasks or methods are pertinent to the activities of a broad range of international personnel¹⁹. Recommendations are specifically drafted with this in mind.

3. Why training is needed

3.1 Training defined

Before moving further, we clarify what is meant in this context by “training”.

Here, “training” means an on-going process which adapts the previously acquired skills and experience of appropriately recruited personnel to an identified HRO task, and which effectively communicates to them instructions and material facts needed to successfully fulfill that task in the country-specific context.

3.2 Why train for Human Rights Operations ?

As may be seen from section 2 above, personnel of HROs carry out functions for which no single profession is automatic preparation. How does training as, for example, a lawyer, investigator or teacher equip a candidate to actively facilitate reconciliation or confidence-building?

Frequently, HROs are asked to carry out these complex tasks in a highly delicate and stressful environment. There may be war destruction of basic infrastructure such as water or electricity installations; an uncertain security situation; a vacuum of authority; on-going combat; humanitarian crises for civilian populations including massive population displacements; a complete absence of civil society or rule of law and a politically explosive atmosphere. Here, the importance of the role of HROs should not be underestimated: they may contribute to peace and respect for human rights in the host country and its region - although their impact is difficult to measure.

In such a context, and in considering this paper, it may usefully be borne in mind that military personnel may spend their entire career in training for war. On the other hand, as will be seen, for officers who face the perhaps more complex task of “making” peace, no comparable training exists²⁰.

PART II. SITUATION TO DATE: TRAINING FOR HUMAN RIGHTS OPERATIONS

4. Overview of Human Rights Operations training to date

This overview is concerned solely with training provided for specific HROs to date: so far, this has been entirely ad hoc and undertaken in the context of emergency deployment. As outlined in section 2 above, HROs represent a new and evolving type of operation, beginning with El Salvador in 1991. Other IGOs are even more recent actors than the UN in this area. This relative novelty may be a factor which helps explain the shortcomings that have been observed in training personnel for service in many HROs to date, and which are outlined in this section. In order to adapt training to the demands of such operations, inadequacies in the present situation must be identified, and acknowledged, as such. Firstly, we recall our definition of “training”.

4.1 Inappropriate use of the term “training”

“Training” here means an on-going process which adapts the previously acquired skills and experience of appropriately recruited personnel to an identified HRO task, and which effectively communicates to them instructions and material facts needed to successfully fulfill that task in the country-specific context.

Several commentators have emphasised that assurances that “training” has been provided cannot be taken at face value. This is due to an unfortunate tendency to term an afternoon’s briefing “training”, especially in official IGO documents. It continues to occur that a half-day lecture introducing the entity for which the new human rights officer has been recruited (e.g HCHR, EU, OSCE) is the only structured briefing which they may receive. Fortunately, this is increasingly regarded as inadequate, even by those bodies which have sent HRO personnel to the field in this way²¹.

4.2 Training in the context of urgent deployment

Typically, the need for human rights officers in any particular case is approached as a matter of urgency. Even so, slow start-ups, partly attributable to delays in identification and recruitment of officers, have characterised most HROs.²² It has been repeatedly seen that delays in effectively launching HROs weakened credibility and reduced the effective duration of the operation²³. This combination of urgency with delays leaves little time for a considered selection and training process and creates immense pressure to skip pre-deployment training, simply to get people into the field. Training which has sometimes been carried out is on an ad hoc and emergency basis. One commentator reflects the view of many others:

*“Recruits are not chosen with enough care; training is cursory or even non-existent; proper equipment is lacking; unrealistic expectations are created among the host population; host governments develop a poor opinion of the mission and it takes enormous effort and loss of time to overcome this perception among the very people the Mission is supposed to be helping. This has been the case in Haiti and Rwanda and may be happening as we speak in Bosnia”.*²⁴

In some cases, a greater operational imperative has led to the effective shelving of in-mission training or to it being reduced to an inadequate level. The need to prevent threats to life, which faced the IPTF deployed in Sarajevo in February-March 1996 during the transfer of certain suburbs to the authority of the Federation, may be mentioned as an example. Poor recruitment practices are repeatedly applied, involving in some cases persons without previous field experience being sent to the field without being interviewed. The weaknesses of these recruitment practices have been compounded where there is a lack of, or ill-targetted, training (see 4.3 below).

However, urgency and crisis are almost hallmarks of the context in which HROs are deployed. Care must be taken to avoid a situation where the very speed of “deployment” (understood as merely getting people there) undermines conditions for the success of the mission. This paper is concerned to help find ways to ensure speedy deployment combined with effective selection and training.

4.3 Poorly-targetted and/or late training

There is a growing consensus among those reviewing the performance of HROs, former human rights officers, UN staff members involved in providing training for field personnel, informed observers and some of the inter-governmental agencies involved themselves in fielding such operations or related personnel - that such training as is provided is inadequate²⁵. It has again and again been found²⁶ that human rights officers arrive at their field assignments without adequate knowledge of country conditions and the challenges they are likely to face. It is also a frequent comment that training, if it takes place at all, is focused too much on legal formalities and too little on practical realities. Thus, for example, it has been reported in relation to UNTAC (Cambodia), HRFOR (Rwanda) or MINUGUA (Guatemala), that the little pre-deployment training which did occur concentrated far too much on international norms as opposed to operationalising those norms in the context of the host state's realities.

Once in-mission, it is not unusual for even this training to be provided on a once-off basis, sometimes well into the life of the operation. Similar delays occur for non-specialists in human rights. It seems that the IPTF in Bosnia and Herzegovina will not begin to receive human rights training before May 1996, five months after the beginning of their deployment²⁷.

Attempts were made in Haiti to meet human rights officers' needs by providing three weeks of intensive training on arrival, including language (Créole), Haitian history, culture and politics, international and Haitian human rights law and issues related to security, communications and medical care. It is reported that much time was spent on practical exercises: how to interview a victim and/or witness, report-writing, how and when to intervene with the authorities, role-playing and group exercises. Former human rights officers from other missions regard this with awe. In the case of HRFOR (Rwanda), only several months after the officers had been deployed, the first briefings were provided.

In an attempt to improve matters, it is reported that some of the training exercises used in Haiti have been recently adapted for HRFOR (Rwanda). It is significant that this appears to be happening not because lessons are being systematically learned by the UN for application elsewhere, but rather due to the fact that the former head of the human rights component of MICIVIH is now Chief of Mission for HRFOR and he brings this knowledge and experience to the mission.

Any attempts to improve matters from one HRO to another are handicapped by a continuing lack of codified best field practices available as training tools and operational instructions. A problem with current practice consists partly in repeated "re-inventing of the wheel" which wastes valuable time and loses lessons learnt elsewhere, and partly in attempts to conduct HROs without any methodological "wheel" at all. In the case of all HROs to date it was months, if not years into their mandates, before questions of admissibility of cases, standards of information etc., were being addressed, if at all.

4.4 Lack of centralised responsibility or learning from experience

Within the UN, the Department of Political Affairs (DPA), the Department of Peacekeeping Operations (DPKO) and the Centre for Human Rights (CHR) have all undertaken HROs.

The Centre for Human Rights, ostensibly the focal point of human rights in the UN has been markedly outside the comprehensive peace settlements which the UN has brokered and/or implemented recently: Namibia (UNTAG), Angola (UNAVEM II), Western Sahara (MINURSO), El Salvador (ONUSAL), Mozambique (ONUMOZ), Guatemala (MINUGUA) and Cambodia (UNTAC). All of these peace building exercises have not only contained a human rights monitoring element, but most had substantive human rights development programmes. Largely because the settlements were seen as both political and an extension of the more traditional peace-keeping mandate of the UN, they were directed from UN headquarters in New York - with essentially no involvement by Geneva²⁸.

There is no central, responsible body at the UN which can, or does, provide all the requisite functions for recruiting, training, deploying and de-briefing human rights officers in a timely manner. No management system has been organised for fielding HROs²⁹ and it remains unclear which, if any, UN agency will consistently play the lead role in HROs. This is a fundamental obstacle to constructing a coherent system for deploying such operations. So far, "it may be more accurate to think in terms of a series of ad hoc institutional arrangements that vary greatly among missions.. The upshot is that while there is a growing body of literature regarding these operations, many of the needs and shortcomings...flow from the absence of systematic mechanisms for organising, co-ordinating and evaluating" HROs³⁰.

It may be noted that the European Union undertook an evaluation of HRFOR (Rwanda) after five months, concerning its contribution to that HRO. However, to date, there does not appear to have been a thorough-going evaluation of HRFOR in its entirety.³¹

For peacekeeping, a Lessons Learned Unit was established in DPKO in April 1995³², and it is apparently still in the process of building up its files of existing documentation. It is also commissioning new studies and "lessons learned" workshops. Thus, for peace-keeping operations, the translation of lessons learned into policies, standard operating procedures,

guidelines, handbooks and training manuals has now begun but is still in its early stages. Some progress has also been made in that area for CIVPOL functions, for whom a Training Unit has also been established, but apparently without specific human rights input.

There appears to be no mechanism within the United Nations by which the experience accumulated in HROs may be pooled in order to learn for the future. Likewise, there is no mechanism by which the experience of other IGOs may be added to the collective wisdom regarding fielding HROs, e.g that of the OSCE in Bosnia and Herzegovina, or that of the EU component of the HRFOR. Annex III, regarding the training situation for international personnel in Bosnia and Herzegovina, illustrates the effects of this lack of centralised responsibility.

Thus, there is no systematic de-briefing of officers even though:

“de-briefings are vital because the departing monitors possess some of the most concrete knowledge of a mission’s triumphs, failures and lessons....as valuable as the perspectives of the mission leaders...may be, it is the monitors themselves who are best placed and most willing to assess some of the operational constraints that frustrate impact and suggest how to overcome them”³³.

Neither the UN, nor any other IGO, has established a training centre for potential human rights officers and this is not here regarded as an efficient way to proceed. However, equally, there are no common standards for their training even within the major organisations³⁴ (let alone between them) and no common guidelines for their work (even within UN operations)³⁵. Significantly for present purposes, personnel records are not normally shared, decreasing the chances that high quality human rights officers will be retained from mission to mission and that low quality performers will not be.³⁶

This is in contrast to the situation on the military side. The Secretary-General has made it clear, and the General Assembly has agreed, that training for peace-keepers is the responsibility of the Troop Contributing Nation (TCN). An International Association of Peace-keeping Training Centres (IAPTC) was established in 1995, with a particular impetus provided by the Lester B. Pearson Peace-keeping Training Centre in Canada. In August 1996, the Centre will hold what is thought to be the first generic, pre-mission human rights training for military and civilian personnel, reflecting what it calls the “New Peace-keeping Partnership”³⁷.

There are, however, some initiatives seeking to improve matters. The process proposed in this paper would bring together the range of relevant initiatives, to share information, materials, etc. A significant area under discussion, standby rosters of personnel, is discussed in section 5 below, and in Annex IV.

4.5 Conclusion: The training imperative

The present manner of conducting HROs by placing hundreds of officers in the field for extended periods with transport, communications equipment, interpreter-translators, etc., is costly³⁸, yet small additional investment in training may yield greatly enhanced efficiency, perhaps also allowing a streamlining of numbers of personnel involved. Several sources commented that they would prefer to work with a small efficient team rather than with a larger number which involves diminishing returns - especially where equipment is inadequate for the number of personnel fielded. The following suggested approaches, including the mainstreaming of human rights training for UN personnel, may not only be operationally desirable options, but cost-effective imperatives.

Given the HROs’ complex mandates, the difficult environment in which those mandates are to be fulfilled and the potentially extremely important consequences of their work, it seems self-evident to suggest that human rights officers should be experienced personnel, provided with professional, comprehensive training. Indeed, their personal security may depend on their degree of preparedness for the challenges involved.³⁹

5. Overview of current proposals: standby personnel rosters

5.1 Introduction

Even though lack of political will of IGO member states, and that of parties to a conflict, may remain the greatest obstacles to rapid reaction to human rights crises, the operational constraints to speedy and effective HRO deployment are receiving increasing attention⁴⁰. One of the approaches which is being explored by several states is the use of standby arrangements to address the difficulty of finding personnel at short notice. The following observation was made by the Director for Human Rights of MICIVIH (Haiti), but is also of more general application:

“Mission’s experience indicates the dual constraints on a rapid deployment - the inherent difficulty of finding a large number of people with human rights experience and/or legal training, appropriate language skills, and willingness to live

in difficult conditions, who are available to travel almost immediately - and the weaknesses of the recruitment systems of the organisations in identifying and processing them”⁴¹

Standby proposals for human rights officers should draw on the prior experience of rapid reaction mechanisms in the military and humanitarian assistance spheres⁴².

In the White Paper (see section 1.1), one of Ireland’s priorities is said to be: “the establishment of a standing team of human rights monitors at the disposal of the High Commissioner” for Human Rights⁴³. Other proposals for the creation of standby teams of human rights officers have been made in studies commissioned by Canada’s Department of Foreign Affairs and International Trade (DFAIT), and the United States Agency for International Development (USAID). A variation on this theme has been in place in Norway since January 1995. Annex IV outlines these proposals, and examines in more detail the genesis and operation of the Norwegian standby rosters, which evolved from experience with humanitarian emergencies to a database of human rights personnel available for emergency field deployment.

These proposals represent a prime opportunity to rationalise training for HROs and to benefit from the on-going process advocated here.

5.2 Standby rosters: strengths and limitations

5.2.1 Beyond lists of personnel to fully-equipped teams

While standby rosters of pre-selected and pre-trained personnel have the potential to reduce delay and improve the recruitment procedures which have been widely criticised in some HROs, they do not address another source of delay: lack of emergency operational capacity. Further consideration may need to be given to actually deploying self-standing human rights teams similar to the self-contained units which are sought by the UN as contributions to its military peacekeeping operations.

Until now, no standby roster has fielded human rights personnel with their own operational capacity (transport, communications equipment, etc.), nor have they so far been developed to the stage where a multi-disciplinary team could be deployed at the crucial start-up phase of a HRO in order to establish the basis for a larger contingent to arrive later.

Exploratory contact has been made by DPKO’s Field Administration and Logistics Department (FALD) and DPA with the Norwegian Ministry of Foreign Affairs and Norwegian Refugee Council (NRC) regarding the possibility of the latter contributing to rapid response support for military and/or human rights operations (supplying air logistics, fuel, shelter, offices etc.). During 1995, there was also some discussion between the UN High Commissioner for Human Rights and Norwegian agencies (NRC and Norwegian Institute of Human Rights, NIHR) regarding the establishment of a standby logistical capacity for fielding missions. It is not clear what the outcome of these discussions will be, and a factor inhibiting such developments is that it remains uncertain where responsibility for future HROs will lie within the UN system (see section 4.4 above).

Although not selected from a roster, the EU’s contribution of a number of fully-equipped officers to HRFOR (Rwanda) since March 1995, is relevant. Lessons learned from that experience are expected to be important for future missions. In an evaluation of October 1995 it was recommended that the EU set up a data-base with the particulars of human rights officers (including their availability and capacity for missions elsewhere) and also that there may be a need for a European facility to assist the European Commission with the selection, training and de-briefing of human rights officers⁴⁴.

5.2.2 The need to include senior management and other personnel in standby rosters

The rosters do not appear to be intended to include candidates for senior management positions or profiles of necessary administrative/logistics/procurement/ security/language personnel. These categories of personnel may also benefit from pre-selection and pre-deployment training.

5.2.3 The need for compatible standby arrangements

The practice in Norway regarding rosters is facilitated by the “Norwegian Model” which involves the large NGOs working with the Ministry for Foreign Affairs as both advisors and as the emergency operational arm of the Government. Contact is very frequent and close. In addition to this feature, some elements of the Norwegian experience of standby arrangements may not be readily replicated elsewhere, for example, the agreement of employers to ensure that the candidate’s job remains for their return from the field after an absence of perhaps six months. Another important factor in the success of these arrangements, identified by those involved, is the knowledge of the mechanics of the UN system which the NGOs possess. Reflecting this, for the last two years, the NRC has had a resident representative in Geneva. It has taken years for all the policy decisions to be taken, to establish routines, status of personnel, etc., and the same issues will arise for any other such

initiatives elsewhere. In proposing other rosters, it has been suggested that the various initiatives in different states be developed in a compatible way, with common procedures linking them with the UN system, building on the experience of others, such as the NRC in this area⁴⁵.

Section 8.4 below considers how the present recommendations may help maximise the potential of standby rosters.

5.2.4 The need to minimise loss of continuity from staff turnover

Standby rosters do not, of themselves, address the need to reduce seepage through officer turnover, or to strengthen the institutional memory of bodies fielding them. The short-term nature (up to six months) of some present, or intended, standby deployments, combined with the (usual) fact that roster candidates would maintain their home job, means that there may be low institutional memory even during a field operation (let alone from one to the next). The ad hoc nature of these assignments does not facilitate the building up of experience among staff: few employers would countenance repeated short-term deployments, perhaps several times a year per candidate⁴⁶. This may be particularly so in the private sector, although secondment from public service may be more flexible.

A similar concern has been expressed with the six-monthly turnover of United Nations Volunteers (UNVs). However, this may be no different to the apparently high turnover of all staff in some HROs which derives at least in some measure from the very short contracts being offered with unstable budgetary arrangements. There are no indications that this has been systematically tracked to assess loss of continuity during a HRO⁴⁷.

Thus, the utility of stand-by arrangements/proposals is not only a function of the *speed* with which it can identify individuals and deploy them. Indeed, a preoccupation with numbers of officers dispatched to the field has been to the detriment of several HROs. In at least one case, numbers of officers were increased against the wishes of the Head of Mission who did not have sufficient equipment or administrative infrastructure to render them operational. However, advocates of standby arrangements emphasise the importance of ensuring that those deployed in this manner (or any other) have the capacity to effectively apply relevant skills and knowledge. This capacity depends upon specifying required professional and personal profiles (see section 9 regarding selection); the method used by roster managers to reach out to a deep pool of potential candidates from a range of disciplines; and the generic training provided in advance of HRO deployment - especially in basic human rights field practice (see section 8.2).

Thus, the fact that there is no system of full-time, medium-term, highly experienced HRO personnel may be contrasted with the situation of professional military, or police personnel. Such a cadre is not here recommended. However, in its absence, the importance of training in best field practice cannot be over-stated.

PART III. RECOMMENDATIONS: WHY ON-GOING CODIFICATION IS NEEDED AND ISSUES IT MAY ADDRESS

6. Introduction to recommendations in Part III and Part IV

Given the situation outlined in Part II, it is here emphasised that this paper is not concerned to *deliver* training. Rather, it is concerned that in the absence of a codified, widely understood, human rights field practice, any training that is delivered runs the risk of being ad hoc, not necessarily mutually compatible, under-emphasising field practical realities, and even of being irrelevant to needs.

Section 2 outlined how recent a phenomenon HROs are for the international system. Now, after five years, there is ample scope for rationalising that experience into operational principles and procedures.

However, the lack of any systematic de-briefing of personnel and the lack of institutional memory in the system militate against this learning for the future. For this reason, Part IV proposes a process which would move towards addressing this gap. There, a forum of specialists is proposed whose function would be to consider the issues raised in Parts III and IV. These issues fall into the following four categories:

- the need to specify what the primary aim of HROs is (section 7). This is a fundamental policy issue which needs to be considered by IGOs and their members if training content is to be accurately targetted to tasks expected of human rights officers: reliable information-gathering on the human rights situation; facilitating combatting of impunity; and ensuring the sustainability of a HRO's work, *inter alia*, by respecting subsidiarity and facilitating domestic remedies;
- the need to codify field human rights practice which achieves these aims, in order that there be a common understanding of what the substantive content of training should be, for human rights officers and non-specialists alike (section 8);
- the need to recognise the relationship between selection (both criteria and procedures) and training of personnel (section 9); as well as
- moving beyond the need to identify the content of appropriate training to improving delivery ("mechanics") of HRO training (section 10).

7. Some fundamental policy issues determining training content

7.1 When is a Human Rights Operation appropriate ?

A HRO should not be automatically assumed to be an appropriate response in a human rights emergency or as part of a negotiated settlement. The pros and cons should be weighed in each case depending on the aim which is sought to be achieved.

This will not be explored further here⁴⁸, except to point out that systematising lessons learnt from past experience (codifying best practice, see sections 8 and 9) may help identify the limitations of what HROs can be expected to achieve. HROs may be in danger of becoming a standard response without our having learnt from experience as to whether they are an adequate, or indeed appropriate response at all.

7.2 Specify the primary aim of Human Rights Operations

HROs, no less than military peace-keeping operations, should have clear, achievable aims. Among those consulted in preparing this paper, there has been a consensus that it is a pre-condition to the provision of effective, targetted training that the aims sought to be achieved by a HRO, tailored to needs in the host state, are clear - to senior management, trainers, human rights officers and the host society alike. These aims, and their order of priority must be reflected in clear instructions

regarding the tasks involved and the working methods to be used. A range of sources have found this to have been a weakness repeated in more than one HRO.

HROs involve the temporary presence of foreigners, and, fundamentally, the aim should be to ensure it facilitates a lasting, sustainable improvement in the respect for human rights⁴⁹. This primary aim should underlie the entire ethos of a HRO and be reflected in its methods of work as well as in the selection and training of human rights officers.

Thus, the current, ad hoc, emergency approach to training for HROs (see Part II) should not mask the fact that there are at least four core features which appear in every situation in which a HRO has been deployed to date:

- a need for accurate, timely reports regarding the human rights situation;
- a need to facilitate the combatting of impunity;
- a need for sustainable improvement in the human rights situation; and
- a need to emphasise subsidiarity (domestic remedies).

These features can be expected to appear again and again. They require approaches based on principles of international human rights law which do not vary in nature with the particular situation.

The express mandate of a HRO may be found in narrow terms in a mandating resolution (e.g. “monitoring” only). However, even a “narrow” mandate should be carried out in such a manner that it contributes to all the above, fundamental, aims.⁵⁰ In any event, mandates accorded to HROs by a sending IGO are generally broad and leave a margin of interpretation to senior management as to how the mandate is to be implemented. This margin generally allows them to consider all of the issues discussed in this section when determining the methods of work which human rights officers will use. These matters should preferably be spelled out by the mandating IGO and expressly incorporated into policy instructions to officers. In addition, the margin of interpretation left to senior management should be recognised as pertaining to the Head of Mission on the ground, who should exercise it by reference to the reality encountered *in situ*. This may be compared with the operational control exercised by the Force Commander of a peacekeeping operation in the field. As will be seen below, clarification of these policy matters would have an impact upon appropriate selection and training of human rights officers.

7.2.1 Accurate, timely information-gathering on the human rights situation

The importance of reliable information cannot be over-stated. It is the corner-stone upon which all other HRO-type tasks depend. Otherwise recommendations, follow-up or remedial action all risk being ill-targeted.

Regarding the need for accuracy, in his first report, Mr. Tadeusz Mazowiecki, the then UN Special Rapporteur on the human rights situation in the former Yugoslavia stated:

“Rumours and disinformation are not only widespread, they are a crucial element in the present situation in the former Yugoslavia, greatly contributing to ethnic hatred and fuelling the desire for revenge that is one of the main causes of the atrocities which occur...”⁵¹

HROs may alleviate tensions flowing from disinformation and misinformation if they act as an objective source of reporting. Through their presence and reporting, they may also have a limiting or dissuasive effect regarding violations of human rights. This function itself implies a range of activities: often using patterns identified from an analysis of individual cases; follow-up; advising and making recommendations to authorities. This gathering and analysis of information is necessary for accurately targetting advice, criticism or technical assistance to host authorities as well as for human rights promotion among the population in general. These are entirely complementary, inter-dependent HRO functions.

Despite the fact that “monitoring”, “verifying” or “observing” to assess the general human rights situation is usually seen as a key justification for the presence of a HRO, this opportunity is not always taken, and HRFOR (Rwanda) has been criticised for not publishing reports of its findings.

Where reports are published, they are only as useful as the reliability of the information they contain. If they are not accurate, the HRO may contribute to negative effects such as those identified by the Special Rapporteur on former Yugoslavia. The credibility of the mission and its perceived impartiality may suffer in the eyes of the host population, or host authorities. Moreover, the analysis which a field operation provides may guide the policy decisions made concerning the host state by the sending organisation (e.g. EU, UN) as well as by the wider international community, e.g. to tie aid to human rights performance⁵², or to facilitate voluntary return of refugees. For example, it is EU policy to place:

“considerable importance on human rights questions in its dealings with third countries. It has become standard practice for agreements with third countries to include an article stating that respect for human rights is an essential element of

the agreement. Also normal is a provision for the partial or total suspension of the agreement in the event of non-compliance with these essential elements.”⁵³

Smaller states, which do not have the range of information sources that larger states draw upon to guide their decision-making, have a particular interest in ensuring that policy recommendations of a HRO are based on reliable fact-finding and informed analysis.

This reliability depends to a great extent on the capacities of the officers gathering the primary data from which reports are compiled, which, in turn, is a function of their training before deployment and during the mission - as well as of reporting instructions given to them. For example, guidelines are needed regarding corroborating information (separating rumours or allegations from fact), the importance of having the trust of the host population if the officer is interviewing witnesses (an important factor relating to how well-informed the HRO will be) as well as the analytical tools (such as a database) used to identify geographical, thematic or temporal patterns of human rights violations.

Reporting should include not only verified violations, but also verified patterns of improvements in the human rights situation. Authorities who are not credited with improvements (where they occur) may quickly lose faith in the benefit of doing so, so that the inaccurate report becomes a self-fulfilling prophecy. To facilitate the scientific measurement of improvements, further consideration should be given to techniques familiar to non-lawyers, which may be adapted to the needs of HROs’ monitoring. These may include exploring the use of mortality rates (routinely used by medical personnel with humanitarian aid organisations) or rigorously planned sociological surveys to assess whether a climate of fear or insecurity exists. The climate, a subjective element which is not measured by a legalistic analysis of the number of reported complaints, may be a vital factor to inform a HRO’s reporting, for example, regarding whether the time is right to facilitate voluntary repatriation of refugees or whether people will vote in forthcoming elections.⁵⁴ Adopting such an approach requires appropriately skilled candidates for human rights officer positions and adapted working methods conveyed through training (see sections 8 and 9).

7.2.2 Facilitate the combatting of impunity

There is increasing awareness of the need for truth-telling and justice as elements of reconciliation, and to deter future human rights violators. Combatting impunity for human rights violations is an area where a HRO can make a short, and a long-term, contribution:

- firstly, through imparting the necessary fact-finding or investigation skills to indigenous NGOs and supporting their efforts;
- secondly, if their mandate provides for it, by deploying a professional investigation team with police, forensic scientists, etc., as necessary, to investigate egregious violations which occur during the life of the mission; and
- thirdly, by ensuring that routine fact-finding methods facilitate possible future prosecutions, or at least do not hamper them. Where possible, this would involve training and instructing human rights officers (and local NGOs) in safe-keeping of physical evidence and in ensuring that witnesses who so wish can be re-contacted (indirectly) later by national⁵⁵ or international prosecutors⁵⁶.

Opportunities to contribute to combatting impunity have not always been taken by HROs, at least partly due to the lack of codified best practices (see section 8)⁵⁷.

7.2.3 Sustainability

Given the mostly short-lived impact of any positive HRO influence, greater emphasis than hitherto⁵⁸ should be placed upon how a HRO can provide an impetus to help launch or fortify an indigenous human rights community and how human rights education/ promotion by HROs can contribute to an attitudinal change among the local population regarding their own expectations. Capacity-building, through advisory services and technical assistance to national human rights institutions, government and local authorities, as well as support for local human rights NGOs and representatives of civil society, may be the greatest long-term contribution which an inevitably transitional HRO can make. Structural reform is more likely to be sustainable if it is internally generated⁵⁹.

While this aim may seem self-evident, the reality is that unless the sustainability ethos permeates instructions to officers so that practical steps such as those raised below are considered, HROs may have unintended negative impacts:

- they may create expectations among the local population which they cannot meet in terms of immediate change - the resulting disappointment may lead to lack of faith in the very potential for change, which can become a self-fulfilling prophecy (in a similar way to that described above with regard to inaccurate reporting, at section 7.2.1); or

- conversely, a dependency syndrome can be created (“only foreigners can provide justice”), rendering the achievement of change in the domestic system even more difficult.

Concepts such as self-reliance, empowerment and the need to move along the continuum from emergency to management to reconstruction are well-established in the development field. Yet, IGOs mandating HROs and donors funding such missions do not generally apply them to this context.

A practical illustration of the point may be given. Attention to sustainability may involve ensuring that a small fund is available to the HRO for immediate support for micro-projects. Sums would be small, but meeting an immediate need, so that they should be disbursable on the spot with a minimum of red tape.⁶⁰ This practical approach was taken by the EU component of the HRFOR (Rwanda) and seen as a very constructive contribution to confidence-building.

In addition to such working methods, an emphasis on sustainability has consequences for the training provided for, and by, HRO personnel. For example:

- local partners, professionals, authorities and legal analysts should help brief HROs, and country-specific knowledge should include, ideally, a main local language (where this differs from the HRO working language), and
- in turn, HROs should share expertise by using a team of trainers for outreach work with a “train the trainers” cascade approach. Such outreach training with local NGOs and community groups is likely to enhance the local networking by the HRO - so essential to achieving any of its aims.

It may include facilitating the local development of human rights training materials (e.g posters, puppets, radio shows) for schools and community, refugees, or women’s groups; or the establishment of human rights documentation centres at universities.

In addition to any capacity-building work of a HRO vis-à-vis local NGOs, local actors who wish to provide information to the HRO may be facilitated in doing so through specific training, similar to the instructions provided to the HRO’s own officers⁶¹. This may help ensure that the elements of information useful to the HRO are provided, leading to a multiplier effect for any allegation-receiving role which the HRO may have⁶².

This mutual exchange of training should deepen the officer’s understanding of the country they are working in, while also providing an element of political support for local civil society⁶³.

An emphasis on sustainability also has consequences for selection of HRO personnel: some staff should come from development project backgrounds and should be involved in community outreach programmes. Further, each HRO should consider how to benefit from skills available locally having due regard to the need to ensure the security of information provided to the HRO, as well as any possible risk to such local staff in being associated with the HRO. This can best be achieved by clearly identifying the different tasks which need to be carried out. At present, the principle of sustainability is very far from being reflected in the staff of HROs, but there are precedents. For example, locally recruited nationals of the host state have worked as “assistants” to the EU component’s human rights promotion work within HRFOR (Rwanda) and in analysis of the local media for the Centre for Human Rights’s small field presence in former Yugoslavia.

7.2.4 Subsidiarity: domestic remedies⁶⁴

A corollary of sustainability is subsidiarity, which requires in practice that a HRO should facilitate the protection of human rights at the lowest effective level in the national system. HROs should emphasise the future of human rights after they depart: wherever feasible, refer complaints to national institutions and then follow up on them (having, as always, appropriate regard to any security concerns of sources of information). A HRO can not replace national avenues for redress, nor is this their function.

For example, in the General Framework Agreement for Bosnia and Herzegovina (the Dayton Agreement), the parties commit themselves to secure to all persons within their jurisdiction the highest level of internationally recognised human rights and fundamental freedoms, including those set forth in the European Convention on Human Rights. The translation of these high human rights standards into national law and practice is the responsibility of the parties and it is this process that OSCE human rights officers may monitor and facilitate. It does not, however, fall to them to create parallel complaint structures⁶⁵.

In contrast, the recently published report of the Joint Evaluation of Emergency Assistance to Rwanda⁶⁶ noted that for HRFOR, monitoring seemed to have been conducted as an end in itself, without reference to the need for subsidiarity (requiring effective local remedies) nor to the international law principles concerning state responsibility:

“Field officers hear complaints about human rights violations, investigate them and then file their reports, which are aggregated..[at the Kigali HQ where]..a report based on a summary of the information contained in these reports [is prepared]. The chief of mission periodically sends this summary to the High Commissioner [for Human Rights]. Until October 1995, there was no discernable strategy developed by the leadership of HRFOR for the use of these reports. According to the High Commissioner’s office, the reports were made available by him ‘as appropriate’ to the Secretary-General, governments, UN agencies and intergovernmental and non-governmental organisations. While this ‘as appropriate’ distribution has been criticised as ineffective with regard to enhancing accountability for human rights violations in present-day Rwanda, HRFOR failed either to adopt or articulate a policy concerning the reasons for its distribution policy. Consequently, it was not clear if these reports formed the basis for any action or decisions.”⁶⁷

The same report goes on to note that:

“HRFOR did not develop centralising policies, strategies or guidelines for its field officers or unit leaders in Kigali concerning interaction with local or national officials with regard to the investigation and follow-up of alleged human rights violations....”⁶⁸

The question of subsidiarity has implications for the selection and training of human rights officers. It is not sufficient for human rights officers to be informed regarding international human rights law (which should be either a selection criterion, or, for non-human rights lawyers, part of their pre-deployment training). To monitor the effectiveness of domestic remedies in the light of international human rights law, training must impart knowledge of the domestic legal system, institutions, procedures and remedies - as well as how they are intended to work in practice. This is necessary so that shortcomings in that practice can be accurately identified, and recommendations made for their appropriate solution in consultation with local partners.

Local lawyers are, by definition, in the best position to contribute to this process of legal analysis in combination with specialists in international human rights law⁶⁹.

The point may be illustrated by noting that as of March 1996 in Bosnia and Herzegovina UNHCR, CHR, ECMM-OSCE and IPTF were all urgently seeking to analyse (for compliance with international, and domestic, human rights law) the property law of the Federation and the Republika Srpska, as well as the relevant procedures for settling disputes. This is one of the key issues relating to security and possible repatriation of refugees and should underpin the training and instruction of IPTF and OSCE-ECMM monitors. However, by that date, lack of prior legal analysis risked reducing the practical or targeted nature of any planned training (see Annex III).

8. The need to codify best field practices

The present situation, as reflected in this paper, suggests that the development of codified best practices for HROs would be both feasible and highly desirable in order that they may be used, inter alia, in training.

International human rights law and its successful operationalisation in the methods of HROs should be seen as a universal core which varies not in nature, but in emphasis, according to the human rights situation in question.

Thus, for example, for any given HRO:

- there are effective ways of gathering, cross-checking, recording and presenting information, while conversely, there are methods which are inherently weak and which produce unreliable information;
- there are interview techniques which place witnesses in danger of reprisal or re-traumatisation - and there are ways of minimising such risks; and
- unless thought is given to identifying, selecting and training interpreters, the danger of miscommunication and breaches of confidentiality increases.

Thus, it is possible to devise standard operational procedures which would reflect best practice for situations which almost invariably arise. It is also possible that these be taught as part of generic field preparedness training for potential human rights officers. Regardless of whether generic advance training in these procedures is in fact carried out, it is essential to have them thought through in advance in order that they may be immediately applied in the start-up phase of a HRO, and new officers trained in their application. The reality is that emergency HRO deployment does not allow time for considered reflection of “best practice” issues.

An entirely different matter is the adaptation of some procedures and some training content to the specifics of the host state, and to the specifics of the mandate of the HRO. Such HRO-specific adaptations can be readily made once generic best practice is identified - they do not justify the current *ad hoc* approach to training.

Again, an analogy with military practice may be appropriate: battle plans may be developed with a range of scenarios in mind. When the occasion to apply them in reality arises, they need to be adapted to that conflict. Most significantly, after the dust has settled, if the battle plan did not achieve its stated aims, it is honed for the future in the light of lessons learned⁷⁰.

Codification of best field practices would be an on-going process of learning lessons from experience. The present paper recommends that this process be conducted through an inclusive pooling of knowhow, culminating, where appropriate, in generic training modules which reflect consensus in that area.

The following sub-sections illustrate why the codification of best field practices is needed and some ways it would benefit the work of HROs and others with HRO-type tasks.

8.1 To facilitate clear operational instructions for Human Rights Operations staff

It is common to hear from HRO officers that their working methods were guided by very broad instructions from headquarters, with detail such as fact-finding procedures left to their instinct or various prior experience. The margin of interpretation which a broad mandate leaves to senior management *in situ* should usually be an advantage, allowing for a flexible response to the changing exigencies of the human rights situation. However, the HRO as a whole can lose a sense of direction if the mandate is not transposed into clear operational instructions to its officers. Such guidelines should be more readily identified where best practices which may be considered for application have already been codified in advance of the new HRO.

8.2 To facilitate generic advance training for Human Rights Operations staff

Advance preparation of training based on the on-going codification of best field practice is a key recommendation of this paper. Fundamentally, the degree to which advance planning is undertaken through continuous lessons learnt will determine the degree to which advance training can be usefully carried out. This is a particularly important consideration for training of candidates included in the standby personnel rosters outlined in section 5 above (see also Annex IV).

Experience has shown that imprecision concerning, for example, operating and reporting guidelines from HRO headquarters, can in turn create problems for attempts to train staff⁷¹.

In addition to codified best field practice, pre-deployment training may include such matters as:

- for specialist human rights lawyers on standby (see section 5 above and Annex IV), in-depth refreshers on international human rights law. For candidates who will contribute other specialisations to the tasks of the HRO a basic knowledge of this system will generally suffice; and
- generic material facts such as typical mandates, roles and common HRO inter-action with other field partners (or occasional field visitors): such as international military personnel, international civilian police, the range of relevant UN agencies (UNHCR, UN Children's Fund, World Food Programme etc), International Committee of the Red Cross (ICRC), international human rights NGOs or human rights monitoring mechanisms which may continue to function independently of the HRO (such as Special Rapporteurs, Working Groups, etc. of the Commission on Human Rights as well as the various treaty bodies).

8.3 To recognise the link between codifying practice and mainstreaming training

The case for human rights training for international military personnel has been articulately presented by NGOs, as well as recently by Mr. Paul LaRose-Edwards⁷². As section 2 discussed, international civilian police and military personnel as well as other categories of UN personnel often deployed in the field (such as Civil Affairs Officers), are increasingly being recognised as requiring human rights training, *inter alia*, because:

- their own conduct must meet international standards. Consequently, mechanisms must be in place to monitor and report on abuses by HRO as well as CIVPOL and military personnel;
- all UN personnel have at least the obligation to channel information regarding human rights violations which they themselves witness to the appropriate agency for action. This should be reflected in training, reporting orders and channels of communication⁷³; and,

- more generally, military personnel are increasingly required to work in complex emergencies where public confidence-building and negotiation skills are required at every level. Their mandates commonly ask them to be familiar with human rights issues, to understand their relationship with other IGOs and NGOs, human rights and humanitarian actors etc. For example, such personnel will need to know to whom to refer information regarding human rights violations provided by the population.

Codification of best practice would facilitate training of personnel with field HRO-type tasks (see section 2). This is particularly so with military personnel for whom precision of instruction is imperative. If the need to factor human rights concerns into the work of all international field personnel is increasingly understood⁷⁴, then for human rights field practice to be “mainstreamed” by being effectively communicated to others carrying out field human rights tasks, the latter must first be identified. Only then is there hope that they will be taught, understood, applied and incorporated into standard operating procedures by other actors.

8.3.1 Why mainstreaming is in the interest of Human Rights Operations

There are a number of considerations suggesting that mainstreaming of training based on codified best practices is very much in the interest of the work of a HRO. A range of actors with overlapping mandates are usually part of the environment in which HROs act⁷⁵. Hence, complementarity of reporting formats and training in their use across field partners engaged in similar fact-finding (albeit possibly for differing purposes) would be highly desirable. Efficiency would be much improved if there was cross-comparability of information, co-ordination of follow-up action, feedback regarding results, and a centralised HRO database for each operation, whether large or small.

At present, a HRO typically receives information not only through the work of its own officers, but from other field partners such as CIVPOL, UN military contingents, other UN agencies or NGOs. Interaction, as well as cross-training, would be facilitated by the development of clear written working instructions (perhaps in the form of check-lists) for use by HROs. Their distribution, for example to peacekeeping forces, could greatly facilitate the reporting of human rights information to a HRO.

In addition, the process of on-going codification, seen as advance training preparation, should be closely involved in the preparation of materials (e.g. field handbooks) for related field partners such as international civilian police⁷⁶.

8.4 To maximise the potential of standby rosters

8.4.1 Advance selection and training

Section 4.2 outlined the difficulties which arise when pre-mission training is sacrificed in the interests of urgent deployment of personnel, while section 5 and Annex IV outline current standby proposals.

The feasibility and value of criteria for pre-selecting personnel in advance of a crisis is confirmed by those involved in the Norwegian initiatives (Annex IV). However, if the use of standby rosters is to be applied elsewhere there remains a need to ensure a mutually compatible approach to, and quality control for, selection and training of candidates included on such rosters. More generally, the issues raised throughout this paper regarding training apply whether personnel are provided through standby rosters or any other means, including secondment.

8.4.2 Perceived impartiality of Human Rights Operations and the need to create compatible teams

The diverse, but potentially complementary initiatives and standby arrangement proposals in annex IV may be replicated by other states. However, Paul LaRose Edwards has rightly pointed out that some of these proposals involve the danger of undue influence, or perceived undue influence, by economically developed states⁷⁷. Teams should be international to help address this legitimate concern. Thus, in order for coherent teamwork in an emergency to be feasible, the standby personnel should have been selected and trained to the same standard of best practices.⁷⁸

8.5 Beyond general knowledge to HRO task-specific training

Given the range of HRO activities described in section 2, some officers may usefully be earmarked for specialised tasks, not only in the selection process, but also in training. On-going codification of best practice should help reveal such distinct tasks encapsulated in non-traditional terms, such as, for example, HRO “confidence-building”. It frequently occurs in relation to those tasks of a HRO which are not understood by management as priorities that officers are asked to carry them out on an *ad*

hoc basis, sometimes without any prior experience of doing so because it is assumed that anyone can do them. Trainers of other human rights officers are often tasked for this based on “general knowledge”, without reference, for example, to whether they possess the necessary skill of communicating their knowledge effectively.

The process should help move training beyond the present general knowledge approach to task-oriented training for specialist HRO officers. For example, the conduct of systematic visits to places of detention merits detailed instruction in doing so (bearing in mind the specialist mandate and expertise of ICRC in this area), as do the conduct of fact-finding (including inquiry interview techniques and procedures for security of sources), the observation of trials, of exhumations, of elections or the conduct of a public outreach programme of human rights education.

A particularly important application of task-targetted training is familiarising HRO staff with the use of a database which should be applied by them in their cross-analysis of data gathered⁷⁹. This should be part of the role of the advance training preparation discussed above.

While some general knowledge of these areas may be necessary for all human rights officers, it should be borne in mind (by analogy) that beyond generic basic training, military units specialise in communications, logistics, intelligence-gathering, etc., and that this is found to enhance their effectiveness.

HRO management will require a certain amount of flexibility from officers to meet changing deployment needs (in that HRO tasks may change) and thus, a balance needs to be struck between necessary flexibility and asking HROs to be “jacks of all trades but Masters of none” due to poor advance planning.

8.6 To pool experience of general management practices

A much-neglected area within HRO training concerns the skills which are not peculiarly needed in the area of human rights - but are common to all international field actors. The process of codification may help HROs learn from their experience in, for example, management; team-building/leadership skills; team motivation; arbitration and mediation skills; telecommunications; software applications; administration; stress management; personal security; transport; logistics; procurement, etc.

9. The need to codify best selection practices - both criteria and procedures

9.1 Selection of human rights officers

The on-going codification process should not only be concerned with best practices for the useful content (sections 7 and 8) and delivery (section 10) of human rights training, both for human rights officers and for other international or local actors (particularly CIVPOL, UN military or humanitarian agencies), but also with the selection criteria to meet the complex mandates of HROs - emphasising a multi-disciplinary approach.

HROs are quintessentially multi-disciplinary undertakings, and the profile of their staff should reflect this. HRO mandates have sometimes included tasks for which professionals specialised in that field should be used, e.g criminal investigations. Other functions are such, however, that no single professional background is the sole appropriate one. This is particularly the case with human rights “monitoring” which in itself involves multitude of tasks and techniques in addition to the legal analysis of facts found.

As a consequence, there should be no single profile of a human rights officer: not only lawyers but also educators, police, military, anthropologists, communications or trauma specialists, etc., may be needed to fulfill the HRO’s task. In practice to date, there is a tendency to over-emphasise legal qualifications. The experience of several sources suggests that a background in law is neither a necessary, nor a sufficient condition for effectively carrying out the many HRO functions which do not involve specific legal analysis.

Selection processes should be designed to determine not only the paper qualifications of candidates, but personality attributes which can determine whether the individual can function effectively and ethically in an environment which may be dramatically different to that with which they are familiar, often in extremely stressful conditions. Further consideration needs to be given to specifying and seeking those necessary attributes and/or personal skills which simply cannot be taught in a training course such as genuine commitment to human rights, empathy for victims or active listening skills.

Selection of personnel should not be carried out without interviews, preferably group interviews, and psychological testing. To place these suggestions in perspective, these methods are used by the Netherlands in selecting personnel for its Junior Professional Officer programme. The programme has, for example, provided personnel to the Centre for Human Rights (CHR) to be based at the UN Office at Geneva, where conditions are rather less strenuous than, for example, at HRFOR in Rwanda, for which operation less rigorous selection procedures were applied in some instances by the CHR.

During both pre-deployment and in-mission training, clear conditions and procedures should be in place for the repatriation of officers who are not functioning appropriately. This should clearly apply to all officers, including those seconded from national administrations. Given the nature of the work, and the potential implications of incompetence for the safety of monitors and persons under threat, this should not be regarded as a matter for compromise. Human Rights Watch has referred to an incident: “In an early stage of human rights monitoring in Rwanda, monitors were rushed to the country without proper training. Tragically, an inexperienced monitor’s report to prison authorities about prisoners’ statements of torture”⁸⁰ apparently resulted in the punishment of some prisoners through beatings by prison authorities.

9.2 The Relationship between selection and training

Selection criteria should be seen as part of the training continuum: the choice of HRO personnel determines to a large extent the gaps which need to be filled by training.

Conversely, it should not be the function of training to replace what ought to have been minimum criteria for selection.

As a general rule, those planning, and conducting, training once officers have arrived in the mission area must be able to (rightly) assume that the latter possess a basic degree of knowledge of human rights standards and monitoring techniques as well as some relevant field experience. Donors would probably not be sympathetic if a peacekeeping operation began training people to be soldiers once they had arrived in the mission area⁸¹. HROs should not be any different: knowledge of international human rights standards should either be the specialisation of the individuals recruited, or, if they have a different speciality (e.g. criminal investigators or development project officers), sufficient knowledge of human rights standards to tailor their skills to the HRO context should have been provided through pre-deployment training.

Field experience should ideally be required of all candidates, partly because it may indicate the presence of some of the helpful personal qualities which cannot be taught, such as commitment to human rights. It should not be difficult to find qualified personnel: several hundred people have now served with the many HROs outlined at section 2, while an even larger number of people have experience of other field-based development or human rights work with IGOs or NGOs⁸². Standards of selection need not be lowered. Candidates without previous field experience should be included in a HRO only to the extent that the HRO’s overall capacity permits them to be absorbed in an effective way. This means that the ratio of people without field experience should be low compared to the number of more experienced colleagues. This ratio may need to be very low during the HRO’s crucial start-up phase.

Pre-deployment generic training should also be part of the selection process, with trainers assessing performance for possible rejection of candidates. For example, training role-plays or sample problem solving may reveal weak capacity to work in a team. Conversely, this training may provide candidates with a better indication of what is involved in working for a HRO - and some may decide that this is not for them after all.

9.3 Selection and training of management

Selection criteria of the kind advocated for human rights officers should also be identified regarding candidates for senior management positions in HROs.

It has usually been the case that a Head of Mission and other senior staff have not had previous HRO experience. Whether or not this is so, they should themselves be briefed on the best practices evolving as a result of the combined lessons learned from previous HROs. These briefings should be pre-deployment, and prior to in-mission country-specific briefings for officers. In this way, the practices may be adapted to the host-state specifics to the satisfaction of the management team to be responsible for the HRO in the field.

In addition, further consideration should be given to the training of management and other staff at Headquarters in New York/Geneva/Brussels etc., regarding the exigencies of back-stopping HROs. It is a common complaint that Headquarters staff do not act with the sense of urgency which a field situation may require.

9.4 Selection and training of field interpreters

It is frequently the case that the working language of a HRO is not a language commonly spoken among the host population. This implies relationships of great dependency on field interpreters and translators, many of whom will be recruited locally.

Not only should human rights officers be trained in working with interpreters, but suggested methods for identifying, selecting, training and protecting interpreters should be formalised. A HRO must take responsibility not only for its choice and training of HROs, but most of this paper should also apply to interpreters/translators.

In this respect, the procedures applied during the preliminary investigation into allegations of sexual assault in the former Yugoslavia conducted over four months in 1994 by an international team on behalf of the Commission of Experts established pursuant to Security Council resolution 780(1992), may be of relevance. This is particularly the case given the need to identify not only reliable linguistic skills, but also the professional imperatives of impartiality, confidentiality, sensitivity to interviewing traumatised victim-witnesses, etc.

9.5 Training of local NGOs

See sections 2.2 (page 4) and 7.2.3 (page 24).

10. Beyond content: the need to improving delivery of training

While some of the following propositions for improving delivery of training will seem self-evident, the degree to which they are not being applied in practice to date bears emphasis (see Part II).

10.1 Training when?

Training for a HRO should be an on-going process, not a once-off briefing session⁸³. The three stages of training which are proposed here are cumulative: for example, pre-mission generic training cannot substitute for in-mission country-specific briefings, and vice-versa.

The question of how much time should ideally be dedicated to each of the training elements is one that has no single answer. In each case, the intended functions of the trainee group, their previous experience, their professional backgrounds, etc., will determine the content and length of the training they require.

10.1.1 Stage one: Pre-deployment training

See section 8.2 (page 29).

10.1.2 Stage two: Country-specific induction briefings on arrival in mission area

Country-specific HRO induction should occur as quickly as possible on arrival in the mission area and should be followed by on-going training throughout the mission (see the next sub-section). Such briefings should cover the political, historical, cultural, practical and security aspects necessary to introduce the HROs to their tasks and should enable them to begin to see how their detailed generic training may be applied to the new situation. In particular, the observation is often made that “on-arrival” is not an appropriate time to try to teach HROs international human rights law, although it is frequently, and mistakenly, assumed by headquarters management that this is what is required at that moment. If HROs are not *au fait* with the international standards prior to deployment, to the degree necessary for the task for which they are intended, they should not have been selected (see 9.1 above).

Further in-mission briefings should begin only once the human rights officers have been assigned the geographical area they will cover or their thematic task. The experience of several commentators yields the following reasons for this proposal:

- from a pedagogical viewpoint, a newly-arrived officer’s capacity to absorb information is limited due to the distractions of practical arrangements such as obtaining identity cards, taking driving tests and finding out where one will be deployed. New arrivals are often quite simply overloaded with new sensations, information, meeting colleagues and perhaps heat/cold/culture shock;
- a further factor, whose importance is frequently underestimated by trainers, is language. For trainees whose mother tongue is not the working language of the mission, a few days immersed in their new working language is likely to greatly increase their absorptive capacity once detailed instruction briefings start, perhaps one week after field deployment;
- once in-country duties have been assigned, information received from trainers will be understood as having more relevance because they can visualise the problems which arise in practice, as well as the reality of their need for briefing. Training may by then have become more interactive with questions from the officer’s own (albeit short) experience of this particular host state; and
- there is frequently a need to establish HRO presence on the ground as quickly as possible, to avoid losing mission credibility (see 4.2 above).

10.1.3 Stage three: On-going in-mission de-briefing workshops

As the above sections outline, ideally, officers will have received generic pre-mission training in HRO operational procedures, and country-specific briefings on arrival. In theory, this should obviate the necessity for anything other than refresher briefings on the mission's operating procedures. However, in-mission training is vital. This is particularly so because the Head of the HRO has, at least under present arrangements, no guarantee that any pre-mission training was in fact carried out, and because it is essential to ensure that common standards, approaches and materials are used by those who work in the same field teams.

During the life of the HRO, a mobile in-house team of trainers should conduct de-briefings for human rights officers by travelling to the mission's regional offices (where applicable) throughout the mission area. Human rights officers may gather in such centres for a day of work-shop discussions with the trainers, perhaps every 2-3 weeks, or more frequently in the start-up phase of the mission.

It has not been found in practice that staff of IGO headquarters, far from the field reality, are best placed to prepare targeted, relevant training curricula for the field. The trainers should be part of the HRO. This is essential if the training is to have the sense of urgency which the field usually requires. Trainers should be directly informed of the mission's planning and analysis if de-briefing workshops are to evolve with the changing needs of a mission over the weeks and months. For example, when the Provisional Electoral Commission (PEC) issues detailed regulations for the intended (September) elections in Bosnia and Herzegovina, all international personnel may need to be informed of their content, in order that they may appropriately respond to queries from their local contacts, or take the initiative to share the information through community leaders, meetings etc. This is entirely independent of the question as to whether or not human rights officers themselves are to also serve as election monitors. Regardless, they should be a source of reliable information to their local contacts.

The mobile approach would help ensure that de-briefings are as specific as possible to the particular context in which HRO duties are performed. For example, returning refugees may be concentrated in one region more than another requiring different priorities for HROs deployed in different areas. This would also help minimise the time human rights officers spend away from their duties, which is invariably an important consideration.

With de-briefings in the form of workshops in which officers and regional team leaders discuss with trainers the daily challenges they encounter, common situations and their appropriate responses may evolve into standard operating instructions to all field personnel. By having officers raise the questions which concern them, workshops deliver targeted training.

Where possible (depending on the number of officers and the size of the mission area), there should only be one mobile team of full-time trainers. This is to ensure that the briefings are standardised, common methods are applied by all officers and with the hope that the team of trainers would apply over time the results of their own (steep) learning curve. Moreover, the trainers would be able to cross-fertilise ideas which have worked well in one region and which may be considered by other teams, as they pool ideas and questions through the workshops. An overview of training needs would thus be obtained by the mobile team which may be helpful to the HRO head office in its planning of officer deployment as well as providing elements for evaluation and "lessons learned" for future operations by the team. The mobile team would also be a useful channel for two-way communication between the regional offices and headquarters in the HRO, for example, to brief officers on the method to be used for a new task issued by headquarters (e.g a special report on the activities of political parties in the regions).

On-going in-mission training is also essential because of turnover of officers (e.g UN Volunteers around every six months) with incoming new arrivals constantly requiring induction. In addition, there may be continuing turnover of partners with whom HROs work closely, such as CIVPOL or ECMM personnel (also every six months). Wherever possible, regional workshops should include such personnel in the de-briefings of the human rights officers and there should be co-ordinated training for any other IGO or international NGOs also in the region. For example, it has been suggested that wherever possible, reports should follow a unified format in order to encourage accurate analysis, across the range of field partners.⁸⁴ Consideration should be given to the degree of overlap in training needs and work between various actors in the field; e.g OSCE and ECMM monitors, international civilian police, ICRC, UNHCR protection or information-gathering officers, and Centre for Human Rights field officers⁸⁵, etc. so that these workshops may be considered for all the interacting agencies. Cross-IGO training, where appropriate, may also help ensure that there are coherent, concerted responses to abuses, including the circumstance in which e.g advocacy with local-level authorities will be undertaken (as opposed to "escalating" to national level approaches).

10.2 Training how?

10.2.1 Avoiding lectures

It is a common-place that the lecture format is a weak teaching technique for field-relevant instruction. Pre-mission generic training could usefully emphasise role plays and sample problem solving. It may be that such approaches are especially

important where the mother tongue of many trainees is not the language of instruction. In-mission de-briefing workshops will have no shortage of real-life sample problems to draw upon.

Techniques should be adopted which enable participants in seminars etc. to use their past experience and education to draw conclusions about the implications of international standards for their own tasks or role. In this respect a workshop element in which participants produce material to be used by them later is useful.

10.2.2 Manuals

There is increasing emphasis on the preparation of manuals, and the term is used to cover a very broad range of documents, sometimes referring merely to photocopies of the Universal Declaration of Human Rights and the two International Covenants. It continues to occur, by way of “training”, that in-coming personnel (usually CIVPOL, although sometimes human rights officers too) receive such a compilation with the sole instruction that it should be read.

Some useful material has been recently prepared for CIVPOL by the UN Department of Peacekeeping Operations (DPKO). For human rights officers, there are efforts by the UN HCHR-CHR to follow suit for the OSCE-ECMM monitors in Bosnia and Herzegovina to whom it has offered training. A field guide for HRFOR (Rwanda) was in preparation, albeit 18 months after the start of the mission, while the OSCE and the CHR were said to be simultaneously preparing one for Bosnia and Herzegovina⁸⁶, March 1996. Also simultaneously, the Norwegian Institute for Human Rights has been working on gathering together pre-existing training materials for the past year, at the request of the HCHR. However, this is not being factored into either of the other two concurrent initiatives as it appeared in mid-March that each was unaware of the other.

This highlights the limitations of the current situation where there is no centralised responsibility within the UN for deploying HROs, nor for selecting and training their personnel (see section 4.4 above). While potentially useful materials abound, they have not generally been “translated” to meet the practical need for instruction which section 8 discusses. Moreover, they are scattered among many documents, institutions, and addressed to a wide range of potential users⁸⁷.

Regardless of how practical and targeted a manual may be, human rights officers and senior HRO staff (as well as senior CIVPOL officials) have suggested that there is a tendency to over-rely on manuals as training tools. The photocopying and distribution of a two-inch document should not be seen as an end in itself and can never replace inter-active briefings. Among trainees such as CIVPOL there may be unmeasured language difficulties which anecdotal evidence suggests is a serious weakness of reliance on manuals. The extent of this, as a barrier to training, has not been systematically assessed for the case of either CIVPOL or HROs. Inter-action may help reveal areas where briefings have not been understood.

Emphasis may rather be placed on applying the HRO’s check-lists and concrete working methods resulting from the advance training preparation outlined at section 8, above, and combining it with continuous de-briefing workshops by a mobile team of trainers throughout the life of the mission.

10.3 Training by whom?

Trainers should be “in-house” in the sense of being continually available to the mission, and part of its thinking and planning process⁸⁸. This applies to both internal trainers for HROs, and to any outreach training team for the local community.

The number of full-time trainers required to provide human rights induction and later, on-going in-mission de-briefings, should be carefully planned in advance, by reference not only to the numbers of officers to be deployed, but also to the staggering of the timing of their arrival in the field; the need to keep induction groups small (perhaps not more than 20 officers); the size of the territory to be covered by mobile trainers; the length of HRO deployment (long enough for turnover to occur); the number of field partners who may seek training (see section 2 above); and the number of trainers allocated for outreach work, especially with local NGOs (see section 7.2.3 above)⁸⁹.

Training must be carried out by specialised trainers who are not moved from task to task daily. For example, it would disrupt the work of both trainer and human rights officer if they were treated as inter-changeable by management. Trainers must be highly skilled in the field application of human rights; be comfortable with a range of pedagogic techniques; have excellent communication skills (especially given that there will be uneven prior knowledge and uneven language comprehension among any given group of human rights officers to be trained).

Continuity is required or quality of training suffers. Not everyone can communicate their own knowledge to others effectively. Several sources identified a tendency to regard anyone who has spent time working in any area of human rights (ranging from an academic context, to field experience) as sufficiently expert to train others for a HRO.

10.4 Assessing the effectiveness of training

Human rights training should be task-targetted and relevant to the field. Decision-makers should resist the temptation to slot human rights “instruction” into manuals e.g by simply reproducing the text of the Universal Declaration of Human Rights of 1948 - to be seen to be doing the “politically correct” thing.

Human rights training should be carried out before deployment and be on-going in the field; it should be prepared and presented by specialist field trainers; targetted to real-life problems; and its effectiveness routinely assessed.

Such assessment should be carried out for each of the three stages of the process of training outlined at 10.1 above. Immediately after receiving pre-deployment, or on-arrival briefings, participants should be asked (anonymously) for their view of the apparent utility and timeliness of the training received. A follow-up assessment should be conducted after participants have had the opportunity to test the utility of their training by applying it in the field⁹⁰.

The results of such assessments should not only be used to improve training, but should also be factored into the HRO’s lessons learnt assessment at the end of the mission, so that its results may be applied, as appropriate, in the methods of future HROs.

PART IV. RECOMMENDATIONS: A FORUM FOR ON-GOING CODIFICATION OF BEST FIELD PRACTICE

11. Meeting the challenge: an on-going consultation process

The options presented for discussion in the circulated draft of this paper (see section 1.2) were based on the premise that the place for centralised development of human rights field techniques and for planning of training for field operations lies within the UN, and that a unit should be established to carry out recommendations (similar to those now contained in Part III of the present paper) close to whichever UN arm would be identified as having future responsibility for fielding such operations. The unit was envisaged as being made actively available to all, to ensure a consistent and systematic approach for the different actors involved (states, agencies mandating HROs, NGOs etc.) .

However, feedback received from a range of actors, formally and informally, has been consistently against this presumption and another approach may be more effective.

The original suggestion may seem unrealistic given the current realities of inter and/or intra-institutional rivalry and lack of co-ordination. The following points have been made:

- clarity can not be expected in the foreseeable future regarding where, within the UN, responsibility for its human rights operations will lie. Urgently needed developments in this area should be pursued independently of such clarification⁹¹. The present recommendations seek to avoid intra-UN agency rivalry in this area between for example DPA, DPKO, OHRM, the office of the HCHR-CHR, or between Geneva and New York; and
- if a UN unit were created, it might/might not take the approach that it should share its outputs/expertise with regional organisations undertaking HROs. Inter-IGO rivalry may lead to limited efficiency in meeting the stated aim of compatibility and cross-learning among IGOs.

The need for codification of best field practices identified in this paper can best be addressed through an on-going, broad-based consultation process. It is recommended that a forum be created for the exchange of comments on pre-prepared drafts so that they might then be considered, revised, endorsed, published, up-dated over time with experience on the ground, and applied by sending organisations which field, or fund, HROs.

This is entirely compatible with the recommendation of Paul LaRose Edwards that the “Secretary-General set out UN doctrine on human rights in UN field operations”⁹² as the emphasis here is on a resource developed through input from relevant actors - to be available in turn, to all. As has been suggested in section 8, the drawing together of best field practice should involve input from the whole spectrum of relevant actors and disciplines.

Recommendation No.1: *Codification of best field practices of the kind discussed throughout this report would be most effectively conducted by an on-going consultation process.*

In order to advance matters towards this on-going codification process, it is proposed that a meeting of individuals specialised in this area be convened to discuss its modalities.

Recommendation No.2: *A meeting of experts in their individual capacity should be convened to consider the practicalities and optimum manner of establishing a forum to initiate the codification process.*

Such a meeting might be expected to consider initial priorities for action and possible sources of funding to meet those priorities.

Recommendation No.3: *Over time, the forum may address issues such as those raised in Part III of the present paper and it would thus specialise in an on-going review of experience gathered through HROs as well as others, including NGOs.*

At this stage, it may be envisaged that the composition of the forum might vary according to the specialisation required for the topic on the agenda. For example, a forum may, at different times, comprise professionals in the fields of:

- operationalising the range of human rights, including economic, social and cultural rights;
- international law (both academics and practitioners);
- pedagogy (to optimise training techniques and assist with the evaluation of training);
- psychology (e.g. concerning de-briefing techniques, stress counselling, witness interviews);
- interpretation/translation (to assist in identifying and training interpreters and translators for use by a HRO);
- information handling (archivists, computer experts concerned with the identification and maintenance of databases); etc.

Recommendation No.4: *In its initial stages the forum should not make it a priority to deliver training. Under present circumstances this would be premature. However, once codification is advanced, it would be appropriate for the forum to examine effective arrangements for doing so.*

Through de-briefing human rights officers and those with HRO-type tasks, preparing drafts (such as training modules) as well as holding consultations and meetings, the process of codification would be furthered. Based on the best practices garnered, the forum may consider ways of disseminating the results of the codification achieved to date as well as expanding its activities in order to facilitate their widespread application. This may involve:

- training trainers (e.g. for standby rosters maintained by IGOs or NGOs on a national or international level) in the application of the best practices. The forum should concentrate on facilitating the work of trainers through its on-going codification process and not see itself as replacing the myriad of actors available for *delivery* of training. These include IGOs, academic institutions, NGOs, individual specialists, etc. (see Annex I);
- identifying potential teachers who are field operators with the ability to communicate their experience well. In establishing such a network, it may identify trainers whose skills and experience are known, evaluated and recommended by it. It would be particularly important to identify teachers capable of working through a range of languages. Ultimately, this would effectively create a standby network of trainers immersed in the standards of practice codified through the forum and who are available for deployment with HROs;
- acting in an advisory capacity concerning selection criteria and procedures for human rights officers;
- direct field application of its work whereby personnel are made available for pre-deployment field assessment of the host state, *inter alia*, beginning the process of identifying sources and materials for induction training (such as local language briefings, history, climate etc); analysis of local law (identifying networks of lawyers and other training resource persons); premises to be used for training; and planning the number of trainers needed so that the recommendations of section 10 of the present paper may be met (and, where so requested, meeting the training needs of other personnel with HRO-type tasks). It may also be in a position to assist in assessing the number of human rights officers required as well as their professional and personal profiles.

It may be recalled that the output of the codification process could not be considered binding. It is envisaged that its potential persuasive force would derive from its quality and relevance. In this connection, a forum should, and would need to, enjoy the political support of all the actors who would benefit from its work.

Reflecting the present paper's emphasis on the need to centralise knowledge in order to facilitate quality training, the codification process should be envisaged as becoming an institutional human rights field practice "memory" for the benefit not only of specific HROs but also for the range of actors (IGOs and NGOs) involved in fielding them or in carrying out HRO-type tasks (see sections 2 and 8.3).

The findings of the present paper require that the following principles guide the on-going process of codification and the activities which may flow from it in the future:

- the codification process should have as its starting point widespread consultations (IGOs, NGOs, HRO staff at all levels, etc.). In the same spirit, each adopted document would be actively disseminated to all relevant actors to facilitate its most widespread application on the ground; and
- the forum should carry out its activities in an independent manner. It should not be linked with any particular government, IGO or NGO, so as to avoid any real or perceived conflict of interest between its work and that of an agency fielding a HRO. For the same reason, the forum should not be directly involved in establishing or managing a standby roster, as this might undermine its role as a resource available to all relevant actors. This would also ensure that the forum's advice remains disinterested in view of the suggestion that actors involved in fielding or staffing HROs may have an inappropriate self-interest in seeing them continue.

In conclusion, the need for Human Rights Operations training is being increasingly recognised. Failure to dedicate the time and resources necessary to appropriate selection and training of personnel performing human rights tasks will not only decrease cost-effectiveness and the impact of their efforts, but could endanger lives.

ANNEX I

CONSULTATION PROCESS

JANUARY-JUNE 1996

Views were actively sought on a draft of the present paper - as well as on how the issues it raises may best be addressed (who is prepared to do what, where, funded by whom, etc.). Feedback was sought from two main categories of interlocutors (with some overlap between them):

- those inter-governmental organisations, or units within them, which have been responsible for fielding Human Rights Operations; as well as
- governments, non-governmental organisations and informed individuals likely to have views on the content (or a particular aspect) of the draft report. The draft report has also been made available on the Internet to ensure consultation is not restricted to those of whom we were, *a priori*, aware.

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Amnesty International: Ms. Mary Lalor and Ms. Noeline Blackwell.

Faculty of Law, University College, Galway: Mr. Ray Murphy.

Concern Worldwide: Mr. Mark Hogan (Head of Overseas Support Unit).

Goal: Ms. Anne Cleary.

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Mr. Georg Mautner-Markhof, Chief, Special Procedures.
Mr. Michael O'Flaherty, Human Rights Officer.
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ANNEX II

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only a sample of key documents and studies are mentioned here

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ANNEX III

A contemporary sample of training for human rights field tasks: OSCE human rights officers and CIVPOL in Bosnia and Herzegovina

1. Background to Visit

2. Human Rights Monitoring in Bosnia and Herzegovina post-Dayton

3. Actors and Mandates

- 3.1 OSCE Human Rights Monitors
- 3.2 European Community Monitor Mission (ECMM)
- 3.3 International Police Task Force (IPTF)

4. Selection of personnel and training received to March 1996

- 4.1 Training to be provided by the High Commissioner for Human Rights-Centre for Human Rights (HCHR-CHR)
- 4.2 OSCE Human Rights Monitors
- 4.3 European Community Monitor Mission (ECMM)
- 4.4 International Police Task Force (IPTF)
- 4.5 Civil Affairs Officers

1. Background to Visit

The Dayton Agreement¹ concerning Bosnia and Herzegovina (BH) is the most recent effort by inter-governmental organisations to deploy field international human rights know-how on a large scale. In this context, a short visit was conducted to Zagreb and Sarajevo with the intention of learning from the experience of human rights training for international personnel deployed and adding it to that of other HROs to date for the purposes of the current paper².

The visit concentrated on the situation regarding training received by UN police monitors (IPTF) and OSCE-ECMM monitors as the most numerous and most specifically mandated human rights monitors under the post-Dayton regime. It was not an assessment of the human rights training needs of international personnel and did not concern training of the military personnel serving with the peace implementation force (I-For)³, humanitarian agencies⁴ or review the training situation for the United Nations Transitional Administration in Eastern Slavonia (UNTAES), even though some of the elements of this report may be of relevance to that operation in Croatia⁵.

This note reflects the situation as it appeared in March 1996. It cannot aim to be comprehensive and subsequent events will have overtaken some of the features of selection and training described here. Nevertheless, a number of lessons may be derived from the situation observed and many of the problems will unfortunately be familiar from other field operations. This note highlights the need for an on-going process of lessons-learning as proposed in the text of the present paper.

In this annex, an introduction to the main actors expressly mandated to carry out human rights monitoring in the framework of the Dayton Agreement is followed by an account of the selection process and training concerning by their personnel (to March 1996). Conclusions and recommendations deriving from this annex are incorporated as appropriate throughout the main text of the paper.

2. Human rights monitoring in Bosnia and Herzegovina post-Dayton

Against the background of one of the worst cases of systematic violations of human rights in modern history it has been widely agreed that effective promotion and protection of human rights constitute a necessary precondition for the successful implementation of the Dayton Peace Agreement, and that the next twelve months will be critical⁶. In particular, it should be self-evident that:

- the promotion and protection of human rights is a necessary precondition for the establishment of durable peace;
- only respect for human rights will create a climate conducive to the repatriation of refugees and displaced persons; and
- the holding of free and fair elections will require a significant improvement of the human rights situation.

Reflecting this, the Dayton Agreement commits the parties to ensuring the highest level of internationally-recognised human rights and fundamental freedoms to all persons within their jurisdiction.

3. Actors and Mandates

3.1 OSCE Human Rights Monitors

Mandate: The Dayton Agreement foresees important roles for the OSCE in supervising the electoral process in BH, in monitoring human rights and in assisting the parties in facilitating arms control as well as confidence and security building measures. The tasks of the OSCE Mission of particular relevance here are:

- supervising the preparation and conduct of elections in BH and the two entities;
- providing assistance to the parties in creating conditions under which free and fair elections can be effective, and advising the Chairman-in-Office regarding these conditions and the date on which elections can be held;
- monitoring closely the human rights situation in BH through the establishment of local offices and the assignment of observers; and
- co-operating closely with the Office of the Human Rights Ombudsman and the Human Rights Chamber of BH.

However, “in the first phase, tasks related with the electoral process will be of particular importance”⁷. These appear to be: to ensure that all voters have freedom of movement, association and expression, the right to vote without fear or intimidation, and that there is equal access to free and impartial media.

Expected number of personnel: Unclear. The total numbers of human rights and election monitors expected was said to be in the area of 150 (some early references to 500 may have included ECMM personnel in those figures, see below). Present revised expectations are that perhaps 30 human rights monitors will arrive and that their number may reach 50. Similar numbers of election monitors are expected in this first phase.

Present deployment: The OSCE Mission has an initial planned duration of one year (to December 1996)⁸. While the pre-election phase lasts until the planned elections in September 1996, it is expected that the Mission would then monitor human rights more generally. At the time of the visit 19 human rights personnel (including senior officers at headquarters) had arrived in the field.

The OSCE has a co-operative arrangement with the ECMM (see below) under which the latter will provide logistical and personnel support to the OSCE teams on the ground, and wherever possible the OSCE-ECMM teams will be co-located (if not in the same building, then in the same town).

At present the deployment plan remains in flux due to uncertainties over the number, professional profiles and date of arrival of seconded personnel: perhaps 30 field teams of 5 persons each building up to a total of 150 persons, i.e with a total of 30 human rights officers deployed in the field. Present thinking is that there will be OSCE human rights monitors and election monitors in several regional centres in the Federation entity (Tuzla, Sarajevo and Gorazde, Mostar and Bihac) and in the Republika Srpska entity (Banja Luka and Sokolac). In each regional centre there will be between 1 and 3 OSCE monitors in a mixed delegation of: 1 human rights officer, 1 election officer, 1 diplomat, 1 arms control officer. The respective roles of these officers remain to be clarified⁹.

3.2 European Community Monitor Mission (ECMM)

Mandate: The ECMM is an inter-governmental monitoring and reporting mission¹⁰ which was first deployed in the former Yugoslavia in 1991, with the main task of monitoring ceasefires in Croatia. Its reports are provided to the EU, its member states, other states members of the OSCE, and most of them are simultaneously circulated to interested international agencies in the field. Its priorities for monitoring have varied over time and are summarised as: the political situation, the military situation, the humanitarian/human rights situation and the economic situation.

Now, due to a Memorandum of Understanding (MoU) between the ECMM and the OSCE signed on 19 December 1995, the ECMM's role has been reviewed to match the OSCE requirements in BH (discussions which led to the Memorandum began in the Summer of 1995) and includes the provision that "ECMM shall give priority to the monitoring and reporting requirements of the OSCE mission throughout Bosnia and Herzegovina during the term of the OSCE's mandate"¹¹.

Number of personnel: At present there are 20 teams in Bosnia and Herzegovina (13 in the Federation and 7 in Republika Srpska). Each team consists of 2-3 monitors together with a driver. Monitors in BH therefore number some 60 persons.

Present deployment: As at March 1996, ECMM is the most operational monitoring presence in BH. On the ground ECMM is organised into teams with geographical areas of responsibility (covering perhaps 4 or 5 towns each). They travel each day, meet with local politicians, mayors etc., and report on the daily situation under each of the four topics above. There is a broad overlap between the ECMM's four topics and the OSCE interest in monitoring, for example, conditions for elections. Thus, under their MoU, ECMM and OSCE have established a Joint Operations and Communications Centre in the OSCE Headquarters in Sarajevo which will jointly task the ECMM-OSCE teams.

3.3 International Police Task Force (IPTF)

Mandate: On 21 December 1995, the Security Council decided to establish a UN CIVPOL component, approving the Secretary-General's report of 13 December (S/1995/1031) which described the IPTF's role as a programme of assistance with the specific tasks essentially those set out in Annex 11 of the Dayton Agreement¹². Under the authority of the Secretary-General and "subject to co-ordination and guidance as appropriate by the High Representative", these are:

- monitoring, observing and inspecting law enforcement activities and facilities, including associated judicial organisations, structures and proceedings;
- advising law enforcement personnel and forces;
- training law enforcement personnel;
- facilitating, within the IPTF's mission of assistance, the Parties' law enforcement activities;
- assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats;
- advising governmental authorities in Bosnia and Herzegovina on the organisation of effective civilian law enforcement agencies; and
- assisting the parties' law enforcement personnel carry out their responsibilities, as the IPTF deems appropriate.

The IPTF personnel also have an important referral role. If they learn of "credible information" concerning human rights violations, they are obliged to provide it to the Human Rights Commission that is established in the Dayton Agreement, the International Criminal Tribunal for the Former Yugoslavia, or to other appropriate organisations.

Expected number of personnel: 1,721

Present deployment: As early as the London Conference in December 1995, it was agreed that the “early deployment” of the IPTF was of the utmost importance.¹³ At the time of the visit approximately 500 IPTF officers had been deployed, less than one third of its intended strength.

4. Selection of personnel and training received to March 1996

It may be useful to recall the paper’s use of the term “training”

...the on-going process which adapts the previously acquired skills and experience of appropriately recruited personnel to an identified HRO task, and which effectively communicates to them instructions and material facts needed to successfully fulfill that task in the country-specific context.

This definition highlights the important relationship between selection and training (see section 9.2 of the main text).

4.1 Training to be provided by the UN High Commissioner for Human

Rights-Centre for Human Rights (HCHR-CHR)

At the Peace Implementation Conference convened in London on 8-9 December 1995, the UN High Commissioner for Human Rights declared his willingness to contribute to the peace process by developing and conducting training for international personnel who will be charged with responsibility for monitoring and other activities related to human rights.¹⁴

Target groups for the training were to be OSCE and ECMM monitors as well as the 1,700 members of the IPTF¹⁵.

It was envisaged that training would consist of brief human rights information during induction on arrival in Zagreb or Sarajevo and, subsequently in the field a “comprehensive training programme” intended to be launched in February 1996. For the OSCE and ECMM monitors, a manual for field monitoring was to be prepared.

4.2 OSCE Human Rights Monitors

Selection of personnel: OSCE human rights and election monitors are being seconded from national administrations of states members of the OSCE relying on their willingness to make personnel available. Some dissatisfaction with the personnel deployed was expressed concerning lack of field experience and/or familiarity with the BH situation in the majority of personnel. An estimate of 70% of persons seconded were mentioned as being in those categories. Planning for the composition and deployment of teams by senior officers in the field appeared to be hampered by a certain lack of control by them regarding choice of personnel, as they did not know in advance the profiles of those who would arrive, they were therefore not readily able to plan how to use their specific skills effectively. In general, it was felt that the OSCE had personnel with seniority and expertise, but that this seniority and in many cases lack of field experience, makes them not as readily deployable as required. The need for human rights field training was identified as urgent by all involved, but would be hampered by the lack of appropriate selection criteria and procedures.

Human rights training to date: The first OSCE monitors received three days of induction briefing, when passing through Vienna on their way to being deployed in BH, from 13-15 February 1996. Briefings were requested by the OSCE’s ODIHR, and provided mainly by the Advisory Services and Technical Assistance Branch of the UN Centre for Human Rights (Geneva). The Centre had understood that the briefings were for human rights specialists seconded to the OSCE and therefore expected that the participants would have knowledge of human rights and/or BH. However, the group turned out to be of mixed professional backgrounds (mainly diplomats) and the briefings were thus pitched at a level which was difficult to digest for those without the human rights knowledge which had been assumed. Based on the same assumption, the briefings had been limited to three days’ duration. It had been felt that one week was too long for human rights specialists and the new arrivals were needed in the field. The three days were characterised by the Centre as a “review session” limited to lecture presentations.

Job descriptions and deployment plans were not then available for the OSCE monitors, nor had clear plans been developed regarding how human rights reporting would inform the certification by the OSCE that “social conditions” exist for a free and fair election. Thus, the persons briefed in Vienna were unclear as to what their functions would be in the field. This, combined with secondment as the method of recruitment, appears to have resulted in a mis-match between personnel and actual needs which had an immediate negative impact on the task of those concerned with training.

As a consequence, the HCHR-CHR apparently explained that in order to better target their briefings they would need precise information on the terms of reference of the monitors, with specific functions and internal procedures established by the OSCE for collection and sharing of information, reporting, etc. (e.g would they be observing trials?; visiting prisons?; etc.). Targetted training is not achieved by briefing candidates on a presumed field role. Less than 12 weeks remained before

15 June, when OSCE planned to determine whether the election campaign should go ahead for the September elections. The briefings in Vienna were not expected to be repeated.

Meanwhile, the HCHR-CHR formally put forward a training proposal at the Brussels meeting of the Human Rights Task Force in January 1996. While apparently no reaction was received from OSCE to that proposal, the HCHR-CHR was in contact with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR, Warsaw) and the OSCE's Centre for Conflict Prevention (CPC, Vienna), but it appears that a final decision to accept the training offer was awaited from the OSCE Mission in Bosnia and Herzegovina. However, some kind of mis-communication between the two organisations appears to have led to a situation at the time of the visit whereby the OSCE Mission in BH was organising its own training programme and preparing a field guide, while HCHR-CHR was planning the same, also for OSCE staff. The planned OSCE briefings were primarily intended for the 19 or so staff who had by then arrived. It would last three days and involve, *inter alia*, local partners presenting an analysis of key local legislation and instruction regarding how monitors would facilitate the work of the ombudspersons.

4.3 European Community Monitor Mission (ECMM)

Selection of personnel: ECMM has been deployed since 1991, with monitors seconded from national military or diplomatic service for periods of (usually) six months. 85% of ECMM personnel are former or active military personnel, with some logistics, diplomatic or economics specialists.

Human rights training to date: Until March 1996, ECMM personnel had received no training in the human rights aspects of their work (with one or two individual exceptions). Senior officers expressed strong interest in receiving such training and reported that they had expressly requested this from the CHR several months earlier without result. It is not clear whether ECMM personnel were intended to be systematically trained under the HCHR-CHR proposal or through the OSCE briefings, if at all.

4.4 International Police Task Force (IPTF)

Selection of personnel: The criteria supplied to UN member states concerning the selection of candidates to the IPTF are reported to be threefold: eight years experience as a member of a national police force; working knowledge of English; and driving skills. One problem encountered by IPTF has been that both working knowledge of English and driving are often poor¹⁶. A group of 44 candidates selected by one state who arrived in Zagreb included 30 persons who failed both the driving and the basic English tests. They will be given the chance to take the tests again, before in principle being repatriated at the expense of the sending state. Failure rates are so high for these minimum requirements that UN officials are being sent to conduct the tests in some sending states. Further, it has also been discovered that a number of candidates presented by their states were not in fact police personnel at all. The frequency of this occurrence is unknown, as detection to date seems to be accidental.

Human rights training to date: Induction briefings for the IPTF were intended to be received while in transit through Zagreb, prior to their deployment in BH. In Zagreb, since 1993, a Civilian Training Unit (CTU) within UNPROFOR had been providing two day practical induction courses for civilians arriving to serve with the operation, including CIVPOL¹⁷. These are thought to have been the first in-mission briefings provided to UN civilian personnel in any field operation¹⁸.

The CTU (an informal arrangement ranging between 4 and 10 staff) was dismantled for apparently administrative reasons in December 1995, days before the expected arrival of the first IPTF officers. The CTU staff were then brought together again in the form of the CIVPOL Training Management Unit (TMU) with only two days to plan practical briefings for the first IPTF arrivals on 15 January 1996. The TMU is now located at Pleso (Zagreb).

From mid-January 1996, a section of the five day induction briefings provided to newly arriving IPTF and CIVPOL officers concerned human rights. Four hours briefings were provided by a member of the Centre for Human Rights (CHR) field office to introduce participants to international human rights standards¹⁹.

Handouts at the briefing included an "induction programme" (dated 31 January 1996) with a human rights section consisting of the text of the Universal Declaration of Human Rights and the two International Covenants as well as the "Field Guide for IPTF Monitors of the Peace Implementation Operation in BH and CIVPOL Officers of the UNTAES: Human Rights and law Enforcement, International Standards and Guidelines for Monitoring, Training and Advice". In addition, the newly published UN Civilian Police Handbook is provided²⁰.

The HCHR-CHR described these four hours as an introductory briefing, and expressed the intention of following up with "comprehensive training", to last six days, at a later time. For this, it was proposed to pull officers back to a central location after deployment. The IPTF Commissioner had apparently no input into the development of these proposals, possibly because he arrived in the area just after the January 1996 needs assessment conducted by staff based in Geneva. The Commissioner

felt it imperative that training go beyond the discussion of international standards to instruct participants in the BH legislation and procedures relevant to their police work, but regarded the prospect of pulling officers out of deployment as unfeasible. By March 1996, the IPTF had received less than one third of the promised officers and was severely understaffed (see section 10.1.3).

Five weeks after the induction briefing was commenced, the human rights component was discontinued (about 200 officers had by then been briefed²¹). This was said to be due to the need to reduce the time spent on induction briefings for new arrivals to four days²². Urgency reportedly derived from tensions surrounding the imminent handover of suburbs of Sarajevo from the control of Republika Srpska to the Federation²³. In addition, it seems that the HCHR-CHR proposal for later, “comprehensive”, training also contributed to this decision. This may be particularly unfortunate, as it was unclear if “comprehensive training” would be systematically carried out. Meanwhile, IPTF personnel continued to arrive and be deployed, this time without receiving the above-mentioned materials or instruction.

On 5 March 1996, the human rights component of the induction briefings was reinstated. However, in the interim, about 500 officers had been deployed without this introduction to human rights²⁴.

4.5 Civil Affairs Officers

Human rights training to date: It does not appear that any of the training implemented or proposed to date is intended to include participants from the 50 or so UN Civil Affairs officers expected to be deployed with UNMIBH. This may be a significant omission, given that the Civil Affairs officers have an important human rights reporting role. Their responsibilities include keeping contact with political representatives of the parties, monitoring and reporting on political, humanitarian and human rights issues and liaising with local authorities, as well as providing advice on political, human rights and other matters to the police monitors in their areas of deployment²⁵.

ANNEX IV

Current proposals for rosters of stand-by personnel

IV.1 Ireland

- 1.1 Proposed humanitarian roster
- 1.2 Proposed standing team of human right officers

IV.2 United States of America

IV.3 Canada

IV.4 Norway

- 4.1 Experience with humanitarian rosters
- 4.2 Experience with a human rights roster

IV.1 Ireland

1.1 Proposed humanitarian roster

The White Paper has expressed the Irish Government's intention to establish a humanitarian liaison group to ensure that the response of all relevant Government Departments and agencies is as fully coordinated as possible "in recognition of the difficulty of humanitarian agencies in mobilising personnel and organisational/logistical capacity to deal with emergencies"²⁶. The humanitarian liaison group will work to identify personnel from the public service and elsewhere who would be available for speedy deployment for emergency and relief activities in response to requests received from the humanitarian agencies and the Red Cross movement:

"The aim will be to establish a "Rapid Response Register" of [the names and skills] of personnel drawn from all aspects of the caring services. Individuals working in the private sector who wish to be placed on the Register will be encouraged and facilitated. The existence of this register of people willing and able to be deployed on an emergency basis wherever needed will help to ensure that Ireland's response, official and voluntary, to such emergencies takes into account all possible contributions and skills. Persons whose names are on the Register may be expected to participate in occasional training and orientation programmes."²⁷

1.2 Proposed standing team of Human Rights Officers

One of the priorities Ireland will pursue in the UN General Assembly and the Economic and Social Council (ECOSOC) is: "the establishment of a standing team of human rights monitors at the disposal of the High Commissioner" for Human Rights²⁸.

The White Paper does not provide detail of the envisaged selection criteria, composition, training, numbers of personnel, functions or funding of the proposed standby team, nor whether they are intended as additional Geneva-based support for the HCHR's office, or whether they are to be emergency standby personnel called for service on an ad hoc basis, for HROs.

The White paper does, however, mention that "The Government...recognise the importance of measures which would give early warning of potential situations of human rights abuse. They consider that the UN High Commissioner for Human Rights,

supported by human rights monitors, has a crucial role to play in this regard.”²⁹ It is not clear whether this is regarded as a potential role for a team of standby field-based HROs. If so, further consideration may need to be given to the question of whether field fact-finding for “early warning” is a function for which a team of standby HROs is likely to be suited³⁰.

IV.2 United States of America

It has been recommended to USAID that it “Support a stand-by NGO to develop the capacity to field modest-sized...monitoring teams at short notice. This NGO would have the capacity to field international teams of up to 30 monitors in urgent situations where the UN or regional bodies cannot move quickly enough and where USAID is prepared to provide them with bi-lateral funding. Wherever possible, it would deploy those teams on a temporary basis under the auspices of an official body such as the UN”, with USAID funding.³¹

Mr. Stephen Golub prepared a discussion paper for the USAID exploring how it can help strengthen the capacity of the international community in general and the UN in particular to field teams of human rights monitors rapidly and effectively. One of the main recommendations of particular relevance here is that USAID should:

“Help create a UN Coordinating Unit for Human Rights Field Operations and support the hiring of an appropriate Director of the Unit. This inter-agency Joint Unit for Human Rights Field Operations would put in place appropriate procedures and relationships for a streamlined approach for launching and maintaining human rights monitoring missions. The unit should be headed by a co-ordinator with a strong NGO background, extensive contacts in the global human rights community, and knowledge of and experience regarding the UN system [including HROs].”³²

IV.3 Canada

In an insightful study, Mr. Paul LaRose-Edwards proposed to DFAIT that Canada fund the creation of a standby roster of approximately 300 monitors, mainly Canadians (with perhaps 20% of the total coming from economically developing states)³³. It is recommended that the Canadian Government fund a mechanism for creating and managing the roster that would be housed in an independent Canadian human rights institution. The human rights standby arrangement with the UN would be extended to other intergovernmental organisations such as the OAS, Organisation of African Unity (OAU), OSCE, Commonwealth and Francophonie. Under some circumstances, roster candidates would be funded specifically by Canada to participate in HROs. Individuals on the Canadian human rights standby roster would receive advance generic training, with a view to assessing and training those individuals in HRO skills. In addition, the study recommended that Canada work with other human rights standby contributors to create a mechanism to coordinate standby arrangements by states, regional bodies, and NGOs, so as to avoid competition and duplication.

IV.4 Norway

4.1 Experience with humanitarian rosters: the Genesis³⁴

After the Gulf War in Spring 1991, UNHCR found that it did not have sufficient emergency personnel to cope with the estimated 2 million Iraqi refugees who fled into Turkey/Iran over a three-week period. It requested the Scandinavian states to recruit, finance and administer a number of civilian humanitarian experts for the emergency. Norway was the first to provide support and the Norwegian Refugee Council (NRC) was also responsible for a Swedish delegation. The experiment placed more than 100 personnel at the disposal of UNHCR and was regarded as such a success that UNHCR asked Norway to set up a standby roster of personnel for future emergencies.

4.1.1 NORSTAFF

As a result, NORSTAFF was established, a roster of 400 experts within 26 job categories with the aim of responding to acute refugee crises, administered by the NRC. NORTEAM was a second roster made up of 35 persons with expertise in emergency management³⁵, intended as a resource for assessment missions for Norwegian NGOs, the International Federation of Red Cross and Red Crescent Societies, the ICRC and agencies of the UN family. Civilian experts are available for deployment within 72 hours. In 1994, Norway provided more than 1,000 months of humanitarian personnel time through this arrangement; and 1,300 Norwegians have worked in 29 emergency operations in 27 states.

NRC fulfills employer responsibilities for personnel when they are on assignment although funds to cover the costs are normally provided by sources external to NRC, usually the requesting UN agency. In practice, this has involved UNHCR, Department of Humanitarian Affairs (DHA), United Nations Childrens Fund (UNICEF), UN Development Programme

(UNDP), UN Volunteers (UNV) and International Organisation for Migration (IOM). It has concluded agreements with some UN agencies, such as UNHCR, to cover security matters, privileges and immunities and status of personnel³⁶.

4.1.2 An African standby roster

The NRC is currently establishing an African Standby force composed of African nationals living in Africa. This is seen this as both a natural and necessary extension to the current “Norwegian” standby force. The NRC African Standby Force will offer the same opportunity for strengthening the skills and expertise of African nationals. This in turn is expected to build the institutional capacity of local NGOs as well as regional and national African organisations. By June 1996, the NRC African Standby Force will consist of approximately 100 experienced professionals who are trained and prepared for deployment in the field at short notice. The individuals selected will be entered into a database for work in five categories which, for the first year of operation, will fall within three spheres: generalists; telecommunications experts (radio operators/technicians) and administrative personnel (logistics/security officers or base camp managers).³⁷

4.2 Experience with a human rights roster

In 1993, the Norwegian Resource Bank for Democracy and Human Rights (NORDEM) was established³⁸ to assist the UN, regional organisations and governments in project support for democratisation processes with twelve categories of experts available. For its first two years it was the responsibility of the Norwegian Institute for Human Rights (NIHR). Then, in early 1995, the Norwegian Ministry of Foreign Affairs initiated an agreement between the NRC and NIHR that they would act as co-operating partners (ie NORDEM) vis-à-vis the party requesting assistance and jointly engage in general preparedness including the development and maintenance of a roster of standby personnel³⁹.

Thus, in order to render assistance at short notice, the “NORDEM standby force” was established in January 1995 with pre-trained personnel who are prepared to be deployed on one to three weeks notice in three areas:

- election assistance and observation;
- UN human rights monitoring operations; or
- investigation of human rights violations for the purpose of prosecution.

NORDEM has a total of 100 people on the general roster, with an additional 70 people on emergency standby. So far, almost everyone on the roster has been fielded at least once. Personnel on the regular NORDEM roster who are not available quickly tend to be more senior, highly specialised personnel for shorter, smaller projects. They may be, requested for example, to assist in revising an electoral law by the host government, for a period as short as two weeks.

4.2.1 Selection criteria/training

Personnel included on the NORDEM roster are interviewed and their references checked. Group interviews are used to assess how candidates present themselves in team situations. The selection criteria for standby personnel are: knowledge of elections (for electoral observers); higher education in social science, law or humanities; country-specific knowledge is an asset; minimum of 26 years of age; minimum three years work experience; English language skills; able to travel at one to three weeks notice. There is an annual review of the performance of those on the database who have been fielded during the previous year.

Given that the regular NORDEM roster is composed of senior specialists, the training is focussed on the 70 (or so) standby candidates⁴⁰. The first human rights training session for the standby roster was held for two and a half days in January 1996. At present, the NIHR is looking into training modules for human rights monitoring and investigations. Training is also used as part of the selection process, to assess preparedness for the field. Where possible, attempts are made to mix persons with more field experience with newer candidates, and field missions are graded for their degree of hardship. The roster is seen as a resource, an investment which can be improved.

Field deployment tends to be for one, three, or up to six months, i.e only for emergency operations. One reason for the short periods is that there is no provision for home leave, and the posts can be very stressful. There is, however, a minimum period which must be spent at home in Norway between missions (e.g three months “off” before being deployed for six months to Bosnia and Herzegovina). Each year, the roster is culled to remove from the database persons who are not available for a further year, and a small number of personnel who have not worked well in the field. This means that selection and training for new candidates must be held each year in order to maintain the roster of 70 standby candidates.

4.2.2 Administrative arrangements and funding

On being selected for inclusion in the roster, candidates sign a letter of agreement (more of a moral undertaking than a legal one) by which they agree to be placed any time within the following year, if they possibly can. A letter is also signed with the present employer of the candidate, by which the employer agrees in principle to release the candidate for travel within 72 hours - if there are no extraordinary circumstances at work which render this unfeasible. The employer also agrees that the candidate will be able to return to their job after their deployment is over.

In the case of NORDEM, a request to fund personnel is made, for example, by a UN agency to the Norwegian Ministry of Foreign Affairs. Unlike the standby arrangements for humanitarian emergencies, lack of own resources in the UN system has been found to necessitate such a request. If this is acceded to by the Ministry, the request is passed to NIHR to see if there are candidates on the roster who meet the required profile identified by the requesting agency. In this way, two NORDEM personnel were made available to the High Commissioner for Human Rights for placement with HRFOR (Rwanda) and a total of 18 "peace monitors" were deployed in South Africa in 1994 and 1996. These are the occasions to date on which personnel were deployed for HRO-type tasks through NORDEM.

The Ministry funds all the costs regarding salary, per diem, insurance, travel and NORDEM charges 14% of the total cost for overheads which is split between the two NGOs administering it, i.e. NRC and NIHR⁴¹. Contracts for personnel are with NORDEM, and most importantly, there is no administrative workload e.g. for the UN in Geneva, nor is there a delay in receiving UN approval of the staff. In addition, the Norwegian Ministry of Foreign Affairs is freed of any administrative details of fielding personnel by delegating this role to NRC. The "conditions of employment" agreed with stand-by personnel mean (as with the humanitarian side) that personnel receive the same salary as they would receive from their job in Norway - they neither lose nor gain, and are paid a per diem set by the Norwegian standard for the country to which they are to be deployed. Insurance and travel costs are also covered by the Ministry⁴².

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NOTES

¹Hereafter referred to as the White Paper.

²Within Ireland, these measures have included the establishment of a Human Rights Unit in the Department of Foreign Affairs. Externally the Government intends to place a strong emphasis on human rights issues during the Irish Presidency of the EU; it has successfully sought membership of the UN Commission on Human Rights; and, in addition, has undertaken to strengthen the focus on human rights and democratisation in the Irish Aid programme. See the White Paper, paras. 8.1-8.4

³This section does not attempt to review the experience of particular HROs. The following are key publications which do so (see also Annex II): Paul LaRose-Edwards, *Human Rights Principles and Practice in United Nations Field Operations*, prepared for the Department of Foreign Affairs and International Trade, Canada, May 1996; Human Rights Watch, *The Lost Agenda: Human Rights and UN Field Operations*, 1993; Amnesty International, *Peace-keeping and Human Rights*, January 1994; Alice Henkin ed., Aspen Institute, *Honoring Human Rights and Keeping the Peace*, 1995; and Lawyers Committee for Human Rights, *Haiti: Learning the Hard Way, the UN/OAS human rights monitoring operation in Haiti 1993-94*, 1995.

⁴See LaRose-Edwards (note 3), at p.1

⁵See section 5 and Annex IV regarding proposed standby personnel rosters.

⁶Additional tasks, such as human rights education and technical assistance are also frequently found, see section 2.2 which follows.

⁷Golub, Stephen, *Strengthening Human Rights Monitoring Missions: An Options paper prepared for the Office of Transition Initiatives Bureau for Humanitarian Response*, United States Agency for International Development, December 1995. See also the discussion of Paul LaRose-Edwards on this topic: *UN Human Rights Missions: Proposed Canadian Standby Arrangement to Enhance UN Rapid Reaction*, Concept paper for the Canadian Department of Foreign Affairs, May 1996.

⁸UN Doc. A/47/277-S/24111, 17 June 1992.

⁹*Ibid.*, at para 55. Further consideration may usefully be given to the potential role of HROs in conflict prevention.

¹⁰To illustrate the point: when military peacekeepers investigate a mortar attack, they may interview witnesses. Just as is the case with human rights officers, the manner in which they do so should minimise any risk of reprisals against the witness as well as any risk of re-traumatisation resulting from the interview. A particular illustration concerns European Community Monitor Mission (ECMM) which has been deployed in former Yugoslavia since 1991, under a Memorandum of Understanding with host authorities. The great majority of its number (some 360 in total) are seconded military personnel, but not necessarily with an intelligence background. The ECMM regards it as part of its mandate to report on human rights issues, yet has never trained its personnel in that area. In March 1996, several sources in the ECMM expressed a strong interest in receiving such training (see Annex III regarding Bosnia and Herzegovina).

¹¹It is said that "The mission falls squarely within within the long-established UN functions of fact-finding, preventive diplomacy and good offices. But in addition to observing developments and regularly reporting to the Secretary-General, UNOMSA actively supports indigenous efforts to resolve disputes and promote reconciliation...Through their presence as impartial witnesses, the observers facilitate communication among various parties and intervene when appropriate, most often informally and quietly, by offering suggestions and options", *United Nations Focus: South Africa*, DPI/1391, August 1993.

¹²UNHCR Paper presented to the International Round Table on Human Rights in Bosnia and Herzegovina, Vienna, 4-5 March 1996.

¹³These include the *Standard Minimum Rules for the Treatment of Prisoners*, and the *Procedures for the Effective Implementation of the Standard Minimum Rules for the Treatment of Prisoners* (adopted by the Economic and Social Council in Resolutions 663 (XXIV) and 1984/74, respectively); the *Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment* (adopted by the General Assembly in Resolution 43/173); *Code of Conduct for Law Enforcement Officials*, and the *Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials* (adopted, respectively, by the General Assembly in Resolution 34/169 and the Economic and Social Council in 1989/61; *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders, 1990).

¹⁴See, for example, African Rights, *Somalia: Human Rights Abuses by the United Nations Forces*, July 1993, pp.1-35.

¹⁵For example, the OSCE Mission in Bosnia and Herzegovina, or, in the case of Eritrea, the General Assembly authorised a UN Observer Mission to Verify the Referendum (UNOVER).

¹⁶Thus included in the present discussion are the five people now placed by the High Commissioner Human Rights in Burundi, the small number intended to be placed in Colombia as well as the person intended to be placed in the field to conduct fact-finding concerning Sudan.

¹⁷For example, HRFOR's mandate (Rwanda) included the investigation of possible acts of genocide. Other factors include the political constellation which allowed the mandate to be adopted by the sending IGO.

¹⁸For example, in 1992 the Secretary-General listed what may now be regarded as typical HRO functions, there calling them examples of post-conflict peace-building: "repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation...", at para. 55, *An Agenda for Peace* (see note 8).

¹⁹See for example, UNTAC/American Refugee Committee, "Human Rights for Health Professionals in Cambodia", pp.60-63; Inger Agger and Soren Buus Jensen, "Testimony as Ritual and Evidence in Psychotherapy for Political Refugees", *Journal of Traumatic Stress*, Vol.3, No.1, 1990, pp.115-119 and 128-128.

²⁰The point is made without wishing to disparage the personal commitment and dedication of those who have served HROs.

²¹For example, recognising the inaccuracy of such use of the term "training", the HCHR-CHR team which prepared a four-hour presentation on international human rights law for arriving CIVPOL/IPTF personnel for Croatia/Bosnia and Herzegovina, termed it an "induction briefing" in early 1996. See Annex III.

²²Stephen Golub (note 7) notes that stories are "legion" about individuals hearing nothing from the UN for many months after applying for UNTAC (Cambodia), HRFOR (Rwanda) or MICIVIH (Haiti), only to be told they were needed immediately when contact finally was made.

²³See for example, McNamara, Dennis, "UN Human Rights in Cambodia: an evaluation", in *Honoring human rights and keeping the peace*, (note 3), pp.57-82; Amnesty International, *Bosnia Herzegovina: The International Community's responsibility to ensure human rights*, June 1996, AI Index EUR 63/14/96.

²⁴Letter by Bill O'Neill (National Coalition for Haitian Rights, New York) to Johanna Mendelson Forman, USAID (dated 26 February 1996), commenting on the report by Stephen Golub (note 7).

²⁵See for example, Stephen Golub (note 7), Paul LaRose Edwards (note 3), and *The International response to Conflict and Genocide: Lessons from the Rwanda Experience: Synthesis Report*, Joint Evaluation of Emergency Assistance to Rwanda, March 1996. This was an unprecedented multinational, multi-donor evaluation effort with a Steering Committee composed of representatives from 19 OECD-member bilateral donor agencies, plus the European Union and the Development Assistance Committee (DAC) secretariat of the OECD; 9 multilateral agencies and UN units, the ICRC and IFRC and five other international NGOs.

²⁶The literature in Annex II documents this phenomenon in relation to a range of HROs.

²⁷The Dayton Agreement concerning Bosnia and Herzegovina represents the latest attempt by IGOs to deploy international human rights know-how in the field. In this context, a short visit was conducted to Zagreb and Sarajevo with the intention of adding the experience of those currently providing human rights training for international personnel deployed there to that being garnered from other such operations for the preparation of this paper. Annex III summarises the situation for key international personnel, as of mid-March 1996.

²⁸For a comprehensive discussion of these issues, see Paul LaRose-Edwards (note 3).

²⁹See Progress report on the in-depth evaluation of peace-keeping: start-up phase, Report of the Secretary-General, Doc. E/AC.51/1994/3, 14 March 1994.

³⁰See Stephen Golub (note 7), at p.35.

³¹This had been recommended by the Joint Evaluation of Emergency Assistance to Rwanda (note 25), as well as by the EU's evaluation: von Meijenfeldt, Roel, *At the Frontline for Human Rights*, *Final Report and Evaluation of European Union participation in the Human Rights Field Operation in Rwanda*, October 1995.

³²In response to the Office of Internal Oversight Services, Progress Report on the in-depth evaluation of peace-keeping: start-up phase, E/AC.51/1994/3, para.8-10, recommendations 1-4; and the Final Report on the in-depth evaluation of peace-keeping operations: start-up phase, E/EC.51/1995/2, paras. 16-18.

³³See Stephen Golub (note 7) at p.41. The author points out that ONUSAL and MICIVIH may be partial exceptions to this.

³⁴The method of preparation by HCHR-CHR of training proposals for OSCE monitors (for Bosnia and Herzegovina) does not appear to have taken account of its own experience of training its human rights officers in Rwanda, or of the field experience of staff placed in former Yugoslavia since 1993 (see annex III).

³⁵Some aspects of this are discussed in Kenny, Karen, "Formal and Informal Innovations in the UN Protection of Human Rights: the Special Rapporteur on the former Yugoslavia", *Austrian Journal of Public and International Law*, 48, 19-77 (1995), at pp.74-76.

³⁶See Stephen Golub (note 7), at p.35.

³⁷Of a different nature is the work of the Technical Co-operation Branch of the UN Centre for Human Rights which normally provides materials and courses in human rights for judges, police, etc., where a request has been made by the state in question. While preparing the way, the courses are not designed to prepare participants for application of this knowledge in a peace-keeping mission (see annex III).

³⁸For example, the EU component of HRFOR (Rwanda), approximately 40 persons at its peak, cost 5 million ECU for one year, see Roel van Meijenfeldt (note 31).

³⁹This was strongly acknowledged at the International Round Table on Human Rights in Bosnia and Herzegovina, Vienna 4-5 March 1996, Recommendations of Working Group I, Protecting Human Rights: Monitoring and Reporting.

⁴⁰For a discussion of developments intended to address human rights emergencies at the Commission on Human Rights, see Kenny (note 35).

⁴¹Martin, Ian, "Paper versus Steel: the first phase of the International Civilian Mission in Haiti", in *Honoring Human Rights and Keeping the Peace*, Alice Henkin, ed., Aspen Institute 1995 (note 3).

⁴²See for example, the discussion of emergency humanitarian standby arrangements which led to Recommendation 73, Oslo Declaration, Plan of Action, PARinAC, 1994. Also, the UN Secretary-General has asked member states to indicate the forces which they would be prepared to designate for use in peacekeeping operations, through the UN Standby Arrangements System (UNSAS). The latter is not the complete answer to improving the capacity of the UN to respond to emergency situations - none of its members agreed to contribute troops to Rwanda in May 1994.

⁴³At para. 8.19. The intention is not necessarily for Ireland to directly establish such a team.

⁴⁴See Roel von Meijenfeldt (note 31).

⁴⁵See for example, LaRose-Edwards (note 7). In principle, the NRC would be prepared to act as consultants to states considering such arrangements, and is assisting Finland and an NGO (Care Australia) to establish similar programmes.

⁴⁶Care should be taken to ensure that roster-managers do not create a paradoxical disincentive to gaining field experience through other channels, e.g. NGOs.

⁴⁷UNVs are increasingly being deployed as human rights officers: Haiti, Guatemala, Rwanda, Angola, Mozambique, former Yugoslavia. While the financial benefits of UNVs are great, as they cost the sending body approximately one third of a regular UN recruit, care is needed to ensure that human rights and "peace-making" is not seen as an area where good intentions and goodwill somehow substitute for professional standards. A careful balance should be drawn between the need to reduce costs and the need to have professional civilian operations. The dilemma occurs in a different form for those administering the Norwegian standby rosters: while older personnel may be more experienced, and therefore more desirable candidates for field missions, they are, for that same reason, likely to be busy and less available at short notice.

⁴⁸This topic is discussed in the context of the merits and de-merits of using field-based personnel for fact-finding, in Kenny (note 35). An analogous point has been made in relation to Somalia: "Initial planning should presuppose nothing. In the case of UNOSOM I, it was assumed that peace-keepers were the right tool for the task. It was never asked whether the involvement of the military in a humanitarian assistance programme could be counter-productive to the long-term humanitarian strategy", *Comprehensive report on lessons learned from United Nations Operations in Somalia, April 1992-March 1995*, para.16.

⁴⁹If, however, the aim is merely to report on the human rights situation, then it begs the question as to whether a large-scale, resource-intensive international presence is the most effective way to do so, see Kenny (note 35).

⁵⁰In the case of monitoring, this may mean ensuring that fact-finding is not simply the cataloguing of individual cases, but analysing patterns which they may form so that structural impediments to an enhanced protection for human rights are pin-pointed. If, for example, the impediment is a lack of training of judges, police lacking transport to investigate complaints in isolated areas, or a deliberate policy of violating human rights by authorities, then very different responses are required from donor states, UN agencies, NGOs etc.

⁵¹Para. 47, E/CN.4/1992/S-1/9, 28 August 1992.

⁵²Concerning Bosnia and Herzegovina, see the Conclusions of the London Conference, 8-9 December 1995, at para.31; in SC res. 1031 (1995), the Security Council “Underlines the relationship...between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development”, at para 10.

⁵³See, the White Paper, at para. 8.36.

⁵⁴HROs will need to take account of any gap between the picture that their officers may see and that experienced by local NGOs and the host population, particularly if the HRO is to monitor the underlying level of sustainable respect for human rights, not a distorted picture created in the short-term by international presence. This gap may appear through a difference between the treatment of individual complainants where there is no human rights officer involved in the matter. This is a further reason why a HRO needs to network with, and nurture communication flows with local human rights NGOs, see section 7.2.3, below.

⁵⁵It is increasingly common for this possibility to arise even decades after the events, after some form of regime transition. This has occurred in East Germany, Poland, South Korea, Argentina, Chile, South Africa, etc. There is an increasing volume of literature in this area, see for example, Bronkhorst Daan, *Truth and Reconciliation: Obstacles and Opportunities for Human Rights*, Amnesty International, Amsterdam 1995.

⁵⁶For example, the International Criminal Tribunal for the former Yugoslavia, and the International Tribunal for Rwanda are *ad hoc* tribunals established by the Security Council, by resolutions 827(1993) and 955(1994) respectively.

⁵⁷In several cases, a great deal of (usually UN) resources have been invested in fact-finding or truth-telling exercises without specifying in advance what would happen to the raw material (hundreds of witness statements, etc.) gathered and (usually) provided to the Secretary-General. This is a question for HROs, as well as other, more specifically fact-finding, bodies. Examples are the Truth Commission established by the parties to the conflict in El Salvador, in their Mexico Agreement signed on 27 April 1991; and the Commissions of Experts established by the Security Council concerning former Yugoslavia and Rwanda (SC res. 780(1992) and 935(1994), respectively). In such cases, planning should be undertaken to ensure that witnesses are enabled to give their informed consent in advance regarding how their information is to be used, and to whom it would ultimately be given, e.g future national prosecutors. In the three examples, because of the procedures used to gather the information it tended to be of utility only for the immediate reporting mandate of the fact-finding body.

⁵⁸With the notable exception of UNTAC (Cambodia).

⁵⁹Stephen Golub (note 7) has found that: “A substantial consensus among foreigners and Cambodians alike holds that the most significant accomplishment of the Human Rights Component of UNTAC was to help build up such an indigenous human rights community in Cambodia through various kinds of encouragement and assistance. UNTAC played an important role in launching most Cambodian human rights NGOs. This work, which includes *de facto* political protection as well as administration of a trust fund that supports human rights efforts, is being continued by the Cambodia Office of the Centre for Human Rights.”, at p.21.

⁶⁰For example, paying busfares of those attending the inaugural meeting of a local human rights NGO. Also, a small team may be earmarked within the HRO as a clearing house for information to local NGOs on where and how funding support may be obtained elsewhere (which donors are interested in which kind of projects, briefings on how to prepare a project proposal, etc.).

⁶¹Training programmes for students and professional groups might include human rights and humanitarian law, techniques for systematic monitoring and reporting, and interviewing skills; how to channel information to the international human rights treaty bodies; and linking into the global human rights network, e.g contacting partner professional bodies elsewhere.

⁶²This also serves to illustrate the mutually complementary and re-enforcing nature of the four aims identified in this section. Thus, efforts of this kind may help identify and support existing human rights organisations that are objective and independent (discretely assessed by reference to the quality of information received, as corroborated by the HRO’s own findings), and to develop such locally-based organisations in towns/regions where none exist.

⁶³A further aspect of this approach is the need to ensure transparency in the work of the HRO vis-a-vis the local population and to ensure that its presence is both relevant and understood.

⁶⁴The term is borrowed here from the law of the European Community in that matters which are not within its exclusive competence may be acted upon “only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by Member States” and if such action can “by reason of the scale or effects of the proposed action, be better achieved by the Community”, Article 3b, Treaty on European Union (the “Maastricht Treaty”). In the text here, the term is intended to recall the principle of international human rights law requiring (normally) exhaustion of domestic remedies, and, its corollary, the individual’s right to an effective remedy on the national level (see, for example, Article 13 of European Convention on Human Rights and Fundamental Freedoms, 1950).

⁶⁵As the High Representative recently put it: “Our job is clear - we must create a climate in which the population is confident that their rights will be respected regardless of where they choose to live”, at the International Round Table on Human Rights in Bosnia and Herzegovina, Vienna, 4-5 March 1996.

⁶⁶See above, note 25.

⁶⁷*Ibid.*, at p.79, footnotes omitted. The degree to which such important matters of HRO policy need to be specified is illustrated in the suggestion by a senior HRFOR officer that the reason for non-publication of reports was because the HCHR felt he did not have a mandate to report publicly on the activities of the field operation.

⁶⁸*Ibid.*, at p.79.

⁶⁹Thus, instructions to officers should be the filtrate which remains after such a combined legal team has conducted the following analysis:

- key areas of national legislation (criminal law or property law in the cases of Rwanda or Bosnia and Herzegovina) vetted for compliance on their face with international human rights law. For example, express provision for indefinite detention without trial should be drawn to the attention of the national legislative authority for amendment and human rights officers should be instructed to monitor any case where they learn of that legislation being applied; and secondly,
- if legislation appears to conform with international standards, officers need systematic data concerning the way relevant laws are being applied in practice (by police, soldiers, in prisons, etc.). This data should be entered into a central database for ease of analysis. Aside from the advocacy which

may take place in the individual case at the local level (e.g with the prison governor), the HRO should be analysing data seeking patterns of human rights violations. Here, intervention at high levels will usually be required, and where there is good faith on the part of host authorities, the HRO should be available to assist in finding practical solutions.

⁷⁰Ironically, codification should be feasible in the case of human rights practice even though such codification is unlikely to be advanced in the case of the practice of international military personnel. This is because the former are not seen as subject to the sensitivities of national sovereignty which slows progress towards identifying substantive UN military peacekeeping doctrine.

⁷¹See Annex III and note 25 above, regarding the report of the Joint Evaluation of Emergency Assistance to Rwanda.

⁷²An excellent analysis of some of the moral, ethical and legal positions regarding human rights in UN peace-keeping operations, as well as the implications for operations and practices (see note 3).

⁷³General Assembly resolution 48/42 on a comprehensive review of peacekeeping asked the Secretary-General to include a clause in agreements with troop contributing states so that the latter would ensure that members of their contingents are fully acquainted with the principles and rules of relevant international law, in particular international humanitarian law and the purposes and principles of the UN Charter, para. 40., A/Res/48/42, 10 December 1993. Further, the White Paper outlines one of Ireland's priorities to be pursued in the General Assembly and the Economic and Social Council (ECOSOC) as "the further integration of human rights concerns into peacekeeping mandates", and, in the context of military personnel, "Human rights abuses have characterised many of the situations in which the UN is called upon to operate. Ireland will support efforts to ensure that mandates of peace-keeping missions take human rights considerations into account including, where appropriate, specific provisions which would require personnel to report on any human rights violations which they witness", at paras. 8.19 and 7.18, respectively.

⁷⁴However, gaps remain in this appreciation: the *Comprehensive Report on Lessons-Learned from United Nations Operation in Somalia: April 1992 - March 1995* published in December 1995 involved two major seminars attended by a range of senior UN personnel. The participants lists are significant for the absence of a representative of the UN's human rights specialists (HCHR-CHR), and the apparent absence of individual or NGO specialists in human rights.

⁷⁵For example, in Bosnia and Herzegovina, UNHCR does some fact-finding in the context of its responsibility for repatriation, as do OSCE, ECMM, UN Civil Affairs, IPTF as well as international and local human rights NGOs.

⁷⁶The otherwise useful UN Civilian Police Handbook is weak on human rights content, merely reproducing texts of international instruments. The process referred to in the text would be available to assist in the inclusion of practical instructions in such publications, similar to those developed in related publications of the UN's Crime Prevention and Criminal Justice Division (Vienna).

⁷⁷For a discussion of this, see Kenny (note 35) at pp. 56-59.

⁷⁸Further, see LaRose-Edwards (note 7) at p.10.

⁷⁹The use of such software may facilitate analysis of degrees of reliability. Data entered may need to be graded according to the corroboration of the information, e.g., "5" represents a direct eyewitness account by a human rights officer, while "O" may represent an allegation received and logged as little more than a rumour (but which may acquire importance later). In addition, it may be useful for creating a systematic catalogue of attitudes and responses of local/national authorities (tracked over time and place) regarding the HRO's follow-up of individual cases. The potential relevance of the work on HURIDOCS should be explored, as should the database developed by the International Criminal Tribunal for former Yugoslavia.

⁸⁰"Human Rights in Bosnia and Herzegovina post-Dayton: Challenges for the Field", Human Rights Watch, paper presented to the Vienna International Round Table on Human Rights in Bosnia and Herzegovina, March 4-5 1996.

⁸¹It does happen that persons have been presented to the UN by their state as international civilian police officers when in fact they are not police personnel. It appears that where this is discovered, such persons are repatriated at the expense of the sending state.

⁸²Consideration may be given to the pool of potential candidates in areas related to HR0s' work. For example, the 3,000 or so local electoral observers trained by the National Election Commission of South Africa for the 1994 elections in that country.

⁸³The recommendation of the Technical Co-operation branch of the HCHR-CHR responsible for training international civilian police (IPTF) and OSCE monitors in Bosnia and Herzegovina, appears to take a different approach. In the proposed plan, it is suggested that "for the trainees to obtain maximum benefit from the training this should take place prior to deployment or immediately upon deployment to the mission area". The "comprehensive training" was envisaged for 6 days, with 25 to 35 participants in each course, pulling human rights officers back to Zagreb or Sarajevo as necessary, suggested for May 1996 (see Annex III).

⁸⁴For example, this was suggested at the International Round Table on Human Rights in Bosnia and Herzegovina, Vienna, 4-5 March 1996, in the address of Ambassador Audrey Glover, Director of the OSCE Office for Democratic Institutions and Human Rights.

⁸⁵For nearly three years, the Special Rapporteur on the human rights situation in the former Yugoslavia has been assisted there by "a human rights field operation deployed under the authority of the High Commissioner for Human Rights. The field operation is composed of experienced human rights officers, currently numbering eleven of whom six are assigned to Bosnia and Herzegovina", HCHR Programme of Operation in Bosnia and Herzegovina, included in Report of the Secretary-General, 13 December 1995, approved by SC res.1035 adopted on 21 December 1995 (see Annex III).

⁸⁶Field Guide for Human Rights Monitors in Bosnia and Herzegovina (expected to be ready in Summer 1996).

⁸⁷See, for example, "Guidelines for the conduct of United Nations inquiries into allegations of massacres", UN Office of Legal Affairs, New York, 1995. This document is addressed to those tasked with formal investigations on behalf of the Secretary-General. It is predicated on the assumption that there will be a high-profile delegation which conducts formal witness interviews. These assumptions may not apply to HROs: they may have to gather information in a very discreet manner if the identity and personal security of witnesses to a massacre are to be protected.

⁸⁸By mid-March 1996, the fact that proposed training was being planned outside the mission area, by a different organisation, appears to have contributed to communication gaps (and considerable delay in delivery) between the HCHR (who had offered to provide training) and the OSCE Mission in Bosnia and Herzegovina (whose monitors were to receive it), see annex III.

⁸⁹As an illustration, there may have been an underestimate of the resources needed when, in December 1995, the HCHR offered to train field personnel in Bosnia and Herzegovina. The combined total of IPTF (Bosnia and Herzegovina), CIVPOL (UNTAES, Croatia) and OSCE-ECMM monitoring personnel amounts to approximately 2,000. It seemed in mid-March that the HCHR intended five persons to carry out "comprehensive training" of six days. If the groups being trained were kept to 20 persons per group, and each of the five trainers worked separately for the full day, then 100 persons per week would pass through the programme (although a trainer working individually has less flexibility than a team, and may end up using a mere lecture-format). At that rate, it would take approximately five months to conduct this one-off programme, with all the disadvantages of lack of follow-up identified in section 10.1.3 and annex III. If a "train the trainers" approach is followed, this would require on-going follow-up and assessment of its effectiveness.

⁹⁰The only instance of an attempt to assess training (which has so far been noted) is currently in place for UNVs placed in Guatemala.

⁹¹This question is the subject of much discussion. For example, a consultant to the Canadian Government has recommended that “the Department of Political Affairs be tasked as the primary UN responsibility centre for mounting large scale human rights field missions”, while recalling that the High Commissioner for Human Rights has a mandatory and key role to advise and facilitate those mounting UN HROs. See LaRose Edwards (note 7) at pp.28 and 32.

⁹²See note 3, at p.ix. For the same reason, it is also compatible with the suggestion that USAID should: “Help create a UN Coordinating Unit for Human Rights Field Operations...this inter-agency Joint Unit for Human Rights Field Operations would put in place appropriate procedures and relationships for a streamlined approach for launching and maintaining human rights monitoring missions..”, see Steven Golub above (note 7), at p.4.

¹The General Framework Agreement for Peace in Bosnia and Herzegovina, initialled in Dayton USA on 21 November 1995, and signed in Paris on 14 December 1995 by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, hereafter the “Dayton Agreement”. For detailed analysis of its human rights aspects, see Amnesty International, *Bosnia Herzegovina: The International Community’s responsibility to ensure human rights*, June 1996, AI Index EUR 63/14/96.

²This note draws on discussions with the Office of the High Representative, OSCE, CHR-HCHR, The UN Crime Prevention and Criminal Justice Division, the UN International Mission in Bosnia and Herzegovina (UNIMBH), the International Police Task Force (IPTF), ECMM, UNHCR and the Human Rights Co-ordination Centre of the Office of the High Representative. The time which each person made available to the author is much appreciated, especially due to the pressure of work which is a feature of such field operations. It is hoped that this note reflects their views and concerns. Errors are of course the responsibility of the author.

³In the light of the peace agreement initialled at Dayton on 21 November 1995, the North Atlantic Council (NAC) authorised on 1 December 1995 the Supreme Allied Commander Europe (SACEUR) to deploy Enabling Forces into Croatia and Bosnia and Herzegovina. On 15 December 1995, the UN Security Council, acting under Chapter VII of the Charter, adopted Resolution 1031, which authorises the member states to establish a multinational military Implementation Force (I-For), under unified command and control and composed of units from NATO and non-NATO states, to ensure compliance with relevant provisions of the peace agreement. The I-For mission is not only to monitor and enforce compliance with the military aspects of the Peace Agreement, but also to create conditions (such as freedom of movement) for the implementation of the civilian aspects of the peace agreements, including the monitoring of human rights. I-For has the authority and discretion to use military force to prevent interference with the free movement of civilians, refugees and displaced persons, and to respond appropriately to violence against civilians. I-For also has the authority to arrest any indicted war criminals it encounters or who interfere with its mission, but it has stated that it will not try to track them down. By 18 February 1996 I-For had approx 60,000 troops deployed (I-For Fact Sheet, 1 March 1996).

⁴For example, UNHCR conducts what it terms “repatriation monitoring” which overlaps with human rights monitoring thus: monitoring and reporting on conditions of return and reintegration, and the standards of treatment accorded to returnees; promoting the equal treatment of returnees; and, intervening with national or local authorities to ensure that return takes place in accordance with international standards, and that returnees are accorded all possible protection by existing national structures and procedures. See paper presented to the International Round Table on Human Rights in Bosnia and Herzegovina, Vienna, 4-5 March 1996.

⁵Established on 15 January 1996 by Security Council Resolution 1037 for an initial period of 12 months, the UN Transitional Authority in Eastern Slavonia (UNTAES) is to “achieve the peaceful reintegration of the region into the Croatian legal and constitutional system following four years of war and hostility which have created deep apprehension, fear and distrust between the Croatian Government and the local Serbs”, according to the Secretary-General’s report of 12 December 1995 (S/1995/1028). The Basic Agreement requests that the Transitional Administration govern the region during the transitional period with, inter alia, 600 civilian police and 469 international staff.

⁶For example, this was acknowledged during the visit, by the International Round Table on Human Rights in Bosnia and Herzegovina held in Vienna under the auspices of the Austrian Ministry of Foreign Affairs, on 4 and 5 March 1996. The meeting brought together, among others, representatives of the Office of the High Representative, OSCE, ECMM, HCHR, Council of Europe, IFOR, UNMIBH, UNHCR, UN Crime Prevention and Criminal Justice Division, ICTY, ICRC as well as representatives of some NGOs from the former Yugoslavia and international human rights NGOs.

⁷The OSCE Mission to Bosnia and Herzegovina (General Introduction), briefing materials provided to OSCE monitors, January 1996. The OSCE Mission to Bosnia and Herzegovina was established by Decision at the 5th meeting of the Ministerial Council, Budapest, 8 December 1995 (MC(5).DEC.1).

⁸At the Budapest Meeting, the Ministerial Council resolved that the initial duration of the Mission will be one year unless the Permanent Council, upon a recommendation of the Chairman-in-Office, decides otherwise.

⁹The areas of overlap in the functions of human rights monitors and elections monitors may be significant, and the OSCE has stated that they will be closely allied in the field. However, the view is expressed by some that human rights monitors and election monitors should not be mixed: “The recent experience in Haiti is instructive. Human rights monitors were required by the OAS to serve as election monitors. The population brought many complaints of fraud which the observers duly reported to their supervisors who took no action. The complainants noted this failure and the credibility of the MICIVIH observers fell, thus affecting their on-going human rights work with the same population.”, Mr. Bill O’Neill, letter commenting on report by Mr. Stephen Golub dated 26 February 1996. The OSCE may find the experience of MICIVIH instructive in this regard, although the need may rather be to ensure that there is some follow-up to complaints of electoral fraud, just as there should be follow-up to complaints of human rights violations.

¹⁰It also conducted confidence building measures (CBMs) between parties in military conflict. The mandate is contained in a “Memorandum of Understanding on Monitoring Activities in Bosnia Herzegovina” which was signed on 1 October 1991 by the European Community, its member states and the Commission on the one hand, and the “host parties”, the Federal Authorities of the SFRY and the Republic of Bosnia and Herzegovina, on the other.

¹¹On the basis of the MoU, ECMM will provide personnel and logistical support to the OSCE delegations although ECMM is still an entity independent of the OSCE mission, and recognised as such. It was agreed that as far as possible, the OSCE people would co-locate with ECMM personnel.

¹²SC res. 1035 (1995), 21 December 1995. Established for a “period of one year from the transfer of authority from the United Nations Protection Force to the multinational implementation force (IFOR)”, at para. 2.

¹³Conclusions of the Peace Implementation Conference held at Lancaster House, London, on 8-9 December 1995, INF/272/95, at para. 14. In addition, on 15 December 1995, the Security Council stressed the need for “early action in Sarajevo to create confidence between the communities and to this end requests the Secretary-General to ensure the early redeployment of elements of United Nations civilian police from the Republic of Croatia to Sarajevo”, SC res. 1031 (1995) at para. 31.

¹⁴HCHR Programme of Operation in Bosnia and Herzegovina. In SC res.1035 adopted on 21 December 1995, the Security Council approved the 13 december 1995 report of the Secretary-General, which included the HCHR's proposals.

¹⁵CHR-HCHR concluded agreements with OSCE to train all human rights officers, many of whom had not yet arrived; as well as with CIVPOL (for Eastern Slavonia) and IPTF. The CHR-HCHR is therefore to provide training for some 2,000 international personnel to be deployed in both Croatia and Bosnia and Herzegovina.

¹⁶See section 10.1.2 of main text.

¹⁷Day 1: history of the conflicts, personalities, local language. Day 2: mines, maps, first aid, stress, radio communications. Later, this two day course was opened up to anyone who wished to attend from other agencies or NGOs.

¹⁸Regarding previous police training, the UN Crime Prevention and Criminal Justice Division had helped provide human rights training for a number of (mainly) CIVPOL in Zagreb from 7-16 1995. Also, three training workshops had been organised by UNPROFOR/UN Peace Force and the UN Crime Prevention and Criminal Justice Division, hosted in Austria by that Government

¹⁹It seems that, despite the field knowledge of such officers, based in the field since 1993, they do not appear to have had input into the development of the HCHR-CHR training proposals for OSCE human rights monitors. These were apparently developed in Geneva after a two day needs assessment in Zagreb in January 1996.

²⁰The latter two documents have the potential to be useful training tools, see section 10.2.2 of the main text. They suffer from a lack of practical recommendations for implementation of international human rights standards, and need additional "translation" into BH legislative, procedural, and practical reality.

²¹These comprised partly IPTF and partly CIVPOL officers, and some concern arose as to the need for distinct training for the two groups due to their differing mandates.

²²Training in the local language was also dropped. This is also a security issue, participants being taught, for example, how to say "I am unarmed".

²³During the same period, this urgency apparently led to the decision to deploy some national IPTF contingents without induction briefings of any kind.

²⁴The Reconstruction and Development Support Unit, Department of Development Support and Management Services (UN Office at Vienna, UNOV), has also prepared a training proposal for the IPTF and for Eastern Slavonia. It was agreed with HCHR in mid-March that both bodies would be involved in training. "Contribution of the Crime Prevention and Criminal Justice Division to the Implementation of Security Council Resolutions 1035 (1995) of 21 December 1995 and 1037 (1996) of 15 January 1996", Vienna International Round Table on Human Rights in Bosnia and Herzegovina, 3-4 March 1996.

²⁵"Status Report on the UN Mission's Human Rights Activities", presented to the International Round Table on Human Rights in Bosnia and Herzegovina, 4-5 March 1996.

²⁶At para. 9.27.

²⁷At para. 9.28 and 9.29.

²⁸At para. 8.19.

²⁹At para. 8.43.

³⁰Reform to improve the speed and efficiency of response to human rights emergencies is clearly necessary. However, there is no shortage of "early warning" information available to the HCHR and the Commission on Human Rights within the present system. The problem is rather the capacity to analyse that information, prioritise it, and heed the warnings by acting on it, see Kenny (note 35, at pp.33-34, above). Secondly, if the HCHR were to decide to (seek necessary permission from the host state and) send a team of officers to gather information in the field (for possible "early warning") - by definition this decision would have been taken on the basis of indications giving cause for concern - itself an "early warning" obviating the necessity to send HROs for this purpose, but rather highlighting the need for deterrence, and/or protection-oriented action.

³¹Ibid.

³²See Golub above (note 7), at p.4.

³³See LaRose-Edwards (note 7).

³⁴This, and the following sub-section are summaries of briefings received at the Norwegian Ministry of Foreign Affairs, the Norwegian Refugee Council and the Norwegian Institute for Human Rights in March 1996.

³⁵NORTEAM includes personnel with police or military backgrounds, but they are fielded as civilians who are selected to meet NRC's personnel selection standards. Average age is 40-50 years old. For NORDEM, the human rights roster, the age profile of candidates tends to be younger.

³⁶There is a waiting list of UN agencies who wish to make agreements with NRC, but their limited resources have delayed further expansion of the programme. These agreements are an important part of the standby process as they clarify details in advance, which in turn makes deployment at short notice possible.

³⁷For details of the intended operation of the African Standby Force, see concept paper prepared by NRC, dated 15 March 1996.

³⁸At the initiative of the Norwegian Ministry of Foreign Affairs which had commissioned a three month feasibility study from the Norwegian Institute for Human Rights.

³⁹For the general division of tasks, reference may be made to the Agreement Between The Norwegian Institute of Human Rights and the Norwegian Refugee Council, Oslo, 31 March 1995.

⁴⁰Thus, an electoral observation manual has been developed as well as one for the observation of trials.

⁴¹In 1993 a total of 4 million kroner was paid by the Norwegian Ministry of Foreign Affairs using NORDEM; in 1994 the total was 6 million kroner. In 1995, the standby force came into being, and the totals have not been aggregated as yet, but is likely to be approximately 10 million kroner (mainly due to the large deployment of NORDEM standby electoral observers for the Gaza elections).

⁴²This is subject to a minimum salary of 200,000 kroner p.a, and a maximum of 380,000 kroner p.a.